

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
February 2, 2026**

Chairman 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 himself/herself from participating in any discussion on this matter.

PLEDGE OF ALLEGIANCE

Led by Board member Smith.

OATH OF OFFICE TO APPOINTED MEMBERS

Jose Morel

Oath of office administered by Board Attorney Gloria Oh.

ROLL CALL

Present: John Smith, Amnon Wenger, Jose Morel, Jason Bergman, Ben Cabrera, Yitz Novak, and Richard Morf

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

APPROVE MINUTES OF PREVIOUS MEETING – January 5, 2026

Motion By: Board member Smith

Second By: Board member Bergman

All present, voting in favor. None opposed.

CORRESPONDENCE

Board member Smith stated he submitted a letter last week to the borough administrator and the Mayor and Council regarding a raise in the stipend for the Board secretary for both Boards.

PUBLIC COMMENT

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

No one came forward.

OLD BUSINESS

Resolutions: Lorraine Daulton, 191 New York Avenue, Proposed Addition

Motion By: Board member Smith

Second By: Board member Bergman

All member present, voting in favor. None opposed.

Motion By: Board member Bergman
Second By: Board member Wenger
4 ayes. 2 nays.

NEW BUSINESS

Applications: Jeffrey & Tammie Farkas
43 Westminster Avenue
Relocating Existing In-Ground Pool, Expand Patio Area

Matthew Capizzi, Capizzi Law Offices, 11 Hillside Avenue, Tenafly, NJ, attorney on behalf of the applicant stated this application seeks to reorient and reduce existing impervious coverage at the property. The applicants have owned the property since 2003, with the exception of constructing a new single-family dwelling in 2003, the site as it stands today is exactly as it was when they took it in 2003. Mr. Capizzi stated the existing impervious coverage is 67% and they are proposing to reduce that to 62%. The coverage is an existing nonconforming condition. The improvements were constructed at a time they were allowed. The pavers were not included in the impervious coverage and the borough's position has changed from then to now driving a portion of the variance being sought. The reduction in impervious coverage is approximately 473 sq. ft. from the existing condition. They are proposing to construct a new pool in a different shape and location, as well as a new patio.

Board member Smith inquired if the zone is R-5 or R-6. R-5 is written on the application, but R-6 is written on the survey. Mr. Smith stated the calculations would be based on R-6 requirements.

Mr. Capizzi stated it is R-6 on the bulk table in the final plan.

Board engineer Panagopoulos stated it should be R-6. Regardless of whether it being R-5 or R-6, R-6 requirements would be required for this site.

Kent Rigg, Kent Rigg Engineering & Land Surveying, LLC, 24 Godwin Avenue, Midland Park, NJ, licensed civil engineer, presented the site plan with revised date 11/10/25, Exhibit A-1. The left side of the plan shows the existing condition. The lot is 10,400 sq. ft., 130 ft. deep x 80 ft. wide., with a paper driveway in the front. There is an existing front yard of 25.3 ft., where 25 ft. is required, lot wide of 80 ft. where 60 ft. is required, and the side yards are conforming, where 7.5 ft. is required and it is 8 ft. Mr. Rigg stated the lot coverage is 27.8%, where 30% is permitted. The existing lot coverage is nonconforming at 67%, where 35% is the maximum permitted. There is an existing in-ground pool, a shed, a concrete patio with pavers adjoining the concrete patio, and an open porch in the back of the house. They are proposing to remove the existing pavers, patio, pool, and shed. They will be putting in a smaller pool with spa, a pergola, and a paver patio along with a deck in the rear of the house. The paver walk on the right side of the house will be replaced with a stepping stone walk. The impervious coverage will be reduced by 473 sq. ft. The original coverage was 67% and the proposed is 62.4%.

Board member Wenger inquired if pervious pavers will be used.

Mr. Rigg stated the proposal is not for pervious pavers and the calculation is not reduced from the area measured.

Board member Smith inquired if all the nonconformity was there when the house was bought in 2003. He inquired if the pool was there when the house was bought. Mr. Smith inquired if there no other way to bring it down more. The improved lot coverage is still over. Mr. Smith inquired about the deck.

Mr. Capizzi stated it wasn't nonconforming when the house was bought in 2003. It is nonconforming now due to ordinance changes. Mr. Capizzi stated the pool was there.

Board engineer Panagopoulos stated when the lot was originally built, they built a new house and new pavers with the old ordinance. There was 100% credit taken for the pavers.

Mr. Rigg stated if the impervious pavers were changed to pervious, coverage would be reduced by 800 sq. ft., about 8%. The deck would be open allowing stormwater to go through. There will be dirt underneath the deck. The deck is about 251 sq. ft., bringing it to a little over 10% reduction, the improved lot coverage would be 52-53%.

Board member Smith stated even with the pavers, it would still be almost 19% over the allowed coverage. It can still be brought down to a reasonable amount.

Board member Wenger stated it's a massive improvement from what they have today.

Chairman Cabrera stated if the pool is maintained the current way it is, it is grandfathered and would be a hardship. But, proposing to put in a new pool no longer makes it grandfathered. They had an application before the Board a few months ago with the same situation.

Mr. Capizzi stated they can restore the pool and keep it at 67% or bring it down to 52-53%. The applicant is agreeable to installing some additional stormwater management.

Board member Smith stated the side yard variance needs to be considered. It has to be 10 feet off the property line.

Mr. Panagopoulos stated there is no side yard setback variance.

Chairman Cabrera stated it's 16 ft. on the side and 16 ft. in the back.

Board member Morel requested they speak about the stormwater management.

Mr. Rigg stated all the roof drains are currently connected to a seepage pit in the front yard. The remaining opportunities to catch the surface water would be by putting inlets in the backyard on either side. There's room for a seepage pit in the front yard on the left side. The grade goes toward the street. They will try to catch the stormwater in the backyard before it comes down the side yard by putting an inlet on either side.

Board member Smith inquired what was the building height requirement of the new house that was built in 2003. He believes it was 28 ft. They just raised it to 30 ft. The building now is 35 ft. plus and hurts the lot coverage.

Mr. Capizzi stated it was 35 ft. based on the schedule he has from that time frame. He stated that's what it is in the 2005 master plan.

Board member Wenger stated it was 28 ft. at one time but can't testify to what it was back in 2002, as it was before his time on the Board.

Chairman Cabrera stated the problem with the application is with the lot coverage. The building isn't being changed. The 33 ft. height may not be within today's expectations, but it's grandfathered.

Board member Smith stated he doesn't see any compromise in the lot coverage as it is still over. The only compromise is to use pavers.

Board engineer Panagopoulos inquired if any landscaping will be installed. He stated he would want lighting for the pergola, by the kitchen, patio, and the pool. He stated when the lighting plan is developed, it needs to be shown that there won't be any lighting spilled over to the neighbor's property, appropriate shielding is required, and none of the neighbors are getting the extra light. They are about 2,850 sq. ft. over the allowable building in addition to the 35% allowed to build. The seepage tank should be sized to handle the 2,500 sq. ft. left over. He inquired if new pipes will be installed. He inquired if the existing tank has been checked to ensure it's in working condition. A letter would be sufficient.

Mr. Capizzi stated vegetation already exists along the north side of the property lines and is well landscaped. The lighting plan hasn't been developed yet.

Mr. Rigg stated there will be new piping on one side. Mr. Rigg stated he has a video he can send of the camera put in the seepage pit. It's a 1,000 gallon seepage pit. There are no proposed changes to the front of the house.

Board member Wenger inquired if they would be amenable to making the size of a new seepage pit conforming with the board engineer's recommendation, which may be changed based on what is determined about the sizing of the original seepage pit.

Mr. Capizzi stated they would be agreeable to it. Mr. Capizzi stated this has been existing since 2003. There have been no drainage issues or complaints from neighbors.

Board engineer Panagopoulos stated with the paver change, it would be 3.6% less, bringing coverage down to 58-59%. It includes all pavers being impervious, with 10% credit, and the deck being counted as pervious. He looks at the pool as impervious as that's what DEP states.

Board member Smith inquired if the kitchen and pergola are necessary. 20% is still a lot. The Board needs to take a stand on how much coverage they are going to allow. It's still not close to 35%.

Mr. Capizzi stated they came in with a reduction. There's already been good faith by the applicant by taking off the 400 sq. ft. from the existing condition.

Chairman Cabrera inquired if the proposed pergola is considered as impervious.

Mr. Rigg stated the roof is slats and the flooring is pavers.

Mr. Capizzi stated they can convert the front walk and driveway to a pervious paver system.

Mr. Kent stated it would be another 800 sq. ft. converted to pervious pavers.

Board engineer Panagopoulos stated it would bring it down another 1-2%, to 57-58%.

Questions from Residents:

Aaron Kornbluth, resident who lives on next block, stated there's no change to the house. The point of ground cover is to prevent flooding. If ground cover is being reduced, how could it be a bad thing.

Motion to Approve Application with Recommendations made by Board Engineer Regarding Pavers and Seepage Pit

Motion By: Board member Wenger

Second By: Board member Morel

6 ayes, 1 nay.

Steven & Joyce Davis
12 Gordon Road
Second-Floor Addition

Matthew Capizzi, Capizzi Law Offices, 11 Hillside Avenue, Tenafly, NJ, attorney on behalf of the applicant stated this is an existing single-family house. They are proposing an addition atop the first floor with a slight cantilever. He stated given the shape, an awkward rear lot line of the property, it's causing the rear yard setback to be nonconforming at 8 ft., where 25 ft. is required. They are slightly decreasing the rear yard setback down to 6.6 ft. The increase in improved coverage is 52.8% existing, proposed is 53.53%, where 40% is the maximum allowed, which is an increase of 36 sq. ft.

William J. Martin, licensed architect from WJM Architect, 25 Boulevard, Westwood, NJ, give the Board members a handout of the rendering, marked Exhibit A-1. The lot is odd shaped, trapezoidal and undersized creating the nonconformity. Mr. Martin stated the position of the house on the lot and the shape of the lot creates practical difficulties to the applicant to make improvements to the house. The house has a partial second floor now. The ceilings are low, the bedrooms are disjointed, and there is no circulation space. They are proposing to remove what is there on the second floor and build a new second floor following the first-floor outline. The nonconformities will remain and not be exaggerated, with the exception of the 2 ft. 3 inches cantilever at the rear yard to extend the second floor slightly. Nothing at ground level will be disturbed. Mr. Martin stated some of the first-floor spaces will be rearranged and not change the footprint. The kitchen will be extended. There is a small guest space, bath powder room, front porch, living room, and dining room. Everything is existing.

Board member Smith inquired how many bedrooms there are. He stated any office space or play space in the basement needs a window for egress.

Mr. Martin stated there are three bedrooms on the second floor plus a home office. He stated the home office is a dual use space, and can be called a bedroom. There is a small guest room space on the first floor. The basement has a full bathroom, a playroom, a laundry room, utility area, and a small den. The den has no windows.

Mr. Smith stated the den can become a bedroom. Mr. Smith stated if the application is approved, it should be a condition that there can never be a bedroom in the basement. It's the same thing with the home office on the second floor.

Mr. Capizzi stated it's only bedroom space that requires a window.

Mr. Martin stated it would leave three bedrooms on the second floor, one on the first floor, and 0 in the basement, a four-bedroom dwelling.

Board member Wenger inquired how many parking spaces are there currently, including the driveway and garage. There already are four existing parking spaces. He inquired why the bedroom on the second floor couldn't be allowed. The beds in the home office can stay since they have enough parking spaces.

Chairman Cabrera stated they need to be consistent. There are five bedrooms and four parking spaces, which is sufficient. His concern is in the basement, where there is a full bathroom. He stated there are three full bathrooms in the rest of the house and requested the bathroom in the basement be a half bath.

Mr. Capizzi stated they have no issue with no bedrooms in the basement.

Mr. Martin stated the applicant would like to have the full bathroom in the basement. He explained when large families are preparing for gatherings, or go out for religious services, everyone in the house is taking a shower at the same time. The shower in the basement bathroom is there because there's a potential another shower for another person in the household to get cleaned for that purpose. There is no intention to put a bedroom in the basement. It would be illegal, unsafe, and he would never do that.

Mr. Capizzi inquired if a window well can be created in the basement. Mr. Martin can take the largest room in the basement and create a window well.

Mr. Martin stated the building code for egress windows requires the window be in the room. The window in the playroom can be used for escape.

Questions from Residents:

No one came forward.

Motion to Approve Application with Conditions: 1. Egress Window in Playroom in Basement and 2. No Bedroom Ever in Basement

Motion By: Board member Bergman

Second By: Board member Novak

All present, voting in favor. None opposed.

Sarah & Stuart Alter
23 Hampton Court
Pool

Stuart Alter, applicant, stated they are proposing to put a pool in their backyard.

Kent Rigg, Kent Rigg Engineering & Land Surveying, LLC, 24 Godwin Avenue, Midland Park, NJ, licensed civil engineer, stated they are proposing to remove an existing patio and replace it with a new patio and a new in-ground pool. The overage is with the pavers, where at the time, they were not counted as pervious. The existing house is connected to a seepage pit for all of the roof drains. The proposal is to remove the existing patio, put a new in-ground pool with a patio surrounding it. Mr. Rigg explained the proposed stormwater collection system is an inlet on either side which will be piped to a new seepage pit in the rear yard. The increase in the impervious coverage is 89.8%, which brings it to 54.1% lot coverage,

Board member Bergman inquired if the pool can be moved a couple of feet so it could be in line with the requirement and inquired if there was a design reason. It could eliminate a variance.

Mr. Alter stated the reason for having it closer to the fence is to preserve the amount of open space on the right side of the yard.

Board engineer Panagopoulos stated if the patio is reduced by 3 ft., then the pool could be pushed over.

Mr. Alter stated they prefer to keep the size of the proposed patio. They would be agreeable to moving the side yard to be .10 ft. off the property line.

Board member Wenger inquired if the new patio is going to be pervious and if they are going to be taking the 10% credit.

Mr. Rigg states it is not proposed as a pervious paver patio.

Board engineer Panagopoulos stated it should be the first three items on the denial letter.

Mr. Rigg stated the existing lot coverage is 43.4% and the proposed is 54.1%.

Board member Smith stated they are getting heat from the governing body for approving applications that go way over the lot coverage. The previous application was an odd shape, which was a hardship. The applicant needs to be willing to compromise. Something needs to be done with the lot coverage. He inquired if the size of the pool can be reduced.

Chairman Cabrera stated the increase in the previous application was very small, where it's way over with this application.

Board engineer Panagopoulos stated it depends on how much they reduce it.

Mr. Rigg stated the increase right now is 898 sq. ft. He stated if they reduce the pool to 18x26 and the patio to 32x31, it will be 196 sq. ft., which is 25% of the increase being proposed.

Board engineer Panagopoulos stated that will bring down the lot coverage to 51.7%.

Mr. Rigg stated the applicant prefers not to use pervious pavers.

Mr. Stuart stated if they don't have a standard 17x26 size pool liner, then they can do 16x26, which will bring the lot coverage down below 50%.

Questions from Residents:

Debora Putterman, 18 Hampton Court, stated she lives across the street and wanted to make sure there isn't going to be any flooding on her property.

Board engineer Panagopoulos stated there shouldn't be any as she lives far enough. The drainage from the pool will go directly to a tank in their backyard.

Motion to Approve Application with Conditions: 1. Size of Pool Will Be 16x26 2. Grading Around Pool to Direct Water Toward Inlets Per Engineer's Recommendation

Motion By: Board member Smith

Second By: Board member Bergman

All present, voting in favor. None opposed.

10 North Washington Avenue, LLC/Dr. Adam Palance
10 N. Washington Avenue
Two Second Floor Apartments

Carry Application to the March 9th, 2026 meeting with no further notice necessary.

Motion By: Board member Wenger

Second By: Board member Novak

All members present, voting in favor. None opposed.

MOTION TO ADJOURN MEETING

Motion By: Board member Bergman

Second By: Board member Wenger

All members present, voting in favor. None opposed.

Meeting was adjourned at 10:04 pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Hilda Tavitian".

Hilda Tavitian, Clerk
Zoning Board of Adjustment