

**BERGENFIELD ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
March 9, 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 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 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, Benedict Cabrera, Yitz Novak, 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)

**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 – February 2, 2026**

**Motion By:** Board member Smith

**Second By:** Board member Morel

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

**CORRESPONDENCE**

Board member Smith presented the Board members two handouts. He stated during last month's meeting, for the 43 Westminster Avenue variance application, Mr. Capizzi had stated there was no schedule B in 2003 and had based his testimony according to the master plan when discussing lot coverage. Mr. Smith stated the master plan only has recommendations. One handout was schedule B from 2003 and the other one was the master plan from then. Mr. Smith stated the Board's decision was based on what the attorney

had said. He wanted the applicant to try to reduce the coverage even more than 52%. Going forward he would like the rest of the Board members listen to him as he is usually 99% correct regarding the ordinances. Board member Smith stated if any Board members have any doubts about their decision, they can change their minds when approving the resolution and have the applicant come back. He urged the Board members to think about when approving the resolution later as they violated the ordinance.

Board engineer Panagopoulos inquired if Mr. Smith is questioning the volume they were going over.

Board member Smith stated Capizzi kept arguing there was no schedule B, and even in the master plan, it was written maximum lot coverage is supposed to be between 20-30%. The 30% was for two-family houses and 20% for single-family houses in the R-5 zone. He believed the Board was misled by Mr. Capizzi. They are still over lot coverage by a lot.

Board engineer Panagopoulos stated they have to be careful of how many applications are being approved over the coverage as it will be reexamined at some point. Everything being done is adding coverage that is bad for drainage and adding bedrooms accounts for parking. It's something everyone should be thinking about when reviewing the applications being voted on.

Board member Morel inquired, just for clarity which document shows 2003. Was there nothing changed since 1987?

Board member Smith stated the schedule that should have been followed should have been the schedule from 1987, which he had handed out.

Board member Wenger stated granted how hard it was to find it, he doubted Mr. Capizzi purposely hid it from the Board. Personally, it would not impact how he will vote, but understood how it could have had an impact on everyone else. He stated he will abstain from voting on the resolution.

#### **PUBLIC COMMENT**

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

No one came forward.

#### **OLD BUSINESS**

1. Resolutions: Jeffrey & Tammie Farkas, 43 Westminster Avenue, Relocated Existing In-Ground Pool, Expand Patio Area

**Motion By:** Board member Morel

**Second By:** Board member Novak

**2 ayes. 4 nays.**

Steven & Joyce Davis, 12 Gordon Road, Second-Floor Addition

**Motion By:** Board member Novak

**Second By:** Board member Wenger

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

Sarah & Stuart Alter, 23 Hampton Court, In-Ground Pool

**Motion By:** Chairman Cabrera

**Second By:** Board member Wenger

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

2. Application: 10 North Washington Avenue, LLC/Dr. Adam Palance  
10 N. Washington Avenue  
Two Second Floor Apartments  
Carried From February 2, 2026 Meeting. To Be Carried to May 4th, 2026  
meeting without further notice.

**NEW BUSINESS**

Applications: Lisa Bradley & Ryan Nelson  
9 S. Paula Drive  
In-Ground Pool

Ryan Nelson, applicant residing at 9 S. Paula Drive, stated they would like to get approval for an in-ground 14 x 30 pool. There will be concrete around the pool and a drainage pit.

Lisa Bradley, applicant residing at 9 S. Paula Drive, stated the variances requested are lot coverage of 60.2% and side coverage. There was an additional side coverage brought up by an existing garage at 9.8 ft. on both sides. The drainage pit was updated in the plan based on the board engineer's recommendation. Ms. Bradley stated page 2 of 3 is the current survey of the property. They added the list of variances requested. Page 3 is the actual plan for the pool. There was a revision in page 2.

Board member Smith inquired if there is any way they can make it a smaller pool. He stated they can do away with the variance if they shrink the pool down. Mr. Smith stated if the pool is shrunk a couple of feet, they would be able to get 10 ft. on the side.

Mr. Nelson stated it wouldn't fit 10 ft. from side to side. The reason they need the variance is because they have to shift it to 9.8 ft. since the water needs to be further away from the pool equipment.

Board member Morel inquired if it's the pool equipment that's causing it to be pushed out.

Mr. Nelson's response was yes, it has to be 7 ft.

Chairman Cabrera stated they are trying to work with the applicants. This is a real problem. The proposed lot coverage is 60.1%. He inquired how you go from 43% to 60%. In-ground pools don't absorb any water. They have to deal with the drainage and it also raises the water table.

Board engineer Panagopoulos stated DEP and the borough ordinance states pools are considered impervious. There is an pre-existing nonconforming side yard setback of 4.8 ft, where 5 ft. is required. That's where the existing garage is on the left side. The second variance is for a combined left and right side setbacks of 10 ft., where 9.8 ft. is provided. These are existing building setbacks that have nothing to do with the pool. Mr. Panagopoulos stated the minimum side yard setback for the pool is 10 ft., where 9.8 ft. is the combined setback proposed. The lot coverage proposed is 60.1%. Currently, it is at 43.43% They are increasing their impervious coverage by 1,020 sq. ft. The zoning table would have every dimension on the site and it was not previously provided. The sealed and signed survey was received earlier this evening. As a condition of approval, if the application is approved, their professional would have to provide the details for the sidewalk. It would help to have permeable pavers in getting the numbers down. He recommended cutting the concrete around the three sides of the pool. It would considerably bring down the impervious area. There would be 8 ft. of concrete in front of the pool, but nothing around it. Mr. Panagopoulos inquired if they are proposing any plantings.

Mr. Nelson stated there already are shrubs around the property.

Chairman Cabrera stated he can accept 10-15% over coverage, but this is pretty significant. He advised the applicants to come back next month and discuss what they propose changing and figure out what the exact numbers would be.

Mr. Nelson mentioned they had proposed the drains around the pool for a 3-inch drain storm to hold 641 cubic feet of water. The current plans would be 765 ft., a little extra that would around the perimeter of the pool.

Board member Wenger inquired how much would that offset the water.

Board engineer Panagopoulos stated an increase of 1,000 sq. ft. would get picked up, but it's not just the drainage, it would involve hardscaping. It's key to keep more green spaces throughout the town. The proposed drainage does pick up the increase of the impervious area. There are plenty of websites where you can find pavers.

Board member Smith inquired if they can put pavers around the pool. They would be able to get up to 10% credit.

Chairman Cabrera inquired if they can change the asphalt driveway to stone or pervious pavers. It would help them.

Board member Novak stated if they move the shed, they would be able to get extra space, making it possible to move the pool equipment to where the shed is. The pool can then be moved getting rid of one variance.

Mr. Panagopoulos stated if the Board asks you to come back next month, you should update the plans to show the shed is being removed and whatever changes will be made to address the comments made by the Board.

Board member Morel stated if the Board votes today, it might not be in their favor. They should consider the comments made, make the changes and come back. No further notice would be necessary if they come back next month.

Board member Wenger stated if there is a no vote today, there needs to be substantial changes made in the new application.

Chairman Cabrera stated no new applications are needed. You need to go back, figure out your options, work with the engineer, and update the drawings.

Board engineer Panagopoulos stated he can work with them to draw a sketch and discuss.

The applicants requested to have their application carried to a new hearing.

Board member Wenger stated it will be carried to a new hearing with no further notice necessary.

Mr. & Mrs. Jeremy Goldberg  
83 Cameron Road  
Patio

Eric Oustatcher, contractor for applicant, Craft Contractors LLC, 594 Warwick Avenue, Teaneck, NJ, stated the house itself was constructed in accordance with the approvals previously granted. During construction, the homeowner requested the original approved deck be replaced with the patio at grade. He stated in making that change, the impervious coverage calculation increased resulting in approximately 41% impervious coverage, where 35% is permitted. He had not realized the impact of the increase in impervious coverage at that time and the oversight was on him. The patio is 250 sq. ft., sits lower, and is less visibly impactful than the elevated deck that was previously approved. Mr. Oustatcher explained the condition of the other two variances related to the lot depth and the location of the stairs that were part of the original approvals were not new changes created by the patio installation. They are requesting relief from the Board to allow for the patio as constructed.

Board member Wenger stated that there were just changes in deciding to go with the patio instead of the deck.

Board engineer Panagopoulos inquired if Remington & Vernick inspected the seepage pit.

Mr. Oustatcher stated in the letter dated 3/19/25, it stated everything was approved for the seepage pit.

Board member Smith stated he had a letter from November 2023 stating there weren't details for the seepage pit calculations and soil test results. He looked at the property and saw a lot of moisture. He did an OPRA request and knew Remington & Vernick weren't doing the inspections.

Mr. Panagopoulos stated it sounds like the tank was installed and inspected by Remington & Vernick. They just never got a detailed confirmation that the proper size tank was installed. Also, they needed permeability testing. Remington & Vernick was involved with it from the beginning and should be involved with it to sign off at the end. It would be an amended approval to increase the coverage that's for tonight. He stated should the application be approved, they would have to provide calculations of what was the coverage of the site covered by the tank. An engineer needs to provide the calculations and may ask you to expose the top of it so they can look inside. They can figure out the permeability and verify that the drainage is acceptable for the site.

Mr. Oustatcher stated he is more than happy to take care of it and would reach out to Remington & Vernick.

**Questions from Residents:**

No one came forward.

**Motion to Approve Application with Board Engineer's Recommendations Relating to Confirmation of Seepage Pit Size and Ensure Close Out with Remington & Vernick**

**Motion By:** Board member Wenger

**Second By:** Board member Novak

**5 ayes. 1 nay.**

Board member Smith inquired when the new resolution compliance process will take effect.

Board engineer Panagopoulos stated the new resolution compliance process went into effect immediately after the meeting it was discussed at.

**MOTION TO ADJOURN MEETING**

**Motion By:** Board member Novak

**Second By:** Board member Morel

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

Meeting was adjourned at 9:19 pm.

Respectfully Submitted,

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

Hilda Tavitian, Clerk  
Zoning Board of Adjustment