

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
April 13, 2026**

Chairman Cabrera called the meeting to order at 8:04 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, Jason Bergman, Benedict Cabrera, Yitz Novak, and Richard Morf

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

Absent: No one

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 – March 9, 2026

Motion By: Board member Smith

Second By: Board member Morel

All present, voting in favor. None opposed.

CORRESPONDENCE

Board member Smith stated he has not gotten a response from the governing body regarding an increase in the stipend for the Board secretary and once an ordinance for land use is approved, it should be emailed to the Zoning Board of Adjustment, Planning Board, and Site Plan Committee.

PUBLIC COMMENT

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

No one came forward.

OLD BUSINESS

1. Resolution: Mr. & Mrs. Jeremy Goldberg, 83 Cameron Road, Patio

Board member Smith inquired if the information regarding the pits were received from the borough engineer. He stated that was a condition of the resolution.

Board clerk Tavitian stated the letter from the Board engineer was received.

Motion to Approve Resolution

Motion By: Board member Wenger

Second By: Board member Morel

5 ayes. 1 nay.

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

Lisa Bradley, applicant, stated they reduced the size of the pool to 12x24 and reduced the extra concrete.

Chairman Cabrera stated they also removed the shed.

Board member Smith stated coverage is 55% from his calculation.

Board engineer Panagopoulos stated that's what the plan shows, also.

Ms. Bradley stated, no, it's 52.8%.

Michael Panayiotou, from Pool Town, stated he has a plan that shows the size of the pool is 12x24. The actual drawing shows 52.8%. They are proposing to stay under the 50% threshold.

Chairman Cabrera stated both last month's drawing and this month's drawing show the pool as 14x30. There is an error on the drawing. The Board had requested at the last meeting to have the coverage reduced to be under 50% as much as possible and this is 55%.

Mr. Panayiotou stated they will resubmit after this session a proposal that will stay under the 50% threshold. They will take away the 3 ft. patio around the pool, which will decrease another 200 sq. ft.

Mr. Panagopoulos stated the Board needs to come up with a number they feel comfortable with.

Board member Smith stated they all agreed at the last meeting, they had to get it under 50%.

Chairman Cabrera inquired if the paver patio is going to be permeable. They can get a credit if it's going to be permeable.

Mr. Panayiotou stated it's just regular pavers.

Board engineer Panagopoulos stated if it's taken out, it would be totally pervious. It would be better if 100 sq. ft. is taken out and replaced with grass.

Board member Smith stated they can approve the application and include in the resolution it is subject the coverage be below 50%.

Board member Novak stated he sees one number on the top of the drawing and a different number on the bottom, which contradicts each other.

Mr. Panayiotou stated they are going to amend it to be under 50%. He inquired if a sub-base would be required for the waterfall and if it would be considered impervious.

Chairman Cabrera stated there already is a significant reduction made to the size of the pool and they are working with the Board's request. The maximum coverage allowed is 40% and you're at 55%, which is significant.

Mr. Panagopoulos stated they can put it as long as it is within reason and under 50%. The grading should not be directed to neighboring properties. They should add some more grades. The shed is being removed. He inquired about site access and if they can fit the machinery on the property.

Mr. Panayiotou stated the excavator will be on the street.

Mr. Nelson stated he has signed forms from his neighbors should they need to use their property to park the machinery. They won't be removing any landscaping or trees.

Board engineer Panagopoulos stated the process is at the next month's meeting, the Board will vote for the resolution and then the plans with all of the changes will be sent to him to review. He stated until they receive a set of plans of what is agreed upon this evening, you won't be able to get a building permit. He stated getting the plans by the next meeting doesn't matter. He won't review the plan until the resolution is approved and make sure what is agreed upon tonight is on paper. The day after the resolution is approved is when you submit the plans to Hilda.

Questions and Comments from Residents:

No one came forward.

Motion to Approve Application with Condition Lot Coverage will be Under 50%

Motion By: Board member Smith

Second By: Board member Wenger

All present, voting in favor. None opposed.

Jonathan Isser
38 Frederick Place
Amended Site Plan

Board member Novak recused himself.

Jonathan Isser, applicant/owner, stated he is seeking approval for an amended site plan. He was before the Board recently and the Board had approved the resolution for his variance application in January 2026. Mr. Isser stated the resolution compliance plan was submitted to the Board's engineer on February 12, 2026. There were some minor updates made and were also submitted to the Board engineer for review. At that point in time, the Borough Zoning Officer determined the updates needed to be reviewed and

approved by the Zoning Board of Adjustment. The updates being requested for approval are minor, being architectural, and are cosmetic changes. There are no new variances and remain consistent with the resolution compliance plan that was approved.

Board member Smith inquired why were the changes made.

Mr. Isser stated they wanted to make some cosmetic changes to the second-floor layout. Some windows were adjusted and some trim around the windows was added.

Board member Wenger reiterated that this does not affect the previous percentages or variances that were granted.

Mr. Panagopoulos stated the ordinance says if there is a variance, if you're expanding the building, even if you're not creating a new variance, you would be required to go back and re-present it to the Board.

Board member Wenger stated he understood that it technically makes the Board required to be here, but advised that whoever is in charge of making those rules that they shouldn't be wasting the Board's time to approve the exact same thing previously heard.

Mr. Panagopoulos stated the only change in the size of the building is a overhang now proposed on the left side of the building.

Mr. Isser stated there was an overhang in the resolution compliance plan. It was adjusted to be in the back side of the house.

Mr. Smith inquired if it increases the lot coverage.

Mr. Panagopoulos stated the improved lot coverage doesn't get affected.

Board member Bergman stated this is just a cosmetic change.

Chairman Cabrera stated they are fulfilling a requirement set forth by local ordinance.

Board member Wenger advised the Council should look at this.

Questions & Comments from Residents:

No one came forward.

Motion to Grant Amended Site Plan

Motion By: Board member Wenger

Second By: Chairman Cabrera

6 ayes. 1 recuse.

NEW BUSINESS

Applications:

Lisa Escott
55 Regent Street
Addition

Lisa Escott, applicant/owner, stated they were before the Board in 2022 and were already granted variance approval. However, they were not able to complete the project due to financial issues. They have

been living in Bergenfield for 32 years and have raised four children. They have outgrown the house and would like to add two bedrooms, a new deck, and a pergola. She stated it is the same plan that was submitted four years ago.

Chairman Cabrera stated this is a completely different Board. There are different requirements than four years ago. He stated they usually have an architect or engineer walk the Board through what is proposed.

Mrs. Escott stated they are proposing a two-story addition. The first bedroom will be at the level of the deck and below that will be the second bedroom. Each bedroom will have a bathroom.

Chairman Cabrera inquired how many bedrooms will there be total.

Mrs. Escott stated eight bedrooms.

Board member Smith stated there will two bedrooms in the basement. There is no egress window in the basement.

Board member Wenger stated there already is a bedroom in the basement and they will be adding a second bedroom.

Robert Escott, applicant/owner, stated there is an egress window in the current bedroom in the basement.

Board member Smith stated the egress window is not shown in the drawing.

Board member Morel stated there isn't a plan showing what is currently there and existing. It will be difficult to give an unbiased response and he would not be able to agree to as he doesn't know what is happening.

Chairman Cabrera was in agreement with Board member Morel. It's being left up to the Board members to figure it out and that's not their job. Their job is to understand what changes are being proposed and to make sure they abide by the town ordinances. He has an engineering background and is having the same challenges as Mr. Morel.

Mrs. Escott inquired why the plans were accepted. There was a lot of back and forth with the engineer.

Board engineer Panagopoulos stated Mrs. Escott was referring to Ty, his assistant. He explained that he might have not understood the plans and thought the plans here were the project. He inquired if there was a floor not shown on the plans.

Board member Bergman stated the only portion of the basement shown is the new bedroom, the addition to the basement. He doesn't see the entire basement.

Mr. Panagopoulos stated there's a difference in the requirements of a five-bedroom house and an eight-bedroom house. There's a difference in the requirement of parking.

Chairman Cabrera stated with eight bedrooms, they will need five parking spaces.

Board member Smith stated the plans are the original plans when they came before the Board four years ago and does not show the changes. He doesn't see the egress in the basement. They need to come back with new plans.

Board engineer Panagopoulos stated the plans show an open room in the basement and there are walls there for two or three bedrooms that are not shown the plan. All of the existing bedrooms need to be shown on the plans. They can't come to the Board and the Board guess where the house is.

Chairman Cabrera recommended they go back to their engineer or architect and bring them to the next month's meeting to walk the Board through the plan.

Mr. Panagopoulos stated the comments stand the way they are. They could have worked through the engineer's comments tonight. Architecturally, the plans are not complete, especially if all the bedrooms are not shown on the plans. The Board needs to see a complete layout of the whole house. He said they should call his office. They still may need a variance for parking as the property line ends 15 feet off the road and there is no sidewalk, as a formality.

Mr. Escott stated they would need a new architect as their architect retired.

Chairman Cabrera told the applicant not to take offense, but the Board is trying to them and be consistent and fair.

Board member Morel stated another Board could've have looked at the plans and rejected it. They don't want to do that. The Board members all are neighbors, want to help, but the plans need to be cleaned up when they come back.

Board member Wenger stated the next Zoning Board meeting is only three weeks from tonight and is more realistic if the applicant wants to carry the application to the June meeting, giving them six weeks instead of three weeks.

Mr. Escott was in agreement.

Board member Wenger stated the application will be carried to the June 1, 2026 meeting with no further notice necessary.

Tammy DeJesus
25 Banta Place
Request Removal of Condition "J" From Previously Approved Resolution

Tammy DeJesus, applicant/owner, stated they have lived in Bergenfield for 31 years in the same house. Approximately seven years ago, they were granted a variance by the Board to build an apartment on the second floor. The utilities are separate and the driveway was expanded as a stipulation, with room in the driveway for five vehicles. Mrs. DeJesus stated they have complied with all of the requirements along with paying the annual registration fee and inspection. She stated there is a restriction in the resolution they would like removed. The restriction states the apartment is to be occupied by family only and is not to be rented out. She explained her family situation has changed, as well as their health situation. They may need the extra income to be able to afford to stay in their home in Bergenfield. There is no construction or renovation work being done.

Board member Morel stated for clarification, this is just to change stipulation J in the resolution approved in 2018, that identifies the house not to be available to rent.

Board member Smith stated he observed there was a big trailer parked in the driveway.

Mrs. DeJesus stated the trailer is just parked there temporarily. It's been there since the other night. It was just parked there as a favor and they don't want it there either.

Guillermo DeJesus, stated the family has been told the trailer needs to be removed.

Chairman Cabrera stated from the information he received, the trailer has been parked there longer.

Board engineer Panagopoulos stated the variances include a use variance, where 10,000 sq. ft. is required for a two-family dwelling and existing is 5,335.7 sq. ft. It's an undersized lot.

Mrs. DeJesus stated it's already a two-family house.

Chairman Cabrera stated it's not formally recognized as a two-family.

Board member Smith stated it's considered as a mother daughter house. The condition approved was for your family to live there only and would always be family, no other people. It's part of the deed transfer. If the house is sold, it's not going to be a two-family house.

Board member Morel inquired if they are paying the yearly rental unit fee. If the town is saying it's not a rental unit, then why is the town charging them the fee for a rental unit. It can't be both ways. The town has already confirmed that it is a rental unit since they are charging the applicant.

Mrs. DeJesus' response was yes.

Mr. Smith stated the reason it came back to the Board is because it was supposed to be a mother daughter house and the family was supposed to live on the second floor. They were charging rent. The reason the Board approved the application previously was because of the hardship. They knew about the 10,000 sq. ft. that hasn't changed. The Board did them a favor. He had voted no for the application because of the 10,000 sq. ft.

Board member Bergman stated it should be one way or another, which is the problem. Mr. Bergman stated the town should not charge as a two-family dwelling rental unit if it is a mother daughter.

Board member Wenger stated there's a new hardship now. There was testimony previously that the way the structure was, was not suitable as a two-family. It was only suitable as a mother daughter at the time. He is willing to look at it new.

Board member Morel stated the entire character of the community needs to be identified. The entire community is based as two-family 50x100 lots.

Mrs. DeJesus stated they are trying to do everything the right way.

Mr. Smith stated if the application is denied, they will be paying taxes for a two-family house and the rental fee also. He stated for taxation purposes, it's considered as a two-family house.

Board attorney Oh stated the application was previously approved with the condition that it would only be used by a family member. The rental fee needs to be addressed with the town and not with the Board.

Board member Wenger stated it doesn't automatically revert back to a one-family house.

Board engineer Panagopoulos stated the second variance is the minimum lot width is 100 ft. for two-family dwellings where the existing is 59.3 ft. The maximum improved lot coverage in the R-5 zone is 40%, where 42.6% is existing. The required front yard setback is 25 ft, 20.2 ft. is existing. The required side yard setback is 15 ft., where existing is 4.04 ft. The minimum allowable side yard setback combined is 30 ft. for two-family homes, where 24.93 ft. is existing. If it was a single-family house, there would not be a variance.

Board member Bergman inquired if it is a one-bedroom apartment and if it has a separate entrance.

Mrs. DeJesus stated it is a two-bedroom apartment with a bathroom, living room, and a kitchenette. There is a separate entrance and utilities are separate.

Mr. Panagopoulos stated there was a condition when originally approved for required drainage improvements, but were never installed. If approval is granted tonight, a condition would be to install drainage as required back then. He inquired where would the parking spot be for the rental unit.

Mrs. DeJesus stated there is a stand alone spot if the apartment is rented.

Mr. DeJesus stated they only have one car and there's room to park two more cars for the apartment.

Chairman Cabrera stated the challenge is the house is only 5,000 sq. ft. and the requirement is 10,000 sq. ft., that is almost double the size of the lot. Also, they are required to have 15 ft. on both sides and existing is 4 ft., not even close. It's pre-existing grandfathered.

Board attorney Oh stated this is a use variance application which requires five yes votes for approval.

Questions and Comments from the Public:

None.

Board member Wenger inquired if their desire to rent the top floor is a reason and a direct relationship to be considered as a hardship.

Ms. Oh stated hardship has to do with the shape of the property or anything having to do with the property. It's not based on financial hardship.

Motion to Approve Application with condition to add drainage

Motion By: Board member Morel

Second By: Board member Bergman

5 ayes. 2 nays.

Damon Vespi, Esq.
21 W. Church Street
Request for Extension

Board members Wenger and Bergman recused themselves.

Damon Vespi, owner, 361 Union Blvd, Totowa, NJ stated there were several delays in demolishing the existing dwelling on the property. The main issue was a situation that arose after he had purchased the property. There were leak issues of contamination with the Exxon gas station that is adjacent to his property. The State of New Jersey required monitoring of his property. Exxon had cleaned as part of the requirement from the State of New Jersey and as a protocol the adjacent properties required monitoring

that he found out about after the fact. Exxon will be paying a small rental fee to monitor the well. Mr. Vespi stated that caused a significant delay. They have architectural and engineering plans and are ready to submit for permits. He's owned the property a little over a year.

Board member Morel inquired about how long did the monitoring take.

Mr. Vespi stated he had to find an environmental attorney. The amount that had gone into the soil was so minimal that there wasn't a breach of the State requirements. It's an ongoing process to ensure that nothing further happens.

Board member Smith inquired if Mr. Vespi knew about the time frame and what was supposed to be built when he purchased the property. Ignorance of the law is no excuse. He should have known from the contract about the deadline. He feels sorry if the previous owner didn't tell him about the deadline. Mr. Smith stated he might have been told by the building department about the deadline when he had applied for the permit to knock down the house.

Mr. Vespi stated he didn't know there was a deadline. He's a personal injury attorney. Mr. Vespi stated he would have to double check with the general contractor if he had gotten a permit to knock down the house.

Chairman Cabrera inquired what the recourse would be if the Board voted no tonight.

Board attorney Oh stated he would have to resubmit a new application.

Questions and Comments from Residents:

No one came forward.

Motion for Six Month Extension

Motion By: Board member Novak

Second By: Board member Bergman

3 ayes. 2 nays. 2 recused

Ms. Oh stated it is a use variance requiring five yes votes for approval.

Chairman Cabrera stated Mr. Vespi needs to reapply.

Mr. Vespi stated it's unfair as two Board members recused themselves.

Mr. Smith stated the Board is short two members. If they had known Mr. Wenger and Mr. Bergman were going to recuse themselves, they could have had two members from the Planning Board sit in and hear the case. He recommended requesting two Planning Board members sit in at the next meeting and take a new vote that may change the vote.

Board member Morel stated the vote can be postponed.

Mr. Vespi inquired if he can reject the idea as he was not represented regarding the existence of the conflict of interest. He didn't use those individuals and if they are associated with the project and the owner.

Board member Smith stated they had recused themselves at that time of the original application.

Chairman Cabrera stated they can rescind the vote.

Motion to Rescind Vote

Motion By: Board member Smith

Second By: Board member Bergman

5 ayes. 2 recused.

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 9:55 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk
Zoning Board of Adjustment