

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
June 1, 2026**

Chairman 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 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.

OATH OF OFFICE TO APPOINTED BOARD MEMBER, DIANA CIFUENTES

Oath of office was administered to Diana Cifuentes by Board attorney Oh.

ROLL CALL

Present: John Smith, Amnon Wenger, Jose Morel (arrived at 8:10pm), Jason Bergman, Benedict Cabrera, Yitz Novak, Richard Morf, and Diana Cifuentes

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 – May 4, 2026

Motion By: Board member Smith

Second By: Board member Bergman

All present, voting in favor. None opposed.

CORRESPONDENCE

Board member Smith stated the request for a raise in the Board clerk's stipend was approved, but didn't know how much. He gave a copy of the letter he had written to the Planning Board and governing body regarding the placement of generators and air conditioner units to each Board member for their review and input. In addition, he handed out to the Board members some additional parking information for consideration at the July meeting

PUBLIC COMMENT

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

Mary Sullivan, resident, suggested variance applications that were denied be included in the annual report, not just variance applications that are approved.

Barry Doll, resident, read from the introductory statement "We are appointed by the Bergenfield Council to decide when a property owner should get relief from the strict application of the zoning regulations". He stated it is wrong to state that. There is a Planning Board and rules and regulations that aren't arbitrary, but were developed by the Planning Board and community over many years. Mr. Doll stated applicants should not be misled by saying that they "should" get relief. They may get relief and in favor of anything the Board decides is reasonable. He stated "strict" is also not the right word to use. These are rules and regulations the community put together. He recommended the Board look at the introductory statement and reword it. In addition, Mr. Doll stated he had appealed the decision of the Board made regarding 145 W. Main Street, which was a difficult process. He understands the Board has a difficult job, but they have to make decisions based on the idea of what is the right thing for the community. The Board has to look into the appeal process. There are townships in the county that can appeal to the council after the Zoning Board has made a decision.

Chairman Cabrera stated Mr. Doll came to the Board about a year ago regarding his appeal. The Board can't do anything about the appeal process. He can see his point of view regarding the wording. It was written before he was appointed to the Board and would be willing to consider looking at it.

Board member Wenger stated Mr. Doll is misreading both of the terms. A property owner may always get relief by applying to the Board. The Board is deciding whether or not, in that instance, should get the relief. They have permission to apply and given that. Therefore, "should" is written correctly. The word "strict" modifies the application, not the zoning regulations. Mr. Wenger stated the Board is defining whether or not to strictly apply the regulations at stake. The paragraphs were added for people who didn't understand what the Board did and would make arguments for something the Board has no jurisdiction over, i.e. the Board can't create an appeal process.

Board member Bergman stated people can only appeal D variances to the council. They can consider redrafting the introductory statement.

Board member Smith stated the borough attorney said that only certain things can be appealed to the council. Mr. Smith stated they should go back and write only what the Zoning Board was created for. It was only two sentences years ago. The Zoning Board was created to grant relief to applications. The basic introduction statement should be what the Zoning Board is, that is it.

Jacob Safier, resident of 50 Glenwood Drive East, stated they were present in 2016 when the builder who bought the home next door to them requested a variance from the Board to allow them to build closer to the property line. The Zoning Board had voted against the variance. Mr. Safier stated the original footprint is within 5 ft. of their property. A couple of months ago, the current resident of the home moved the two AC compressors to the side of the home right next to them without getting permits.

Unfortunately, it is a significant problem for them as they are unable to sit in the dining room and sleep in their bedroom due to the noise.

Board member Smith stated he submitted a letter to the Mayor and Council and the Planning Board about an ordinance regarding the placement of generators and air conditioners. He stated without an address, the code enforcer can't issue a summons. They broke the condition in the approved resolution for the location of the air conditioning units. Mr. Ravenda had told him it is carried with the land.

Board attorney Oh stated it goes with the land.

Board member Bergman stated the new owner wouldn't know he is not allowed to move the units if he never came for a building permit. If he moved it without knowing, then there are other recourses that should be taken via the building department.

Board engineer Panagopoulos stated they can add some screening or bushes to muffle the noise.

Chairman Cabrera stated Mr. Safier can write a note to Mr. Ravenda that it is in the memorialization of when the approval was given by the Zoning Board, the compressors had to be in the back of the property and not on the side.

Board member Bergman stated the letter Board member Smith is on the agenda for discussion at the next Planning Board meeting.

OLD BUSINESS

1. Resolution: Miriam Yael Wielgus, 111 Greenbriar Street, Amended Site Plan

Motion to Adopt Resolution

Motion By: Board member Bergman

Second By: Board member Wenger

6 ayes.

2. Application: Grady Bayersdorfer
143 Elder Avenue
In-Ground Pool
(Carried from May meeting)

Board member Bergman recused himself.

Paul Gdanski, 3512 Whittier Court, Mahwah, NJ, project engineer, stated they were before the Board last month and at that time the coverage was almost 70%. They revised the plan and reduced the coverage to 59.8%. There is a Cultec tank located between the driveway and the pool to collect the water from the small patio that goes around the pool and dump it into the ground.

Chairman Cabrera recalled that the applicant was told at the last meeting he should reduce the coverage as close to 40% as possible. He can not support that. The problem with removing the garage would create another problem. The challenge is the size of the property.

Mr. Gdanski stated they can consider eliminating the patio. He stated taking the patio off would be 220 sq. ft.

Board member Novak stated if they would consider converting the asphalt driveway to pavers.

Board engineer Panagopoulos stated that would not be enough. They need to remove hardscape.

Board member Smith suggested making the driveway pavers.

Mr. Bayersdorfer inquired if it would help if they made the existing patio pavers. He stated with the soil removal, they will have to address redoing the driveway, that's not a problem. They can make the driveway pavers.

Mr. Panagopoulos stated they only get up to 10% credit with the right pavers.

Mr. Gdanski stated they would remove the patio around the pool. The existing conditions were already at 48.5% before they came before the Board, that's the problem.

Board member Wenger stated the percentage is still higher than 50%. The water is not going to be an issue either way. They should listen to the Board members suggestions to bring the coverage lower. They have been accommodating and if they are willing to work with the Board to get a consensus, they will be able to get the coverage to be much less. 2,5000 sq. ft. will get you down to 50%.

Board engineer Panagopoulos stated they can do the figures for removing the garage and part of the driveway.

Mr. Bayersdorfer stated they can park 5 cars in the driveway without utilizing the garage.

Board member Smith stated the garage and patio should be removed to get close to 50%. It would cost too much to do the entire driveway with pavers. The Board should take into consideration they are willing to compromise.

Mr. Gdanski stated if the garage and the patio around the pool is removed, it will bring the coverage down to 51%.

Chairman Cabrera stated they should be able to get the coverage below 50% if they also remove the asphalt in front of the garage. They will remove the garage, remove the patio around the pool, and remove portion of driveway and convert back to grass to get to 49.8% coverage.

Questions from Residents/Public:

No one came forward.

Board engineer Panagopoulos inquired if the pool equipment is noisy and how far it is from the property line.

Mr. Gdanski stated they can put trees around and move it slightly since they are going to remove the garage. The pump is 1 ft. away from the property line.

Mr. Bayersdorfer stated it wouldn't be far from this neighbor's pool equipment that is behind him.

Motion to Approve Application with the Following Conditions:

1. Removal of Garage
2. Removal of Patio Around Pool
3. Removal of Portion of Driveway and Convert that Portion Back to Grass
4. Lot Coverage will be under 50%

Motion By: Board member Smith

Second By: Board member Wenger
7 ayes. 1 recuse.

NEW BUSINESS

None.

MOTION TO ADJOURN MEETING

Motion By: Board member Novak

Second By: Board member Bergman

All members present, voting in favor. None opposed.

Meeting was adjourned at 9:00 pm.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Hilda Tavitian".

Hilda Tavitian, Clerk
Zoning Board of Adjustment