

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
July 13, 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

Oath of office was administered to Gregory Martin by Board attorney Oh.

ROLL CALL

Present: John Smith, Amnon Wenger, Jose Morel, Jason Bergman, Benedict Cabrera, Yitz Novak (arrive at 8:25pm), Richard Morf, Diana Cifuentes, and Gregory Martin

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

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 – June 1, 2026

Motion By: Board member Smith

Second By: Board member Bergman

All present, voting in favor. None opposed.

CORRESPONDENCE

Board member Smith stated he was informed the raise for the Board clerk was approved. A couple of meetings ago, he had given the Board members some handouts. Mr. Smith stated one was regarding

putting parking requirements in the lease agreement. The information in the handout had stated if it goes to court, it won't be upheld. He asked the Board attorney look further into it and also to look into the NJ Truth and Renting app for the next meeting. He stated he still has not heard back from the Planning Board regarding the placement of generators and AC units. Mr. Smith stated he also received an email from the code enforcer requesting from the Borough attorney to come up with ordinances with the problems the Planning Board and Zoning Board are having with nonconforming lots. Every Board member should have received an email last week regarding the parking for five bedrooms, improved lot coverage, and the lot size. He explained both Boards are approving applications with maximum lot coverage and explained if everything is compiled into an ordinance, it will make it easier for both Boards.

Board member Bergman stated it was discussed at the last Planning Board meeting.

PUBLIC COMMENT

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

Barry Doll, 97 Highgate Terrace, stated he sent a letter to the Zoning Board dated June 2, 2026 regarding the Introductory Statement and was surprised it was not mentioned in the Correspondence portion. He inquired if everyone had seen it. He is here to make things better and more open. He stated it would be common courtesy to acknowledge receipt of the letter. He stated the language in the Introductory Statement is wrong. Mr. Doll read from paragraph 186-02 of the Zoning Board rules and stated according to that the wording in the Introductory Statement is wrong and misleading.

Board member Smith stated he didn't mention it since it was discussed at the last meeting. He felt it should not be brought up as the Introductory Statement is part of the agenda.

Chairman Cabrera stated with respect, they have listened to Mr. Doll on several occasions with the same topics that the Board can't do much about, as the Board has limited power.

OLD BUSINESS

1. Resolution: Grady Bayersdorfer, 143 Elder Avenue, In-Ground Pool

Motion to Adopt Resolution

Motion By: Board member Smith

Second By: Board member Wenger

6 ayes.

2. Applications: 10 N. Washington LLC/Dr. Adam Palance
10 N Washington Avenue
Two Second Floor Apartments
Carry to August 3, 2026 Meeting

Board member Smith stated he has a problem with this. He stated, back in May, the Board members had made a request to the attorney to hold off until the June meeting. The hearing should have been in June, but the attorney postponed it to July, and now he stated there is a scheduling problem last week. The Board has to approve the extension request according to the by-laws. No one knew about this until today and it is inappropriate for the attorney to wait until the last minute to ask for a postponement.

Chairman Cabrera stated the attorney sent a letter on July 9th, 2026 requesting the application be carried.

Board engineer Panagopoulos recommended the applicant re-notice because the length of time in between the two meetings.

Chairman Cabrera inquired how many people in the public were present for the hearing for 10 N. Washington Avenue. The applicant is bringing their planner and he would like an independent prospective from the Board's planner. The escrow is there to cover the costs of the professionals.

Board member Smith requested the Board planner be present at the next meeting to review and provide feedback for this application as it is a use variance.

Board attorney Oh stated since there are no residents present for this application, the applicant does not need to re-notice.

Lisa Escott
55 Regent Street
Addition
Carried from April Meeting

Lisa Escott, stated they were before the Board in April. Their architect had given them the plan for the entire home, showing all six bedrooms and the entire basement as was requested.

Board engineer Panagopoulos stated the last time the applicant was here, the architectural plans provided were partial of what was in the house. It did not show all the existing bedrooms and proposed bedrooms. He stated what is being provided now is a full existing and proposed set of architectural plans. The question at the last meeting was what was the existing.

Mrs. Escott stated for the purpose of showing how many parking spaces were needed, the Board wanted to see how many bedrooms there were all together. Initially, the architect drew only the proposed bedrooms and did not include the existing bedrooms. Now, they are all shown.

Board engineer Panagopoulos stated variance one is a pre-existing nonconforming condition where the minimum allowable setback on each side is 7.5 ft. and there is a pre-existing nonconforming setback of 6 ft. 1 inch on one side of the building. The second variance is a pre-existing nonconforming minimum allowable setback for the combined side yards where 15 ft. is required, 12.9 ft. is proposed. The maximum allowable lot coverage total is 30%, existing is 31.8%, and proposed is 35.58%. The coverage by improvements is 41.7%, maximum allowable is 35%, and the proposed is 45.55%. There is a discrepancy between the engineering plan and the architectural plan that needs to be addressed. There are seven bedrooms that would require 4 parking spaces, even six bedrooms would require 4 parking spaces. Three parking spaces are provided. Parking spaces are counted by dimension, not what you can fit. Mr. Panagopoulos stated the parking in the front yard is the right of way, not the applicant's property. There is space for 4 cars because of that, plus the garage, making it five parking spaces. The requirement for parking spaces after five bedrooms is half a space, bedrooms six and seven are one space.

Mrs. Escott stated there is a second bedroom on the top level and three bedrooms on the level below. The study is just a pass through.

Board member Smith stated there is a possibility for the other rooms to become bedrooms. There are two bathrooms next to the study.

Board engineer Panagopoulos stated there is no door closing the study off. The study can't be considered a bedroom. His letter needs to be updated to state six bedrooms, not seven.

Mr. Escott stated there currently is one bedroom with an egress window in the basement.

Board member Morel stated in a split-level home, there is a up and down. It's an extended part of the stairs. Mr. Morel explained, in order for it to become a bedroom, both of the stairs would have to be closed off. Architecturally, the step down on the split creates a space and in order to close it in, it would require another 3 feet of wall space which eliminates the potential of the study to become something else. This space can't become a bedroom.

Chairman Cabrera inquired about the additional lot coverage. He expected the architect to be present at the meeting to discuss the details of the plan. He inquired if the lot coverage can be reduced to 41.7%

Mr. Panagopoulos stated the additional area is they are adding a new patio to replace where the deck is.

Mrs. Escott inquired if it would help if they changed the driveway.

Board engineer Panagopoulos stated removing the shed and having pavers installed in the driveway would fix the coverage. He stated the deck with the pergola will be open and will allow the water go into the ground.

Chairman Cabrera stated if the shed is removed and pervious pavers are installed, something can be worked out. He would like their architect or engineer do the work and come back to give the information.

Board engineer Panagopoulos inquired if it is something that can be as part of resolution compliance or they would have to come back for a meeting.

Chairman Cabrera stated the other issue is that the building is going from 31.8% to a proposed 35.3%. He inquired where that increase is coming from.

Board engineer Panagopoulos stated it's an extra 280 sq. ft. There's a deck that doesn't count as building coverage, it counts as lot coverage. The building coverage, by ordinance, is when you are putting a impervious structure over the impervious deck. They're taking something there and covering it. They need a parking variance for one parking space. He explained even though there is space for four cars, there's only room for three on paper. They are proposing drainage improvements to the increased impervious coverage.

Board member Wenger stated when there isn't a sidewalk, you don't own the first ten feet, in theory it's owned by the town.

Questions from Residents Within 200' and beyond:
No one came forward.

Motion made by Board member Wenger to approve application with conditions of removing the shed, changing the driveway to pervious pavers. and work with engineer during compliance period to ensure everything is in-line with the deck.

Chairman Cabrera inquired if they can reduce the size of the larger two bedrooms.

Board member Bergman stated they are negotiating with homeowners who don't fully know what they are looking at. He expressed that the Board not do anything tonight and suggested the applicant hire an engineer, architect, or a land use attorney to be present to give them advise to make their determination as to what they agree to what they want for their future. The Board will not steer them in any wrong direction, but also has the best interest of the Borough. He suggested carrying the application to the next meeting.

Mrs. Escott stated their architect retired and is in S. Carolina.

Chairman Cabrera added they are the only applicant, since he's been on the Board that has come before the Board without an architect or engineer. He too recommended the applicant speak with their architect or engineer.

Board member Novak stated having the ability to understand exactly what you are willing to give up is really important because it's something that's going to matter. It makes sense to wait a few weeks and have a professional with you.

Board member Wenger withdrew his motion.

Chairman Cabrera stated the application will be carried to the next meeting with no further notice.

NEW BUSINESS

1. Applications: Arturo Ramirez
 157 Second Street
 Alteration to Porch

Albert Arencibia, licensed architect, stated they are before the Board to enclose an existing open porch that has a roof. It will have the same footing in the same area that was occupied by the same structure. The kitchen will be punched out, extending the kitchen into the porch space. They are in the R-5 zone, but need to follow R-6 requirements.

Board member Smith stated they are not increasing or decreasing the side yard setback. He stated what used to be an open porch is being closed to extend the kitchen.

Questions from Residents Within 200' and Beyond:
No one came forward.

Motion to Approve Application
Motion By: Board member Smith
Second By: Board member Novak
7 ayes.

10 Judith Associates LLC
10 Judith Place
Addition/Alteration

Jeffrey Kantowitz, attorney for applicant from Abe Rappaport Attorney at Law, 195 Route 46 West, Totowa, NJ stated they are before the Board to request a few variances to enlarge, enhance, and upgrade a single-family house. The house is located in a neighborhood in which there are similar six-seven homes that have been renovated and enlarged with second floors enrichments.

Harry Walski, Harry Walski Architect, 282 East Passaic Ave, Nutley, NJ, licensed architect, stated the footprint is noncompliant in the rear. Mr. Walski stated part of the fence and existing patio is on someone else's property and will be removed.

Board member Smith inquired if the deck is on someone else's property.

Board engineer Panagopoulos inquired if there was a tree.

Mr. Walski stated it was existing that way when their client purchased the property. There was no tree there. There is an existing garage, three bedrooms, and a small kitchen. The entrance will be moved to the center and stairs will be moved, bringing the home to modern standards of living with open living space with an office and a bathroom to the side. There will be a utility/closet behind the kitchen. There would be a small cantilever in the front for some extra space, but would still be within the setbacks, for a total of four bedrooms. Mr. Walski stated there would be recreation space created in the attic, given there is no basement. It would be two and a half stories. The height still complies. There is a strong demand for a home office. Mr. Walski explained the current home is over the lot coverage and they will be reducing that and will also be reducing the driveway. There will be two parking spaces in the driveway and one in the garage. The width of the driveway will be narrowed to match the width of existing garage. He stated the sheds will be removed and there will be paving leading to it. The large patio will be removed and there will be a rear sliding glass door going outside from the kitchen. The entrance will be reconfigured with the walk and will be replaced with a smaller walkway. His calculations were taken directly from the CAD file.

Board engineer Panagopoulos stated they do a general measurement. The CAD file is more accurate. There's a difference of 90 sq. ft. or a little less. It's a considerable amount of reduction in impervious coverage.

Mr. Kantowitz stated the room in the attic and the office are not considered as bedrooms. It's only a four-bedroom house. He stated the house doesn't have a basement, which is usually used as a recreation area in a typical house. Instead, the attic area can serve as a recreation area.

Board member Smith stated attic spaces in this town are bedrooms, especially since two and a half stories is being requested.

Chairman Cabrera inquired if there is closet space in the attic.

Mr. Walski stated that space is for mechanical space. The roof is sloping down over that space.

Board member Morel stated on the bottom of the utility list, it identifies the property being a Bergen County road and would require additional approvals. He inquired if that is an accurate statement. The statement should not be there as the street the property is on is not a county road. He inquired about the height and elevation of the attic.

Mr. Kantowitz stated the list was sent directly to them by the tax assessor. It says, "if on a county road". The property is not on a county road and they will amend the statement as it is not correct.

Mr. Walski stated the height would be 7 ft. There would be a dormer in the back. The central AC will be in the attic. The condenser would be in the rear of the property.

Questions from Residents Within 200' and Beyond:

Sonya Chapman, 83 Haring Street, inquired if there will be a closet in the first-floor office space.

Mr. Walski stated there is a closet in the office space on the first floor, but can be removed if the Board prefers it to be removed. It's a guest room/office.

Chairman Cabrera stated a guest room is considered to be a bedroom by the Board.

Board member Smith stated there are no closets in the storage room. It's common sense.

Mercedes Bustamante, 2 Judith Place, inquired if they will have a retaining wall as the property is lower right now. There were big trees that were removed.

Mr. Kantowitz stated the property was bought at a short sale. They are committed to landscaping and doing the necessary work on that side and will address Ms. Bustamante's concerns, if she wants a fence to ensure a separation between her property.

Board member Smith stated if there were trees cut down, they need to be replace them according to the ordinance.

John Taikina, licensed planner from All Things Planning & Development, LLC, 900 Main Street, Belmar, NJ, stated they require a rear yard setback variance and a height variance. There are two front yards, one on Greenwich Drive and one on Judith Place. There is a rear setback to the proposed additional garage of 21 feet, where 25 ft. is required. On the side, there is an existing nonconformity on the Greenwich Drive side line of 6.6 ft. that will be retained and addition is proposed to be 7.7 ft. on that side line. Those lot lines are also side lot lines to the neighbors. There is a condition on Greenwich Drive where it's 6.6 ft existing, going to 7.7 ft., where 7.5 ft. is required. Mr. Taikina stated on Judith Place, it's 7.6 ft. existing and are in compliance with the addition. The Borough ordinance has a provision that a side front yard could be 15 ft. instead of 25 ft. He would agree if the property was a 4-sided lot, but it is a 5-sided lot.

Board engineer Panagopoulos stated they are asking for an extra variance. There still is a side yard setback.

Chairman Cabrera stated the second floor is being filled in in the back.

Mr. Kantowitz stated the second-floor addition to that side yard is conforming. He stated the second floor doesn't require variance relief.

Mr. Taikina stated if they need an extra variance, the variance would be the existing nonconformity of the 6.6 ft. on that side yard. They are pulling the structure back into conformity.

Board member Smith state the law states nonconforming uses can't be increased or decreased.

Mr. Katonowitz stated the use is permitted. The issue is with a bulk standard.

Board member Morel stated the elevations on the architectural documents show a straight line between the first floor and the second floor. He doesn't see a bump in. He sees a consistent floor plan across and going from 6.6 ft. to 7.7 ft., and coming in is not a visual they are representing.

Mr. Taikina stated if the Board members look at elevation 2 on page A-2, they will see a single-story portion of the kitchen that is at the 6.6 ft. The two-story portion is the addition of the garage that lines up with it.

Chairman Cabrera inquired if the first floor will remain intact.

Mr. Taikina's response was yes. The C-1 variance for the existing nonconformity is a unique property with a unique shape. The neighbor on Judith Place sits a little higher, about 3 ft. The neighbor on Greenwich Drive is on an angle away from the property and are parallel with their line. Their setback gets greater as they go back in their property. The lot is large enough to accommodate the improvements. They are enhancing the requirements by bringing the home into conformity with the impervious coverage. Mr.

Taikina stated they will be removing a significant amount, almost 10%, of impervious surface on the property. The home will be an attractive addition to the neighborhood. It is a better plan alternative to keep the house where it is, expand up, take advantage of efficiencies, and will fit in best with the neighborhood character. There is no detriment. The setback impact is minimal. There is only a 4 ft. deficiency in a 25 ft. setback from the rear. The impervious coverage is being brought back into conformance. It's still consistent with a modern home and will bringing a 1950's home into the 20th century. He stated they will remove any encroaching on the neighbor's property and will move the fence back on the property line. He stated the trees by Judith Place were removed at the request and requirement from the insurance company. They were in a hazardous condition. They will fully comply with the Borough's tree removal ordinance and the Borough's plot plan ordinance.

Questions/Comments from Residents 200' and Beyond:

No one came forward.

Motion to Approve Application Subject to the Following Conditions:

1. Remove sheds
2. Removal of utility room from garage
3. Replace trees cut
4. Grading plan with retaining wall, if necessary
5. Relocate fence in the back
6. If variances are determined to not both to be side yard variances, but rear yard granting the variances in the alternative.

Motion By: Board member Wenger

Second By: Board member Morel

6 ayes, 1 nay.

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 10:25 pm.

Respectfully Submitted,


Hilda Tavitian, Clerk
Zoning Board of Adjustment