BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
August 3, 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 themselves 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, Richard Morf, Diana Cifuentes (arrived at 8:03pm), and Gregory Martin

Also Present: Gloria Oh, Zoning Board Attorney, Peter Bondar, Zoning Board Engineer, Caroline Reiter, Board Planner, Councilman Lodato, Council Liaison, and Hilda Tavitian, Zoning Board Clerk

Absent: Yitz Novak (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 – July 13, 2026
Motion By: Board member Smith
Second By: Board member Bergman
All present, voting in favor. None opposed.

CORRESPONDENCE
Board member Smith stated he is waiting for a reply from the Planning Board liaison about the request for an ordinance regarding placement of generators and AC units. Mr. Smith stated he is still waiting for more information regarding the grandfather status of parking. Also, everyone should have gotten an email from the Chairman about the Introduction Statement.

Board member Bergman stated they are waiting for the building department's response.

Chairman Cabrera stated he had emailed the initial draft to the Board members and gave each Board member tonight an abbreviated version.

Mr. Smith recommended the Board adopt the draft of the new Introduction Statement for the Zoning Board. He made a motion to approve it.

Board member Morel inquired if the abbreviated version given tonight was different than what was emailed. He stated he would like to have some time to review it.

Chairman Cabrera stated he consolidated about 75-100 words to get it under two minutes. The previous statement had over 350 words, which was too long. It doesn't have to be approved tonight. He wanted the Board to have the opportunity to discuss it.

Mr. Smith stated he can withdraw his motion. He's tired of hearing people from the audience complaining about it. They should send their comments to Gloria and the Vice Chairman.

Mr. Morel stated the general public will be best served having every single member take and have the time to evaluate and understand the statement, instead of just rushing through something.

Chairman Cabrera stated they will table it for approval for next month's meeting.

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

Barry Doll, resident, inquired if the Board members receive any compensation for their time and efforts. It doesn't just require them to come to the meeting and look at documents. There's preparation, review, and discussion. He inquired if there are any expenses reimbursed to the members.

Chairman Cabrera stated there is no compensation. The Board members are all volunteers. There are no expenses other than a publication that is related to zoning that Hilda gets for the Board.

OLD BUSINESS
1. Resolutions: Arturo Ramirez, 157 Second Street, Alteration to Porch

Motion to Adopt Resolution
Motion By: Board member Bergman
Second By: Board member Smith
6 ayes.

10 Judith Associates LLC, 10 Judith Place, Addition/Alteration

Motion to Adopt Resolution
Motion By: Board member Bergman
Second By: Board member Morel
5 ayes. 1 nay.

2. Applications: 10 N. Washington LLC/Dr. Adam Palance

10 N Washington Avenue
Two Second Floor Apartments
Carried from May Meeting. Carry to September 14, 2026 meeting with no further notice.

Lisa Escott
55 Regent Street
Addition
Carried from July meeting

Adam Lazaros, Prime Tuvel & Miceli, 1 University Plaza Drive, Hackensack, NJ, attorney for applicant, stated the applicant is seeking to construct a two-story addition in the side yard of their property replacing the current deck with a new deck in the rear of the property.

Chairman Cabrera inquired if there are any new drawings. The Board does not have a complete application. The revised plan was not received.

Mr. Lazaros stated there isn't anything new. The most recent plan would be the ones showing the replacement of the driveway with pavers. There are some exhibits they will add into evidence. The only changes made were based on the comments made by Board members at the last meeting, to change the driveway to pavers and remove the shed in the back of the property. The plan was prepared yesterday.

Chairman Cabrera inquired it is acceptable if the only changes made are the removal of the shed and the pavers.

Board member Wenger stated procedurally and legally it is as this is was carried from the last meeting.

Kirsten Osterkorn, Omland & Osterkorn, 42 Central Ave, Midland Park, NJ, licensed engineer, stated there are different lot widths in the neighborhood, as shown in Exhibit A-2. Ms. Osterkorn pointed out in Exhibit A-3 an aerial perspective of the project site along with numerous houses that take up the lot width consistent with the proposed application. The proposed lot coverage is 35.3% and 30% is the maximum allowed. They are requesting maximum improvement of 45%, where the maximum allowed is 35%. The proposed improvement is in a rear corner and will not overwhelm the streetscape. The drainage plan includes drainage to the front and rear of the entire building, not just for the addition, as shown in Exhibit A-4. The condition would be improved 100% and be better than what exists. Everything will be caught with a roof runoff and brought to an underground system. The proposed is not a negative impact and they will be improving the drainage.

Board engineer Bondar stated the only change from the previous plan to the plan today is the addition of drainage. Mr. Bondar stated four parking spaces are required, and three are being provided. One parking space variance is being asked.

Mr. Lazaros stated there is also the change from McAdam to pavers in the driveway and the removal of the shed. They are not widening the driveway.

Mr. Bondar inquired if the stepping stone walkway from the front going to the backyard will be removed or will remain, and if it was included in the calculations. He inquired if the generator will be relocated.

Ms. Osterkorn stated it was included in the calculations.

Mr. Lazaros stated the generator will be relocated to a conforming area.

Board member Smith stated there are six bedrooms proposed and not enough parking spaces. He stated how much credit they get will depend on the type of pavers used. They have parking for three vehicles only.

Board member Wenger stated, at the last meeting, they acknowledged that while from the strict technical application they did not have parking because the beginning of their driveway counts as a rite of way, they physically do have the space. They are asking for a parking variance, while they do have the space, it's technically not considered to be their property.

Chairman Cabrera stated there is a garage and 2 legitimate spaces. Parking is one of the biggest issues in town.

Board member Smith inquired where are guests supposed to park. The borough attorney had stated for one case, the Board should not go for what it is but according to the ordinance. They are supposed to give relief, but if the situation fits.

Chairman Cabrera stated the drawing shows a five-bedroom house. There was discussion the study could be a bedroom. There is a difference of opinion amongst the Board members regarding this matter as well as the parking. There are potentially seven bedrooms.

Board member Morel stated there are six bedrooms identified in the drawing. He stated based on the frontage, the layout of the house, they can rip out the driveway and widen it. There are two small trees that might be affected.

Board member Wenger stated six and seven bedrooms have the same parking requirement. They are in technical violation and would need a variance. There definitely is room for them to park there. He stated for seven bedrooms, 4 parking spaces are needed. He is ok with widening the driveway, but that actually makes a different variance slightly worse. It increases the lot coverage. They already have the ability to park there and it hasn't affected anybody.

Board member Bergman stated the deck in the back is not covered and is counted towards lot coverage, though it's slatted and allows water to run through it.

Ms. Osterkorn stated a typical RSIS car space is 9'x18'.

Chairman Cabrera inquired about the current length of the driveway. He inquired about using permeable pavers.

Board engineer Bondar stated the driveway is 19 ft. wide right now. They would need an additional 9'x18' driveway area, which would be 200 sq. ft. additional driveway.

Board member Morel stated it would probably be around a 60 sq. ft. increase. He stated part of the complication is that the Board does not have complete plans to be able to evaluate.

Mr. Lazaros stated he was not aware that the plans were not submitted prior to the meeting.

Board attorney Oh stated the secretary had tried to contact the applicant and there was no response received.

Chairman Cabrera stated they are working with an incomplete package. The plan still shows the shed which was previously stated the shed was going to be removed. He would like an engineer's perspective and they were given some options. He would like an updated, clean package submitted. They have to come back with the best possible package at the next meeting, September 14, 2026. There will be no further notice necessary.

NEW BUSINESS

1. Application: Eitan Selevan
   25 Sunrise Terrace
   Addition

Elliot Kolb, project contractor, stated they are proposing to expand the house. The only issue is the parking requirement of three parking spaces for the five-bedroom home. Mr. Kolb stated they will expand the driveway to accommodate that. Everything else is modest.

Board member Smith stated there are six bedrooms that requires four parking spaces.

Board member Bergman stated the building department was wrong with the number of bedrooms. That doesn't change the requirements.

Mr. Kolb stated there currently is the garage and one parking space. The homeowner agreed to remove one of the bedrooms.

Chairman Cabrera stated that doesn't work. The building structure needs to be reduced to get the additional parking or restructure in a way that allows additional parking. They need three parking spaces.

Board member Wenger stated they are widening the driveway to accommodate three parking spaces. They just need the lot coverage to do it. He stated by expanding the driveway, they would not need the parking variance but would need lot coverage variance.

Board member Bergman stated they are requesting to expand the driveway by 2 ft., which can fit 2 cars.

Board member Morel stated the lot coverage would increase from 40% to 42%.

Board member Smith inquired which bedroom will be taken out.

Mr. Kolb stated whichever one is the most convenient in the basement, probably the one in the front. It would just be open space.

Chairman Cabrera stated the two closets will be removed along with the door.

Board member Morel inquired if there is an existing plan and about the footprint.

Mr. Kolb stated the footprint and foundation will not change.

Board member Smith stated if the egress window in the basement is taken out, it would no longer be a bedroom.

Chairman Cabrera stated there is no need for a shower in the basement if the bedroom is the basement is going to be removed. There already are three and half bathrooms in the house. He would like to see the shower in the basement removed.

Board member Morel stated there is a large addition in the back of the house that's not being discussed. The new construction shown on the top left corner of the plan is a significant, new construction that should be represented in how the drainage will be handled. The zoning legend provided doesn't reflect with the existing. They normally see the existing conditions in the plan and a multi-ledger that represents the allowable requirements, the existing and the proposed calculations.

Chairman Cabrera inquired what's there now if that is new construction.

Mr. Kolb stated the house is existing now. They are adding to the back of the house. The foundation plan is clearly shown. It doesn't require any variances. The plan was originally compliant. They would not be before the Board tonight if it wasn't for the one parking space requirement.

Board engineer Bondar inquired about the proposed drainage for the property.

Mr. Kolb stated they did the engineering for all the runoffs, complying with what was needed by the Board engineer. There is a detailed site plan that was provided to the engineer.

Chairman Cabrera stated they find variances that were missed by the building department and vice versa. He is unclear how a whole, new section is being added to the home, yet the lot coverage is only going up 2%.

Board member Wenger stated they didn't show what was in the prior. They are showing their allowed is 40% and proposing 42.39%. They were rejected for parking. In order to fix the parking problem, they are widening the driveway and are seeking lot coverage for that.

Chairman Cabrera stated the drawing can be kept as is and the Board can vote. The Board is giving recommendations and if they are able to make the changes, it improves the probability of approval. He stated it would be a positive step if the egress window, the shower, and the closets are removed.

Questions from Residents Within 200' and Beyond:
Barry Doll, 97 Highgate Terrace, inquired if the changes in the basement are made, would parking still be an issue. He inquired about the lot coverage.

Chairman Cabrera's response was no, the bedroom situation is more of an issue. It's under 3%, which is something the Board has approved in the past.

Board member Smith stated he doesn't see any information about the pavers.

Motion to Approve Application Subject to the Following Conditions:
1. Removal of shower, egress window well, and closets in bedroom in the basement.
2. Work with Board engineer to ensure they are in compliance with all recommendations with drainage and runoff.

Motion By: Board member Wenger
Second By: Board member Morel
5 ayes. 2 nays.

MOTION TO ADJOURN MEETING
Motion By: Board member Bergman
Second By: Chairman Cabrera
All members present, voting in favor. None opposed.

Meeting was adjourned at 9:35 pm.

Respectfully Submitted,

Hilda Tavitian

Hilda Tavitian, Clerk
Zoning Board of Adjustment