

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING MINUTES
January 9, 2023**

Chairman Shimmy Stein called the Reorganization Meeting to order at 8:10 P.M.

OPEN PUBLIC MEETING STATEMENT

In compliances 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 provided to the Record, Star Ledger, and Cablevision, posted on two municipal public notice bulletin boards 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/herself from participating in any discussion on this matter.

PLEDGE OF ALLEGIANCE

Led by Chairman Stein.

OATH OF OFFICE TO APPOINTED/REAPPOINTED MEMBERS

Jason Bergman
Nishant Desai
John Smith

Oath of office was administered to board members by Board Attorney Gloria Oh.

ROLL CALL

Present: Shimmy Stein (Left meeting at 8:20pm), Richard Morf, Sara Berger, John Smith, Amnon Wenger, Jose Morel, Jason Bergman, Marc Friedman, and Nishant Desai

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

Absent:

Nomination of Chairman:

Shimmy Stein

Motion By: Marc Friedman

Second By: Amnon Wenger

All ayes. None opposed.

Nomination of Vice-Chairman:

Amnon Wenger

Motion By: Shimmy Stein

Second By: Jason Bergman

All ayes. None opposed.

Nomination of Secretary:

Marc Friedman

Motion by: Shimmy Stein

Second by: Jason Bergman

All ayes. None opposed.

Nomination of Board Attorney:

Gloria Oh

Motion by: Shimmy Stein

Second by: John Smith

All Ayes. None Opposed.

Nomination of Board Engineer:

T&M Associates

Motion by: John Smith

Second by: Jason Bergman

All ayes. None opposed.

Nomination of Board Clerk:

Hilda Tavitian

Motion by: Shimmy Stein

Second by: Sara Berger

All ayes. None opposed.

Accept By-Laws:

Motion By: Jason Bergman

Second By: Shimmy Stein

All ayes. None opposed.

Accept 2023 Calendar Meeting Dates, Except for September Date:

Motion By: Shimmy Stein

Second By: Jason Bergman

All ayes. None opposed.

September 2023 ZBA meeting date to be approved at February meeting.

The Reorganization Meeting was adjourned at 8:10 pm.

Chairman Stein called the Regular Meeting to order at 8:10 pm.

APPROVE MINUTES OF PREVIOUS MEETING – December 5, 2022

Motion By: John Smith

Second By: Jason Bergman

All ayes. None opposed.

CORRESPONDENCE

None.

OLD BUSINESS

1. Application: F & D Washington Avenue Associates, LLC
20 Terhune Street
Proposed Multifamily Residential Development
Carried from December Meeting

Motion to Approve Application

Motion By: Chairman Stein

Second By: Amnon Wenger
5 Ayes. 2 Nays.

2. Resolutions:

Robert Escott, 55 Regent Street, Deck and addition

Motion By: John Smith
Second By: Jason Bergman
All ayes. None opposed.

Triple J. Family, Inc. DBA Dunkin Baskin Robbins, 275 S. Washington Avenue, Drive Through

Motion By: John Smith
Second By: Amnon Wenger
All ayes. None opposed.

NEW BUSINESS

None.

VERBAL COMMUNICATIONS

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

Barry Doll, 97 Highgate Terrace, read into the record a letter listing reasons to appeal the decision made by the Zoning Board for the 145 W. Main Street LLC variance application on December 5th, 2022. Reason #1 for appeal -It is in violation of the Bergenfield land development section 186, attachment two schedule B limiting of minimum area requirement for a two-family house in zone 5 is 10,000 sq. ft. and minimum lot width is 100 ft. The lots are half the area and size requirements in zone 5. Reason #2 – It is in violation of Planning Board ruling adopted March 17, 2014, which states the building of one-family houses only, no two-family houses. Reason #3 – The Zoning Board's decision disregards the reasonable development of Bergenfield as part of the master plan. Reason #4 – They want to know why the Zoning Board approved the proposed project even though it doesn't comply with the regulations and creates problems for the community. Reason #5 – Other reasons that may arise in the appeal process. Mr. Doll requested the Zoning Board to review, to reverse or amend the decisions to approve the development of three two-family houses on the listed property. Mr. Doll stated failure to do so will result in an appeal with the superior court.

Vice Chairman Wenger stated the Zoning Board of Adjustment can't change the decision made. He appreciates what Mr. Doll read and advised him, should he decide to take it further, he is welcome to avail himself. Mr. Wenger stated he appreciates Mr. Doll informing the board. The matter will be carried over to the next meeting as there currently isn't a full board and will need to discuss the legal matters involved.

Mr. Doll stated part of the process is to let the Zoning Board of their intentions and give the Zoning Board an opportunity to change the decision made. If not, they will go further to superior court. Mr. Doll stated once the resolution is memorialized, the clock starts running. They have 45 days from when the resolution is memorialized to appeal the board's decision.

Board member Bergman requested Mr. Doll send the letter he read to Hilda, board clerk, so she can distribute it to the board members.

Mary Sullivan, resident, inquired if Ms. Oh will be preparing an annual report and if it will be posted on the borough website.

Board attorney Oh stated she will prepare the annual report and will work on it right away.

MOTION TO ADJOURN MEETING

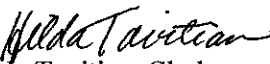
Motion By: John Smith

Second By: Jason Bergman

All ayes. None opposed.

Meeting was adjourned at 8:26 pm.

Respectfully Submitted,


Hilda Tavitian, Clerk
Zoning Board of Adjustment