

**BERGENFIELD ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
March 4, 2024**

Chairman Ben Cabrera called the meeting to order at 8:07 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 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 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, Ben Cabrera, Yitz Novak, Nishant Desai, and Oriole Familia

**Also Present:** Gloria Oh, Zoning Board Attorney, Joseph Kong, Zoning Board Engineer, Councilman Marc Pascual, Council Liaison, and Hilda Tavitian, Zoning Board Clerk

**Absent:** Jason Bergman

**INTRODUCTORY STATEMENT**

Read by Chairman Cabrera. 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 – February 5, 2024**

**Motion By:** Mr. Smith

**Second By:** Mr. Wenger

**All ayes. None opposed.**

**CORRESPONDENCE**

None.

**PUBLIC COMMENT**

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

None.

**OLD BUSINESS**

1. Resolutions: Eliezer Gewirtz, 44 Glenwood Drive South, Paver Patio

Motion By: Mr. Wenger  
Second By: Mr. Morel  
All ayes. None opposed.

Bergen Regency, LLC, 51-59 Bedford Avenue, Request Extension

Motion By: Mr. Wenger  
Second By: Mr. Morel  
6 ayes. 1 nay.

DP Bergenfield, LLC, 21 West Church Street, 3 Story Residential Building

Motion By: Mr. Novak  
Second By: Mr. Morel  
5 ayes. 1 nay. 1 recuse.

**NEW BUSINESS**

1. Applications: Robert Escott  
55 Regent Street  
Request for Extension

Robert Escott, owner of 55 Regent Street, stated he received variance approval from the Board last year. However, due to added expenses he was unable to start the work. He is before the Board to request an extension.

Board member Smith requested Mr. Escott put a shovel in the ground.

Board member Wenger stated Mr. Escott needs to get the permits from the building department and has to literally put a shovel in the ground so he doesn't have to come before the Board again.

Motion to Grant Extension

Motion By: Mr. Smith  
Second BY: Mr. Wenger  
All ayes. None opposed.

F&D Washington Avenue Associates, LLC  
20 Terhune Street  
Request for Extension

David Carmel, attorney on behalf of F&D Washington Avenue Associates, LLC, stated they are before the Board to request an extension. They didn't realize the year began from the date the resolution was adopted. He stated without a developer's agreement, no bank will allow construction financing on the property.

Board member Smith inquired who the owners of the property are now.

Mr. Carmel stated the owner of the property is Mr. Zeccardi. The problem was that even though the applicant is the son, he is having the same problem because of his name.

Mr. Smith inquired if the application is denied, who gets the property.

Mr. Carmel stated the title was transferred and there is a longstanding relationship between the buyer and seller.

Motion to Grant Extension for One Year

Motion By: Mr. Wenger

Second By: Mr. Morel

6 ayes. 1 nay.

Sebastian Campos  
46 Phelps Avenue  
Proposed 2-Story Addition

Sebastain Campos, applicant, stated he is requesting approval for an addition to his home.

Board member Smith stated the Affidavit of Publication shows he lives at 46 Phelps Avenue, but the address for the taxes paid are 84 Phelps Avenue. He inquired who the owner of 46 Phelps Avenue is.

Mr. Campos stated ge is the owner, but no one lives in the house currently.

Theodora Boyadjis, architect from Theodora Designs, stated the house is empty, not livable, porch is rotted, and there is mold in the basement and has to be redone, and all of the utilities needs to be changed. They will do a full alternation. The existing house is non-conforming. Everything in the addition portion meets the requirements of the zone. They will maintain the existing non-conforming setbacks and enclose a portion of the porch. The entire house will have new siding and new finishes.

Board member Wenger stated the drawings note 84 Phelps Avenue. He inquired if the drawings are for 46 Phelps Avenue and 84 is the current address where Mr. Campos is residing.

Ms. Boyadis apologized for the error and stated she will fix it should the application be approved. They are trying to revitalize the building without knocking it down and rebuild.

Board member Smith stated they are making part of the porch part of a room, increasing the non-conforming. There was a garage on the property that was knocked down. He doesn't see a new one in the plans. He inquired if they could move the room back instead of renovating the front as there is more space in the back.

Ms. Boyadjis stated the existing porch has a roof and they are just going to close off the walls. The garage is shown on the plan on sheet 2, on the lefthand side. The garage will be attached to the house. It will be 7.8 ft. off the property line. They will be creating a crawl space at the foundation and trying to use the space in the basement, also. Ms. Boyadjis stated it is possible to move back but they are trying to keep the addition to a minimal size to keep the cost down.

Board member Morel stated they are currently working within the confines of the existing frontage of the structure.

Ms. Boyadjis stated they are adding to the back, but is within the requirements.

Chairman Cabrera inquired if it will be a five bedroom home.

Ms. Boyadjis stated it will be five bedrooms. The car will be a one car garage that will be pushed back to fit four vehicles in the driveway.

Board engineer Kong stated there is no need for environmental water testing. They are going to be decreasing the impervious coverage. He would like to see additional spot elevations. He stated additional information is needed of how the corners of the patio will drain and ensure the neighbors will not be affected. He requested additional information details regarding utilities and the proposed new sanitary system.

Ms. Boyadjis stated the site is flat and there isn't too much slope. They can provide the additional information and will look into trenching.

Mr. Morel inquired what the plans for the backyard are and if permeable pavers will be used.

Ms. Boyadjis stated the patio will be permeable pavers and the two stairs will be stone.

**Questions from Residents Within 200' & Beyond:**

Armen Mzrakian, 52 Phelps Avenue, stated he is concerned about the reverse mortgage and if the renovation of the house is a flip. He is concerned about drainage issues and flooding as there were in the past, with the stream that the town had dealt with. He doesn't see any drainage on the plans. The garage is going to encroach on his property. Mr. Mzrakian stated there has been a lot of debris and bricks along the fence on the property for a long time. He wants to ensure everything is done the right way. His French drains become inundated when there is a heavy rainstorm.

Mr. Campos stated they started the variance application back in October and thought they were ready to start the work, but there were some problems with the application.

Board member Wenger stated it is in Mr. Campos' best interest to work and talk with his neighbors to resolve some of the issues. They are going to live next to each other for a while.

Peter Edwards, 40 Phelps Avenue, stated he is concerned with asbestos in the shingles not being removed safely. Some of the demolition has already been started.

Mr. Smith stated if there is asbestos, they need to get permission and permits for removal from the building department. The Zoning Board has no control over that.

Mr. Campos stated he has a permit to do work for the interior only. The contractor has only done interior work.

Mr. Wenger stated there are heavy fines for improper disposal.

Chairman Cabrera stated there is evidence work has started on the exterior and they have started removing asbestos tiles that were not authorized to be removed yet.

There was a five minute recess taken at 9:15pm. The meeting resumed at 9:22pm.

**Motion to Approve Variance Application & Comply With All Requirements Going Forward**

**Motion By:** Mr. Wenger

**Second By:** Mr. Novak

**6 Ayes. 1 Nay.**

**MOTION TO ADJOURN MEETING**

**Motion By:** Mr. Smith

**Second By:** Mr. Novak

**All ayes. None opposed.**

Meeting was adjourned at 9:30 pm.

Respectfully Submitted,

*Hilda Tavitian*  
Hilda Tavitian, Clerk

Zoning Board of Adjustment