

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
April 1, 2024**

Chairman Ben 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 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, Jose Morel (arrived at 8:10pm), Jason Bergman (left meeting at 8:55pm), Ben Cabrera, Yitz Novak (arrived at 8:05pm), 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: Amnon Wenger

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 – March 4, 2024

Motion By: Mr. Smith

Second By: Mr. Novak

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: Sebastian Campos, 46 Phelps Avenue, Proposed 2-Story Addition

Motion By: Mr. Familia
Second By: Mr. Novak
4 ayes. 1 nay.

Robert Escott, 55 Regent Street, Request Extension

Motion By: Mr. Familia
Second By: Mr. Desai
4 ayes.

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

Motion By: Mr. Familia
Second By: Mr. Desai
5 ayes. 1 nay.

NEW BUSINESS

- 1. Application: Avi Silber
72 Rector Court
Proposed Addition

Mark Madaio, 29 Legion Drive, Bergenfield, attorney for applicant, stated they are proposing a 2-story addition to the rear of the house. He stated because they are extending the addition straight, the front yard on Lee Place is approximately 14.9 ft. As a second front yard, it requires a setback of 15 ft. It's a minimum variance causing the expansion of a non-conforming structure. Mr. Madaio explained the front, where they will be installing a porch has two variances. The front part of the porch is required to be 25 ft., proposed is 24.6, off by 0.4 of a ft. The applicant would like a visual feature at corner of the porch that has an octagon shape. The visual feature on Rector Court is 21.8 ft., supposed to be 25 ft., being off by 2.2 ft. On Lee Place, the entire porch is 9.9 ft., but the visual feature is 8.1 ft. The visual feature is a small part whether it's on Lee Place or Rector Ct. The old driveway is coming out, with driveways on two streets currently. They will be removing the driveway on Lee Place and relocate it to Rector Court.

Board member Smith stated it shows 21.6 ft. on the drawing.

Mr. Madaio stated it's 21.6 ft. It's either 2.2 ft. or 2.4 ft. short.

Jacob Solomon, Jacob Solomon Architect LLC, 14-25 Plaza Rd N. Fairlawn, NJ, project architect, stated the designed proposal is for a 12 ft. rear addition, extending in line with the rest of the house, 14.9 ft now, variance of .1 of ft. The first floor will be razed so it will be level. The proposed new driveway will have a curb cut that will be much neater. There won't be a garage. Mr. Solomon stated they are proposing a open front porch with a roof. The entrance to the home will remain on Rector Court with the porch wrapping around on Lee Place. The first floor will have a renovated kitchen and a family room. The front part of the porch will be approximately 24.6 ft. and the Lee Place side of the porch that wraps around gets

narrower, maintaining a 5 ft. width. The gazebo is a more attractive element. The rounded corner will be 3 ½ ft. short on Rector Court. The house will be updated with new siding.

Board member Smith stated it was said the wrap around was 33% or 34% and inquired how accurate is that. Mr. Smith stated the denial letter dated August 2023 says improved lot coverage is 50% and proposed is 54%. The drawings show lot coverage less than 40%.

Mr. Solomon stated it is about 18%. There wouldn't be much frontage if the visual feature was eliminated.

Mr. Madaio stated there have been revisions in the plan since August 2023. The actual improved lot coverage is 39%.

Board member Bergman stated there are two plans both dated September 18, 2023. One shows 39% as improved lot coverage and the other one shows 45.5%.

Mr. Madaio stated he had a conference with the engineer and the architect to have the current, correct number. The current, correct updated number is the one in the architect's plan.

Board member Morel stated they received two separate plans in their packets, both labeled A-1 and both have the same date.

Mr. Madaio stated A-1 matches A-3. Everything else received has been altered or updated. The table was just rendered conforming.

Chairman Cabrera stated they were given two sets of drawings with different information.

Mr. Smith inquired how eliminating the wrap around altogether on Lee Place would change the plan. The problem is that people don't stop at the stop sign. The wrap around is going to worsen the line of sight. He is concerned about safety because there are children who walk in the street that don't pay attention to the cars and people are always walking to the synagogue on Rector Court.

Chairman Cabrera stated the concern is with the visual feature. There aren't any sidewalks and pedestrians walk on the street. There is a significant amount of the extension that hinders line of sight.

Mr. Madaio stated if the porch did not wrap around Lee Place, the setback would be 14.9 ft. They are going to remove the driveway on Lee Place and put a natural driveway in the front.

Board member Morel requested an explanation for the two bedrooms and exit points in the basement. It doesn't show how it's operational.

Mr. Solomon stated there are two exit points. Egress is shown on drawing A-1.

Mr. Madaio stated you will not see it as it will be at grade level.

Board member Smith inquired if there will be a gate and railing around the window well. Kids are falling into holes because there isn't any railing.

Mr. Madaio's response was yes, there will be a gate. It has to be compliant with the building and fire code and they will have to comply with the code. They won't get a CO if it's not to code. It should be added in the resolution that every aspect of construction will have to comply with building and fire codes.

Questions from Residents Within 200' & Beyond:

No one came forward.

Sean McClellan, licensed engineer, stated the setbacks described by the architect are true. The architect revised his plan to match his. The building coverage permitted is 35%, they are proposing 31.4% and are in compliance. The proposed impervious coverage is 39%, 40% is required and in compliance with the use of permeable pavers in the driveway, patio, and front lawn. Drainage will be provided for the entire house. All of the roof water will be contained in the seepage pit that will cover the entire house. The survey done answers all of the engineer's questions. Mr. McClellan stated the existing driveway was only 12 ½ ft. and there would be a car hanging out. This won't be the case once the driveway is relocated. They will maintain the existing line of the house with the addition. The real variance sought is for the porch.

Board member Morel inquired if there are enough parking spaces as there will be seven bedrooms and it was mentioned they are proposing two parking spaces.

Mr. McClellan stated there is only room for two parking spaces.

Chairman Cabrera stated that's a problem. He doesn't see a seven bedroom home having only two parking spaces.

Board engineer Kong stated they need to follow RSIS standard. There is enough room for 2 cars and there is frontage.

Board member Smith stated there is no street parking overnight. Mr. Smith stated if you read further under the table, it states municipalities may add to it. Mr. Smith inquired if they can make the driveway 19 ft. wide.

Mr. Kong stated according to RSIS it's 3 ½ parking spaces for a five bedroom house. The table does not go above five bedrooms. There is no code over it.

Mr. Madaio stated they will amend their application to seek the additional variance required for parking. The board can limit the maximum number of bedrooms allowed to five bedrooms. There is no more room in the front for parking spaces. They'll be happy to leave the parking pad. Mr. Madaio stated they can move the front walk and steps to widen the driveway.

Questions from Residents Within 200' & Beyond:

No one came forward.

A five-minute recess was taken at 9:15pm. The meeting resumes at 9:20pm.

Mr. Madaio stated the front steps will be wider and everything between the left edge of the front walk to the current shown at the end of the driveway will be gone to accommodate three vehicles.

Mr. McClellan stated the edge of the driveway to the steps is 22 ft. the steps will be extended two ft. wider. The driveway will be widened to be 24 ft.

Mr. Madaio stated the combined walk with the driveway will be 24 ft. wide. The application will be amended to seek the additional variance.

Board member Kong stated they are currently at 39% for coverage. The new variance will create an increase in coverage.

Mr. Madaio stated the deviation will most likely require an increase up to 2%. They will seek an impervious coverage deviation for 42%.

Chairman Cabrera stated there has been confusion with the application as there are two drawings with different information and now there are additional variances being requested. He asked the applicant come back to the board next month with clean drawings and re-present.

Mr. Madaio stated they are still proposing the wrap around, but will eliminate the gazebo.

Board engineer Kong requested spot elevations be added to the plan for the proposed patio, detail of the wall extension, show grading, and percolation and soil test for stormwater.

Mr. Madaio stated they will have two exhibits at the next meeting. A-1 will be the engineer's plan and A-2 will be the architect's plan, marked 5/6/24.

Mr. Kong requested the revised drawings be submitted with enough time for him to be able to review.

Board member Morel requested the window wells be on the new design, also.

Mr. Madaio stated they will show the lip on the side of the house.

The application will be carried over to the May 6th, 2024 meeting with no further notice necessary.

MOTION TO ADJOURN MEETING

Motion By: Mr. Smith

Second By: Mr. Morel

All ayes. None opposed.

Meeting was adjourned at 9:34 pm.

Respectfully Submitted,

Hilda Tavitian
Hilda Tavitian, Clerk
Zoning Board of Adjustment