

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
May 6, 2024**

Chairman Ben Cabrera called the meeting to order at 8:03 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, 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: Jose Morel (excused) and 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 – April 1, 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. Application: Avi Silber
72 Rector Court
Proposed Addition
Carried to June 3, 2024 Meeting with No Further Notice Necessary

Board engineer Kong stated two different versions of the architectural plan and an engineer's plan that didn't match the architect's plan were received. He stated rather than review three different sets of plans, a request was made for them to submit to the board exactly what they want by a certain date for this meeting and they were not able to do so.

NEW BUSINESS

- 1. Applications: Sammy & Cristina Harris
98 Hickory Avenue
Proposed Addition

Jacob Solomon, licensed architect, Jacob Solomon Architect LLC, 14-25 Fairlawn Avenue, Fairlawn, NJ, stated the house has an existing three season porch that faces the side street. The porch will be enclosed to make it part of the kitchen. They are proposing to add a small deck and landing, and the first-floor bedroom will also be enlarged. The front yard setback is existing, nonconforming at 24.73 ft., and will remain, where 25 ft. is required. The side yard setback on First Street is existing at 6.82 ft. and will remain the same. Mr. Solomon stated as a result of the addition, they are proposing 49.4% lot coverage, where 40% is permitted and 47.2% is existing. The building coverage allowed is 30% and will be under the required at 26.6%. The runoff calculations are acceptable by the board engineer. The proposal will only expand a bedroom and add a bathroom. There currently are three bedrooms and will remain to be three bedrooms.

Board member Smith stated the improved lot coverage on the plan shows 49.6%, He inquired about the patio slab that will remain. They would get 10% credit if they put pavers.

Mr. Solomon stated it's 49.4%. Mr. Solomon stated the patio slab will remain.

Board member Wenger commended the applicant for presenting drainage calculations and is appreciated.

Board engineer Kong stated everything is good. There are some conditions that need to be satisfied per borough ordinance. Soil testing needs to be done as part of the new amended stormwater ordinance.

Mr. Solomon stated they will comply with all conditions.

Questions from Residents Within 200' & Beyond:

No one came forward.

Motion to Approve Application Subject to Complying with All Conditions

Motion By: Mr. Smith

Second By: Mr. Novak

All ayes. None opposed.

Yiriel & Leah Liss
83 Fairview Avenue
Proposed Addition

Benjamin Wine, attorney from Prime & Tuvel, 1 University Plaza Drive, Hackensack, NJ stated the application is for the expansion of a split-level single-family residence. They are requesting one variance. There is an existing, nonconforming condition by the north side setback that is only 6.8 ft., where the required is 7.5 ft. It is 0.7 ft. short on the north side. They are seeking to expand a vertical addition up, a second story addition on top of the single-story portion of the existing house. There will be a slight overhang.

Chairman Cabrera inquired the number of bedrooms there are. Mr. Cabrera stated the borough is currently in the process of changing the parking ordinance for the requirement of parking spaces for residential homes that have five and more bedrooms.

Mr. Wine stated there currently are three-four bedrooms. The number of bedrooms will be increased to six bedrooms. There is room to park three vehicles. Two cars can fit side by side in the double wide driveway and there's a single car garage on the property.

Lenny Lerner, licensed architect from LR Lerner Architecture PC, One Wolfs Lane, Pelham, NY, stated it's only 9 inches for the variance needed. They are going up for the second story and three feet in the back. The existing footprint remains the same. Mr. Lerner stated they are adding on the left side of the house two bedrooms, a study, and two bathrooms. The overhang will be over the existing deck. The coverage doesn't change. There will be structural problems, additional expense, and a hardship if the 9 inches were brought in.

Board engineer Kong explained that due to the overhang from the deck, the lot coverage calculations do not change. Mr. Kong stated the driveway is less than 18 ft. and is not wide enough for two cars to be parked side by side, according to RSIS, and not providing three parking spaces.

Mr. Wine stated the driveway is 17 ft. 9 inches, which is more than adequate to fit two vehicles.

Mr. Kong stated if this was a new application for a new driveway, they would require it to be 20 ft. wide in order for it to be suitable for two cars and with the garage there would be off street parking for three cars. There will be also six bedrooms and RSIS goes up to five bedrooms, with a maximum of 3 parking spaces. He deferred to the board regarding the parking.

Board member Wenger inquired where they are at for lot coverage.

Mr. Wine stated they will do 2 ft. of gravel. Pavers would increase the impervious coverage.

Mr. Kong stated all the coverage remains the same because the extension is over what's already impervious. There's no issue with drainage because they are going vertical and it doesn't alter the drainage pattern of the existing site.

Questions from Residents Within 200' & Beyond:

No one came forward.

Board member Smith stated 98% of the garages are used for storage. Mr. Smith inquired what is going to happen when their kids become of driving age. They will need additional parking space.

Mr. Wine stated they don't need to use the garage as they only have two cars and park side by side.

Board member Wenger disagreed and stated he is fine with the number of existing parking spaces.

Board member Familia stated he was in agreement with Mr. Wenger.

Board member Yitz inquired if the pavers could be placed in another spot.

Board member Desai inquired if there are other relatives that might live there and has the same concerns as Mr. Smith.

Chairman Cabrera inquired if they would consider removing one of the bedrooms or make one of the bedrooms a den.

Mr. Wine stated removing one of the bedrooms wouldn't make it worth it.

Motion to Approve Application Subject to Conditions

Motion By: Mr. Wenger

Second By: Mr. Desai

All ayes. None Opposed.

Demarcus Brooks
50 Addison Avenue
New House

Jacob Solomon, licensed architect, Jacob Solomon Architect LLC, 14-25 Fairlawn Avenue, Fairlawn, NJ, stated the application is a proposed two-story dwelling to replace an existing cape cod. It is a corner lot that is undersized for the R-5 zone. It is currently 3,900 sq. ft., where 5,000 sq. ft. is required. The existing dwelling has four bedrooms and two bathrooms. The existing home will be demolished and a new two-story dwelling will be built that will be slightly larger to accommodate the family. The application requires a few variances. The required front yard on Addison is 25 ft, existing is 8.2 ft, and the proposed is 3.9 ft. The hardship is the narrowness and shallowness of the property. The existing coverage is 32.7%, where 35% is permitted, and proposed is 40.3%, Mr. Solomon stated the proposed improved lot coverage is 48.6%, where existing is 46.6%, and 40% is permitted. There is a requirement of three parking spaces. They are retaining the driveway and proposing an interior garage. The garage will be moved 2 ft. to meet the 18 ft. requirement for the driveway and to ensure parking for three vehicles onsite. They will put pervious pavers to receive credit. All requests by the board engineer will be complied with. The 60x23 house will be a two story with five bedrooms and two bathrooms.

Board engineer Kong stated table A-1 in the architect's plan and the engineer's plan show different numbers. He requested they be revised to match for consistency, even coverage is different. He stated Mr. Solomon should ensure the permeable paver driveway has the proper length and width.

Questions from Residents Within 200' & Beyond:

No one came forward.

Motion to Approve Application Subject to Conditions

Motion By: Mr. Smith

Second By: Mr. Wenger

All ayes. None Opposed.

MOTION TO ADJOURN MEETING

Motion By: Mr. Novak

Second By: Mr. Wenger

All ayes. None opposed.

Meeting was adjourned at 9:00 pm.

Respectfully Submitted,

Hilda Tavitian

Hilda Tavitian, Clerk

Zoning Board of Adjustment
