

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
June 3, 2024**

Chairman Ben Cabrera called the meeting to order at 8:02 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 themselves from participating in any discussion on this matter.

PLEDGE OF ALLEGIANCE

Led by Board member Smith.

ROLL CALL

Present: John Smith, Jose Morel, Jason Bergman, Ben Cabrera, Yitz Novak, and Nishant Desai

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 (excused) and Oriole Familia (excused)

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 – May 6, 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: Sammy & Cristina Harris, 98 Hickory Avenue, Proposed Addition

Motion By: Mr. Smith
Second By: Mr. Novak
All ayes. None opposed.

Yiriel & Leah Liss, 83 Fairview Avenue, Proposed Addition

Motion By: Mr. Smith
Second By: Mr. Desai
All ayes. None opposed.

Demarcus Brooks, 50 Addison Avenue, New House

Motion By: Mr. Smith
Second By: Mr. Novak
All ayes. None opposed.

2. Application: Avi Silber
72 Rector Court
Proposed Addition
Carried to April 1, 2024 Meeting

Mr. Mark Madaio, attorney for applicant, stated they were last before the Board in April in which the application was presented, mostly concluded, but the Board had some issues. Mr. Madaio stated those issues included: a widening of the driveway to assure the applicant had sufficient room for vehicles. It was done as the Board had suggested. The other issue was the porch was conceived as a wrap-around that would interfere with line of sight and make it more difficult to see around the corner. The applicant has cut the corner off the porch. The porch is still a wrap-around but no longer will interfere with line of sight or the borough ordinance.

Chairman Cabrera stated the egress well was brought up at previous meeting.

Mr. Madaio stated that issue has also been resolved.

Board member Smith stated he does not see the changes in the new plan received.

Mr. Madaio stated they delivered plans that show the change in the porch.

Chairman Cabrera stated Mr. Kong had requested clarification as to how the calculations in lot coverage were made.

Sean McClellan, engineer, stated the plans dated 12/4/23 were revised and dated 4/24/24.

Chairman Cabrera stated there were a number of items that were not aligned. He stated when they received the package, there was only 1 sheet.

Board attorney Oh stated the board members need hard copies and can't refer to a pdf. A few days are required for the board members to review the plan.

Mr. Madaio stated he can't produce a hard copy presently and felt hard copies were delivered and not sure what happened. Mr. Solomon's plan is included in Mr. McClellan's plan.

Board engineer Kong stated they all received the one sheet.

Mr. McClellan stated this is a proposed alteration plan of 72 Rector Court dated 9/18/23.

Mr. Cabrera stated the revision date of the plan the board has is 4/30/24 and inquired why the dates are different.

Mr. Madaio stated that the drawing presented will be marked as Exhibit A-1. Mr. Madaio stated he didn't know why the dates on the plan were different.

Mr. Cabrera stated other applicants come completely prepared with the right drawings and the right application. At this moment, he didn't see a complete set and doesn't know what else might have changed.

Board member Bergman agreed with Chairman Cabrera that what was received from the board clerk was different from the plan being presented. There isn't completeness at what they are looking at currently. Things have changed and there was confusion from last time.

Mr. Cabrera stated the board needs a complete set, one separate architectural plan and one engineer's plan that matches with all the appropriate information in the next couple of weeks in order to review the application at the July meeting.

Mr. Madaio stated Mr. Solomon will deliver 20 of his plans and Mr. McClellan will deliver 20 of his plans directly to Hilda, before the end of this week with the right dates. Mr. McClellan will contact Mr. Kong to discuss the calculations. If Mr. Madaio can't make the meeting, someone else will on his behalf, and there will be two perfect plans.

NEW BUSINESS

None.

MOTION TO ADJOURN MEETING


Motion By: Mr. Smith

Second By: Mr. Novak

All ayes. None opposed.

Meeting was adjourned at 8:34 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk

Zoning Board of Adjustment