

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING MINUTES
January 6, 2025**

Mr. Ben Cabrera called the Reorganization 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 himself/herself from participating in any discussion on this matter.

PLEDGE OF ALLEGIANCE

Led by Board member Smith.

OATH OF OFFICE TO APPOINTED MEMBERS

Richard Morf
Amnon Wenger

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

ROLL CALL

Present: John Smith, Amnon Wenger, Jose Morel, Jason Bergman, Ben Cabrera, Yitz Novak, and Richard Morf

Also Present: Gloria Oh, Zoning Board Attorney, Antonios Panagopoulos, Zoning Board Engineer, Councilman Thomas Lodato, Council Liaison, and Hilda Tavitian, Zoning Board Clerk

Absent: Oriole Familia

Nomination of Chairman:

Ben Cabrera

Motion By: Bord member Smith

Second By: Board member Bergman

All present, voting in favor. None opposed.

Nomination of Vice-Chairman:

Amnon Wenger

Motion By: Chairman Cabrera

Second By: Board member Bergman

All present, voting in favor. None opposed.

Nomination of Secretary:

Jason Bergman

Motion by: Board member Wenger

Second by: Chairman Cabrera

All present, voting in favor. None opposed.

Nomination of Board Attorney:

Gloria Oh

Motion by: Chairman Cabrera

Second by: Board member Bergman

All present, voting in favor. None Opposed.

Nomination of Board Engineer:

T&M Associates

Motion by: Chairman Cabrera

Second by: Board member Bergman

All present, voting in favor. None opposed.

Nomination of Board Clerk:

Hilda Tavitian

Motion by: Board member Smith

Second by: Board member Morel

All present, voting in favor. None opposed.

Accept By-Laws:

Motion By: Board member Bergman

Second By: Board member Wenger

All present, voting in favor. None opposed.

Amend Meeting Date Monday, July 7, 2025 to Monday, July 14, 2025

Motion By: Board member Bergman

Second By: Board member Smith

All present, voting in favor. None opposed.

Accept 2025 Calendar Meeting Dates

Motion By: Board member Bergman

Second By: Board member Smith

All present, voting in favor. None opposed.

APPROVE MINUTES OF PREVIOUS MEETING – December 2, 2024

Motion By: Board member Smith

Second By: Chairman Cabrera

All present, voting in favor. None opposed.

CORRESPONDENCE

None.

PUBLIC COMMENT

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

Mary Sullivan, resident, suggested the Board should tell an applicant there's a procedure to follow and an additional escrow fee for pervious pavers before they agree to it.

OLD BUSINESS

Resolutions: Gabriel Stone, 12 Chovet Terrace, Proposed 2-Story Addition

Motion By: Board member Smith

Second By: Board member Wenger
All ayes. None opposed.

Ariel Forman and Elisheva Pfeiffer, 117 Greenbriar Street, Proposed 1-Story & 2-Story Addition

Motion By: Board member Novak
Second By: Board member Wenger
All ayes. None opposed.

11 John Place, LLC, 11 John Place, Proposed 2nd Story Addition

Motion By: Board member Smith
Second By: Board member Wenger
All ayes. None opposed.

NEW BUSINESS

Application: Ezra Mishkoff
10 Sylvamdur Avenue
Proposed Addition

Ezra Mishkoff, applicant/owner, stated he is proposing to remove the existing detached one-car garage to make space for the expansion of the back of the house and to reduce coverage to be compliant. He will also extent the front door to allow adequate space for stairway. They will remove the kitchen in the rear of house and move the house back into backyard. Currently, the garage is semi-tucked behind the house and is 3 ft. from side yard setback. They would need to move the garage in order to move the house hack.

Albert Zaccone, licensed architect, 6 Casson Lane, North Haledon, NJ, stated they are proposing a 2-story addition, squaring off the back of the house. He stated part of that is going to require the removal of an odd addition that had been put in the past that has partially a kitchen and a pantry area. They will be removing the garage and move all the parking up toward the street line, providing three parking spaces. Mr. Zaccone stated there is a side entrance to access the back of the house for additional storage. The shed will be relocated to a better position on the property. A lot of people have garages, but don't necessarily use it. They don't feel the existing garage is in the right spot, is in disrepair, and so far back on the property for it to be useful by owner. The addition includes a front porch that will be built out to front vestibule area with a landing space and covered side porch. It will be in character with other buildings in the neighborhood.

Board member Smith stated they are going to need an additional parking spot based on what is proposed.

Board engineer Panagopoulos inquired if Mr. Zaccone saw his letter dated 12/19/24. He did not receive the client's engineer's comments. He requested Mr. Zaccone discuss the variances required. Pervious pavers credit isn't always 50%. He inquired what kind of pavers will be used. They need to look for pavers that will provide 50%. As part of the paver permit process, an escrow of \$1,500 needs to be provided that will be used towards the inspection for proper installation.

Mr. Zaccone stated he saw it. The client's engineer had addressed it. The front yard setback required is 25 ft. and currently is 25.1 ft. and 23.4 ft. is proposed. The maximum improved lot coverage is 40% allowed, existing is 53.5%, and with the use of pervious pavers, 39.5% is being proposed. The selection of the paver hasn't been made yet. When selected, it will be submitted to the board engineer for review.

Chairman Cabrera stated in the board engineer's letter, the proposed front yard setback is 23.4 ft. from the property line, but it states 19.4 ft. proposed in the denial letter from the building department.

Mr. Panagopoulos stated it's 19.5 ft. setback. It's up to the Board to discuss.

Board member Morel requested clarification as to where the side yards are optimally measured from. There is information regarding the side porch that is not accurate based on the R-5 designation.

Mr. Panagopoulos stated he doesn't know the measurement in Bergenfield and stated it's something the zoning officer probably looked at and takes it by definition. The minimum side yard setback for this zone is 5 ft. on each side.

Board member Bergman stated the side yard setback in the corner is 7 ft. at the top of the stairs and would be less than 19.5 ft. He stated both the front yard and side yard are measured inaccurately if it's measured from the start of the stairs. If it's measured from the ending of the stairs, then it's correct.

Mr. Zacone stated the front porch wasn't picked up by the zoning officer for needing a variance. There are two steps up to a platform, and then there's a step into the house. The applicant is proposing the removal of an existing detached garage and not replacing it.

Board engineer Panagopoulos stated he would make the 17.6 ft. dimension shown as the front yard setback to the steps. There is a parking problem in town. Three parking spaces in the driveway is a fair number. They are required to have a garage.

Board member Bergman inquired if the shed will be expanded and how big is it.

Mr. Zacone stated the shed, 8x10, will remain the same size.

Board member Smith inquired why the garage can't be moved back.

Mr. Zacone stated the garage is all masonry and they are trying to reduce the coverage.

Chairman Cabrera stated there is a full bathroom with a workout/family room in the basement. They are proposing to increase the three bedrooms to five bedrooms. The full bathroom in the basement will potentially make it possible for a sixth bedroom. The Board is trying to manage the growth in town.

Mr. Mishkoff stated there is a full bathroom currently existing in the basement that will be kept there. There are three bedrooms upstairs.

Board member Bergman suggested the proposed covered porch on the side of the house probably does not need to exist in the way it does. If it is removed and the driveway is extended, it would allow space for four cars. They would earn a few feet by moving the porch out of the way.

Mr. Zacone stated that is feasible, but they have to be careful with permeable pavers and how much more increase in coverage it would be. A platform and step would be required to get into the side entrance.

Board member Novak suggested switching where the window is with the steps in the mud room. The patio steps would be closer to the back.

Chairman Cabrera stated the town sets ordinances to manage the growth and power the layout of the town. The town ordinance requires there be a garage. He is concerned about the offset and the elimination of the garage.

Board member Wenger stated no one keeps a garage these days for the purposes of a garage. He recommended the liaison to the site plan committee recommend to the committee the elimination of this requirement as it's an outdated, obsolete concept.

Board member Smith stated when he was the liaison, he had brought it to the Planning Board and Site Plan Committee. They had said the governing body needs to change the ordinance. He inquired if there is any way they can move the garage or something else. The parking is getting out of hand.

Board member Bergman stated the ordinance calls for all new one family dwellings to provide a minimum of a one-car garage. It doesn't list renovations.

Board member Wenger stated they are complying with the parking. If they remove the porch, there will be room.

Chairman Cabrera stated their concern is about tomorrow and what will happen if the house is sold.

Board engineer Panagopoulos inquired if the steps can be flipped.

Mr. Zacone stated he will redesign it to get a fourth car in the driveway. Mr. Zacone requested clarification for the space required, 19 ft. or 20 ft. in depth.

Board member Wenger stated they satisfy the parking requirement. They are adding impervious structure for just the sake of saying they have the impervious structure. It would alleviate the Board's concerns if they agree to redesign to be able to fit four cars in the driveway.

Mr. Panagopoulos stated it would be 18 ft. from the last spot. They need to provide cut sheets, permeability test, details for drainage system. If the curb or sidewalk breaks or is damaged during construction, they need to replace it. The excavated soil needs to be removed from the site.

Questions and Comments from Residents:

No one came forward.

Motion to Approve Application with Conditions in Engineer's Letter, Pavers Must be 50%, Move Porch on South Side (54 ft. Setback from Property Line) to Fit a 4th Parking Space

Motion By: Board member Bergman

Second By: Board member Wenger

6 ayes, 1 nay.

Board engineer Panagopoulos stated parking and coverage are the two big issues discussed every month. There needs to be more clarity regarding parking, garage usage, and pavers.

Board member Smith asked Mr. Panagopoulos if he could provide some information about the different kinds of pavers.

Mr. Panagopoulos stated if they search Nicolock, they have pavers that give 20% pervious coverage. They have others that allow grass between them that cars can park on. He can show some samples.

Board member Morel stated the Board is in no position to provide the sole source of the company, type of pavers, and design.

Chairman Cabrera stated he will draft a letter requesting clarification on pavers and garages. He will pass along to the Board members for their input. Mr. Cabrera stated he had spoken briefly to the borough administrator about a Board Planner. He had a medical absence, but is now in the office. Mr. Cabrera will follow up with him for next month's meeting.

Board member Smith stated they previously wanted their own planner and the applicant had to pay for it. The planner from T&M Associates was excellent. She knows the Fair Share Housing rules. He has issues with the borough planner.

MOTION TO ADJOURN MEETING

Motion By: Board member Smith

Second By: Board member Bergman

All ayes. None opposed.

Meeting was adjourned at 9:05 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk
Zoning Board of Adjustment