

**BERGENFIELD ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
September 12, 2022**

Vice Chairman Amnon Wenger called the meeting to order at 8:00 P.M.

**OPEN PUBLIC MEETING STATEMENT**

In compliances 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 Mr. Smith.

**ROLL CALL**

**Present:** Richard Morf, Sara Berger, John Smith, Amnon Wenger, Jose Morel, Jason Bergman, and Marc Friedman

**Absent:** Shimmy Stein

**Also Present:** Gloria Oh, Zoning Board Attorney, Joe Kong, Zoning Board Engineer, and Hilda Tavitian, Zoning Board Clerk

**INTRODUCTORY STATEMENT**

Read by Board member Friedman.

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 code requirements 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** – August 1, 2022 Regular Meeting & August 29, 2022 Special Meeting

**Motion By:** Mr. Smith

**Second By:** Mr. Bergman

**All ayes. None opposed.**

**CORRESPONDENCE**

Vice Chairman Wenger stated the next special meeting for Dunkin Donuts will be in-person on Thursday, September 29<sup>th</sup>, 2022 at 7:30pm. There will be no further notice. The attorney for 20 Terhune Street requested an adjournment until the October 3<sup>rd</sup>, 2022 meeting. There will be no further notice for this application.

**PUBLIC COMMENT**

**Comments by members of audience on matters no on evening's agenda**

No one came forward.

**OLD BUSINESS**

**1. Resolution:**

Scott Cowan, 84 N. Washington Avenue, Change of use from mixed use to residential

**Motion By:** Mr. Bergman

**Second By:** Mrs. Berger

**All ayes. None opposed.**

**NEW BUSINESS**

1. Steven Bachrach  
23 Glenwood Drive East  
Construction of Deck

Steven Bachrach, applicant, stated he would like to build a deck in the backyard. He is seeking a variance for impervious coverage. The house was built with a lot of pavers. Mr. Bachrach stated the kitchen is elevated off the ground, making it difficult to host, grill, move in and out, in the backyard. They would like to build a deck that is in line with the level of the kitchen.

Board member Smith asked Mr. Bachrach if he stated that the pavers are hurting the impervious coverage. He inquired if there also is concrete in the backyard. He inquired what the size of the concrete is.

Mr. Bachrach's response was yes. There's one small 3x3 square of concrete by the landing.

Board member Morel stated the concrete steps are being replaced by the deck.

**Questions from residents with 200' and beyond:**

No one came forward.

**Motion to Approve Application**

**Motion By:** Mr. Smith

**Second By:** Mr. Bergman

**All ayes. None opposed.**

2. Marvin & Edith Howell  
143 Melrose Avenue  
An addition

David Russo, attorney for applicant, stated the applicant is going to square off their 2 family, split level home. They are not changing the footprint and will expand over the garage. It is an expansion of use and is non-conforming. The size of the house will not be changing.

Matthew Evans, architect, stated the existing height is 30 feet, 2 stories and the proposed addition is 26.4 feet to the ridge. It's going to be a little lower than the existing ridge. It gives more of an aesthetic appeal.

Board member Smith stated non-conforming is not supposed to increase or decrease. He inquired what the new addition will be used for.

Marvin Howell, applicant, stated they are going to live there. They are currently living downstairs and will move upstairs when the second floor is finished.

Board member Morel inquired about the driveway.

Mr. Evans stated the existing driveway will be replaced with permeable, concrete pavers. This is shown on sheet A1. It will be better for stormwater runoff so there isn't sheeting in the driveway. The addition will be over the existing footprint and would not negatively impact the stormwater runoff of the existing condition. The existing leaders run to an existing system. The new leaders would extend from those and tie into the system. The materials of the siding will be cedar shakes design, either high quality vinyl or cement board type. The siding of the whole house will be done over.

Board member Morf asked if a deck is going to be built in the back and if it is concrete now.

Mr. Evans stated there is a proposed deck above the existing concrete.

**Questions from residents with 200' and beyond:**

No one came forward.

**Motion to Approve Application**

**Motion By:** Mr. Bergman

**Second By:** Mr. Morel

**All ayes. None opposed.**

**MOTION TO ADJOURN MEETING**

**Motion By:** Mr. Smith

**Second By:** Mr. Bergman

**All ayes. None opposed.**

Meeting was adjourned at 8:25 p.m.

Respectfully Submitted,



Hilda Tavitian, Clerk

Zoning Board of Adjustment