

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 13, 2023**

Chairman Stein called the meeting to order at 8:03 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 Chairman Stein.

ROLL CALL

Present: Shimmy Stein, Richard Morf, John Smith, Jose Morel, Jason Bergman, Marc Friedman, and Nishant Desai

Absent: Sara Berger (Excused) and Amnon Wenger

Also Present: Gloria Oh, Zoning Board Attorney 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 – February 6, 2023

Motion By: Mr. Bergman

Second By: Mr. Smith

All ayes. None opposed.

CORRESPONDENCE

None.

OLD BUSINESS

1. Resolutions

Ronald Hermann, 1 Norfolk Street, Proposed Cabana, Deck, and In-ground Pool

Motion to Approve Resolution

Motion By: Mr. Bergman

Second By: Mr. Smith

All ayes. None opposed.

F & D Washington Avenue Associates, LLC, 20 Terhune Street, Proposed Multi-Family Residential Building

Motion to Approve Resolution

Motion By: Mr. Bergman

Second By: Chairman Stein

Four ayes. Two nays.

NEW BUSINESS

Application:

- 1. Joseph & Agnes Quimson
77 Sussex Road
Garage Conversion to Living Space

Thomas Mesuk, licensed architect, stated there currently is a two-car garage and there is enough space outside for two additional cars. The applicant would like to increase the living space by redoing the kitchen on the ground floor and open up the front. There’s a smaller kitchen upstairs. Mr. Mesuk stated this is the only house on the block that has a two-car garage.

Chairman Stein inquired how many people live in the house and how many cars they own. He inquired where they are going to park the fourth car without a garage and there being no parking on the street.

Agnes Quimson, applicant, 77 Sussex Rd, stated 4 people live in the house and there are 4 cars. She stated they can park the cars in the driveway.

Mr. Mesuk stated according to RSIS, they would need 2.5 parking spaces which is what they have.

Board member Smith inquired what the length of the driveway is. Mr. Smith stated when he measured, one of the cars would be blocking the sidewalk by 2 ft.

Chairman Stein suggested if they take off 3 ft. from the living space, they don’t block the driveway. They would be able to use the garage for one vehicle and park the other three in the driveway.

Mr. Mesuk stated he doesn’t have the actual measurement for the length of the driveway. Mr. Mesuk stated they are going by RSIS of providing 2.5 parking spaces.

Chairman Stein stated if they grant the variance, they would have to comply with all town ordinances. He stated if they come in 2 ft., it won’ be flush.

Board member Friedman wanted to make sure the applicant understood that if the variance was granted, they wouldn't be able to park by the sidewalk.

Board member Morel inquired if they currently park their cars inside their garage. He inquired if they find parking at the sidewalk. Mr. Morel stated there is no information how the space upstairs is going to be changed and there would be two kitchens.

Mrs. Quimson stated no, they only park their cars in the driveway. She states sometimes, when the cars are not properly parked in the driveway.

Chairman Stein stated it will be in the resolution that the one kitchen needs to be removed.

Mr. Mesuk stated they are willing to move back as necessary.

Chairman Stein stated they would have to move in on the right side to be able to park two cars tandem and the kitchen upstairs must be removed.

Questions from Residents within 200' and Beyond:

No one came forward.

Motion to Approve Application Subject to the Two Conditions

Motion By: Mr. Smith

Second By: Mr. Bergman

All ayes. None opposed.

2. Bergen Regency LLC
51-59 Bedford Avenue
Request Extension of Approval

Board member Friedman recused himself.

Douglas Bern, Bern Root LLC, attorney for applicant stated this is a request for an extension of approval the board granted in December 2021. The board had granted approval for seven units, one handicapped unit, and was subject to the borough's affordable housing requirement. The contractor was told in early January 2023 that the approval was expiring. Mr. Bern stated it's less than a 30-day gap, given the borough's strict duration of a one-year variance.

Chairman Stein stated there was a for sale sign put on the site shortly after the resolution was granted. He inquired why the applicant waited until January to request an extension.

Mr. Bern stated the applicant is intent on pulling the permits. There are construction drawings and it is a ready to go project. Mr. Bern stated he can't speak about the finances. They are here for an extension and if granted, it will be built. It's a community benefit and will serve a housing need.

Board member Smith stated in the request for an extension, there is an additional time barrier. Mr. Smith read a portion of the request letter into the record. He inquired why there was a delay. He inquired why the applicant didn't put a shovel in the ground when the application was approved and had a year to get permits. Mr. Smith inquired how much more time is it going to take to get the permits.

Mr. Bern stated the applicant did the construction drawings which took a lot of time and money.

Chairman Stein suggested instead of granting extension for another year, to grant for 60 or 90 days.

Mr. Bern stated 6 months would be plenty of time. Mr. Bern stated he represents 10 different boards in Bergen County and this is a very harsh ordinance. He stated one year is very severe. Site plan approval is two years.

Chairman Stein stated he has been on the board for 20 years and has seen a lot of people with bigger projects have knocked it off in one year.

Board member Morf stated they should grant a 6 month extension.

Board member Bergman stated he doesn't understand what the original hold up was, but he doesn't foresee any issues.

Board member Morel stated just because there are construction drawings, it doesn't mean it can be built tomorrow. There are a lot of elements involved, including the awarding of contractors, getting the right people, and the foundation. Mr. Morel stated granting an extension for 6 months is reasonable.

Chairman Stein stated he is in agreement. As long as they put a hole in the ground and a fence around it, they can go for 10 years.

Mr. Smith inquired how long it is going to take to get rid of the equipment.

Questions from Residents within 200' and Beyond:

No one came forward.

Motion to Grant Extension for Six Months Beginning Tonight. The Property Must be Cleared and Show Signs of Construction

Motion By: Chairman Stein

Second By: Mr. Smith

All ayes. None opposed.

MOTION TO ADJOURN MEETING


Motion By: Mr. Bergman

Second By: Mr. Morel

All ayes. None opposed.

Meeting was adjourned at 8:52 p.m.

Respectfully Submitted,


Hilda Tavitian, Clerk
Zoning Board of Adjustment