

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
August 5, 2024**

Chairman Ben Cabrera called the meeting to order at 8:05 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, Amnon Wenger, Jose Morel, Ben Cabrera, Yitz Novak, 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: Jason Bergman (excused) and Nishant Desai (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 – June 3, 2024

Motion By: Mr. Smith

Second By: Mr. Morel

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 from June 3, 2024 Meeting

Mr. Mark Madaio, 29 Legion Drive, Bergenfield, NJ, attorney for applicant, stated there have been plan revisions. They submitted, on June 11th, 2024, revised engineering drawings dated 6/7/24 Exhibit A-1 and revised architectural documents dated 6/7/24, Exhibit A-2. One of the primary goals was to have a gazebo at the turning point of the porch. Mr. Madaio explained one of the concerns of the board members with this feature was it might intrude with the sight triangle. They removed the gazebo feature at the corner and chamfered the corner of the porch to be a 45 degree angle shown on the engineering plan. They combined the front walk with the parking area, moving the parking area to make it 2 ft. from the adjoining property on Rector Ct. Mr. Madaio stated the driveway will be 24 ft. wide to get more vehicles in the driveway.

Sean McClellan, licensed engineer, McClellan Engineering, 84 Gettysburg Way, Lincoln Park, NJ, stated by removing the gazebo feature, the front yard setbacks on Lee Place and Rector Court were lessened. It eliminates any issues with being in the sight triangle. The new proposed driveway is wide enough for three cars. The front yard setback is supposed to be 25 ft., existing is 24.6 ft., and the proposed is 23.9 ft. as a result of the covered porch and 1 ft. short of the required 25 ft. front yard setback. The required setback on Lee Place is 15 ft. and they are seeking 9.9 ft., existing house is 14.9 ft. It is just the porch portion that will be 9.9 ft. McClellan stated it is about 12 ft. from the corner of the house to where the porch extends. A variance is not required for impervious and building coverage. Variances are required for the two front yard setbacks and for the 24 ft. wide driveway. Drainage will be provided for entire dwelling. Onsite percolation testing will be done upon approval of application.

Questions from Residents within 200' and Beyond:

No one came forward.

Board engineer Kong stated he is in agreement when soil testing is done, the results be submitted to him as part of the process.

Mr. Madaio stated they will comply with any requirements.

Board member Smith inquired if the apple trees in the front will be touched.

Mr. McClellan stated the trees are going to remain.

Jacob Solomon, licensed architect, Jacob Solomon Architect LLC, 14-25 Fairlawn Ave, Fairlawn, NJ, stated the first floor plan shows the porch added to the right corner of the dining room. It wraps around from the front door on Lee Place and proceeds 12 ft. up on Lee Place and with 5 ft. depth. Mr. Solomon explained there originally was a rounded gazebo at the corner, but was removed and replaced it with a 45 degree angle chamfered edge porch. The width of the porch gets smaller as it gets around the corner, from 5 ft. wide to 4 ft. wide. The porch is mostly for someone to walk from the front to the side and is mostly for aesthetics. A minimum of 5 ft. depth is needed to put a chair on the porch.

Questions from Residents within 200' and Beyond:

No one came forward.

Chairman Cabrera stated the number of changes made have addressed his concerns and appreciates the effort put forth.

Motion to Approve Application

Motion By: Board member Smith

Second By: Board member Wenger

All ayes. None opposed.

NEW BUSINESS

None.

MOTION TO ADJOURN MEETING

Motion By: Mr. Novak

Second By: Mr. Wenger

All ayes. None opposed.

Meeting was adjourned at 8:50 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk

Zoning Board of Adjustment