

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
December 4, 2023
8:00 p.m.**

Chairman Shimmy 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 that matter.

PLEDGE OF ALLEGIANCE

Led by Chairman Stein.

There was a moment of silence for the hostages in the middle east and the suffering children of the war.

ROLL CALL

Present: Shimmy Stein, Richard Morf, Sara Berger, John Smith, Amnon Wenger, Jason Bergman, Jose Morel and Nishant Desai

Absent: Marc Friedman (excused)

Also Present: Gloria Oh, Zoning Board Attorney, Jacqueline Dirmann, Zoning Board Engineer, and Hilda Tavitian, Zoning Board Clerk

INTRODUCTORY STATEMENT

Read by Board member Wenger. 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

Motion from board members to approve minutes – November 13, 2023

Motion By: Mr. Smith

Second By: Mr. Bergman

All ayes. None opposed.

CORRESPONDENCE

Board attorney Oh stated the attorney for the 21 W. Church Street variance application requested the hearing be carried to next month's meeting with no further notice necessary.

OLD BUSINESS

1. Resolutions:

Aaron & Tamar Joseph, 75 Lee Place, Pool, An addition

Motion By: Mr. Smith

Second By: Mr. Bergman

All ayes. None opposed.

Michael Yunger & Elana Katz, 72 Norfolk Street, Inground Pool

Motion By: Mr. Bergman

Second By: Mr. Smith

All ayes. None opposed.

Valentina DiLoreto & Johan Esteban, 193 Hickory Avenue, An addition

Motion By: Mr. Bergman

Second By: Mr. Smith

All ayes. None opposed.

- 2. Application:** DP Bergenfield, LLC
21 West Church Street
1 Story Residential Building
Carried to January 8th, 2024 Meeting. No Further Notice Necessary.

NEW BUSINESS

1. Application: Prospect Fire Company No. 1
238 W. Clinton Avenue
Proposed 1-Story Addition

Chairman Stein, on behalf of everyone present, thanked the volunteer fire department for their service to the town.

Mark Madaio, attorney for applicant, stated they are seeking the expansion of the fire house. In 2015, the fire house was able to acquire the 25 ft. lot next door. The lot was an isolated, undersized lot that someone could build a house on. Mr. Madaio stated their purpose is to consolidate the isolated lot with the existing firehouse property. It will make the firehouse larger and give the department the opportunity to place a structure on the property, making it suitable for vehicle parking. The firehouse has been in that configuration since 1950. The intent is to create an additional truck bay. The equipment and needs for the garage has changed over the last 75 years making the current structure inadequate. The bulk variances required include: the site plan, amended subdivision, front yard setback, rear yard setback, side yard setback, lot coverage, and improved lot coverage. The use is inherently beneficial.

Board attorney Oh stated the affidavit of ownership is signed by the Deputy Fire Chief.

Mr. Madaio stated the Deputy Chief signed it as a representative of the department. Mr. Madaio corrected the affidavit of ownership and wrote Chris Naylis, Deputy Fire Chief, head chief to Bergenfield Fire Department, not the owner, but the authorized representative of Prospect Fire Company No. 1.

Board member Smith stated question #11 on the application asks if there were any previous appeals and it was checked off no.

Mr. Madaio stated there was on the existing building an application by Verizon, resulting in the antenna in front of the structure. Mr. Madaio amended the application, but didn't have the date. He will get the Verizon resolution for the board through an OPRA request.

Christopher Naylis, Deputy Fire Chief at Prospect Fire Company No. 1, stated he does not own the property. He's the Deputy Fire Chief and serves as trustee. He stated their intent is to build a structure to store their fire vehicles that is connected to the existing structure. The sole purpose of the structure (pole barn) is for the storage of fire equipment. Deputy Chief Naylis stated fire equipment today is a lot bigger today than it was in 1950. The firehouse is not wide enough to fit the fire apparatus. Their missions are not just putting out fires anymore. The firefighters have an increased number of equipment they need to carry, but have the same facility. Deputy Fire Chief Naylis stated they need to condense apparatus to be able to fit in the firehouse building which creates an issue. They have to cut down the size and can't carry the things they need to carry. The bigger building will allow them to have better apparatus and store them the way they are supposed to be. The purpose of the proposal is to better serve the residents.

Board member Smith inquired if this is going to cost the taxpayers. He inquired if they are using any grant money.

Fire Chief Naylis stated it isn't going to cost the taxpayers anything. They will not use grant money for the expansion.

Board member Berger inquired how many vehicles do they currently house and how many more will they be able to.

Deputy Fire Chief Naylis stated they currently have two. There is an old ambulance that sits outside. If they are granted approval, they will be able to store this and the ladder truck inside the building.

Board member Smith stated parking for the meetings is an issue. Mr. Smith inquired what will be upstairs.

Deputy Chief Naylis stated the police department allows them to park along the strip of the high school. There aren't going to be any rooms or a hall upstairs. It's just going to be a single pole barn.

Questions from Residents 200' and Beyond:

No one came forward.

Bob Muller, engineer from Hubschman Engineering, 263 S. Washington Avenue, Bergenfield, NJ, stated the plan was prepared by Hubschman Engineering. He stated they are asking for side yard variance, where 7.5 ft. is required, and they are proposing 5 ft., front yard variance, where 25 ft. is required, they are asking for 11 ft. to match the existing, rear yard variance, where 25 ft. is required, they are asking for 10.73 ft., required lot coverage maximum is 30% and they are asking for 47.42%, where maximum impervious coverage is 35% and they are requesting 69.76%. He explained that the lot right now is covered with gravel, which makes it impervious. There isn't going to be any more impervious than existing now. Mr. Muller stated they are asking for a drop curb for the entire frontage of the pavers and will put pavers on the three sides of the building. They will replace the old concrete and aprons in the front. They will be adding 2,500 sq. ft. to the lot. The lot coverage is going to be the same because it is already covered with gravel. The new building is only 20 ft. high since the grade of where the new

building will be is lower. The existing structure is higher. Mr. Muller stated you will only be able to see 16 ft. of the new addition. It conforms with the height ordinance.

Mr. Madaio stated the existing firehouse had some variances and deviations. The existing building is just shy of 29 ft. in height.

Mr. Muller stated they will comply with all the recommendations in the board engineer's letter and make adjustments to the plan as requested.

Board member Morel inquired what was the reason why they are going to create a 5 ft. buffer.

Deputy Chief Naylis stated it would have been an additional \$2 million, which wasn't feasible. The best solution was to have a pole barn that is more economical and feasible.

Mr. Muller stated they are not proposing a seepage pit. They are grading the property so the water goes towards the street.

Chairman Stein stated they might need a seepage pit and should speak with the board engineer.

Mr. Madaio state they will work with T&M Associates.

Jacquelin Dirmann, board engineer, suggested making the driveway 2 inches thicker.

Mr. Smith inquired if the drop curb has to be 90 ft.

Mr. Muller's response was yes.

Questions from Residents 200' and Beyond:

No one came forward.

Motion to Approve Application with Conditions of Speaking with Engineer Regarding Seepage Pit and Consider Reinforcing Driveway from 6 inches to 8 inches.

Motion By: Mr. Smith

Second By: Mr. Wenger

All ayes. None opposed.

Chairman Stein stated his term, Mr. Morf's, and Mr. Friedman's term is up this year. He stated at the January 2024 Reorganization meeting they will appoint a board engineer, board attorney, and a board planner. Everyone is encouraged to come to the Reorganization meeting on January 8, 2024. He thanked everyone for their time this year. He wished all a Happy Holiday and a Happy New Year.

MOTION TO ADJOURN MEETING

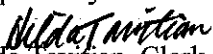
Motion By: Mr. Bergman

Second By: Chairman Stein

All ayes. None opposed.

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,


Hilda Tavitian, Clerk
Zoning Board of Adjustment