

**BOROUGH OF DEMAREST  
PLANNING BOARD**

**MINUTES**

**REGULAR MEETING**

**May 3, 2023, 7:30 PM**

The Chairperson opened the meeting at 7:30pm with the following announcement:

**Public Announcement of Meeting:** The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time, and place of this public hearing meeting in the annual schedule and notice of regular meetings of this Board. Such annual schedule and notice of regular meetings is posted at the Borough Hall, was mailed to The Newark Star-Ledger and The Record, is posted on the Borough website, and was filed with the Borough Clerk of Demarest on December 23, 2022.

**Roll Call**

Mr. Alevrontas – present  
Mayor Bernstein – present  
Ms. Brenner – absent  
Councilmember Fox – present  
Chair Hayden – present  
Vice Chair Keane - absent  
Mr. Parlamis - present

Mr. Rifkind - present  
Mayor Schooler - present  
Mr. Tabacchi - absent  
Mr. Verp – present

**Pledge of Allegiance**

**PUBLIC MEETING:**

The Chairperson thanked everyone for attending the meeting this evening. We have two sets of minutes to approve: April 11<sup>th</sup>, 2023 and August 3<sup>rd</sup>, 2022. We will also review recommended actions the Planning Board should take based on the 2022 Reexamination report.

**VOTE to Approve Minutes: April 11<sup>th</sup>, 2023.**

**Motion:** Mr. Verp

**Seconded by:** Mr. Schooler

**YES:** Alevrontas, Fox, Rifkind, Verp, Schooler, Hayden

**NO:** 0

**ABSENT:** Brenner, Keane, Tabacchi (absent this evening)

**ABSTAIN:** Parlamis (Not present at the April 11<sup>th</sup> meeting)

**The Minutes are approved**

**VOTE to Approve Minutes: August 3<sup>rd</sup>, 2022 – Hearing: Adoption of: THE 2022  
MASTERPLAN & DEVELOPMENT REGULATIONS RE-EXAMINATION REPORT TO  
THE BOROUGH OF DEMAREST MASTER PLAN**

**Motion:** Mr. Verp

**Seconded by:** Ms. Fox

**YES:** Alevrontas, Fox, Rifkind, Verp, Schooler, Hayden

**NO:** 0

**ABSENT:** Brenner, Keane, Tabacchi (absent this evening)

**ABSTAIN:** Parlamis, Bernstein (Not present at the August 3<sup>rd</sup>, 2022 Hearing)

**The Minutes are approved**

**New Business:**

**Demarest Middle School Addition:** Documents pertaining to the Demarest Middle School addition, and the questions and answers for the school’s engineer, were distributed to the Board Members for their records.

**Old Business:**

**Recommendations for the Planning Board based on the “2022 Masterplan & Development Regulations Re-examination Report to the Borough of Demarest Master Plan”**

One of the main purposes of a Reexamination Report is to determine what the Planning Board should be concerned with over the course of the next ten years prior to the next Reexamination Report.

A detailed discussion ensued regarding recommended actions for the Planning Board to take over the course of that time frame based on the “2022 Masterplan & Development Regulations Re-examination Report to the Borough of Demarest Master Plan”:

The recommendations and their current status are reviewed below as discussed at the May 3<sup>rd</sup>, 2023 Planning Board meeting.

- **Amendment to the Master Plan: Current Status: In Progress. Adoption of Amendment to the Master Plan is scheduled for the September 6<sup>th</sup> 2023 Planning Board meeting.**

At the conclusion of the August 2022 Hearing, the first recommendation made by the Board Planner, Darlene Green, was a one-page amendment to the Master Plan, to be prepared by the Board Attorney. The amendment should simply state the goals listed in the 2022 Reexamination Report. The purpose is to avoid potential challenges as to the validity of those goals because re-examination reports contain recommendations, whereas the Master Plan states the official goals of municipality.

Also noted regarding this amendment is the required special notification process, a Hearing, and a vote to approve the amendment by Resolution.

- **General Updates:** It was noted that many of the changes are minor or “cosmetic”: clarifying definitions, adding definitions, moving one part of the Zoning Ordinance (Chapter 175 entitled “Zoning”) to another section of the Zoning Ordinance, in a few cases renumbering the Ordinances. Other recommendations will be longer term goals and will cost money and be time consuming.
- **Digital Applications:** Chapter 153 “Subdivision & Site Plan Review”, should be updated to require all applicants to submit a digital copy of the entire application in addition to the physical copies. This will enable contactless submissions and more efficient long-term storage.
  1. It was suggested, to the extent possible all exhibits also be submitted in digital form.
- **Site Plan & Subdivision Applications:** Discussed but not part of the Reexamination recommendations:
  1. The Site Plan and Subdivision applications should be updated in a fillable PDF format to enable downloading the application, filling out the application and uploading the completed application for submission to the Board Secretary.
  2. Chapter 153 does not specify how current the survey must be; there should be a requirement that the survey reflect current conditions of the property. Six months was suggested for the time frame. Due to the expense of a survey, a longer time frame may be acceptable if the applicant can provide an affidavit stating the conditions on the property have not changed.
- **Solar Energy:** Chapter 175 is silent on solar energy facilities; therefore, it is unclear if they are permitted or prohibited. It is recommended that solar panels on roofs be permitted in all Districts as of right.

("Use by Right" is a use permitted in a zoning district when it complies with the standards and requirements set forth in the zoning ordinance, the approval of which does not require a public hearing.)

- **Definitions:** Zoning Chapter 175-27. Updating and checking for outdated terms and consistencies, missing definitions.
- **Off Street Parking:** Discussed at a Mayor & Town Council meeting: parking is permitted immediately adjacent to/in front of vehicle's owners' property; parking on a street other than your own is not permitted. Ordinance may have recently been passed regarding this topic.
- In Progress or Completed**
- **Tree Ordinance:** Not specifically reference in the Reexamination report but there was quite a bit of discussion about this Ordinance at the August 2022 hearing. The Tree Ordinance has been updated as of June 2023. **Completed**
- **Zoning Map:** Zoning map needs to be added to the webpage: **Completed**  
Zoning map (Zoning Chapter 175-2 Districts enumerated) needs to be updated by adding the Affordable Housing Zone and the Downtown Redevelopment Plan area. Colliers should be able to do this.
- **Golf Course District** needs clarification on a few points. See page 28 & 30 of Reexamination Report and the two different sections on the Gold Course District need to be merged.
- **Transition Area Screening:** The Borough should decide whether to require a six-foot-tall fence or evergreen screening. The Board preferred the evergreen screening. **Note:** This was discussed in more detail at the July 18<sup>th</sup> Ordinance meeting.
- **Sign Ordinance:** Should be ready for review at the September 6<sup>th</sup> Planning Board meeting. **In Progress.**
- **Digital Signs:** The Board was in favor of allowing digital signs but with conditions relating to size, and location among other factors.
- **Trash Enclosures:** The Environmental Commission should be consulted on this matter. FYI: They have purchased Big Belly solar powered trash receptacles. For future developments the Borough may consider similar solutions used at 95 County Road (trash stored in garages) or 127 Hardenburgh (trash kept out of site in the parking garage)
- **Lighting Ordinance:** Current ordinance needs updating and expanding. It was determined that this is a very technical topic and the Planning Board subcommittee that will deal with this will require technical assistant from the Borough engineers. **Current Status:** This will be addressed after the Sign Ordinance is completed.
- **Permitted Uses:**
  1. Chapter 175-9 is for permitted uses. 175-9B (1-6) reads as a conditional use and should be moved to 175-10 which lists conditional uses.
  2. 'Family Day Care', under MLUL (registered family day care) is permitted in all residential zones, this should be added as a permitted use in the Single-Family Residence A through D Districts.
  3. Community residences for persons with developmental disabilities is a permitted use in all resident districts. This section should be amended to permit community residences for persons with developmental disabilities as a principal use.
  4. Provide a list of permitted accessory uses in Single-Family Residence A-D Districts
- **Conditional Uses in Residence District Chapter 175-10 (Page 27 Reexamination Report)**
  1. There is duplication; one or two lines should be removed, the numbering is incorrect
  2. Subsections (b) through (d) need to be moved to the proper use section.
  3. Subsection B: Parks, playgrounds, and open space: are currently permitted as conditional uses. The Planning Board recommended these be permitted uses. This

needs to be updated and moved. (To 175-9)

4. Subsection D: The reference to the Community Business I District should be eliminated from this section (Article IV 175-10) and the conditional use requirements should be moved under Article V.

➤ **Permitted Uses in the Community Business District I Chapter 175-14: Article V  
Community Business District I (Page 28 Reexamination Report)**

1. Restaurants, delis, and other food establishments should be added to this section.
2. Child care centers are permitted under MLUL; this should be added to permitted uses in the Community Business District I
3. The Borough should consider adding the following: exercise and other types of instructional uses; certain accessory uses such as signage, parking, fences, walls, and outdoor dining.
4. Gas stations: if the Planning Board wishes to prohibit gas stations this should be clearly stated and added to this section.

➤ **Longer-term goals**

Master Plan Elements recommended to be drafted and adopted over the next 10 years: Open Space & Recreation Plan Element & a Circulation Plan Element.

**Conclusion:**

On July 18<sup>th</sup> the Town Council Ordinance Committee members, along with the Borough Attorney, the Borough and Planning Board Planner, and the Chair of the Planning Board and the Chair of the Zoning Board of Adjustment met to review all the of recommendations made in the “2022 Masterplan & Development Regulations Re-examination Report to the Borough of Demarest Master Plan”.

The next step is for the Ordinance Committee to present the recommended changes and updates to the Mayor & Town Council for consideration and introduction. Municipal Land Use Law requires that, following introduction, the ordinance amendments be submitted to the Planning Board for formal review and comment. The statute sets the review/comment period for the Planning Board at 35 days (this timeframe may be extended by the Mayor & Town Council). At the end of the review period, there will be a public hearing on the amendments and a vote by the Mayor & Town Council on adoption. The amendments will be effective upon publication of notice of the adoption.

**Other Business**

Mr. Verp informed the Board that after 30 years as a resident of Demarest he is moving out of town and therefore must resign from the Planning Board. He thanked the members of the Planning Board for their dedication and hard work in preserving the quality, character, and charm of the community. The members in return thanked Steve for his contributions to the Planning Board, and for all the other work he has done on behalf of community of Demarest.

**Motion to Open the Meeting to the Public:**

**Motion:** Mr. Verp

**Seconded by:** Mayor Bernstein

No members of the public were in attendance.

**Motion to Close the Meeting to the Public:**

**All in favor:** Alevrontas, Rifkind, Bernstein, Hayden, Fox, Verp, Parlamis, Schooler,

**Motion to Adjourn the Meeting:**

**Motion:** Ms. Fox

**Seconded by:** Mr. Verp

**All in favor:** Alevrontas, Rifkind, Bernstein, Hayden, Fox, Verp, Parlamis, Schooler

**The Meeting adjourned at 8:28 p.m.**  
**Next meeting June 7, 2023, 7:30 p.m.**

Respectively submitted,

*Marian Hayden*

Marian Hayden  
Demarest Planning Board Chairperson