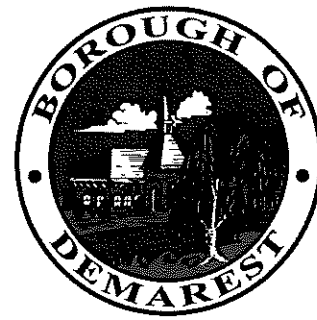


**BOROUGH OF DEMAREST**  
**JOINT PLANNING BOARD**  
**REGULAR MEETING AGENDA**  
Wednesday, April 2, 2025 @ 7:30 PM  
**118 Serpentine Road, Demarest, NJ 0762**



1. CALL TO ORDER
2. PUBLIC ANNOUNCEMENT OF MEETING

**Sunshine Law Statement:** The notice requirements of the Open Public Meetings Act of the State of New Jersey, P.L. 1975, Chapter 231, have been satisfied by the publication of the date, time and place of this annual Reorganization meeting in in the Record and Star Ledger on January 12, 2025, notice posted at Borough Hall, on the Borough website was filed in the office of the Borough Clerk.

3. FLAG SALUTE
4. SWEARING IN OF NEW MEMBERS
5. ROLL CALL

- |   |  |
|---|--|
| <input type="checkbox"/> Ted Alevrontas         | <input type="checkbox"/> Mayor Brian Bernstein |
| <input type="checkbox"/> Jodi Brenner           | <input type="checkbox"/> Kiran Chin            |
| <input type="checkbox"/> Blake Chroman          | <input type="checkbox"/> Camille DiSclafani    |
| <input type="checkbox"/> Councilwoman Daryl Fox | <input type="checkbox"/> Fatemah Mamdani       |
| <input type="checkbox"/> Mary Lynn Hamilton     |  |

**6. ELECTION OF OFFICERS:**  
**CHAIR OF THE BOARD 2025:**

Vice Chair Brenner: Are there any nominations for the chair of the board for the year of 2025?  
 \_\_\_\_\_ nominates \_\_\_\_\_, seconded by \_\_\_\_\_

Vice Chair Brenner: Are there any other nominations?  
 \_\_\_\_\_ nominates \_\_\_\_\_, seconded by \_\_\_\_\_

Vice Chair Brenner: Seeing no other nominations, may we have a roll call.

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Alevrontas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Bernstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair Brenner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Chin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Chroman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiSclafani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Fox	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**7. DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS**

- 1) Zoning Board of Adjustment Year End Report – 2024
- 2) Zoning Officer request for Interpretation
- 3) Discussion with the Attorney on procedure for the merged Board
- 4) Joint Planning Board 2025 Meeting Dates

**8. APPROVAL OF MINUTES:**

Motion to approve the minutes of the Regular Meeting; February 2, 2025

<b>BOARD MEMBER</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Alevrontas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Bernstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair Brenner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Chin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Chroman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiSclafani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Fox	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion to approve the minutes of the Special Meeting; February 25, 2025

<b>BOARD MEMBER</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Alevrontas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Bernstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair Brenner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Chin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Chroman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiSclafani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Fox	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**9. PUBLIC COMMENT PERIOD**

**10. ADJOURNMENT**

*NEXT REGULAR MEETING – WEDNESDAY, MAY 7, 2025*

Law Office of  
**Mark D. Madaio**  
29 Legion Drive  
Bergenfield, New Jersey 07621  
Phone (201) 385-3788  
Fax (201) 385-3191  
Mark.Madaio@madaiolaw.com

January 15, 2025

Hon. Brian Bernstein, and Members of the Borough Council  
The Borough of Demarest  
118 Serpentine Road  
Demarest, New Jersey 07627-2199

Re: Board of Adjustment's  
2024 Year End Report to the Governing Body

Dear Mayor Bernstein and Members of the Borough Council:

As you may be aware, pursuant to NJSA 40:55D-70.1, the Board of Adjustment ("BOA") is obligated to send a brief report to the Governing Body regarding the Applications considered during the year and if there are any recommended amendments to the Zoning Ordinance:

The board of adjustment shall, *at least once a year*, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board.<sup>1</sup>

As I have in the past, I have taken the liberty of preparing this Report in letter format. The Board vast majority of Board applications were for variances pursuant to NJSA 40:55D-70(c). There were a minimal number of variances pursuant to NJSA 40:55D-70(d) and they are also specified herein.

During 2024, the Board concluded the following 7 Applications:

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<sup>1</sup> It should be noted that there is no requirement as to the date of this report and no requirement that it be submitted "by December 31". In fact, a Report and Resolution adopted in December could not, by definition, include action taken at the December meeting. You may note, that the 2023 Report was dated January 15, 2024, discussed at the Reorganization Meeting on January 16, 2024, where the Board discussed the Report and the provided the statutorily required recommendations. Subsequent to this discussion, this office prepared the required Resolution (incorporating the Board's required recommendations) which Resolution was then adopted at the February 20, 2024, meeting. Thereafter, the Report, with the required Resolution, was distributed in accordance with the statute. This is the "format" used in all prior years and which I use at all Board's of Adjustment I represent.

Docket Number	Address	Applicant	Variance(s) Requested	Notes
23-006	Block 53; Lot 4.01 38 Sunset Road	Spencer Spielberg	<p>Originally Requested:</p> <ol style="list-style-type: none"> <li>1. Max Building Coverage</li> <li>2. Total Improved Lot Coverage</li> <li>3. Min. Side Yard to Wall.</li> </ol> <p>Revised Requests:</p> <ol style="list-style-type: none"> <li>1. Building Coverage</li> <li>2. Total Improved Lot Coverage</li> <li>3. Retaining Wall Location</li> </ol>	<p>During the course of construction, the Applicant did work that deviated from the permit obtained, and did substantial additional property improvements without obtaining necessary variances and permits. Additionally, no drainage was being provided to control the additional runoff from these unpermitted property improvements completed by the Applicant. A "Stop Work Order" was issued after the discovery of the substantial unpermitted work completed by the Applicant. During the course of the public hearing, the Applicant agreed to revise their Plans and reduce their requests. The Application was ultimately granted.</p>
23-007	Block 68; Lot 119 38 Rodney Place	Joshua Jagid	<p>Reduction of the Following Variances</p> <ol style="list-style-type: none"> <li>1. Maximum Residential and Parking Coverage.</li> <li>2. Total Improved Lot Coverage.</li> </ol>	<p>Applicant had previously obtained approval for all existing property construction by Resolution 817-21. This Prior Resolution and approval was obtained subsequent to construction of the home and all existing improvements were rendered lawful by Board action. In the 2023 Application, this</p>

				<p>Application, proposed a swimming pool, patio, grill, and pool equipment pad. Applicant also proposed removing the existing, lengthy, angled driveway providing ingress and egress from Rodney Place and replacing it with a far shorter, straight, and direct driveway providing access to Demarest Avenue. The Application was approved.</p>
24-001	Block 84.05; Lot 7 74 Pine Terrace	Chad and Rebecca Cutler	<ol style="list-style-type: none"> <li>1. Lot Area</li> <li>2. Rear Yard Width</li> </ol>	<p>Subject property is an isolated, and undersized lot. Application was for a “no variance build”. The Application was considered in light of the applicable case law on undersized lots and was granted.</p>
24-002	Block 74; Lot 8 63 Central Avenue	Austin & Doreen Siboni	<ol style="list-style-type: none"> <li>1. Side Yard Setback</li> <li>2. Total % Improved Lot Coverage</li> <li>3. Maximum % Improved Coverage</li> <li>4. Accessory Side Setback – East</li> <li>5. Accessory Side Setback-West</li> <li>6. Accessory Rear Setback</li> </ol>	<p>The Applicant – without permit or prior approval – constructed various improvements, retaining walls, and imported soil at the Property. A “Stop Work” Order was issued and the requirement for the Applicant to appear before the Board. When reviewing the Application, the Board found it difficult to establish with certainty the conditions which existed prior to the work which resulted in the issuance of the Stop Work Order. The most egregious constriction</p>

				<p>done without a Permit was the construction of approximately 135' of "Keystone" retaining wall along the length of the southern property line for the purpose of permitting the Applicant to import soil and "level" the rear yard. In addition to not obtaining a Permit, the retaining wall was not conforming as to location and height as required by Zoning Code, it was also constructed outside the boundary of the Property and onto the property of adjoining property owners. Applicant's Professionals noted the lack of language in Demarest's retaining wall definition that would allow them to achieve a 6' wall by doing small incremental step backs of complying walls. Subsequent to the Borough's issuance of a "Stop Work Order" the Applicant's contractor continued to deposit soil on the Property significantly altering the grades. This resulted in water onto the neighbor's property. Applicants' construction also resulted in litter and construction debris on adjoining properties. After significant efforts to ascertain the conditions prior to</p>
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				<p>construction – and therefore determine the quantum of the required variances – the Application was partially approved after Applicant significantly reduced the scope of property improvements and agreed to add drainage controls. The Board required the reduction and drainage to obtain the necessary Approval. The Board denied the requested variance for the Side Yard Accessory Structure (east) as the Applicant refused to move the shed to a conforming location or provide any evidence as to why he was entitled to the variance requested so that it may remain in its’ current, non-conforming location.</p>
24-003	Block 84.04; Lot 2 12 Irene Court	RRF Properties LLC	<ol style="list-style-type: none"> <li>1. Lot Area</li> <li>2. Front Yard Setback</li> </ol>	<p>Applicant sought to construct a new home. Subject property is an isolated, and undersized lot. Application was a “no variance build”. The Application was considered in light of the applicable case law on undersized lots and was granted.</p>
24-004	Block 70; Lot 81 62 Central Avenue	Raymond & Nicole Greiche	<ol style="list-style-type: none"> <li>1. Lot Area</li> <li>2. Frontage</li> <li>3. Building Coverage</li> <li>4. Max. Livable Floor Area (LFA)</li> <li>5. Improved Coverage</li> </ol>	<p>The Property is an existing, rectangular, and undersized lot containing an existing frame dwelling. The entire Application concerned the</p>

			6. Max Building and Driveway	conversion of a porch into habitable space which increased "livable area" and required a variance for Livable Floor Area (LFA) - the Borough's functional equivalent of a Floor Area Ratio (FAR). This variance required approval pursuant to NJSA 40:55D-70(d).
24-006	Block 10; Lot 648 22 Drury Lane	Carly Williams	<ol style="list-style-type: none"> <li>1. Building Coverage</li> <li>2. Max. Livable Floor Area (LFA)</li> <li>3. Improved Coverage</li> <li>4. Max Building and Driveway Coverage</li> <li>5. Front Yard Setback</li> </ol>	<p>The Property is an existing, approximately rectangular, undersized lot containing an existing one-story, frame dwelling. The Property is the "smallest lot in the Block and in the area." All witnesses testified that the Property includes pre-existing and non-conformities as to Lot Frontage, Lot Area, and Lot Width. The Applicant proposed to renovate the existing dwelling, construct a limited addition to the first floor of the existing home and add a second-floor addition over the newly configured first floor with limited "overhangs". This expansion, increased the "livable area" and required a variance for Livable Floor Area (LFA) - the Borough's functional equivalent of a Floor Area Ratio (FAR). This variance required approval</p>


				pursuant to NJSA 40:55D-70(d).
--	--	--	--	-----------------------------------

In light of the within Applications, the Board has the following comments for the Governing Body and the Planning Board:

1. The 2023 Report suggested that all new homes – prior to the issuance of a Certificate of Occupancy for the sale of the property or to “close out” construction permits – be required to submit an “as-built” survey. This will assure that the Borough has confirmation of compliance with Building Plans and have a baseline to assure that non-permitted, future alterations are readily discoverable. This suggestion remains.
2. Two of the 2024 Applications were the result of “Isolated Undersized Lots”. While many towns “grandfather” lawfully-created, isolated, undersized lots. Demarest does not. Borough Ordinance 175-18(A) provides: “Any lot existing heretofore as a legal, separate parcel and not complying with the *minimum frontage width* at the time of passage of this chapter may, notwithstanding such fact, be improved with a building, provided that the other regulations of its zone are adhered to and provided that the owner owns no other adjacent land which may be included as part of the lot in question.” In other words, the Borough Ordinance “grandfathers” lots with an *undersized frontage*, but does not “grandfather” lots that are undersized as to *lot area*. It is suggested that the Governing Body consider expanding the “grandfathering” clause to include both Frontage and Lot Area. Of course, if the Application requires other dimensional variances, they would be required to come to the Board.

Please do not hesitate to contact me with any questions or comments.

Very truly yours,



Mark D. Madaio, Esq.

CC: Michael Greco, Board Clerk  
Planning Board

**RESOLUTION OF THE DEMAREST ZONING BOARD OF  
ADJUSTMENT  
RESOLUTION NO. ZB-005-25  
JANUARY 21, 2025**

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Vice Chair McLain	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chair Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION ADOPTING THE 2024 YEAR END REPORT**

**WHEREAS**, pursuant to N.J.S.A 40:55D-70.1 et seq., the Borough of Demarest Board of Adjustment (hereinafter the "Board") is obligated to send a brief report to the Governing Body at the end of each year regarding the Applications considered during the year and if there are any recommended amendments to the Zoning Ordinance; and

**WHEREAS**, the report shall inform the Governing Body of all Applications that were approved by the Board pursuant to N.J.S.A. 40:55D-70(c)(1), N.J.S.A. 40:55D-70(c)(2), and N.J.S.A. 40:55D-70(d); and

**WHEREAS**, the aforesaid report by the Board Attorney has been prepared and circulated and reviewed by all members of the Board; and

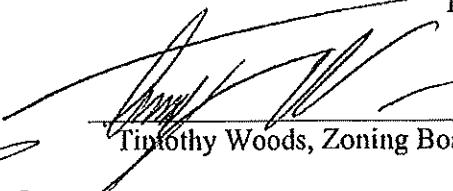
**WHEREAS**, after review by all Members of the Board, it is their desire to adopt this report as their statement to the Governing Body regarding Applications considered by the Board in 2024.

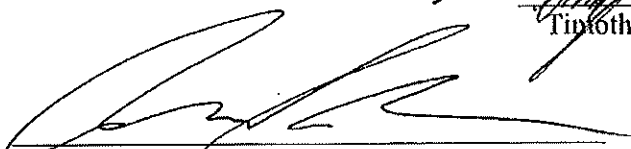
**NOW, THEREFORE, BE IT RESOLVED** by the Demarest Board of Adjustment hereby adopts the enclosed report as their statement to the Governing Body of the Borough of Demarest regarding all Applications that were considered before the Board in 2024.

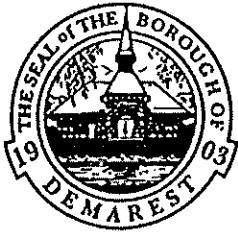
Accordingly, a majority of the Board voted to approve the Application as presented.

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment at its meeting held on

Dated: 2/11/25

  
\_\_\_\_\_  
Timothy Woods, Zoning Board of Adjustment Chair

  
\_\_\_\_\_  
Attest: Michael Greco, Board Secretary



## THE BOROUGH OF DEMAREST

118 SERPENTINE ROAD  
DEMAREST, N.J. 07627-2199

MICHAEL GRECO  
ZONING OFFICER  
(201) 768-0167 x 110  
[mgreco@demarestnj.gov](mailto:mgreco@demarestnj.gov)

March 25, 2025

The Joint Planning Board  
The Borough of Demarest

Emailed:

Since my appointment as the Borough Zoning Officer, I have identified two recurring issues within the zoning ordinance, identified below, that have resulted in inconsistent interpretations over the years. I am requesting the Board's review and formal interpretation of the zoning ordinance to ensure consistent application and enforcement moving forward.

---

### 1. LIVABLE FLOOR AREA

The Borough Code defines **Livable Floor Area** as:

*The aggregate area of all floors included within the outer walls of a building, excluding basements, garages, and other unheated areas, and including only such floor area under a sloping ceiling for which the headroom is not less than five feet six inches, and then only if at least 75% of such floor area has a ceiling height of not less than seven feet six inches and if any such floor that is situated above another story has access to the floor below by a permanent built-in stairway and has a permanent, complete floor and a means of heating to 70° F. at all times.*

*[Amended 4-17-1989 by Ord. No. 662; 4-15-1996 by Ord. No. 774]*

The most frequent question regarding this section is the treatment of **basements and garages** in Livable Floor Area calculations. Historically, interpretations have varied:

- In some cases, basements and garages were **included** in the calculation.
- In others, they were **excluded**, regardless of finish or heating.

At a recent Zoning Board of Adjustment hearing, the board discussed whether a **finished and heated basement** should be included, interpreting the phrase "excluding... other unheated areas" to imply that *heated basements* may qualify as livable space.

Historically, the prior Zoning Officer excluded basements and garages when calculating livable floor area. As a result, there are existing homes in the borough that may technically exceed the allowable livable floor area if those spaces were reconsidered under this reading.

Additionally, the Board has recently determined that our **Livable Floor Area standard** effectively functions as a **Floor Area Ratio (FAR)** control, requiring a d(4) variance for relief. Under most FAR frameworks, **below-grade basements are typically excluded**, while **above-grade garages** – due to their visible massing – are generally **included**.

Given this, I am requesting the Board clarify the following:

- a) Should garages be included in Livable Floor Area calculations? Does it depend on whether they are heated or finished?
- b) Should basements be included? If finished or heated, does that change their status?
- c) Should substantially above-grade basements be treated differently? Should we establish a threshold (i.e., percentage above grade) to define whether a basement qualifies for inclusion?

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## 2. A/C UNITS & GENERATORS - Classification and Placement

The Borough Code is currently silent on the treatment of air conditioning units (A/C) and generators. In the absence of specific guidance, I have defaulted to treating these as Accessory Structures for zoning purposes, meaning they are not permitted in the side or front yards.

The relevant Accessory Structure definition reads:

*A building, structure, or use detached from the principal use, building, or structure which is located on the same zoning lot and customarily incidental and subordinate to the principal use, building, or structure.*

*[Added 4-15-1996 by Ord. No. 774]*

(1) *Examples.*

- a) *Use: Tennis, volleyball, full or half basketball courts, etc.*
- b) *Building: Shed, gazebo, garage, etc.*
- c) *Structure: Swimming pool (aboveground or in-ground), playground equipment, arbor, pergola, deck, antennae, patio, retaining wall, etc.*

(2) *The examples for use, building and structure set forth above are mentioned as examples only and are not meant to be, nor will they be interpreted as an exclusive list.*

The Code further defines a Structure broadly as:

*A combination of materials to form a construction for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land.*

Given this definition, my current interpretation is that A/C units and generators qualify as structures and, therefore, accessory structures. However, I have observed that prior enforcement was inconsistent, and many existing A/C units and generators were installed in side yards without objection.

At this time, I am requesting the Board formally clarify:

- a) Was the omission of A/C units and generators from the Accessory Structure examples intentional, thereby permitting their placement in side yards?
- b) Or should these items be consistently regulated as accessory structures and, therefore, prohibited from side and front yards?

Respectfully,



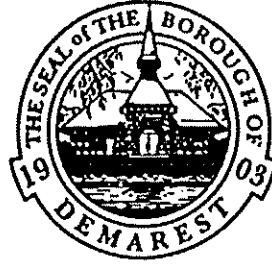
MICHAEL GRECO, CMR, Notary Public State of New Jersey  
ZONING OFFICER

**PUBLIC NOTICE BOROUGH OF DEMAREST** In compliance with the Open Public Meetings Act, Public Law 1975, Chapter 231, N.J.S.A. 10:4-18 et seq., below is the annual schedule of regular meetings of the Demarest Planning Board to be held on the 1st Wednesday of the month at 7:30 pm.

The meeting location will be at the Demarest Borough Hall, 118 Serpentine Road Demarest, New Jersey 07627

**2025 MEETING DATES:**

- Wednesday, February 5<sup>th</sup>, 2025
- Wednesday, March 5<sup>th</sup>, 2025
- Wednesday, April 2<sup>nd</sup>, 2025
- Wednesday, May 7<sup>th</sup>, 2025
- Wednesday, June 4<sup>th</sup>, 2025
- Wednesday, July 2<sup>nd</sup>, 2025
- Wednesday, August 6<sup>th</sup>, 2025
- Wednesday, September 3<sup>rd</sup>, 2025
- Wednesday, October 1<sup>st</sup>, 2025
- Wednesday, November 5<sup>th</sup>, 2025
- Wednesday, December 3<sup>rd</sup>, 2025



**Borough of Demarest  
Planning Board Regular Meeting  
MINUTES**

February 5, 2025

7:30 PM

DEMAREST BOROUGH HALL

The Borough of Demarest Planning Board held a special meeting on WEDNESDAY, FEBRUARY 5, 2025, at 7:30 p.m. located at 118 Serpentine Road Demarest, NJ 07627.

**CALL TO ORDER**

Meeting was called to order at 7:30 PM by Chair Tabacchi.

**FLAG SALUTE**

The Board was led in a salute to the flag by Chair Tabacchi.

**ROLL CALL**

**MEMBERS PRESENT:** Theodore Alevrontas, Mayor Brian Bernstein, Jodi Brenner, Councilwoman Daryl Fox, Fatemah Mamdani, Lynn Paulson, James Tabacchi, Mary Hamilton

**MEMBER(S) ABSENT:** -

**ALSO PRESENT:** Michael Greco – Secretary

**APPOINTMENT OF PROFESSIONALS**Appointing a 2025 Board Attorney

Chair Tabacchi explained that the board received two RFQs for the board attorney and confirmed that the board had a chance to look over them. He named the two RFQs and stated that the new submission he felt was a little inexperienced. He stated that he spoke with the zoning board about their attorney, and stated that he contacted Mark Madaio, the zoning board attorney, and interviewed him.

Mayor Bernstein stated that an RFQ went out for this position and Mark Madaio did not respond to this RFQ. He expressed concern about inviting him in as a candidate when other qualified candidates submitted for the position. He then explained that in his review of the candidates, the current board attorney is sitting on a lot of boards, and this is a reason to consider a new attorney who has less and can be more dedicated. Mayor Bernstein stated that he does not believe a vote tonight is necessary, as the current attorney remains until an appointment is made, and he does not think it is fair to bring in a third candidate who did not submit.

Councilwoman Fox stated that a non-fair and open appointment could be made to appoint a different candidate.

Mayor Bernstein stated that he disagrees, because if a non-fair and open is allowed, but because the governing body already dedicated to a fair-and-open that he would not be comfortable making that appointment without legal counsel to discuss.

Chair Tabacchi stated that he believes that this could be allowed because the client has been with the town for some time.

Mayor Bernstein expressed concern, stating that no other member of this board has seen any information on this candidate, and cannot make an informed decision.

Vice Chair Brenner agreed that she had not seen a CV for Mr. Madaio.

Chair Tabacchi stated that he could ask for a CV from Mr. Madaio, and stated that he is not rushing the appointment, but would agree to have Mr. Madaio's CV sent out and a vote could be had next time.

Mayor Bernstein stated his disagreement with the procedure and would hazard to get legal counsel on if the board can select a non-fair-and-open after an RFQ was sent out.

Vice Chair Brenner asked if we would be asking Mr. Bern for his legal counsel on this.

Councilwoman Fox suggested taking a vote subject to the counsel's recommendation.

Mayor Bernstein stated that a vote would feel rushed, and inappropriate to the process.

Chair Tabacchi stated that the board could take in the new information and discuss and vote on this at the next meeting. He explained that he was recommending Mark Madaio because it would help with the problem of consistency between the boards.

Vice Chair Brenner asked if there is any new business coming up that would require legal counsel.

Councilwoman Fox stated that there is the affordable housing obligations and the redevelopment, but she does not know when that would be coming to the planning board.

Vice Chair Brenner stated that right now there is nothing pressing that would require legal counsel.

## **NEW/OLD BUSINESS**

### Update on the Joint Planning Board Ordinance

Chair Tabacchi explained that a group of current and former members of the planning board and zoning board of adjustment met with the ordinance committee, and that there is a report being written up by the ordinance committee in respect to the joint board. He stated that the group did not seem to have significant conviction in either direction. He stated that if you wish to change a process then there should be clear conviction to make that change.

Vice Chair Brenner asked who is writing the report. Councilwoman Fox stated that the ordinance committee is which consists of Councilman Reiss, Councilman Jiang, and herself.

Vice Chair Brenner asked if these people were invited to this discussion by the ordinance committee and Councilwoman Fox answered that they were.

Mayor Bernstein asked who chaired the meeting, and Chair Tabacchi stated that he did. Mayor Bernstein asked when the meeting was, and Councilwoman Fox stated it was on Wednesday, March 15, 2025, and Chair Tabacchi confirmed this. Mayor Bernstein asked how many current members of the planning board, and the zoning board were present. Chair Tabacchi stated that one member of the current zoning board, David, and two members of the current planning board, Councilwoman Fox and Chair Tabacchi. Mayor Bernstein confirmed that there was not a quorum present of either board, it was not recorded, and it took place in the train station. Councilwoman Fox clarified that it was an ordinance committee meeting that she was the chair over, and it was called at the request of Chair Tabacchi.

## **APPROVAL OF MINUTES**

A motion was made to approve the August 7, 2024, meeting minutes, by Councilwoman Fox and was seconded by Mayor Bernstein.

On a roll call, the vote was recorded as follows *n/e = not eligible*

Mr. Alevrontas:	Abstain	Mayor Bernstein:	Yes	Vice Chair Brenner:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Yes	Chair Tabacchi:	Abstain
Mrs. Hamilton:	Abstain				

*Motion passed*

Councilwoman Fox stated her appreciation of the secretary to expand the minutes as requested.

Mary Hamilton stated that there was a small correction on the minutes of a date.

A motion was made to approve the amended January 8, 2025, reorganization meeting minutes, by Councilwoman Fox and was seconded by Chair Tabacchi.

On a roll call, the vote was recorded as follows *n/e = not eligible*

Mr. Alevrontas:	Abstain	Mayor Bernstein:	Yes	Vice Chair Brenner:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Yes	Chair Tabacchi:	Yes
Mrs. Hamilton:	Yes				

*Motion passed*

**RESOLUTIONS**

**NEW/CONTINUING APPLICATIONS**

**NEW/OLD BUSINESS**

Vice Chair Brenner asked what the process is for changing or extending an RFQ.

Mayor Bernstein stated that he is not positive, but he intends to ask Borough Counsel. He then explained the RFQ process, and that the Mayor and Council can decide to go back out for a new RFQ.

Councilwoman Fox stated that she knows that there is the ability with an RFQ process to decline the people who submitted and report a different professional that the board is aware of.

Mayor Bernstein clarified that the board has not accepted or rejected the other candidates first and that would need to happen prior to a decision on a different candidate.

Chair Tabacchi stated that he thinks that Mr. Madaio is the best candidate.

Vice Chair Brenner asked why Mr. Madaio did not respond to the RFQ.

Mr. Tabacchi asked the Mayor if knows Mr. Madaio and what he thinks of him.

Mayor Bernstein stated that he knows from others that Mr. Madaio knows land use, and if he was to be asked if he is a good land use attorney, he would likely say yes, but he does not know if he would make a good board attorney, especially considering some things that have occurred at the zoning board of adjustment hearings.

**PUBLIC COMMENT PERIOD – CORRESPONDENCE**

A motion was made to open the meeting to the public by Councilwoman Fox and seconded by Mayor Bernstein.  
All in Favor – Motion Passed

With no public seeking to make comment a motion was made to close the meeting to the public by Councilwoman Fox and seconded by Mayor Bernstein.

All in Favor – Motion Passed

**ADJOURNMENT**

With no further business presented, a motion to adjourn the meeting was made by: Mayor Bernstein and seconded by Councilwoman Fox.

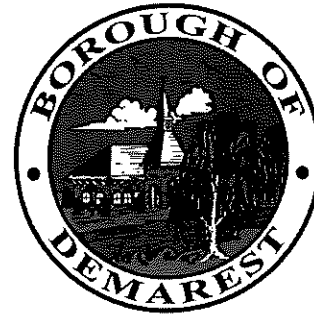
All in Favor – Motion Passed

The meeting was adjourned at 7:54 PM.

Respectfully Submitted,  
Michael Greco, Planning Board Secretary

DRAFT

**BOROUGH OF DEMAREST  
PLANNING BOARD  
SPECIAL MEETING MINUTES  
Thursday, February 27, 2025 @ 7:30 PM  
118 Serpentine Road, Demarest, NJ 0762**



The notice requirements of the Open Public Meetings Act of the State of New Jersey, P.L. 1975, Chapter 231, have been satisfied by special notice of the date, time and place of this Special meeting to the Record and Star Ledger on February 24, 2025, notice posted at Borough Hall, on the Borough website was filed in the office of the Borough Clerk.

At 7:32 pm Chair Tabacchi called the meeting to order and invited those assembled to stand and recite the Pledge of Allegiance.

**PRESENT:** Theodore Alevrontas, Mayor Brian Bernstein, Vice Chair Jodi Brenner, Kiran Chin, Blake Chroman, Camille DiSclafani, Councilmember Daryl Fox, Fatemah Mamdani, Chair James Tabacchi, Mary Hamilton

**ABSENT:** None

**ALSO PRESENT:** Julie Falkenstern, Acting Borough Clerk for the Board Secretary

Chair Tabacchi indicated that he would like to change the order of the agenda in order for the Board to review and discuss the Ordinance Committee of the Governing Body's report on the proposed Joint Planning Board.

He then asked the new members of the Board to introduce themselves before they began the discussion.

Members Chin, Chroman and DeSclafani introduced themselves and gave brief descriptions of their backgrounds.

Chair Tabacchi then stated that he would like to review the report of the Ordinance Committee regarding the proposal of a Joint Planning Board. He stated that the idea had been proposed in the past and after their analysis the Planning Board had advised against such a consolidation. He further stated that a sub committee of Planning and Zoning Board members had met with the Ordinance Committee and provided feedback. Mayor Bernstein asked for clarification on who was on the subcommittee. Mr. Tabacchi stated that the group included current and former members of both boards, a couple of former Mayors. A discussion ensued on how the committee was chosen and who was included. Mayor Bernstein stated that he was concerned that only

certain current members asked to participate. Mr. Tabacchi answered that he felt it was important to include long tenured members.

Mayor Bernstein then asked why a special meeting was called on short notice to have this discussion. Chair Tabacchi stated that he felt compelled to meet quickly so that the Planning Board could provide feedback to the Governing Body to use in their decision on whether to adopt an ordinance to effectuate the consolidation of the land use boards. A heated discussion ensued on whether a special meeting was necessary.

Chair Tabacchi then offered his comments on the report and the possible consolidation of the boards. In his opinion, cost savings would be minimal if realized at all, that the boards have different specialties and skills and he does not believe it has been difficult in Demaret to find qualified volunteers. He further stated that if the board was consolidated into a planning board that has the power of a zoning board, council consent for the Mayor's appointments would no longer be needed. Lastly, he believes that the need for consistency discussed in the report could be achieved by both boards retaining the same Counsel. In conclusion he does not believe there is a compelling reason to consolidate and believes there will be an increase in work for the Planning Board related to possible redevelopment and Affordable Housing requirements.

Ms. Mamdani asked if the lack of council consent of the Mayor's appointments could lead to conflict of interest issues.

Mayor Bernstein discussed how personal conflicts of interest are handled by recusal and does not believe there is any evidence that this would be an issue.

Ms. Brenner offered that she believes consolidation could lead to a better understanding of the board on both big broad picture issues and individual property issues. She added that staggered terms mean the Mayor would not be making many appointments every year and that would help with council consent issues.

Ms. Hamilton noted that she is opposed to consolidation and disappointed that some members whose terms expired were not reappointed given her belief that they were knowledgeable volunteers.

Councilmember Fox, who is the Chair of the Committee that prepared the report then highlighted the findings. She noted that a very thorough review of all issues was done and while the committee ultimately recommended consolidation, she felt strongly enough that it was not necessary, she included her dissent in the report. She then discussed her concerns, which included the anticipated workload for the volunteers if the boards were consolidated. She further stated that she believes some of the issues with the performance of the Zoning Board were related to the need to update the Zoning Ordinance. She believes when that update is done, some of the negative feedback received in relation to the Zoning Board will be corrected. She concluded by stating that she feels the lack of consistency that the report notes could be solved by appointing the long-term Zoning Board Attorney as the Planning Board Attorney as well.

Ms. Disclafani asked if there was feedback from other towns that had tackled this issue.

Councilmember Fox reported that feedback from some towns was received from the Borough Administrator, but they were awaiting further feedback from the former Chair of the Planning Board who was gathering information from all surrounding towns with joint boards.

Chair Tabacchi noted that while 23 towns of 40 eligible in Bergen County do have successful joint boards, he does not find that percentage compelling and noted that he believes it is more important to look at contiguous towns such as Tenafly, Closter and Cresskill who have similar flooding and drainage issues. He noted that those towns have elected to maintain separate boards.

Mr. Chroman stated that he believes the relative size of Demarest is important. He noted that Demarest is a much smaller town (by population) than the others noted and that he feels a single board would be efficient and feels it is time for the Borough to look forward.

Ms. Chin explained that when she recently moved to town, she got a great deal of negative feedback on people's experiences being heard by the Zoning Board.

Ms. Mandami noted that she has heard the same feedback but doesn't necessarily agree that a joint board is the answer to that issue.

The process of the Zoning Board reporting to the Planning Board was discussed.

Ms. Chin suggested that a joint board could streamline the reporting process. Ms. Brenner agreed that the Board would be aware of issues or concerns with the ordinances sooner with a joint board.

Mayor Bernstein addressed the negative experiences reported to him and noted that the complaints didn't stem from the decision making but how the board was treating the residents. The feedback was that the board was making hearings more adversarial than necessary so the ordinance or the decisions of the Zoning Board, in his opinion, were irrelevant to that complaint.

The Board then discussed the RFQ process and candidates for the position of Board Attorney. Councilmember Fox noted that at the last meeting she suggested that the Zoning Board Attorney, Mark Madaio, be appointed as the Planning Board attorney and she was again making that suggestion to achieve consistency between the boards.

Mayor Bernstein noted that Mr. Madaio had not responded to the RFQ for Planning Board attorney, and he felt it was inappropriate to consider him for the position given that two qualified applicants had responded. He believes they should be considered.

A discussion ensued on what constitutes "qualified" and the RFQ process.

Mayor Bernstein made a motion to appoint Danielle Federico as the Board Attorney. The motion was seconded by Ms. Brenner.

Discussion on motion: Councilmember Fox asserted that Mr. Madaio was the better choice given his experience representing boards and knowledge of Demarest in particular given his appointment as the Zoning Board Attorney. She also noted that according to her RFQ response, Ms. Federico had not been the appointed attorney to any land use boards.

Mayor Bernstein noted that he had spoken to Ms. Federico and one of her partners. He said he learned that Ms. Federico was the one doing the lion's share of the work despite not being the appointed attorney. He added that she did represent many boards by covering the appointed attorney and he feels that she is more than prepared to be appointed.

Ms. Brenner asked Councilmember Fox if she knew why Mr. Madaio has many appointments on his resume that were short-term.

Councilmember Fox answered that it is a function of local politics and not necessarily a reflection on his work and reiterated that he has been appointed in Demarest to the Zoning Board for many years.

Chair Tabacchi then called for a roll call on the motion to appoint Ms. Federico

**Roll Call:**

Ayes: , Mayor Brian Bernstein, Vice Chair Jodi Brenner, Kiran Chin, Blake Chroman, Camille DiSclafani, Fatemah Mamdani,

Nays: Theodore Alevrontas, Councilmember Fox, Chair James Tabacchi

Absent: None

Mayor Bernstein then made a motion to open the meeting to the public. The motion was seconded by Councilmember Fox and approved by all.

There being no members of the public present, Councilmember Fox made a motion to close the meeting to the public. The motion was seconded by Mr. Alevrontas and approved by all.

The Board confirmed that there was no business for the March 5, 2025 regularly scheduled meeting and as such the meeting should be cancelled.

A motion was made by Councilmember Fox and seconded Mayor Bernstein to adjourn the meeting. The motion was approved by all and the meeting was therefore adjourned was therefore adjourned at 9:00pm.

Respectfully submitted,

Julie Falkenstern  
Acting Borough Clerk