



Borough of Demarest Planning Board Regular Meeting MINUTES

April 2, 2025

7:30 PM

DEMAREST BOROUGH HALL

The Borough of Demarest Planning Board held a special meeting on WEDNESDAY, APRIL 2, 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 Julie Falkenstern.

FLAG SALUTE

The Board was led in a salute to the flag by Julie Falkenstern.

APPOINTMENT OF NEW MEMBERS

Mayor Bernstein announced that Timothy Woods is appointed as a Class IV member of the Borough of Demarest Joint Planning Board for the unexpired term ending December 31, 2025.

SWEARING IN OF NEW MEMBERS

Mayor Bernstein administered the Oath of Office for Timothy Woods.

ROLL CALL

MEMBERS PRESENT: Theodore Alevrontas, Mayor Brian Bernstein, Jodi Brenner, Kiran Chin, Blake Chroman, Camille DiSclafani, Councilwoman Daryl Fox, Timothy Woods

MEMBER(S) ABSENT: Fatemah Mamdani, Mary Hamilton

ALSO PRESENT: Julie Falkenstern – Acting Borough Clerk, Darlene Green – Planner, Danielle Federico – Attorney, Michael Greco – Secretary, Zoning Officer

ELLECTION OF OFFICERS

CHAIR OF THE BOARD 2025

Ms. Falkenstern stated that as the Board Chair has resigned from the board, the board would need to elect a new chair person from the Class IV members.

A nomination was made to elect Timothy Woods as the Board Chair for the year of 2025 by Mayor Bernstein, the nomination was seconded by Councilwoman Fox.

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

Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes	Vice Chair Brenner:	Yes
Ms. Chin:	Yes	Mr. Chroman:	Yes	Ms. DiSclafani:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Absent	Chair Woods:	Yes

Mrs. Hamilton: Absent
Motion passed

Chair Woods took his place on the dais.

NEW/OLD BUSINESS

Ms. Falkenstern explained that she is only here for a short time to cover for the normal Board Secretary as the first order of business requires him to act in his other capacity as the Zoning Officer.

Zoning Officer Request for Interpretation

Mr. Greco was sworn in by Ms. Federico.

Mr. Greco, Zoning Officer, explained to the board that there have been two issues that have been coming up fairly often since he took over as zoning officer. He explained that the two issues have been handled inconsistently in the past and he is requesting the record be set straight moving forward.

Mr. Greco first explained that A/C Units and Generators are currently not allowed in the Side or Front yards of a home, and that the ordinance is silent on both.

Ms. Federico explained to the board the process of interpretation, and the board's responsibility.

Ms. Federico stated that she pulled the minutes from when the ordinance was adopted, but they did not offer any view into the intent of the ordinance.

Chair Woods clarified that we are discussing whether the A/C and Generator are allowed in the side yard at all and not just about the setback. Mr. Greco confirmed that currently they are not allowed at all. Chair Woods asked if the planner had input into this.

Ms. Green was sworn in by Ms. Federico. Ms. Green explained that this came up during the masterplan re-examination as an issue that the ordinance is silent on A/C and Generators. Ms. Green explained that most homes now have these pieces of equipment, and a lot of other towns separately call them out and provide guidance for them. Ms. Green stated that this needs to be interpreted by the board, so that all applications can be reviewed consistently by all approving authorities. Ms. Green recommends that the interpretation should be done and then the town should change the code to reflect this intent. Ms. Green explained that the board could rule that A/C and Generators are not accessory structures which would make them allowed in the side and front yards.

Chair Woods clarified that if they are accessory structures they are still allowed in the rear yard.

Ms. Chin stated that the things currently described as examples of accessory structures are larger things meant for enjoyment, but these mechanicals do not fall under the same classification.

Councilwoman Fox agreed that the mechanicals are appurtenant to the building and should not be considered structures, as they are needed for the house to function.

Chair Woods stated that it began as a single unit, but it has become a lot more than an ancillary item, and that as far as the definition of a structure, it does qualify. He expressed concern about how it could affect the neighbors in these areas, and that he believes it is more appropriate in the rear yard.

Councilwoman Fox asked the attorney if they are deciding if it is or is not a structure and not the best use.

Ms. Federico explained that both should be considered when making this decision.

Mayor Bernstein stated that if you go around town, you will see that most of the A/C units and Generators are in the side yards. Mayor Bernstein also stated that the backyard is meant as an outside living space and that placing these

mechanicals in the rear yard could offer some safety concerns. As well if it is abutting the neighbor's rear yards, it could be a disturbance for neighbors who are trying to enjoy their outside living space.

Councilwoman Fox asked that pool equipment be considered separately, and Mr. Greco confirmed that he does not allow pool equipment in the side or front yard as it is connected to the accessory use of the pool. He explained that he is specifically calling for an interpretation on A/C units and Generators.

Chair Woods expressed concern that this is a slippery slope to lead toward additional equipment that could be added.

Ms. Chin agreed with Councilwoman Fox that pool equipment is ancillary to the pool and should be under the same restrictions as the pool. Ms. Chin stated that the A/C units and Generators are ancillary to the principal dwelling and should then not be considered an accessory structure.

Vice Chair Brenner asked what accounts for the houses that already have them in the side yard.

Mr. Greco explained that if the code is silent on something in zoning that it is prohibited, but even if a prior person allowed them, he is seeking to set the record straight and get everyone on the same page.

Ms. Falkenstern asked if the zoning board has ever considered them a structure in the past.

Chair Woods stated that he believes it falls under the definition of structure.

The board discussed the use of these mechanicals and if they are considered part of the principal use of the dwelling and therefore not an accessory.

Ms. DiSclafani stated that the board should consider practicality when deciding, because homeowners would always seek to put the mechanicals in the side yard.

Mayor Bernstein stated that this interpretation would not hinder the ability to still enforce that these mechanicals meet the required side-yard setbacks, and that they still count for coverage.

Mr. Greco confirmed that these would both still apply.

Chair Woods asked Ms. Green what other towns are doing.

Ms. Green explained that towns treat them differently in all towns, but that they are typically permitted in the side-yards.

A motion was made to interpret the ordinance as A/C units and Generators are not accessory structures, but that they are a part of the house, 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:	Yes	Mayor Bernstein:	Yes	Vice Chair Brenner:	Yes
Ms. Chin:	Yes	Mr. Chroman:	Yes	Ms. DiSclafani:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Absent	Chair Woods:	Yes
Mrs. Hamilton:	Absent				

Motion passed

A motion was made to open the meeting to the public by Mayor Bernstein and seconded by Councilwoman Fox.

Ray Cywinski expressed concern over the location of the mechanicals in the side yard. He stated that there should be more thoughts when the eventual change of the ordinance is done.

A motion was made to close the meeting to the public by Mayor Bernstein and seconded by Councilwoman Fox.

The board confirmed that no one wished to change their vote on the interpretation.

Mr. Greco presented to the board the second issue that has come up, and that is the Livable Floor Area calculation. He explained that at the zoning board hearing it was called out that a finished and heated basement is included in the Livable Floor Area calculation, and the same is true for a garage. He requested that the board decide if the interpretation of the ordinance includes basements and garages and if them being heated should be a factor in this decision.

Chair Woods discussed with Mr. Greco the wording of the ordinance.

Chair Woods asked for the Planner's view.

Ms. Green explained that the wording is up for interpretation but the use of the word "other" changes the definition. She told the board to look at the definition of "Floor Area" as well. Ms. Green explained the use of a Floor Area Ratio in boroughs. She then explained the borough's ordinance on Livable Floor Area and its connection to Floor Area Ratio. Ms. Green stated that basements which are significantly underground are typically not counted, but garages usually are included.

Ms. Green asked the board what the intent of the zoning ordinance was when adopted in respect to livable floor area.

Ms. Chin asked the board a question about the amount of different coverage requirements the borough is imposing on the residents.

Councilwoman Fox stated that the zoning ordinance is in process for being updated and changed.

Mayor Bernstein explained that the use of F.A.R. is to prevent McMansions, but this is creating issues for smaller homes that are not McMansions. Mayor Bernstein explained that the use of this ordinance to prevent basements seems to be a misnomer.

Councilwoman Fox explained the history of the ordinance and the reason behind the definitions and the intent from that time. She explained that if a basement is 70% below grade it should not count, but otherwise it would.

Chair Woods explained that in the past they were not included.

A motion was made to open the meeting to the public by Mayor Bernstein and seconded by Councilwoman Fox.

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

Vice Chair, Brenner asked the counsel if the board can interpret this ordinance.

Councilwoman Fox explained that this ordinance can be read more than one way.

Ms. Federico explained that the ordinance is vague enough to be the perfect candidate interpretation.

A motion was made to interpret the ordinance as basements and garages, whether heated or unheated do not count for Livable Floor Area, by Mayor Bernstein and was seconded by Councilwoman Fox.

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

Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes	Vice Chair Brenner:	Yes
Ms. Chin:	Yes	Mr. Chroman:	Yes	Ms. DiSclafani:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Absent	Chair Woods:	Yes
Mrs. Hamilton:	Absent				

Motion passed

MS. Falkenstern stepped down, and Mr. Greco took his seat as Secretary of the Board.

Zoning Board of Adjustment Year End Report – 2024

Chair Woods stated that the next item is the Zoning Board of Adjustment Year End Report.

Ms. Chin asked if someone could walk the board through this document.

Councilwoman Fox stated that lot coverage has been a continuing issue in town, and that the ordinance should allow for a sliding scale based on lot size. She continued to explain the reason for the multiple types of coverage, and that it was an attempt to force builders to allow for outdoor structures and uses.

Chair Woods confirmed this past problem that the board was seeing.

Mayor Bernstein spoke about an issue that he knows about an undersized lot where a resident had to see the board and stated that this seems like something that the borough can fix to allow undersized lots to build without variance.

Mayor Bernstein also asked that the board discuss the use of artificial turf as opposed to grass.

Councilwoman Fox stated that the ordinance had impervious coverage, and it led to arguments over what is pervious and impervious. That is when the board changed to improved lot coverage.

Mayor Bernstein stated that there is a house in town who has a full lawn of turf, and that there may be a reason for residents to want to do this and so it needs to be discussed.

Ms. Green explained that this is a new phenomenon, and that it is not a bad idea to take a stance.

Chair Woods expressed concern over being vague about what kind of turf could be allowed. He also asked that the board clarify what is being included in the 25% maximum residential and parking coverage. He stated that this should include the front walkway.

A motion was made to open the meeting to the public by Mayor Bernstein and seconded by Councilwoman Fox.

Wellington Gomez stated that he is a contractor, and that he is an expert on turf, and is here today to speak about turf. He explained to the board that Turf if installed correctly is not a detriment to the drainage of the town.

The board discussed the positives and negatives of Turf with Mr. Gomez.

Raymond Cywinski Expressed his concern over allowing the installation of turf instead of green space.

Elan Duran, spoke on the sizes of the lots in reference to lot coverage, and agreed with the board about the issues and requested that this be addressed.

A motion was made to close the meeting to the public by Councilwoman Fox and seconded by Mayor Bernstein.

Discussion with the Attorney on Procedure for Merged Boards

Ms. Federico explained to the board how a joint planning and zoning board functions and the board's responsibilities and answered questions from the board.

Ms. Chin asked if there is a procedure for the sequence of activity for the meetings.

Ms. Federico stated that there is nothing dictating this in the MLUL, but the board could implement by laws to structure the meetings. Ms. Chin stated that she would love for there to be by-laws, and she volunteered to help with the writing of these by-laws.

The board discussed the by-laws. Councilwoman Fox asked if Ms. Federico could provide some samples for Ms. Chin. Ms. Chin stated that she would bring it back to the next meeting for discussion.

Joint Planning Board 2025 Meeting Dates

Mr. Greco explained that he wanted to clarify with the new board the current adopted meeting schedule and confirm that this is still the schedule the board would like to use moving forward.

The board agreed that the meeting schedule as is would be fine.

APPROVAL OF MINUTES

A motion was made to approve the February 5, 2025, meeting minutes, by Mayor Bernstein and was seconded by Mr. Alevrontas.

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

Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes	Vice Chair Brenner:	Absent
Ms. Chin:	n/e	Mr. Chroman:	n/e	Ms. DiSclafani:	n/e
Councilwoman Fox:	Yes	Ms. Mamdani:	Absent	Chair Woods:	n/e
Mrs. Hamilton:	Absent				

Motion passed

A motion was made to approve the February 27, 2025, special 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:	Yes	Mayor Bernstein:	Yes	Vice Chair Brenner:	Absent
Ms. Chin:	Yes	Mr. Chroman:	Yes	Ms. DiSclafani:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Absent	Chair Woods:	n/e
Mrs. Hamilton:	Absent				

Motion passed

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

Raymond Cywinski asked for clarification on the term of office for Chair Woods, and Mayor Bernstein clarified the unexpired term. Mr. Cywinski asked that the board check their term expirations to make sure they are properly staggered.

A motion was made to close the meeting to the public by Mayor Bernstein and seconded by Councilwoman Fox. 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 9:02 PM.

Respectfully Submitted,
Michael Greco, Joint Planning Board Secretary