



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

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**August 6, 2025**

**7:30 PM**

**DEMAREST BOROUGH HALL**

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The Borough of Demarest Planning Board held a special meeting on WEDNESDAY, SEPTEMBER 3, 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 Woods.

**FLAG SALUTE**

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

**ROLL CALL**

**MEMBERS PRESENT:** Todd Adelman, Mayor Brian Bernstein, Jodi Brenner, Kiran Chin, Camile DiSclafani, Councilwoman Daryl Fox, Mary Hamilton, Chair Timothy Woods

**MEMBER(S) ABSENT:** Theodore Alevrontas, Dr. Fatemah Mamdani

**ALSO PRESENT:** Darlene Green – Planner, Nick Chelius – Engineer, Danielle Federico – Attorney, Michael Greco – Secretary, Zoning Officer

**RESOLUTIONS**

**NEW/CONTINUING BUSINESS**

Chair Woods called for a change in the order of business, stating that the application JPB-25-008 for 29 John Street would be heard first.

**NEW APPLICATION – JPB-25-008 – 29 JOHN STREET – AUSTIN SIBONI**

Chair Woods recused himself stepping down from the dais, due to his home being within 200 feet of the application property.

Vice Chair Brenner took her place at the center of the dais and took over the meeting.

Matthew Capizzi took the podium and stated that he would be representing the applicant for JPB-25-008. He explained that the property is in the Borough's R-C zone and is a corner lot, fronting on John Street and Demarest Avenue. He explained that the existing home is a one and a half story dwelling, fronting on John Street. He explained that the proposed is to add a full second story addition and fill in a gap between the front of the house and the garage to create a two-car garage, as well as a two-story addition in the rear of the home. He stated that the existing home is non-conforming with the front yard setback. The new additions would require a setback

variance for 26.67 feet from the front yard facing Demarest Avenue. He stated that this is the only variance that they are requesting. The engineer pointed out a possible coverage variance, but the applicant's engineer would be discussing a revision to their plan to eliminate these variances. He also stated that they would be presenting a landscaping plan to improve the application. He stated he would have two witnesses, Piero Gabucci the applicant's architect and Mr. Pessolano the applicant's planner.

Mayor Bernstein requested copies of the revised plans which were being discussed this evening. Mr. Capizzi gave the revised plans to the board.

Mr. Capizzi called his first witness. Pierro Gabucci was sworn in and had his credentials accepted by the board.

Piero Gabucci explained that he was presenting the revised plans, marked as Exhibit A1 – two sheets, revision #2 zoning chart and fence dated 09/03/2025. He showed that the site plan has several circled revisions made to address comments from the board engineer. He explained that the existing fence on the property would now be replaced with a metal fence. He corrected some math errors in their zoning chart and stated that the new plan shows the final calculations, and that they are accurate. He stated that there were no changes to the site plan, and only corrected math errors in the zoning chart. Mr. Gabucci explained where the new additions are.

Mayor Bernstein asked why the original house did not have this in-fill addition and instead had the separate garage.

Mr. Gabucci said that most likely the house had a separate garage, and the prior owner connected it to the house.

Councilwoman fox stated that the homes in this area typically had a breeze way originally.

Vice Chair Brenner asked if the garage is straight toward the street or at an angle. Mr. Gabucci confirmed that the garage faces John Street completely and is not angled.

Mr. Gabucci explained that the intention was to keep the larger portion of the second-floor addition to the west side of the home.

Mayor Bernstein asked for clarification on what is to the west of the current home. Mr. Gabucci explained that to the west is a neighboring house.

Mr. Gabucci present a google image and had it marked as A2. Ms. Federico confirmed that this photo was gathered by Mr. Gabucci and that it was taken from google today, 09/03/2025.

Mr. Gabucci presented that photograph to the board.

Ms. Chin asked if there is an existing fence on the property. Mr. Gabucci stated that there is a chain link fence currently.

Mr. Gabucci stated that the intention with this application is to keep the look of the home intact while expanding it.

Mayor Bernstein asked a question about the proposed height of the structure. Mr. Gabucci stated that the proposed building would be six inches under the maximum allowed height. Mayor Bernstein clarified this to be 29.5 feet.

Mr. Gabucci explained the proposed floor plan to the board.

Mr. Gabucci directed the board to the portion of the home that requires variance and explained the layout.

Vice Chair Brenner stated that the plan says existing floor to be removed and asked if there is currently a second floor. Mr. Gabucci explained that there is a half story which is in the roof line with dormers currently.

Mr. Gabucci explained the aesthetic and design of the home, describing it as traditional.

Vice Chair Brenner asked if this is consistent with other homes in the area, and Mr. Gabucci confirmed that it is.

Mr. Capizzi handed out the Landscape Plan, which was marked as A3 – Landscape Plan L-2548 dated 08/26/2025.

Mr. Gabucci explained the landscaping plan to the board, drawing attention to the proposed additions.

Councilwoman Fox asked if the large trees shown are existing or plan to be added. Mr. Gabucci stated that these large trees are existing.

Ms. Federico confirmed with Mr. Capizzi that the applicant would be willing to present the landscaping plan for the board engineers' review and approval and would agree to comply with all requirements.

Mayor Bernstein asked for clarification about the Stormtek Chamber on the plan and what feeds into it. Mr. Gabucci explained that the entire structure feeds into that chamber.

Mayor Bernstein stated that the applicant discussed the front yard setback on Demarest Ave and asked what about the front yard on John Street. Mr. Gabucci stated that the survey shows the average setback of the neighbors at 20 feet. He stated that the home is 29.1 feet from John Street. Mayor Bernstein asked for any evidence with respect to the other homes which show the average setback. Mr. Gabucci said his surveyor gave them this average setback number.

Councilwoman Fox asked for a dimension from the deck to the rear of the property. She stated that the required setback is 30 feet. Vice Chair Brenner asked Mr. Chelius to weigh in. Nick stated that he is unclear whether a deck is an accessory structure or an extension of the principal building. An accessory structure has less setback than the principal building.

Mayor Bernstein asked again for evidence that the setback stated on the survey is accurate to the other homes on the block. Mr. Gabucci stated that 29.1 feet is an existing condition. Mr. Capizzi asked the board engineer to comment. Mr. Chelius explained the alternate setback rule from the limiting schedule and stated that his interpretation is that the more restrictive of the two setbacks would be required. Mr. Capizzi said with this interpretation, then the second-floor addition which sits atop the existing structure does not meet the 35 feet and would require another variance.

Vice Chair Brenner asked about the trees being planted and if they are on the applicant's property. Mr. Capizzi said that they would be willing to comply regarding the tree placement.

Mr. Chelius asked for clarification on what fence is being proposed. Mr. Gabucci explained that the fence would be six feet in the rear and side yard areas but anywhere that it is in the front yard would drop down to 4 feet. Mr. Chelius confirmed that the fence is 50% open.

Mr. Chelius asked for clarification on the building height. Mr. Gabucci explained that there was a new revision to the plans, which Mr. Chelius said he did not have. Mr. Gabucci stated that the clarification Mr. Chelius is looking for is on the new plan, and Mr. Gabucci said he would submit this plan for review.

Mayor Bernstein asked for clarification on the coverage numbers and whether they had changed from the original submission. Mr. Gabucci clarified all the coverage numbers. Mr. Chelius stated that he agreed with the adjusted numbers.

Mr. Capizzi called his second witness. Michael J. Pessolano was sworn in and had his credentials accepted by the board.

Mr. Pessolano presented a five-page planning exhibit, marked as Exhibit B1, and described the Property and proposed improvements to the Board. He explained that the Property is an undersized corner lot in a neighborhood with varied lot sizes and building styles, creating development challenges and making strict zoning compliance difficult. Acquiring additional land is not feasible due to the surrounding lot configurations. If the Board determines a 35-foot front yard setback from John Street is required (rather than the 20-foot average setback), Mr. Pessolano stated that this constitutes a longstanding condition qualifying for c(1) hardship relief due to the lot's size and the existing dwelling's position. The proposed second-floor addition builds upward rather than outward, minimizing additional impervious coverage. Regarding the side yard setback along Demarest Avenue (where 35 feet is required), the existing one-story garage is set back 12.5 feet, while the proposed rear addition will be 26.67 feet from the street. This, too, reflects a longstanding condition and qualifies for c(1) hardship relief due to the skewed orientation of the house. Adequate yard space remains, and new arborvitae landscaping will screen the addition from neighboring properties. Should a rear yard variance be required for the new deck, it may be justified under c(1) due to the shallow lot depth, or under c(2) since the replacement deck is smaller and well-screened. The Property complies with all height, coverage, and parking requirements. Mr. Pessolano concluded that the proposed improvements will be compatible with neighborhood character, create no substantial detriment, and meet the positive and negative criteria for c(1) or c(2) variance approval, consistent with the Borough's zoning and master plan.

Councilwoman Fox stated that normally the board would ask that the owner of an undersized lot should attempt to buy neighboring property to become conforming. Mr. Pessolano stated that the two neighboring properties have no land capable of selling without rendering themselves nonconforming.

Mayor Bernstein asked a question about the term hardship as used by the planner. Mr. Pessolano explained the required hardship proof as presented. Mayor Bernstein discussed these hardships with Mr. Pessolano. He questioned whether this would be impactful to the neighbors. Mr. Pessolano stated that his opinion is that the design would improve the neighborhood and have little to no negative impact on the neighbors.

Ms. Federico explained to the board the way in which they should be viewing the criteria requirements.

Mr. Capizzi explained to the board the use of the term hardship as used by the Municipal Land Use Law.

Councilwoman Fox motion to open the board to the public for questions and second by Mayor Bernstein.

Timothy Woods, 12 Demarest Avenue, asked Mr. Pessolano to clarify about the metal fence which is different from the rendering. Mr. Pessolano explained that the rendering was made before the applicant decided on an open metal fence, and that the open metal fence is the final proposed.

Diane Rothman asked for clarification on the two-car garage. Mr. Pessolano explained that the garage is not expanding, and they are only filling the space between the house and the garage to increase the garage.

Dominique Cemoustier, 7 Demarest Avenue, asked for additional clarification on the fence being proposed and what will happen to the original fence. Mr. Pessolano explained that the fence would be removed in order to put in the new one.

With no more public wishing to ask questions.

Councilwoman Fox made a motion to close the meeting to the public for questions and second by Mayor Bernstein.

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

With no public seeking to make comments on the application.

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

Mr. Capizzi made some brief closing statements.

Mr. Adelman asked if Mr. Capizzi could comment on any tree that would be removed, which would be clearly marked on plans. Mr. Capizzi stated that the applicant will take all necessary measures if tree removal is required, that they would comply with all requirements.

Mayor Bernstein asked about the second-floor addition, and where it faces onto neighboring properties. Mr. Gabucci explained that there are two neighbors and gave the numbers of how close they face the neighbors and they are bedroom windows.

Councilwoman Fox stated that she believes this application complies with the requirements of the C(1) and C(2) and has clear hardships. She explained that the benefits outweigh the detriments and believes that the only detriment is the rear addition, but that this barely affects the neighbors. Councilwoman Fox stated that she does not believe that a variance is needed on John Street, because there was an old case in Demarest about existing nonconforming structures and building on top of them. She stated she sees it as a minor expansion, but a major improvement in the neighborhood.

Mayor Bernstein asked Councilwoman Fox if the court case she referenced is active case law. She stated that she believes it is, and this is always how the board has done things. Ms. Federico stated that she had not heard of this case, but that she could look it up. Mayor Bernstein stated that there are two unanswered questions as to the height and the setback on John Street not meeting the 35 feet requirement. He stated that there was a claimed average without substantiation or evidence.

Councilwoman Fox stated that this could be made a condition that they would need to prove these two points.

Mr. Chelius stated that the board established the two setbacks would follow the more restrictive of the two and so they would need a variance for that setback. Councilwoman Fox disagreed with Mr. Chelius but said it doesn't matter. Vice Chair, Brenner asked why there was a question of the setback on John Street, since it is existing.

Mr. Greco explained that he denied the application because they are expanding the existing nonconformity and that an expansion of an existing nonconformity must meet the code or requires a variance. Councilwoman Fox stated there is a court case that says you can. Mr. Greco stated he has not heard of this court case. Mr. Capizzi stated he has not heard of this court case but that in either event the setback is not being changed under the proposal, and if the board believes that a variance is needed that he would request that the variance be granted.

Mayor Bernstein stated that there was testimony that if the applicant was to build the addition further back to make it conform it would be less appealing for the neighborhood and not in conformity for the look of the neighborhood. Mayor Bernstein asked what the dimensions of the second floor would be if it conformed with the 35 feet setback. Mr. Gabucci explained that the house is very narrow as it is, and to lose six feet on the second floor would lead to an almost unusable second floor, and so they would need to cantilever off the back of the home to make the floor a useable space. This would create a much less visually appealing home for the neighborhood. Ms. Chin stated that doing something like that sounds difficult and not as structurally sound.

Mr. Adelman asked about the wood deck in the back and if there should be any conditions about the deck possibly being changed into a different structure. Ms. Federico explained that if they attempted to change the deck it would require a zoning permit and review by Mr. Greco.

A motion was made to approve the application as presented by Mr. Adelman and seconded by Councilwoman Fox. Councilwoman Fox added that the applicant needs to satisfy the conditions of providing a proper calculation of the height of the roof, and to provide evidence to substantiate the established alternate average setback.

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

<b>Board Member</b>	<b>Vote</b>	<b>Board Member</b>	<b>Vote</b>	<b>Board Member</b>	<b>Vote</b>
Mr. Adelman	Yes	Mr. Alevrontas:	<i>Absent</i>	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	Yes	Ms. DiSclafani:	Yes
Councilwoman Fox:	Yes	Dr. Mamdani:	<i>Absent</i>	Chair Woods:	<i>n/e</i>
Mrs. Hamilton:	Yes				

*Motion passed*

**NEW APPLICATION – JPB-25-007 – 32 BROOKSIDE AVENUE – PATRICK MIN**

Chair Woods took his place on the dais and resumed presiding over the meeting.

Chris Lantelme, Land Surveyor & Engineer with Lantelme, Kurens & Associates, was sworn in and had his credentials confirmed by the board.

Mr. Lantelme explained that he is the engineer for this application, he stated that his only exhibit is a survey with a coverage analysis, which is what he was originally hired for. He stated that both the current homeowner and the original homeowner are present in case the board has questions. Mr. Lantelme explained that through reviewing the original site plan, the home was built around 2008 with permits and a CO. When the property was recently sold, an inspection revealed some unknown coverage issues. Mr. Lantelme stated that the original site plan from 2006 did not include coverage from the driveway when the house was approved.

Councilwoman Fox explained that at that time there was some debate among the board whether pervious pavers counted as coverage, and this caused the board to change the ordinance to reflect improved lot coverage.

Chair Woods stated that he read a letter from the engineer of 2006 which stated these exact questions.

Mr. Lantelme explained that this partially explained why the applicant is so over on coverage. He stated that there were other improvements added after the original building.

Councilwoman Fox asked if the house has been changed since the site plan. Mr. Lantelme stated that the house did not change, but the driveway and patio and exterior structures were altered after.

Chair Woods requested that the applicant return with a site plan showing the approved conditions from the original plan and the existing conditions, so that the board can evaluate what has changed. Ms. Federico requested that these be overlaid with comparative zoning charts. Councilwoman Fox requested the original site plan be submitted as well.

Mayor Bernstein asked if anyone has stated whether the changes after the 2006 site plan had permits. Mr. Lantelme stated that he does not have an As-Built survey from the 2006 approval. Councilwoman Fox stated that it does not matter what was built so much as what was approved to be built so the proposed and approved site plan would be sufficient. She also stated that back in 2006 an as-built survey was not usually required.

Councilwoman Fox suggested that he reach out to the engineer who made the original site plan.

Mayor Bernstein asked for clarification on the retaining wall Mr. Lantelme mentioned. Mr. Lantelme stated that there are a couple of retaining walls, there is one along the front of the property which is on Borough's right-of-way, and another in the back. Mayor Bernstein stated that the wall in the right-of-way may not be a retaining wall so much as a decorative wall, but that the board can't address this as it is town property and would need to be addressed by the council.

Ms. Federico confirmed that the board cannot give a variance for anything on Borough's right-of-way. They could condition the approval on seeking Mayor & Council approval. The applicant would need to remove it or seek approval from the Mayor & Council.

Chair Woods asked for clarification on the rear yard patio. Mr. Lantelme explained that there was a small patio on the original site plan, but it was then expanded and then shrunk, though it is still larger than the original approved.

Councilwoman Fox asked if there are any permits for the improvements after the original. Mr. Greco explained that there are no files in Borough Hall for zoning or construction permits after the original approval.

Mayor Bernstein asked for photographs to be submitted showing all the existing conditions of the overages. Mr. Lantelme agreed.

Councilwoman Fox stated that the front yard setback is over, the rear yard seems to be over but was approved, building and lot coverage is over and needs to be addressed. Chair Woods stated that the current side yard would comply with a rear yard. The board debated over which yard is which.

Mayor Bernstein asked if the board could hear from the homeowners, who could confirm or deny whether permits were pulled for any of these improvements.

Patrick Min, current owner of 32 Brookside Avenue, was sworn in.

Mr. Min stated that he has not pulled any permits with the Borough for any work on his home. Mayor Bernstein asked if the removal of the patio was done by him. Mr. Min explained that it was after he moved in but that it was the prior owner that had the work done.

Mayor Bernstein asked if the board could get a copy of the agreement between prior and current owners.

Dong Lee and Hong Sin, the prior owner of 32 Brookside Avenue and his translator, were sworn in.

Mr. Lee explained to the board that there were no permits pulled for any of the changes made after the home was built. He stated that the home was purchased in 2011. He stated that he never got a permit for any work on the property while he owned it. He stated that he did work on the driveway, the wall and the patio.

The board discussed the various structures of the property with Mr. Lee. Chair Woods confirmed that Mr. Lee added all the retaining walls and the decorative wall in the front. Mayor Bernstein confirmed that there was no consent with the Borough to put the wall in the right-of-way.

Ms. Chin asked if the wall in the front of the property has a function like a retaining wall, or if it is decorative. The applicant stated that it is decorative.

Councilwoman Fox stated that people put structures like this in the borough right-of-way all the time. Councilwoman Fox asked Danielle about this. Ms. Federico stated that if that is the case, that is an enforcement issue and does not mean it is allowed. She re-stated that it would need to be approved by the Mayor & Council.

Councilwoman Fox asked about the sight triangle easement and stated that it was a requirement of the borough.

The board discussed the date of the next hearing, due to a holiday conflict. The board agreed on a change of the meeting date to be on October 15, 2025. They stated that the application would be next heard on October 15, 2025, at 7:30pm with no further notice.

**APPROVAL OF MINUTES**

A motion was made to approve the regular meeting minutes of July 2, 2025, by Ms. Chin and was seconded by Vice Chair Brenner.

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

Board Member	Vote	Board Member	Vote	Board Member	Vote
Mr. Adelman	Yes	Mr. Alevrontas:	Absent	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	Yes	Ms. DiSclafani:	Yes
Councilwoman Fox:	Yes	Dr. Mamdani:	Absent	Chair Woods:	Yes
Mrs. Hamilton:	Yes				

*Motion passed*

A motion was made to approve August 6, 2025, special meeting minutes, by Mayor Bernstein and was seconded Mr. Adelman.

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

Board Member	Vote	Board Member	Vote	Board Member	Vote
Mr. Adelman	Yes	Mr. Alevrontas:	Absent	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	Yes	Ms. DiSclafani:	Yes

Councilwoman Fox:	Yes	Dr. Mamdani:	<i>Absent</i>	Chair Woods:	Yes
Mrs. Hamilton:	<i>n/e</i>				

*Motion passed*

### **PUBLIC COMMENT**

There were no public present to make comment.

### **ADJOURNMENT**

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

All in Favor – Motion Passed

The meeting was adjourned at 9:36 PM.

Respectfully Submitted,

Michael Greco, Joint Planning Board Secretary