

Resolution of the Demarest Governing Body

Resolution No. 155-24

September 9, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang			✓			
Fox			✓			
Marks						✓
Slowikowski	✓		✓			
Reiss			✓			
Collins		✓	✓			

TITLE: A RESOLUTION AUTHORIZING BOROUGH ATTORNEY ACTION TO CEASE USE OF BOROUGH OWNED PROPERTY

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WHEREAS, by letter dated August 8, 2024 the Borough of Demarest notified the Property Owner of real property identified as the Lot 15, Block 39 in the Borough of Closter (the "Property"), said property commonly known as 84 Maple Street, Closter, New Jersey, that he was improperly using Borough of Demarest owned property north of the Property. Particularly, the Property Owner was so notified that his fence, located upon Borough owned property must be removed and was directed to advise the Borough when he will be removing the fence; and

WHEREAS, the Property Owner failed to respond to the August 8, 2024 letter and a follow up letter was sent on August 29, 2024 demanding the immediate removal of the fence and directing the Property Owner to cease and desist the use of Borough owned property. The Property Owner was further so advised that if the fence is not removed, the Borough would consider the initiation of litigation to restrain the Property Owner from any continued unauthorized use of the Borough's property; and

WHEREAS, to date the Property Owner has failed to respond to the aforementioned correspondence and has further failed to remove the fence.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the Borough Attorney is hereby authorized to institute the appropriate legal action to ensure the immediate cessation of any unauthorized use of Borough owned property to the north of Lot 15, Block 39 in the Borough of Closter, said property commonly known as 84 Maple Street, Closter, New Jersey and to cause the removal of the fence located thereon.

Approved:


Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on September 9, 2024


Julie Falkenstern, Acting Borough Clerk

— LAW OFFICES —
DECOTIIS
DeCotlis, FitzPatrick, Cole & Giblin, LLP
61 SOUTH PARAMUS ROAD, SUITE 250
PARAMUS, NEW JERSEY 07652

NEW JERSEY

TELEPHONE: (201) 928-1100
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PAUL C. KAUFMAN, ESQ.
PKAUFMAN@DECOTIISLAW.COM
201.347.2144

August 8, 2024

Via overnight courier

Marc Lieberman
84 Maple St.
Closter, NJ 07624

Re: Unauthorized use of Borough property

Dear Mr. Lieberman:

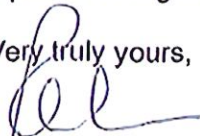
We represent the Borough of Demarest (the "Borough") and it has come to our attention that you have been using Borough owned property north of your property at 84 Maple St., Closter. As set forth on the attached survey, all property north of the property line within the fence, including the dog run, is owned by the Borough. The survey is attached with the Borough's property highlighted.

At this time, the Borough must insist that the fence be removed and that you immediately cease and desist the use of the Borough's property.

In the interim, we understand that you informed the Borough that some of the trees may be "dangerous" and asked that they be removed (which is an admission that you are fully aware that you have been using Borough property). The Borough will inspect the trees at its earliest convenience. Until the fence is removed, the only access the Borough would have is through your property.

Please give this your immediate attention and promptly advise when the fence will be removed. Please let us know if you have any questions regarding this matter.

Very truly yours,

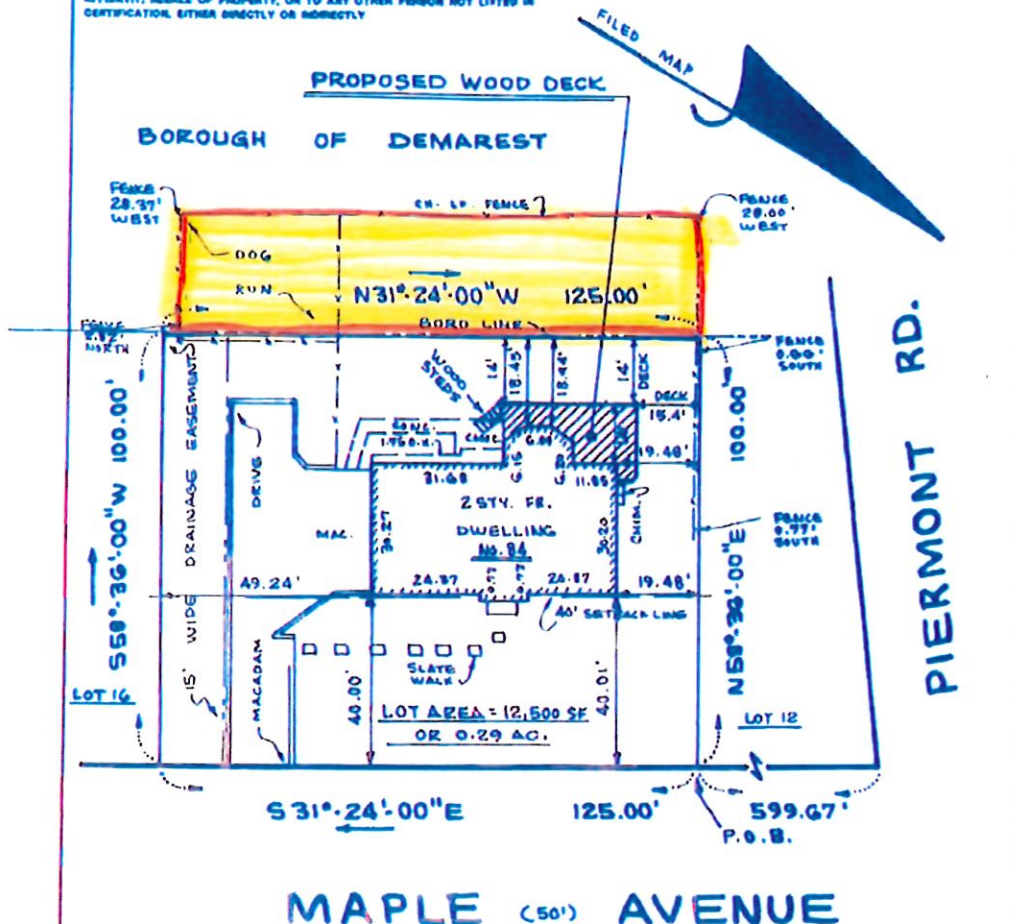

Paul Kaufman

Cc: Julie Falkenstern, Demarest Administrator
Deena Rosendahl, Esq.

984703

THIS CERTIFICATION IS MADE ONLY TO MEMORANDUM NAMED PARTIES FOR PURCHASE OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY ABOVE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

THIS MAP OR ANY PART THEREOF NOT TO BE REPRODUCED WITHOUT WRITTEN CONSENT OF G.B. ASSOCIATES, INC.



THE SETTING OF CORNER MARKERS HAVE BEEN WANTED AS REQ'D BY N.J.A.C. 17:27-5.1 ET SEQ.

IT IS HEREBY AGREED THAT LIABILITY ASSUMED FOR THIS SURVEY NOT TO EXCEED COST OF SURVEY FEE.

THIS IS A BUILDING LOCATION SURVEY MADE FOR TITLE PURPOSES ONLY. NO CORNER STAKES HAVE BEEN REQUESTED OR SET. ALTHOUGH ABSOLUTE, OFFSET DIMENSIONS ARE NOT TO BE USED FOR PERMANENT CONSTRUCTION.

MAP OF PROPERTY OF

JOEL WARTELL & KAREN WARTELL.

HUSBAND
WIFE

BOROUGH OF CLOSTER
BERGEN COUNTY, NEW JERSEY

SURVEY CERTIFIED TO: **JOEL WARTELL & KAREN WARTELL, HUSBAND & WIFE, CHICAGO**
TITLE INSURANCE COMPANY,
HOBOKEN & KUSHNER, 6595.

SCALE: **1" = 30'-0"** DATE: **JAN. 24, 1997**

LOT: 15 T.M.	BLOCK: 39 T.M.
15 F.M.	39 F.M.

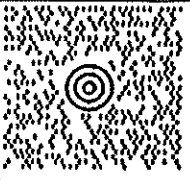

MAP: Tax Map of Borough of Closter & map entitled: "Final Plat Property of Alf's Brothers," filed on Sept. 15, 1970 as map No. 6945.

G.B. ASSOCIATES, INC.
 ENGINEERS AND SURVEYORS
 144 JEWELL STREET
 GARFIELD, NEW JERSEY 07026
 (201) 340-0948 FAX 340-0018

GUNTIS BOLE-N.J. P.E. & L.S. #13,926

61 SOUTH PARAMUS ROAD
PARAMUS NJ 07652

SHIP TO:
MARC LIEBERMAN
84 MAPLE STREET
CLOSTER NJ 07624-3117

	NJ 075 9-10 
UPS NEXT DAY AIR TRACKING #: 1Z E35 W04 01 9990 3588	1
	
BILLING: P/P	
CLIENT FILE NUMBER: 12-012 DESCRIPTION: Correspondence CS E4.3.00	 TM WVJ NV50 32.0A 08/2024*

Ensure there are no other shipping or tracking labels attached to your package. Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.

Fold the printed label at the solid line below. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

GETTING YOUR SHIPMENT TO UPS

Customers with a Daily Pickup

Your driver will pickup your shipment(s) as usual.

Customers without a Daily Pickup

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.

Hand the package to any UPS driver in your area.

Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, Staples® or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.
:OLD HERE

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August 29, 2024

Via overnight courier

Marc Lieberman
84 Maple St.
Closter, NJ 07624

Re: Unauthorized use of Borough property

Dear Mr. Lieberman:

We represent the Borough of Demarest (the "Borough"). Reference is made to our letter dated August 8, 2024 regarding your unauthorized use of Borough owned property north of your property at 84 Maple St., Closter.

As set forth in the August 8, 2024 letter, the Borough demanded that the fence be removed and that you immediately cease and desist the use of the Borough's property. As of this date, no response to the August 8, 2024 letter has been received.

Please be advised that if you do not immediately remove the fence and cease the use of the Borough's property, the Borough may remove the fence, at your sole cost and expense, and consider the initiation of litigation to restrain your continued use of the Borough's property.

Please give this your immediate attention and promptly advise of your response. Please let us know if you have any questions regarding this matter.

Very truly yours,

Paul Kaufman

Cc: Julie Falkenstern, Demarest Administrator
Deena Rosendahl, Esq.