

MINUTES
REGULAR MEETING
ZONING BOARD OF ADJUSTMENT

April 20, 2021 7:30 pm

Chairwoman Hayden opened the meeting at 7:30 with the following public announcement: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time, and place of this regular meeting in the annual schedule and notice of regular meetings of this Board. Such annual schedule and notice of regular meetings are posted at Borough Hall, were mailed to the Star Ledger and The Record, and have been filed with the Borough Clerk of Demarest on January 7, 2021.

Join Zoom Meeting

<https://us02web.zoom.us/j/7318183076?pwd=cGY3R3JlOQnlmSjE1V0pQMkp1NG9RZz09>

Meeting ID: 731 818 3076

Passcode: 271918

1. Roll Call
2. Flag Salute
3. Matters to Address
4. Administrative Matters

BOARD ROLL CALL:	PRESENT	ABSENT
Mr. Woods, Vice-Chair	X	
Mr. Davis	7:45	
Mr. Corrado	X	
Mr. Morrison	7:32	
Mr. Park		X
Mr. Press	X	
Ms. Hayden, Chairwoman	X	
Alternate #1 Mr. McLain	X	
Also Present:		
Marti Francis, Board Secretary	X	
Mark Madaio, Board Attorney	X	
Craig Zimmerman, Board Engineer	X	

The announcement was made to carry Variance Application #799-20 to the May 18, 2021, meeting and that the applicant agrees to extend all deadlines until the end of May.

Mark Goodman

Block 155, Lot 11

17 Rodney Place

Lies in C Zone

Hearing Date(s): July 21, 2020 – legal notice could not be done in a timely fashion, carry August 18, 2020 – Zoom details not included in the legal notice, carry September 15, 2020 September 15, 2020 – Applicant not prepared.
 October 20, 2020 – 1st application went too long; applicant agreed to adjourn and extend time
 November 17, 2020 – applicant requested adjourned to next meeting to arrange legal representation
 January 19, 2021 – application heard and then carried to April 20, 2021
 April 20, 2021 – Applicant’s attorney requested that the matter be carried to the May 18, 2021 meeting and granted extensions for decisions until the end of May 2021.

Variance Application # 803.20

Application Submitted:9/23/20

Hearing Date(s): 1/19/2021—application heard and then carried to March 16 and then April 20, 2021, meetings.

Applicant Name: Sugarman

Block 84.05 Lot 1

Address 1 Irene Court

Lies in D District: BB

GENERAL ZONING	REQUIRED	EXISTING	PROPOSED
Lot Area	30,000 sf.	24,958 sf	24,958 sf - ENC
Frontage	150 ft	459.38 ft	459.38 ft
Lot Depth	150 ft	155.18 ft	155.18 ft
Min. Front Yard (Irene)	50 ft	50 ft	No Change
Min. Front Yard (Lake)	50 ft	50.8 ft	No Change
Min. Front /Rear Yard (Pine)	50 ft	50.8 ft	No Change
Min Side Yard (street)	25 ft	27.5 ft	No Change
Impervious Coverage	30%	28.6%	32.9%*
Building Coverage	15%	14.6%	14.8%

(*) Variance Required

ENC – existing non-conformance

Motion: Mr. Woods moved to reject the application

Second: Mr. Corrado

Roll Call to Deny:	Eligible to Vote*	YES (vote to deny)	NO	ABSTAIN
Mr. Woods, Vice-Chair	Yes	X		
Mr. Davis	Yes	X		
Mr. Corrado	Yes	X		
Mr. Morrison	Yes	X		
Mr. Park	Yes			Absent
Mr. Press	Yes			Abstain
Ms. Hayden, Chairwoman	Yes	X		
Alternate #1 Mr. McLain	Yes	X		

**Must have been present at the previous hearing of this applicant (January) or listened to meeting recording to be eligible to vote*

Mr. York represented 1 Irene Court. The property has three front yards. Mr. York stated that several changes were made at the Board's guidance. Chris Lantelme (engineer) was sworn in. He referred to his plans (revised through 2/10/21). He was accepted. Mr. Lantelme walked the board through the changes. The new plan leaves the pool the same but reduces the patio and changes the pavilion to a smaller pergola. The shed was removed. 1,071 square feet (32.9%) is now improved coverage. Ms. Hayden and the Board pointed out that a variance is also needed for encroachment into the 50-foot setback for the pool. Ms. Hayden also pointed out that the pergola could tower over the vinyl fence. The pergola is set 25 feet back from each road. Variances would be needed for the pool, the pergola, and the patio, as well as the improved lot coverage. Mr. York stated for the record that the variances being sought are rear yard setback, according to the Borough ordinance concerning corner lots (the board would pick one as the front and the opposite becomes the rear). There is an existing four-foot high 50% open metal fence. Mr. Sugarman was sworn in and explained. It was built on the inside of the shrubs. Mr. Lantelme spoke about pools in the area on similar lots. Ms. Hayden voiced her opinion that a lot of variances are being sought and that plans could be changed. Removing the pergola would allow for a 1% difference. The applicant would be willing to remove the pergola, but further changes would be very difficult. The adjacent property owner, Mr. Cain, 11 Irene Court, spoke about hoping the applicant would be granted a pool. The client could move the pool back only two feet due to the construction of the steps. The lot coverage would then be 7876 square feet and 31.6%. Mr. Sugarman stated that three of his neighbors (with Pine Terrace in their backyards) have pools and pergolas. One did not require any variances. This is a C1 variance. Mr. Corrado moved to open to the public, second Mr. McLain. All in favor. Carried. Mr. Corrado moved to close to the public, second Mr. McLain. All in favor. Carried. Mr. Woods moved to deny and said that while he sympathized, he felt that not enough effort was made. Ms. Hayden agreed that the applicant could have done a lot more to be in compliance.

Variance Application 810.21

Applicant Name: Rubin

Block 78 Lot 1

Address 30 Anderson Avenue

Lies in A District

Relief from Fences 175-24 C is sought. Required is 50% solid and 4 feet tall. Proposed is 6'-6" 2'-6" variance required.

Motion: Mr. Corrado to approve the application

Second: Mr. McLain

Roll Call to Approve:	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair		x	
Mr. Davis	x		
Mr. Corrado	x		
Mr. Morrison		x	
Mr. Park			Absent
Mr. Press		x	
Ms. Hayden, Chairwoman		x	
Alternate #1 Mr. McLain	x		

Mr. Rubin was sworn in to represent himself. Mr. Rubin stated he is seeking a C2 variance for a driveway gate and deer fencing behind green giant trees on his property. He explained that he was trying to keep balls and children from going into the street. He stated the design is commensurate with the neighborhood. Mr. Rubin shared pictures of gates in the neighborhood. There are actually two variances (gate and six-foot deer fence) needed. Ben Lowell was sworn in and spoke to the design of the fence, which included a radial feature to tie the gate into the deer fencing. He explained that there is a slope in the driveway, which skews the height. Also, there is a gap under the fence to allow for clearance over the curb when open. Ms. Hayden asked whether the fence could be lowered or whether another design could be used. Debate about fences and gates. Mr. Rubin made clear that his main concern was the gate, but he also intends to place (if permitted) black, mesh plastic deer fence. Mr. Woods asked if the resolution could state that the fence always remain a deer fence (it can). Mr. Woods also said that it seemed too big. Ms. Hayden asked if it could be changed to six feet. Mr. Rubin stated that this would change the whole design. Mr. Morrison stated his preference for an open landscape rather than gates. Mr. Corrado moved to open to the public, second Mr. McLain. All in favor. Carried. Alan Wolpert (27 Anderson Avenue) was sworn in. He asked whether the gate would be 50% open. It is if you take the radials into account. He also asked whether the sample deer fence was at the desired location. It is. Mr. Wolpert stated that deer are not unique to this property. Mr. Corrado moved to close to the public, second Mr. Morrison. Mr. Corrado loves the design and the property. He felt that deer fences will be common. Mr. McLain seconded it, as long as the deer fence and radial design are written into the resolution. Mr. Woods stated that the benefits do not outweigh the detriments. It would detract from the suburban ambiance. Mr. Morrison stated that it is excessive. Mr. Press stated that the town regulations do not allow for higher fences that are in keeping with the structure behind them. Mr. McLain added that gates of this height have been granted before. Ms. Hayden did not feel that the applicant satisfied the legal criteria and that the gate is excessive. She also had concerns about deer fence changing to another type.

Variance denied.

Mr. Corrado asked for an executive session and was told that there are certain criteria for executive session, including that minutes are published.

**Approval of Glassman Resolution
Variance Application 808.20**

Relief from N.J.S.A. 40:55D-70 is sought: impervious coverage
218 County Road
Block 154 Lot 1.01
Lies in B District

Motion: Mr. Corrado

Second: Mr. Woods

**Only those Board members who voted affirmatively may vote on the memorializing resolution.*

Roll Call to Approve:	Eligible to Vote*	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair	Yes	X		
Mr. Davis	Yes	X		
Mr. Corrado	Yes	X		
Mr. Morrison	Yes	X		
Mr. Park	No			Absent
Mr. Press	Yes	X		
Ms. Hayden, Chairwoman	Yes	X		
Alternate #1 Mr. McLain	Yes	X		

Approval of the Amended Resolution

Mark Arzoomanian

Block 156, Lot 7

15 Rodney Place, Lies in C Zone

The original resolution was missing the stipulation that an elevation study be performed.

Motion: Mr. Woods

Second: Mr. McLain

Roll Call to Approve:	Eligible to vote *	YES	NO
Mr. Woods, Vice-Chair	Yes	X	
Mr. Davis (could not vote on motion)	No		
Mr. Corrado (voted no on the motion)	No		
Mr. Morrison (could not vote on motion)	No		
Mr. Park (could not vote on motion)	No		
Mr. Press (abstained)	No		
Ms. Hayden, Chairwoman	Yes	X	
Alternate #1, Dr. Buxt (voted no on the motion)	No		
Alternate #2, Mr. McLain	Yes	X	

**must have voted affirmatively on the motion to approve resolution*

Approval of Minutes from March 16, 2021

**only those present at prior months' meeting are eligible to vote*

Motion: Mr. McLain

Second: Mr. Corrado

Roll Call to Approve:	Eligible to Vote*	YES	NO
Mr. Woods, Vice-Chair	Yes	X	
Mr. Davis	Yes	X	
Mr. Corrado	Yes	X	
Mr. Morrison	Yes	X	

Mr. Park	No			
Mr. Press	Yes		X	
Ms. Hayden, Chairwoman	Yes		X	
Alternate #1 Mr. McLain	Yes		X	

Mr. Corrado stated that the Zoning Board has a problem when there are four identical properties and three are able to have pools and one cannot get it. Something is wrong.

Motion to Close the Meeting:

Motion: Mr. Corrado
 Second: Mr. Morrison

Roll Call to Approve:	YES	NO
Mr. Woods, Vice-Chair	X	
Mr. Davis	X	
Mr. Corrado	X	
Mr. Morrison	X	
Mr. Park		
Mr. Press	X	
Ms. Hayden, Chairwoman	X	
Alternate #1 Mr. McLain	X	

Meeting adjourned at 9:55 pm.

Next Meeting May 18, 2021, at 7:30 p.m.

Respectfully submitted,

Marti Francis
 Zoning Board secretary