



Borough of Demarest
Zoning Board of Adjustment
MINUTES

December 19, 2023

7:30 PM

DEMAREST BOROUGH HALL

The Borough of Demarest Zoning Board of Adjustment held its regular meeting on TUESDAY, DECEMBER 19, 2023 at 7:30 p.m. located at 118 Serpentine Road Demarest, NJ 07627.

CALL TO ORDER

Meeting was called to order at 7:37 PM by Ms. Hayden.

ROLL CALL

MEMBERS PRESENT: Robert Corrado, Ted Davis, Dorothy Hayden, Robert Hirsh, David McLain, Steve Park, Diana Pavlova, Timothy Woods

MEMBER(S) ABSENT: Todd Adelman

ALSO PRESENT: Julie Falkenstern – Borough Administrator & Acting Board Secretary, Mark Madaio – Attorney, Nick Chelius - Engineer

FLAG SALUTE

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

APPLICATIONS

ZB23-007 – 38 Rodney Place

Daniel Steinhagen, Beattie Padovano, introduced himself as the attorney representing the application.

Mr. Madaio stated that the notices for the application were handed in and confirmed that they had all been mailed with adequate time.

Mr. Steinhagen introduced the application for 38 Rodney Place. Mr. Steinhagen introduced his first witness, Mike Dibble, engineer. Mr. Dibble was sworn in by Mr. Madaio and confirmed that his license was in good status. Ms. Hayden stated she has no objections to Mr. Dibble's testimony.

Mr. Dibble added A1 to evidence and gave testimony on the application. Mr. Dibble added A2 to the evidence, a colorized site plan. He explained that this is a plan to add a pool to their back yard, which requires variances for Improved Lot Coverage.

The board asked questions about the proposed work and confirmed that the applicant was seeking a variance. Mr. Madaio confirmed that the applicant is still seeking two variances, and both are a reduction of coverage.

The board asked if the applicant did calculations of the coverage and Ms. Dibble confirmed that they did and walked them through the totals.

Mr. Dibble continued to talk about the driveway.

Chair Hayden asked questions about the size of the driveway.

Mr. Dibble spoke about the plan for storm water management. Then he talked about the engineering review and addressed some of the points.

Vice Chair Woods asked a question about the timeline of the project, and the applicant explained that new information came after the purchase.

Mr. Madaio spoke on the project and stated that in the past they sought only to make the modifications legal before making any significant changes.

Vice Chair Woods asked Mr. Dibble for some clarifications on the proposed work.

Chair Hayden asked about the stipulations on the prior resolution, and how this proposed project doesn't violate the prior resolution. Mr. Steinhagen answered that the proposed work should stand on its own and is a beneficial change.

Vice Chair Woods stated that his point was that the prior resolution stated a specific point, and it seems that point is being forgotten, and Chair Hayden agreed and asked the applicant to justify this request.

Mr. Madaio explained that a pool is a different kind of coverage. Mr. Steinhagen discussed the Borough ordinances and coverages regarding the pool with Mr. Madaio and the board.

Mr. Corrado stated that the plan is to remove what was given originally and stated that the applicant is making a trade off to remove some coverage to ask for different coverage. Chair Hayden added that the resolution specifically states that they can not add coverage which they are not.

Mr. McLain stated that the resolution does speak on future variances and asked a question about the patio.

Mr. Dibble explained the project again and offered that if the board deems it, they could always make things smaller, but they believe this is the most logical set up.

Mr. Hirsch asked Mr. Dibble what the practical difference is if they add or remove certain aspects.

Mr. Steinhagen called his second witness, Nicholas Graviano, Graviano & Gillis Architects & Planners, LLC, and he was sworn in by Mr. Madaio and confirmed that his license was in good status. Ms. Hayden stated she has no objections to Mr. Dibble's testimony.

Mr. Graviano explained what he did to prepare for the hearing, and then spoke on the application and the proposed work from a planning perspective.

Chair Hayden opened questions to the board and suggested that a discussion be had about the fence around the pool.

Mr. Graviano spoke about the fence.

Motion by Mr. Corrado to open the meeting to the public, seconded by Mr. McLain.

With no questions from the public.

Mr. Steinhagen made some closing remarks on the application.

Vice Chair Woods asked Mr. Madaio for the legal implications of moving forward with this project. Then a discussion was had between Mr. Madaio and the board on the law regarding resolutions and conditions. Mr. Steinhagen explained the difference between what is being proposed and the prior application and spoke on the board's power to amend a condition.

Motion to approve application ZB23-007, 38 Rodney Place, was made by: Mr. Corrado and Seconded by Mr. Hirsch:

On roll call, the vote was recorded as follows;

Vice Chair Woods:	Yes	Mr. Davis:	Yes	Mr. Corrado:	Yes
Mr. McLain:	Yes	Mr. Park:	Yes	Mr. Adelman:	Absent
Chair Hayden:	Yes	Mr. Hirsh:	Yes	Ms. Pavlova:	-

Motion Passes.

ZB23-006 – 38 Sunset Road

Chair Hayden introduced Spencer Spielberg, the next applicant. Mr. Madaio swore in both Spencer Spielberg and Paul Gdanski. He then confirmed that Mr. Gdanski is a licensed engineer, and his license is in good standing. Mr. Madaio explained to Mr. Spielberg the procedure of the board as he is the applicant and representing himself.

Mr. Spielberg explained the history of the project and the purpose of the application.

Chair Hayden discussed with Mr. Spielberg the application and the timeline of events.

Mr. Gdanski presented the board with 2 exhibits, A1 – Site Plan & A2 – Photo packet. Mr. Gdanski then explained the application and the project to the board.

The board pointed out that the retaining wall would require an additional variance.

Mr. Madaio acknowledged that the variances were identified and then explained to Mr. Spielberg that it was now time to address the negative and positive criteria.

Mr. McLain asked about the plans and when they were drawn up, and confirmed they were created after the stop work order. He went on to ask about the specifics in the plan and asked for some clarifications. Mr. Gdanski explained their intent in the calculations.

Mr. Chelius, Board Engineer, gave his professional statement on the project.

Mr. Madaio spoke about the application and stated that most likely the applicant would have to come back to a future meeting.

Mr. McLain made a comment about the timeline of construction. He went on to state his surprise that the contractor did not advise Mr. Spielberg of the proper permit procedure.

The board expressed concern over the application. Then spoke to Mr. Spielberg about how he could address the concerns. Mr. Madaio advised the applicant to seek counsel.

Motion to open the meeting to the public made by Mr. McLain and seconded by Mr. Corrado. With all in favor the meeting was opened to the public.

Jean Nonamaker, 49 Meadow Street, explained she is the backyard property, and she expressed her concern over the application. She then asked a question about storm water management.

Elan Cohen, 45 Brook Way, spoke in favor of the application.

Motion to close to the public by Mr. Corrado and seconded by Mr. McLain. The meeting was closed to the public.

Mr. McLean requested plans for the pergola be brought for the board.

The board discussed the amount of work that has already been done before this meeting.

Mr. Madaio gave a statement on what the applicant should consider for when he comes back to the board. He then stated that the application would be carried to the January 16, 2024, meeting without further notice.

APPROVAL OF MINUTES

Motion to approve the November 21, 2023, Minutes, was made by: Mr. McLain and Seconded by Mr. Corrado:

On roll call, the vote was recorded as follows;

Vice Chair Woods:	Yes	Mr. Davis:	Yes	Mr. Corrado:	Yes
Mr. McLain:	Yes	Mr. Park:	Yes	Mr. Adelman:	Absent
Chair Hayden:	Yes	Mr. Hirsh:	Yes	Ms. Pavlova:	-

NEW/OLD BUSINESS

Chair Hayden explained the January reorganization meeting, and explained what the public could expect.

ADJOURNMENT

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

All in Favor – Motion Passed

The meeting was adjourned at 10:10 PM.

Respectfully Submitted,
Michael Greco
Land Use Secretary

