



**Borough of Demarest
Zoning Board of Adjustment
MINUTES**

July 16, 2024 **7:30 PM** **DEMAREST BOROUGH HALL**

The Borough of Demarest Zoning Board of Adjustment held its regular meeting on TUESDAY, JULY 16, 2024, at 7:35 p.m. located at 118 Serpentine Road Demarest, NJ 07627.

CALL TO ORDER

Meeting was called to order at 7:30 PM by Chair Hayden.

FLAG SALUTE

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

ROLL CALL

MEMBERS PRESENT: Todd Adelman, Ted Davis, Dorothy Hayden, David McLain, Steve Park, Diana Pavlova, Timothy Woods

MEMBER(S) ABSENT: Robert Corrado, Robert Hirsh

ALSO PRESENT: Michael Greco – Secretary, Mark Madaio – Attorney, Nick Chelius – Engineer

APPROVAL OF MINUTES:

A motion was made to approve the June 18, 2024, minutes, by Mr. Davis and seconded by Mr. Park. On roll call, the vote was recorded as follows:

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

**not present at July meeting so not eligible to vote on minutes approval*

Motion Carries.

RESOLUTIONS:

APPLICATIONS:

Chair Hayden stated that the order for the evening would change, putting Application ZB 24-002 63 Central Avenue last to be heard.

ZB24-003 – 12 Irene Court, RRF Properties, LLC

Matthew Capizzi, attorney for the applicant, came forward and introduced the application. Mr. Capizzi explained that as required, notice was sent to neighboring properties inquiring if they would be willing to sell part of their lots to make the undersized lot conform, and they declined.

Mr. Madaio marked the architect plans as A1, the plot plans as A2, the survey as A3 and the Deed as A4.

Mr. Capizzi called up Perry Frenzel, Azzolina & Feury Engineering, 30 Madison Ave, Paramus, New Jersey, the applicant's engineer and he was sworn in by Mr. Madaio.

Mr. Frenzel presented the plans.

Chair Hayden asked a question about the curb cut and the driveway apron, requesting clarification on the height of the curb to be restored. Mr. Frenzel answered her question. She also raised some concerns about drainage.

A motion was made to open the meeting to the public for questions by Mr. McLain and was seconded by Vice Chair Woods.

All in Favor – Motion Carries

Kenneth Cane, 11 Irene Court, asked a question about the trees on the property. Mr. Frenzel explained the trees that are on the plan for removal.

Mr. Davis clarified that they are not town trees.

Mr. Cane asked a question about the proposed square footage, and Mr. Madaio stated that the square footage proposed is compliant.

A motion was made to close the meeting to the public for questions by Mr. McLain and was seconded by Mr. Davis.
All in Favor – Motion Carries

Mr. McLain asked a question about the neighborhood around the proposed house. Mr. Frenzel stated that looking at the tax map it appears that other lots are of similar size.

Mr. Capizzi supplied some closing remarks.

A motion was made to approve application ZB 24-003, RRF Properties LLC, 12 Irene Court, by Vice Chair Woods and seconded by Mr. McLain. On roll call, the vote was recorded as follows:

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

Motion Passed.

ZB24-004 – 62 Central Avenue, Raymond Greiche

Mr. Capizzi presented the application.

Mr. Madaio confirmed that the applicant did not need additional variances and confirmed that the applicant is seeking a F.A.R. "D" Variance.

Mr. Capizzi called up Tomasz Bona, 26 4th Street, Wood Ridge, NJ 07075, the applicant's architect, who was sworn in by Mr. Madaio and had his qualifications accepted by Chair Hayden.

Mr. Bona described the plans.

Chair Hayden asked a question about doors to the outside and if the look of the new section would match the rest of the building. Mr. Bona confirmed it would be similar. Chair Hayden asked if there would be an increase in coverage.

Vice Chair Woods asked about the current set up of the porch.

Mr. Davis asked if the variance is granted would the applicant be able to build up, and Mr. Madaio stated that they would be required to come back to the board if that were the case.

Chair Hayden made some statements about the property and expressed that this change would not significantly impact the neighborhood.

A motion was made to open the meeting to the public for questions by Mr. McLain and was seconded by Vice Chair Woods.

All in Favor – Motion Carries

With no public present wishing to speak.

A motion was made to close the meeting to the public for questions by Mr. McLain and was seconded by Vice Chair Woods.

All in Favor – Motion Carries

Mr. Capizzi gave some closing remarks.

A motion was made to approve application ZB 24-004, Raymond Greiche, 62 Central Ave, by Mr. Park and seconded by Mr. Davis. On roll call, the vote was recorded as follows:

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

Motion Carries.

ZB24-002 – 63 Central Avenue, Austin Siboni

Mr. Haberman, the applicant’s attorney, informed the board know that Mr. Siboni was sick and would not be present, then he gave a synopsis of the application so far.

Chair Hayden asked for Perry Frenzel, the applicant’s engineer, to summarize the final plans.

Mr. Frenzel summed up the plan.

Mr. Madaio asked for some clarification on the setbacks. Mr. Frenzel clarified the setbacks

Mr. McLain asked a question about the fill on the property and what permits would be required. Mr. Frenzel stated that a soil moving permit application would be required. Mr. Haberman agreed that if it is a condition of approval they would take out a soil moving permit. Mr. Chelius stated that whether the application is approved a soil moving permit would be required to bring the property back to the prior state even if the application is denied. Mr. McLain asked about Bergen County approvals and Mr. Chelius explained the requirements by Bergen County Soil.

Vice Chair Woods asked a question about the shed on the property and if the shed could be removed or moved. Mr. Haberman responded that he is not authorized to make a decision about the shed.

The board discussed the shed on the property, and Mr. Haberman stated that the applicant does not seek to remove the shed. Mr. Madaio stated that the board could choose to approve some variances and deny others.

Mr. Madaio summed up the variances in question.

Vice Chair Woods asked if a variance is required for the walls because they are not retaining walls. Mr. Madaio pointed out that Vice Chair Woods stated last meeting that the wall is a structure even if it is not a retaining wall, and that the wall does need a variance.

Mr. Frenzel spoke on the existing lot coverage variance and stated that the lot coverage is decreasing from the existing.

The board discussed the existing lot coverage and stated that they were not positive if the existing coverage problem was lawfully built.

Chair Hayden stated that from the pictures of the property prior to the current owner it seems that the coverage existed before the current owner. Mr. Madaio stated that this means the requested variance for lot coverage is a reduction of existing lot coverage.

Mr. McLain asked a question about the pictures of the property and asked about the shed. Mr. Chelius confirmed that the shed is a preexisting structure. Mr. Park asked about the dirt that was brought in and put by the shed. Mr. Madaio stated that the dirt will be changed to the plan presented by Mr. Frenzel. Mr. Davis asked a question about the stop work order and the conditions of the shed. Chair Hayden and Mr. McLain stated that the shed was not buried as stated.

Chair Hayden asked a question about the sofa in the pictures which appears to be on the Borough property. Mr. Madaio gave a summary.

A motion was made to open the meeting to the public for questions by Mr. McLain and was seconded by Vice Chair Woods.

All in Favor – Motion Carries

Joyce Lustbader, 71 Central Ave, asked a question about why they need a variance and why they can't move the lower wall back. Mr. Frenzel explained that the stepped wall was a preference suggested by the Board Engineer for visual appeal. Ms. Lustbader asked a question about the grade of the property, and Mr. Frenzel explained the intended grade plan to her.

Ms. Lustbader stated that the couch mentioned was not the applicant's doing.

A motion was made to close the meeting to the public for questions by Mr. McLain and was seconded by Vice Chair Woods.

All in Favor – Motion Carries

Mr. Haberman gave some closing remarks.

The board discussed with Mr. Madaio the options they have.

A motion was made to approve variances related to improved lot coverage and to the construction of a wall with conditions for application ZB 24-002, 63 Central Avenue, by Vice Chair Woods and seconded by Mr. McLain. On roll call, the vote was recorded as follows:

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

Motion Carries.

A motion was made to deny the side yard setback for the accessory structure (shed) for application ZB 24-002, 63 Central Avenue, by Vice Chair Woods and seconded by Mr. McLain. On roll call, the vote was recorded as follows:

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

Motion Carries.

NEW/OLD BUSINESS

ADJOURNMENT

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

All in Favor – Motion Carries

The meeting was adjourned at 8:59 PM.

Respectfully Submitted,
Michael Greco
Land Use Secretary

