



Borough of Demarest
Zoning Board of Adjustment
MINUTES

May 21, 2024
7:30 PM
DEMAREST BOROUGH HALL

The Borough of Demarest Zoning Board of Adjustment held its regular meeting on TUESDAY, MAY 21, 2024, at 7:30 p.m. located at 118 Serpentine Road Demarest, NJ 07627.

CALL TO ORDER

Meeting was called to order at 7:35 PM by Chair Hayden.

FLAG SALUTE

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

ROLL CALL

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

MEMBER(S) ABSENT: Todd Adelman, Robert Hirsh, Steve Park,

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

APPROVAL OF MINUTES:

A motion was made to approve the April 16, 2024, minutes, by Mr. Corrado and seconded by Mr. McLain. On roll call, the vote was recorded as follows:

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

Motion Passed.

RESOLUTIONS:

A motion was made to approve the resolution for application ZB 24-001, 74 Pine Terrace, Chad Cutler, by Mr. McLain and seconded by Mr. Corrado. On roll call, the vote was recorded as follows:

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

Motion Passed.

APPLICATIONS:

ZB24-002 – 63 Central Avenue

Chair Hayden presented the application and highlighted the applicant had failed to provide specific information that was requested last month about the condition of the site to clarify what improvements were done with and without Boro approval.

Paul Haberman from Mueller Law Group then explained what they had brought. Paul Azzolina, Azzolina & Feury Engineering, 30 Madison Ave, Paramus, New Jersey, was sworn in by Mr. Madaio and confirmed his qualifications with the Chair.

Mr. Madaio clarified Board questions from the previous hearing stating that the label “existing” on site does not indicate approval and the current plans show items that exist without approval.

Mr. Azzolina, the applicant's engineer, began discussing the plans and a prior survey. During the discussion, Mr. McLain and Mr. Madaio pointed out that the numbers presented for the permits were inaccurate and did not match the current state of the property. Mr. Chelius suggested that a large part of the missing coverage might be caused by the driveway not being included in the survey. Mr. Azzolina explained that the boundary survey did not include the driveway and that the site itself did not match the plans presented to the Board, particularly regarding the walkways.

Vice Chair Woods said the submitted plans did not accurately represent the site, which Mr. Azzolina confirmed and went on to explain the differences and what was accurate in the plans.

Mr. McLain raised concerns about the building coverage decreasing without any alterations to the building, and the continued discrepancies between the previous and current plans. Mr. Azzolina explained that the prior plans had incorrect calculations. Paul Haberman, the applicant's attorney, acknowledged the previous inaccuracies and stated that the new numbers being presented were more accurate.

Ms. Hayden stated the applicant had been given a month to correct the numbers but had failed to do so, and that the current plan did not accurately represent the site. The Board discussed with Mr. Azzolina the issue of inaccurate numbers and that these numbers came from his firm. Ms. Hayden also stated the applicant had been given a month to correct the numbers but had failed to do so, and that the current plan did not accurately represent the site. The Board discussed with Mr. Azzolina the issue of inaccurate numbers and that these numbers came from his firm.

Mr. Madaio noted that a covered porch was there in the prior calculations and that the covered porch is no longer present. Chair Hayden stated that this does not seem that it would account for the incorrect coverage numbers.

Austin Siboni, 63 Central Avenue, the applicant, testified to the removal of the covered porch being a significant reduction.

Ms. Pavlova asked a question about the change in the retaining walls, and Mr. Madaio stated this changes the lot coverage but does not account for the building coverage change. Mr. Woods stated what the Board needs to make its decision on this matter, needing multiple calculations in the plan presented. The Board continued to discuss the different problems with coverage and the possible causes.

Mr. Azzolina explained the retaining wall and discussed the specifics with the Board. A question was asked about how the coverage only rose what it did with the extra wall. They explained that the wall is now smaller than the previous design, lessening the coverage.

Mr. Madaio suggested that the Board talk less about the differences in the plans and more about discussing if the current plan seems like a reasonable representation.

The Board discussed the changes that occurred without permits and the problem with the current proposed plans do not represent what is being proposed.

Mr. Siboni testified that the walkways were removed and the pavers in the walkway were replaced. The Board stated that this is a problem because these were removed without permits and the walk was changed without a permit.

Mr. Madaio explained the Board's concerns to the applicant. Mr. Siboni stated that the former owner created some of these coverage issues. The Board explained that this still requires variances because the coverage is outside what is allowed. The Board discussed with the applicant the required process when doing construction and that the applicant did work without permits. Mr. Madaio stated that everyone needs to take a step back and figure out everything involved in this house and answer all the questions about what is incorrect.

Mr. Haberman requested a 5-minute break to discuss with his applicant at 8:25 PM. The Board resumed at 8:30 PM.

Mr. Madaio asked if Mr. Haberman had a plan. Mr. Haberman explained that the applicant was interested in the Board hearing about the new wall plan before the meeting closed. Chair Hayden agreed to this and stated that the matter would be carried to the next meeting and the applicant would come back with multiple new plans to show everything. Mr. Madaio explained what the Board wants to better understand. Mr. Chelius explained in better detail about what the plans submitted should show.

Mr. McLain asked Mr. Madaio about the responsibility of an owner if they purchased a house that was over allowed coverage and had no variances. Mr. Madaio stated that they would need variances. The Board discussed the variances needed, both the ones inherited, and the ones being requested. Mr. Siboni asked for clarification of what is required, and Mr. Madaio answered him.

Mr. Azzolina presented the new wall plan. Mr. McLain asked a question about a drainage piper that was added and not permitted or shown on the plans. Mr. Chelius stated that the pipe should be piped to a seepage pit, which may mean adding another seepage pit.

A motion was made to the open the meeting to the public by Mr. Corrado and seconded by Mr. McLain.
All in Favor – Motion Passed.

Cynthia Sager, 59 Central Avenue, asked about a trench created between her property and the applicants, and Mr. Azzolina stated that he would look and have an answer for the next week.

Peter Sumereau, 67 Central Avenue, asked for some clarification on the seepage pits and asked about their depth. Mr. Azzolina explained to him how they function.

Mr. Davis asked if a percolation test had been done, and Mr. Azzolina answered that not yet.

Mr. Sumereau asked about the difference between where the illegal wall is and where the new wall will be built. He stated that he believes no matter what if they allow this, then water will flow to his property.

Joyce Lustbader, 71 Central Avenue, spoke against the application.

Peter Sumereau, 67 Central Avenue, stated that the applicant has continued working despite having a stop work order.

Mr. Chelius encouraged the neighbors to report problems like this when they occur.

Diane Conti, 77 Central Avenue, asked questions about the walls and their height.

Mr. McLain stated that the topographic numbers represented on the plan were claimed to be the original numbers before the illegal work.

A motion was made to close the meeting to the public by Mr. Corrado and seconded by Mr. McLain.

All in Favor – Motion Passed

Mr. Siboni testified that his landscaper performed work on the property without his permission. Mr. Madaio confirmed that the landscaper knows there is a stop work order on the project. Then confirmed that the owner allowed work to happen without his knowledge.

Mr. Woods asked about the topographic points and why the numbers on the new and prior plans do not show a difference. Mr. Chelius gave some comments on the topography and the elevation shown.

Mr. Siboni asked the Board what the process would be if he decided not to create the wall. Chair Hayden and Mr. Chelius explained that he would still have to be before the Board to understand what the new grading would be. Mr. Chelius in addition explained that if an approved plan has an impact on neighbors, he would still be responsible for remedying this at the owner's expense.

Chair Hayden and Mr. Madaio stated the application would be carried to the next meeting without further notice and confirmed that the applicant would extend the Boards time to act.

NEW/OLD BUSINESS

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 9:20 PM.

Respectfully Submitted,
Michael Greco
Land Use Secretary

