



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

---

**December 17, 2024**

**7:30 PM**

**DEMAREST BOROUGH HALL**

---

The Borough of Demarest Zoning Board of Adjustment held its regular meeting on TUESDAY, DECEMBER 17, 2024, at 7:30 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, Robert Corrado, Ted Davis, Dorothy Hayden, David McLain, Timothy Woods

**MEMBER(S) ABSENT:** Steve Park, Robert Hirsh, Diana Pavlova

**ALSO PRESENT:** Michael Greco – Secretary

**MINUTES:**

Chair Hayden stated that there are no minutes for the prior meeting up for approval, and that the board is required to have minutes. Mr. Greco explained that the minutes are being worked on but not complete.

Mr. McLain asked who would approve the minutes in the future. He then noted that Maya Wrubel, a former board member, complimented the board on their thoroughness.

Mr. McLain reiterated his question about the approval of minutes, stating that you must be present at a meeting in order to approve the minutes.

Mr. Greco explained that this is incorrect, a board member is not required to be at a meeting to approve the minutes, as this practice in specific circumstances could lead to minutes being unable to be approved.

Chair Hayden stated that while this is technically correct, she commented that the board has always followed the procedure that you must be present at a meeting to vote on the minutes.

Mr. Greco explained that while this is an acceptable practice, it is not required.

Mr. McLain stated that this practice could lead to mistakes.

**NEW/OLD BUSINESS:**

Mr. Davis asked Chair Hayden why the applications originally on for this month were not being heard.

Chair Hayden stated that each of the applicants were spoken to by a member of the Borough, Mr. Greco, and he told them about the Joint Land Use Board, and that they would not be heard.

Mr. Davis asked if Mr. Greco has the authority to do this.

Chair Hayden stated that this is a grey area, and that she believed the applications could have been heard, and that the board could have come to the meeting with a prepared resolution.

Mr. Davis stated that this could have been finished before Christmas.

Mr. McLain stated that the applicants was out of the country and had to buy a ticket and fly in for the meeting.

Mr. Davis asked Mr. Greco if he had the authority.

Mr. Greco asked for clarification on the question.

Mr. Davis clarified the authority to cancel the meeting.

Mr. Greco explained that the meeting was not cancelled. The applicants were informed that an ordinance was introduced by the Mayor and Council that contemplates the formation of a joint board, and the applicants requested that their hearings be delayed until January.

Mr. McLain asked what the situation is and stated that he had not been informed prior to the meeting that a joint board was being considered..

Chair Hayden stated that one of the applicants contacted her and informed her that they wanted to be heard tonight.

Mr. McLain talked about the application for 20 Pine Hill Road and expressed that the application is being held up by this. Mr. McLain suggested that the Borough's ratables would be delayed since the hearing is delayed Mr. McLain asked why the board was not told ahead of time.

Mr. Greco stated that he was told of the ordinance introduction after the Mayor and Council meeting at which the ordinance was introduced. He discussed options for the December meeting agenda with the Chair and he reached out to the applicants. Mr. Greco explained that he can not speak for the mayor or other members of the Borough as to any communications with the board.

Mr. Davis questioned whether anyone had overstepped.

Mr. Davis asked for clarification on ordinance procedure and Mr. Greco explained proper procedure.

Chair Hayden explained that the ordinance is not complete, it was merely introduced.

Mr. Davis stated that he was formerly a councilmember and is a longtime zoning board member and stated that he has seen corruption in the town in the past.

Vice Chair Woods stated that the Mayor and Council will be holding a public hearing and recommended that Mr. Davis attend the meeting.

Mr. McLain asked the Chair if anyone was contacted in regard to this ordinance.

Chair Hayden denies that she or anyone else was contacted.

Mr. McLain expressed confusion with Planning Board agendas and dates.. Mr. Greco noted that the Planning Board changed some of their meeting dates..

Mr. Davis asked if the board could take a break and speak with Chair Hayden outside. Chair Hayden stated that this would be inappropriate.

Chair Hayden stated that the Planning Board Chair rescheduled the meeting because she did not receive the RFQs.

Mr. Greco noted that the Planning Board Chair did receive the RFQ responses, however they have not yet been provided to the entire board.

Mr. McLain asked if the ordinance would be discussed at the planning board meeting.

Mr. Greco responded that he was not asked to place a discussion item related to a proposed Joint Board on the Planning Board agenda and the ordinance is scheduled for a public hearing by the Mayor and Council.

Mr. McLain asked if the planning board had to review a land use ordinance.

Mr. Greco explained that this only applies to Zoning Ordinances that address development regulations.

Chair Hayden disagreed with this. Mr. Greco explained that the borough spoke with the board attorney and the borough attorney and confirmed that this is the case.

Mr. Davis clarified the date of the Mayor and Council Meeting and the Planning Board meeting.

Chair Hayden stated that the decision to approve the ordinance creating the joint board is a decision of the mayor and council and not the planning board.

Chair Hayden expressed disappointment in the potential ordinance.

#### **APPLICATIONS:**

Chair Hayden stated that the agenda was revised to put all three applications to January.

Mr. Greco stated that this change was discussed with the Chair.

Chair Hayden said that she does not recall.

Mr. Greco asked the Chair what she would have the board do instead of rescheduling the applications to January.

Chair Hayden stated that she would prefer the applications heard.

Mr. Davis asked if Chair Hayden authorized this.

Chair Hayden stated that she authorized nothing.

Mr. Greco asked again if the Chair would not extend the notice. Chair Hayden stated that the applications have to be heard and that the board has to set a date. Mr. Greco asked a third time if the board would extend the applications notice until the January meeting.

Chair Hayden stated that the board would extend the applications to the next meeting.

Mr. Davis stated that there was no authorization.

Mr. Greco explained that he did not authorize anything, the applicants requested to move their hearings to January as is their right.

Mr. Davis stated that he is 100% right.

Mr. Davis stated that this is crazy and recommended that the meeting be closed.

Mr. McLain asked why the board did not hold a special zoom meeting to close out the applications.

Mr. Greco explained that solutions to complete the applications in 2024 were proposed in communications with the board attorney and board chair and was advised by the attorney that it was not possible to complete the process in December and a January meeting was necessary, regardless of any decisions of the Mayor and Council.

Mr. McLain asked if the idea of a resolution having been prepared ahead of time was brought up.

Mr. Greco explained that this was also requested by the attorney and rejected.

Chair Hayden stated that she is surprised by this.

Mr. McLain asked about the timeline of the ordinance, and if there is a waiting period.

Mr. Davis stated that there is a process.

Chair Hayden stated that there is a waiting period of 20 days.

Mr. Greco explained the process of an ordinance and that there is no waiting period on general ordinances, the waiting period applies to specific types of ordinances. Most ordinances, including the proposed ordinance to create a joint board scheduled for a public hearing at the next Council meeting, go into effect on publication of the ordinance.

Mr. McLain asked about the currently scheduled reorganization meeting. Mr. Greco explained the current reorganization dates were scheduled last year during the 2024 reorganization.

Mr. Davis interjected to ask Michael if he applied for the job or was he appointed.

Mr. Greco stated he applied for the job.

Mr. Davis asked who hired him.

Mr. Greco stated that the Mayor and Council hire all employees.

Mr. McLain talked about the ordinance and the agenda it was on. He asked if the ordinance was voted on in a secret meeting.

Mr. Greco explained that an ordinance can not be introduced in a closed session.

#### **RESOLUTIONS:**

A motion was made to approve the resolution for application ZB-24-006, 22 Drury Lane, by Mr. Adelman and seconded by Ms. Corrado.

On roll call, the vote was recorded as follows: (*n/e = not eligible*)

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

*Motion Carries.*

Chair Hayden stated that the three applications originally scheduled tonight would be rescheduled for the January 21, 2025, Zoning Board of Adjustment meeting without further notice.

Mr. McLain asked about the timeline of the applications.

Mr. Greco confirmed that the applicants' extended the board's time to act in writing.

In response to Mr. McLain the members then each stated how long they have been members of the board.

Mr. Corrado stated that it would be hard to find board members with the same values as the current members have.

A discussion ensued about how the board used to function and the board members feelings about how things are being handled and their views on the board's responsibilities and function. Mr. Davis added that he sees how the town gets

“destroyed and raped...”. The consensus of the board was that they did not agree with the process the Mayor and Council was proposing.

Mr. Davis relayed a conversation he claims to have had with the company conducting the reassessment in which they stated that many improvements were discovered that should have required variances. He then opined that perhaps that is why the Council is proposing a joint board because tax revenue will be generated from improvements that should require variances.. Mr. Davis went on to state that when he was a councilman, he instructed the construction official to issue violations or stop work orders and that the construction official advised that as a councilman he could not legally give him that direction. He further stated that this was confirmed to him by the borough attorney, but he feels he could give this direction as a councilman.

#### **ADJOURNMENT**

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

All in Favor – Motion Carries

The meeting was adjourned at 8:10 PM.

Respectfully Submitted,  
Michael Greco  
Land Use Secretary

