



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

March 19, 2024

7:30 PM

DEMAREST BOROUGH HALL

The Borough of Demarest Zoning Board of Adjustment held its regular meeting on TUESDAY, MARCH 19, 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 Vice Chair Woods.

FLAG SALUTE

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

SWEARING IN OF NEW MEMBERS

Diana Pavlova, Alternate Member #2, was sworn in by Mr. Madaio.

ROLL CALL

MEMBERS PRESENT: Todd Adelman, Robert Corrado, David McLain, Timothy Woods, Diana Pavlova

MEMBER(S) ABSENT: Ted Davis, Dorothy Hayden, 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 February 20, 2024, minutes, by Mr. McLain and seconded by Mr. Corrado. On roll call, the vote was recorded as follows:

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

Motion Passed.

APPLICATIONS

ZB23-006 – 38 Sunset Road

Matthew Capizzi, Esq. introduced the application to the board.

Mr. Madaio confirmed that Mr. Gdanski remained sworn in, and confirmed which plans were being looked at.

Mr. Capizzi gave testimony for the change in the plans. Mr. Capizzi added a photo exhibit to the evidence and gave copies to the board.

Mr. Madaio confirmed that the old photo exhibit was no longer reflective of the plan. He also confirmed that the pergola is a free-standing structure, not attached to the house.

Mr. Gdanski gave testimony on the changes to the plan.

Vice Chair Woods asked a question about building coverage.

Mr. McLain asked a question about drainage and made comments about the difficulty of reading the plans.

Mr. Chelius spoke on drainage and how it is handled and measured regarding this property.

Mr. McLain and Mr. Chelius discussed drainage.

Mr. McLain stated that the plans should be marked more clearly.

Mr. Gdanski explained his plans and agreed to make them clearer.

Vice Chair Woods stated concern over the pergola in the plans. Stating that if the pergola is approved, the applicant could attempt to make it into something more.

Mr. Capizzi explained that if the pergola is approved that they would not be seeking to change it into anything else.

Vice Chair Woods, Mr. Madaio and Mr. Capizzi discussed building coverage.

The board discussed the application and the need for the pergola.

Mr. Capizzi asked for a 5-minute break to speak with his client, and the board granted this break.

Mr. Capizzi came back from the break and offered some conditions for the resolution that the applicant would be agreeable to. The conditions presented included the agreement that the applicant would need to come back to the board to alter the pergola, and that if a time came that the applicant planned to sell the house, he would agree to remove the pergola before the sale.

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

All in Favor – Motion Passed

Lynn Paulison, 15 Lois Court, asked a question about the overage on the application and Mr. Madaio answered her. Ms. Paulison spoke out against development in general and against people asking forgiveness for building without permits.

Jean Nonenmacher, 49 Meadow Street, asked a question about the pergola. She expressed concern over a pergola being more than it is approved to be.

Mr. Madaio explained the offer from the applicant.

Ms. Nonenmacher asked a question of responsibility of who would be making sure the changes are done correctly.

Mr. Madaio and Mr. Chelius explained to Ms. Nonenmacher the process and who is responsible for enforcement.

Mr. McLain discussed with Mr. Chelius and Mr. Madaio how these deviations in plans happen and why they are sometimes missed. Then they discussed the conditions and whether they could be put in and what conditions they decide to put in a possible resolution. It was decided that the conditions presented by Mr. Capizzi were not enforceable and would not be in the resolution.

Mr. Madaio asked for clarification on the pergola, and Mr. Capizzi answered.

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

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

Mr. Capizzi offered his closing remarks and requested a vote on the application.

The board deliberated on the application.

A motion was made to approve the revised plans as submitted for Application ZB23-006 for the property located at 38 Sunset Road, by Mr. McLain and seconded by Mr. Corrado. On roll call, the vote was recorded as follows:

Vice Chair Woods:	No	Mr. Davis:	Absent	Mr. Corrado:	Yes
Mr. McLain:	Yes	Mr. Park:	Absent	Mr. Adelman:	Yes
Chair Hayden:	Absent	Mr. Hirsh:	Absent	Ms. Pavlova:	Yes

Motion Passed.

NEW/OLD BUSINESS

Mr. McLain discussed with the board some concerns over the procedure of the filing of plans with applications.

The board discussed enforcement.

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 8:53 PM.

Respectfully Submitted,
Michael Greco
Land Use Secretary

