



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

February 20, 2024

7:30 PM

DEMAREST BOROUGH HALL

The Borough of Demarest Zoning Board of Adjustment held its regular meeting on TUESDAY, FEBRUARY 20, 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.

SWEARING IN OF NEW MEMBERS

Chair Hayden stated that Diana Pavlova, Alternate #2, was not in attendance and would be sworn in at the next meeting.

ROLL CALL

MEMBERS PRESENT: Todd Adelman, Robert Corrado, Dorothy Hayden, David McLain, Steve Park, Timothy Woods

MEMBER(S) ABSENT: Ted Davis, Robert Hirsh, Diana Pavlova

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

APPROVAL OF MINUTES:

A motion was made to approve the January 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:	Absent	Mr. Corrado:	Yes
Mr. McLain:	Yes	Mr. Park:	Not Eligible	Mr. Adelman:	Yes
Chair Hayden:	Yes	Mr. Hirsh:	Absent	Ms. Pavlova:	Absent

Motion Passed.

RESOLUTIONS:

Mr. McLain asked a question about the year-end report and discussed with Mr. Madaio and Chair Hayden questions dealing with property elevation.

A motion was made to approve Resolution 2024-05 to adopt the 2023 year-end report 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:	Yes	Mr. Adelman:	Yes
Chair Hayden:	Yes	Mr. Hirsh:	Absent	Ms. Pavlova:	Absent

Motion Passed.

APPLICATIONS

ZB23-006 – 38 Sunset Road

Chair Hayden presented the application and confirmed that Matthew Capizzi, Capizzi Law Offices, 205 Fairview Ave, Westwood, NJ 07675, is the attorney for the application. Mr. Capizzi explained the application. Mr. Madaio asked for clarification on the plan and Mr. Capizzi answered. Vice Chair Woods asked a question about the retaining wall.

Mr. Capizzi called his first witness, Paul Gdanski, P.E., PLLC, 633 Woodmont Lane, Sloatsburg, New York 10974. Mr. Gdanski gave a presentation on the updates and changes to the application. Mr. Madaio confirmed that the pergola was included in the building coverage calculation.

Chair Hayden asked about the timeline of when the structures were built. Mr. McLain stated that the structures were built illegally, and a variance should have been required. Vice Chair Woods asked about the plan and why certain structures were necessary.

Mr. McLain asked questions about the pavers and the drainage system.

Mr. Chelius explained some background on the property's existing drainage systems, and the proposed new ones.

Mr. Gdanski discussed the systems with the board and Mr. Chelius.

Vice Chair Woods brought up concerns over whether the patio listed as proposed is preexisting, because it was built without permits. Mr. McLain asked why the plans were not more comprehensive and do not show the existing structures clearly. The board discussed with Mr. Capizzi that the plans need to be clearer and show more information regarding the existing structures, including what was built without permits, what will be removed, what will remain and what is being proposed as new.

Mr. Chelius spoke on the drainage systems and gave recommendations on how to improve them.

Chair Hayden asked about the proposed patio, and whether it is necessary, stating removing it would reduce overall improved lot coverage.

Mr. Madaio stated that this application comes down to a needs verse wants. Chair Hayden agreed that there is a lot of the plan that is not necessary.

Mr. Capizzi suggested that they go back and revise the plans for the board.

Mr. Madaio, Chair Hayden, and Mr. Chelius and the board gave recommendations on how to prepare new plans with the complete and detailed information the board is looking for.

Mr. Capizzi presented his second witness, Kimberly Kline, Landscape Architect, Kline Design, Landscaping design. Mr. Madaio swore Ms. Kline in and confirmed her qualifications.

Ms. Kline gave a presentation on the landscaping plan for the property. Chair Hayden asked for clarification on what currently exists on the property.

Mr. McLain asked about the stone type, and Ms. Kline answered River Rock. Mr. McLain also asked if this was deer proof, and Ms. Kline answered as much as she could.

Chair Hayden stated the plan would help with water absorption.

Mr. Madaio stated that the application would be carried to the March 19 meeting without further notice.

NEW/OLD BUSINESS

Mr. McLain asked a question to the Engineer about COs and the issue procedure for them. Mr. Chelius explained the process that the engineer makes a recommendation, but the building department would ultimately issue the CO. The board discussed this process and raised some concerns about projects being illegally constructed and receiving a CO. The discussion included talk of as built surveys, and who reviews the as built and confirms its accuracy, as well as what the town does when a homeowner builds something illegally and how the town can be more on top of this.

PUBLIC SESSION

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

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

ADJOURNMENT

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

All in Favor – Motion Passed

The meeting was adjourned at 8:20 PM.

Respectfully Submitted,
Michael Greco
Land Use Secretary

