



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

April 16, 2024

7:30 PM

DEMAREST BOROUGH HALL

The Borough of Demarest Zoning Board of Adjustment held its regular meeting on TUESDAY, APRIL 16, 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

MEMBER(S) ABSENT: Robert Hirsh, Diana Pavlova, Timothy Woods

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

APPROVAL OF MINUTES:

A motion was made to approve the March 19, 2024, minutes, by Mr. McLain and seconded by Mr. Corrado. On roll call, the vote was recorded as follows:

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

Motion Passed.

RESOLUTIONS:

A motion was made to approve the resolution for application ZB 23-006, 38 Sunset Road, Spencer Spielberg, by Mr. Corrado and seconded by Mr. McLain. On roll call, the vote was recorded as follows:

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

Motion Passed.

APPLICATIONS:

ZB24-001 – 74 Pine Terrace

Carmine Alampi, Law Office of Carmine R. Alampi, LLC, presented the application and gave a summary of their witnesses.

Frank Troia, Planned Architecture, 267 Pascack Road, Township of Washington, the applicant's architect as sworn in by Mr. Madaio. Chair Hayden accepted their credentials.

Mr. Troia presented exhibit A1, architectural plans, and A2, letters from the neighbors stating they do not wish to sell parts of their property as required by MLUL..

Mr. Troia explained the application and the plans.

Mr. Madaio confirmed that the building had no variances, but that the variances being asked for pertain to the lot and the retaining wall.

Mr. Davis asked a question about the existing grade and the ordinance, and Mr. Madaio stated that an engineer would testify to that next.

Robert Costa, Costa Engineering, 352 South River Street, Suite 302 Hackensack, New Jersey, the applicant's engineer was sworn in by Mr. Madaio. Chair Hayden accepted his qualifications.

Mr. Costa presented exhibits A3, site plan, A4, colorized site plan, A5, survey and front setback study.

Mr. Costa explained the application and the plans as it pertains to engineering.

Mr. Chelius spoke about the setbacks.

Chair Hayden asked for some more description of the retaining wall and why it is needed.

Mr. Davis asked a question about drainage and about the revisions to the plans.

Chair Hayden asked Mr. Chelius for his opinion of the wall, and Mr. Chelius responded that the wall is not necessary, but it is desirable, and it is compliant. Chair Hayden asked for clarification on the height of the wall.

Mr. Costa explained that the applicant is putting in several storm water management measures.

David Spatz, 60 Friend Terrace, Harrington Park, New Jersey, the applicant's planner, was sworn in by Mr. Madaio.

Mr. Spatz explained the application from a planning perspective.

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

No public came forward to speak on this application.

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

All in Favor – Motion Passed

A motion was made to approve Application ZB 24-001 for the property located at 74 Pine Terrace, by Mr. Corrado and seconded by Mr. Davis. On roll call, the vote was recorded as follows:

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

Motion Passed.

ZB24-002 – 63 Central Avenue

Paul Haberman, Mueller Law Group, presented the application.

Perry Frenzel, Azzolina & Feury Engineering, 30 Madison Ave, Paramus, New Jersey, the applicant's engineer presented the plans.

Mr. Chelius asked for clarification on the walkway Mr. Frenzel claimed they were removing, though it was not shown on the plan. Mr. Frenzel stated that it has already been removed.

Chair Hayden asked for a recalculation of the numbers.

Chair Hayden and Mr. Chelius discussed how drainage could be improved.

Mr. Madaio suggested that this plan could be lessened and made less flat to help with drainage.

Chair Hayden and Mr. Chelius discussed the setbacks and how tight they are.

Mr. Chelius asked about the existing trees and expressed concern that the wall would damage their root systems.

Chair Hayden stated that there were already trees removed without permits.

Chair Hayden brought up concern over the listed existing coverage.

Mr. McLain stated that the applicant has already built the proposed wall illegally. He went on to express concerns over the encroachment on the neighboring properties. He also spoke about the lack of soil moving permit and that the client stated they would get a letter from Bergen County, but no letter has been submitted. Mr. McLain questioned the prior calculations. Mr. McLain also expressed concern over the construction debris that has been left on the neighboring properties.

Mr. McLain asked if the numbers on the chart showing the existing grade are the numbers for before new soil was illegally brought in.

Mr. Madaio questioned the timeline and made a statement about the necessity to clean up the neighboring properties.

Austin Siboni, 63 Central Avenue, homeowner, and applicant was sworn in by Mr. Madaio.

Mr. Siboni explained his application and the history of it.

Mr. Madaio and Chair Hayden confirmed that the entire house is being renovated and that the backyard construction is not preventing him from moving into the house.

Mr. McLain presented to the board and the applicant the prior permits pulled for the second-floor addition showing that the improved lot coverage numbers are not consistent with the plans today.

The board discussed the difference in the plans submitted in the past and the plans in front of them, and the need for clarification.

Mr. Madaio summed up that the existing conditions exceed those which were permitted for.

The board discussed the submitted survey and the timeline of the application with Mr. Siboni.

Mr. McLain entered an exhibit of some photos of the property displaying debris on neighboring lawns.

Mr. Madaio spoke with Mr. Siboni about the responsibility of him as a homeowner and keeping his property in order. The board explained to Mr. Siboni what he needs to do to move forward with the board.

Mr. McLain asked why cleaning up in the backyard had not been done, and Mr. Siboni answered that he was following the stop work order from the construction official. Mr. McLain and Mr. Madaio pointed out that this has been since August of the prior year, and that the debris has been sitting there for nine months since the stop work order. They questioned what took him so long to come to the board.

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

Peter Sumereau, 67 Central Avenue, explained that he is the neighbor to the property and gave testimony that he has debris in his yard. He explained some issues with the application and the construction. He also stated his issues and concerns with the lack of courtesy toward neighbors. Mr. Sumereau stated his worry that the water coming from this property would drain onto his property. Mr. Madaio gave some examples of ways that this can be rectified.

Joyce Lustbader, 71 Central Avenue, read a letter expressing concern over the construction and the water that it would create on the neighboring properties. She also stated some problems with trees on the property that were removed illegally. She expressed that her opinion is that there should be no variance issued.

Mr. McLain stated that due to the grading this property has a large effect on all neighboring properties.

Steve Conti, 77 Central Avenue, stated concern over the water run off from this construction.

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

Mr. Siboni gave some final statements.

Chair Hayden stated the fence should be able to come much close to conformity. She also stated that for the board to make a decision on the application, plans would need to be submitted showing what exists, what is proposed and what is currently on the premises illegally built and that Mr. Siboni would need to provide an explanation on why the numbers differed so much from one application to the next without explanation. She also stated the applicant should provide a survey from the title company.

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

Mr. Haberman gave a closing statement.

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 9:52 PM.

Respectfully Submitted,
Michael Greco
Land Use Secretary

