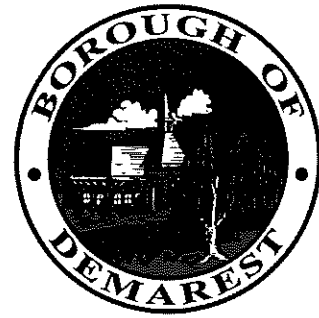


**BOROUGH OF DEMAREST**  
**ZONING BOARD of ADJUSTMENTS**  
**REORGANIZATION MEETING AGENDA**

**Tuesday, January 21, 2025 @ 7:30 PM**

**118 Serpentine Road, Demarest, NJ 0762**



**1. CALL TO ORDER**

**2. PUBLIC ANNOUNCEMENT OF MEETING**

**Sunshine Law Statement:** The notice requirements of the Open Public Meetings Act of the State of New Jersey, P.L. 1975, Chapter 231, have been satisfied by the publication of the date, time and place of this annual Reorganization meeting in in the Record and Star Ledger on January 17, 2024, notice posted at Borough Hall, on the Borough website and was filed in the office of the Borough Clerk.

**3. FLAG SALUTE**

**4. SWEARING IN OF THE 2025 ZONING BOARD OF ADJUSTMENT APPOINTMENTS:**

Michael Feinstein, Term Expiring: 12/31/2028

**5. ROLL CALL**

- |  |   |
|--|---|
| <input type="checkbox"/> Todd Adelman      | <input type="checkbox"/> Robert Corrado |
| <input type="checkbox"/> Michael Feinstein | <input type="checkbox"/> David McLain   |
| <input type="checkbox"/> Steve Park        | <input type="checkbox"/> Timothy Woods  |
| <input type="checkbox"/> Diana Pavlova     |   |

**6. ELECTION OF OFFICERS:**

**CHAIR**

The Secretary calls for a nomination for the Chair of the Board for the year 2025.

\_\_\_\_\_ nominates \_\_\_\_\_ for Chair of the Board.

Seconded by \_\_\_\_\_ to confirm.

The Secretary asks if there are any further nominations.

\_\_\_\_\_ nominates \_\_\_\_\_ for Chair of the Board.

Seconded by \_\_\_\_\_ to confirm.

<b>BOARD MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Chair takes their seat on the dais.

**VICE CHAIR**

The Chair calls for a nomination for the Vice Chair of the Board for the year 2025.

\_\_\_\_\_ nominates \_\_\_\_\_ for Chair of the Board.  
 Seconded by \_\_\_\_\_ to confirm.

The Chair asks if there are any further nominations.

\_\_\_\_\_ nominates \_\_\_\_\_ for Chair of the Board.  
 Seconded by \_\_\_\_\_ to confirm.

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**7. BOARD PROFESSIONAL APPOINTMENTS:**

Resolution ZB-001-25 – Appoint Zoning Board Attorney \_\_\_\_\_

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Resolution ZB-002-25 – Appoint Zoning Board Engineer \_\_\_\_\_

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Resolution ZB-003-25 – Appoint Zoning Board Planner \_\_\_\_\_

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**8. APPROVAL OF 2025 MEETING DATES**

Resolution ZB-004-25 – Approve 2025 Meeting Dates for the Zoning Board of Adjustment

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**9. 2024 ZONING BOARD OF ADJUSTMENT YEAR END REPORT**

Resolution ZB-005-25 – Resolution Adopting the 2024 Year End Report

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT**

**10. APPROVAL OF MINUTES:**

Motion to approve the minutes of the Regular Meeting; November 19, 2024

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion to approve the minutes of the Regular Meeting; December 17, 2024

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. RESOLUTIONS: *none*

12. NEW/CONTINUING APPLICATIONS:

**ZB-24-009 – 20 Pine Hill Road**

MOTION MADE TO:

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSENT	NOT ELIGIBLE
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ZB-24-007 – 109 Lake Road**

MOTION MADE TO:

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSENT	NOT ELIGIBLE
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ZB-24-005 – 17 Duck Pond Road**

MOTION MADE TO:

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSENT	NOT ELIGIBLE
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS

14. PUBLIC COMMENT PERIOD

15. ADJOURNMENT

*NEXT MEETING – TBD*

**RESOLUTION OF THE DEMAREST ZONING BOARD OF  
ADJUSTMENT  
RESOLUTION NO. ZB-001-25  
JANUARY 21, 2025**

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**APPOINTMENT OF THE 2025 ZONING BOARD OF ADJUSTMENT ATTORNEY**

**WHEREAS**, the Borough of Demarest Zoning Board of Adjustment (Board) is in need of professional legal services to serve as the attorney to the Board; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the award of a professional services contract for such services without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

**WHEREAS**, the Board finds that it would be in the best interests of the Borough of Demarest Zoning Board of Adjustment to award a contract for such services to \_\_\_\_\_  
pursuant to N.J.S.A. 19:44A-20.5 as a "Fair and Open" contract as defined therein; and

**WHEREAS**, the aforesaid contract shall be subject to adequate funds therefor pursuant to the 2025 Temporary Budget and 2025 Budget of the Borough of Demarest;

**NOW, THEREFORE BE IT RESOLVED**, by the Zoning Board of Adjustment of the Borough of Demarest \_\_\_\_\_

\_\_\_\_\_ ,  
be retained to provide professional legal services for the Borough of Demarest Zoning Board of Adjustment for the year 2025 commencing January 1, 2025 and terminating December 31, 2025, and that the Board Chairman is hereby authorized to execute, and the Board Secretary to attest, an Agreement to carry out the foregoing, a copy of which is on file in the Office of the Board Secretary and Borough Clerk and is available for public inspection, subject to the approval thereof by the Mayor and Council of the Borough of Demarest; and

**BE IT FURTHER RESOLVED**, that \_\_\_\_\_

\_\_\_\_\_ be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Agreement and that the resolution and Agreement are on file in the Office of the Board Secretary and Borough Clerk and are available for public inspection.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Zoning Board of Adjustment Chair

\_\_\_\_\_  
Attest: Michael Greco, Board Secretary

**RESOLUTION OF THE DEMAREST ZONING BOARD OF  
ADJUSTMENT  
RESOLUTION NO. ZB-002-25  
JANUARY 21, 2025**

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**APPOINTMENT OF THE 2025 ZONING BOARD OF ADJUSTMENT ENGINEER**

**WHEREAS**, the Borough of Demarest Zoning Board of Adjustment (Board) is in need of professional engineering services; and

**WHEREAS**, \_\_\_\_\_

has submitted a proposal to perform such services; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the award of a professional services contract for such services without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

**WHEREAS**, the Board finds that it would be in the best interests of the Borough of Demarest Zoning Board of Adjustment to award a contract for such services to \_\_\_\_\_

based on their experience pursuant to N.J.S.A. 19:44A-20.5 as a "Fair and Open" contract as defined therein; and

**WHEREAS**, the aforesaid contract shall be subject to adequate funds therefor pursuant to the 2025 Temporary Budget and 2025 Budget of the Borough of Demarest;

**NOW, THEREFORE BE IT RESOLVED**, by the Board of the Borough of Demarest Zoning Board of Adjustment that \_\_\_\_\_

be retained to provide professional engineering services for the Borough of Demarest Zoning Board of Adjustment for a one year term commencing January 1, 2025, and terminating December 31, 2025, and that the Board Chairman is hereby authorized to execute, and the Board

Secretary to attest, an Agreement to carry out the foregoing, a copy of which is on file in the Office of the Board Secretary and Borough Clerk and is available for public inspection, subject to the approval thereof by the Mayor and Council of the Borough of Demarest; and

**BE IT FURTHER RESOLVED**, that \_\_\_\_\_

\_\_\_\_\_ ,  
be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Agreement and that the resolution and Agreement are on file in the Office of the Board Secretary and Borough Clerk and are available for public inspection.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Zoning Board of Adjustment Chair

\_\_\_\_\_  
Attest: Michael Greco, Board Secretary

**RESOLUTION OF THE DEMAREST ZONING BOARD OF  
ADJUSTMENT  
RESOLUTION NO. ZB-003-25  
JANUARY 21, 2025**

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**APPOINTMENT OF THE 2025 ZONING BOARD OF ADJUSTMENT PLANNER**

**WHEREAS**, the Borough of Demarest Zoning Board of Adjustment (Board) is in need of professional planning services; and

**WHEREAS**, \_\_\_\_\_  
\_\_\_\_\_ has submitted a proposal to perform such services; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the award of a professional services contract for such services without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

**WHEREAS**, the Board finds that it would be in the best interests of the Borough of Demarest Zoning Board of Adjustment to award a contract for such services to \_\_\_\_\_  
\_\_\_\_\_ based on their experience pursuant to N.J.S.A. 19:44A-20.5 as a "Fair and Open" contract as defined therein; and

**WHEREAS**, the aforesaid contract shall be subject to adequate funds therefor pursuant to the 2025 Temporary Budget and 2025 Budget of the Borough of Demarest;

**NOW, THEREFORE BE IT RESOLVED**, by the Board of the Borough of Demarest Zoning Board of Adjustment that \_\_\_\_\_  
\_\_\_\_\_ be retained to provide professional planning services for the Borough of Demarest Zoning Board of Adjustment for a one year term commencing January 1, 2025, and terminating December 31, 2025, and that the Board Chairman is hereby authorized to execute, and the Board Secretary to

attest, an Agreement to carry out the foregoing, a copy of which is on file in the Office of the Board Secretary and Borough Clerk and is available for public inspection, subject to the approval thereof by the Mayor and Council of the Borough of Demarest; and

**BE IT FURTHER RESOLVED**, that \_\_\_\_\_

\_\_\_\_\_ ,  
be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Agreement and that the resolution and Agreement are on file in the Office of the Board Secretary and Borough Clerk and are available for public inspection.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Zoning Board of Adjustment Chair

\_\_\_\_\_  
Attest: Michael Greco, Board Secretary

**RESOLUTION OF THE DEMAREST ZONING BOARD OF  
ADJUSTMENT  
RESOLUTION NO. ZB-004-25  
JANUARY 21, 2025**

<b>BOARD MEMBER</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ANNUAL NOTICE OF DEMAREST ZONING BOARD OF ADJUSTMENT 2025  
MEETINGS**

**WHEREAS**, the Borough of Demarest Zoning Board of Adjustment (Board) is required to designate a meeting schedule for the year of 2025; and

**WHEREAS**, The Borough of Demarest shall post the adopted meeting schedule in the Borough's two official news papers.

**NOW, THEREFORE BE IT RESOLVED**, In compliance with the Open Public Meetings Act, Public Law 1975, Chapter 231, N.J.S.A. 10:4-18 et seq., below is the annual schedule of regular meetings of the Demarest Zoning Board of Adjustment to be held on the 1st Wednesday of the month at 7:30 pm.

The meeting location will be at the Demarest Borough Hall, 118 Serpentine Road Demarest, New Jersey 07627

**2025 MEETING DATES:**

- Tuesday, February 18<sup>th</sup>, 2025
- Tuesday, March 18<sup>th</sup>, 2025
- Tuesday, April 15<sup>th</sup>, 2025
- Tuesday, May 20<sup>th</sup>, 2025
- Tuesday, June 17<sup>th</sup>, 2025
- Tuesday, July 15<sup>th</sup>, 2025
- Tuesday, August 19<sup>th</sup>, 2025
- Tuesday, September 16<sup>th</sup>, 2025
- Tuesday, October 21<sup>st</sup>, 2025
- Tuesday, November 18<sup>th</sup>, 2025
- Tuesday, December 16<sup>th</sup>, 2025

Dated: \_\_\_\_\_

\_\_\_\_\_  
Zoning Board of Adjustment Chair

\_\_\_\_\_  
Attest: Michael Greco, Board Secretary

**RESOLUTION OF THE DEMAREST ZONING BOARD OF  
ADJUSTMENT  
RESOLUTION NO. ZB-005-25  
JANUARY 21, 2025**

<b>BOARD MEMBER</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Corrado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION ADOPTING THE 2024 YEAR END REPORT**

**WHEREAS**, pursuant to N.J.S.A 40:55D-70.1 et seq., the Borough of Demarest Board of Adjustment (hereinafter the “Board”) is obligated to send a brief report to the Governing Body at the end of each year regarding the Applications considered during the year and if there are any recommended amendments to the Zoning Ordinance; and

**WHEREAS**, the report shall inform the Governing Body of all Applications that were approved by the Board pursuant to N.J.S.A. 40:55D-70(c)(1), N.J.S.A. 40:55D-70(c)(2), and N.J.S.A. 40:55D-70(d); and

**WHEREAS**, the aforesaid report by the Board Attorney has been prepared and circulated and reviewed by all members of the Board; and

**WHEREAS**, after review by all Members of the Board, it is their desire to adopt this report as their statement to the Governing Body regarding Applications considered by the Board in 2024.

**NOW, THEREFORE, BE IT RESOLVED** by the Demarest Board of Adjustment hereby adopts the enclosed report as their statement to the Governing Body of the Borough of Demarest regarding all Applications that were considered before the Board in 2024.

Accordingly, a majority of the Board voted to approve the Application as presented.

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment at its meeting held on

Dated: \_\_\_\_\_

\_\_\_\_\_  
Zoning Board of Adjustment Chair

\_\_\_\_\_  
Attest: Michael Greco, Board Secretary

Law Office of  
**Mark D. Madaio**  
29 Legion Drive  
Bergenfield, New Jersey 07621  
Phone (201) 385-3788  
Fax (201) 385-3191  
Mark.Madaio@madaiolaw.com

**DRAFT AND BOARD WORK PRODUCT UNTIL ADOPTED BY  
THE BOARD BY AND FORMAL RESOLUTION.**

January 15, 2025

Hon. Brian Bernstein, and Members of the Borough Council  
The Borough of Demarest  
118 Serpentine Road  
Demarest, New Jersey 07627-2199

Re: Board of Adjustment's  
2024 Year End Report to the Governing Body

Dear Mayor Bernstein and Members of the Borough Council:

As you may be aware, pursuant to NJSA 40:55D-70.1, the Board of Adjustment (“BOA”) is obligated to send a brief report to the Governing Body regarding the Applications considered during the year and if there are any recommended amendments to the Zoning Ordinance:

The board of adjustment shall, *at least once a year*, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board.<sup>1</sup>

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<sup>1</sup> It should be noted that there is no requirement as to the date of this report and no requirement that it be submitted “by December 31”. In fact, a Report and Resolution adopted in December could not, by definition, include action taken at the December meeting. You may note, that the 2023 Report was dated January 15, 2024, discussed at the Reorganization Meeting on January 16, 2024, where the Board discussed the Report and the provided the statutorily required recommendations. Subsequent to this discussion, this office prepared the required Resolution (incorporating the Board’s required recommendations) which Resolution was then adopted at the February 20, 2024, meeting. Thereafter, the Report, with the required Resolution, was distributed in accordance with the statute. This is the “format” used in all prior years and which I use at all Board’s of Adjustment I represent.

As I have in the past, I have taken the liberty of preparing this Report in letter format. The Board vast majority of Board applications were for variances pursuant to NJSA 40:55D-70(c). There were a minimal number of variances pursuant to NJSA 40:55D-70(d) and they are also specified herein.

During 2024, the Board concluded the following 7 Applications:

<b>Docket Number</b>	<b>Address</b>	<b>Applicant</b>	<b>Variance(s) Requested</b>	<b>Notes</b>
23-006	Block 53; Lot 4.01 38 Sunset Road	Spencer Spielberg	Originally Requested: 1. Max Building Coverage 2. Total Improved Lot Coverage 3. Min. Side Yard to Wall. Revised Requests: 1. Building Coverage 2. Total Improved Lot Coverage 3. Retaining Wall Location	During the course of construction, it appeared that work on the property was undertaken which may have exceeded the scope of the Building Permit(s) or which was mislocated in a manner, or of a dimension, that violated the Borough Code. A "Stop Work Order" was issued and during the course of the public hearing, the Applicant agreed to revise their Plans and reduce their requests. The Application was ultimately granted.
23-007	Block 68; Lot 119 38 Rodney Place	Joshua Jagid	Reduction of the Following Variances 1. Maximum Residential and Parking Coverage. 2. Total Improved Lot Coverage.	Applicant had previously obtained approval for all existing property construction by Resolution 817-21. This Prior Resolution and approval was obtained subsequent to construction of the home and all existing improvements were rendered lawful by Board action. In the 2023 Application, this Application, proposed a swimming pool, patio,

				grill, and pool equipment pad. Applicant also proposed removing the existing, lengthy, angled driveway providing ingress and egress from Rodney Place and replacing it with a far shorter, straight, and direct driveway providing access to Demarest Avenue. The Application was approved.
24-001	Block 84.05; Lot 7 74 Pine Terrace	Chad and Rebecca Cutler	1. Lot Area 2. Rear Yard Width	Subject property is an isolated, and undersized lot. Application was for a “no variance build”. The Application was considered in light of the applicable case law on undersized lots and was granted.
24-002	Block 74; Lot 8 63 Central Avenue	Austin & Doreen Siboni	1. Side Yard Setback 2. Total % Improved Lot Coverage 3. Maximum % Improved Coverage 4. Accessory Side Setback – East 5. Accessory Side Setback-West 6. Accessory Rear Setback	The Applicant – without permit or prior approval – constructed various improvements, retaining walls, and imported soil at the Property. A “Stop Work” Order was issued and the requirement for the Applicant to appear before the Board. When reviewing the Application, the Board found it difficult to establish with certainty the conditions which existed prior to the work which resulted in the issuance of the Stop Work Order. The most egregious constriction done without a Permit was the construction of

				<p>approximately 135' of "Keystone" retaining wall along the length of the southern property line for the purpose of permitting the Applicant to import soil and "level" the rear yard. In addition to not obtaining a Permit, the retaining wall was not conforming as to location and height as required by Zoning Code, it was also constructed outside the boundary of the Property and onto the property of adjoining property owners. Subsequent to the Borough's issuance of a "Stop Work Order" the Applicant's contractor continued to deposit soil on the Property significantly altering the grades. This resulted in water onto the neighbor's property. Applicants' construction also resulted in litter and construction debris on adjoining properties. After significant efforts to ascertain the conditions prior to construction – and therefore determine the quantum of the required variances – the Application was granted.</p>
24-003	Block 84.04; Lot 2 12 Irene Court	RRF Properties LLC	<ol style="list-style-type: none"> <li>1. Lot Area</li> <li>2. Front Yard Setback</li> </ol>	<p>Applicant sought to construct a new home. Subject property is an isolated, and undersized lot. Application was a "no variance build". The</p>

				Application was considered in light of the applicable case law on undersized lots and was granted.
24-004	Block 70; Lot 81 62 Central Avenue	Raymond & Nicole Greiche	<ol style="list-style-type: none"> <li>1. Lot Area</li> <li>2. Frontage</li> <li>3. Building Coverage</li> <li>4. Max. Livable Floor Area (LFA)</li> <li>5. Improved Coverage</li> <li>6. Max Building and Driveway</li> </ol>	The Property is an existing, rectangular, and undersized lot containing an existing frame dwelling. The entire Application concerned the conversion of a porch into habitable space which increased "livable area" and required a variance for Livable Floor Area (LFA) - the Borough's functional equivalent of a Floor Area Ratio (FAR). This variance required approval pursuant to N.J.S.A. 40:55D-70(d).
24-006	Block 10; Lot 648 22 Drury Lane	Carly Williams	<ol style="list-style-type: none"> <li>1. Building Coverage</li> <li>2. Max. Livable Floor Area (LFA)</li> <li>3. Improved Coverage</li> <li>4. Max Building and Driveway Coverage</li> <li>5. Front Yard Setback</li> </ol>	The Property is an existing, approximately rectangular, undersized lot containing an existing one-story, frame dwelling. The Property is the "smallest lot in the Block and in the area." All witnesses testified that the Property includes pre-existing and non-conformities as to Lot Frontage, Lot Area, and Lot Width. The Applicant proposed to renovate the existing dwelling, construct a limited addition to the first floor of the existing home and add a second-floor addition over the newly configured first

				<p>floor with limited “overhangs”. This expansion, increased the “livable area” and required a variance for Livable Floor Area (LFA) - the Borough’s functional equivalent of a Floor Area Ratio (FAR). This variance required approval pursuant to NJSA 40:55D-70(d).</p>
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In light of the within Applications, the Board has the following comments for the Governing Body and the Planning Board:

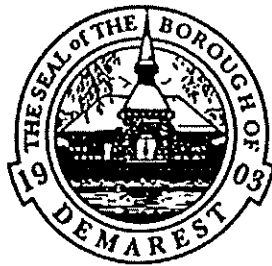
1. The 2023 Report suggested that all new homes – prior to the issuance of a Certificate of Occupancy for the sale of the property or to “close out” construction permits – be required to submit an “as-built” survey. This will assure that the Borough has confirmation of compliance with Building Plans and have a baseline to assure that non-permitted, future alterations are readily discoverable. This suggestion remains.
2. Two of the 2024 Applications were the result of “Isolated Undersized Lots”. While many towns “grandfather” lawfully-created, isolated, undersized lots. Demarest does not. Borough Ordinance 175-18(A) provides: “Any lot existing heretofore as a legal, separate parcel and not complying with the *minimum frontage width* at the time of passage of this chapter may, notwithstanding such fact, be improved with a building, provided that the other regulations of its zone are adhered to and provided that the owner owns no other adjacent land which may be included as part of the lot in question.” In other words, the Borough Ordinance “grandfathers” lots with an *undersized frontage*, but does not “grandfather” lots that are undersized as to *lot area*. It is suggested that the Governing Body consider expanding the “grandfathering” clause to include both Frontage and Lot Area. Of course, if the Application requires other dimensional variances, they would be required to come to the Board.

Please do not hesitate to contact me with any questions or comments.

Very truly yours,

Mark D. Madaio, Esq.

CC: Michael Greco, Board Clerk  
 Planning Board



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

**November 19, 2024**

**7:30 PM**

**DEMAREST BOROUGH HALL**

The Borough of Demarest Zoning Board of Adjustment held its regular meeting on **TUESDAY, NOVEMBER 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 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, Diana Pavlova, Timothy Woods

**MEMBER(S) ABSENT:** Robert Hirsh, David McLain, Steve Park

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

**APPLICATIONS:**

Chair Hayden announced that the organization of the meeting would be changed, and that the applications would switch who was being heard first.

**ZB-24-006 – 22 Drury Lane**

Matthew Capizzi, the attorney representing the application, introduced the application. Mr. Capizzi explained the nature of the undersized lot. He also explained all of the variances they would be seeking.

Mike Dipple, L2A Land Design LLC, the applicant’s engineer, was sworn in by Mr. Madaio. Mr. Madaio confirmed his qualifications. Mr. Madaio marked the board brought in as A1 – Single Family Residential Addition, dated 10/29/24, pages C01-C04.

Mr. Dipple explained the location of the home and the current state of the building.

Mr. Madaio marked in A2- Colorized Site Plan Rendering, page R01, dated 11/19/2024.

Mr. Dipple presented their plan for the property.

Mr. Madaio asked for clarification on the coverage numbers.

Chair Hayden asked a question about the addition and if it increases outward. Mr. Dipple explained where it increases but said that this would be answered by the architect.

Mr. Madaio marked in A3 – Pictures of the Property.

Vice Chair Woods asked about the fireplace and its location.

Mr. Dipple explained the drainage plan.

Mr. Chelius clarified some differences in the zoning table and the coverage summary. Mr. Dipple clarified the maximum livable floor area. Mr. Chelius stated that a soil moving application would be required.

Vice Chair Woods asked about the concrete patio proposed to be removed. Mr. Ditto explained that the patio will be removed in its entirety.

Ms. Pavlova asked if the building would keep the foundations and Mr. Ditto confirmed that yes, the foundation remains the same.

Peter Dito, FDS Architects, the applicant's architect, was sworn in by Mr. Madaio and had his credentials confirmed.

Mr. Madaio marked in A3 – As Built Drawings

Mr. Madaio marked in A5 – Colorized Floor Plan

Mr. Madaio marked in A6 – Blown up Elevation

Mr. Dito presented the application.

Vice Chair Woods asked Mr. Dito to describe the roof line on the back and the front of the home, and Mr. Dito clarified.

Chair Hayden asked for clarification on the size of the cantilever.

Ms. Pavlova asked for clarification on the extra square footage.

Vice Chair Woods asked to hear about how the fireplace is an architectural element. Mr. Dito explained that the chimney is pre-existing and that they are not adding it.

Mr. Madaio stated that the fireplace exists, and the rest of the addition is conforming.

Mr. Chelius pointed out that two of the sheets are not matching when it comes to the fireplace. Mr. Dito explained that they are not touching the fireplace.

Mr. Madaio stated that the planner would focus on the FAR, but Mr. Pessolano stated that they would like to give testimony on the whole application. Mr. Madaio stated that the board breaks early and asked that the testimony should be brief.

Michael J. Pessolano, the applicant's planner, was sworn in by Mr. Madaio and had his credentials confirmed.

Mr. Madaio marked in A7 – Planning Exhibit dated 11/2024, 5 pages

Mr. Pessolano presented the application.

Chair Hayden thanked the planner and asked the board if there were any more questions.

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

With no public seeking to ask questions or make comments a motion to close the meeting to the public was made by: Mr. Corrado and seconded by Mr. Davis.

Mr. Capizzi made closing remarks on the application.

A motion was made to approve application ZB-24-006, by Vice Chair Woods and seconded by Ms. Corrado.

On the roll call, the vote was recorded as follows:

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

*Motion Carries.*

**ZB-24-005 – 17 Duck Pond Road**

Matthew Capizzi, Attorney for the Applicant, introduced the application as an appeal of the zoning officer’s decision. Mr. Capizzi explained the concerns of the Academy Estate Community Association in relation to the proposed turf field sports area, and answered the concerns stating that the applicant is amenable to all the requests from the association.

Charles Rabolli, president of the Academy Estate Community Association, was sworn in by Mr. Madaio.

Mr. Capizzi finished his introduction of the application.

Chair Hayden addressed the appeal and stated that she believes the zoning officer made the correct call.

Mr. Capizzi answered that the application is too complex to so easily come to that conclusion. Mr. Capizzi explained what a through lot is, and why in this instance this does not apply. He explained that between the property and the road is a landscaping easement owned by the Academy Estate Community Association.

Mr. Madaio clarified where the applicant’s property ends.

Mr. Capizzi explained that Mr. Hubschman worked on the Academy Lane Subdivision and can testify to the specifics of this.

Mr. Madaio stated that the lot existed before the subdivision, and that when Academy Lane was created there was an easement separating the street from the property meaning that the lot does not touch the street. Mr. Capizzi confirmed this.

Mr. Capizzi explained that to classify the lot as a through lot would be a misclassification due to these facts.

Mr. Madaio called a resident to order.

The meeting was adjourned for a short break at 8:59 pm.

The meeting returned from the break at 9:12 pm.

Mr. Madaio explained that a discussion was had during the break and that in his opinion there is no easy answer to whether the lot touches Academy Lane.

Mr. Madaio stated that Mr. Rabolli gave testimony that the property located behind the application lot, located between the lot and the road, is in fact owned by the Academy Estate Community Association and not accessible by the applicant’s property. Mr. Rabolli confirmed this.

Mr. Madaio suggested that the board put a pin in the argument of whether the zoning officer was correct. Mr. Madaio suggested that the board discuss the variance request, and suggested that the board has granted through lot front yard variances in the past.

Mr. Chelius stated that he is unsure of whether this is a through lot, and even if it is not the sport court is encroaching on the side yard and would still require a variance.

Mr. Madaio explained that it is important that the applicant is requesting to have a rear yard. Mr. Madaio explained why this is extremely important to consider for the application.

Mr. Madaio explained that the rear yard if granted the sport court could be shifted to be entirely in the rear yard and not require variance.

Mr. Madaio requested the applicant show where the rear yard would be.

Mike Hubschman, Hubschman Engineering, was sworn in by Mr. Madaio, and had his qualifications accepted by the board.

Mr. Madaio marked exhibit A1 – Yard Analyses

Mr. Madaio and Mr. Hubschman discussed where the line of the rear yard is drawn.

Mr. Hubschman explained that the court is currently in the side yard, but that it could be moved.

Chair Hayden commented that the sport court is in the side yard.

Mr. Chelius stated that the question is how the line of the rear yard should be drawn.

Mr. Madaio summed up the line that Mr. Hubschman had drawn and questioned the interpretation of how the rear yard is determined.

Mr. Corrado asked if the applicant would be willing to rotate the sport court to be entirely in the rear yard.

Vice Chair Woods stated that he does not agree with Mr. Hubschman's interpretation of where the rear yard is located.

Mr. Capizzi stated that Mr. Hubschman as a credible witness testified where the rear yard is and that the applicant is willing to reorient the sport court.

Mr. Madaio asked if there is a rear yard would there be a need for any variances. Mr. Hubschman stated that there would not be any variances if there were a rear yard, and the court rotated into the rear yard.

Mr. Madaio asked if Mr. Riboli's client would have any issues with this adjustment, and Mr. Riboli stated they would not.

Mr. Hubschman presented the application at Mr. Madaio's request.

Mr. Madaio marked exhibit A2 – Aerial Photo

Mr. Madaio marked exhibit A3 – Turf Sample

Mr. Madaio marked exhibit A4 – Lighting Plan

Mr. Madaio confirmed with the board that there are no other variances needed.

The board discussed all the possible variances.

Vice Chair Woods clarified that the board has not yet decided that there is a rear yard and what it looks like. Vice Chair woods stated he does not agree with the applicant's interpretation of the rear yard line. Mr. Madaio agreed with Vice chair Woods.

Mr. Madaio asked Mr. Capizzi if the applicant would be comfortable with altering the plan.

Chair Hayden requested more clarity on the easement and who owns it.

Mr. Madaio asked if the applicant is comfortable with carrying the application. Mr. Capizzi stated that he does not anticipate much of a plan modification.

Chair Hayden questioned the lights and the number of children playing on the court and the times they would be playing.

Mr. Capizzi stated that the lighting of the court meets the borough’s code, and that children using the court is a permitted use, and that the family does not anticipate the court to be used all day every day. It will be having periodic use like any other back yard.

The board discussed concerns with Mr. Capizzi.

Chair Hayden stated that some lighting needs to be approved by the Mayor and Council, and Mr. Capizzi stated that the proposed court does not exceed the wattage stated in the ordinance.

Chair Hayden expressed concern over the use of the court at night. Mr. Capizzi stated that the stipulation about the court not being used past a certain time and the lights being off after that time.

Mr. Capizzi explained the stipulations discussed with Mr. Rabolli.

Mr. Madaio confirmed that Mr. Capizzi extends the boards time to act on the application.

Chair Hayden asked that the applicant address the engineer’s concern about a lack of a fence around the pool.

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

Maya Wrubel, 9 Deerhill Road, was sworn in by Mr. Madaio. Ms. Wrubel spoke in favor of the applicant having a rear yard, as the property has always had a rear yard. Ms. Wrubel noted that as a former member of the zoning board the board is doing a very thorough job.

With no more public seeking to ask questions or make comments a motion to close the meeting to the public was made by: Mr. Corrado and seconded by Mr. Davis.

Mr. Madaio announced that the application would be carried to the December 17, 2024, meeting of the Zoning Board of Adjustment with no additional notice.

**NEW/OLD BUSINESS:**

**APPROVAL OF MINUTES:**

A motion was made to approve the September 17, 2024, minutes, by Mr. Corrado and seconded by Ms. Davis.

On roll call, the vote was recorded as follows:

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

*Motion Carries.*

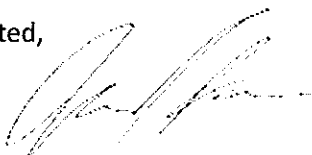
**ADJOURNMENT**

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

All in Favor – Motion Carries

The meeting was adjourned at 10:03 PM.

Respectfully Submitted,  
Michael Greco  
Land Use Secretary





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 paper 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.

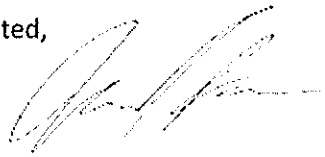
**ADJOURNMENT**

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



DRAFT