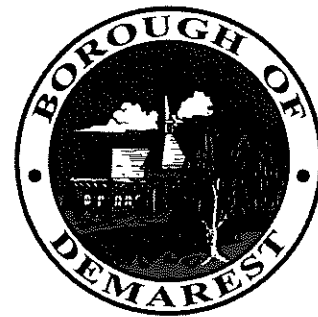


BOROUGH OF DEMAREST
ZONING BOARD of ADJUSTMENTS
REGULAR MEETING AGENDA
Tuesday, March 25, 2025 @ 6:00 PM
118 Serpentine Road, Demarest, NJ 0762



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 special meeting in the Record and Star Ledger on February 27, 2025, notice posted at Borough Hall, on the Borough website and was filed in the office of the Borough Clerk.

3. FLAG SALUTE
4. 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 | |

5. RESOLUTIONS:

RESOLUTION # ZB-007-25 - AMMEND ZB-24-006 – 22 Drury Lane

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSENT	NOT ELIGIBLE
Vice Chair McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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. 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"/>
Chair Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. NEW/CONTINUING APPLICATIONS:

ZB-24-007 – 109 Lake Road

MOTION MADE TO:

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSENT	NOT ELIGIBLE
Vice Chair McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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. 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"/>
Chair Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**APPROVAL OF MINUTES:
02/18/2025 Regular Meeting Minutes**

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSENT	NOT ELIGIBLE
Vice Chair McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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. 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"/>
Chair Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS

8. PUBLIC COMMENT PERIOD

9. ADJOURNMENT

NEXT REGULAR MEETING – TUESDAY, APRIL 15, 2025

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF DEMAREST**

FILE NO. ZB-24-006

RESOLUTION # ZB-007-25 AMENDED RESOLUTION # 24-006 – 22 Drury Lane

IN THE MATTER OF THE APPLICATION OF:

CARLY WILLIAMS FOR VARIANCES RELATING
TO BLOCK 10; LOT 648 ALSO KNOWN AS
22 DRURY LANE, DEMAREST, NEW JERSEY
(HEREINAFTER, "THE PROPERTY")

BE IT RESOLVED, by the Zoning Board of Adjustment of the Borough of Demarest that the following Procedural History, Findings of Fact, Conclusions of Law and Conclusion/Determination be and are hereby adopted:

PROCEDURAL HISTORY

The within Application was commenced by the filing of an Application for variances, as follows:

Variance	Permitted	Existing	Proposed
Building Coverage	20%	19.70%	23.42%
Max. Livable Floor Area (LFA)	30%	17.18%	44.07%
Improved Coverage	30%	36.1%	36.1%
Max Building and Driveway Coverage	25%	35.7%	36%
Front Yard Setback	25%	Conforming	23.71'
Side Yard Setback	10'	Conforming	6.99'**

***The Property includes pre-existing non-conformities as to Lot Frontage, Lot Area, and Lot Width.**

****To Generator/AC concrete pad. The sole purpose of the within Amended Resolution is to include this setback variance, as may be necessary.**

FINDINGS OF FACT

A Public Hearing was held on November 19, 2024, at the Demarest Municipal Building. The Application was presented by the Applicant, through counsel, Matthew Capizzi, Esq. (“Capizzi”).

The Applicant marked the following documents into evidence for consideration by the Board:

- A-1 Site plans consisting of four (4) sheets, prepared and signed by Michael Dipple, PE, of L2A Land Design, LLC, dated June 4, 2024, last revised August 20, 2024;
- A-2 Colorized Site Plan, prepared by L2A Land Design, LLC, dated November 19, 2024;
- A-3 Elevation Photographic Rendering, prepared by Peter J. Dito, RA, depicting the proposed home – as completed – in the context of surrounding homes;
- A-4 Architectural Plans prepared and signed by Peter J. Dito, RA, dated May 30, 2024;
- A-5 Colorized Floor Plans prepared and signed by Peter J. Dito, RA, dated May 30, 2024;
- A-6 Blow-up Elevation Composite Board, prepared and signed by Peter J. Dito, RA;
- A-7 Five Page Photo Exhibit, prepared by Michael J. Pessolano, PP, and dated November 19, 2024.
- B-1 Engineering Review Letter, prepared by Nick Chelius, P.E., of Colliers Engineering and Design, dated October 23, 2024, last revised November 13, 2024.

The following witnesses appeared and offered sworn testimony on behalf of the Applicants:

1. Michael Dipple, PE (“Dipple”)
2. Peter Ditto, AIA (“Ditto”)
3. Michael J. Pessolano, PP, (“Pessolano”)
4. Nick Chelius, P.E. (“Chelius”)

The subject property is located in the Residence Zone D within the municipality. The address of the Property is 22 Drury Lane and is also designated as Block 10; Lot 648 on the Borough’s Tax Assessment Map of the Borough (hereinafter, “the Property”)

The Applicant, through its witnesses and counsel, presented its’ case and provided an overview of the Property and the area. It was explained that the Property is an existing, approximately rectangular, undersized lot (6,730 square feet) containing an existing one-story, frame dwelling. It was testified by both Dipple and Pessolano that the Property is “the smallest lot in the Block and in the area”. All witnesses testified that the Property includes pre-existing non-conformities as to Lot Frontage, Lot Area, and Lot Width. The Applicant is proposing to renovate the existing dwelling, construct a limited addition to the first floor (approximately, 228 square feet) of the existing home and add a second-floor addition over the newly configured first floor with limited “overhangs”.

Dipple was duly sworn and offered testimony that the Application provided for a slight extension and “squaring off” the first floor at the right, rear, corner of the existing first floor which resulted

in a “slight increase” in the square footage of the first floor and building footprint. The left, rear, corner would be the location of an “open deck”. Thereafter, a second-floor addition would be placed over the newly configured first floor. The new second floor included an “awing” or small cantilevered, projection across, approximately, one-half of the front of the home (including, above the front steps) as well as two similar, smaller projections above the area at the rear of the steps to the open deck and above the patio door. As a result, the second floor is slightly larger than the first floor.

Dipple testified that, as a result of the proposed addition, the Building Coverage increases to 23.42% and a variance is required for exceeding 20%. Additionally, taking into account all additions to the structure and site, Improved Lot Coverage was increased to 36%, where 30% is permitted and 35.7% is existing. He further testified that the projecting front “awing” resulted in a Front Yard Setback of 23.71’, where 25’ is required. It should be noted that Chelius testified that the correct calculation of the proposed Front Yard Setback was 21.21’ and not 23.71’ as indicated by the Applicant. Dipple also testified that Max. Residential & Parking Coverage was increased from 29% to 31.73%, where 25% is permitted.

Finally, Dipple testified to the increase in the Livable Floor Area (“LFA”) which is defined in Borough Ordinance as:

The aggregate area of all floors included within the outer walls of a building, excluding basements, garages and other unheated areas, and including only such floor area under a sloping ceiling for which the headroom is not less than five feet six inches, and then only if at least 75% of such floor area has a ceiling height of not less than seven feet six inches and if any such floor that is situated above another story has access to the floor below by a permanent built-in stairway and has a permanent, complete floor and a means of heating to 70° F. at all times.

Dipple testified that an LFA of 30% is permitted and 44.07 is proposed. He noted that the Property is approximately 32.1% undersized and that the overage in LFA is approximately 14 percentage points in excess of what is permitted. He testified that virtually the entire increase in the LFA was the result of the addition of the proposed second floor. Dipple also testified that the Applicant proposed the addition of a proper drainage system – where none presently exists as well as the inclusion of landscaping.

Ditto testified as to the Elevations and Floor Plans. He testified that the current LFA was 1,155 square feet and that the garage measured approximately 192 square feet and was – and would remain – a small garage. With reference to A-3, he testified that the addition of a second floor on the existing, single story, brick, home would “normalize” the streetscape and much more closely match the size and mass of each of the adjoining homes. He testified that subsequent to construction, the home would contain approximately 2,965 square feet and would be a 3-4 bedroom home.

Pessolano testified as a licensed professional planner and made reference to all Exhibits and specific reference to A-7. He noted that Drury Lane varies in width along its length and that the Property is

located at a narrow point in the street. He confirmed the Property is the smallest lot on Drury Lane.

Pessolano testified that all requested variances – but for the LFA variance – are to be reviewed under NJSA 40:55D-70(c):

(1) Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;

Pessolano further testified that the LFA variance is the equivalent of a “Floor Area Ratio” (“FAR”) variance and is to be reviewed pursuant to NJSA 40:55D-70(d)(4):

In particular cases for special reasons, grant a variance to allow departure from regulations pursuant to article 8 of this act to permit... (4) an increase in the permitted floor area ratio as defined in section 3.1 of P.L.1975, c.291 (C.40:55D-4)..., A variance under this subsection shall be granted only by affirmative vote of at least five members, in the case of a municipal board, or two-thirds of the full authorized membership...

In addition to the aforesaid “affirmative proofs”, any variance requires a demonstration of the “negative criteria” which provides:

No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance...

Pessolano testified that the leading case on the proofs necessary to obtain a variance for LFA is *Randolph Town Center v. Township of Randolph*, 324 N.J. Super. 412 (App. Div. 1999). Pessolano testified that the standard of proof was less akin to a standard statutory interpretation of “special reasons” and closer to the standard of proof promulgated by *Coventry Square v. Westwood Bd. of Adj.*, 138 N.J. 285 (1994) and that – given that the use is a permitted one – the proper proofs for an LFA or FAR variance require that the Applicant must demonstrate that the site will accommodate the problems associated with a proposed use with larger floor area than otherwise permitted by ordinance. Pessolano testified that the real question to be examined is whether the “intensity” of the increased

LFA could be accommodated by the Property.

In response to this question of “intensity”, Pessolano noted that despite the size of the Property, the Applicant largely meets setback requirements, parking, and residential facilities and that “it all comes together and the site can accommodate the increased LFA”. He noted that the second-floor projection at the front of the property is visually appealing and safer in its coverage of the front entry. He testified the same was true for the rear projections. He testified that – while the applicable standard is one of intensity and not “special reasons” that the Application did meet the special reasons standard, and the Property is particularly well suited for the proposed LFA. He also noted that the enhanced LFA was not detrimental to the intent and purpose of the Zoning Ordinance and Zone Plan and that a two story home is “visually conforming and what is expected in the streetscape”. Additionally, he testified as to the (c) variances and provided the proofs necessary for the granting of these variances.

CONCLUSIONS OF LAW; RESOLUTION

The Application before the Board is for several Bulk Variances as well as a variance for Livable Floor Area. Board finds that the LFA variance is almost entirely related to the addition of a second floor to the existing single-story home. The Board finds that the increase in the LFA serves to create a home that is an appropriate intensity and use of the Property and maintains the single-family use of the Property. The additional LFA does not serve to alter the intensity of the use and the additional LFA serves to make the Property more consistent with the area and more consistent with homes in Demarest. The Board finds that the requested variance can be approved based on the facts known to the Board and the evidence presented. The Property is an existing undersized lot that has an existing home thereon. There is no change to the intensity of the use of the Property.

The Board finds in light of the lot size, the design proposed, and the maintenance of all setbacks the requested variances are reasonable and appropriate.

The Board finds that the Applicant has satisfied the proofs required for a variance pursuant to NJSA 40:55D-70(c)(1) or (c)(2). The proofs indicate that the Applicant both has a hardship as to the undersized property, as well as the exceptional conditions resulting from the existing structure. Additionally, the proposed development uniquely satisfies the purposes of zoning and revitalizes an older home with improvements by enhancing the living area.

The within approval is conditioned on the Applicant complying with all recommendations of Board Professionals contained in review letters or such direction as may arise during construction.

Motion was made by:
Motion was seconded by:

Roll Call to Approve:

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	N/E
Vice Chair McLain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Adelman	<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"/>
Mr. Feinstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Pavlova	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chair Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

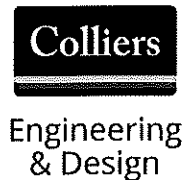
I hereby certify that the foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment at its meeting held on

Dated: _____

Timothy Woods, Zoning Board of Adjustment Chair

Attest: Michael Greco, Board Secretary

400 Valley Road Suite 304
Mt. Arlington, NJ 07856
Main: 877 627 3772



March 19, 2025

Micheal Greco, Board Secretary
Zoning Board of Adjustment
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

109 Lake Road
Block 82.04, Lot 7
Borough of Demarest, Bergen County, NJ
Zoning Board Application Engineering Review
Colliers Engineering & Design Project No. DEZ0045

Dear Ms. Hayden:

Pursuant to your request, our office has reviewed the following plans and other documents filed by the Applicant in support of a Variance Application. The Applicant is proposing to construct a new addition and 2nd floor addition above the patio, stormwater management and other related improvements.

- a) Site plans consisting of two (2) sheets, prepared by Paul R. Ercolano, PE, PP of Ercolano Engineering, dated August 28, 2024; **Revised February 26, 2025;**
- b) Architectural Plans consisting of one (1) sheet, prepared and signed by Mario Navedo, AIA, dated August 14, 2024; **Revised February 19, 2025;**
- c) Topographic survey of the property consisting of one (1) sheet, prepared and signed by Andrew A. Schmidt, PLS, of Schmidt Surveying, dated July 8, 2024;
- d) Deed for the subject property;
- e) Variance Application for the subject property and attachments; signed and dated September 30, 2024;

The Property Owner/Applicant is:

Jonathan & Lindsey Kestenbaum
109 Lake Road
Demarest, NJ 07627

The Applicant/Owner shall notify the Borough of Demarest Zoning Board of Adjustment of any changes to the above information.

Engineering Review

I. Project Description & Location

According to the site plans, the site is currently occupied by a single-family dwelling with associated driveway, walkways, patio, and other related improvements. The Applicant is proposing to construct a new 2-story addition to the rear of the dwelling, a second story



addition above a new patio and outdoor kitchen area, drainage improvements and other related improvements.

The property is a rectangular shaped parcel consisting of 8,189 SF. The southern portion of the property fronts Lake Road. The property is located in the residence D Zone according to the Borough Zoning Map.

The property is located in Zone X (area determined to be outside the 0.2% annual chance floodplain) as shown on the Flood Insurance Rate Map (FIRM) for the Borough of Demarest dated August 2019.

II. Zoning Requirements & List of Variances / Waivers Requested

A. Bulk Zoning Requirements:

Zone: R-D

Use: Single Family Residential

Description	Required	Existing	Proposed	Complies
Lot area**	10,000 sf.	8,189 sf.	No Change	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Lot Frontage**	100 ft.	70.03 ft.	No Change	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Lot depth	100 ft.	117.14 ft.	No Change	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Front yard setback	25 ft.	25 ft.	No Change	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side yard setback	10 ft.	12.30 ft.	12.10 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rear yard setback	30 ft.	49.60 ft.	35.60 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Maximum Permitted Height	30 ft.	<30 ft	28.85 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Max Building Coverage*	20 %	20.00%	29.31 %	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Max. Improved Coverage*	30 %	31.51%	36.44 %	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Max. Residential & Parking Coverage*	25 %	25.64%	34.95 %	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Livable Floor Area*	30%	41.50%	55.00%	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

N/A = not applicable
 * = variance required
 ** = pre-existing non-conformance

B. The Following Variances Appear to be Required:

1. Maximum Building Coverage - The existing coverage is 1,638 SF (20.00%), the Applicant is proposing a building coverage of ~~2,254 SF (27.52%)~~ **2,400 SF (29.31%)** where a maximum of 20% is permitted.



Engineering
& Design

A variance appears to be required for this condition.

2. Maximum Improved Lot Coverage – The existing coverage is 2,580 SF (31.51%) and is a pre-existing nonconformance, the Applicant is proposing to increase the improved lot coverage to ~~2,970 SF (36.27%)~~ **2,984 SF (29.31%)** where a maximum of 30% is permitted.

A variance appears to be required for this condition.

3. Maximum Residential and Parking Coverage – The existing coverage is 2,100 SF (25.64%) and is a pre-existing nonconformance, the Applicant is proposing to increase the residential and parking coverage to ~~2,716 SF (33.17%)~~ **2,862 SF (34.95%)** where a maximum of 25% is permitted.

A variance appears to be required for this condition.

4. Maximum Livable Floor Area – The existing floor area 41.5% and is a pre-existing nonconformance, the Applicant is proposing to increase the livable floor area to 55% where a maximum of 30% is permitted. **It should be noted that the entire basement area within the addition footprint is noted as unfinished/unheated space and is not included in the livable floor area calculations.**

A variance appears to be required for this condition.

III. Engineering Review

- C. The Applicant is proposing to increase improved lot coverage from 2,508 SF (31.51%) to ~~2,970 SF (36.27%)~~ **2,984 SF (36.44%)** with a net increase in coverage of ~~390 SF~~ **404 SF**. The Applicant is removing a 226 SF patio in the rear of the dwelling to make space for the 616 SF addition. It should be noted that the window well on the western side of the addition does not appear to be included in the improved coverage calculations. **The window well has been added to the proposed coverage breakdown. Comment addressed.**
- D. The Applicant should provide testimony on the setback to the proposed window well on the western side of the addition. **The proposed window well has been removed.**
- E. The Applicant is proposing one (1) Cultech recharger 150XLHD chamber to collect and store stormwater runoff from what appears to be the roof area of the proposed addition. We offer the following comments related to the drainage design:
 1. The Applicant has provided design calculations which indicate approximately 390 SF of roof area being collected and conveyed to the proposed Cultech chambers. The Applicant has provided adequate storage for this drainage area. We take no exception to the calculations provided.
 2. The Applicant should provide testimony indicating where the drywells are proposed to overflow.
 3. It is suggested that the drywells are located further from the property boundary if feasible. CED typically recommends at least fifteen (15) feet from property



Engineering
& Design

boundaries. **The chambers have been relocated as recommended. Comment addressed.**

4. The Applicant has provided an at-grade observation port cap for future maintenance in the Cultech chamber detail.
- F. The Applicant does not appear to propose any tree removal on site. The Applicant should confirm in testimony if there are any trees or other improvements that may be impacted by the proposed construction.
- G. The Applicant has depicted existing and proposed contours on the property. We offer the following comments related to grading:
 1. Under existing conditions, the site drains from north to south. The highest point of the property is in the northern corner where elevations are approximately 107 and the lowest point of the property is in the southern corner, where elevations are approximately 101.
 2. Under proposed conditions, the high and low points are generally maintained, and drainage patterns should not be substantially impacted. Grading changes do not appear to exceed more than one (1) foot in most locations.
- H. Should the Board act favorably upon this application, the Applicant is hereby made aware that drainage issues may arise during or after the proposed construction. It will be the Applicant's responsibility to remedy any drainage issues caused by the proposed improvements. In addition, water runoff directed to neighboring properties is prohibited. If runoff water does enter neighboring properties as a result of the proposed improvements, the Applicant will be responsible to remedy the situation at no cost to the Borough.

Should you have any questions, you may contact me at (201) 775-1283.

Sincerely,

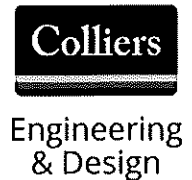
Colliers Engineering & Design

A handwritten signature in black ink, appearing to read "Nick Chelius".

Nick Chelius, P.E.
Zoning Board Engineer

cc: Board Members (via Zoning Board Secretary)
Michael Greco, Zoning Board Secretary (mgreco@demarestnj.gov)
Julie Falkenstern, Borough Administrator (boroadmin@demarestnj.gov)
Paul R. Ercolano, Ercolano Engineering LLC (paul@ercolanoengineering.com)
Carmine R Alampi, Esq., Applicants Attorney (calampi@alampi-law.com)
Darlene Greene, CED (via email)

Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, New Jersey 08827
Main: 877 627 3772



March 20, 2025

PLANNING REPORT

Zoning Board of Adjustment
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

RE: Jonathan & Lindsay Kestenbaum

109 Lake Road
Block 82.04, Lot 7
Review Letter #2
Project No. DEZ-0048

Dear Board Members,

Jonathan and Lindsay Kestenbaum, the Applicant, seek variance relief to construct a two-story addition with a basement to the rear of their home. The Applicant also proposes to remove the existing paver patio and construct a new paver patio with an outdoor kitchen under a portion of the second-story addition. Other site improvements include stormwater management. The Application requires a D(4) floor area ratio variance and "C" variances, which are detailed in Section B.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Plans entitled "Proposed Addition", prepared by Paul R. Ercolano, PE, PP of Ercolano Engineering, dated August 28, 2024, revised through February 26, 2025, consisting of 2 sheets.
2. Plan entitled "Addition to: 109 Lake Rd. Demarest NJ 07627", prepared by Mario Navedo, RA, dated August 14, 2024, revised through February 19, 2025, consisting of 1 sheet.
3. Survey entitled "Topographic Survey", prepared by Andrew A. Schmidt, PLS of Schmidt Surveying, dated July 8, 2024, consisting of 1 sheet.
4. Variance Application, stamped September 30, 2024.
5. Document entitled "Rider to Application for Variance Approval", unknown author, no date, consisting of 1 page.

A. Existing Zoning and Surrounding Land Use

The subject property is located on the northwest side of Lake Road in the Residence D (R-D) District. The property is surrounded by residential uses. See the image below for the approximate location of the subject property shown in red.¹



Yard and bulk requirements in the R-D District are:

- Minimum Lot Area – 10,000 square feet
- Minimum Lot Frontage – 100 feet
- Minimum Lot Depth – 100 feet
- Minimum Front Yard Setback – 25 feet²
- Minimum Side Yard Setback Abutting a Street – 25 feet
- Minimum Side Yard Setback Abutting a Lot – 10 feet
- Minimum Rear Yard Setback Depth – 30 feet³
- Maximum Number of Families per Building – 1
- Maximum Building Coverage – 20%
- Maximum Height of Building – 24 feet/30 feet⁴
- Maximum Livable Floor Area (1 or 2-stories) – 30%⁵
- Maximum Improved Lot Coverage – 30%⁶
- Maximum Residential Parking Coverage – 25%

B. Variances

The Application requires the following "D" variance:

1. Section 175-16 – D(4) variance for floor area ratio ("FAR"). The Ordinance limits the livable floor area for one- or two-story dwellings in the R-D District to 30% of the lot area. (It should be noted that a footnote for livable floor area describes the method to calculate said area, which is the same as a FAR calculation.)

The Applicant proposes a livable floor area (FAR) of 4,530 square feet or 55.32%. It should be noted that the existing FAR is 44.38% of the lot area. See Comment #2 for a discussion of the existing and proposed FAR calculations.

The Application requires the following "C" variances:

1. Section 175-16 – Variance for maximum building coverage. The Ordinance limits building coverage to 20% of the lot area.

The Applicant proposes a building coverage of 2,400 square feet or 29.31% of the lot area, which includes the existing dwelling (1,589 square feet), existing covered porch (49 square feet), existing window well (14 square feet), existing steps and walkways (132 square feet), and proposed addition (616 square feet). It should be noted that the existing building coverage is 1,770 square feet or 21.61% of the lot area.

2. Section 175-16 – Variance for maximum improved lot coverage. The Ordinance limits improved lot coverage to 30% of the lot area.

The Applicant proposes an improved lot coverage of 2,984 square feet or 36.44% of the lot area, which includes the proposed building coverage (2,400 square feet), existing driveway (462 square feet), existing wall (100 square feet), and existing AC units and generator (22 square feet). It should be noted that the existing improved lot coverage is 2,594 square feet or 31.68% of the lot area.

3. Section 175-16 – Variance for maximum residential parking coverage. The Ordinance limits residential parking coverage to 25% of the lot area, which includes the area of the residential use and vehicle access and parking areas.

The Applicant proposes a residential and parking coverage of 2,848 square feet or 34.78% of the lot area, which includes the proposed building coverage (2,400 square feet) and the existing driveway (462 square feet). It should be noted that the existing residential and parking coverage is 2,232 square feet or 27.26% of the lot area, which includes the existing building coverage (1,770 square feet) and existing driveway.

Additionally, the following pre-existing non-conforming conditions exist:

1. Section 175-16 – The Ordinance requires a minimum lot area of 10,000 square feet in the R-D District. The existing lot is only 8,189 square feet.



Engineering
& Design

2. Section 175-16 – The Ordinance requires a minimum lot frontage of 100 feet in the R-D District. The existing lot only has 70.03 feet for frontage along Lake Road.

C. Variance Proofs

D(4) Variance

The Board should note that the court found, in Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285 (1994), that the Applicant need not show "special reasons" that a site is particularly suited for more intensive development if the use is permitted. The Applicant is only required to demonstrate that the site will accommodate the problems associated with a larger floor area than that permitted by Ordinance. These problems typically involve the relationship of the proposal to the neighboring properties, such as intrusion into the side yard or visual incompatibility with the existing and surrounding buildings. The Board needs to determine whether the intent of zone plan and zoning ordinance will be substantially impaired by the proposed increase floor area.

"C" Variances

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involves the C(2) or flexible "C" variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

D. Waivers/Exceptions

The Application does not require any waivers/exceptions based on the information provided.

E. Comments

Based on our review of the above-referenced materials, we offer the following comments. Note that the current status of previously issued comments is provided in italics.

General

1. The Applicant's professionals must provide testimony to support the grant of the D(4) FAR variance and "C" variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. The Ordinance defines "Livable Floor Area" as

The aggregate area of all floors included within the outer walls of a building, excluding basements, garages and other unheated areas, and including only such floor area under a sloping ceiling for which the headroom is not less than five feet six inches, and then only if at least 75% of such floor area has a ceiling height of not less than seven feet six inches

and if any such floor that is situated above another story has access to the floor below by a permanent built-in stairway and has a permanent, complete floor and a means of heating to 70° F. at all times.

According to the FAR Calculations on page 8 of the Application, the proposed livable area is 4,511 square feet. This includes the existing dwelling (3,400 square feet), the proposed addition (896 square feet), and "other" (215 square feet). Based on this information it is unclear if the livable floor area was calculated pursuant to the definition above. The Architectural and/or Site Plans shall be revised to include a detailed calculation of the livable floor area to clarify.

The Zoning Requirements table on the Architectural Plan indicates the existing floor area totals 3,634 square feet, which includes the heated basement area (1,162 square feet), first floor excluding the unheated garage (1,162 square feet), and the second floor excluding the doubled ceiling height area (1,310 square feet). This equates to an FAR of 44.38%. The proposed floor area totals 4,530 square feet, which includes the existing heated basement area (proposed basement area will not be heated), proposed first floor area excluding the unheated garage (1,442 square feet), and proposed second floor area excluding the doubled ceiling height area (1,926 square feet). This equates to an FAR of 55.32%. Based on the information provided, the Applicant has calculated the Livable Floor Area and FAR in accordance with the Ordinance's definition.

It should be noted that the Architectural Plans indicates the lot size is 8,193 square feet instead of 8,189 square feet, which results in an FAR of 55%. The relief the Applicant is requesting from the Board is for 55.32%.

3. The Building and Code Data table on the Architectural Plan indicates the existing floor area is 2,892 square feet with 1,625 square feet on the first floor and 1,267 square feet on the second floor. The proposed floor area is noted to be 3,766 square feet with 1,918 square feet on the first floor and 1,855 square feet on the second floor. (Note that the first and second floor areas total to 3,773 square feet.) The Maximum Livable Floor Area line at the bottom of the table indicates the existing area is 3,400 square feet and the proposed area is 4,511 square feet. It is unclear how these areas were calculated and why the areas fail to match. Testimony shall be provided to clarify.

The Building and Code Data table has been revised to indicate the existing floor area is 2,472 square feet, including a 1,162 square foot first floor and 1,310 square foot second floor. The proposed floor area is noted to be 3,368 square feet, including a 1,442 square foot first and a 1,926 square foot second floor. These areas are noted to exclude the basement, garage, and attic areas, which is why the square footage does not match the Livable Floor Area calculation. As noted above, the revised Zoning Requirements table has calculated the existing and proposed floor areas based on the Ordinance's definition. This comment has been addressed.

4. The proposed first floor area in the Building and Code Data table is 293 square feet greater than the existing floor area. The proposed first floor addition is 20 feet by 14 feet or 280

square feet, which is 13 square feet less than noted in the table. The Applicant shall provide testimony to clarify this discrepancy.

The Building and Code Data table has been revised to indicate the proposed first floor addition is 280 square feet (14 feet by 20 feet). This comment has been addressed.

5. Similarly, the proposed second floor area in the Building and Code Data table is 588 square feet greater than the existing floor area. The proposed second floor addition is 44 feet by 14 feet or 616 square feet, which is 28 square feet greater than noted in the table. The Applicant shall provide testimony to clarify this discrepancy.

The Building and Code data table has been revised to indicate the proposed second floor addition is 616 square feet (14 feet by 44 feet). This comment has been addressed.

6. The proposed floor area in the Building and Code Data table totals to 3,773 square feet. However, the first and second floor areas total to 3,766 square feet. This discrepancy shall be eliminated. This can be a **condition** of any potential Board approval.

The proposed Floor Area in the Building and Code Data table has been revised to be 3,368 square feet, which is the total of the proposed first floor area (1,442 square feet) and proposed second floor area (1,926 square feet). This comment has been addressed.

7. The Survey indicates the western corner of the house is 12.3 feet from the property line (rear left corner). The Architectural Plan and Site Plans indicate the second-floor addition at this same corner will have a setback of 12.1. However, neither document indicates there will be an overhang or expansion of the existing footprint. Testimony shall be provided regarding this discrepancy.

The Site Plans and Architectural Plans indicate the existing rear left corner side yard setback is 12.3 feet and the side yard setback to the proposed rear left corner of the two-story addition is 12.1 feet. Testimony was provided at the February 18, 2025 hearing that this is due to the slight angle of the property line. This comment has been addressed.

8. The Existing and Proposed Improved Lot Coverage calculations on Sheet 1 of the Site Plans does not appear to include the existing or proposed window wells on the southwest side of the dwelling. The Applicant shall provide testimony on the material to be used within the window well and whether said material will be pervious. Depending on the testimony, the improved lot coverage calculations may need to be revised. This information is necessary to determine the exact variance relief required.

The Existing Improved Lot Coverage calculation has been revised to include the existing window well (contained within the building coverage line item). It should be noted that the existing window well has been included in the calculations for existing and proposed building coverage. This comment has been addressed.

9. The Ordinance defines "Building, Height of" as "The vertical distance measured from the average natural grade all around the building to the highest point of the roof." Additionally,

"Average Natural Grade" is defined as "An average of a natural grade adjacent to the perimeter of a building measured at points 10 feet apart starting at the lowest elevation." The Proposed Building Height calculations on Sheet 1 of the Site Plans indicates the proposed height is 28.85 feet from the average grade (103.85 feet) to the roof ridge (132.7 feet). However, the average natural grade was calculated only using four points around the building. The average natural grade calculation shall be revised as defined above to determine the proposed building height. Said grades shall also be shown on Sheet 2. Furthermore, the average natural grade should be noted on the elevations shown on the Architectural Plan. This can be a **condition** of any potential Board approval.

Paul Ercolano, the Applicant's Engineer, testified at the February 18, 2025 hearing that the proposed building height is 28.8 feet. Sheet 01 of the Site Plans has been revised to include a Proposed Building Height calculation. According to this information, the 19 spot elevations along the perimeter of the building equate to an average natural grade of 103.9 feet. The ridge height of the dwelling, which is not proposed to be modified, is 132.7 feet, which equates to a building height of 28.8 feet. This comment has been addressed.

10. The Basement Level plan on the Architectural Plans indicates the area under the proposed addition will be an unfinished room. Testimony shall be provided regarding the use of this room.

Mario Navedo, the Applicant's Architect, testified at the February 2025 hearing that the proposed basement will be unfinished and unheated. Additionally, the Basement Level plan has been revised to indicate the proposed basement will be for storage. This comment has been addressed.

11. Sheet 2 of the Site Plans includes a tree protection detail. Testimony shall be provided if any tree removal will be required as a result of the proposed improvements.

Mr. Ercolano testified at the February 2025 hearing that no trees are proposed to be removed. This comment has been addressed.

Should you have any questions concerning the above comments, please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Sincerely,

Colliers Engineering & Design



Darlene A. Green, PP, AICP
Borough Planner

cc: Michael Greco, Board Secretary (mgreco@demarestnj.gov)
Nick Chelius, Board Engineer (via email nick.chelius@collierseng.com)
Jonathan & Lindsay Kestenbaum, Applicants (via email kestey15@gmail.com)

Carmine R. Alampi, Applicant's Attorney (via email calampi@alampi-law.com)
Paul R. Ercolano, Applicant's Engineer (via email paul@ercolanoengineering.com)
Mario Navedo, Applicant's Architect (via email marioavedo.design@gmail.com)
David Spatz, Applicant's Planner (via email davidspatz@optimum.net)

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¹ Image courtesy of <https://www.nearmap.com/us/en>, dated October 4, 2024.

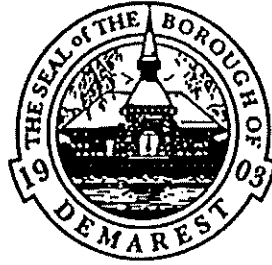
² On all streets other than Knickerbocker Road, Hardenburgh Avenue, County Road, Anderson Avenue, Piermont Road, and Lenox Avenue, an alternate setback will be required, conforming to the established average setback on the street on which the lot fronts, within the same district and within 300 feet on each side of the lot along the same side of the street, but not beyond any intersecting streets, established by three or more houses.

³ For other than rectangular lots, a rear yard width is required that is equal to the frontage requirement in the district, such width to be measured between points on each side line which are distant from the frontage line the number of feet specified as the minimum lot depth requirement in the district, such side line points to be measured at right angles to the frontage line. This requirement applies to all residence districts.

⁴ Measured from the average natural grade around the perimeter of the proposed structure. No more than 50% of the roof area shall exceed the specified average height. Flat roofs above 30 feet in height are expressly prohibited in all zones.

⁵ Maximum livable floor area (as defined in §175-27) is calculated as a square foot percentage of the total square footage of the lot to be developed.

⁶ The part of the site that is covered by buildings or accessory buildings; impervious or pervious tennis courts, basketball courts, decks, swimming pool decks, patios, firepits, hot tubs, or other recreational structures or improvements; impervious or pervious parking areas, driveways, walls, walkways, pavers, or similar improvements; and any other structures or impervious surfaces. Total improved lot coverage shall not exceed 30% of the lot area. The percentage of the lot to be used for the principal residential use and all vehicle access and parking areas shall not be greater than 25%.



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

February 18, 2025

7:30 PM

DEMAREST BOROUGH HALL

The Borough of Demarest Zoning Board of Adjustment held its regular meeting on TUESDAY, FEBRUARY 18, 2025, 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 Woods.

FLAG SALUTE

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

ROLL CALL

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

MEMBER(S) ABSENT: Michael Feinstein, Steve Park

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

RESOLUTIONS

A motion was made to approve Resolution ZB-006-25 for application ZB-24-009, for the address located at 20 Pine Hill Road, by Vice Chair McLain and seconded by Mr. Corrado.

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

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

Motion Carries.

NEW/CONTINUING APPLICATIONS

ZB-24-007 – 109 Lake Road

Carmine Alampi, the attorney for the applicant, introduced the application to the board and the timeline for what has happened up to this point.

Chair Woods asked if Mr. Alampi would like to identify the variances being sought. Mr. Alampi stated that they agree with the Board’s Planner, from her review, as to the variances being required.

Mr. Madaio summed up the variances.

Mr. Alampi explained that the finished basement is considered livable floor area.

Chair Woods asked about the side yard set back from the window well. Mr. Alampi answered that it is existing currently.

Mr. Alampi called his first witness, Paul Ercolano, Ercolano Engineering. Mr. Ercolano was sworn in by Mr. Madaio and had his credential accepted by the Chair of the Board.

Mr. Madaio marked the Engineering plan as A1.

Mr. Ercolano presented the application to the board. Mr. Ercolano gave testimony on the bulk variances being requested, and on the storm water management and drainage being proposed.

Variances requested;

1. Maximum Building Coverage 29.31%
2. Maximum Livable Floor Area 55%
3. Maximum Improved Lot Coverage 36.44%
4. Maximum Residential and Parking Coverage 34.95%
5. Lot Area 8,189 sq ft

Chair Woods asked for clarification on the location of the culvert, as the engineer requested it be further away from the property line. Chair Woods asked for clarification on why a culvert instead of a seepage pit. Mr. Ercolano stated that the seepage pits were typically larger.

Mr. Ercolano explained that their window well would need a side yard setback variance as it is currently 9.5 feet from the property line.

Vice Chair McLain requested that the window well be included in the coverage calculations. Mr. Chelius explained that all improvements are considered coverage whether impervious or not. Vice Chair McLain also mentioned that the walkways should be included as well. Vice Chair McLain asked the applicant to address a question from the engineer about the overflow. Mr. Ercolano explained the overflow, and Mr. Chelius stated that they take no issue with the overflow.

Mr. Chelius asked about the drainage calculations and requested that the chamber be designed to accommodate the roof area so that it is not constantly overflowing. Mr. Alampi stated that they would agree to these modifications.

Ms. Green asked for clarification on the setbacks of the side of the building. Mr. Ercolano explained that the building gets closer to the property line as it goes towards the rear of the property.

Mr. Madaio stated that the square footage of both window wells needs to be included in the coverage calculations. The board requested that the engineer attempt to do the calculation now for the record.

Vice Chair McLain stated that the steps and walkway should be in the residential and parking coverage section.

Ms. Pavlova stated the size of the window well from the architectural plans, and Mr. Woods stated that the architect could specify this.

Mr. Corrado made a motion to open the meeting to the public for questions to the applicant's engineer. The motion was seconded by Vice Chair McLain.

All in Favor – Motion Carries

With no public seeking to ask questions, Mr. Corrado made a motion to close the meeting to the public. The motion was seconded by Vice Chair McLain.

All in Favor – Motion Carries

Mr. Alampi called his second witness, Mario Navedo, the applicant's architect, who was sworn in by Mr. Madaio, had his credentials checked and accepted by the board.

Mr. Alampi marked the architectural plans as exhibit A2.

Mr. Navedo presented the architectural plans to the board.

Chair Woods asked for clarification on the new roof lines. Mr. Navedo explained that there is a gable coming off the left side.

Vice Chair McLain asked for clarification on how many bedrooms exist in the current house. Mr. Navedo stated that there are three plus an office. Vice Chair McLain stated that they are adding one more bedroom and a bathroom.

Chair Woods asked why the window well would be in the location it is. Mr. Navedo stated that the window well could be eliminated if the board preferred this. Chair Woods stated that if the space is unfinished the window well is unnecessary.

Mr. Madaio summed up that the rear window well would be removed.

Ms. Green asked if Livable Floor Area was calculated by ordinance definition. Mr. Navedo said he did. Ms. Green confirmed that the Basement and the Garage were included or not, and if they are heated or not. Chair Woods asked for the applicant to get clarification on these points and return with them.

Vice Chair McLain confirmed that the applicant was building a large new basement space and not heating it.

Mr. Alampi stated that the basement is meant to be storage and so it does not require heating.

Ms. Pavlova asked if the stairs were counted once and if the garage is included in the livable floor area.

Ms. Green asked for clarification on the existing and proposed square footage but said that without knowledge of the basement or garage this number would not be correct anyway.

Ms. Pavlova asked what the space over the foyer is, if it is open or a second floor area. Mr. Navedo answered that it would be counted once in the livable floor area.

Chair Woods asked if the board is satisfied that the numbers are correct for livable floor area, and the board confirmed that they are not.

Chair Woods asked if the architect had the opportunity to see the planner's letter. Mr. Alampi answered that they saw it, but the architect did not have enough time to thoroughly read it and address it.

Mr. Alampi stated that the questions asked would be reviewed and addressed and they would return for a future meeting.

Vice Chair McLain asked about the outdoor kitchen. He asked if the kitchen being under the house overhanging is a safety concern. Mr. Navedo explained that there are safety measures that can be put in place to make this safe.

Vice Chair McLain asked if the kitchen has been detailed yet, and Mr. Navedo stated that this is a conceptual design.

Chair Woods asked for clarification in the one section of the kitchen, and Mr. Navedo explained that it is a kitchen counter area.

Chair Woods asked if the professionals had any additional concerns but they did not have anything beyond their review letters.

Mr. Alampi stated that it is important for the applicant to go back and address the concerns raised and come back at a future meeting to continue the application.

Motion to open to the public for questions to the Architect was made by Mr. Corrado. The motion was seconded by Vice Chair McLain.

All in Favor – Motion Carries

With no public seeking to ask questions, a motion to close the meeting to the public was made by Mr. Corrado. The motion was seconded by Vice Chair McLain.

All in Favor – Motion Carries

Mr. Alampi stated that he has a consultant planner, but he does not believe their testimony would make sense now as there are too many questions on the facts of the application.

The board discussed a possible meeting date to continue this application. Mr. McLain stated that he attended the ordinance committee, and he raised concern over the board being disbanded before an application was complete. Mr. Madaio stated that he was assured that this would not happen. Mr. Madaio requested that Mr. McLain speak with the ordinance committee and asked that he remind Ms. Fox of the commitment.

Mr. McLain asked about picking a special meeting date, and Mr. Madaio stated that it would have to be selected tonight to avoid having to re-notice. The board deliberated on this meeting date. The board decided to push the application to a special meeting on Tuesday, March 25, 2025 with no further notice.

Jonathan Kestenbaum, 109 Lake Road, was sworn in by Mr. Madaio.

Mr. Kestenbaum thanked the board for their work and time. Mr. Kestenbaum spoke to the board about his application.

MINUTES

A motion was made to approve the January 21, 2025, minutes, by Mr. Corrado and seconded by Vice Chair McLain.

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

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

Motion Carries.

2024 YEAR END REPORT

Mr. Madaio explained that the board had received a redlined version with all the changes suggested by the board.

A motion was made to approve resolution ZB-005-25, adopting the 2024 year end report, by Mr. Corrado and seconded by Vice Chair McLain.

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

Chair Woods:	Yes	Mr. Corrado:	Yes	Mr. Feinstein:	Absent
Vice Chair McLain:	Yes	Mr. Park:	Absent	Mr. Adelman:	Yes
Ms. Pavlova:	Yes				

Motion Carries.

NEW/OLD BUSINESS

The board discussed the other applications, specifically 17 Duck Pond Road. The board confirmed that the application extended the board's time to act.

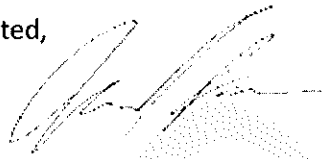
ADJOURNMENT

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

All in Favor – Motion Carries

The meeting was adjourned at 8:54 PM.

Respectfully Submitted,
Michael Greco
Land Use Secretary



DRAFT