



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

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**January 21, 2025** **7:30 PM** **DEMAREST BOROUGH HALL**

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The Borough of Demarest Zoning Board of Adjustment held its regular meeting on TUESDAY, JANUARY 21, 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 Mr. Greco.

**FLAG SALUTE**

The Board was led in a salute to the flag by Mr. Greco.

**SWEARING IN NEW MEMBERS**

Michael Feinstein was sworn in by Mr. Madaio to the Zoning Board of Adjustment for a term beginning January 1, 2025 and expiring on December 31, 2028.

**ROLL CALL**

**MEMBERS PRESENT:** Todd Adelman, Robert Corrado, Michael Feinstein, David McLain, Steve Park

**MEMBER(S) ABSENT:** Timothy Woods, Diana Pavlova

**ALSO PRESENT:** Mark Madaio – Attorney, Nick Chelius – Engineer, Michael Greco – Secretary, Daryl Fox – Council Liaison

**ELECTION OF OFFICERS**

Mr. Greco called for nominations for the officers for the year of 2025.

Mr. Corrado nominated Tim Woods to be the Chair of the board for the year of 2025 and was seconded by Mr. Adelman. Hearing no other nominations, the nominations were closed by Mr. Greco.

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

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

*Motion Carries.*

Mr. Corrado nominated David McLain to be the Vice Chair of the board for the year of 2025 and was seconded by Mr. Adelman.

Hearing no other nominations, the nominations were closed by Mr. Greco.

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

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

*Motion Carries.*

Vice Chair McLain took his seat on the dais and continued the meeting.

### PROFESSIONAL APPOINTMENTS

A motion was made to appoint Mark Madaio as the 2025 Board Attorney, by Mr. Corrado and seconded by Mr. Feinstein.

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

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

*Motion Carries.*

Mr. Madaio thanked the board.

Vice Chair McLain stated that Mr. Madaio brings stability to the board.

A motion was made to appoint Nick Chelius as the 2025 Board Engineer, by Mr. Corrado and seconded by Mr. Adelman.

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

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

*Motion Carries.*

Mr. Chelius thanked the board.

A motion was made to appoint Darlene Green as the 2025 Board Planner, by Mr. Corrado and seconded by Mr. Adelman.

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

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

*Motion Carries.*

A motion was made to appoint Michael Greco as the 2025 Board Secretary, by Mr. Corrado and seconded by Mr. Feinstein.

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

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

*Motion Carries.*

### APPROVAL OF MEETING DATES

A motion was made to approve 2025 meeting dates, by Mr. Corrado and seconded by Mr. Adelman.

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

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

*Motion Carries.*

### **NEW/CONTINUING APPLICATIONS**

Vice Chair McLain stated that he would be moving the administrative matters to the end of the meeting so that the application could take priority.

#### **ZB-24-007 – 109 Lake Road**

Mr. Greco stated that the applicant requested that their application be carried to the February 18, 2025, hearing. He also stated that the applicant has extended the board's time to act in writing.

Vice Chair McLain stated that the application would be carried to that date with no further notice.

Vice Chair McLain stated that the application has a "D" Variance and that this required 5 affirmative votes, and he urged the board members to let Mr. Greco know as soon as possible if they are unable to attend.

#### **ZB-24-005 – 17 Duck Pond Road**

Mr. Greco stated that the applicant requested that their application be carried to the March 18, 2025, hearing. He also stated that the applicant has extended the board's time to act in writing.

Vice Chair McLain stated that the application would be carried to that date with no further notice.

#### **ZB-24-009 – 20 Pine Hill Road**

Mr. Madaio confirmed that the notice for this application was done properly.

Mr. Madaio explained to the board that the application is an undersized lot and explained the grandfather clause and how it the Borough does not have it, and so all undersized lots need to come to the board. He also noted that the application has no other variances. He then confirmed that with Mia Rappaport.

Mr. Chelius explained that there is a variance for the retaining wall in the front of the home.

Mr. Madaio marked the Engineering Plans as A1 – 01/21/2025.

Uri Rappaport, the architect for the project, was sworn in by Mr. Madaio.

Mr. Madaio marked the Architectural Plans as A2

Mr. Madaio marked the board's engineer report as B1.

Mr. Madaio asked Mr. Rappaport if he is willing to make the wall under two feet so that it does not need a variance.

Mr. Rappaport stated that he would lower the wall to conform and not require a variance.

Vice Chair McLain clarified that the keystone wall would be less than two feet. Mr. McLain also stated that there would need to be a soil moving permit as well as shade tree approval for the trees to be removed.

Mr. McLain asked about the dry well locations, and Mr. Chelius explained that he has no problem working this out with the applicant's engineer.

Mr. Rappaport presented the application and showed the board a study of the neighboring lot sizes. Mr. Madaio marked Neighboring Lot study as A3.

Mr. McLain stated that this is the third case of the undersized lots, and they are all in this part of town.

Mr. Rappaport explained that all the neighboring lots are undersized as well, and so there is not ability to be able to buy land from the neighbors.

A motion was made to open the hearing to the public by Mr. Corrado and seconded by Mr. Adelman.  
All in favor – motion carries.

A motion was made to close the hearing to the public by Mr. Corrado and seconded by Mr. Adelman.  
All in favor – motion carries.

A motion was made to approve the application ZB-24-009, 20 Pine Hill Road with the conditions in the engineering letter, all the normal conditions of the board and subject to the retaining wall height, by Mr. Adelman and seconded by Mr. Corrado.

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

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

*Motion Carries.*

## **NEW/OLD BUSINESS**

Mr. McLain asked Mr. Madaio about a piece of evidence from 17 Duck Pond, specifically the turf, and requested more information on the turf field.

Mr. Madaio suggested that Mr. Greco send an email requesting this and send it to Mr. Chelius for review.

Mr. McLain discussed with the board permeable pavers and the need to understand the materials being used.

Mr. McLain reminded the board about the financial disclosure statements upcoming. He also told the new board member about the educational requirement.

Mr. McLain asked Councilwoman Fox to let the board know the status of the potential ordinance.

Councilwoman Fox explained that the ordinance is in review by the Ordinance Committee and that after that a letter will be supplied to the council prior to introduction of the ordinance.

Mr. McLain explained that he spoke with the Mayor and the Ordinance Committee and asked that both watch where the board is with the applications, and that they be given time to finish current matters.

Councilwoman Fox stated that she is going to recommend that any current applications be finished by the current board.

Mr. Madaio recommended that the ordinance can have a clear effective date so that matters can be finalized.

Mr. McLain brought up some zoning ordinance concerns that have been identified. First, he talked about the definition of retaining walls and how far back a wall can be before it is a new wall.

Mr. Madaio summed up the questions before the board. He stated there are two questions, what is the difference between a garden wall and a retaining wall and second how do tiered walls function.

The board discussed with Councilwoman Fox how the board believes walls should work in the ordinance.

Councilwoman Fox and the board discussed the rule of grandfathering undersized lots.

Councilwoman Fox discussed with the board coverage limitations and the possibility of allowing more coverage on smaller lots.

Mr. Park left the meeting at 8:14pm.

Councilwoman Fox asked the board about Livable Floor Area and Floor Area Ration (F.A.R.) and if they are the same or if we do not want F.A.R.

Mr. Madaio stated that the professionals stated they are functionally the same.

The board suggested that we change the name and make it F.A.R.

Mr. McLain brought up with the board through lots and corner lots and whether they have a front yard, rear yard or two front yards.

The board suggested that the address with the post office be the front yard.

Mr. Madaio raised concern over designating the rear yard.

Mr. Chelius explained that the corner lot definition addresses this.

Mr. McLain stated that he has seen an increase in contractors knowingly working without permits. He asked if there is something that the town can do to address this.

Councilwoman Fox and Mr. Madaio stated that all construction should require an as-built survey, and Mr. Chelius confirmed that he is always requiring as-built surveys when they come through his office.

**2024 YEAR END REPORT**

Mr. McLain stated that the year-end report is up for discussion, but that there are some comments that he has but he would like the Chair to be present for the discussion, and that the discussion can take place at the February meeting.

**MINUTES**

A motion was made to approve the November 19, 2024, minutes, by Mr. Adelman and seconded by Mr. Corrado.

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

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

*Motion Carries.*

A motion was made to approve the December 17, 2024, minutes, by Mr. Corrado and seconded by Mr. Adelman.

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

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

*Motion Carries.*

**ADJOURNMENT**

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

All in Favor – Motion Carries

The meeting was adjourned at 8:38 PM.

Respectfully Submitted,  
Michael Greco  
Land Use Secretary

