
BOROUGH OF DEMAREST
JOINT PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
In re: Appeal of Scott A. Lavin — 3 Central Avenue (Block 65, Lot 140)

EXHIBIT C

Hearing Date: August 5, 2026

MARTIN W. KAFAFIAN (NJ, NY, DC BARS)
ADOLPH A. ROMET (NJ, NY BARS)
JOHN J. LAMB (NJ BAR)
ANTIMO A. DEL VECCHIO (NJ, NY, DC BARS)
ROBERT A. BLASS (NJ, NY BARS)
ARTHUR N. CHAGARIS (NJ BAR)
STEVEN A. WEISFELD (NJ, NY BARS)
RENATA A. HELSTOSKI (NJ, NY BARS)
DANIELE CERVINO (NJ, NY BARS)
ARTHUR M. NEISS (NJ, NY BARS)
DANIEL L. STEINHAGEN (NJ, NY BARS)
MARTIN R. KAFAFIAN (NJ, NY BARS)
JAMES V. ZARRILLO (NJ, NY BARS)
MATTHEW J. ROSS (NJ, NY, OH BARS)

OF COUNSEL

EMERY C. DUELL (NJ, NY BARS)
PATRICK J. MONAGHAN, JR. (NJ, NY BARS)
IRA E. WEINER (NJ BAR)
MICHAEL STERNLIEB (NJ BAR)



BEATTIE
PADOVANO LLC

COUNSELLORS AT LAW
200 MARKET STREET, SUITE 401
MONTVALE, NEW JERSEY 07645

(201) 573-1810

www.beattielaw.com

NEW YORK OFFICE:
99 MAIN STREET, SUITE 319
NYACK, NEW YORK 10960
(845) 512-8584

COUNSEL TO THE FIRM
BRENDA J. STEWART (NJ BAR)
JEANETTE A. ODYNSKI (NJ, NY BARS)
CRISTIN M. KEEGAN (NJ, NY BARS)
BARBARA M. MARTIN (NJ, NY BARS)
CHARLES J. RABOLLI, JR. (NJ BAR)

SHKELQIM (JIM) PILINCI (NJ, NY, HT BARS)
DEMETRIA M. BOGOSIAN (NJ BAR)
GABRIELLA M. PASCARELLI (NJ, NY BARS)
CONOR C. O'SHAUGHNESSY (NJ, NY BARS)
NICOLE A. SERELL (NJ, CT BARS)
GABRIELLE G. DRILLICH (NJ, NY BARS)
MAGGIE MINAS (NJ BAR)

RALPH J. PADOVANO (1935-2016)
JAMES R. BEATTIE (1935-2021)

Reply to New Jersey Office
Writer's Direct Access
Email: crabolli@beattielaw.com
Direct Dial and Fax: (201) 799-2169

October 16, 2025

OUR FILE NO. 250682-1

BY EMAIL TO: construction@demarestnj.gov

Mr. Richard Bolan
Construction Official
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

BY EMAIL TO: mgreco@demarestnj.gov

Mr. Michael Greco
Zoning Officer
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

**Re: 3 Central Avenue
Demarest, New Jersey
Block 65, Lot 140**

Dear Gentlemen:

Please be advised that we represent the interests of Scott Lavin and his wife, Jennifer Lavin. They reside at 40 Lincoln Street, Demarest, New Jersey, adjacent to the subject property.

We are in receipt of a portion of the architectural plans for the property. It appears that the construction far exceeds the height limitation for the R-D Zone, where the property is located. See Zone Map attached as Exhibit A.

A large residence is under construction. See Photos attached as Exhibit B.

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Fifty-Five Years of Service

**NOTICE OF VIOLATION OF
HEIGHT LIMITATION IN
ZONING CODE**

A portion of an architectural plan shows the height from the ground to the peak of the roof to be 35 feet from grade. See Architect's Plan attached as Exhibit C. In particular, the lower left of the plan shows "AVG GRADE" to be 99.3 ft and printed vertically, there is language on the plan that states "35-0 O.A. FIRST FLOOR TO ROOF PEAK." We infer that "O.A." means "overall."

The Demarest Code and relevant ordinance indicate that "Maximum Height" for peaked roofs in the R-D zone is 30 feet. See Limiting Schedule attached as Exhibit D.

We understand the notation "24/30" in the Limiting Schedule to mean the maximum height of a flat roof and peak roof, respectively.

The Limiting Schedule at Footnote D defines "maximum height" as the height "measured from the average natural grade around the perimeter of the proposed structure." Separately, it continues: "No more than 50% of the roof area shall exceed the specified average height." The code does not define "average height"; but as discussed further below, the Ordinance does - and is inapplicable to the R-D zone.

By way of background, we provide the Limiting Schedule from 2005. See Exhibit E. In 2015, due to the increasing size of newly constructed homes, the Zoning Board recommended increasing the height limitation in R-A, R-BB and R-B zones *only*. This was codified in Ordinance No. 1025-15, which provides, in part:

...the Demarest Zoning Board of Adjustment has petitioned the Mayor and Council...to...increase the allowable roof height of homes in the Residence A, BB and B zones...the demands of current architectural and engineering design require that residential dwellings in the larger A, BB and B zones be taller to improve construction quality and aesthetic appeal....The limiting Schedule shall be further amended to change the permitted Average Building Height in certain zones as follows:

District	Bulk	
	Average Height of Building	
	Stories	Feet
Residence (A)	-	33
Residence (BB)	-	30
Residence (B)	-	30

(Borough Ordinance 1025-15; Exhibit F)

The Ordinance continues: "This section expressly prohibits more than fifty percent (50%) of the roof area exceeding the specified "Average Height", and it expressly prohibits flat roofs above 30 feet in all zones....In all other respects, the limiting schedule of the Municipal Code of the Borough of Demarest shall remain unchanged."

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The concept of "Average Height" applies only to the A, BB and B zones. The Code uses "Average Height"; "Average Building Height"; and "Average Height of Building" interchangeably.

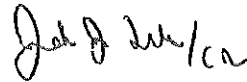
Further, a review of the property indicates that the "Average Grade" cited in the plan may not actually reflect the Average Natural Grade required to be used under the code. "Average Natural Grade" is defined as the "average of a natural grade adjacent to the perimeter of a building measured at points 10 feet apart starting at the lowest elevation." Demarest Code §175-27, Definitions. "Building height" is defined as "the vertical distance measured from the average natural grade all around the building to the highest point of the roof." *Id.*

It appears that the natural topography of the property was altered to increase the elevation of the "average grade" from the "average natural grade" that existed with the previous home. We are in the process of obtaining supporting information.

Based upon the above, we hereby request that you immediately revoke the permits and issue a stop work order until this matter can be properly evaluated. The Applicant is proceeding at their own risk. We reserve the right to challenge any certificate of occupancy issued if improvidently granted. If there is additional information which is relevant, we reserve the right to evaluate and reconsider our position.

Thank you for your cooperation.

Very truly yours,



John J. Lamb

JJL/abp

cc: 3 Central Ave LLC, Owner
(by certified mail and first class mail to: 64 North Summit Street, Tenafly, NJ 07670)