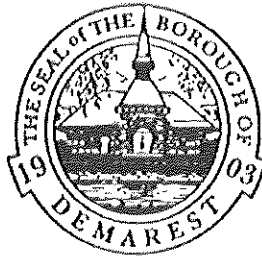

BOROUGH OF DEMAREST
JOINT PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
In re: Appeal of Scott A. Lavin — 3 Central Avenue (Block 65, Lot 140)

EXHIBIT I

Hearing Date: August 5, 2026



**Borough of Demarest
Joint Planning Board Regular Meeting
MINUTES**

November 7, 2025	7:30 PM	DEMAREST BOROUGH HALL
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The Borough of Demarest Planning Board held a special meeting on WEDNESDAY, NOVEMBER 7, 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: Theodore Alevrontas, Mayor Brian Bernstein, Jodi Brenner, Camile DiSclafani, Councilwoman Daryl Fox, Mary Hamilton, Fatemah Mamdani, Chair Woods

MEMBER(S) ABSENT: Todd Adelman, Kiran Chin

ALSO PRESENT: Nick Chelius – Engineer, Darlene Green – Planner, Danielle Federico – Attorney, Michael Greco – Secretary, Zoning Officer

CLOSED SESSION

Ms. Federico state that the board is in receipt of a letter for John Lamb's office dated November 14, 2025, concerning a potential litigation, and requested to enter a closed session to discuss.

A motion was made to enter a closed session for the purpose of discussing a potential litigation by Mayor Bernstein and was seconded by Councilwoman Fox.

Chair Woods recused himself from the Closed Session due to his proximity to the property related to this matter.

The board entered a closed at 7:32 pm.

A motion was made to end closed session and return to open session by Mayor Bernstein and was seconded by Councilwoman Fox.

The board returned to open session at 7:42 pm.

RESOLUTIONS

Resolution JPB-014-25 – JPB-25-005 – 93 Pine Terrace – Jason Lieberman

Councilwoman Fox asked for clarification on the conditions in the resolution, stating that she saw some new clauses which seemed too strict for a fence application.

Ms. Federico explained that the new clauses were added in, on the last resolution and are standard clauses to protect the Borough and for the sake of consistency across resolutions, they would be in all resolutions moving forward.

A motion was made to approve resolution JPB-014-25 for the Joint Planning Board Application JPB-25-005, requesting variances related to the construction of a fence in a front yard by Vice Chair Brenner, and was seconded by Mr. Alevrontas

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

Board Member	Vote	Board Member	Vote	Board Member	Vote
Mr. Adelman	<i>Absent</i>	Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	<i>Absent</i>	Ms. DiSclafani:	Yes
Councilwoman Fox:	No	Ms. Mamdani:	Yes	Chair Woods:	Yes
Mrs. Hamilton:	Yes				

Motion passed

NEW/CONTINUING APPLICATIONS

JPB-25-007 – 32 Brookside Avenue – Patrick Min

Mr. Greco stated that the applicant requested to adjourn to the next meeting, due to an inability to get the necessary documents for the board. Mr. Greco stated that the applicant has given the board an extension of time to act.

Ms. Federico stated that application JPB-25-007, for the property known as 32 Brookside Avenue would be carried to the December 3, 2025, meeting without further notice.

MASTER PLAN CONSISTENCY REVIEW

Ordinance 1170-25 Ordinance of the Borough of Demarest Adopting the Amended Redevelopment Plan produced by Colliers Engineering (formerly Maser Consulting) on behalf of the Borough of Demarest

Ms. Green explained to the board that the ordinance before the board is an amendment to the Borough's Downtown Redevelopment plan. She went on to explain that the last ordinance before the board was a change to the borough's set-aside requirements, and that with the changes in redevelopment with the current round, all affordable housing when triggered will be required to provide a 20% set-aside. In addition, it alters the duration of the deed restrictions, and the text has been amended to say that they have to be consistent with the uniform housing and affordable controls. This change is to make the redevelopment plan consistent with the master plan and the fair share and housing plan. She stated that the ordinance is not inconsistent with the 2025 fair share and housing plan and the board should act favorably on this ordinance.

A motion was made to approve resolution JPB-015-25 as consistent with the intent and purpose of the master plan by Councilwoman Fox, and seconded by Mayor Bernstein.

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

Board Member	Vote	Board Member	Vote	Board Member	Vote
Mr. Adelman	<i>Absent</i>	Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	<i>Absent</i>	Ms. DiSciafani:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Yes	Chair Woods:	Yes
Mrs. Hamilton:	Yes				

Motion passed

REQUEST FOR INTERPRETATION

Maximum Building Height – Chair Woods – The definition of building height, and how it is being used in zoning approvals.

Chair Woods presented that he was bringing to the board a request to discuss the required height for certain zones in the borough. He explained that the code once differentiated the definition of height measurement between the zones, where R-A, R-BB & R-B were measured to the mean roof height, but the R-C & R-D zones were measured to the peak. There was an ordinance adopted that changed the heights in the 3 zones to be higher and stated that it did not affect the 2 zones to the peak. Some time after that the limiting schedule was changed and did not differentiate between zones and claimed all height is measured to the mean roof height. The definition in the code for building height is not consistent with this, and they are in conflict.

Mr. Greco explained that as the zoning officer he went through the ordinance and that the most recent change to the code is the limiting schedule which shows all zones as to the average height of the roof. He agreed that the code is inconsistent and that he encourages the board to discuss the intent of the code to set the record.

Chair Woods stated that he was at the meeting when the ordinance was approved and that he knows that the intent was a change only meant for A, BB & B which are the larger zones in town, but that the C&D zones should remain as they are smaller lots and can not handle the bulk of the taller buildings.

Councilwoman Fox stated that she was also there and agrees with the intent stated by Chair Woods.

Ms. Green stated that she agrees that the ordinance is inconsistent in their decision, and that the ordinance makes Demarest unique in that she has never seen a town that measures roof height differently across different zones. She and the engineer agreed that the roof height would be easier measured to the peak in all zones, but that requires a change in the zoning code by ordinance. She stated that looking at the code, in addition that the board should set a maximum on stories of a building, as a 30 ft. tall building could easily have 3 floors, and that a roof measured to the mean, could get as high as 8 ft. above this and could feasibly have a fourth floor, which she does not think was ever the intention of the Borough.

Chair Woods also talked about flat rooves, and that once the code had limitations on these roof styles, but now it seems to have disappeared from the code. He explained that the old ordinance limited flat rooves in the C&D zones to 24 feet, but that the A, BB & B zones would have flat roofs up to 30 ft. and this did not translate into the limiting schedule correctly.

Councilwoman Fox stated that the limiting schedule shows clearly that flat rooves are limited to 30 ft. in all zones. Chair Woods pointed to the ordinance which said that in all other respects the ordinance should not be changed, meaning that the ordinance was only meant for the A, BB & B zones.

A motion was made to open the meeting to the public by Councilwoman Fox and seconded by Mayor Bernstein. All in favor – Motion passed.

Noelle Tutunjian, 8 John Street, was sworn in by Ms. Federico, and requested clarification on whether these changes would impact future or prior applications.

Ms. Tutunjian asked why the limiting schedule would be used over the code, and Mr. Greco explained that the limiting schedule is the primary method of determining bulk criteria and is not a “cheat sheet” but that when an inconsistency exists in the code, the most recent update would be the guiding factor.

Ms. Federico explained that the purpose of the interpretation is to determine the intent behind the mayor and council’s decision, and if it is determined that the intent is not accomplished, then the board has the power to set the record clear and give guidance on how to utilize the ordinance.

The board and Ms. Federico explained that this interpretation would affect future applications but would not affect applications which have already been approved. Ms. Federico also explained that over time there has been different views from past and current, boards, zoning officers, builders and professionals over the meaning behind the code, and that is why interpretation is important to set the record moving forward.

Councilwoman Fox asked if the board finds in favor of the interpretation, does the mayor and council need to change the limiting schedule. Ms. Federico explained that the interpretation can be relied on when making decision, and that a change would not be necessary, unless the board finds that the limiting schedule is correct and needs to be changed to alter the rule. The board discussed whether a change to the limiting schedule was necessary or should be done either way. The decision was that it should be changed to match the interpretation and should go before the mayor and council to do that.

Diane Rothman, who was sworn in by Ms. Federico, stated that she is a realtor and asked if a prior approval exists for a property that is changing owners. Ms. Federico explained that when a zone changes, approvals run with the land but that all approvals have expirations based on the type of approval, and so it is not guaranteed if no work commenced.

Michael Peterman, 15 Central Avenue, was sworn in by Ms. Federico, stated that he is living next door to a construction site and that he is a licensed architect. Mr. Peterman stated that the massing of the home next to him is out of control, and that he believes the height and size of the building is bad. He stated his opposition to a construction in town and that it is a problem.

Ms. Federico explained that the interpretation of the ordinance does not require public portion and does not connect to a specific application, but the board is inviting the public to comment on height of buildings only now, and asked that other comments be saved for the zoning ordinance discussion.

Mr. Peterman stated that the height is too high.

A motion was made to close the meeting to the public by Mayor Bernstein and seconded by Mr. Alevrontas. All in favor – Motion passed.

Mr. Greco explained that he can’t seem to find an ordinance that approved the new limiting schedule in the prior ordinances. Ms. Federico stated that the publication date on the limiting schedule may not be the ordinance but instead is when it was changed.

Mayor Bernstein asked for clarification on the specific section of the limiting schedule which calls to the height of buildings. Mr. Greco read "Note D" of the limiting schedule.

A motion was made to approve the interpretation of the height of a building in the R-C & R-D zone would be from the average natural grade to the peak of the building, and that flat roofs in the same ones have a maximum of 24 feet and that the changes in the 2015 ordinance was meant only for the R-A, R-B & R-BB zones.. The motion was seconded by Mayor Bernstein.

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

Board Member	Vote	Board Member	Vote	Board Member	Vote
Mr. Adelman	<i>Absent</i>	Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	<i>Absent</i>	Ms. DiSclafani:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Yes	Chair Woods:	Yes
Mrs. Hamilton:	Yes				

Motion passed

The board and Ms. Federico clarified their motion to the Zoning Officer and the Planner for all pending applications.

DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS

2026 Meeting Dates

Mr. Greco explained that he is trying to schedule a number of future applications and it would help him if the board could set a schedule for 2026, subject to confirmation by the 2026 Joint Planning Board, so that he could set dates for the future applications.

The board discussed the proposed dates and made some changes.

A motion was made to approve the amended 2026 meeting dates, subject to the approval of the 2026 Joint Planning Board by Councilwoman Fox and seconded by Mayor Bernstein.

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

Board Member	Vote	Board Member	Vote	Board Member	Vote
Mr. Adelman	<i>Absent</i>	Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	<i>Absent</i>	Ms. DiSclafani:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Yes	Chair Woods:	Yes
Mrs. Hamilton:	Yes				

Motion passed

Zoning Ordinance Discussion

Chair Woods requested that the board begin the zoning ordinance discussion by opening the meeting to hear the public's input before the board discussion.

A motion was made to open the meeting to the public for comments by Mayor Bernstein and seconded by Councilwoman Fox.

All in favor – Motion passed.

Diane Rothman was confirmed still sworn in by Ms. Federico. Ms. Rothman made some comments on the problems that construction is creating in the neighborhood, especially in regard to sidewalks and the public's ability to utilize the Borough's right-of-way.

Ms. Federico explained that this is not a zoning issue, but there are rules in place in property maintenance for maintaining sidewalks.

Michael Peterman was confirmed still sworn in by Ms. Federico.

Mr. Peterman stated some concerns about a property on his block. Chair Woods recused himself on this discussion due to his proximity. The property he expressed concern over is 3 Central Avenue. He explained that the new building would create a drainage issue. Councilwoman Fox explained that when there is new construction there are drainage standards that must be met if they are built according to the approved plans. Ms. Federico explained that we are not here to discuss individual properties so much as suggestions for the zoning ordinance. She asked Mr. Peterman if he has specific concerns or recommendations for the zoning ordinance.

Mayor Bernstein asked if there is a condition that he has observed that if we could change the zoning ordinance to mitigate these concerns.

Mr. Peterman stated that he believes the code is not clear on storm water requirements.

Mr. Greco asked the attorney if regrading can be controlled by the zoning ordinance. Ms. Green explained that regrading is handled in engineering through a soil moving permit, which Mr. Greco stated that Demarest has.

The board discussed storm water and how it relates to the zoning ordinance.

A motion to close the meeting to the public was made by Mayor Bernstein. Seconded by Mr. Alevrontas.
All in Favor – Motion Passed

Councilwoman Fox explained that she created a summary of the changes from the original code to the new code, as well as broke down some of the functions in the code and how it works. She highlighted the inconsistencies in the definitions and how to move forward with them.

Chair Woods asked Mr. Greco to explain the districts.

Mr. Greco explained the different zones in town and how the ordinance interacts with those zones. He explained that the town is mostly Residence Zones, with a few multi-family zones, which are set for specific developments as a part of settlements. He also explained the other districts but pointed the board to focus on the Residence zones which is the bulk of the town. He explained that those zones are governed by the limiting schedule which sets the bulk requirements, and that this is the most important piece of discussion. He further pushed the zone to mostly review the R-C and R-D zones as they are where all the variances are.

Chair Woods directed the board to the recommendations submitted by the zoning officer and asked the board if they had any questions or concerns to raise.

Mr. Greco suggested that the board start by discussing F.A.R. (Livable Floor Area), and that his main suggestion was to include garages in the F.A.R. calculation.

Councilwoman Fox suggested that if this is done, then they should increase the F.A.R. number.

Mr. Greco also explained that a recommendation was made to create rules that offer bonuses to F.A.R. based on certain criteria the borough can encourage, e deferred to the Board's Planner on the language.

Chair Woods stated that his view is that the public is concerned with the massing of the buildings and that they are being built too large. He asked the board what they want.

Councilwoman Fox stated that there is a balance between regulating size and not limiting people's ability to build a house worth it to them.

Vice Chair Brenner asked if these are homes with variances built to big, and Mr. Greco stated that they are built as of right by the ordinance.

Mayor Bernstein suggested that the board focus more on the intention first for Livable Floor Area verses F.A.R.. He brought up these homes that build an accessory building and it is being built a foot from the house and escaping the rules of the principal building and circumventing the F.A.R..

Mr. Greco explained that he put in language to say that if an accessory building is built too close to the principal building it becomes part of the principal building.

Chair Woods aske the Board Planner for her thoughts.

Ms. Green explained that a lot of towns don't even have an F.A.R. and that they focus more on coverage numbers and setbacks as well as height to lessen the scale of buildings. Some towns even differentiate from principal building coverage and total building coverage.

The board discussed the use of F.A.R. in the town and how to best use all the different bulk requirements to help reduce the size of buildings fairly with the planner.

The board also discussed the use of a combined side yard setback for further limiting scale.

Mr. Greco explained that the problem with removing F.A.R. leads to developers building tall boxy buildings to maximize their space within the building.

The board agreed to maintain that a basement which is 70% below grade does not need to be included in F.A.R..

The board discussed coverage limitations with the planner, who told the board that some of her towns have a front yard coverage allowance, and the rear yard coverage allowance to encourage more structures in the rear yard.

Mr. Greco showed the board a table which breaks down the accessories a property could have and how he has come up with suggestions for rules governing accessories differently based on type. He explained that the current ordinance has a single rule for all accessories of 10 feet from the side lot line and 10 feet from the rear lot line and only allowed in the rear yard. He stated that he believes that different structures and buildings should have different standards.

The board discussed the rules of the accessories with Mr. Greco and asked questions.

The board discussed how they would move forward with their review of the code, and that as they discuss the secretary can make notes on the things they agree on, and then once everything is compiled it can be voted on as a recommendation to the Mayor and Council.

The board asked if there was a way to compile information on other towns and see how Demarest compares with similar towns.

Councilwoman Fox pointed out that on the chart Mr. Greco made he breaks down the coverage types to make it easier for residents to know where different things fall and that this is important and helpful to residents.

Ms. Green explained that towns who have F.A.R. are usually responding to larger homes being built, and towns who don't use F.A.R. most likely have never experienced these problems. Why they have not experienced the same problem is speculation.

The board discussed the reason for the rewrite and that step one is to create a well written ordinance which fixes the inconsistencies, and fixing the scale is secondary to this, but since the ordinance is being altered it is good to address it now while the process happens. They brought up the importance of balancing regulations against the homeowner's ability to improve their properties.

The board discussed the use of a number as opposed to percentage.

Ms. Green explained that she has a town that uses a fraction which increases the side yard requirements based on the size of the lot if it is larger than the required lot for the zone.

Mayor Bernstein asked a question about swimming pools in the new ordinance and suggested that a pool should not be too close to any buildings on the lot. Chair Woods agreed that pools are a more intense use and should have more restrictions than other structures.

The board discussed the difference between structures and how intense the rules should be on a structure like a walkway. Mr. Greco explained that everything is a structure, but that they do not need rules for setbacks of lesser structures.

Chair Woods asked for clarification on his section about decks, patios and pools. Mr. Greco provided clarification on the location of front, rear and side yards. Then explained how in some unique scenarios where a building is built in an odd shape the location of certain structures needs special rules to make them okay in those areas.

Ms. Green asked about a rule in the chart about accessory building height in relation to the principal building.

The board decided to table this discussion and continue at the next meeting.

Chair woods discussed with the board a possible future holiday party for this year.

APPROVAL OF MINUTES

A motion was made to approve the regular meeting minutes of September 3, 2025, by Councilwoman Fox and was seconded by Mr. Alevrontas.

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

Board Member	Vote	Board Member	Vote	Board Member	Vote
Mr. Adelman	<i>Absent</i>	Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	<i>Absent</i>	Ms. DiSclafani:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Yes	Chair Woods:	Yes
Mrs. Hamilton:	Yes				

Motion passed

ADJOURNMENT

With no further business presented, a motion to adjourn the meeting was made by: Councilwoman Fox and seconded by Mayor Bernstein.

All in Favor – Motion Passed

The meeting was adjourned at 10:03 PM.

Respectfully Submitted,

Michael Greco, Joint Planning Board Secretary