

**JOINT MEETING OF THE MAYOR AND COUNCIL & PLANNING BOARD  
BOROUGH OF DEMAREST  
SPECIAL MEETING MINUTES**

**June 5, 2025**

**6:00 PM**

The meeting was called to order at 6:15 pm and Mayor Bernstein opened the meeting with the Open Public Meetings Act compliance statement.

He then invited everyone present to join in reciting the Pledge of Allegiance.

**Governing Body:**

**Roll Call:**

Present: Mayor Bernstein, Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Marks, Councilmember Reiss

Absent: Councilmember Jiang

**Planning Board:**

**Roll Call:**

Present: Vice Chair Brenner, Mayor Bernstein, Councilmember Fox, Mr. Adelman, Mr. Alevrontas, Ms. Chin, Ms. Mamdani (arrived 7:17 pm), Ms. Hamilton

Absent: Chairman Woods, Ms. DiSclafani

Also Present: Julie Falkenstern, Acting Borough Clerk  
Michael Greco, Planning Board Secretary  
Wendy Rubenstein Quiroga, Borough Affordable Housing Counsel  
Danielle Federico, Planning Board Counsel  
Darelen Green, Borough Planner

**Public Hearing on Fourth Round Housing Element and Fair Share Plan**

Mayor Bernstein invited Borough Planner Darlene Green to present the proposed Fourth Round Housing Element and Fair Share Plan.

Ms. Green gave a brief history of Affordable Housing Legislation in NJ and described the Constitutional obligation of New Jersey Municipalities to provide Affordable Housing. She further explained the current legislation and its requirements including the deadlines that must be met by the Borough to maintain immunity from builder's remedy lawsuits. She explained that Demarest is a town that used a Vacant Land Analysis due to the lack of developable land and environmental constraints on 44% of the land in Demarest. She referred to page 5 in the report to explain Realistic Development Potential (RDP) vs. unmet need. Ms. Green then reviewed the elements in the Housing Plan and how they would satisfy the requirements of the Affordable Housing Legislation. She noted that the Borough received a letter from an attorney representing the owner of 30 Hardenburgh Ave. to propose a multi-family housing project and asked to be included in the housing plan.

Councilmember and Planning Board Class III Member Daryl fox interrupted and indicated that she would like clarification and advice of Counsel and asked to adjourn to closed session. Councilmember Collins seconded the motion. The motion was approved by all members of the Council present and the Council and Planning Board members then adjourned to closed session.

The Council and Planning Board returned to open session at 6:44 pm. Councilmember Fox then asked Ms. Green to make a slight change and clarification of the current condition as is known the Borough to the section of the Housing Plan concerning 30 Hardenburgh Ave. Ms. Green continued her presentation and stated that page 41 of the Housing Plan starts the section that describes the mechanism and credits to address the Borough's obligations. She explained that Page 55 contains a chart that summarizes the mechanism and is followed by an implementation schedule.

Ms. Green then asked if any members of the Council or Planning Board had any questions. Planning Board Member Kiran Chin asked for an explanation of RDP vs. unmet need. Ms. Green explained that RDP is what can realistically be developed on vacant developable land in the Borough. She further explained that the Borough does not currently have any vacant developable land and thus the Borough's RDP is zero. She explained that unmet need is addressed through the mechanisms that begin on page 41 of the Housing Plan.

There being no other Members of the Governing Body or Planning Board with questions, Mayor Bernstein asked for a motion to open the meeting to the public. The motion was offered by Councilmember Fox, seconded by Council President Slowikowski and approved by all Governing Body and Planning Board Members on a roll call vote.

Ray Cwynski

Mr. Cwynski noted that he believes the bedroom count on the units at Bellaire on Page 41 of the report is incorrect. Ms. Green stated that they have been checked on the deeds and tax records, but she will ensure that they are correct.

Mr. Cwynski then asked if properties listed on the ROSI are accounted for. Ms. Green said that yes, they are and as such are not developable.

He then asked if any builders could be included in the Plan that aren't already in the plan. Ms. Green said that yes there are ways for builders to challenge and there is no predicting how courts will rule. He asked why the project on Duane Lane does not include Affordable Units. Ms. Green and Ms. Quiroga explained that it was not an ideal spot for Affordable Units, but they made a contribution to the Affordable Housing Trust fund that will help ensure that the project on 127 Hardenburgh Ave. is funded.

Noel Pugh

Mr. Pugh asked about ownership of Affordable Units. Ms. Quiroga explained that units can be rentals or owner occupied. He then asked how infrastructure improvements are funded when associated with new development. Ms. Quiroga explained that developers for inclusionary housing have a responsibility to fund required infrastructure improvements when caused by a project overall. For 100% affordable projects it can be different. She added that when projects are the result of a settlement through the court requirements can be different for different projects.

Karen Brodsky

Ms. Brodsky asked if we can be sued for not being able to build the unmet need number. Ms. Green explained that unmet need is addressed through zoning mechanisms. She asked for the timetable for 127 Hardenburgh and was told that the United Way is still working with the State on funding. Lastly she asked the Borough to review development fees as she feels they are too

high for residents, though they should be high for developers. She feels developers should be the entities funding the trust.

Marian Hayden

Ms. Hayden asked for an explanation about the Borough's redevelopment and rehabilitation designations downtown. Ms. Green explained the non-condemnation designation and how density is calculated.

Jeane Nonemacher

Ms. Nonemacher asked Ms. Green to explain the Borough's obligation vs. RDP. Ms. Green explained that RDP is what can actually be developed and that because there is no vacant developable land the Borough's RDP is zero. She further explained that the mechanisms described starting on page 41 of the plan address unmet need.

Ray Cywinski

Mr. Cywinski asked if plans for inclusionary housing qualify as spot zoning. Ms. Green explained that spot zoning is allowable for Affordable Housing projects.

There being no other members of the public wishing to speak Councilmember Fox made a motion to close the meeting to the public. The motion was seconded by Councilmember Collins and approved by all Governing Body and Planning Board members on a roll call vote.

**Resolution No. JPB-009-25** Planning Board Resolution to adopt Fourth Round Housing Element  
and Fair Share Plan

Motion to Approve: Councilmember Fox  
Second: Mr. Alevrontas

**Roll Call:**

Ayes: Vice Chair Brenner, Mayor Bernstein, Councilmember Fox, Mr. Adelman, Mr. Alevrontas, Ms. Chin, Ms. Hamilton

Nays: None  
Absent: Mr. Woods, Ms. DiSclafani  
Abstain: Ms. Mamdani

**Resolution No. 115-25** Governing Body Resolution to adopt Fourth Round Housing Element and Fair Share Plan

Motion to Approve: Council President Slowikowski  
Second: Councilmember Fox

**Roll Call:**

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Marks, Councilmember Reiss  
Nays: None  
Absent: Councilmember Jiang  
Abstain: None

Mayor Bernstein thanked the professionals, the members of the Council, the members of the Planning Board for a successful joint meeting. He thanked the members of the public for attending and asking questions on this important topic.

Council President Slowikowski then made a motion to open the meeting for public comment. The motion was seconded by Councilmember Marks and approved by all on a voice vote.

Marian Hayden

Ms. Hayden asked for clarification on the information for 30 Hardenburgh. Mayor Bernstein explained that the description of the property was corrected to reflect current conditions.

Ray Cwyinski

Mr. Cwyinski asked if action would be taken as a result of the closed session. Councilmember Fox confirmed that no action would be taken.

There being no other members of the public wishing to speak, Councilmember Reiss made a motion to close to the public. The motion was seconded by Council President Slowikowski and approved by all on a voice vote.

Councilmember Reiss made a motion to adjourn. The motion was seconded by Councilmember Marks and approved by all on a voice vote. The meeting was adjourned at 7:23 pm.

Respectfully submitted,

*Julie Falkenstern*

Borough Clerk