

**MAYOR AND COUNCIL
BOROUGH OF DEMAREST
WORK SESSION Minutes
September 8, 2025
7:30 PM**

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 inclusion of the date, time and place of this meeting in the annual schedule of meetings of this Governing Body. Such schedule of meetings is posted at Borough Hall, on the Borough website and was published in the Record and Star Ledger and was filed in the office of the Borough Clerk.

Mayor Bernstein invited all present to rise for the Pledge of Allegiance.

Roll Call:

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

Absent: None

Also Present: Julie Falkenstern, Borough Administrator
Deena Rosendal, Borough Attorney
Nick Chelius, Borough Engineer

Mayor Bernstein advised that since residents were invited to the meeting to solicit feedback on the upcoming zoning ordinance revision so he will move that discussion item ahead in the meeting.

Councilmember Collins made a motion to open the meeting to the public for feedback or questions regarding the Zoning Ordinance. The motion was seconded by Councilmember Fox and approved by all on a voice vote.

Timothy Woods

Mr. Woods discussed what he believes is an error in the limiting schedule in regard to height. He believes the intent of the ordinance, the actual language in the ordinance and the limiting schedules are not in agreement. Ms. Falkenstern stated that they are aware of this inconsistency and it will be addressed. Mr. Woods believes that the language in the ordinance should be followed rather than the limiting schedule. He then asked for the process for changing the ordinance. Mayor Bernstein explained that the Council needs to introduce an ordinance and then it would be referred to the Planning Board for comment and consistency review and then back to the Council for public hearing and adoption. He added that he is seeking input tonight and from the Planning Board due to the importance of the change as an extra step before the ordinance is prepared by the Borough Attorney and introduced. Lastly, Mr. Woods believes that accessory uses, particularly pool equipment, is allowed too close to neighbors in the present ordinance.

Ray Cwyinski

Mr. Cwyinski asked if there was a proposal to review. Mayor Bernstein answered that a draft for review is not yet available. He is hoping to seek input on issues before the first draft is prepared.

Mary Ann Clark

Ms. Clark began to speak about the Train Station and Mayor Bernstein informed her that this part of the meeting is only to address zoning and she should speak to the train station later in the meeting.

Darcy Verbest

Ms. Verbest asked what was being proposed at 232 County Rd. She addressed rumors she has heard about the use of the property. Mayor Bernstein explained that many of the rumors are untrue and Ms. Falkenstern informed Ms. Verbest that the zoning for the property is single family residential. Ms. Verbest asked if the property could be rezoned. Ms. Rosendahl explained that what she was describing was a variance. Ms. Verbest advised the Mayor that there are many rumors and he should address them. Mayor Bernstein advised that he was seeking input right now in regard to the zoning ordinance. Ms. Verbest asked about her particular zoning on her property. Ms. Falkenstern advised that Ms. Verbest could come to speak to her about particular issues unique to her property.

Kim Perry

Ms. Perry feels that it is taking too long to revise the ordinance. She is upset with large houses being built near her. She complained about property maintenance issues. She thinks builders are only worried about making money and houses are too expensive in Demarest.

Jim Tabacchi

Mr. Tabacchi is a former Planning Board member, and he spoke about his understanding of the history of zoning regulations in Demarest. He believes the residents will be upset by any increase in density or multifamily homes.

Mayor Bernstein clarified that the look at the Zoning Ordinance is to address the issues and complaints from residents. High density housing or other uses are not being considered. The issues being considered are zoning regulations within the single-family zones.

Guy Perry

Mr. Perry says that he feels that "the LLC" has taken over the Borough and that less affluent families can not afford to buy homes in Demarest. He believes the Borough should not allow "the LLC" to buy any homes. He doesn't understand numbers and ordinances and doesn't believe they are important.

Rob Altman

Mr. Altman is a long time resident and would like the zoning ordinance to address the integrity of the neighborhood and not allow large homes. He believes that too many variances are being issued. He is upset about the process at the Planning Board. He

believes young local families should have the opportunity to move to Demarest and the Borough should control the number of bedrooms in homes.

Ms. Rosendahl explained the process of variances and the proof that is required by the Planning Board to issue any variance. She reminded the audience that the Council does not issue variances.

Mr. Perry believes people are not adhering to the rules.

Mayor Bernstein advised that the rewrite of the ordinance is to address these types of issues.

Jeane Nonnemacher

Ms. Nonnemacher believes homes being built are too large and setbacks are too tight considering the height of new homes. She also asked for lighting to be reviewed as many new homes are creating light pollution. Ms. Nonnemacher also asked for driveway regulations to be more restrictive. She then asked where taxes dollars are going. Mayor Bernstein said that taxes are not the topic for now, but the budget is approved publicly and a hearing was held, he advised that the budget is available for review. She then expressed that she is paying attention to the Council but doesn't believe that all residents understand how money is being spent, such as the money for the gazebo. She was advised that the Open Space funds were allocated after a public hearing.

Mike Clark

Mr. Clark asked about zoning on the corner of Central and Lincoln. He believes the builder chose the front yard. He asked how that is determined. Mr. Chelius the "approving authority" whether it is in front of the Planning Board or if not, it is the zoning officer. He thinks that should be reviewed in the new ordinance and garage doors should not be allowed in the side yard.

Kim Perry

Ms. Perry believes the problem is that properties are being purchased by LLCs.

Garrett Wasserman

Mr. Wasserman believes that Mr. Laurel legislation is the problem. He believes that the zones should stay single family zones. He believes Demarest should have joined Montvale's litigation. Mayor Bernstein advised that a change from single family zones or higher density is not being proposed. He continued that the litigation begun by Montvale was presented as an investment of \$10,000.00 at least without any input and that is why the Borough of Demarest isn't involved. Mr. Marks noted that if they are successful the Borough of Demarest would benefit even if they weren't involved.

Jeff Shelton

Mr. Shelton asked the Council to look at all the bulk standards in the ordinance.

Ray Cwyinski

Mr. Cywinski would like a list of all complaints that others are making. He asked if the Planning Board members were present. Mayor Bernstein explained that the Planning

Board would also be having a discussion. He believes setbacks should be addressed and more restrictive.

Diane Rothman

Ms. Rothman asked what would be done to protect buyers so that builders are not overbuilding and then buyers could not add coverage. Councilmember Fox explained that she understands the issue and it was addressed, but the point of this review is to do a more global change and fix inconsistency. Mayor Bernstein added that FAR is being addressed as well.

Scott Lavin

Mr. Lavin noted that he does not want to stop all construction and is happy people have good ideas, but he doesn't believe ordinances are being enforced.

John Lowe

Mr. Lowe is also concerned about enforcement of current ordinances. He believes some people are building homes that are not approved correctly.

Jeff Shaari

Mr. Shaari asked about curb placement. He would like curb placement to be reviewed.

Thomas Birnam

He asked about the process of zoning change and how he can find information about what is going on in town. It was explained that all information is on the Borough's website.

Noelle Tutunjian

Ms. Tutunjian believes that more fines and violations should be issued to builders for breaking rules.

Mike Clark

Mr. Clark asked the Borough to consider any ordinances that could protect properties such as 232 County Rd.

Robert Garcia

Mr. Garcia asked about the process of how a zoning ordinance gets adopted. Ms. Rosendahl explained the process again.

Timothy Woods

Mr. Woods advised the schedule of Planning Board meetings and explained the meetings are all open to the public. Mr. Woods would also like the Council to consider a more restrictive noise ordinance.

Councilmember Collins made a motion to close the meeting to the public. The motion was seconded by Council President Slowikowski and approved by all on a voice vote.

Mayor Bernstein noted that there is a tree on private property that is dangerous and the homeowner has not responded to notice to remove the dangerous tree. Mayor Bernstein asked if the Council would approve a lien on 36 Knickerbocker to address a dangerous tree. The consensus of the Council was to allow the Borough to incur the cost and then

bill the homeowner. Councilmember Marks made a motion to this effect. Councilmember Jiang seconded the motion.

Roll Call:

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

Resolution No. 155-25 Authorize to advertise for Bid – Train Station

A motion was made by Council President Slowikowski and seconded by Councilmember Jiang to approve resolution 155-25.

Roll Call:

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

Work Session Discussion Items:

Engineering Report

Mr. Chelius reviewed the monthly engineering report. He noted that the DOT has approved the plans for Brenner and Evergreen. He reported that Stelfox should be completed by the end of the week. Lastly, the compost site bid should be ready within two weeks.

New Lightning Detection System

Ms. Falkenstern explained that a new lightning detection system is being installed and she will work with the DPW, Police and Councilmember Marks to ensure everyone who needs access to alerts has them. She reported the schools are also installing the new system as well.

Consent Agenda

Mayor Bernstein asks if any member would like to have any resolution removed from the consent agenda and voted on separately. (none)

Mayor Bernstein asks if any member would like to abstain from voting on any resolution on the consent agenda.(none)

Mayor Bernstein asks for a motion to accept the consent agenda (with any abstentions noted)

Consent Agenda:

Resolution No. 156-25 Authorizing the Assignment of the Borough Attorney Services Agreement to New Firm

Resolution No. 157-25	Soil Moving Permit – 64 Highland Ave.
Resolution No. 158-25	Soil Moving Permit – 64 Prescott St.
Resolution No. 159-25	DLS Riverside Coop Payment #1
Resolution No. 160-25	Tax Overpayment Refund
Resolution No. 161-25	Governing Body Certification of Audit
Resolution No. 162-25	Payment of Bills
Resolution No. 163-25	Authorizing Jr. Firefighter – Cho
Resolution No. 164-25	Soil Moving Permit – 65 Lenox Ave.

A motion was made by Councilmember Fox and seconded by Councilmember Collins to approve the consent agenda.

Roll Call:

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

Approval of Minutes:

June 2, 2025 Work Session Meeting

A motion was made by Council President Slowikowski and seconded by Councilmember Reiss to approve the minutes.

Roll Call:

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

Meeting Open to the Public

A motion was made by Councilmember Collins and seconded by Councilmember Fox to open the meeting to the public. The motion was approved by all on a voice vote.

Mary Anne Clark

Ms. Clark asked about the use of the train station. She doesn't believe a restaurant will succeed. She asked where the historic items will be stored. Mayor Bernstein explained the proposed use and expiration of the deed restriction.

Anita Gatto

Ms. Gatto thanked Mayor Bernstein for his weekly email. She would like date of upcoming meetings to be noted in the email. Additionally, she asked about the use of the Baptist Church and thinks it would be a better spot for a restaurant.

Jeanne Nonnemacher

Ms. Nonnemacher asked the Council to consider conducting virtual meetings to allow more participation.

Ray Cywinski

Mr. Cywinski believes there is not enough parking for a restaurant at the train station. He believes the Borough is not enforcing ordinances.

Councilmember Fox made a motion to close the meeting to the public. The motion was seconded by Councilmember Collins and approved by all on a voice vote.

Closed Session Resolution 2025-009
Mayor Bernstein noted the Council may take action.

WHEREAS, N.J.S.A. 10:4-12 provides for a Public Body to go into a Closed Session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Demarest has deemed it necessary to go into closed session to discuss matters which are exempted from the public.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the Governing Body shall go into closed session on September 8, 2025, for the following reasons as outlined in N.J.S.A. 10:4-12:

1. Ongoing Litigation

Councilmember Fox made a motion to close the meeting to the public. The motion was seconded by Councilmember Collins and approved by all on a voice vote.

The Council returned to open session and Councilmember Fox made a motion to approve the settlement agreement as described by the Borough attorney for litigation with Closter resident. The motion was seconded by Councilmember Collins and approved by all on a voice vote.

There being no more business before the Council, Councilmember Reiss made a motion to adjourn. The motion was seconded by Councilmember Jiang and approved by all on a voice vote.

The meeting was adjourned at 9:48 PM.

Respectfully submitted,

Julie Falkenstein, RMC
Borough Clerk