

MINUTES
REGULAR MEETING
ZONING BOARD OF ADJUSTMENT
May 18, 2021

Chairwoman Hayden opened the meeting at 7:30 pm with the following announcement: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time, and place of this regular meeting in the annual schedule and notice of regular meetings of this Board. Such annual schedule and notice of regular meetings are posted at Borough Hall, were mailed to the Star Ledger and The Record, and have been filed with the Borough Clerk of Demarest on January 28, 2021.

Join Zoom Meeting

<https://us02web.zoom.us/j/7318183076?pwd=cGY3R3JOQnlmSGE1V0pQMkp1NG9RZz09>

Meeting ID: 731 818 3076

Passcode: 271918

1. Roll Call
2. Flag Salute
3. Matters to Address
4. Administrative Matters

BOARD ROLL CALL:	PRESENT	ABSENT
Mr. Woods, Vice-Chair	X	
Mr. Davis	X	
Mr. Corrado	X	
Mr. Morrison	x	
Mr. Park		X
Mr. Press		X
Ms. Hayden, Chairwoman	X	
Alternate #1 Mr. McLain		X
Present:		
Marti Francis, Board Secretary	X	
Mark Madaio, Board Attorney	X	
Craig Zimmerman, Board Engineer	X	

Variance Application #799-20

Application Submitted: April 30, 2020 (Second Application)
Hearing Date(s): July 21, 2020 – legal notice could not be done in a timely fashion, carry
 August 18, 2020 – Zoom details not included in the legal notice, carry September 15, 2020
 September 15, 2020 – Applicant not prepared.
 October 20, 2020 – 1st application went too long; applicant agreed to adjourn and extend time
 November 17, 2020 – applicant requested adjourn/extend time to next meeting to arrange legal counsel
 January 19, 2021 – applicant requested adjourn/extend time to February meeting due to delay in retaining legal counsel and therefore unable to notice & publish in required time
 February 16, 2021 – new plans and new application submitted.
 April 20, 2021 – application advertised but applicant requested to be carried to May 18, 2021

Mark Goodman

Block 155, Lot 11
 17 Rodney Place
 Lies in C Zone

GENERAL ZONING	REQUIRED	EXISTING	PROPOSED
Min. Front Yard	35 ft	35.2 ft	35.2 ft
Min. Side Yard (lot)	15 ft	15 ft	15 ft
Min. Side Yard (street)	15 ft	15 ft	15 ft
Min. Rear Yard	30 ft	75 ft	50 ft
Max. Improved Lot Coverage*	30%	34%	32.1% (324 s.f. to be removed) *

(*) Variance Required

Ira Weiner represented the applicant. Mr. Goodman was sworn in. 324 square feet of the patio will be removed. The landscaping plan requested by the Board and designed by Lisa Rivera was reviewed – it shows plantings at about 2-year growth stage and will grow in further. It will be installed immediately if approved. The height and distance from the street of the trees were discussed. Mr. Goodman stated that he would like to plant in the back in the future as well. Mr. Corrado moved to open the meeting to the public, second Mr. Morrison. All in favor. Carried. Mr. Morrison moved to close to the meeting to the public, second Mr. Corrado. All in favor. Carried. Dr. Davis raised a concern was that sometimes approved work is not completed or reverts to prior conditions. The engineer pointed out that engineering inspectors can help to monitor.

Motion: Mr. Corrado (a portion of the patio will be removed; drains will be added)

Second: Mr. Davis

Roll Call to Approve:	ELIGIBLE TO VOTE	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair	yes	x**		
Mr. Davis	yes	x		
Mr. Corrado	yes	x		
Mr. Morrison	yes	x		

Mr. Park	yes			Absent
Mr. Press	yes			Absent
Ms. Hayden, Chairwoman	yes	X***		
Alternate #1 Mr. McLain	yes			Absent
Alternate #2	yes			

***Davis, Morrison, Park certified they have listened to missed October meeting**

**Comment: combined benefits of deviation outweigh detriments

***Comment: removal of some improved lot coverage and addition of landscaping in front is an improvement of current conditions

Variance Application 806.20

Relief from N.J.S.A. 40:55D-70 is sought: impervious coverage

40 Lincoln Street

Block 65 Lot 40

Mr. and Mrs. Lavin

Lies in D District

Hearing Dates: March 16 to be rescheduled due to improper notice

GENERAL ZONING	REQUIRED	EXISTING	PROPOSED
Lot Area	10,000 sf	15,000 sf	No Change
Frontage	100 ft	100.00 ft	No Change
Lot Depth	100 ft	150.00 ft	No Change
Min. Front Yard	25 ft	32.5 ft	No Change
Min. Side	10 ft	12.5/17.5 ft	No Change
Min. Rear Yard	30 ft	57.9 ft	No Change
Bldg. Height	30 ft	---	No Change
Building Coverage	20%	3196 sf/21.3%**	No Change
Impervious Coverage*	30%	4870 sf/32.5%	4870 sf/32.5%
FAR	30%	---	---

(*) Variance Required

** Existing Non-Conforming

Mr. Woods lives within the 200 feet of the applicant so announced his recusal as required by statute. Mr. Lavin, acting pro se, was sworn in, as was Sean McClellan, engineer. Mr. Lavin testified that he purchased the home in 2011 and was unaware that it was nonconforming. When plans were shared on screen it became apparent that original plans had been revised and Board members had not received hard copies of the new plans. The latest plan (which was sent in PDF and was on the website) called for removing some driveway, slate walk, most of the rear patio, and 2 steps on the covered porch. 756 sf will be removed and 754 added. Mr. Lavin testified that the porches were there

when he purchased the house. He stated that he was open to suggestion to bring the project into better conformity and work with the Board. The Board engineer stated that fence detail would be needed. Mr. Morrison moved to open the meeting to the public, second Mr. Corrado. All in favor. Carried. Tim Woods (12 Demarest) stated that the coverage is increasing, and that illegal coverage is simply being repurposed. He stated that the lot was oversized and that he did not feel the criteria for C2 variance had been met. Pauline Woods-Bannon (11 Central) reiterated what Mr. Woods said and stated that the pool was 13 feet from her property line, pools come with noise and there is still flooding in the back lot. Mr. Lavin stated that he reviewed other applications and he was troubled by the inconsistent application of principles. He asked to be carried to a future meeting without prejudice to work with his engineer to come up with a more acceptable plan. The application was carried to the July 20th meeting – this was announced at the meeting so no further notice to the public will be needed. The applicant extended decision-making time to the end of August. Mr. Morrison moved to close the meeting to the public, second Mr. Corrado. All in favor.

Motion:

Second:

Roll Call to Approve:	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair (recused)			
Mr. Davis			
Mr. Corrado			
Mr. Morrison			
Mr. Park			
Mr. Press			
Ms. Hayden, Chairwoman			
Alternate #1 Mr. McLain			

Memorialization of Resolution to Deny

Sugarman

Block 84.05 Lot 1

1 Irene Court

Relief sought from improved lot coverage and setback requirements

Motion: Mr. Davis

Second: Mr. Corrado

****Only those Board members who voted to deny may vote on the memorializing resolution.***

Roll Call to Approve:	Eligible to Vote*	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair	Yes	X		
Mr. Davis	Yes	X		
Mr. Corrado	Yes	X		
Mr. Morrison	Yes	X		
Mr. Park	No			Absent
Mr. Press	Yes			Absent
Ms. Hayden, Chairwoman	Yes	X		
Alternate #1 Mr. McLain	Yes			Absent

Memorialization of Resolution to Deny

Rubin

Block 78 Lot 1

30 Anderson Avenue

Relief sought from fence height requirements

Motion: Mr. Morrison

Second: Mr. Woods

****Only those Board members who voted to deny may vote on the memorializing resolution.***

Roll Call to Approve:	Eligible to Vote*	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair	Yes	X		
Mr. Davis	No	X		
Mr. Corrado	No	X		
Mr. Morrison	Yes	X		
Mr. Park	No			Absent
Mr. Press	Yes			Absent
Ms. Hayden, Chairwoman	Yes	x		
Alternate #1 Mr. McLain	No			Absent

Approval of Minutes of April 20, 2021, Meeting***only those present at prior months' meeting are eligible to vote – all were present except Mr. Park***

Roll Call to Approve:	YES	NO
Mr. Woods, Vice-Chair	X	
Mr. Davis	X	
Mr. Corrado	X	
Mr. Morrison	X	
Mr. Park		Absent
Mr. Press		Absent
Ms. Hayden, Chairwoman	X	
Alternate #1 Mr. McLain		Absent

Motion: Mr. Corrado

Second: Mr. Davis

Motion to Close the Meeting:

Motion: Mr. Corrado

Second: Mr. Morrison

Roll Call to Approve:	YES	NO
Mr. Woods, Vice-Chair	X	
Mr. Davis	X	
Mr. Corrado	X	
Mr. Morrison	X	

Mr. Park		Absent
Mr. Press		Absent
Ms. Hayden, Chairwoman	X	
Alternate #1 Mr. McLain		Absent

Meeting adjourned at 9:04 pm.

Next Meeting June 15, 2021, at 7:30 p.m. via Zoom conference

Respectfully submitted,

Marti Francis

Zoning Board secretary