

MINUTES
REGULAR MEETING
ZONING BOARD OF ADJUSTMENT

July 20, 2021

Chairwoman Hayden opened the meeting at 7:35 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=cGY3R3JlOQnlmSGE1V0pQMkp1NG9RZz09>

Meeting ID: 731 818 3076
Passcode: 271918

1. Roll Call
2. Flag Salute
3. Swear in new member, Todd Adelman
4. Matters to Address
5. Administrative Matters

Board attorney Mark Madaio swore in the new Alternate #2 Mr. Todd Adelman.

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	
Alternate #2 Mr. Adelman	X	
Present:		
Marti Francis, Board Secretary	X	
Mark Madaio, Board Attorney	X	
Craig Zimmermann, Board Engineer	X	

Variance Application 806.20 APPLICANT REQUESTS TO BE CARRIED TO 8/17 meeting

Relief sought: N.J.S.A. §40:55D-70(C) - §175-27 for Improved lot coverage

40 Lincoln Street

Block 65 Lot 40

Mr. and Mrs. Lavin

Lies in D District

Hearing Dates: March 16 rescheduled due to improper notice

The request to be carried was read into record and accepted.

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%*	4792 sf/31.9
FAR	30%	---	---

(*) Variance Required

** Existing Non-Conforming

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			

Variance Application 812.21

Relief sought: N.J.S.A. §40:55D-70(C) & (D) §175-27 for floor area, building coverage, improved lot coverage

28 Wellwood Road

Block 82.01 Lot 3

Shiraz Hussain

Lies in D District

GENERAL ZONING	REQUIRED	EXISTING	PROPOSED
Lot Area	10,000 sf	8,799.90 sf	No Change
Frontage	100 ft	80.00 ft	No Change
Lot Depth	100 ft	110 ft	No Change
Min. Front Yard (Avg.)	26.6 ft	30.87 ft	29.87 ft
Min. Side	10 ft	10 ft	No Change
Min. Rear Yard	30 ft	38 ft	33.09 ft
Bldg. Height	30 ft	23.03 ft	25.75 ft
Max. Livable Floor Area (FAR)	30%	24.18%	35.78%*
Building Coverage	20%	19.73%	23.07%*
Improved Coverage	30%	32.47%	38.98%*
Max Bldg. and Driveway	25%	26.99%	33.50%*

(*) Variance Required

Motion:

Second:

Roll Call to Approve:	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair			
Mr. Davis			
Mr. Corrado			
Mr. Morrison			
Mr. Park			
Mr. Press			
Ms. Hayden, Chairwoman			
Alternate #1 Mr. McLain			
Alternate #2 Mr. Adelman			

Matthew Capizzi represented the applicant. Xiomara Paredes (architect) and Michael Hubschman (engineer) were accepted and sworn in. Ms. Paredes explained that 767 sq. ft were added on the

second floor and that there was a 3'5" increase in roof height. The footprint is expanding 254 feet (4%). The sidelines of the house are being maintained; therefore, side yard setbacks are in compliance. The FAR increase is 19%. The Board Chair and members found the requested variances excessive and suggested coming back with a much more reasonable plan. The application is carried to September 21 without further notice. The applicant agreed to extend decision timelines.

Variance Application 809.21

Relief sought: N.J.S.A. §40:55D-70(C) - §175-27 Improved lot coverage
 14 Eric Place
 Block 144 Lot 4
 Stuart & Jaime Entner
 Lies in C District

GENERAL ZONING	REQUIRED	EXISTING	PROPOSED
Lot Area	15,000 sf	14,953.80 sf	No Change
Frontage	100 ft	100.00 ft	No Change
Lot Depth	100 ft	149.55 ft	No Change
Min. Front Yard	35 ft	33.29 ft	No Change
Min. Side	15 ft	14.80 ft	No Change
Min. Rear Yard	30 ft	44.12 ft	No Change
Bldg. Height	30 ft	≤ 30 ft	No Change
Building Coverage	20%	19.57%	No Change
Impervious Coverage	30%	41.42*	No Change
FAR	30%	±30%	No Change

(*) Variance Required

Motion: Mr. Morrison move to approve the applications; the corrections are minor, the applicants are faced with a problem, and the pool will make a difference.

Second: Mr. McLain predicated on maintenance manual, landscaping, and drainage

Roll Call to Approve:	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair		X*	
Mr. Davis			Absent
Mr. Corrado			X**
Mr. Morrison	X		
Mr. Park			Absent
Mr. Press	X***		
Ms. Hayden, Chairwoman	X****		
Alternate #1 Mr. McLain	X		
Alternate #2 Mr. Adelman	X		

*Does not believe the plan is net 0

***Evidence compelling

**Missed some part of hearing due to connectivity issue.

****Borderline yes

Matthew Capizzi represented the applicant. Trevor Curtis (engineer) was accepted and sworn in. Mr. Capizzi stated that the house was built in 2010 and that at that time impervious not improved coverage was measured. There is a long driveway that was built with pervious pavers. He testified that the pavers percolate without issue. Since the purchase of the home the Entners have added only a generator and playset. There is no net gain in improved coverage after the proposed addition. Mr. Curtis testified that the pavers are working properly, and that the driveway serves as a retention basin. The Board engineer and attorney confirmed that there is no increase in improved coverage. Mr. Capizzi stated there is a hardship due to the ordinance change. Mr. Corrado moved to open to the public, second Mr. Morrison. All in favor. Carried. Avi Levinson (18 Eric Place) voiced concern about runoff. Mr. Curtis testified that the pool provides a measure of retention; swale is required for drainage, and seepage pits are provided. Grading and inlet could help as well. Mr. Capizzi stated that the landscaping can be extended to buffer the AC condensers. Mr. Morrison moved to close, second Mr. McLain. All in favor. Carried. Ms. Hayden confirmed that the decision has to be based on the ordinance in effect on the date of application.

Variance Application 814.21

Applicant Name: Rubin

Relief sought: N.J.S.A. §40:55D-70(C) - §175-24C Fences required is 50% solid and 4 feet tall.

Proposed is 78.25” at peak height.

Block 78 Lot 1

Address 30 Anderson Avenue

Lies in A District

Motion: Mr. Morrison moved to disapprove the application before the board.

Second: Mr. Press

Roll Call to Deny:	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair		X	
Mr. Davis			Absent
Mr. Corrado		X	
Mr. Morrison	X		
Mr. Park			Absent
Mr. Press	X		
Ms. Hayden, Chairwoman		X	
Alternate #1 Mr. McLain		X	
Alternate #2 Mr. Adelman		X	

The Motion to deny the application does not carry. A second motion was made:

Motion: Mr. Corrado moved to approve the application as presented

Second: Mr. McLain – it is in keeping with the neighborhood

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

Mr. Corrado	X		
Mr. Morrison		X	
Mr. Park			Absent
Mr. Press	X		
Ms. Hayden, Chairwoman	X		
Alternate #1 Mr. McLain	X		
Alternate #2 Mr. Adelman	X		

Daniel Steinhagen represented the applicant and stated that Mr. Rubin has secured a permit for a six-foot gate on his driveway. Discussion. Pictures of gates on neighborhood properties were shared. The proposed gate has a maximum height of 78.25"; the radian accents are 51/2 feet tall. Mr. Morrison moved to open the meeting to the public, second Mr. Corrado. All in favor. Carried. Saul Drubin (22 Anderson) shared that he had no problem with the application. In his summation Mr. Steinhagen stated the applicant is requesting a C2 variance under condition (i) to create a more aesthetically pleasing environment. Mr. Morrison moved to close the meeting to the public, second Mr. Corrado. All in favor. Carried.

ADMINISTRATIVE MATTERS:

Review of updated limiting schedule document and eCode 360 update: No Board members had comments or objections.

Memorialization of Resolution to Approve

Sugarman
 Block 84.05 Lot 1
 1 Irene Court
 Relief needed for pool in "front yard"

Motion: Mr. Corrado
 Second: Ms. Hayden

**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	No			
Mr. Davis	Yes			Absent
Mr. Corrado	Yes	X		
Mr. Morrison	No			
Mr. Park	Yes			Absent
Mr. Press	No			
Ms. Hayden, Chairwoman	Yes	X		
Alternate #1 Mr. McLain	No			

Approval of Minutes of June 15, 2021, Meeting

only those present at prior months' meeting are eligible to vote (Mr. Davis, Mr. Corrado, Mr. Park, Mr. Press, and Ms. Hayden)

Roll Call to Approve:	YES	NO
Mr. Woods, Vice-Chair		No vote
Mr. Davis		Absent

Mr. Corrado	X	
Mr. Morrison		No vote
Mr. Park		Absent
Mr. Press	X	
Ms. Hayden, Chairwoman	X	
Alternate #1 Mr. McLain		No vote

Motion: Mr. Corrado

Second: Mr. Press

Motion to Close the Meeting:

Motion: Mr. Corrado

Second: Mr. Morrison All in favor. Meeting adjourned at 11:17 pm

Roll Call to Approve:	YES	NO
Mr. Woods, Vice-Chair		
Mr. Davis		
Mr. Corrado		
Mr. Morrison		
Mr. Park		
Mr. Press		
Ms. Hayden, Chairwoman		
Alternate #1 Mr. McLain		
Alternate #2 Mr. Adelman		

Next Meeting August 17, 2021, at 7:30 p.m. via Zoom conference