

MINUTES
REGULAR MEETING
ZONING BOARD OF ADJUSTMENT
August 17, 2021

Chairwoman Hayden opened the meeting at 7:30 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	
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 10/19 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; applicant has requested carrying to August and then October meetings.

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
Improved 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			

The request to be carried was read into record and approved. Statutory deadlines were extended until the end of October.

Variance application 813.21

Relief sought: N.J.S.A. §40:55D-70(C) §175-27 Improved lot coverage & §175-19(B)(6)(7) accessory structures and pool in front yard & §175-24(C)

10 Carol Court
 Block 84.06 Lot 5
 Andrew Glaser
 Lies in BB District

GENERAL ZONING	REQUIRED	EXISTING	PROPOSED
Lot Area	30,000 sf	25,982.73 sf	No Change (ENC)
Frontage	150 ft	145.57 ft	No Change (ENC)
Lot Depth	150 ft	172.83 ft	No Change
Min. Front Yard (Carol)	50 ft	55.31 ft	No Change
Min. Front Yard (Pine)	50 ft	52.81 ft	No Change
Min. Side	25 ft	25.50 ft	No Change
Min. Rear Yard	50 ft	52.50 ft	No Change
Bldg. Height	30 ft	24.10 ft	No Change
Max. Livable Floor Area (FAR)	22.5%	19.95%	No Change
Building Coverage	15%	14.92%	No Change
Total Improved Coverage*	30%	25.94%	32.98%*
Max for principal residence, vehicle access & parking	25%	22.89%	No Change
POOL: Min. pool front yard Min. pool side yard	50 ft. 25 ft.		22 ft.* 25 ft.
FENCE IN FRONT YARD: (Pine Terrace): Height % Open	4 ft. 50%		6 ft.* 0 %*

(*) Variance Required

ENC – existing non-conforming condition

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 served as legal counsel for the applicant. Mike Hubschman (engineer) and Chris Karach (landscape architect) were sworn in. The correct lot size was confirmed as 25982.73 square feet. Mr. Capizzi stated the need for a variance was generated by lot size which is undersized for the zone, variance for pool in front yard as Carol and Pine both act as “front” yards and a proposed fence of 6ft in a front yard where only 4 ft is allowed. Proposed improved lot coverage with 20 x 40 pool plus patios is 775 square feet over allowed. The lot is undersized by 14% and the deviation over what is allowed and what they are asking for is 10%. Mr. Hubschman reviewed the plans. The fence will in time be hidden by the arborvitaes. The patio will be redone. Ms. Hayden asked whether both patios were necessary. Mr. Mclean pointed out that New Jersey now has a law – Williams Law – that requires pool fences to be 5 ft. A neighboring property has a 5 ft. fence so reducing the fence to 5 ft. would fit in well with the neighborhood. The applicant agreed to lower the fence to 5 ft. The applicant expressed willingness to reduce the patio and Mr. Hubschman proposed this could be done by eliminating 275 square feet to the west side of the pool. Reducing pool size to 18 x 38 was also discussed. During the course of the conversation, it became apparent the Board did not receive “revision 3” to the plans. The Chair asked that new plans including the discussed changes be submitted to the Board – the new plans would be “revision 4” with amended pool and patio layout. Mr. McLain moved to open to the public, second Mr. Press. All in favor. Paul Levinson (122 Pine Terrace) voiced favor for the 5-foot fence idea. Mr. Press moved to close the meeting to the public, second Mr. McLain. All in favor. Carried. The applicant will submit new plans with revisions of pool and patio and requested to be carried to the October 19 meeting. The Board accepted the request. The statutory timelines were extended to October 20.

Variance Application 809.21

Relief sought: N.J.S.A. §40:55D-70(C) §175-27 Improved lot coverage & §175-19(B)(7) accessory structures (wall) and pool in front yard

151 County Road
 Block 144 Lot 1
 Thomas Van De Ven
 Lies in C District

GENERAL ZONING	REQUIRED	EXISTING	PROPOSED
Lot Area	15,000 sf	16,798 sf	No Change
Principal Building Height	30 ft	31.5 ft	No Change (ENC)
Frontage	100 ft	259.69 ft	No Change
Lot Depth (County)	100 ft	104.57 ft	No Change

Lot Depth (Eric)	100 ft	154.98 ft	No Change
Min. Front Yard	35 ft	39.8 ft	No Change
Min. Side (northwest/Eric)	35 ft	31.1 ft	No Change (ENC)
Min. Side (southeast/Lot 7)	15 ft	52.4 ft	No Change
Min. Rear Yard (southwest/lot 2)	30 ft	28.4 ft	No Change (ENC)
ACCESSORY STRUCTURE: Height	12 ft	9 ft	11.9 ft
Side yard (SE/lot 7)	15 ft	1.5 ft	18.9 ft
Rear yard (SW/Lot 2)	10 ft	-0.5 ft	10.9 ft.
Building Coverage	20%	19.35%	15.56
Improved Coverage: principal residence, vehicle access & parking	25% /4200 sf.		16.56%/2781 sf.
Total Improved Coverage	30%/5039 sf.	32.37%/5437 sf.	35.96%/6041 sf.*
Retaining wall	2 ft.	N/A	3 ft.*
POOL: Distance to building			15.9
Side yard left (SE/Lot 7)	15 ft	-	18.1 ft
Rear yard (SW/lot 2)	10 ft	-	22.9 ft
Location	Rear yard	Side yard	Variance *

(*) 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			

Angelo Onello (engineer) was sworn in. Thomas Van de Ven represented himself. The property is on a peninsula. The poolscope is on the southeast part of the property. The proposed pool is 18 x 38. The property is currently over 30%. They are planning to remove some of the walkway near deck and patio. Chairwoman Hayden pointed out that the coverage was way over what is allowed and that this is an oversized lot so it was difficult to imagine that the Board would approve the application. The applicant requested that the application be carried. The current plans require the neighbor's permission concerning drainage. The Board engineer stated that Demarest is very concerned about

drainage and that perhaps changes could be made to the drainage plan to obviate the need for the neighbor's consent.

Memorialization of Resolution to Approve

Rubin
 Block 78 Lot 1
 30 Anderson Avenue
 Relief needed for gate exceeding allowed fence height

Motion: Mr. Corrado
 Second: Mr. McLain

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

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

Memorialization of Resolution to Approve

Entner
 Block 144 Lot 4
 14 Eric Place
 Relief needed for N.J.S.A. §40:55D-70(C) - §175-27 Improved lot coverage

Motion: Mr. McLain
 Second: Mr. Press

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

Roll Call to Approve:	Eligible to Vote	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair				Absent
Mr. Davis	No			
Mr. Corrado	No (not present for full hearing)			
Mr. Morrison		X		
Mr. Park	No			
Mr. Press		X		
Ms. Hayden, Chairwoman		X		
Alternate #1 Mr. McLain		X		
Alternate #2 Mr. Adelman		X		

Approval of Minutes of July 20, 2021, Meeting

only those present at prior months' meeting are eligible to vote (Mr. Woods, Mr. Corrado, Mr. Morrison, Mr. Press, Mr. McLain, Mr. Adelman, and Ms. Hayden)

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

Motion: Mr. Morrison

Second: Mr. McLain

Motion to Close the Meeting:

Motion: Mr. Corrado

Second: Mr. Morrison ALL IN FAVOR meeting adjourned at 9:30

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

Next Meeting September 21, 2021, at 7:30 p.m. via Zoom conference