

ZONING BOARD OF ADJUSTMENT – BOROUGH OF DEMAREST

MINUTES

REGULAR MEETING - APRIL 19, 2022

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 December 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, Chair	X	
Alternate #1 Mr. McLain	X	
Alternate #2 Mr. Adelman	X	
Present:		
Secretary, Jessica Wang	X	
Mark Madaio, Board Attorney	X	
Colliers, Board Engineer, Nick Chelius	X	

Variance Application #822.22

5 Laurel Road

Block 1.01, Lot 16

Applicant: Mr. Steve Kamin

Zone D

Relief sought: N.J.S.A. §40:55D-70(C) & Chapter 175: §175-27 for Improved lot coverage and §175-19(B) accessory structure in a side yard.

GENERAL ZONING	REQUIRED	EXISTING	PROPOSED
Lot Area	10,000 sq. ft.	11,449 sq. ft.	11,449 sq. ft.
Frontage	100 ft.	75.9 ft.	75.9 ft.
Lot Depth	100 ft.	112.1 ft.	112.1 ft.
Min. Front Yard	25 ft.	26 ft.	26 ft.
Min Side Yard	10 ft.	9.8 ft.	9.8 ft.
Min. Rear Yard	30 ft.	32.7 ft.	32.7 ft.
Min. Rear Yard Width	100 ft.	139 ft.	139 ft.
Bldg. Height	30 ft.	+/- 25 ft.	+/- 25 ft.
Max. Livable Floor Area (FAR)	30%	+/- 30%	+/-30%
Building Coverage	20%	20%	18.31%
Maximum % Improved coverage: principal residence, vehicle access and parking	25% (2862 sq. ft.)	24.7%	24% (2754 sq. ft.)
Total Improved Lot Coverage	30% (3434 sq. ft.)	32.09% (3674 sq. ft.)	32.87% (3763 sq. ft.)
ACCESSORY STRUCTURE (POOL)	REQUIRED	EXISTING	PROPOSED
Min. Accessory side setback	10 ft.	6.2 ft.	13.1 ft.
Min. Accessory rear setback	10 ft.	6.5 ft.	10.2 ft.

Mr. Matthew Capizzi, Esq. (Capizzi Law Offices, Tenafly, NJ) stated that the property 5 Laurel Road was renovated in 2016, and the current owners Kamin purchased it in 2021. The applicant seeks to install an in-ground pool in the northwest corner of the property. The pool dimensions are approximately 16'x32'. The variance relief is twofold, as 30% of the pool is in the side yard, and impervious coverage is excess of what is allowed, it is at 32.09% now and the proposed coverage to increase to 32.87%, a net increase of 89 square feet.

Mr. Thomas Skrable (Skrable Engineering, Mahwah, NJ) is the civil engineer for this property, and will discuss the removal of the current patio for a smaller patio, trimming down the driveway, and removal of the shed. Also seepage pit will be discussed and landscaping. Current owners did not make any modifications to the property.

Board attorney Mr. Mark Madaio sworn in Mr. Steven Kamin, Ms. Allison Kamin, and Mr. Thomas Skrable.

Ms. Hayden mentioned that an as built was requested by the former engineer and none was submitted. The approved drawings did not have a patio and there was no shed. Mr. McLain did some research, and the patio showed up around 2019 on google earth survey, the patio seems to have been installed prior to the Kamin's purchase of the property. There were no permits for the patio and shed at Borough Hall.

Mr. Skrable (exhibit site plan) discussed the location of the pool, proposed to remove existing patio, put back a smaller patio, remove existing shed, and trim driveway. Pool's water area is 14'x30' and the pool size is approximately 16'x32'. He also discussed location of pool equipment and vinyl fence. The runoff of the pool and new patio would go into the seepage pit. (Exhibit landscaping plan). There is existing arborvitae hedge, and more arborvitae plants would be extended on all three sides. 89 square feet would be added. Pool is smaller than what client wanted.

Mr. Capizzi mentioned that the rear property line would be a solid closed 6' vinyl tan colored fence to accommodate a request from a neighbor. Ms. Hayden said that NJ requires a 5' fence all around the pool.

Ms. Hayden said if more things were taken out, it can come to closer to 30% and wondered why that was not done. Coverage, with a new pool could come to 30.07% if more was taken out such as the patio and there might be no need to remove part of the driveway. A revised improved lot coverage ordinance went into effect January of 2021 keeping total coverage at 30%. Therefore it was difficult to justify increasing the coverage when it's already over by a substantial amount of about 9% of what is allowed.

Mr. McLain stated as long as he has been on the board, pools have not been approved in the side yard.

Mr. Skrable stated that there was an installed barbeque area on the patio, and even decreasing the patio more, he did not think the pool would fit in the rear yard. Mr. Skrable stated there was not any significant grading going on. There were no issues with storm management. (Exhibit landscaping plan) Mr. Skrable discussed the landscaping, and the seepage pit for drainage from runoff water from pool and modified patio.

Mr. Capizzi requested for a 5-minute recess to speak to his clients.

Mr. McLain reminded all that the fencing around the pool needs to follow the NJ statue which states that fences around a pool needs to be at least 5 ft.

Mr. Press stated he was having audio technical difficulties and Ms. Hayden advised should this application go to a vote; he should abstain his vote. Mr. Press agreed.

Mr. Morrison made a motion to open the discussion to the public. Mr. Adelman seconded. No one came forward. Mr. Morrison moved to close. Mr. McLain seconded.

Mr. Capizzi requested to carry this application to the May 17, 2022, meeting with no further notice and agreed to extend all timelines.

Motion:

Second:

Roll Call to Approve the Motion:	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			

Memorialization of Resolution to Deny

Relief sought: N.J.S.A. §40:55D-70(C) - §175-27 for Improved lot coverage
 108 Serpentine Road
 Block 23 Lot 22.02
 Mr. and Mrs. Yuk

Motion: Mr. Woods
 Second: Mr. Morrison

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

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

Approval of Minutes of February 15, 2021, Meeting

Motion: Mr. Morrison
 Second: Mr. Adelman

***Must have been present at the meeting to be eligible to vote**

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

Motion to Close the Meeting:

Motion: Mr. Morrison

Second: Mr. Woods

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

Next Meeting May 17, 2022, at 7:30 p.m. Location Zoom