



Borough of Demarest Joint Planning Board Regular Meeting MINUTES

December 3, 2025**7:30 PM****DEMAREST BOROUGH HALL**

The Borough of Demarest Planning Board held a special meeting on WEDNESDAY, DECEMBER 3, 2025, at 7:30 p.m. located at 118 Serpentine Road Demarest, NJ 07627.

CALL TO ORDER

Meeting was called to order at 7:30 PM by Chair Woods.

FLAG SALUTE

The Board was led in a salute to the flag by Chair Woods.

ROLL CALL

MEMBERS PRESENT: Theodore Alevrontas, Mayor Brian Bernstein, Jodi Brenner, Kiran Chin, Camile DiSclafani, Fatemah Mamdani, Chair Woods, Mary Hamilton

MEMBER(S) ABSENT: Todd Adelman, Councilwoman Daryl Fox

ALSO PRESENT: Nick Chelius – Engineer, Austin Bejin – Planner, Mark Leibman – Attorney, Michael Greco – Secretary, Zoning Officer

RESOLUTIONS**Resolution JPB-016-25 – Height of Building Definition Interpretation**

A motion was made to approve resolution JPB-016-25 for requesting an interpretation of the Zoning Code definition of Building Height by Mayor Bernstein and was seconded by Mr. Alevrontas.

On a roll call, the vote was recorded as follows *n/e = not eligible*

Board Member	Vote	Board Member	Vote	Board Member	Vote
Mr. Adelman	<i>Absent</i>	Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	<i>n/e</i>	Ms. DiSclafani:	Yes
Councilwoman Fox:	<i>Absent</i>	Ms. Mamdani:	Yes	Chair Woods:	Yes
Mrs. Hamilton:	Yes				

Motion passed

NEW/CONTINUING APPLICATIONS

JPB-25-007 – 32 Brookside Avenue – Patrick Min (cont'd)

Chair Woods introduced the application and stated that due to the fact that the application includes a D variance, Mayor Bernstein would have to step down from the board.

Patrick Min was invited up to the podium and Mr. Leibman confirmed that the applicant did not have representation.

Mr. Min invited up Edward Ahn as a professional to speak on his behalf. Edward Ahn was sworn in. Mr. Ahn confirmed that he is a licensed real estate agent in the state of New Jersey. Mr. Leibman asked what evidence he has to provide in support of the requested variance relief. Mr. Ahn stated that he was here for moral support.

Chair Woods asked Mr. Min if he understands that he is before the board requesting a number of variances, and that he would need to offer testimony. Mr. Min confirmed that he is familiar with the variances he is requesting.

Mr. Leibman confirmed that Mr. Min was previously sworn in and that he is still under oath.

Mr. Min explained some background to the property, in which he purchased the lot and during closing discovered some zoning violations created by the seller installing additional structures in his rear yard. He explained that he entered into an escrow agreement with the seller to correct the problems and seek relief where it could not be corrected. Throughout the process more violations came to light. Since then, Mr. Min has worked with the engineer and the seller to correct what they could and come to the board to request variances for things that could not be corrected. He explained that in his research it seems that the coverage shown on the original plans when the house was built, the driveway was not included, leading to significant overage. Mr. Min explained that the house had a variance for increased coverage, but this variance did not include the driveway. His request is to keep the rear yard patio which has a setback variance and adds to the improved lot coverage variance.

Chair Woods confirmed that in addition to the existing non-conforming conditions which require variance relief, he is also asking to increase the original approved patio, creating more variances and bringing improved lot coverage to 42%.

Mr. Leibman confirmed that Mr. Min has a copy of the planning report and requested to put some things on record. He read out the variances required as called out by the planning report.

1. 24.9 ft front yard setback (Brookside Ave) [25 ft. required]
2. 24.8 ft. front yard setback (Serpentine Rd) [25 ft. required]
3. 19.9 ft. rear yard setback (opposite Brookside Ave) [30 ft. required / old variance allows 20 ft.]
4. 20.4% building coverage [20% permitted]
5. 42.3% improved lot coverage (prior variance granted for 33.49%) [30% permitted]
6. Covered porch encroaching into the front yard setback [not allowed to encroach]
7. Patio is 4.5 ft from the rear lot line [10 ft. required]
8. 34.36% Livable Floor Area (d4 Floor Area Ratio Variance) [30% permitted]
9. 36.74 Residential & Parking Coverage [25% permitted]

Chair Woods stated that a lot of the issues are pre-existing non-conformities and asked the board if they would like to discuss the non-conformities before discussing the patio.

Ms. Chin thanked Mr. Leibman for presenting the information so clearly. She stated that she does not have concerns for the setbacks where they are inches off the mark, but she is concerned about the lot coverage due to it being substantially over. She advised the applicant to really consider this when presenting.

Chair Woods agreed with the statements of Ms. Chin and further stated that the applicant already has a variance for coverage, and it is a big ask to request even more.

Ms. Chin added that the rear yard setback with the patio and how close they are to their neighbors is another concern and should be addressed.

Mr. Min stated that his neighbors have told him that they are okay with the patio, but Chair Woods explained that the current residents are not the only factor, as people can move, and then new neighbors may not feel the same. He explained that the proof required for variances is defined and requested that Mr. Min focus on this.

Mr. Leibman confirmed that the board is familiar with the proof necessary for C variances. He then asked if Mr. Min is, and he said that he is not. Mr. Leibman explained the types of C variances and the proof needed for Mr. Min to be granted a variance. He then explained the typical process.

Mr. Min explained that this lot is irregular due to it being a corner lot and that it is narrow on one side, making it difficult to have a normal-sized building and patio for the area. Mr. Leibman confirmed that the lot is 75 feet wide where 100 feet is required. Chair Woods stated that there is still a coverage problem. Mr. Min stated that the set up of the lot facing Brookside Avenue makes it very difficult to go in and out of the driveway, and so the coverage is needed for the driveway to be used safely.

Chair Woods explained that the coverage is currently at 44% and he is proposing to remove a portion of the patio and the driveway and bring the coverage down to 42%. Chair Woods stated that the feeling he has from the board is that the applicant should pursue other options to reduce the coverage closer to compliance. Mr. Greco asked the applicant if the board was willing to approve the application if the coverage was reduced closer to compliance would Mr. Min be willing to do that.

Chair Woods asked Mr. Chelius if there was any increase in drainage to accommodate the new coverage. Mr. Chelius explained that there were two seepage pits on the original plan, but he has no way of knowing if the pits are still active, or if any additional drainage has been added. Chair Woods asked if Mr. Min was willing to bring the patio back to the required setback and would he be willing to bring the coverage closer to conformance with the original variance. Vice Chair Brenner stated that due to the driveway not being included originally, there does not seem to be a way to get back to that original number.

The board discussed the original approval of the variance and the numbers presented. Mr. Chelius provided some clarity on the numbers allowed by the original approval. He explained that without any patio, the applicant would need to remove around 500 square feet of driveway to get back to the original number.

Ms. Chin stated that the applicant is a little subject to some confusion on the original approval, and that she believes that it would be unfair to get down to the original approved numbers.

Chair Woods stated that portions of this property were built without permits. Mr. Greco explained that the prior approval had a patio and a large driveway, shown on the as-built had numbers which were not accurate, and the town approved it. Chair Woods stated that the board is not obligated to approve relief because someone built without permits and got away with it. He stated that the patio and the increased driveway is a problem.

The board continued to discuss solutions to this property and what can be accepted considering the mistakes in the numbers accepted in the past.

Mr. Leibman suggested that the board should consider that the survey supplied is not signed or sealed by the licensed surveyor. Often this happens when a professional is not being paid and the survey may not be accurate. He suggested that the survey be updated to reflect the patio altered to be in compliance with the setback. Chair Woods suggested that the driveway should be brought back to the original approved layout. These two changes should bring you closer to conformity.

Chair Woods confirmed that the applicant understands everything that is being asked by the board. Mr. Min stated that he understands.

Mr. Greco asks for clarification on the Livable Floor Area. Mr. Bejin explains to the board that after reviewing the original architecture plans the livable floor area is compliant and this variance is unnecessary. Mr. Leibman stated that with no D variance, the mayor can rejoin the board and be a part of this application.

Austin Bejin was sworn in as the board's professional planner.

A motion was made to open the meeting to the public by Mayor Bernstein. Mr. Alevrontas seconds.
All in Favor – Motion Passed

Edward Ahn spoke in favor of the application and stated that he believes the board is being unfair to the buyer. He explained the history of this application from his perspective as the realtor who represents both the buyer and the seller.

A motion to close the public session was made by Mayor Bernstein. Mr. Alevrontas seconds.
All in Favor – Motion Passed

Mr. Leibman stated that the application would be carried to the January 7, 2026, meeting without further notice. Mr. Min extended the board's time to act through January 7, 2026.

NEW/CONTINUING BUSINESS

Zoning Ordinance Discussion (cont'd)

Chair Woods began the discussion but asking the board planner their thoughts on Floor Area Ratio (F.A.R.)

Mr. Greco stated that he has spoken with members of the council and that he hopes that the board can pool together all remaining comments in conjunction with the summary prepared by Ms. Federico, which encompasses all of the discussions and suggestions put forth by the board, the professionals, the residents who spoke and everyone else along the way, and make a final recommendation to the mayor and council. He explained that there has been a large number of development applications rushing in, in expectation of the new ordinance, and the longer the board and the council wait to get something approved, then more large developments the board will see that fall outside their hope. He explained that the ordinance is not stagnant and that even after approved the board can continue to review the ordinance and provide suggestions for changes if things prove to not work as expected. He ended by asking the board is there anything else important that needs to be put into these suggestions.

Mayor Bernstein stated that he would like to see the grade issues be included in the new ordinance. He also asked if it is possible to require that the builder provide a certification of the height of the structure once the framing is done.

Mr. Leibman stated that those requirements are more for the building department and the engineer, but that those are things you may be able to require at the building department, but that this would not make sense to have in your zoning ordinance.

Ms. Chin asked about requiring a foundation survey and that the building department does already require this. Mr. Chelius explained that the foundation location survey does show that the elevation is correct, but that the builder could definitely frame the building higher than permitted.

Mayor Bernstein asked Mr. Greco and Mr. Chelius if they could work with the borough's counsel to find an appropriate place to put this requirement.

Chair Woods asked if the average natural grade measurement should be expanded to include the entire property and not just the area around the building. Mr. Chelius stated that this would prove to strict on certain properties that have some significant slopes and differences in their heights around the properties.

Mayor Bernstein asked if there is a way to memorialize the measurement for average natural grade that is taken prior to changes in elevation. Mr. Chelius confirmed that this is how it has always been done. Mr. Greco also stated that this language was added in the new ordinance.

Chair Woods asked if the height of buildings could be consistent across all heights to the peak of the roof. Mr. Greco explained that he made this change to the ordinance and accommodated it by increasing the max height for the R-B, R-BB and R-A zones to make sense to the original allowed average height. Chair Woods asked about accessory buildings still saying to the average roof height, and Mr. Greco confirmed he intended to change that and will change it.

Chair Woods asked about the increase in the improved lot coverage in the R-C & R-D zones to 35% and stated his disagreement with this increase. Ms. Chin asked Mr. Greco why he suggested this. Mr. Greco explained that the number he is upping because the new ordinance calls out buildings and larger structures so clearly, is really referencing patios and walkways, and other small ground level structures that you may want in your rear yard. He stated that in his time here and in his look backward that he has seen a lot of variances approved in the R-C and R-D zone for exactly this, and if it is normally approved that to allow residents to get more use out of their rear yard space does not seem like a bad thing.

Chair Woods stated that there is some history that should be brought up. He explained the reason for creating the residential and parking coverage to control the front yard and force more allowed coverage in the rear. He expressed concern that upping the number will mean larger houses.

Mr. Greco explained that building coverage is not changing, and that all this number would increase is room for rear yard structures. He also stated that if you compare the larger zones to the smaller ones based on their numbers, the larger zones already get 10% for their rear yard allowance, while the smaller zones only have 5%.

Ms. Chin spoke in favor of this increase as a means of not policing the smaller zones into being allowed to have more outside space for enjoyment.

Mayor Bernstein stated that seeing this explained, he would like to see it shown in the ordinance written by the professionals.

Chair Woods stated that he does not agree that it should be increased.

The board had a discussion about the use of the board and the ordinance and what they should be focusing their time on.

The board discussed the yearly report.

Chair Woods asked for a clarification on the pool equipment. Mr. Greco explained that the pool equipment is required to be within a set distance of the pool. Chair Woods confirmed that this is to keep the equipment away from neighbors and closer to the structure it is being used in conjunction with.

The board was divided on the location of the pool equipment.

A motion was made to instruct the attorney to draft a letter summarizing the board's thoughts and recommendations on the zoning code to be sent to the mayor and council, by Mayor Bernstein and was seconded by Mr. Alevrontas.

On a roll call, the vote was recorded as follows *n/e = not eligible*

Board Member	Vote	Board Member	Vote	Board Member	Vote
Mr. Adelman	<i>Absent</i>	Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	Yes	Ms. DiSclafani:	Yes
Councilwoman Fox:	<i>Absent</i>	Ms. Mamdani:	Yes	Chair Woods:	Yes
Mrs. Hamilton:	Yes				

Motion passed

APPROVAL OF MINUTES

A motion was made to approve the regular meeting minutes of October 15, 2025, by Vice Chair Brenner and was seconded by Mayor Bernstein.

On a roll call, the vote was recorded as follows *n/e = not eligible*

Board Member	Vote	Board Member	Vote	Board Member	Vote
Mr. Adelman	<i>Absent</i>	Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	Yes	Ms. DiSclafani:	Yes
Councilwoman Fox:	<i>Absent</i>	Ms. Mamdani:	Yes	Chair Woods:	Yes
Mrs. Hamilton:	Yes				

Motion passed

PUBLIC COMMENT

A motion was made to open the meeting to the public by Mayor Bernstein. Seconded by Mr. Alevrontas.
All in Favor – Motion Passed

No member of the public wished to make a comment.

A motion to close the public session was made by Mayor Bernstein. Seconded by Mr. Alevrontas.
All in Favor – Motion Passed

ADJOURNMENT

With no further business presented, a motion to adjourn the meeting was made by: Chair Woods and seconded by Mr. Alevrontas.

All in Favor – Motion Passed

The meeting was adjourned at 9:12 PM.

Respectfully Submitted,

Michael Greco, Joint Planning Board Secretary