

MINUTES
REGULAR MEETING
ZONING BOARD OF ADJUSTMENT
FEBRUARY 16, 2021

Chairwoman Hayden opened the meeting at 8:00 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	8:07pm	
Mr. Morrison	X	
Mr. Park	X	
Mr. Press	8:07pm	
Ms. Hayden, Chairwoman	X	
Alternate #1 Mr. McLain	x	
Alternate #2 Dr. Boxt		Resigned
Also Present:		
Marti Francis, Board Secretary	X	
Mark Madaio, Board Attorney	X	
Craig Zimmerman, Colliers Eng. & Des.		

Variance Application # 807.20
 Application Submitted:11/17/2020

Applicant Name: Varughese

Variance relief from ordinance 175-19 B. (7) is sought, pool located in front yard.
 Block 46 Lot 681
 Address 18 Christie
 Lies in D District

GENERAL ZONING	REQUIRED	EXISTING	PROPOSED
Lot Area	10,000 sf.	18,864 sf	No Change
Frontage	100 ft	168.00 ft	No Change
Lot Depth	100 ft	125.44 ft	No Change
Min. Front Yard 1 (Christie)	25 ft	25 ft	No Change
Min. Front Yard 2 (Madison)	25 ft	26.1 ft	No Change
Min Side Yard	10 ft	10.1	No Change
Min. Rear Yard	30 ft	----	----
Bldg. Height	30 ft	29.3 ft	No Change
Building Coverage	20%	2875 sf 15.2%	No Change
Impervious Coverage	30%	4688 sf 24.9%	5620 sf 29.8%
FAR	30%	NA	NA

Motion: Mr. McLain moved to approve as originally submitted with added plantings
 Second: Mr. Press

Roll Call to Approve:	ELIGIBLE TO VOTE	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair	Yes	X		
Mr. Davis	Yes			Absent
Mr. Corrado	Yes			X
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. Capizzi represented the applicant. Sean McClellan (engineer) and Mr. and Mrs. Varughese (owners) were sworn in. This is a uniquely shaped lot with 3 front yards, Christie, and Madison (a

paper street) and Achilles Streets. There is no back yard (just three fronts and one side yards); thus, it is impossible to put a pool in the back yard. No coverage variances are sought. The 3 front yards present a classic hardship case. New and original (8/5/20) plans were viewed on the shared screen. The main differences between the original plans and the new plans are the orientation of the 16 x 48 pool and the location of the pool vis-à-vis the Madison “front” yard and the side yard on Block 46. The revised plans place the pool, and the pool pumps closer to the neighbor. The original plans place the pool closer to Madison, the paper street. Placing the pool closer to the paper street, as in the original plans, will have less of a negative impact and this was the Board’s preference. The applicant agreed to go with the original plans. The applicants also agreed to plant a single row of arborvitae trees at the Achilles Street corner to shield the neighbor. The existing fence will remain. The board engineer asked to see new plans and did not consider the play structure to be an accessory structure.

Mr. McLain moved to open to the public, second Mr. Morrison. All in favor. Carried.

Mr. Morrison moved to close the meeting to the public, second Mr. McLain. All in favor. Carried.

Motion on the application:

Mr. McLain moved to approve as originally submitted with added plantings to be submitted to the town engineer for approval

Second: Mr. Press

Variance Application # 804.20

Application Submitted:10/09/20

Hearing Date(s): 2/16/2021

Applicant Name: Brad and Tina Schweid

Block 84.07 Lot 10

Address 32 Pine Hill Road

Lies in BB

GENERAL ZONING	REQUIRED	EXISTING	PROPOSED
Lot Area	30,000 sf.	28,000 sf	28,000-EN
Frontage	150 ft	160 ft	No Change
Lot Depth	150 ft	175.00 ft	No Change
Min. Front Yard	50 ft	60.67 ft	No Change
Min. Side Yard	25 ft	32 ft	No Change
Min Rear Yard	50 ft	61 ft	No Change
Max. Bldg. Height	30 ft	+/-30 ft	No Change
Max. Bldg. Coverage	15%	13.54%	No Change
Impervious Coverage*	30%	30.09%	32.5%*
Livable Floor Area	22.5%	~22.5%	No Change

(*) Variance Required ENC – existing non-conformance

Motion: Mr. Woods
 Second: Mr. Corrado

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

Mr. Capizzi represented the applicant. Mike Dipple (Engineer) and Mr. and Mrs. Scheid were sworn in. A variance for 32.5% coverage is sought (currently coverage is 30.09%). The lot is slightly undersized. The applicants seek to install a 20 x 40 pool, a patio on 1½ sides of the pool, a 12-foot-high pavilion over half of the existing patio, an additional drywell, and extensive landscaping. The existing patio will be shrunk slightly, and two-vehicle parking area will be removed. The engineering letter suggests that the application is satisfactory. Mr. Dipple stated that the applicants have not made any significant changes since taking ownership of the property. Mr. Capizzi stated that a C1/C2 variance is sought. After discussion with the Board on how they can reduce impervious coverage, Mr. Capizzi and his clients withdrew to discuss altering the request and agreed to reducing the pool to 18 x 36 and the chaise lounge area to 11 feet (which would still allow for safe walking around the chairs) instead of 14.5 feet and trim the day bed area to 7 feet. Requested coverage will be 31.5% (possibly slightly lower). Approval will be subject to review of new plans.

Mr. Corrado moved to open the meeting to the public, second Mr. Park. All in favor. Carried.

Lynn Paulison (Lois) thanked the board members for disputing landscaping as a selling feature. She also stated that the Board should represent all residents. Paul Levenson (122 Pine Terrace) wanted to make sure that no extra water would be sent onto his property from the rain. He also asked how many trees are likely to be planted (23 8-to-10-foot, quick growing trees). Mr. Dipple stated that the drainage plan appears satisfactory and that protective measures would be taken during construction. French drains collect runoff from the patio. The engineer stated that the property is not in a flood zone.

Mr. Corrado moved to close to the public, second Mr. Morrison. All in favor. Carried.

Motion on the application:

Motion: Mr. Woods – motion to approve based on the overall benefit of removing a lot of hard surface from the front yard for a pool so ending with a slight overage

Second: Mr. Corrado

Variance Application # 805.20

Application Submitted:10/23/20

Hearing Date(s): 2/16/2021

Applicant Name: Tal and Michael Roth

Block 89 Lot 11

Address 25 Robin Road

Lies in C District

GENERAL ZONING	REQUIRED	EXISTING	PROPOSED
Lot Area	15,000 sf	15,001 sf	No Change
Frontage	100 ft	100.46 ft	No Change
Lot Depth	100 ft	148.47 ft	No Change
Min. Front Yard	35 ft	35.6 ft	No Change
Min. Side	15 ft	15.2 ft	No Change
Min. Side Yard Both	30 ft	30.9 ft	No Change
Min. Rear Yard	30 ft	67.2 ft	No Change
Bldg. Height	30 ft	29.8 ft	No Change
Building Coverage	20%	2769 sf 18.5%	No Change
Impervious Coverage*	30%	4204 sf 28.0%	4925 sq 32.8%*
FAR	30%	_____	_____

(*) Variance Required

ENC – existing non-conformance

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 Dr. Boxt			

Mr. Capizzi represented the applicant. Mr. McClellan and Mr. and Mrs. Roth were sworn in. This is a full-size, conforming lot. The proposed pool is 15 x 38 plus coping. No patio is proposed. A small seepage pit or drainage chamber is proposed. There are existing trees on two sides. The neighbor has a vinyl fence. The engineering comments can be attended to. A black iron fence will connect to the neighbor’s fence. The engineer requested update plans showing fencing and drainage. Mr.

Morrison asked about lighting. Mr. McClellan suggested the lighting could be shielded from neighbors. A C2 variance is sought. A question was raised by the Board as to why the applicant rebuild a large house on this lot that was so close to max coverage when they could have built a smaller house that would also have allowed for a pool within 30% coverage. Mrs. Roth shared that at the time of house construction, they were given to believe that pools might not be included in impermeable coverage and that a pool would bring them just below the maximum. Mr. Capizzi said the applicant would like to revise their plans and come back to the Board at another time. The application will be carried to April 20th with a new design. All extensions to the application will be granted by the applicant. No further notice is needed.

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.

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

Motion:

Second:

Roll Call to Approve:	ELIGIBLE TO VOTE	YES	NO	ABSTAIN
Mr. Woods, Vice-Chair	yes			
Mr. Davis	yes			
Mr. Corrado	yes			
Mr. Morrison	yes			
Mr. Park	yes			
Mr. Press	yes			
Ms. Hayden, Chairwoman	yes			

Alternate #1 Mr. McLain	yes			
Alternate #2 Dr. Boxt	yes			

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

Daniel Steinhagen represented the applicant. Mr. McClellan was sworn in. Mr. Steinhagen stated that there was miscommunication between the builder and the homeowner. The patio was built exceeding the lot coverage. The original (366 square foot) patio will be reduced to 342 square feet. The lot is narrow. Photos A-2, A-3, A-4, Survey A-1, and Google Earth A-5 were marked into evidence. A C1C variance is sought due to the design of the house, C1A due to narrowness of the lot, and C2 to create a more pleasing visual. A variance was granted to the neighbor (15 Rodney). Mr. McLain pointed out that this variance was for a pool. Mr. McClellan suggested that the applicant could add landscaping to the front to make the property more aesthetically pleasing. Board members said it was difficult to approve anything without specific plans. The application will be carried to April 20, at which point detailed plans should be presented. Extensions will be granted. No renote is necessary.

**Approval of Joseph Canney Resolution
Variance Application # 802.20**

Block 65 Lot 123
Address 41 Rodney Place

Motion: Mr. Corrado
Second: Mr. Park

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

**Approval of Minutes of January 19, 2021, Meeting
only those present at prior months' meeting are eligible to vote – all were present**

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

Motion: Mr. Morrison
Second: Mr. Corrado

Motion to Close the Meeting:

Motion: Mr. Morrison

Second: Mr. Woods

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

Meeting adjourned at 11:07 pm

NB: Meeting time will be changed to 7:30 in April pending proper notice of this change.

Next Meeting March 16, 2021, at 8:00 p.m. via Zoom conference