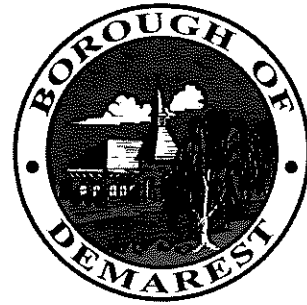


BOROUGH OF DEMAREST
JOINT PLANNING BOARD
REGULAR MEETING AGENDA
AMENDED 07/01/2025
Wednesday, July 2, 2025 @ 7:30 PM
118 Serpentine Road, Demarest, NJ 0762



1. CALL TO ORDER

2. PUBLIC ANNOUNCEMENT OF MEETING

Sunshine Law Statement: The notice requirements of the Open Public Meetings Act of the State of New Jersey, P.L. 1975, Chapter 231, have been satisfied by the publication of the date, time and place of this Regular meeting in the Record and Star Ledger on January 12, 2025, notice posted at Borough Hall, on the Borough website was filed in the office of the Borough Clerk.

3. FLAG SALUTE

4. ROLL CALL

- | | |
|--|---|
| <input type="checkbox"/> Todd Adelman | <input type="checkbox"/> Camille DiSclafani |
| <input type="checkbox"/> Ted Alevrontas | <input type="checkbox"/> Councilwoman Daryl Fox |
| <input type="checkbox"/> Mayor Brian Bernstein | <input type="checkbox"/> Fatemah Mamdani |
| <input type="checkbox"/> Jodi Brenner | <input type="checkbox"/> Timothy Woods |
| <input type="checkbox"/> Kiran Chin | <input type="checkbox"/> Mary Lynn Hamilton |

5. RESOLUTION(S)

6. NEW/CONTINUING APPLICATIONS

JPB-25-006 – 30 Hardenburgh Avenue – M&M Developers LLC.

Seeking a three lot subdivision – Discussion on a Special Meeting Date in order to deem the application complete and set a hearing date.

JPB-25-001 – 44 Pine Terrace – BF Development LLC.

Seeking a Minor Subdivisions with Variances

APPROVE DENY CARRY DATE:

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Alevrontas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Bernstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair Brenner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Chin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiSclafani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Fox	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

JPB-25-002 – 7 Christie Street – Ed Yezekian

Seeking variances including a “D” Variance related to the construction of a new single-family home.

APPROVE DENY CARRY DATE:

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Alevrontas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair Brenner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Chin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiSclafani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS

8. APPROVAL OF MINUTES:

JUNE 4, 2025 REGULAR MEETING MINUTES

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Alevrontas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Bernstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair Brenner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Chin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiSclafani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Fox	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

JUNE 5, 2025 SPECIAL MEETING MINUTES

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Alevrontas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Bernstein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair Brenner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Chin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Fox	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. PUBLIC COMMENT PERIOD

10. ADJOURNMENT

NEXT REGULAR MEETING – WEDNESDAY, JULY 2, 2025



COSTA ENGINEERING CORPORATION

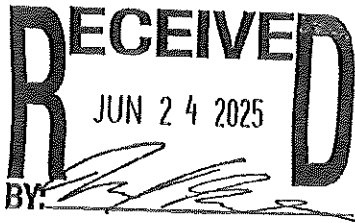
Professional Engineers • Surveyors • Planners
325 So. River Street, Suite 302, Hackensack, NJ 07601

Tel (201) 487-0015
Fax (201) 487-5122

Please Reply To:
325 So. River Street
Hackensack, NJ 07601

State of NJ Certificate of Authorization No. 276726

DRAINAGE CALCULATION



SIBONI

BLOCK 84, LOT 3.09 & 3.08

44 Pine Terrace

Borough of Demarest

Bergen County, New Jersey

PROJ. NO. 24-2398

Robert L. Costa N.J. Lic. No. 34702 & 4639
Professional Engineer and Planner
June 20, 2025

SEEPAGE PIT CALCUALTION FOR LOT 3.09(New Proposed House)

Seepage pit storage: 1530 Gallons Peerless Concrete Products or approved or equal.

Pit:

$$1530 \text{ Gal} / 7.48 \text{ Ga./Cu. ft.} = 204.54 * 3 = 613.62 \text{ Cu. ft.}$$

Stone:

$$42 \text{ X } 15 \text{ X } 6 = 3,780 \text{ cu.ft.}$$

$$\text{The outside diameter of Pit} = \frac{\pi}{4} * (10 \text{ ft.})^2 * 3 \text{ ft} = 235.62 * 3 = 706.86 \text{ Cu. ft.}$$

$$\text{Using 40 \% Void Ratio: } (3,780 \text{ Cu. ft} - 706.86 \text{ Cu.ft.}) * (40\%) = 1,229.26 \text{ Cu. ft.}$$

$$\text{Therefore Total: Pit Storage} = 613.62 \text{ Cu. ft.}$$

$$\text{Stone Storage} = 1,229.26 \text{ Cu. ft.}$$

$$\text{Percolation} = \text{Not consider}$$

$$\text{Total} = 1,842.88 \text{ Cu. ft.}$$

Stormwater Management Calculation:

Design Storm 100 years over 1 hour period = 3.00 inches/hour

AREA:

Total Impervious Area = 7,382 Sq.ft or 0.17 ac from Minor Subdivision Zoning Chart – Total Improved Lot Coverage Sheet 2 of 5

$$C = 0.99$$

Volume of runoff:

$$Q = C * I * A$$

$$= (0.99) * 3 \frac{\text{inches}}{\text{hour}} * 0.17 = 0.50 \frac{\text{ft}^3}{\text{sec}}$$

$$V = 0.50 \frac{\text{ft}^3}{\text{sec}} * \frac{3600 \text{ sec}}{1 \text{ hr}} = 1,800 \text{ft}^3$$

Summary

Using Three (3) pit of total volume **1,842.88 cu. ft > 1,800 Cu. ft** volume required

SEEPAGE PIT CALCUALTION FOR LOT 3.08

Seepage pit storage: 1530 Gallons Peerless Concrete Products or approved or equal.

Pit:

$$1530 \text{ Gal} / 7.48 \text{ Ga./Cu. ft.} = 204.54 * 2 = 409.09 \text{ Cu. ft.}$$

Stone:

$$27.5 \times 15 \times 6 = 2,475 \text{ cu.ft.}$$

$$\text{The outside diameter of Pit} = \frac{\pi}{4} * (10 \text{ ft.})^2 * 3 \text{ ft} = 235.62 * 2 = 471.24 \text{ Cu. ft.}$$

$$\text{Using 40 \% Void Ratio: } (2,475 \text{ Cu. ft} - 471.24 \text{ Cu.ft.}) * (40\%) = 801.50 \text{ Cu. ft.}$$

$$\text{Therefore Total: Pit Storage} = 409.09 \text{ Cu. ft.}$$

$$\text{Stone Storage} = 801.50 \text{ Cu. ft.}$$

$$\text{Percolation} = \text{Not consider}$$

$$\text{Total} = 1,210.59 \text{ Cu. ft.}$$

Stormwater Management Calculation:

Design Storm 100 years over 1 hour period = 3.00 inches/hour

AREA:

Total Impervious Area (House, Patio, Paver, pool)= 4,839 Sq.ft or 0.11 ac from
Minor Subdivision Zoning Chart – Total Improved Lot Coverage Sheet 2 of 5

$$C = 0.99$$

Volume of runoff:

$$Q = C * I * A$$

$$= (0.99) * 3 \frac{\text{inches}}{\text{hour}} * 0.11 = 0.33 \frac{\text{ft}^3}{\text{sec}}$$

$$V = 0.33 \frac{\text{ft}^3}{\text{sec}} * \frac{3600 \text{ sec}}{1 \text{ hr}} = 1,188 \text{ft}^3$$

Summary

Using Two (2) pit of total volume **1,210.59 cu. ft** > **1,188 Cu. ft** volume required

SEEPAGE PIT CALCULATION FOR LOT 3.08 Driveway

Seepage pit storage: 1530 Gallons Peerless Concrete Products or approved or equal.

Pit:

1530 Gal/ 7.48 Ga./Cu. ft. = 204.54 Cu. ft.

Stone:

11X 11 X 6 = 726 cu.ft.

The outside diameter of Pit = $\frac{\pi}{4} * (10 \text{ ft.})^2 * 3 \text{ ft} = 235.62 * 1 = 235.62 \text{ Cu. ft.}$

Using 40 % Void Ratio: $(726 \text{ Cu. ft} - 235.62 \text{ Cu.ft.}) * (40\%) = 196.15 \text{ Cu. ft.}$

Therefore Total: Pit Storage = 232.62 Cu. ft.

Stone Storage = 196.15 Cu. ft.

Percolation = Not consider

Total = 428.77 Cu. ft.

Stormwater Management Calculation:

Design Storm 100 years over 1 hour period = 3.00 inches/hour

AREA:

Total Impervious Area(Driveway) = 1,732 Sq.ft or 0.04 ac from Minor Subdivision Zoning Chart - Total Improved Lot Coverage Sheet 2 of 5

C = 0.99

Volume of runoff:

$$Q = C * I * A$$

$$= (0.99) * 3 \frac{\text{inches}}{\text{hour}} * 0.0397 = 0.118 \frac{\text{ft}^3}{\text{sec}}$$

$$V = 0.118 \frac{\text{ft}^3}{\text{sec}} * \frac{3600 \text{ sec}}{1 \text{ hr}} = 425 \text{ft}^3$$

Summary

Using Two (2) pit of total volume **428.77 cu. ft > 425 Cu. ft** volume required



66 Glen Avenue
Glen Rock, NJ 07452
Telephone: 201-301-1045
Fax: 201-857-8002
Email: info@johnsonsoils.com

June 18, 2025

AUSTIN SIBONI
PO Box 696
Alpine, NJ 07620

Re: 44 Pine Terrace
Demarest, NJ
JSC Job #25-529

To whom it may concern:

Attached are the results of the permeability tests performed in accordance with the NJDEP BMP Manual, Chapter 12. Samples were delivered to our office on June 12, 2025.

Attached is the Permeability Test:

Very truly yours,
JOHNSON SOILS COMPANY

A handwritten signature in cursive script, appearing to read "Lisa V. Mahle-Greco".

Lisa V. Mahle-Greco, P.E.
Engineering Manager
NJ Lic. No. 43197

JG/AG



Client: Austin Siboni
 Site: 44 Pine Terrace, Demarest, NJ

JOB# 25-529
 DATE: 6/16/2025

Permeability Rate Determination:

Test Pit	Depth (ft)	Length of Soil Core (in)	Time required for the water level to drop from H ₁ to H ₂ (min)	Height of the water above test basin H ₁ (in)	Water loss (in)	Height of water above test basin at end of run H ₂ (in)	Permeability of the soil sample. K (in/hr)
1 (3.09)	8'	3	2.25	4.6875	0.25	4.4375	4.38
1 (3.09)	8'	3	4.5	4.6875	0.5	4.1875	4.51
1 (3.09)	8'	3	6.33	4.6875	0.75	3.9375	4.96
						AVERAGE	4.62

Note:

- K = Permeability of the soil sample, in inches per hour;
- L = Length of the soil core, in inches;
- T = Time required for the water level to drop from H₁ to H₂ during the final test interval, in minutes;
- H₁ = Height of the water level above the rim of the test basin at the beginning of each test interval, in inches; and
- H₂ = Height of the water level above the rim of the test basin at the end of each test interval, in inches.
- r = Radius of the stand pipe, in centimeters or inches;
- R = Radius of the soil core, in the same units as "r"

[When the standpipe is not used, the term r^2/R^2 is omitted from the equation]

Prepared By: JG



Client: Austin Siboni
 Site: 44 Pine Terrace, Demarest, NJ

JOB# 25-529
 DATE: 6/16/2025

Permeability Rate Determination:

Test Pit	Depth (ft)	Length of Soil Core (in)	Time required for the water level to drop from H ₁ to H ₂ (min)	Height of the water above test basin H ₁ (in)	Water loss (in)	Height of water above test basin at end of run H ₂ (in)	Permeability of the soil sample. K (in/hr)
2 (3.09)	8'	3	4.857	4.375	0.25	4.125	2.18
2 (3.09)	8'	3	9.75	4.375	0.5	3.875	2.24
2 (3.09)	8'	3	13.917	4.375	0.75	3.625	2.43
						AVERAGE	2.28
2 (3.08)	8'	3	5	4.25	0.25	4	2.18
2 (3.08)	8'	3	10	4.25	0.5	3.75	2.25
2 (3.08)	8'	3	14	4.25	0.75	3.5	2.50
						AVERAGE	2.31

Note:

- K = Permeability of the soil sample, in inches per hour;
- L = Length of the soil core, in inches;
- T = Time required for the water level to drop from H₁ to H₂ during the final test interval, in minutes;
- H₁ = Height of the water level above the rim of the test basin at the beginning of each test interval, in inches; and
- H₂ = Height of the water level above the rim of the test basin at the end of each test interval, in inches.
- r = Radius of the stand pipe, in centimeters or inches;
- R = Radius of the soil core, in the same units as "r"

[When the standpipe is not used, the term r^2/R^2 is omitted from the equation]

Prepared By: JG

400 Valley Road Suite 304
Mt. Arlington, NJ 07856
Main: 877 627 3772



Engineering
& Design

June 27, 2025

Michael Greco, Board Secretary
Joint Planning Board
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

44 Pine Terrace
Block 84, Lot 3.07
Borough of Demarest, Bergen County, NJ
Joint Planning Board Subdivision Application - **Engineering Review #2**
Colliers Engineering & Design Project No. DEZ0049

Dear Mr. Greco,

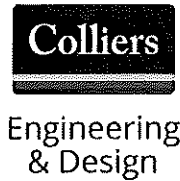
Pursuant to your request, our office has reviewed the following plans and other documents filed by the Applicant in support of a subdivision Application with variances related to lot area and lot frontage. The Applicant is proposing to subdivide the existing Lot 3.07 into two Lots 3.08 & 3.09 and construct two, two-story dwellings, and other related improvements at the subject properties. For ease of review, updated comments are provided in **bold**:

- a) Site plans consisting of four (4) sheets, prepared and signed by Robert L. Costa, PE, of Costa Engineering Corporation, dated December 3, 2024, **last revised June 20, 2025**;
- b) Architectural Plans consisting of three (3) sheets, prepared and signed by Pierre F. Gabuchi, AIA, dated February 24, 2025;
- c) Topographic survey of the property consisting of one (1) sheet, prepared by David Jamiolkowski, PLS, of Costa Engineering Corporation, dated December 3, 2024;
- d) Variance Application for the subject property and attachment signed and undated;
- e) **Drainage calculations prepared and signed by Robert L. Costa, PE, of Costa Engineering Corporation, dated June 20, 2025**;
- f) **Soil Permeability testing report prepared and signed by Lisa V. Mahle-Greco, P.E., dated June 18, 2025.**

The Property Owner/Applicant is:

BF Development LLC
c/o Matthew Capizzi
205 Fairview Avenue
Westwood, NJ 07675

The Applicant/Owner shall notify the Borough of Demarest Zoning Board of Adjustment of any changes to the above information.



Engineering Review

I. Project Description & Location

According to the site plans, the site is currently occupied by a single-family dwelling with associated driveway, walkways, patio, and other related improvements. The site fronts Pine Terrace and is located in the R-BB zoning district.

The Applicant is proposing to subdivide the existing Lot 3.07 consisting of 49,815 SF into two separate lots. The proposed Lot 3.08 will consist of 25,047 SF and the proposed Lot 3.09 will consist of 24,766 SF. The minimum lot area in this zone is 30,000 SF.

On the proposed Lot 3.08, the existing dwelling is to remain. The Applicant is proposing to remove the existing wood deck and gravel driveway to construct a new paver walkway, macadam driveway, drainage improvements and other related improvements. A portion of the existing dwelling is to be removed on the eastern side in an effort to comply with side yard setback requirements.

On proposed Lot 3.09, the Applicant is proposing to construct a new 2 story dwelling, pool, patio, paver walkway, macadam driveway, drainage improvements and other related improvements.

The property is rectangular shaped parcel consisting of 49,815 SF. The property is located on the west side of Piermont Road. The property is located in the residential BB Zone according to the Borough Zoning Map.

The property is located in Zone X (area determined to be outside the 0.2% annual chance floodplain) as shown on the Flood Insurance Rate Map (FIRM) for the Borough of Demarest dated August 2019.

II. Zoning Requirements & List of Variances / Waivers Requested

A. Bulk Zoning Requirements:

Zone: BB

Use: Single Family Residential

Description	Required	Existing Lot 3.07	Proposed Lot 3.08	Proposed Lot 3.09	Complies
Lot area*	30,000 sf.	49,815 sf.	25,047 sf.	24,766 sf.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Lot Frontage*	150 ft.	289.79 ft.	144.90 ft.	144.89 ft.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Lot depth	150 ft.	172.86 ft.	172.86 ft.	172.86 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Front yard setback	50 ft.	50.23ft.	50.23 ft.	51.09 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side yard setback	25 ft.	31.11 ft.	25.0 ft.	27.41 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Rear yard setback	50 ft.	63.68 ft.	63.68 ft.	67.27 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Livable Floor Area	22.50%	10.82%	21.53%	22.5%	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Building Height	30 ft.	<30 Ft	<30 ft.	To conform	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Max Building Coverage	15 %	11.63%	14.52%	14.46 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Improved Lot Coverage**	30 %	40.22%	26.23 %	29.80 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Residential Parking Coverage	25 %	14.44%	20.97%	21.04 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Accessory Structures	Required	Existing Lot 3.07	Proposed Lot 3.08	Proposed	Complies
Max Height	12 ft.	<12 ft.	<12 ft.	<12 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Front yard setback	35 ft.	>35ft.	>35ft.	>35ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side yard setback	25 ft.	25.99 ft.	38.83 ft.	53.42 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rear yard setback**	10 ft.	1.58 ft.	15.97 ft.	31.54 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

N/A = not applicable
 * = variance required
 ** = pre-existing non-conformance

B. The Following Variances Appear to be Required:

1. Minimum Lot Area – The Applicant is proposing lot areas of 25,047 SF and 24,768 SF for proposed Lots 3.08 and 3.09 respectively where a minimum of 30,000 SF is required.

A variance is required for this condition.
2. Minimum Lot frontage – The Applicant is proposing lot frontage of 144.90 and 144.89 respectively for proposed Lots 3.08 and 3.09, where a minimum of 150 Ft is required.

A variance is required for this condition.
3. Lot coverage – There is a pre-existing non-conformance for building coverage of 40.22% where a maximum of 30% is permitted. The Applicant is proposing a lot of coverage of 26.23% and 29.80% for proposed new Lots 3.08 and 3.09 respectively.

The Applicant is proposing to eliminate this existing non-conformance.
4. Rear yard Accessory Structure Location – There is a pre-existing non-conformance in the rear yard of 1.59 ft for accessory structures where the minimum is 10ft due to the rear pergola. The Applicant is proposing to remove the pergola thus eliminating this non-conformance.

III. Engineering Review

- A. The Applicant is proposing an improved lot coverage of 6,571 SF (26.23%) for the proposed Lot 3.08 and an improved lot coverage of 7,382 SF (29.80%) for proposed Lot 3.09. The existing lot coverage on the property is 20,036 SF (40.22%). The net decrease in coverage proposed is 6,083 SF.
- B. The Applicant is proposing a total of six (6) precast concrete drywells (three new drywells are proposed for each lot).

Lot 3.08 – The Applicant is proposing one (1) drywell in the front yard area of the property and two (2) drywells in the rear yard area. The drywells in the rear collect roof runoff and the drywell in the front collects runoff from the driveway area. We note that the previous plans provided three (3) drywells in the rear yard area.

Lot 3.09 – The Applicant is proposing three (3) drywells in the front yard area. The drywells collect stormwater runoff from the roof area of the proposed dwelling and the driveway area. We note that the previous plans provided three (3) drywells in the rear yard area which have now been relocated to the front. Additional collection has been added to the driveway area based on comments received at the prior hearing.

We offer the following comments related to drainage design:

1. The Applicant has provided design calculations which indicate approximately 3,870 SF and 3,581 SF of roof area to be collected and conveyed to the proposed drywells for Lots 3.08 and 3.09 respectively. The Applicant has provided adequate storage for this drainage area. We take no exception to the calculations provided. **The Applicant has provided updated design calculations for the revised drywell systems. We have reviewed the calculations and take no exception. We note that the drywells are designed for 3" of rainfall over a one-hour period (100-year design storm) where they are only required to be designed for 2" of rainfall over a one-hour period.**
2. The Applicant should provide rim and invert elevations for the proposed seepage pits. **Rim and invert elevations have been added to the detail sheet for both Lots 3.08 and 3.09. Comment addressed.**
3. The driveway to proposed Lot 3.09 slopes downward from the roadway to the garage. No drainage improvements are proposed within the driveway area. CED suggests stormwater collection be considered for this area to prevent pooling at the end of the driveway. **The Applicant has relocated the drywells from the rear to the front of the property and added an inlet to capture runoff from the driveway. We note that there are currently no stormwater improvements in place to collect runoff from the proposed pool and patio areas in the rear of the property.**



4. On Lot 3.09, we note there is no stormwater mitigation provided for the pool and patio area located in the rear yard. Due to the net decrease in impervious coverage on-site, we take no exception.
 5. The Applicant should provide testimony clarifying where the seepage pits are designed to overflow. **Continuing comment.**
 6. The Applicant shall be made aware that soil testing is required at the location of the proposed seepage pits. Soil testing should include the elevation of the Seasonal High-Water Table (SHWT) and the percolation rate of the soil. It shall be confirmed that the bottom of the seepage pit is at least two (2) feet above the SHWT. It is suggested that soil testing be performed before installation of the seepage pits. **The Applicant has provided soil testing information as requested. We offer the following comments:**
 - i. **The designations provided for the test pits are unclear and inconsistent between the plan and soil report. The designation TP-1 is used twice. We recommend revising the test pit designations to TP-1 through TP-3 to avoid confusion.**
 - ii. **The results do not provide information on the elevation of the seasonal high-water table. The Applicant should be prepared to provide this information at the hearing.**
 - iii. **The design calculations should be updated to include a drain time calculation based on the measured permeability tests. It should be confirmed that the pits can drain within 72-hours.**
 7. The Applicant has provided an at-grade manhole cover for future maintenance in the seepage pit detail. We take no exception.
 8. The Engineer shall be notified to inspect the seepage pit system prior to backfilling. **Continuing comment.**
 9. **We recommend that the drywell in the front yard area on Lot 3.08 be relocated to the other side of the driveway. It is recommended to keep drywells at least 15 feet away from property boundaries if feasible.**
- C. The Applicant has not indicated any tree removal on the site plan. The provided survey indicates several trees on site within the limit of disturbance and construction area of proposed Lot 3.09.
1. The Applicant should confirm in testimony if there are any trees or other improvements that may be impacted by the proposed construction. We defer to the Shade Tree Commission for final comment and approval for any proposed removal and replacement of trees. **Continuing comment.**

2. A revised site plan should be provided with a tree removal and replacement schedule included. **Comment remains outstanding.**
- D. The Applicant shall provide testimony regarding the re-use of existing and/or installation of proposed utilities on site. **Continuing comment.**
- E. The dimensions of the proposed driveway including apron and length of proposed drop curb should be noted on the site plan. The Applicant should be prepared to provide testimony to clarify the dimensions of the driveways. **Comment remains outstanding.**
- F. The site plans note the proposed building height for proposed Lot 3.09 as "To conform" Testimony should be provided regarding the proposed building height for proposed Lot 3.09. **The site plan has been updated to provide building height calculations for proposed Lot 3.09. Revised architectural plans should be provided.**
- G. The Applicant has depicted existing and proposed contours on the property. We offer the following comments related to grading:
 1. Under existing conditions, the site drains from generally from west to east / northeast. The highest point of the property is in the southwestern side where elevations are approximately 76 and the lowest point of the property is in the northeastern corner, where elevations are approximately 67.
 2. Under proposed conditions, the high and low points are generally maintained, and drainage patterns should not be substantially impacted. Grading changes do not appear to exceed more than one (1) foot in most locations.
- H. The architectural plans provide renderings, elevations and floor plans for the proposed dwelling on Lot 3.09. The plans do not provide any information detailing modifications to the existing dwelling on proposed Lot 3.08. We note the plans show removal of a portion of the dwelling on the eastern side to comply with side yard setback requirements. The Applicant should be prepared to provide testimony on the nature and extent of renovations to the dwelling on Lot 3.08.
- I. The Applicant should update the site plans to provide detailed soil moving calculations including cut and fill calculations. Based on the proposed improvements a soil movement permit will be required. The Applicant should be aware that any soil movement quantity in excess of 250 CY will require Mayor and Council approval pursuant to Chapter 147 of Borough Ordinance. **Comment remains outstanding.**
- J. Should the Board act favorably upon this application, the Applicant is hereby made aware that drainage issues may arise during or after the proposed construction. It will be the Applicant's responsibility to remedy any drainage issues caused by the proposed improvements. In addition, water runoff directed to neighboring properties is prohibited. If runoff water does enter neighboring properties as a result of the proposed improvements, the Applicant will be responsible to remedy the situation at no cost to the Borough.

Should you have any questions, you may contact me at (201) 775-1283.

Sincerely,

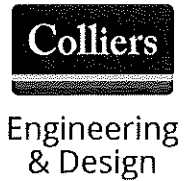
Colliers Engineering & Design



Nick Chelius, P.E., C.M.E.
Joint Planning Board Engineer

cc: Board Members (via Board Secretary)
Matt Capizzi, Esq, Applicant's engineer (matthew@capizzilaw.com)
Robert L. Costa, Costa Engineering Corporation, Applicant's Engineer (jeysonf@costaeng.com)

Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, New Jersey 08827
Main: 877 627 3772



June 30, 2025

PLANNING REPORT

Joint Planning Board
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

RE: BF Development, LLC

44 Pine Terrace
Block 84, Lot 3.07
Review Letter #2
Project No. DEP-0227

Dear Board Members,

BF Development, LLC, the Applicant, seeks minor subdivision approval to subdivide the subject property into two lots. Proposed Lot 3.08 totals 0.5750 acres, while Proposed Lot 3.09 totals 0.5686 acres. The Applicant also proposes to modify the existing attached garage and construct a new driveway and paver walkway on Proposed Lot 3.08. Additionally, the Applicant proposes a new dwelling and associated improvements including a driveway, paver walkway, rear patio, and pool on Proposed Lot 3.09. Other site improvements include grading and stormwater management facilities. The Applicant proposes to remove various existing improvements on Lot 3.07 including the existing driveways and walkway, various wood decks, pergola, tennis court, gravel areas, and walls. The Application requires "C" variances and a waiver, which are detailed in Sections B and D.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Plans entitled "Minor Subdivision; 44 Pine Terrace", prepared by Robert L. Costa, PE, PP of Costa Engineering Corporation, dated December 3, 2024, revised through June 20, 2025, consisting of 6 sheets. It should be noted that David Jamiolkowski, PLS has signed sheets 2 and 3 and Sheets 2A and 5 are new.
2. Plan entitled "Garage Repair", prepared by Piero F. Gabucci, AIA of Axis Architectural Group, dated February 24, 2025, consisting of 1 sheet.
3. Plans entitled "New Residence", prepared by Piero F. Gabucci, AIA of Axis Architectural Group, dated March 25, 2025, consisting of 2 sheets.
4. Survey entitled "Boundary and Topographic Survey", prepared by Robert L. Costa, PE, PP and David Jamiolkowski, PLS of Costa Engineering Corporation, dated December 3, 2024, consisting of 1 sheet. It should be noted that this Survey is noted as "Preliminary".
5. Subdivision Application, no date.

6. Document entitled "Rider to the Demarest JPB Subdivision Application; Subdivision Information", unknown author, no date, consisting of 1 page.
7. Drainage Calculation, prepared by Robert L. Costa, PE, PP of Costa Engineering Corporation, dated June 20, 2025.
8. Letter entitled "Initial Submittal for Completeness Review", prepared by Karissa Vittorio, Paralegal of Capizzi Law Offices, dated April 11, 2025, consisting of 2 pages.
9. Letter entitled "44 Pine Terrace", prepared by Lisa V. Mahle-Greco, PE of Johnson Soils Company, dated June 18, 2025, consisting of 3 pages.

A. Existing Zoning and Surrounding Land Use

The subject property is in the Residential R-BB District along the north side of Pine Terrace. The property is adjacent to vacant land to the north and single-family dwellings to the east, south, and west. See the image below for the approximate location of the subject property shown in red and the estimated location of the proposed lot line in yellow.¹



Yard and bulk requirements in the R-BB District are:

- Minimum Lot Frontage - 150 feet
- Minimum Lot Depth - 150 feet
- Minimum Lot Area - 30,000 square feet

Minimum Front Yard Setback – 50 feet²
Minimum Side Yard Setback (abutting a street) – 50 feet
Minimum Side Yard Setback (abutting a lot) – 25 feet
Minimum Rear Yard Setback – 50 feet³
Maximum Number of Families per Building – 1
Maximum Building Coverage – 15%
Maximum Building Height – 30 feet⁴
Maximum Livable Floor Area – 22.5%⁵
Maximum Improved Lot Coverage – 30%⁶
Maximum Residential and Parking Coverage – 25%

B. Variances

Based on the information provided, the Application requires the following variances:

1. Section 175-8 – Variance for lot size. The Ordinance does not permit any lot to be reduced so that it does not meet the area requirements. The subject property is in the R-BB District, which requires lots to be at least 30,000 square feet.

The Applicant proposes to subdivide Lot 3.07 containing 49,814.8 square feet (1.14 acres) into two lots, Proposed Lot 3.08 totaling 25,047.414 square feet (0.575 acres) and Proposed Lot 3.09 totaling 24,768.2328 square feet (0.5686 acres). Both proposed lots are less than the minimum lot size requirement of the R-BB District. **The Subdivision Plans do not list this variance.**

2. Section 175-16 – Variance for lot area. The Ordinance requires a minimum lot size of 30,000 square feet (0.6887 acres) in the R-BB District.

Proposed Lot 3.08 is only 25,047.414 square feet (0.575 acres) and Proposed Lot 3.09 is only 24,768.2328 square feet (0.5686 acres).

3. Section 175-16 – Variance for lot width. The Ordinance requires a minimum lot frontage of 150 feet.

Proposed Lot 3.08 only has 144.90 feet of frontage along Pine Terrace and Proposed Lot 3.09 only has 144.89 feet of frontage along Pine Terrace.

Additionally, the following pre-existing non-conforming conditions exist:

1. Section 175-16 – The Ordinance limits improved lot coverage to 30% of the lot area. The existing improvements on Lot 3.07 total 20,036 square feet or 40.22% of the existing lot area. It should be noted that the proposed subdivision includes the removal of existing improvements such as driveways, walkways, decks, tennis court, etc. which will reduce the improved lot coverage on Proposed Lot 3.08 and **eliminate** this pre-existing non-conforming condition.

2. Section 175-19A.(3)(b) – The Ordinance does not permit accessory uses, buildings, and structures to encroach into the side yard. The existing tennis court is partially located within the eastern side yard. It should be noted that the Applicant proposes to remove the tennis court, which would **eliminate** this pre-existing non-conforming condition.
3. Section 175-19A.(4)(c) – The Ordinance permits encroachments into the rear yard provided no encroachment is within ten feet of any rear lot line. The existing pergola is 4.67 feet from the rear lot line, the existing tennis court is approximately 4.25 feet from the rear lot line, the existing wood deck near the pool is 1.58 feet from the rear lot line, and the existing pool equipment extends beyond the rear lot line by approximately 1.33 feet. It should be noted that the Applicant proposes to eliminate the pergola, tennis court, and wood deck and proposes to relocate the pool equipment 10 feet from the rear lot line, which would **eliminate** these pre-existing non-conforming conditions.
4. Section 175-19B.(2) – The Ordinance requires all accessory buildings, uses, and structures or improvements to comply with the side yard setback requirement. The R-BB District requires a 25-foot side yard setback. The existing tennis court is approximately 14 feet from the eastern side lot line. It should be noted that the Applicant proposes to remove the tennis court, which would **eliminate** this pre-existing non-conforming condition.
5. Section 175-19B.(3) – The Ordinance requires all accessory buildings, uses, and structures or improvements to be setback at least ten feet from the rear property line. As noted above, the existing pergola, tennis court, wood deck and pool equipment are within ten feet of the rear lot line. It should be noted that the Applicant proposes to remove the existing pergola, tennis court, and wood deck and relocate the pool equipment, which would **eliminate** these pre-existing non-conforming conditions.

C. Variance Proofs

"C" Variances

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involves the C(2) or flexible "C" variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

D. Waivers

The Application requires the following waivers:

1. Section 153-18D.(1) – Waiver for lot size. The Ordinance does not permit lot dimensions and area to be less than required by Chapter 175. In this case, the R-BB District requires a minimum lot size of 30,000 square feet and lot frontage of 150 feet.

As detailed in Section B, Proposed Lots 3.08 and 3.09 do not comply with the minimum lot area and lot frontage of the R-BB District. **The Subdivision Plans do not request this waiver.**

E. Comments

Based on our review of the above-referenced materials, we offer the following comments. Note that the current status of previously issued comments and new comments are provided in italics.

General

1. The Applicant's professionals must provide testimony to support the grant of the "C" variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. Based on our review of the submitted Plans and documents, we have identified one variance and design waiver that has not been requested or identified by the Applicant. The Subdivision Plans shall be revised to list all required relief or amended to comply with the Ordinance. This can be a **condition** of any potential Board approval.

*As of June 30, 2025, the Subdivision Plans have not been revised to note the variance from Section 175-8 and Waiver from Section 153-18D.(1). The Subdivision Plans shall be revised to list this relief, which can be a **condition** of any potential Board approval.*

3. The Boundary and Topographic Survey that was submitted is not signed or sealed and it is marked "preliminary". It is unclear what purpose this document serves when it is not a final, signed survey. Testimony shall be provided.

Sheet 3 of the Subdivision Plans contains a signed and sealed Boundary and Topographic Survey. This comment has been addressed.

Minor Subdivision

4. The Survey on Sheet 3 of the Subdivision Plans indicates existing Lot 3.07 is 49,814.8 square feet. However, Sheet 2 of the Subdivision Plan indicates Proposed Lot 3.08 is 25,047.414 square feet and Proposed Lot 3.09 is 24,768.2328 square feet, which totals 49,815.6468 square feet. This does not match the area noted on the Survey. This discrepancy shall be eliminated. Testimony shall be provided regarding the correct figure.

The Boundary and Topographic Survey on Sheet 3 indicates Lot 3.07 is 49,814.8 square feet. Robert Costa, the Applicant's Engineer, testified at the June 4, 2025 hearing that the subject property is 49,815 square feet and each proposed lot is approximately 25,000 square feet. However, the specific area of each lot was not given to verify the numbers provided on the Subdivision Plan. The revised Subdivision Plans still provide the lot areas noted above. The

*Subdivision Plan shall be revised to eliminate this discrepancy, which can be a **condition** of any potential Board approval.*

5. The Zoning Schedule on Sheet 2 of the Subdivision Plan indicates the required front yard setback of the R-BB District is 35 feet. However, the Limiting Schedule (Section 175-16) requires a 50-foot front yard setback in the R-BB District. There is a footnote in the Limiting Schedule that an alternative front yard setback is required, which conforms to the established average setback on the street on which the lot fronts. The Ordinance requires an analysis of lots within the same district, within 300 feet on each side of the lot, but not beyond any intersecting streets. No analysis or map of adjacent homes has been included on the plan. Additional information shall be submitted to verify 35 feet is the correct front yard setback.

*Mr. Costa presented Exhibit A-2 at the June 2025 hearing, which provided the average front yard setback calculation based on the setbacks of existing dwellings within 300 feet of the subject property. The average front yard setback was determined to be 51.33 feet. Mr. Costa testified that the dwelling on Proposed Lot 3.09 is shown with a 51.09-foot front yard setback and that the dwelling will be shifted to the north approximately four inches to comply with the average front yard setback requirement. However, the revised Subdivision Plan still illustrates the dwelling with a 51.09-foot front yard setback. Additionally, the 35-foot front yard setback line is still illustrated on the plan and noted in the Zoning Schedule instead of the 51.33-foot average front yard setback requirement. The Subdivision Plans shall be revised to relocate the dwelling to comply with the average front yard setback requirement, to correct the Zoning Schedule, and to illustrate the average front yard setback line. This can be a **condition** of any potential Board approval.*

6. The Zoning Schedule indicates the existing building coverage of Lot 3.07 is 11.63%, which is a pre-existing non-conforming condition. However, a building coverage of 11.63% is less than the maximum building coverage of 15% permitted in the R-BB District. Therefore, this coverage actually complies with the Ordinance. The Zoning Schedule shall be revised accordingly. This can be a **condition** of any potential Board approval.

*As of June 30, 2025, the Zoning Schedule has not been revised to eliminate the pre-existing non-conforming condition notation for existing building coverage. Amending the table can be a **condition** of any potential Board approval.*

7. The Zoning Schedule indicates the proposed livable floor area is 21.53% of Proposed Lot 3.08 and 22.5% of Proposed Lot 3.09. However, a calculation of the livable floor area for the existing dwelling and for the proposed dwelling have not been provided. Therefore, this office is not able to verify these numbers. It should be noted that the livable floor area on Proposed Lot 3.09 is the maximum permitted in the R-BB District. The Applicant shall submit a detailed calculation of the livable floor area to confirm compliance with the Ordinance.

Mr. Costa presented Exhibit A-1 at the June 2025 hearing, which provided a calculation of the proposed livable floor area of Proposed Lots 3.08 and 3.09. According to the Exhibit, the livable floor area on Proposed Lot 3.08 is 5,060 square feet or 20.2% of the proposed lot area and the

livable floor area on Proposed Lot 3.09 is 5,402 square feet or 21.81% of the lot area, both of which comply with the Ordinance. This information has been added to Sheet 2 of the Subdivision Plan. This comment has been addressed.

8. The Zoning Schedule indicates the building height of the dwelling on Proposed Lot 3.09 is "to conform". Sheet A-1 of the New Residence Architectural Plans indicates the height of the proposed dwelling is 30 feet from the average grade (elevation 71 feet) to the high point of the roof. Based on this information, the height of the proposed dwelling on Proposed Lot 3.09 complies with the R-BB District building height limitation of 30 feet.

Exhibit A-1 also contained detailed building height calculations for the existing dwelling and proposed dwelling, measured from the average grade to the high point of the roof. Sheet 2 has been revised to provide the Building Height Calculations, which indicate the existing dwelling is 25.45 feet tall measured from an average grade of 76.65 feet to a roof peak of 102.19 feet and the proposed dwelling is 29.41 feet tall measured from an average grade of 71.59 feet to a roof peak of 101 feet. Based on the information provided, both dwellings comply with the maximum building height limitation. This comment has been addressed.

9. Section 175-24N requires swimming pools to be enclosed by a fence at least 48 inches tall with a self-latching, self-closing gate at the same height of the fence. The Applicant proposes fences to enclose the side and rear yards of Proposed Lots 3.08, which contains an existing pool, and 3.09, which is proposed to have a pool. According to the Solid PVC Fence detail on Sheet 4 of the Subdivision Plan, the proposed fence is five feet, ten inches tall plus a two-inch gap below the bottom rail for an overall height of six feet. However, it is unclear if the proposed fence will have the required self-latching and self-closing gates. Testimony shall be provided to clarify and determine compliance.

It remains unclear if the proposed fence gates will have self-latching, self-closing gates. Testimony shall be provided to clarify.

10. The Borough recently amended Chapter 163 in its entirety via Ordinance No. 1121-23 on June 26, 2023. Section 163-19C provides the tree mitigation requirements for removed trees. Based on the information provided, it is unclear if the proposed driveway on Proposed Lot 3.08 and proposed dwelling and associated site improvements on Proposed Lot 3.09 will require the removal of any existing trees. The Applicant shall submit additional information to clarify the number and size of existing trees to be removed. Additionally, the removed trees shall be identified on the Subdivision Plans. Until this information is provided, it is unclear how many trees are being removed and how many replacement trees are required.

The Applicant shall note that the removal of trees that are dead, dying, or pose a safety hazard do not require replacement trees.

Mr. Costa testified at the June 2025 hearing that three trees are proposed to be removed. However, the revised Subdivision Plan has not identified the trees to be removed. On Proposed Lot 3.09, there is an existing tree of unknown size at the front of the proposed driveway, a 36-inch

*tree within the proposed paver walkway, and an existing 72-inch cluster tree within the footprint of the proposed dwelling. The Applicant shall provide **testimony** to confirm the trees to be removed and shall **revise** the Subdivision Plan to illustrate the tree removal.*

*Additionally, Mr. Costa testified that the Applicant would comply with the tree replacement requirements. However, the location and size of each tree to be removed has not been provided and no proposed trees are illustrated on the Subdivision Plan. The Applicant shall revise the Plans to include this information to confirm compliance. If the Board is inclined, this can be a **condition** of approval.*

11. Bedroom 2 on the Second Floor Plan on Sheet A-2 of the new Residence Architectural Plans does not illustrate a door opening into the room. This drafting error shall be eliminated.

*As of June 30, 2025, the Applicant has not submitted revised Architectural Plans. Therefore, this comment remains **outstanding**.*


12. *Sheet 2 of the Subdivision Plans no longer notes the existing improvements proposed to be removed as shown on the Subdivision Plan last revised on April 10, 2025. This includes the existing driveway, portion of the existing dwelling, tennis court, pergola, wood decks, etc. However, the coverage information on Sheet 2 still indicates these existing improvements will be removed. The Applicant shall provide **testimony** to clarify and confirm what improvements will be removed. Additionally, if the Board is inclined to approve the Application a **condition** of any Board approval should be the submission of a revised Sheet 2 that clearly labels all features to be removed.*

13. *There appears to be a typographical error in the Zoning Schedule on Sheet 2. The frontage of Proposed Lot 3.09 is notated on the plan as 144.89 feet. However, the Zoning Table indicates the frontage is 144.90 feet. If the Board is inclined to approve the Application, correcting the table should be a **condition** of approval.*

Should you have any questions concerning the above comments, please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Sincerely,

Colliers Engineering & Design



Darlene A. Green, PP, AICP
Borough Planner

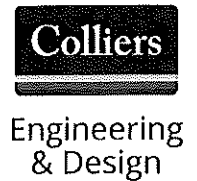
cc: Tim Woods, Board Chair (via email timwoods12@gmail.com)
Danielle Federico, Board Attorney (via email dfederico@csglaw.com)
Nick Chelius, Board Engineer (via email nick.chelius@collierseng.com)
BF Development, LLC, Applicant (via email austin@blackfalcon.com)

Matthew Capizzi, Applicant's Attorney (via email matthew@capizzilaw.com)
Robert Costa, Applicant's Engineer (via email robertc@costaeng.com)
Piero Gabucci, Applicant's Architect (via email piero@axis-ag.com)

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- ¹ Image courtesy of <https://www.nearmap.com/us/en>, dated March 19, 2025.
- ² On all streets other than Knickerbocker Road, Hardenburgh Avenue, County Road, Anderson Avenue, Piermont Road, and Lenox Avenue, an alternate setback will be required, conforming to the established average setback on the street on which the lot fronts, within the same district and within 300 feet on each side of the lot along the same side of the street, but not beyond any intersecting streets, established by three or more houses.
- ³ For other than rectangular lots, a rear yard width is required that is equal to the frontage requirement in the district, such width to be measured between points on each side line which are distant from the frontage line the number of feet specified as the minimum lot depth requirement in the district, such side line points to be measured at right angles to the frontage line. This requirement applies to all residence districts.
- ⁴ Measured from the average natural grade around the perimeter of the proposed structure. No more than 50% of the roof area shall exceed the specified average height. Flat roofs above 30 feet in height are expressly prohibited in all zones.
- ⁵ Maximum livable floor area (as defined in §175-27) is calculated as a square foot percentage of the total square footage of the lot to be developed.
- ⁶ The part of the site that is covered by buildings or accessory buildings; impervious or pervious tennis courts, basketball courts, decks, swimming pool decks, patios, firepits, hot tubs, or other recreational structures or improvements; impervious or pervious parking areas, driveways, walls, walkways, pavers, or similar improvements; and any other structures or impervious surfaces. Total improved lot coverage shall not exceed 30% of the lot area. The percentage of the lot to be used for the principal residential use and all vehicle access and parking areas shall not be greater than 25%.

400 Valley Road Suite 304
Mt. Arlington, NJ 07856
Main: 877 627 3772



May 2, 2025

Michael Greco, Board Secretary
Zoning Board of Adjustment
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

7 Christie Street
Block 38 Lot 653
Borough of Demarest, Bergen County, NJ
Zoning Board Application Engineering Review
Colliers Engineering & Design Project No. DEZ0050

Dear Mr. Greco,

Pursuant to your request, our office has reviewed the following plans and other documents filed by the Applicant in support of a Variance Application. The Applicant is proposing to a new dwelling with associated driveway, walkways, patio, deck with pergola, drainage improvements and other related improvements.

- a) Site plans consisting of nine (9) sheets, prepared and signed by Michael Dipple, PE, of L2A Land Design, LLC, dated October 1, 2024;
- b) Architectural Plans consisting of six (6) sheets, prepared and signed by Robert E. Zampolin, A.I.A, dated March 5, 2025;
- c) Topographic survey of the property consisting of one (1) sheet, prepared and signed by William Buchok, PLS, of Lakeland Surveying, dated June 10, 2024;
- d) Deed for the subject property;
- e) Zoning Officer denial letter dated March 11, 2025, prepared and signed by Michael Greco;
- f) Variance Application for the subject property and attachments.

The Property Owner/Applicant is:

7 Christie Street LLC
c/o Matthew Capizzi, Esq
205 Fairview Avenue
Westwood, NJ 07675

The Applicant/Owner shall notify the Borough of Demarest Zoning Board of Adjustment of any changes to the above information.

Engineering Review

I. Project Description & Location

According to the site plans, the site is currently occupied by a single-family dwelling with associated driveway, walkways, and other related improvements. The Applicant is proposing to construct a new dwelling with associated driveway, walkways, patio, deck with pergola, drainage improvements and other related improvements.

The property is an undersized rectangular shaped parcel consisting of 8,000 SF. The property is located north of Hardenburg Avenue with frontage on Christie Street. The property is located in the residence D Zone according to the Borough Zoning Map.

The property is located in Zone X (area determined to be outside the 0.2% annual chance floodplain) as shown on the Flood Insurance Rate Map (FIRM) for the Borough of Demarest dated August 2019.

II. Zoning Requirements & List of Variances / Waivers Requested

A. Bulk Zoning Requirements:

Zone: R-D

Use: Single Family Residential

Description	Required	Existing	Proposed	Complies
Lot area**	10,000 sf.	8,000 sf.	8,000 sf.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Lot Frontage**	100 ft.	80.00 ft.	80.00 ft.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Lot depth	100 ft.	100.00 ft.	100.00 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Front yard setback	25 ft.	18.20 ft.	25.00 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side yard setback	10 ft.	20.49 ft.	13.83 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rear yard depth	30 ft.	33.50 ft.	33.50 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Maximum Permitted Height	30 ft.	N/A	29.96 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Max Building Coverage*	20 %	12.78%	23.55 %	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Max. Improved Coverage*	30 %	22.40%	36.45 %	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Max. Residential & Parking Coverage*	25 %	21.00%	30.24 %	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Livable Floor Area	30%	N/A	37.38%	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

N/A = not applicable

* = variance required

** = pre-existing non-conformance

B. The Following Variances Appear to be Required:

1. Minimum Lot Area – There is a pre-existing non-conformance for lot area of 8,000 SF where a minimum of 10,000 SF is required. The Applicant does not propose to acquire additional property to bring lot area into conformance.
2. Minimum Lot frontage – There is a pre-existing non-conformance for lot frontage of 80.00 ft where a minimum of 100 ft is required. The Applicant does not propose to acquire additional property to bring lot frontage into conformance.
3. Maximum Building Coverage - The Applicant is seeking a building coverage of 1,884 SF (23.55%) where a maximum of 20% is permitted.
4. Maximum Improved Coverage – The Applicant is seeking improved coverage of 2,916.02 SF (36.45%) where a maximum of 30% is permitted.

It should be noted that the "Coverage Summary" table on sheet C-03 of the site plans indicates a total improved coverage of 2,916.02 SF where the net change calculation below indicates proposed coverage is 2,943.42 SF (36.79%). The Applicant should provide testimony to clarify the discrepancy.

5. Maximum Residential and Parking Coverage – The Applicant is seeking residential and parking coverage of 2,419.5 SF (30.24%) where a maximum of 25% is permitted.

It should be noted that the "Coverage Summary" table on sheet C-03 of the site plans indicates residential and parking coverage of 1422.24 SF (30.24%) where the net change calculation below indicates proposed residential and parking coverage is 2,425.5 SF (30.32%). The Applicant should provide testimony to clarify the discrepancy.

6. Maximum Livable Floor Area – The Applicant is seeking a livable floor area of 2,990 SF (37.38%) where a maximum of 30% is permitted.

It should be noted that Livable Floor Area is calculated using the aggregate of the livable space in the first and second floor. Prior interpretations of the ordinance suggest that finished basements (or any other heated/cooled spaces) should be included in the calculation. The Architectural plans indicate that the basement is a total of 1,719 SF which would increase livable floor area to 4709 SF (58.86%)

III. Technical Review

- A. The Applicant is proposing to increase improved lot coverage from 1,792.45 SF (22.40%) to 2,916.02 SF (36.45%) with a net increase in coverage of 1,123.57 SF.
- B. The Applicant is proposing one (1) precast concrete drywell to collect and store stormwater runoff from what appears to be the roof area of the proposed dwelling. We offer the following comments related to the drainage design:
 1. The Applicant has provided design calculations which indicate approximately 1,890 SF of roof area being collected and conveyed to the proposed drywell. The Applicant

has provided adequate storage for this drainage area. We take no exception to the calculations provided.

2. It is suggested that the drywells are located further from the property boundary if feasible. CED typically recommends at least fifteen (15) feet from property boundaries.
- C. The Applicant proposes to remove eleven (11) trees to construct the proposed improvements. The Applicant should confirm in testimony if there are any additional trees or other improvements that may be impacted by the proposed construction.
 - D. The site plan indicates the Applicant is proposing HVAC equipment and a Generator in the southern side yard area of the property.
 - E. The Applicant should provide a detail of the proposed pergola including dimensions and height. The pergola should comply with 175-19(B)1. It should be noted that the pergola is proposed on top of an elevated deck. The height of the deck is not provided on the plans although it appears to be approximately 10-11 feet above grade based on the architectural elevations.
 - F. The Applicant has depicted existing and proposed contours on the property. We offer the following comments related to grading:
 1. Under existing conditions, the site drains generally from south to north. The highest point of the property is along the southern side property boundary where elevations are approximately 50.5 and the lowest point of the property is in the northeastern corner adjacent to the neighboring property, where elevations are approximately 46.
 2. Under proposed conditions, the high and low points are generally maintained, and drainage patterns should not be substantially impacted. Grading changes appear to be minor in nature and do not exceed more than one (1) foot in most locations.
 3. The site plans do not appear to show any proposed grading at the rear of the property. Testimony should be provided regarding any additional grade changes on the property.
 - G. The Applicant has not indicated how much soil is to be moved to construct the proposed improvements. Should the Board act favorably upon this application, the Applicant shall provide cut and fill calculations for all proposed improvements with the submission of the soil movement application. The Applicant should be aware that any soil movement quantity in excess of 250 CY will require mayor and council approval pursuant to Chapter 147 of Borough Ordinance.
 - H. Should the Board act favorably upon this application, the Applicant is hereby made aware that drainage issues may arise during or after the proposed construction. It will be the Applicant's responsibility to remedy any drainage issues caused by the proposed improvements. In addition, water runoff directed to neighboring properties is prohibited. If runoff water does enter neighboring properties as a result of the proposed



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improvements, the Applicant will be responsible to remedy the situation at no cost to the Borough.

Should you have any questions, you may contact me at (201) 775-1283.

Sincerely,

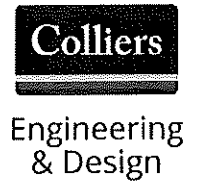
Colliers Engineering & Design

A handwritten signature in black ink, appearing to read "N. Chelius", written over a horizontal line.

Nick Chelius, P.E.
Zoning Board Engineer

cc: Board Members (via Zoning Board Secretary)
Michael Greco, Zoning Board Secretary (mgreco@demarestnj.gov)
Michael E. Dipple, Applicant's Engineer (mdipple@l2alanddesign.com)
Robert Zampolin, Applicant's Architect (bob@zampolin.com)
Matthew G Capizzi, Applicant's Attorney (matthew@capizzilaw.com)

Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, New Jersey 08827
Main: 877 627 3772



May 30, 2025

PLANNING REPORT

Joint Planning Board
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

RE: 7 Christie Street, LLC

7 Christie Street
Block 38, Lot 653
Review Letter #1
Project No. DEP-0229

Dear Board Members,

7 Christie Street, LLC, the Applicant, seeks variance relief to permit the construction of a new single-family dwelling on the subject property. Proposed site improvements include the new dwelling, driveway, front walkway, a rear deck and patio, grading, stormwater management facilities, and landscaping. The Applicant intends to remove the existing dwelling and all existing site improvements in order to construct the proposed site improvements. The Application requires "C" variances and a waiver, which are detailed in Sections B and D.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Plans entitled "Variance Application; Proposed Single-Family Residential Dwelling", prepared by Michael E. Dipple, PE of L2A Land Design, LLC, dated October 1, 2024, signed on March 4, 2025, consisting of 9 sheets.
2. Plans entitled "Proposed Single Family", prepared by Robert E. Zampolin, AIA of Zampolin & Associates Architects, dated May 19, 2025, consisting of 6 sheets.
3. Survey entitled "Topographic Survey of Property", prepared by William C. Buchok, PLS of Lakeland Surveying, Inc., dated April 15, 2024, revised through June 10, 2024, consisting of 1 sheet.
4. Variance Application, dated April 15, 2025.
5. Copy of Deed, recorded on April 24, 2024.
6. Letter entitled "Single-Family Residential Addition", prepared by L2A Land Design, LLC, dated March 6, 2025, consisting of 2 pages.
7. Denial of Application Letter, prepared by M. Greco, Zoning Department, dated March 19, 2025, consisting of 1 page.

A. Existing Zoning and Surrounding Land Use

The subject property is in the Residential R-D District along the west side of Christie Street. The property is surrounded by single-family residential dwellings. See the image below for the approximate location of the subject property shown in red.¹



Yard and bulk requirements in the R-D District are:

- Minimum Lot Frontage – 100 feet
- Minimum Lot Depth – 100 feet
- Minimum Lot Area – 10,000 square feet
- Minimum Front Yard Setback – 25 feet²
- Minimum Side Yard Setback (abutting a street) – 25 feet
- Minimum Side Yard Setback (abutting a lot) – 10 feet
- Minimum Rear Yard Setback – 30 feet³
- Maximum Number of Families per Building – 1
- Maximum Building Coverage – 20%
- Maximum Building Height – 24 feet/30 feet⁴
- Maximum Livable Floor Area – 30%⁵
- Maximum Improved Lot Coverage – 30%⁶
- Maximum Residential and Parking Coverage – 25%

B. Variances

Based on the information provided, the Application requires the following D variance:

1. Section 175-16 – D(4) variance for livable floor area (floor area ratio). The Ordinance limits livable floor area to 30% of the lot area. In this case, livable floor area is limited to 2,400 square feet.

The Applicant proposes a livable floor area of 2,990 square feet, or 37.38% of the lot area.

Additionally, the following “C” variances are required.

1. Section 175-16 – Variance for building coverage. The Ordinance limits building coverage to 20% of the lot area. In this case, building coverage is limited to 1,600 square feet.

The Applicant proposes 2,208.35 square feet of building coverage, or 27.6% of the lot area, which includes the dwelling (1,884 square feet), patio (165.68 square feet), deck (158.68 square feet).

2. Section 175-16 – Variance for improved lot coverage. The Ordinance limits improved lot coverage to 30% of the lot area. In this case, improved lot coverage is limited to 2,400 square feet.

The Applicant proposes 2,916.02 square feet of improved lot coverage, or 36.45% of the lot area, which includes the dwelling (1,884 square feet), patio (165.68 square feet), deck (158.68 square feet), driveway (535.5 square feet), front walkway (99.42 square feet), concrete pad (36 square feet), and window wells (36.75 square feet).

3. Section 175-16 – Variance for residential and parking coverage. The Ordinance limits the coverage of residential and parking improvements to 25% of the lot area. In this case, residential and parking coverage is limited to 2,000 square feet.

The Applicant proposes 2,419.5 square feet of residential and parking coverage, or 30.24% of the lot area, which includes the dwelling (1,884 square feet) and driveway (535.5 square feet).

4. Section 175-19A.(1)(c) – The Ordinance does not permit decks, platforms, and porches, whether roofed or unroofed, enclosed or unenclosed, as structural features to encroach into any yard.

The Applicant proposes a deck with a pergola and an at-grade patio within the rear yard. (Note that the definition of “Deck” includes structures on, above, or below grade.)

Additionally, the following pre-existing non-conforming conditions exist:

1. Section 175-16 – The Ordinance requires a minimum lot size of 10,000 square feet in the R-D District. The subject property is only 8,000 square feet.



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2. Section 175-16 – The Ordinance requires a minimum lot frontage of 100 feet. The subject property only has 80 feet of frontage along Christie Street.
3. Section 175-16 – The Ordinance requires a minimum front yard setback of 25 feet. The existing front yard setback is 18.2 feet. It should be noted that the Applicant proposes to demolish the existing dwelling, which would **eliminate** this pre-existing non-conforming condition.
4. Section 175-19A.(3) – The Ordinance does not permit accessory uses, buildings, or structures to encroach into the side yard. The existing shed on the north side of the dwelling and the existing stone patio on the south side of the dwelling encroach into the side yard. It should be noted that the Applicant proposes to remove all existing improvements including the shed and stone patio, which would **eliminate** these pre-existing non-conforming conditions.

C. Variance Proofs

D(4) Variance

The Board should note that the court found, in Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285 (1994), that the Applicant need not show "special reasons" that a site is particularly suited for more intensive development if the use is permitted. The Applicant is only required to demonstrate that the site will accommodate the problems associated with a larger floor area than that permitted by Ordinance. These problems typically involve the relationship of the proposal to the neighboring properties, such as intrusion into the side yard or visual incompatibility with the existing and surrounding buildings. The Board needs to determine whether the intent of zone plan and zoning ordinance will be substantially impaired by the proposed increased floor area.

"C" Variances

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involves the C(2) or flexible "C" variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

D. Waivers

The Application does not require any waivers:

E. Comments

Based on our review of the above-referenced materials, we offer the following comments.

General

1. The Applicant's professionals must provide testimony to support the grant of the D(4) variance and "C" variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. Based on our review of the submitted Plans and documents, we have determined the variance for the encroachment of the proposed AC units and generator is not required.
3. It should be noted that based on aerial imagery from NearMap, the existing dwelling and improvements depicted on the Survey and Sheet C-02 of the Site Plans have been removed at some point between June 14, 2024 and October 4, 2024.

Site Plans

4. The Zoning Analysis on Sheet C-03 indicates the rear yard width is a pre-existing non-conforming condition. However, Footnote A of the Limiting Schedule states, "For other than rectangular lots, a rear yard width is required that is equal to the frontage requirement in the district..." The subject property is rectangular and therefore, this requirement is not applicable. The Zoning Analysis shall be revised to reflect this information, which can be a **condition** of any potential Board approval.
5. The Zoning Analysis indicates the proposed building coverage is 23.55%. The Coverage Summary on Sheet C-03 indicates the coverage only includes the 1,884 square foot dwelling. However, the Ordinance defines "Coverage, Maximum" as "That percentage of the plot or lot area covered by the principal building and the accessory use building and/or structure." The definition of "Use, Accessory (Building, Structure)" includes decks and patios as accessory structure examples. Therefore, the area of the proposed deck and patio are included in the proposed building coverage calculation. This results in a proposed building coverage of 2,208.35 square feet or 27.6% of the lot area. The Applicant shall revise the Zoning Analysis and Coverage Summary to reflect the proposed building coverage, which can be a **condition** of any potential Board approval.
6. The Zoning Analysis indicates the proposed height of the dwelling is 29.96 feet. Footnote 2 of the Zoning Analysis indicates the proposed height is measured from the average grade of 49.03 feet to the roof peak at 79.88 feet. A calculation of the average grade is provided on Sheet C-03 of the Site Plans. The Elevations on Sheets A200 and A201 illustrates a proposed height of 29 feet, 11.5 inches, which matches the information provided on the Site Plans. Based on this information, the height of the proposed dwelling complies with the R-D District building height limitation of 30 feet.

It should be noted that the Limiting Schedule indicates the maximum building height of the R-D District is "24/30" feet. For the purposes of this reviewed, we have noted the permitted building height as 30 feet, which is the same as the R-B and R-BB Districts. This office is unaware if the Board has made an interpretation of the permitted building height in the R-D District.

Architectural Plans

7. The Basement Plan on Sheet A101 shows the footprint of the at-grade patio adjacent to the exercise/gym room, which coincides with the kitchen area on the First Floor Plan on Sheet A102. However, the Site Plans illustrate the proposed deck in this area. The proposed patio is located at grade adjacent to the family room in the basement and living room on the first floor. These discrepancies shall be eliminated, which can be a **condition** of any potential Board approval.
8. The First Floor Plan indicates the living area is 1,420 square feet and the Second Floor Plan indicates the living area is 1,570 square feet. However, it is unclear if these areas exclude the open area in between the staircase that appears to extend from the basement to the second floor. Additionally, it is unclear if the second-floor area excludes the doubled ceiling height of the entry/foyer area. Testimony shall be provided to clarify the first and second floor areas, which may affect the proposed livable floor area.

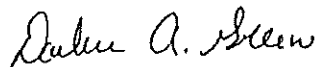
Landscaping

9. The Borough recently amended Chapter 163 in its entirety via Ordinance No. 1121-23 on June 26, 2023. Section 163-19C provides the tree mitigation requirements for removed trees. Section 163-19C.(2) provides the mitigation required for removed trees based on the diameter of the removed tree. The Existing Conditions and Demolition Plan on Sheet C-02 indicates the Applicant proposes to remove 11 existing trees including one six-inch-diameter tree, an eight-inch diameter tree, five 12-inch diameter trees, one 18-inch diameter tree, a 24-inch diameter tree, and two 48-inch diameter trees. However, the eight-inch and two 48-inch trees are noted to be dead, which do not require mitigation pursuant to Section 163-19C.(1). Therefore, six mitigation trees are required for the six-inch tree and five 12-inch trees to be removed, two mitigation trees are required for the 18-inch tree to be removed, and three mitigation trees are required for the 24-inch tree to be removed, which totals 11 mitigation trees. The Applicant proposes 11 trees, which complies with the tree mitigation requirements.
10. The Landscaping Plan illustrates two proposed "AF" trees on the south side of the property. However, the Planting Schedule indicates two "AR" Armstrong Maple trees are proposed. It appears the trees were mislabeled as "AF". This drafting error shall be eliminated, which can be a **condition** of any potential Board approval.
11. The label for the three Eastern Hemlock trees indicates there are four trees proposed. This discrepancy shall be eliminated, which can be a **condition** of any potential Board approval.

Should you have any questions concerning the above comments, please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Sincerely,

Colliers Engineering & Design



Darlene A. Green, PP, AICP
Borough Planner

cc: Tim Woods, Board Chair (via email timwoods12@gmail.com)
Danielle Federico, Board Attorney (via email dfederico@csglaw.com)
Nick Chelius, Board Engineer (via email nick.chelius@collierseng.com)
Matthew Capizzi, Applicant's Attorney (via email matthew@capizzilaw.com)
Michael Dipple, Applicant's Engineer (via email mdipple@l2alanddesign.com)
Robert Zampolin, Applicant's Architect (via email bob@zampolin.com)

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¹ Image courtesy of <https://www.nearmap.com/us/en>, dated March 19, 2025.

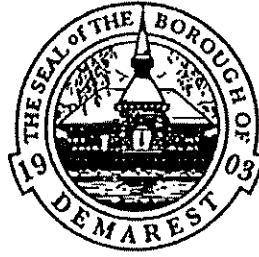
² On all streets other than Knickerbocker Road, Hardenburgh Avenue, County Road, Anderson Avenue, Piermont Road, and Lenox Avenue, an alternate setback will be required, conforming to the established average setback on the street on which the lot fronts, within the same district and within 300 feet on each side of the lot along the same side of the street, but not beyond any intersecting streets, established by three or more houses.

³ For other than rectangular lots, a rear yard width is required that is equal to the frontage requirement in the district, such width to be measured between points on each side line which are distant from the frontage line the number of feet specified as the minimum lot depth requirement in the district, such side line points to be measured at right angles to the frontage line. This requirement applies to all residence districts.

⁴ Measured from the average natural grade around the perimeter of the proposed structure. No more than 50% of the roof area shall exceed the specified average height. Flat roofs above 30 feet in height are expressly prohibited in all zones.

⁵ Maximum livable floor area (as defined in §175-27) is calculated as a square foot percentage of the total square footage of the lot to be developed.

⁶ The part of the site that is covered by buildings or accessory buildings; impervious or pervious tennis courts, basketball courts, decks, swimming pool decks, patios, firepits, hot tubs, or other recreational structures or improvements; impervious or pervious parking areas, driveways, walls, walkways, pavers, or similar improvements; and any other structures or impervious surfaces. Total improved lot coverage shall not exceed 30% of the lot area. The percentage of the lot to be used for the principal residential use and all vehicle access and parking areas shall not be greater than 25%.



**Borough of Demarest
Planning Board Regular Meeting
MINUTES**

June 4, 2025

7:30 PM

DEMAREST BOROUGH HALL

The Borough of Demarest Planning Board held a special meeting on WEDNESDAY, JUNE 4, 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:

Todd Adelman, Theodore Alevrontas, Mayor Brian Bernstein, Jodi Brenner, Kiran Chin, Camille DiSclafani, Councilwoman Daryl Fox, Fatemah Mamdani, Timothy Woods, Mary Hamilton

MEMBER(S) ABSENT:

N/A

ALSO PRESENT:

Danielle Federico – Attorney, Austin Bejin – Planner, Nick Chelius – Engineer, Michael Greco – Secretary, Zoning Officer

RESOLUTIONS

Resolution JPB-007-25, JPB-25-003, 17 Laurel Road

A motion was made to approve Resolution JPB-007-25, by Mayor Bernstein and was seconded by Mr. Adelman.

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	yes	Mr. Alevrontas:	yes	Mayor Bernstein:	yes
Vice Chair Brenner:	yes	Ms. Chin:	yes	Ms. DiSclafani:	yes
Councilwoman Fox:	yes	Ms. Mamdani:	yes	Chair Woods:	n/e
Mrs. Hamilton:	n/e				

Motion passed

Resolution JPB-008-25, JPB-25-004, 17 Duck Pond Road

Councilwoman Fox asked for a change to the resolution to state that there was not an approval of the sports court and patio, instead that it was determined that they were in the rear yard.

A motion was made to approve Resolution JPB-008-25 as amended, by Councilwoman Fox 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	yes	Mr. Alevrontas:	yes	Mayor Bernstein:	yes
Vice Chair Brenner:	yes	Ms. Chin:	yes	Ms. DiSclafani:	yes
Councilwoman Fox:	yes	Ms. Mamdani:	yes	Chair Woods:	<i>n/e</i>
Mrs. Hamilton:	<i>n/e</i>				

Motion passed

CONCEPT DISCUSSION

232 County Road – Bed and Breakfast Concept Discussion

Ms. Federico explained to the board the purpose of the concept discussion and the board's role in this discussion.

Jonathan Kreiger, restaurant owner, Spring House, explained his idea to convert a large home in Demarest into a Bed and Breakfast and Restaurant, while keeping the building intact.

The board asked questions about the presentation on the topics of neighborhood disturbance, parking, keeping the entire building intact and additional uses of the property. In Ms. Chin and Mayor Bernstein expressed that they believed this could be an excellent use of the property in question, as opposed to a possible subdivision.

A motion was made to open the meeting to the public for comments on the concept discussion by Mayor Bernstein and was seconded by Mr. Adelman.

All in favor – Motion Passed.

No public in attendance sought to make comment.

A motion was made to close the meeting to the public for comments on the concept discussion by Mayor Bernstein and was seconded by Councilwoman Fox.

All in favor – Motion Passed.

NEW/CONTINUING APPLICATIONS

JPB-25-001 – 44 Pine Terrace – BF Development LLC

Matthew Capizzi, the applicant's attorney, introduced the application to the board as a proposed Subdivision of the property into two equal size lots, both require variances for lot dimensions and would remove existing bulk variances.

Robert Costa, Costa Engineering, 325 South River Street, Hackensack NJ, was sworn in by Ms. Federico, and had his credentials accepted by the board.

Mr. Capizzi introduced two exhibits to the board.

A1: Colorized version, pg. 2 revised 06/04/2025.

A2: Average Setback Study.

Mr. Costa presented the application to the board. Mr. Costa explained that the current lot is oversized with some existing non-conforming coverage variances. He stated that the new lots would require variances for lot size and lot frontage, but that they would remove the coverage variances.

Mayor Bernstein and Vice Chair Brenner asked questions about the existing coverage and if the removal of the tennis court meant less coverage overall.

Ms. Federico swore in the Board's professionals.

Mr. Chelius clarified the total lot coverage being presented.

Mayor Bernstein asked what the improved lot coverage would be if the structures were not removed.

Ms. Chin stated that the current improved lot coverage would be more than the combined coverage of the two proposed lots.

Councilwoman Fox clarified some abbreviated elements of the proposed plan.

Mr. Costa explained that the new proposal makes most of the requirements conform. He continued to explain the storm water management that the applicant would be adding to reduce storm water runoff for the neighbors.

Mayor Bernstein asked if they were familiar with the gate at the end of the unimproved portion of the road. Mayor Bernstein asked for the distance from the gate and if it would be affected by this. Mr. Costa explained that the gate would not be affected by the subdivision and clarified the distance.

Councilwoman Fox asked if the plan would be correcting an existing non-conformity and Mr. Costa confirmed that they would.

Mr. Costa then explained the drainage design.

Vice Chair Brenner asked if there were any prior variances on the current lot. Mr. Costa explained that he was not able to uncover any.

Mayor Bernstein asked a question about the existing house and if it would remain and with what owner.

Mr. Capizzi explained that a new owner would be moving into the original house and the new house, but it is not determined at this time who will be occupying the home.

Ms. Chin asked if the architectural drawing is what would be going up or is it only a possibility, Mr. Capizzi explained that the rendition is a very close rendition of the house they seek to build.

Mayor Bernstein asked the applicant to clarify the difference between a major and minor subdivision.

Mr. Costa explained that the subdivision is a minor one and explained why.

Mr. Costa explained that due to the area being affected, this application is not a major development and though it does not require strict storm water management measures, the applicant is still proposing more than enough storm water management.

Mr. Bejin, the Board's Planner, explained the difference between major and minor subdivisions at Chair Woods request. Austin stated that the application is a minor subdivision.

Ms. Chin asked if the street has other undersized lots.

Mayor Bernstein asked about drainage for the new and existing homes.

Mr. Costa explained that from a drainage perspective the proposed would be a better configuration than the existing.

Mr. Costa stated that the applicant would be happy to increase the drainage if it becomes necessary during the engineering review.

Councilwoman Fox asked for clarification on the variances required. Mr. Bejin clarified the variances needed for each lot.

Chair Woods let the public know that the board will open up for questions and comments after all of the experts have presented.

Mr. Adelman asked if the grade would be raised. Mr. Costa stated that the grading on the proposed lot would be modified, but the grading around the existing home would stay the same, and the new grade will be very close to the existing.

Mr. Chelius asked if any consideration was given to drainage for lot 3.08 in the driveway as it currently slopes towards the house. Mr. Chelius recommended an inlet.

Mr. Chelius asked if the applicant intended to use pervious pavers. Mr. Costa explained that pervious pavers would be used for most of the outside structures, but not necessarily all throughout.

Mr. Costa stated that if the board requires pervious pavers, they would be happy to do that. Chair Woods clarified that pervious or impervious the areas are still coverage, with no credit.

Mayor Bernstein asked if the intention is to avoid raising the ground water. Mr. Costa explained that this is a requirement and that the use of seepage pits will be used to help prevent that.

Mr. Bejin asked if any calculation was done regarding the F.A.R. and Mr. Capizzi stated that the existing house would be below the maximum and the new house would comply with the maximum as well.

Mayor Bernstein asked who the applicant is. Mr. Capizzi stated that Austin Siboni is the applicant.

Pierro Gabucci, Axis Group Architects, 201 West Passaic Street, Rochelle Park NJ, was sworn in by Ms. Federico, and had his credentials accepted by the board.

Mr. Gabucci presented the application, showing the architectural drawings for the board. He testified that the F.A.R. of the two dwellings would be conforming to the code. He described the intention of the new building and the limited modifications on the existing building.

Michael J. Pessolano, New Jersey Planner, 140 Elmwood Avenue, Bogota NJ, was sworn in by Ms. Federico and had his credentials accepted by the board.

Mr. Pessolano presented to the board the application from a planning perspective.

Mr. Pessolano added Exhibit A3: a Map and Photo Exhibit prepared by himself, consisting of 6 sheets depicting various features that he will explain.

Mr. Pessolano gave explanations of the statutory criteria for approval of variances, explaining why the application is an improvement in the use of the land. Mr. Pessolano showed images depicting the neighboring properties and explained that the new homes would not be inconsistent with the homes on the street.

Mr. Pessolano spoke on the lot area, and showed that the properties surrounding the subject property are mostly undersized in the same way that the applicant is requesting for his proposed lots.

Mr. Pessolano presented the required positive and negative statutory criteria. He testified that the application meets the required criteria and the application warrants approval from the board.

Mayor Bernstein asked if there is current water flowing between the property and its neighboring properties. Mr. Pessolano explained that he is not an expert in this and does not have this information. Mayor Bernstein also asked about the change in driveways and the addition of another three-car garage, and whether the added cars create a greater disturbance for the neighborhood, especially as an unimproved road. Mr. Pessolano explained that he believes this to be a negligible disturbance, considering it is only to the homes with no traffic through. Mr. Pessolano stated that he did not perform an analysis of the dirt and dust disturbances on the road.

Chair Woods asked about the reduction of curb cuts. Mr. Pessolano explained this reduces the number of conflict points.

A motion was made to open the meeting to public question by Councilwoman Fox and seconded by Mayor Bernstein.
All in Favor – Motion Passed

Jeff Martaian, 59 Pine Terrace, asked a question about the impervious coverage. Mr. Capizzi explained that there will be an overall reduction of 6,000 sq. ft. of coverage.

Marvin Chudnoff, 62 Pine Terrace, asked about the ownership of the property and Mr. Capizzi clarified. Mr. Chudnoff asked a question about the coverage calculations. Mr. Chelius clarified the coverage.

With no further questions, a motion was made to close the meeting to public questions by Councilwoman Fox and seconded by Mayor Bernstein.
All in Favor – Motion Passed

A motion was made to open the meeting to public comment by Mayor Bernstein and seconded by Ted Alevrontas.
All in Favor – Motion Passed

Marvin Chudnoff, 62 Pine Terrace, was sworn in by Ms. Federico. Mr. Chudnoff expressed his concern over the application and stated that he was in opposition to it. He stated that the drainage on this street is bad and that he believed this application would exacerbate this issue.

Chair Woods stated that the engineer testified that the new construction would improve the drainage on this street, even if it won't solve it. Mr. Chelius confirmed that this is the view.

Mr. Chudnoff, the board and the applicant's attorney discussed the existing issues of the street and the land.

Mr. Costa explained to Mr. Chudnoff the improvements being added and the benefit of the application.

Mr. Chudnoff ended by re-expressing his opposition of the application.

Mayor Bernstein asked for some clarification on the drainage system. Mr. Capizzi clarified that the existing tennis court is larger than the house being proposed.

Mayor Bernstein stated concern over approving a plan with the expectation that it might work but might not and then they have to change the plan.

Councilwoman Fox suggested that the engineering plan would be subject to the engineer's approval, and that if there is an issue they would then have to fix that issue.

Mayor Bernstein clarified that he understands this but is concerned over approving a plan that might work.

Ms. Federico explained that the board can request additional information or could condition the plan that if the plan does not work, they must correct it.

Vice Chair Brenner asked how Nick came to his conclusion. Mr. Chelius explained his view of the drainage and advised that having the stipulation is enough.

Jeff Martaian, 59 Pine Terrace, was sworn in by Ms. Federico. Mr. Martaian asked a question about the pervious pavers and his concern that they lose their pervious nature. Chair Woods explained that the board does not treat pervious as any different, and so the coverage is the same regardless of pervious or impervious.

With no more public seeking to make a comment, a motion was made to close the meeting to public comment by Councilwoman Fox and seconded by Mayor Bernstein.
All in Favor – Motion Passed

Councilwoman Fox questioned the lack of outdoor structures on the new home and expressed concern over the lack of available coverage for the owners to be able to build exterior structures. Mr. Costa explained that there is an additional 1,000 sq. ft. in coverage remaining.

Ms. Chin stated that the property seems to be meeting the requirements, and that the whole of the problems of pine terrace is not the responsibility of this applicant.

Chair Woods stated that he is not comfortable approving this plan and being able to see the final design, he said it is common of this board to request that the applicant return with more information.

Mr. Costa explained to the board that this application is doing everything to be correct and the best version of what could go there.

Mr. Capizzi requested to carry the application. Mr. Capizzi stated that he would extend the board's deadline to act.

Ms. Federico stated that the application would be carried to the July 2, 2025, meeting without further notice.

JPB-25-002 – 7 Christie Street – Ed Yezekian

Ms. Federico stated that the application would be carried to the July 2, 2025, meeting without further notice.

DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS

APPROVAL OF MINUTES

No minutes for approval at this meeting.

PUBLIC COMMENT PERIOD

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

With no public seeking to make a comment, a motion was made to close the meeting to the public by Mayor Bernstein and seconded by Ted Alevrontas.
All in Favor – Motion Passed

ADJOURNMENT

With no further business presented, a motion to adjourn the meeting was made by: Mayor Bernstein and seconded by Ted Alevrontas
All in Favor – Motion Passed

The meeting was adjourned at 10:08 PM.

Respectfully Submitted,
Michael Greco, Joint Planning Board Secretary

**JOINT MEETING OF THE MAYOR AND COUNCIL & PLANNING BOARD
BOROUGH OF DEMAREST
SPECIAL MEETING MINUTES
June 5, 2025
6:00 PM**

The meeting was called to order at 6:15 pm and Mayor Bernstein opened the meeting with the Open Public Meetings Act compliance statement.

He then invited everyone present to join in reciting the Pledge of Allegiance.

Governing Body:

Roll Call:

Present: Mayor Bernstein, Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Marks, Councilmember Reiss

Absent: Councilmember Jiang

Planning Board:

Roll Call:

Present: Vice Chair Brenner, Mayor Bernstein, Councilmember Fox, Mr. Adelman, Mr. Alevrontas, Ms. Chin, Ms. Mamdani (arrived 7:17 pm), Ms. Hamilton

Absent: Chairman Woods, Ms. DiSclafani

Also Present: Julie Falkenstern, Acting Borough Clerk
Michael Greco, Planning Board Secretary
Wendy Rubenstein Quiroga, Borough Affordable Housing Counsel
Danielle Federico, Planning Board Counsel
Darelen Green, Borough Planner

Public Hearing on Fourth Round Housing Element and Fair Share Plan

Mayor Bernstein invited Borough Planner Darlene Green to present the proposed Fourth Round Housing Element and Fair Share Plan.

Ms. Green gave a brief history of Affordable Housing Legislation in NJ and described the Constitutional obligation of New Jersey Municipalities to provide Affordable Housing. She further explained the current legislation and its requirements including the deadlines that must be met by the Borough to maintain immunity from builder's remedy lawsuits. She explained that Demarest is a town that used a Vacant Land Analysis due to the lack of developable land and environmental constraints on 44% of the land in Demarest. She referred to page 5 in the report to explain Realistic Development Potential (RDP) vs. unmet need. Ms. Green then reviewed the elements in the Housing Plan and how they would satisfy the requirements of the Affordable Housing Legislation. She noted that the Borough received a letter from an attorney representing the owner of 30 Hardenburgh Ave. to propose a multi-family housing project and asked to be included in the housing plan.

Councilmember and Planning Board Class III Member Daryl fox interrupted and indicated that she would like clarification and advice of Counsel and asked to adjourn to closed session. Councilmember Collins seconded the motion. The motion was approved by all members of the Council present and the Council and Planning Board members then adjourned to closed session.

The Council and Planning Board returned to open session at 6:44 pm. Councilmember Fox then asked Ms. Green to make a slight change and clarification of the current condition as is known the Borough to the section of the Housing Plan concerning 30 Hardenburgh Ave. Ms. Green continued her presentation and stated that page 41 of the Housing Plan starts the section that describes the mechanism and credits to address the Borough's obligations. She explained that Page 55 contains a chart that summarizes the mechanism and is followed by an implementation schedule.

Ms. Green then asked if any members of the Council or Planning Board had any questions. Planning Board Member Kiran Chin asked for an explanation of RDP vs. unmet need. Ms. Green explained that RDP is what can realistically be developed on vacant developable land in the Borough. She further explained that the Borough does not currently have any vacant developable land and thus the Borough's RDP is zero. She explained that unmet need is addressed through the mechanisms that begin on page 41 of the Housing Plan.

There being no other Members of the Governing Body or Planning Board with questions, Mayor Bernstein asked for a motion to open the meeting to the public. The motion was offered by Councilmember Fox, seconded by Council President Slowikowski and approved by all Governing Body and Planning Board Members on a roll call vote.

Ray Cwynski

Mr. Cwynski noted that he believes the bedroom count on the units at Bellaire on Page 41 of the report is incorrect. Ms. Green stated that they have been checked on the deeds and tax records, but she will ensure that they are correct.

Mr. Cwynski then asked if properties listed on the ROSI are accounted for. Ms. Green said that yes, they are and as such are not developable.

He then asked if any builders could be included in the Plan that aren't already in the plan. Ms. Green said that yes there are ways for builders to challenge and there is no predicting how courts will rule. He asked why the project on Duane Lane does not include Affordable Units. Ms. Green and Ms. Quiroga explained that it was not an ideal spot for Affordable Units, but they made a contribution to the Affordable Housing Trust fund that will help ensure that the project on 127 Hardenburgh Ave. is funded.

Noel Pugh

Mr. Pugh asked about ownership of Affordable Units. Ms. Quiroga explained that units can be rentals or owner occupied. He then asked how infrastructure improvements are funded when associated with new development. Ms. Quiroga explained that developers for inclusionary housing have a responsibility to fund required infrastructure improvements when caused by a project overall. For 100% affordable projects it can be different. She added that when projects are the result of a settlement through the court requirements can be different for different projects.

Karen Brodsky

Ms. Brodsky asked if we can be sued for not being able to build the unmet need number. Ms. Green explained that unmet need is addressed through zoning mechanisms. She asked for the timetable for 127 Hardenburgh and was told that the United Way is still working with the State on funding. Lastly she asked the Borough to review development fees as she feels they are too

high for residents, though they should be high for developers. She feels developers should be the entities funding the trust.

Marian Hayden

Ms. Hayden asked for an explanation about the Borough's redevelopment and rehabilitation designations downtown. Ms. Green explained the non-condemnation designation and how density is calculated.

Jeane Nonemacher

Ms. Nonemacher asked Ms. Green to explain the Borough's obligation vs. RDP. Ms. Green explained that RDP is what can actually be developed and that because there is no vacant developable land the Borough's RDP is zero. She further explained that the mechanisms described starting on page 41 of the plan address unmet need.

Ray Cywinski

Mr. Cywinski asked if plans for inclusionary housing qualify as spot zoning. Ms. Green explained that spot zoning is allowable for Affordable Housing projects.

There being no other members of the public wishing to speak Councilmember Fox made a motion to close the meeting to the public. The motion was seconded by Councilmember Collins and approved by all Governing Body and Planning Board members on a roll call vote.

Resolution No. JPB-009-25 Planning Board Resolution to adopt Fourth Round Housing Element
and Fair Share Plan

Motion to Approve: Councilmember Fox
Second: Mr. Alevrontas

Roll Call:

Ayes: Vice Chair Brenner, Mayor Bernstein, Councilmember Fox, Mr. Adelman, Mr. Alevrontas, Ms. Chin, Ms. Hamilton

Nays: None
Absent: Mr. Woods, Ms. DiSclafani
Abstain: Ms. Mamdani

Resolution No. 115-25 Governing Body Resolution to adopt Fourth Round Housing Element and Fair Share Plan

Motion to Approve: Council President Slowikowski
Second: Councilmember Fox

Roll Call:

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
Nays: None
Absent: Councilmember Jiang
Abstain: None

Mayor Bernstein thanked the professionals, the members of the Council, the members of the Planning Board for a successful joint meeting. He thanked the members of the public for attending and asking questions on this important topic.

Council President Slowikowski then made a motion to open the meeting for public comment. The motion was seconded by Councilmember Marks and approved by all on a voice vote.

Marian Hayden

Ms. Hayden asked for clarification on the information for 30 Hardenburgh. Mayor Bernstein explained that the description of the property was corrected to reflect current conditions.

Ray Cwyinski

Mr. Cwyinski asked if action would be taken as a result of the closed session. Councilmember Fox confirmed that no action would be taken.

There being no other members of the public wishing to speak, Councilmember Reiss made a motion to close to the public. The motion was seconded by Council President Slowikowski and approved by all on a voice vote.

Councilmember Reiss made a motion to adjourn. The motion was seconded by Councilmember Marks and approved by all on a voice vote. The meeting was adjourned at 7:23 pm.

Respectfully submitted,

Julie Falkenstern
Borough Clerk