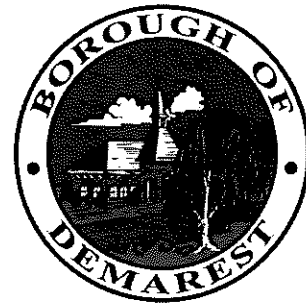


**BOROUGH OF DEMAREST**  
**JOINT PLANNING BOARD**  
**SPECIAL MEETING AGENDA**  
**Tuesday, July 29, 2025 @ 7:30 PM**  
**118 Serpentine Road, Demarest, NJ 0762**



**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 Special meeting in the Record on July 16, 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 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"/>
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"/>

**7. DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS**

**8. APPROVAL OF MINUTES**

**9. PUBLIC COMMENT PERIOD**

**10. ADJOURNMENT**

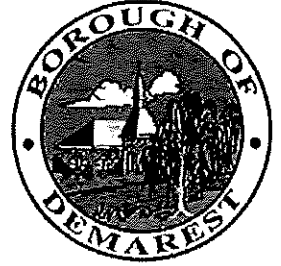
*NEXT REGULAR MEETING – WEDNESDAY, AUGUST 6, 2025*

# SUBDIVISION APPLICATION

BOROUGH OF DEMAREST

~~PLANNING BOARD~~ Joint Planning Board

118 Serpentine Road, Demarest, NJ 07627



Date: \_\_\_\_\_

Application is hereby made for approval of the subdivision of the land herein described and shown on the accompanying survey in accordance with the Ordinances of the Borough of Demarest, New Jersey.

Please indicate the purpose of this application:

- Minor Subdivision  
 Major Subdivision  
 Variances Requested \_\_\_\_\_  
See attached Rider. \_\_\_\_\_  
\_\_\_\_\_

**Subject Property:**

Block: 27 Lot: 269

Street Address: 30 Hardenburgh Avenue, Demarest NJ

Nearest Cross Streets: \_\_\_\_\_

Zone: R-D

**Applicant Information:**

Name of Applicant: M&M Developers LLC c/o Matthew G. Capizzi, Esq.

Address of Applicant: 205 Fairview Avenue, Westwood, NJ 07675

Phone: 201-266-8300

Email: Matthew@capizzilaw.com

**Is the above listed applicant:**

- An Individual  
 A Partnership  
 A Corporation  
 Or Other \_\_\_\_\_

*\*If partnership or corporation, state the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class, or at least 10% of the interest in the partnership:*

Niketh Muthusamy (100%) - 600 Sylvan Avenue, Suite 303, Englewood Cliffs NJ 07632

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# SUBDIVISION INFORMATION

BOROUGH OF DEMAREST

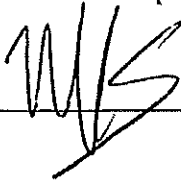
~~PLANNING BOARD~~ Joint Planning Board

118 Serpentine Road, Demarest, NJ 07627

1. Description of land to be subdivided:
  - a. Block: 27 Lot: 269
  - b. Street Location: 30 Hardenburgh Avenue
  - c. Size of existing plot: 29,000 SF
  - d. Size of lots after subdivision: See attached Rider.
  - e. On how many streets do lots face? See attached Rider.
  - f. Are the following utilities existing:

Paved Street <u>XX</u>	Storm Sewers <u>XX</u>
Curbs <u>XX</u>	Water <u>XX</u>
Sidewalks <u>XX</u>	Gas <u>XX</u>
Sanitary Sewers <u>XX</u>	Electric <u>XX</u>
  - g. In what zone district is the property located? R-D
  - h. Are there any existing structures on the property? Yes.
  - i. If structures are on the property, what is their use? Mixed-use; doctor's office and apartment unit.
2. What is the purpose of the subdivision? The Applicant seeks to subdivide the property into three (3) single-family building lots.
3. If new structures are to be erected on the property, what will be their use? Single-Family Residences
4. Are there any violations of municipal zoning ordinances presently affecting the premises? If yes, please list all violations: See attached Rider.
5. Are there any deed restrictions affecting the premises? (Refer to title search) No.  
If yes, list all restrictions: \_\_\_\_\_
6. Are there any easements affecting the premises? No.  
If yes, list all easements: \_\_\_\_\_
7. Will the granting of this application create any violation of municipal ordinances? Yes.  
If yes, please list: See attached Rider.
8. Have any applications for subdivision, site plan or variance involving this property been previously filed? No.  
If yes, list approximate dates: \_\_\_\_\_
9. What is the character of the proposed development? Three (3) new single-family dwellings.
  - a. Total Number of lots to be created including remaining parcel? 3
  - b. How many houses or structures are anticipated? 3

- c. Are any new streets to be constructed? No.  
d. Does the subdivision anticipate the extension of municipal or utility service? Yes.

Signed:  Matthew G. Capizzi, Esq.  
Attorney for Applicant  
(applicant)

see attached certification of ownership  
(owner) + Authorization to  
Make Application

---

---

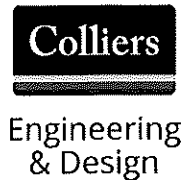
Received Subdivision Application, maps and fees in the amount of \$ \_\_\_\_\_

On \_\_\_\_\_

---

Joint Planning Board Secretary

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



July 11, 2025

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

30 Hardenburgh Ave  
Block 27, Lot 269  
Borough of Demarest, Bergen County, NJ  
Joint Planning Board Subdivision Application - Engineering Review  
Colliers Engineering & Design Project No. DEZ0052

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 269 into three Lots 269.01, 269.02 & 269.03 and construct three single family dwellings, and other related improvements at the subject properties.

- a) Minor subdivision plat consisting of one (1) sheet, prepared and signed by Mark Martins, PE, PLS, of Mark Martins Engineering LLC, dated June 16, 2025;
- b) Topographic survey of the property consisting of one (1) sheet, prepared by Mark Martins, PE, PLS, of Mark Martins Engineering LLC, dated March 21, 2025;
- c) Letter describing lot coverages, addressed to Matthew G. Capizzi, Esq. prepared by Mark Martins, PE, PLS, of Mark Martins Engineering LLC, dated June 17, 2025;
- d) Variance Application for the subject property and attachment signed and undated.

The Property Owner/Applicant is:

M&M Developers 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 provided survey, the site is currently occupied by a 3-story frame structure with associated driveways, parking areas, walkways, and other related improvements. The current use of the property is mixed use according to the variance application forms for a

doctor's office and apartment units. The property is located in the R-D single family residential district.

The property has three (3) frontages along Woodland Road to the west, Hardenburgh Avenue to the south and Prescott Street to the east. The existing property consists of 29,000 SF, where a minimum of 10,000 SF is required in this zone.

The Applicant is proposing to subdivide the property into three (3) lots.

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.

Zoning Requirements & List of Variances / Waivers Requested

A. Bulk Zoning Requirements:

Zone: D

Use: Single Family Residential

Description	Required	Existing Lot 269	Proposed Lot 269.01	Proposed Lot 269.02	Proposed Lot 269.03	Complies
Lot area	10,000 sf.	29,000 sf.	10,150 sf.	<b>8,700 sf.*</b>	10,150 sf.	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Lot Width	100 ft.	200 ft.	<b>70.00 ft.*</b>	<b>60.00 ft.*</b>	<b>70.00 ft.*</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Lot depth	100 ft.	145 ft.	145.00 ft.	145.00 ft.	145.00 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Front yard (Hardenburgh)	25 ft.	43.3 ft.	25.00 ft.	31.50 ft.	25.00 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Front yard (Woodland)	25 ft. (26.2avg)	78.4 ft.	25.00 ft.	N/A	<b>20.00 ft.*</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Front yard (Prescott)	25ft (34.9avg)	42.8 ft.	<b>20.00 ft.*</b>	N/A	N/A	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Side yard setback	10 ft.	N/A	10.0 ft.	10.00 ft.	10.00 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Rear yard depth	30 ft.	33.8 ft.	To conform	To conform	To conform	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Max Building Coverage	20%	11.52%	To conform	To conform	To conform	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Max Building Height	30 ft.	Not Provided	To conform	To conform	To conform	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Max. Livable Floor area	30 %	16.19%	To conform	To conform	To conform	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Max. Improved lot Coverage*	30 %	<b>31.37%**</b>	To conform	<b>33.97 %*</b>	To conform	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Max Residential & Parking Cover	25 %	<b>29.56%**</b>	To conform	<b>28.97 %*</b>	To conform	<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:

**LOT 269.01**

1. Minimum Lot Width – The Applicant is proposing a lot width of 70 feet where a minimum of 100 feet is required.
2. Minimum Front Yard Setback (Prescott Street) – The Applicant is proposing a front yard setback of 20 feet where a minimum of 25 feet is required. Additionally, the alternative setback based on the average setback of adjacent properties requires a minimum of 34.9 feet.

**LOT 269.02**

1. Minimum Lot Area – The Applicant is proposing a lot area of 8,700 SF where a minimum of 10,000 SF is required.
2. Minimum Lot Width – The Applicant is proposing a lot width of 60 feet where a minimum of 100 feet is required.
3. Improved Lot Coverage – The Applicant is proposing improved lot coverage of 33.97% where a maximum of 30% is permitted.
4. Maximum Residential & Parking Coverage – The Applicant is proposing residential and parking coverage of 28.97% where a maximum of 25% is permitted.

**LOT 269.03**

1. Minimum Lot Width – The Applicant is proposing a lot width of 70 feet where a minimum of 100 feet is required.
2. Front Yard Setback (Woodland) – The Applicant is proposing a setback of 20 feet where a minimum of 25 feet is required. Additionally, the alternative setback based on the average setback of adjacent properties requires a minimum of 26.2 feet.

**II. Engineering Review**

- A. The Applicant notes that existing improved coverage on the property is 9,096.7 SF (31.37%). The proposed lot coverage for all three proposed lots combined is 9,045 SF (31.19%). The net decrease in improved coverage is 51.7 SF.
- B. The Applicant has not depicted any means of mitigating stormwater on site. The Applicant should provide testimony on the following:
  1. If there are any existing stormwater management measures on site which are either to remain/re-used or to be removed as part of construction?
  2. If any stormwater management measures are proposed as part of this project.

Should the Board look favorably upon this application, CED recommends that stormwater mitigation be provided to collect and store roof runoff at a minimum.

- C. The Applicant has not indicated any tree removal on the site plan.
  - 1. The Applicant should confirm in testimony if there are any trees 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.
  - 2. A revised site plan should be provided with a tree removal and replacement schedule included (if applicable).
- D. The Applicant shall provide testimony regarding the re-use of existing and/or installation of proposed utilities on site.
- 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. The plans should include limits of any proposed curb and/or restoration of full height curb in the area of existing driveways to be removed.
- F. The site plans note the proposed building height for each proposed lot as "To conform" Testimony should be provided regarding the proposed building height for each lot.
- G. The Applicant has depicted existing 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 98 and the lowest point of the property is in the northeastern corner, where elevations are approximately 87.
  - 2. The Applicant should provide testimony to clarify the extent of any proposed grading on site. Effort should be made to maintain existing drainage patterns.
  - 3. The final engineering site plans for the proposed construction should include proposed contours.
- H. Should the Board look favorably upon this application, 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.
- I. 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,

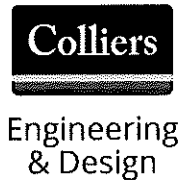
Colliers Engineering & Design



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

CC: Board Members (via Board Secretary)  
Matt Capizzi, Esq, Applicant's engineer ([matthew@capizzi.com](mailto:matthew@capizzi.com))  
Mark Martins, P.E., Mark Martins Engineering LLC, Applicant's Engineer ([martins@mmecivil.com](mailto:martins@mmecivil.com))

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



July 7, 2025

**PLANNING REPORT**

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

**RE: M&M Developers, LLC**

30 Hardenburgh Avenue  
Block 27, Lot 269  
Review Letter #1  
Project No. DEP-0230

Dear Board Members,

M&M Developers, LLC, the Applicant, seeks Minor Subdivision approval with variance relief to subdivide the subject property into three lots, Proposed Lots 269.01, 269.02, and 269.03. The Applicant proposes to demolish the existing dwelling and existing site improvements in order to construct three single-family dwellings. 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. Plan entitled "Minor Subdivision Plat", prepared by Mark S. Martins, PE, PLS of Mark Martins Engineering, LLC, dated June 16, 2025, consisting of 1 sheet.
2. Survey entitled "Survey of Property", prepared by Mark S. Martins, PE, PLS of Mark Martins Engineering, LLC, dated March 21, 2025, consisting of 1 sheet.
3. Subdivision Application, no date.
4. Document entitled "Rider to the Borough of Demarest Joint Planning Board Subdivision Application", no date, consisting of 1 page.
5. Letter entitled "30 Hardenburgh Avenue", prepared by Mark Martins Engineering, LLC, dated June 17, 2025, consisting of 1 page.

**A. Existing Zoning and Surrounding Land Use**

The subject property is a corner lot in the Single-Family Residence D ("R-D") District with frontage on the north side of Hardenburgh Avenue, west side of Prescott Street, and east side of Woodland Road. The building contains a dentist office and four one-bedroom apartments. The property is surrounded by dwellings. See the image on the following page for the approximate location of the subject property shown in red and the estimated location of the proposed lot lines in yellow.<sup>1</sup>



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 feet<sup>2</sup>
- Minimum Side Yard Setback (abutting a street) – 25 feet
- Minimum Side Yard Setback (abutting a lot) – 10 feet
- Minimum Rear Yard Setback – 30 feet<sup>3</sup>
- Maximum Number of Families per Building – 1
- Maximum Building Coverage – 20%
- Maximum Building Height – 30 feet<sup>4</sup>
- Maximum Livable Floor Area – 30%<sup>5</sup>
- Maximum Improved Lot Coverage – 30%<sup>6</sup>
- 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-D District, which requires lots to be at least 10,000 square feet.

The Applicant proposes to subdivide Lot 269 containing 29,000 square feet (0.67 acres) into three lots. Proposed Lot 269.02 is only 8,700 square feet (0.20 acres). **The Subdivision Plans do not list this variance.**

2. Section 175-16 – Variance for lot area. The Ordinance requires a minimum lot size of 10,000 square feet in the R-D District.

Proposed Lot 269.02 is only 8,700 square feet.

3. Section 175-16 – Variance for lot frontage. The Ordinance requires a minimum lot frontage of 100 feet.

Proposed Lot 269.01 has only 70 feet of frontage along Hardenburgh Avenue, Proposed Lot 269.02 has only 60 feet of frontage along Hardenburgh Avenue, and Proposed Lot 269.03 has only 70 feet of frontage along Hardenburgh Avenue.

4. Section 175-16 – Variance for minimum side yard setback abutting a street. The Ordinance requires a minimum side yard setback abutting a street of 25 feet. The side yard of Proposed Lot 269.01 abuts Prescott Street, and the side yard of Proposed Lot 269.03 abuts Woodland Road.

The Applicant proposes a side yard setback of 20 feet to Prescott Street on Proposed Lot 269.01 and a side yard setback of 20 feet to Woodland Road on Proposed Lot 269.03.

5. Section 175-16 – Variance for maximum improved lot coverage. The Ordinance limits improved lot coverage to 30% of the lot area.

The Applicant proposes a lot coverage of 33.97% (2,955 square feet) on Proposed Lot 269.02.

6. Section 175-16 – Variance for maximum residential and parking coverage. The Ordinance limits residential and parking coverage to 25% of the lot area.

The Applicant proposes a residential and parking coverage of 28.97% on Proposed Lot 269.02 (2,520 square feet).

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. In this case, improved lot coverage is limited to 8,700 square feet for the existing lot. According to the Engineer's June 17, 2025 Letter, the existing improved lot coverage is 31.37% (9,096.7 square feet).
2. Section 175-16 – The Ordinance limits residential and parking coverage to 25% of the lot area. In this case, residential and parking coverage is limited to 7,250 square feet. The existing residential and parking coverage is 29.56% (8,573.5 square feet) according to the Engineer's June 17, 2025 Letter.

### 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 waiver:

1. Section 153-18D.(1) - Waiver for lot size and dimensions. The Ordinance does not permit lot dimensions and area to be less than required by Chapter 175. In this case, the R-D District requires a minimum lot size of 10,000 square feet and lot frontage of 100 feet.

As detailed in Section B, Proposed Lot 269.02 does not comply with the minimum lot area and Proposed Lots 269.01, 269.02, and 269.03 do not comply with the minimum lot frontage along Hardenburgh Avenue. **The Applicant has not requested this waiver.**

### 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 "C" variances and design waiver 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 one waiver that have not been requested or identified by the Applicant. The Subdivision Plan 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.

#### Minor Subdivision

3. The Ordinance defines "Lot, Corner" as:

*A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street, forming an interior angle of less than 135°. The minimum frontage is to be maintained on all streets. The approving authority is to designate the*

*front of the building, and then the yard opposite the designated front of the building shall meet rear yard minimum requirements.*

The Applicant proposes to create two corner lots, Proposed Lots 269.01 and 269.03. The Subdivision Plan illustrates the front yard for each lot along Hardenburgh Avenue and the rear yard for each lot adjacent along the northern property line. The remaining yards are side yards. We take no issue with these yard designations. However, the Board should discuss the yard designations for the proposed corner lots as required by the definition.

4. The Subdivision Plan does not include a zoning schedule for existing Lot 269 to compare the existing and proposed conditions. This information should be added to the Subdivision Plan. This can be a **condition** of any potential Board approval.
5. The R-D District requires a side yard setback abutting a street of 25 feet. The Zoning Schedule for Proposed Lot 269.01 indicates the minimum front yard setback to Prescott Street is 34.9 feet average. It appears the Applicant has calculated this setback based on Footnote B of the Limiting Schedule, which requires an alternative setback on all streets, except for some specified streets, that conforms to the established average setback on the street on which the lot fronts. An analysis of lots within the same district, within 300 feet on each side of the lot, but not beyond any intersecting streets is required to determine the alternate setback. However, Footnote B is applicable to the "Front Yard Setback" column of the Limiting Schedule, not the "Side Yard Width; Abutting a Street" column. Therefore, the required setback along Prescott Street is 25 feet, not 34.9 feet as the alternative setback requirement is not applicable. The Zoning Schedule for Proposed Lot 269.01 shall be revised accordingly. This can be a **condition** of any potential Board approval.
6. Similarly, the Zoning Schedule for Proposed Lot 269.03 indicates the alternative front yard setback on Woodland Road is 26.2 feet. As noted above, this requirement is only applicable to the front yard setback requirement, not to the side yard setback abutting a street requirement. The Zoning Schedule Proposed Lot 269.03 shall be revised accordingly. This can be a **condition** of any potential Board approval.
7. The Zoning Schedules for Proposed Lots 269.01 and 269.03 indicate the proposed rear yard setback, building coverage, building height, livable floor area, improved lot coverage, and residential and parking coverage are "to conform". The Applicant's Engineer prepared a Letter dated June 17, 2025, which provides the proposed building coverage, livable floor area, improved lot coverage, and residential and parking coverage on each proposed lot. The proposed rear yard setback and building height for these lots is not provided in the Letter. It is unclear why the information presented in the Letter is not included in the Zoning Schedules. Testimony shall be provided to clarify.
8. Similarly, the Zoning Schedule for Proposed Lot 269.02 indicates the proposed rear yard setback, building coverage, building height, and livable floor area are "to conform". The Engineer's June 17, 2025 Letter provides the proposed building coverage and livable floor area for Proposed Lot 269.02. It is unclear why the building coverage and livable floor area

information in the Letter is not provided in the Zoning Schedule. Testimony shall be provided to clarify.

9. The Zoning Schedule for Proposed Lot 269.02 indicates the proposed improved lot coverage is 33.97% and the proposed residential and parking coverage is 28.97%. The Engineer's June 17, 2025 Letter indicates the improved lot coverage totals 2,955 square feet and the residential and parking coverage totals 2,520 square feet. However, the Subdivision Plan only illustrates a conceptual dwelling and a driveway on Proposed Lot 269.02. Therefore, it appears the proposed improved lot coverage and proposed residential and parking coverage should match. It is unclear where the 435 square feet of coverage, which is the difference between the two coverages, is proposed. 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. The Subdivision Plan illustrates 15 existing trees on and around the subject property. It appears one 12-inch tree conflicts with the dwelling on Proposed Lot 269.01 and one 40-inch tree conflicts with the dwelling on Proposed Lot 269.03. However, 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 Plan. 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.

11. Section 153-17D. requires shade trees to be located, at least one tree for every 40 feet, within a shade tree easement, which shall be five feet in width and abut the right-of-way line of the street. The Subdivision Plat does illustrate existing trees along all three frontages. However, it is unclear if all of these existing trees will remain or the distance between said trees. Testimony shall be provided to clarify and determine if the Applicant requires design waiver relief.

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](mailto:timwoods12@gmail.com))

Danielle Federico, Board Attorney (via email [dfederico@csglaw.com](mailto:dfederico@csglaw.com))  
Nick Chelius, Board Engineer (via email [nick.chelius@collierseng.com](mailto:nick.chelius@collierseng.com))  
M&M Developers, LLC, Applicant (via email [nikethm@gmail.com](mailto:nikethm@gmail.com))  
Matthew Capizzi, Applicant's Attorney (via email [matthew@capizzilaw.com](mailto:matthew@capizzilaw.com) and [gloria@capizzilaw.com](mailto:gloria@capizzilaw.com))  
Mark Martins, Applicant's Engineer (via email [martins@mmecivil.com](mailto:martins@mmecivil.com))

R:\Projects\VA-DA\DEP\DEP0230\Correspondence\OUT\250707dag\_30\_Hardenburgh\_MM\_Developers\_Subdiv\_r1.docx

- 
- <sup>1</sup> Image courtesy of <https://www.nearmap.com/us/en>, dated March 19, 2025.
- <sup>2</sup> 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.
- <sup>3</sup> 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.
- <sup>4</sup> 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.
- <sup>5</sup> 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.
- <sup>6</sup> 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%.