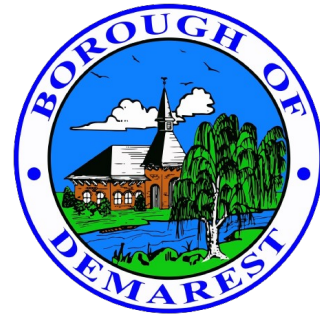


**BOROUGH OF DEMAREST**  
**JOINT PLANNING BOARD**  
**REGULAR MEETING AGENDA**  
**Wednesday, May 6, 2026 @ 7:30 PM**  
**118 Serpentine Road, Demarest, NJ 0762**



**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 inclusion of the date, time and place of this meeting in the annual schedule of meetings. Such schedule of meetings was published as required by law and is posted at Borough Hall, on the Borough website and filed in the office of the Borough Clerk.

**3. FLAG SALUTE**

**4. ROLL CALL**

- |   |   |
|---|---|
| <input type="checkbox"/> Mr. Adelman      | <input type="checkbox"/> Mr. Lerner     |
| <input type="checkbox"/> Mayor Bernstein  | <input type="checkbox"/> Dr. Mamdani    |
| <input type="checkbox"/> Ms. Brenner      | <input type="checkbox"/> Chair Woods    |
| <input type="checkbox"/> Vice Chair Chin  | <input type="checkbox"/> Mr. Jiang      |
| <input type="checkbox"/> Ms. DiSclafani   | <input type="checkbox"/> Ms. Hamilton   |
| <input type="checkbox"/> Councilwoman Fox | <input type="checkbox"/> Mr. Alevrontas |

**5. RESOLUTION(S)**

**Resolution JPB-010-26 - JPB-25-010 – 8 Glenwood Avenue – Martin Vitale**

Seeking a Variances to the construction an addition and renovate an existing home.

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"/>
Vice Chair Chin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Lerner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jiang ( <i>Alt #1</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Resolution JPB-011-26 - JPB-25-011 – 110 County Road – KNS Property Holdings LLC**

Seeking a Variances to the construction an addition and renovate an existing home.

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"/>
Vice Chair Chin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Lerner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jiang ( <i>Alt #1</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Alevrontas ( <i>Alt #3</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chair Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**6. ORDINANCE CONSISTENCY REVIEW**

**ORDINANCE 1180-26 AN ORDINANCE BY THE BOROUGH OF DEMAREST AMENDING THE BOROUGH OF DEMAREST CODE OF ORDINANCES TO REPEAL CHAPTER 175 ZONING ORDINANCE; TO ADOPT A NEW CHAPTER 175 ZONING ORDINANCE**

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"/>
Ms. Brenner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair 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"/>
Mr. Lerner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jiang ( <i>Alt #1</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton ( <i>Alt #2</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Alevrontas ( <i>Alt #3</i> )	<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"/>
Chair Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**7. NEW/CONTINUING APPLICATIONS**

**JPB-A-25-013 – 3 Central Avenue – Appeal**

Seeking an appeal of the Zoning Officer’s decision to declare an appeal of the Zoning application for 3 Central Avenue as untimely.

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"/>
Ms. Brenner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair 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"/>
Mr. Lerner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jiang ( <i>Alt #1</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton ( <i>Alt #2</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Alevrontas ( <i>Alt #3</i> )	<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"/>

**JPB-26-001 – 8 Ross Avenue – 8 Ross Avenue LLC**

Seeking a Variances to the construction an addition and renovate an existing 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"/>
Ms. Brenner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair 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"/>
Mr. Lerner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jiang (Alt #1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton (Alt #2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Alevrontas (Alt #3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chair Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**JPB-26-002 – 75 Anderson Avenue – 75 Anderson Ave LLC**

Seeking Variances related to the construction of a new single-family home on an existing non-conforming lot.

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"/>
Ms. Brenner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chair 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"/>
Mr. Lerner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jiang (Alt #1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton (Alt #2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Alevrontas (Alt #3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chair Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**8. APPROVAL OF MINUTES**

**November 5, 2025, Regular Meeting Minutes**

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Ms. Brenner	<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"/>
Dr. Mamdani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Hamilton (Alt #2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Alevrontas (Alt #3)	<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"/>
Chair Woods	<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, JUNE 2, 2026*

**JOINT PLANNING BOARD OF THE  
BOROUGH OF DEMAREST**

**RESOLUTION JPB-010-26**

**VARIANCE APPROVAL**

In the Matter of the Application of  
Barbara and Martin Vitale  
8 Glenwood Avenue  
Block 121, Lot 7

**WHEREAS**, Barbara and Martin Vitale (the “Applicants”) as the applicants and owners of the property located at 8 Glenwood Avenue and designated as Lot 7 in Block 121 on the Tax Maps of the Borough of Demarest (the “Property”); and

**WHEREAS**, the Applicants’ request for a Zoning Permit to construct a one-story addition along the rear portion of the existing single-family home was denied by the Zoning Officer of the Borough of Demarest on October 21, 2025 (the “Denial Letter”), stating:

Your request is hereby denied based on the following requirements:

**YOUR ZONING PERMIT IS DENIED FOR THE BELOW REASONS WHICH WOULD REQUIRE VARIANCES FROM THE JOINT PLANNING BOARD OF DEMAREST**

**BUILDING COVERAGE = 21.55% WHERE 20% IS ALLOWED**

**LIVABLE FLOOR AREA = 35% WHERE 30% IS ALLOWED**

**RESIDENTIAL AND PARKING COVERAGE= 27.77% WHERE 25% IS ALLOWED**

**I WOULD LIKE TO NOTE THAT THERE IS AN EXISTING NONCONFORMITY OF THE FRONT YARD SETBACK WHICH IS 24.9 FEET WHERE 25 FEET IS REQUIRED...; and**

**WHEREAS**, thereafter, the Applicants filed an Application with the Joint Planning Board of the Borough of Demarest (the “Board”) for D(4) floor area ratio (“FAR”) variance and “C” variance approval to construct a one-story addition to the rear of the existing single-family dwelling on the Property (the “Application”); and

**WHEREAS**, the following plans, reports and correspondence were submitted by the Applicants and considered by the Board:

- A. Correspondence from Capizzi Law Offices regarding the Initial Application Submission dated October 29, 2025;
- B. Correspondence from Capizzi Law Offices regarding the revised Application Submission dated December 18, 2025;
- C. Correspondence from Capizzi Law Offices regarding the revised Application Submission dated March 19, 2026;
- D. Variance Application dated October 28, 2025 (the “Application”);
- E. Denial Letter from the Borough of Demarest Zoning Department dated October 21, 2025 and consisting of one (1) page;
- F. Affidavit of Representation dated October 29, 2025;
- G. Deed dated February 20, 2025;
- H. Certification of Payment of Taxes from the Borough of Demarest Tax Collector dated October 29, 2025;
- I. Certification of Payment of Taxes from the Borough of Demarest Tax Collector dated March 18, 2026;
- J. Engineering Plans prepared by L2A Land Design, LLC dated September 19, 2025 and consisting of five (5) sheets;

- K. Engineering Plans prepared by L2A Land Design, LLC dated September 19, 2025, last revised December 8, 2025, and consisting of five (5) sheets;
- L. Engineering Plans prepared by L2A Land Design, LLC dated September 19, 2025, last revised March 16, 2026, and consisting of five (5) sheets;
- M. Zoning Analysis prepared by L2A Land Design, LLC dated October 14, 2025;
- N. Zoning Analysis prepared by L2A Land Design, LLC dated December 18, 2025;
- O. Zoning Analysis prepared by L2A Land Design, LLC dated March 17, 2026;
- P. Correspondence prepared by L2A Land Design, LLC dated March 17, 2026 outlining plan revisions;
- Q. Architectural Plans prepared by Jose Carballo Architecture P.C. dated September 19, 2025 and consisting of one (1) sheet;
- R. Architectural Plans prepared by Jose Carballo Architecture P.C. revised December 3, 2025 and consisting of one (1) sheet;
- S. Architectural Plans prepared by Jose Carballo Architecture P.C. revised March 3, 2026 and consisting of three (3) sheets;
- T. Survey prepared by EIS Associates, Inc. dated May 23, 2025 and consisting of one (1) sheet;
- U. Affidavit of Service for notices mailed on December 19, 2025 prepared by Capizzi Law Offices;
- V. Affidavit of Service for notices mailed on March 26, 2026 prepared by Capizzi Law Offices;

- W. Affidavit of Publication on December 24, 2025 prepared by The Record and Herald News;
- X. Affidavit of Publication on March 26, 2026 prepared by The Record and Herald News; and

**WHEREAS**, public hearings were held by the Board on January 7, 2026 and April 8, 2026 in accordance with the Open Public Meetings Act and the Municipal Land Use Law (the “MLUL”), at which time the Applicant, represented by Matthew Capizzi, Esq. of Capizzi Law Offices: (a) presented proof of notice and publication as required by law; and (b) submitted the following evidence to the Board in support of Applicants’ Application including:

- A. Colorized Site Plan sheet C-08 dated December 8, 2025, marked as Exhibit A-1;
- B. Colorized Site Photos/Renderings dated March 3, 2026 and consisting of three (3) pages, marked as Exhibit A-2;
- C. Colorized Site Plan sheet C-03 dated March 16, 2026, marked as Exhibit A-3;
- D. Colorized aerial and photographs of the Property, marked as Exhibit A-4;
- E. Testimony of Applicant’s engineer, Michael Dipple of L2A Land Design, LLC, whose testimony can be summarized as follows:
  - a. The Applicants seeks approval to renovate a recently acquired home to permit full-time, first-floor living, motivated by relocation needs and anticipated in-home care.
  - b. The existing house is currently 2.5 stories, but the Applicants do not expect to make meaningful use of the second floor.
  - c. The proposed addition is intended to allow the Applicants to remain in the home long term.

- d. The Property is located in the Single-Family Residence D Zone (the “R-D Zone”) and is slightly oversized (10,000 square feet required; 10,179 square feet existing) and is compliant as to lot size, depth, and width.
- e. The Property presently contains an existing driveway and two-car garage.
- f. The proposed improvement is a one-story, first-floor rear addition of approximately 1,200 square feet, intended to create full-time first-floor living space.
- g. The proposed addition is fully within the rear yard.
- h. The Property has a pre-existing non-conforming front yard setback.
- i. The Property has a significant slope to the west, with about five feet of grade change.
- j. The rear yard is elevated because of the grade change and the rear of the Property is vacant, wooded land.
- k. The revised proposal also attempts to manage coverage impacts through narrowing the driveway, reducing front sidewalk area, adding a grass strip, and tying a new drainage system into roof runoff and a drywell.
- l. As initially presented, the proposal required variances for: side yard setback - east (10 feet required; 8.36 feet proposed), rear yard setback (30 feet required; 38.8 feet proposed to balcony), building height, building coverage, livable floor area/FAR, improved lot coverage and residential and parking coverage.
- m. In response to comments made by the Board at the January 7, 2026 hearing, plans were revised to reduce the front sidewalk area, reduce impervious coverage, reduce building coverage, eliminate the variance originally

requested for the right side yard, add landscaping to the east and west sides, reconfigure stairs, narrow the driveway to 20 feet, relocate the HVAC equipment and add a generator in the rear yard behind the addition, add a new 42 square foot portico and add a new 12 square foot window well.

- n. As revised, the Applicants are requesting variances for building coverage (20% permitted; 23.10% proposed including the portico), improved lot coverage (30% permitted; 30.84% proposed including the window well), residential and parking coverage (25% permitted; 28.82% proposed), livable floor area/FAR (30% permitted; 35.71% proposed).
- o. A new drainage system is proposed which captures the roof runoff of the entire addition.
- p. Landscaping will include evergreen screening, specifically eastern red cedar and green giant arborvitae, to be planted at heights of 8 to 10 feet.
- q. No rear patio or back stairs/doorway are proposed.
- r. The Property itself is conforming and that revised plans reduced some impacts of the proposed addition through narrower paving, landscaping, and drainage measures.

F. Testimony of Applicant's architect, Jose Carballo of Jose Carballo Architecture P.C., whose testimony can be summarized as follows:

- a. The proposed addition is intended to improve accessibility and livability for the Applicants, particularly the wife, who needs mobility assistance and wheelchair-accessible space.

- b. The proposed addition creates a home layout that allows movement without obstacles and improves ambulatory/ADA-compliant access and creates a primary bedroom on the first-floor.
- c. The house is relatively small, with tight interior spaces and a small kitchen.
- d. The current layout is not well suited for wheelchair navigation or barrier-free movement.
- e. The proposed addition has more open modern living space with a first floor that allows easy movement without barriers.
- f. The existing house is all brick and presents significant visual mass.
- g. The proposed addition keeps changes largely to the rear of the house.
- h. In response to comments made by the Board at the January 7, 2026 hearing, plans have been revised and the addition has reduced significantly from a prior version (the original proposed addition was 20 feet wide across the rear of the dwelling; the revised addition is 11 feet wide across the rear of the dwelling).
- i. As revised, the addition is now flush with the existing structure, continues the façade, and does not increase height.
- j. The rear elevation height is 16 feet from average grade, within the permitted maximum.
- k. A Juliette balcony projecting 12 inches into the rear yard could be made flush with the rear wall, which would eliminate the need for the rear yard variance.
- l. The revised plans include a new front portico with curved detailing that echoes the windows above; it is about 3 feet deep and 5 feet wide and slightly

increases the front-yard encroachment (25 feet is required; 24.9 feet is existing; 24.87 feet is proposed) and building coverage.

- m. Proposed materials include leaving some brick exposed and adding Hardie board to reduce the appearance of massing.
- n. The revised plans eliminate the right-side-yard variance, reduce building coverage from 27.67% to 22.69%, reduce impervious coverage from 36% to 30.73% and reduce FAR from 41.22% to 35.71%.
- o. FAR is affected in part by a two-story foyer, which takes up substantial floor area, but does not translate into especially usable living space.
- p. The revised design includes new landscaping and reduced walkways to lessen lot coverage.
- q. The basement will contain a study.
- r. The Applicants will ensure that the basement will not be counted as livable floor area.
- s. If needed, a 12-square-foot window well will be added to the basement.

G. Testimony of the Applicants' professional planner, David Spatz of Community Housing & Planning Associates, Inc., whose testimony can be summarized as follows:

- a. The Property can accommodate the proposed FAR.
- b. The proposed addition is concentrated in the rear, which minimizes visibility and impact to any of the surrounding neighbors.
- c. There will be no perceptible impact from the proposed addition on the streetscape, since the proposed addition is entirely within the rear yard.

- d. Further, there will be no impact on any rear yard neighbors, as the parcel in the rear of the Property is vacant, wooded land.
- e. The proposed addition improves first-floor living conditions, especially for senior living needs.
- f. The additional drainage improvements, provides benefits both to the subject Property and adjoining properties.
- g. The enhanced landscaping and reduced impervious coverage in the front of the Property mitigate any detriment to neighboring properties.
- h. The Application advances several zoning purposes, including:
  - i. Purpose A: promotion of the public health, safety, and general welfare;
  - ii. Purpose E: encouraging appropriate population density / land use; and
  - iii. Purpose I: creating a desirable visual environment.
- i. The Application provides an attractive design and enhances the Property with the addition of the small, covered entry, new siding and reduced impervious coverage in the front yard.
- j. The slight increase in coverages is mitigated by the drainage improvements, enhanced landscaping and the generous sized lot; and

**WHEREAS**, at the public hearings, the Board also considered the following:

- A. Completeness Letter from the Borough Zoning Officer, Michael Greco (the “Zoning Officer”) dated November 3, 2025 deeming the Application complete;
- B. Board Planner Reports prepared by Colliers Engineering and Design dated December 15, 2025, December 30, 2025 and March 25, 2026 (collectively, the

“Board Planner Report”), along with testimony from Darlene A. Green, PP, AICP of Colliers Engineering & Design (the “Board Planner”);

- C. Board Engineer Reports prepared by Colliers Engineering and Design dated December 16, 2025, January 5, 2026 and March 30, 2026 (collectively, the “Board Engineer Report”), along with testimony from Nick Chelius, PE of Colliers Engineering & Design (the “Board Engineer”); and

**WHEREAS**, the Board and the Board Engineer had extensive questions for the Applicants and the Applicants’ professionals regarding the proposed addition; and

**WHEREAS**, no members of the public appeared at the public hearing to ask questions of the Applicants or offer any comments regarding the Application; and

**WHEREAS**, the Board having heard and considered the testimony, arguments and documents referenced above.

**NOW, THEREFORE, BE IT RESOLVED** that the Joint Planning Board of the Borough of Demarest makes the following findings of fact and conclusions of law with respect to the within Application:

1. All of the “**WHEREAS**” clauses set forth above are incorporated by reference. All of the testimony, documents, and exhibits produced by the Applicants, including those produced at the public hearings on January 7, 2026 and April 8, 2026, are incorporated herein by reference.

2. The Property is located at 8 Glenwood Avenue and designated as Lot 7 in Block 121 on the Tax Maps of the Borough of Demarest and is a rectangular-shaped, slightly oversized parcel consisting of 10,179 square feet.

3. The Property is located on the north side of Glenwood Avenue, between County Road and Elm Place and is located in the R-D Zone.

4. The Property is currently occupied by a 2-story, single-family dwelling, with associated driveway, walkways, deck, garage and other related improvements.

5. Single-family residential dwellings are permitted uses in the R-D Zone.

6. By this Application, the Applicants are seeking D(4) FAR variance and C variance relief to construct a new one-story addition on the rear of the existing dwelling, along with a new paver walkway, concrete steps, concrete walkway, drainage improvements, façade improvements and landscape improvements.

7. The Applicants are proposing to remove the existing wood deck and steps at the rear of the home, the existing paver walkway and the existing sidewalk within the right-of-way to construct the proposed improvements.

8. The Property has a pre-existing non-conformity with respect to minimum front yard setback (25 feet is required; 24.9 feet is existing).

9. The Applicants are seeking variance relief from the requirements of the R-D Zone pursuant to N.J.S.A. 40:55D-70(d)(4) with respect to maximum livable floor area (30% is permitted; 35.71% is proposed).

10. The Applicants are seeking variance relief from the requirements of the R-D Zone pursuant to N.J.S.A. 40:55D-70(c) with respect to: (i) maximum building coverage, as 20% is permitted and 23.10% is proposed with the new portico; (ii) maximum improved lot coverage, as 30% is permitted and 30.84% is proposed with the new window well; and (iii) maximum residential and parking coverage, as 25% is permitted and 28.82% is proposed.

11. The Board finds that the proposed one-story addition to the existing single-family dwelling, which is a permitted use in the R-D Zone and consistent with the surrounding neighborhood, along with the enhanced landscaping and façade improvements, such as the new portico, provide an aesthetic improvement to the Property.

12. The Board finds that the addition of Hardie board siding to the existing brick façade reduces the appearance of massing of the dwelling.

13. The Board finds that the proposed one-story addition will not be visible to the street or any neighbors in the rear of the Property.

14. The Board finds that the Property can support the FAR and that the increase in building coverage, residential and parking coverage and impervious coverage is mitigated by the drainage and landscaping improvements and fact that the Property is oversized.

15. Despite the FAR, the home is not an overbuilt design. The Applicants have proven their Property can reasonably accommodate any problem associated with the structure exceeding the permitted FAR by 581.22 square feet, as the Property is compliant in lot area, lot frontage and lot depth and the dwelling complies with all side yard, rear yard and building height requirements.

16. The Board finds that in light of the modest size of the dwelling, the attractive design of the improvements and the dwelling's maintenance of building height, side yard setback and rear yard setback requirements, the requested variances are reasonable and appropriate.

17. The Board finds that the Application and the proposed improvements are consistent with other homes in the neighborhood and that the variances can be granted without any detriment to the public good or any neighboring properties.

18. The Board further finds that the granting of the variances will not substantially impair the intent and purpose of the Borough’s Zoning Ordinance or Master Plan and is in the furtherance of the purposes set forth in N.J.S.A. 40:55D-2, e.g. adequate light, air and open space is provided.

19. The Board finds that the Application and the proposed improvements, as modified during the course of the public hearings, are consistent with other homes in the neighborhood and that the variances can be granted without any detriment to the public good or any neighboring properties.

20. The Board finds that the Applicants have proven their entitlement to variance approval under N.J.S.A. 40:55D-70(d)(4), N.J.S.A. 40:55D-70(c)(1) and N.J.S.A. 40:55D-70(c)(2) and hereby grants the following variances:

Zoning Code Section	Required/Permitted	Proposed & Granted
Section 175-16 (maximum floor area ratio)	30%	35.71%
Section 175-16 (maximum building coverage)	20%	23.10%
Section 175-16 (maximum improved lot coverage)	30%	30.84%
Section 175-16 (maximum residential and parking coverage)	25%	28.82%
Section 175-16 (minimum front yard setback)	25 feet	24.87 feet

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Board of the Borough of Demarest, based upon the above findings of fact and conclusions of law, that the within application for Variance Approval, as modified on the record at the public hearings, is hereby granted, subject to the following conditions:

a) The Applicants shall revise their plans and update their zoning chart to include changes made during the course of the April 8, 2026 public hearing with respect to the new portico and new window well.

b) The Applicants shall provide an as-built survey to the Board Engineer prior to the issuance of a final certificate of occupancy.

c) Unless otherwise addressed herein or at the public hearings before the Board, the Applicants shall comply with the recommendations of the Board, including but not limited to the Board Planner Report and the Board Engineer Report, as well as any stipulations made during the hearing on the Application and all conditions enumerated herein.

d) Notwithstanding the approval granted herein, the Applicants shall comply with all of the ordinances of the Borough of Demarest and all applicable county, state, and federal statutes, ordinances, rules and regulations.

e) The Applicants shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development.

f) The Property shall be kept neat during all construction and all construction hours shall strictly adhere to the ordinances of the Borough of Demarest.

g) The Applicants shall post all fees and deposits as required by applicable ordinances of the Borough of Demarest which shall include payment of all outstanding taxes and the payment of all fees to the Borough's professionals for the review of the within Application and the inspection of work to be performed incidental thereto. The Applicants shall pay any fees or additional escrow deposits which may be due and owed within ten (10) days of notification.

h) All construction, use and development of the Property shall be in conformance with the plans approved by the Board. In the event the Applicants or their successors or assigns

construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or replace the instant approval. The Applicants' failure to comply with this condition may be the cause for the issuance of a Stop Work Order, penalties and/or the revocation of either a Building Permit and/or Certificate of Occupancy issued in respect of the contemplated improvements, subject to reasonable notice and the opportunity to cure.

i) The Applicants shall correct and make safe any dangerous or unsafe condition caused by the Applicants or those acting for them, affecting public safety or general welfare, if any such condition develops.

j) The Applicants shall be and remain liable for any and all damages or money loss occasioned by the Borough of Demarest or its officers or agents by any neglect, wrongdoing, omissions or commissions by the Applicants or their agents arising from the making of improvements and shall save, indemnify, hold harmless the Borough of Demarest or Board, its officers, agents, employees and all charges, judgments, costs or counsel fees arising from such damages or loss. The Applicants agree not to commit any public or private nuisance by reason of dirt, dust, debris, air-pollution, noise pollution, gas, smoke, or other occurrences resulting from the construction or installation authorized by the approval of this plan or any building permit issued in pursuit thereof.

k) The Applicants' failure to comply with any condition set forth with this Resolution shall constitute a failure of the conditions of this approval and may be the cause for the issuance of a Stop Work Order, penalties and/or the revocation of either a Building Permit and/or Certificate of Occupancy issued in respect of the contemplated improvements, subject to reasonable notice and the opportunity to cure.

**IT IS HEREBY CERTIFIED** that this is a true and correct copy of a Resolution adopted by the Planning Board of the Borough of Demarest upon a roll call vote at a meeting held on April 8, 2026.

A copy of this Resolution shall be given to the Tax Assessor, Applicants, Borough Clerk, Building Department, Zoning Officer and Borough Engineer.

ATTEST:

SO APPROVED:

\_\_\_\_\_  
MICHAEL GRECO, Secretary

\_\_\_\_\_  
KIRAN CHIN, Vice Chair

**BOROUGH OF DEMAREST JOINT PLANNING BOARD**

**VOTE TO APPROVE THE APPLICATION**

<b>BOARD MEMBER</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>N/E</b>
Mr. Adelman			✓				
Ms. Brenner						✓	
Vice Chair Chin		✓	✓				
Ms. DiSclafani						✓	
Councilwoman Fox						✓	✓
Mr. Lerner			✓				
Dr. Mamdani			✓				
Mr. Jiang ( <i>Alt #1</i> )			✓				
Ms. Hamilton ( <i>Alt #2</i> )						✓	
Mr. Alevrontas ( <i>Alt #3</i> )	✓			✓			
Mayor Bernstein							✓
Mr. Woods					✓		

Date of Approval: April 8, 2026

**VOTE TO APPROVE THE RESOLUTION**

<b>BOARD MEMBER</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>N/E</b>
Mr. Adelman							
Vice Chair Chin							
Mr. Lerner							
Dr. Mamdani							
Mr. Jiang ( <i>Alt #1</i> )							

Date of Adoption: May 6, 2026

**JOINT PLANNING BOARD OF THE  
BOROUGH OF DEMAREST**

**RESOLUTION JPB-011-26**

**VARIANCE APPROVAL**

In the Matter of the Application of  
KNS Property Holdings LLC  
110 County Road  
Block 91, Lot 307

**WHEREAS**, KNS Property Holdings LLC, the applicant and owner (the “Applicant”), filed an Application with the Joint Planning Board of the Borough of Demarest (the “Board”) for D(4) variance and “C” variance approval to construct a two-story addition on the north side of the existing single-family dwelling on the property (the “Application”) located at 110 County Road and designated as Lot 307 in Block 91 on the Tax Maps of the Borough of Demarest (the “Property”); and

**WHEREAS**, the following plans, reports and correspondence were submitted by the Applicant and considered by the Board:

- A. Variance Application, including the Contact Sheet and Checklist (the “Application”);
- B. Correspondence from the Law Office of Carmine R. Alampi, LLC regarding the Application Submission dated October 29, 2025;
- C. Affidavit Authorizing Representative executed October 27, 2025;
- D. Property Deed dated May 20, 2025;
- E. Site Plan prepared by Lumen Architectural Engineering P.C. dated August 12, 2026 and consisting of six (6) sheets;

- F. Site Plan prepared by Lumen Architectural Engineering P.C. dated August 12, 2026, last revised November 17, 2025, and consisting of six (6) sheets;
- G. Survey prepared by Koestner Associates dated May 28, 2025 and consisting of one (1) sheet;
- H. Drainage Calculation Report prepared by Lumen Architectural Engineering P.C. dated August 13, 2025;
- I. Correspondence from the Law Office of Carmine R. Alampi, LLC regarding the Affidavit of Service dated January 23, 2026; and
- J. Affidavit of Service for notices mailed on January 22, 2026 and published in the Bergen Record on January 23, 2026 prepared by the Law Office of Carmine R. Alampi, LLC; and

**WHEREAS**, a public hearing was held by the Board on April 8, 2026 in accordance with the Open Public Meetings Act and the Municipal Land Use Law (the “MLUL”), at which time the Applicant, represented by Carmine Alampi, Esq. of the Law Office of Carmine R. Alampi, LLC: (a) presented proof of notice and publication as required by law; and (b) submitted the following evidence to the Board in support of Applicant’s Application including:

- A. Survey of 8 Lake Road (to the north of the Property) prepared by Koestner Associates dated September 5, 2003, marked as Exhibit A-1;
- B. Survey of 7 Lake Road (across the street and to the north of the Property) prepared by Koestner Associates dated June 24, 1983, marked as Exhibit A-2;
- C. Recorded Map Number 642 of the Area dated July 1, 1892, marked as Exhibit A-3;

- D. Photographs of the Property and surrounding area, marked as Exhibit A-4;
- E. Testimony of the Applicant's surveyor, Steven Koestner of Koestner Associates, whose testimony can be summarized as follows:
  - a. The Property is an undersized corner lot (measuring approximately 75 feet by 100 feet).
  - b. The Property has pre-existing non-conformities with respect to minimum lot width (100 feet required; 75 feet existing) and lot area (15,000 square feet required; 7,500 square feet existing) and there is no practical way to expand the lot to comply with these requirements without creating nonconformities on other lots.
  - c. The Property also has pre-existing non-conformities with respect to the front yard setbacks (35 feet required; 23.87 feet existing and proposed on County Road; 26.22 feet existing and proposed on Lake Road).
  - d. The existing home's placement and setbacks are generally consistent with the established pattern of development along Lake Road and County Road.
  - e. The Applicant is seeking relief for floor area ratio ("FAR") (30% permitted; 33.12% proposed) and maximum residential and parking coverage requirements (25% required; 27.56% proposed).
  - f. The magnitude of the requested FAR relief is modest (about 234 square feet over what would be permitted).
  - g. The lot is relatively flat (there is approximately two feet of grade change across the site) and stormwater will be collected and managed onsite with seepage pits to avoid uncontrolled runoff.

- h. The surrounding area was originally laid out as three (3) 25 feet by 100 feet lots; and
- F. Testimony of Applicant's engineer and architect, Robert Lee of Lumen Architectural Engineering P.C. whose testimony can be summarized as follows:
- a. The proposed dwelling will have a modern design and is intended to remain consistent with the neighborhood.
  - b. The front elevation will be oriented toward the County Road with driveway access from Lake Road.
  - c. Existing site features, including the detached garage, two sheds and the steps and platform between the garage and the house will be removed, which reduces impervious coverage from approximately 32.3% to approximately 29.62% (whereas 30% is permitted), eliminating this pre-existing non-conformity.
  - d. The proposed addition meets the 30-foot height limit at approximately 29.5 feet (based on corner averaging).
  - e. The proposed livable floor area is 2,484 square feet (approximately 33.12% FAR), requiring a modest FAR variance of about 234 square feet.
  - f. The FAR computation excludes the garage and excludes a basement/cellar that is at least 70% below average grade,
  - g. Exterior materials will consist of wood, stone, stucco, and modern windows.
  - h. Landscaping/shrubbery will be provided along the Lake Road and County Road perimeter to mitigate visual impacts; and

- A. Testimony of the Applicant’s professional planner, David Spatz, whose testimony can be summarized as follows:
- a. The proposal advances the purposes of zoning by improving public health, safety and welfare through a more livable, code-compliant home, maintaining the established front yard/setback pattern along both County Road and Lake Road and providing drainage improvements that benefit onsite and offsite conditions.
  - b. The proposed development promotes appropriate population density and a desirable visual environment, as it provides an attractive design that upgrades development in the area.
  - c. Placement of the proposed addition in the rear yard limits impacts on adjacent properties.
  - d. The lot’s longstanding hardship conditions (undersized lot area and width) support the bulk relief.
  - e. The Property can support the modest FAR increase (approximately 234 square feet over the permitted FAR), particularly where the plan improves coverage/building coverage and increases open space by removing an old shed.
  - f. The requested C variances are supported, since there would be no substantial detriment to the public good and that the positive attributes of the Application outweigh any potential negatives.

- g. The requested C variance related to impervious surface created by concrete pads for HVAC equipment in the side yard is mitigated by the Applicant screening the equipment with landscaping; and

**WHEREAS**, at the public hearing, the Board also considered the following:

- A. Letter from the Borough Zoning Officer, Michael Greco (the “Zoning Officer”) dated November 7, 2025 deeming the Application incomplete;
- B. Completeness Letter from the Zoning Officer dated December 15, 2025;
- C. Board Planner Report prepared by Colliers Engineering and Design dated January 20, 2026 (the “Board Planner Report”), along with testimony from Darlene A. Green, PP, AICP of Colliers Engineering & Design (the “Board Planner”);
- D. Board Engineer Report prepared by Colliers Engineering and Design dated January 20, 2026 (the “Board Engineer Report”), along with testimony from Nick Chelius, PE of Colliers Engineering & Design (the “Board Engineer”); and

**WHEREAS**, the Board and the Board Engineer had extensive questions for the Applicant and the Applicant’s professionals regarding the proposed addition; and

**WHEREAS**, an adjoining property owner appeared at the public hearing to ask questions of the Applicant, expressed concerns and offered comments in support of the Application; and

**WHEREAS**, the Board having heard and considered the testimony, arguments and documents referenced above.

**NOW, THEREFORE, BE IT RESOLVED** that the Joint Planning Board of the Borough of Demarest makes the following findings of fact and conclusions of law with respect to the within Application:

1. All of the “**WHEREAS**” clauses set forth above are incorporated by reference. All of the testimony, documents, and exhibits produced by the Applicant, including those produced at the public hearing on April 8, 2026, are incorporated herein by reference.

2. The Property is located at 110 County Road and designated as Lot 307 in Block 91 on the Tax Maps of the Borough of Demarest and is a rectangular-shaped, undersized parcel consisting of 7,500 square feet.

3. The Property is located on the corner of County Road and Lake Road and is located in the Single-Family Residence C Zone (the “R-C Zone”).

4. The Property is currently occupied by a single-family dwelling, detached garage, 2 sheds, driveway, walkways and other related improvements.

5. Single-family residential dwellings are permitted uses in the R-C Zone.

6. By this Application, the Applicant is seeking D(4) FAR variance and C variance relief to construct a new two-story addition to the north side of the existing single-family dwelling on the Property, including a new driveway, a new walkway, new AC and generator pads and stormwater management facilities.

7. The Applicant is proposing to demolish the existing foundation on the north side of the home, attached steps and platforms, detached garage, two sheds, driveway, and fence.

8. The Property has pre-existing non-conformities with respect to the front yard setbacks (35 feet required; 23.87 feet existing and proposed on County Road; 26.22 feet existing and proposed on Lake Road).

9. The Property had a pre-existing non-conformity with respect to impervious coverage which was eliminated by this Application and the removal of several existing site features, such as the detached garage and sheds.

10. The Applicant is seeking variance relief from the requirements of the R-C Zone pursuant to N.J.S.A. 40:55D-70(d)(4) with respect to maximum livable floor area (30% is permitted; 33.12% is proposed).

11. The Applicant is seeking variance relief from the requirements of the R-C Zone pursuant to N.J.S.A. 40:55D-70(c) with respect to: (i) minimum side yard setback abutting a lot (15 feet is required; 13.05 feet is existing and proposed to Block 91, Lot 306); and (ii) maximum residential and parking coverage requirements (25% required; 27.56% proposed).

12. During the course of the hearing, the Applicant modified the Application to relocate the 2 AC units and generator from the eastern side of the dwelling to the northern side of the dwelling (behind the house), eliminating the need for a variance for impervious surface side yard encroachment.

13. The Board finds that the proposed two-story addition to the existing single-family dwelling, which is a permitted use in the R-C Zone and consistent with the surrounding neighborhood, provides an aesthetic improvement to the Property, which was dilapidated.

14. The Board finds that the Applicant suffers a hardship as a result of the Property being severely undersized and that the proposed development would not require a variance for residential and parking coverage if the lot size was conforming.

15. The Board further finds that there are no realistic alternatives to the proposed residential and parking coverage variance, as the proposed dwelling is moderately sized and there is no available land for the Applicant to purchase to increase the size of their severely undersized lot.

16. The Board finds that the D(4) and “C” variances requested by the Applicant for FAR, minimum side yard setback abutting a lot and residential and parking coverage are de minimis and enhance the aesthetics of the existing dwelling.

17. Despite the FAR, the home is not an overbuilt design. The Applicant has proven their Property can reasonably accommodate any problem associated with the structure exceeding the permitted FAR by 234 square feet, as the proposed dwelling complies with building coverage, impervious coverage, building height and rear yard setback requirements.

18. The Board finds that, in light of the significantly deficient lot size, the modest size of the dwelling, the attractive design of the improvements and the dwelling’s maintenance of building coverage, impervious coverage, building height and rear yard setback requirements, the requested variances are reasonable and appropriate.

19. The Board finds that the Application and the proposed improvements are consistent with other homes in the neighborhood and that the variances can be granted without any detriment to the public good or any neighboring properties.

20. The Board further finds that the granting of the variances will not substantially impair the intent and purpose of the Borough’s Zoning Ordinance or Master Plan and is in the furtherance of the purposes set forth in N.J.S.A. 40:55D-2, e.g. adequate light, air and open space is provided.

21. The Board finds that the Application and the proposed improvements, as modified at the public hearing to relocate the proposed AC units and generator to the rear of the Property (behind the house), are consistent with other homes in the neighborhood and that the variances can be granted without any detriment to the public good or any neighboring properties.

22. The Board finds that the Applicant has proven its entitlement to variance approval under N.J.S.A. 40:55D-70(d)(4), N.J.S.A. 40:55D-70(c)(1) and N.J.S.A. 40:55D-70(c)(2) and hereby grants the following variances:

Zoning Code Section	Required/Permitted	Proposed & Granted
Section 175-16 (livable floor area/FAR)	30%	33.12%
Section 175-16 (minimum side yard setback abutting a lot)	15 feet	13.05 feet (abutting Block 91, Lot 306)
Section 175-16 (maximum residential and parking coverage)	25%	27.56%

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Board of the Borough of Demarest, based upon the above findings of fact and conclusions of law, that the within application for Variance Approval, as modified on the record at the public hearing, is hereby granted, subject to the following conditions:

a) The Applicant shall provide the Board Engineer with detailed roof height calculations prior to the issuance of any permits in order to substantiate, to the satisfaction of the Board Engineer, that the height of the roof is in compliance with the R-C Zone. If the final roof height calculations trigger a height variance, the Applicant shall return to the Board to request variance approval before the issuance of any permits.

b) The Applicant shall work with the Board Engineer to his satisfaction to provide enhanced landscaping/shrubbery along the Lake Road and County Road perimeter to the satisfaction of the Board Engineer in order to mitigate any visual impacts from the proposed development.

c) The Applicant shall relocate the 2 AC units and generator from the eastern side of the dwelling to the northern side of the dwelling (behind the house).

d) The existing white vinyl fence between the Property and 106 County Road (Block 91/Lot 306) shall remain.

e) The Applicant shall provide the Board Engineer with detailed FAR calculations in order to substantiate, to the satisfaction of the Board Engineer, that at least 70% of the basement is below average grade.

f) The Applicant shall provide an as-built survey to the Board Engineer prior to the issuance of a final certificate of occupancy.

g) Unless otherwise addressed herein or at the public hearing before the Board, the Applicant shall comply with the recommendations of the Board, including but not limited to the Board Planner Report and the Board Engineer Report, as well as any stipulations made during the hearing on the Application and all conditions enumerated herein.

h) Notwithstanding the approval granted herein, the Applicant shall comply with all of the ordinances of the Borough of Demarest and all applicable county, state, and federal statutes, ordinances, rules and regulations.

i) The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development.

j) The Property shall be kept neat during all construction and all construction hours shall strictly adhere to the ordinances of the Borough of Demarest.

k) The Applicant shall post all fees and deposits as required by applicable ordinances of the Borough of Demarest which shall include payment of all outstanding taxes and the payment of all fees to the Borough's professionals for the review of the within Application and the inspection of work to be performed incidental thereto. The Applicant shall pay any fees or additional escrow deposits which may be due and owed within ten (10) days of notification.

l) All construction, use and development of the Property shall be in conformance with the plans approved by the Board. In the event the Applicant or its successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or replace the instant approval. The Applicant's failure to comply with this condition may be the cause for the issuance of a Stop Work Order, penalties and/or the revocation of either a Building Permit and/or Certificate of Occupancy issued in respect of the contemplated improvements, subject to reasonable notice and the opportunity to cure.

m) The Applicant shall correct and make safe any dangerous or unsafe condition caused by the Applicant or those acting for it, affecting public safety or general welfare, if any such condition develops.

n) The Applicant shall be and remain liable for any and all damages or money loss occasioned by the Borough of Demarest or its officers or agents by any neglect, wrongdoing, omissions or commissions by the Applicant or its agents arising from the making of improvements and shall save, indemnify, hold harmless the Borough of Demarest or Board, its officers, agents, employees and all charges, judgments, costs or counsel fees arising from such damages or loss. The Applicant agrees not to commit any public or private nuisance by reason of dirt, dust, debris, air-pollution, noise pollution, gas, smoke, or other occurrences resulting from the construction or installation authorized by the approval of this plan or any building permit issued in pursuit thereof.

o) The Applicant's failure to comply with any condition set forth with this Resolution shall constitute a failure of the conditions of this approval and may be the cause for the issuance of a Stop Work Order, penalties and/or the revocation of either a Building Permit

and/or Certificate of Occupancy issued in respect of the contemplated improvements, subject to reasonable notice and the opportunity to cure.

**IT IS HEREBY CERTIFIED** that this is a true and correct copy of a Resolution adopted by the Planning Board of the Borough of Demarest upon a roll call vote at a meeting held on April 8, 2026.

A copy of this Resolution shall be given to the Tax Assessor, Applicant, Borough Clerk, Building Department, Zoning Officer and Borough Engineer.

ATTEST:

SO APPROVED:

\_\_\_\_\_  
MICHAEL GRECO, Secretary

\_\_\_\_\_  
TIMOTHY WOODS, Chair

**BOROUGH OF DEMAREST JOINT PLANNING BOARD**

**VOTE TO APPROVE THE APPLICATION**

<b>BOARD MEMBER</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>N/E</b>
Mr. Adelman		✓	✓				
Ms. Brenner						✓	
Vice Chair Chin			✓				
Ms. DiSclafani						✓	
Councilwoman Fox						✓	✓
Mr. Lerner			✓				
Dr. Mamdani			✓				
Mr. Jiang ( <i>Alt #1</i> )	✓		✓				
Ms. Hamilton ( <i>Alt #2</i> )						✓	
Mr. Alevrontas ( <i>Alt #3</i> )			✓				
Mayor Bernstein							✓
Chair Woods			✓				

Date of Approval: April 8, 2026

**VOTE TO APPROVE THE RESOLUTION**

<b>BOARD MEMBER</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>N/E</b>
Mr. Adelman							
Vice Chair Chin							
Mr. Lerner							
Dr. Mamdani							
Mr. Jiang <i>(Alt #1)</i>							
Mr. Alevrontas <i>(Alt #3)</i>							
Chair Woods							

Date of Adoption: May 6, 2026

May 4, 2026

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

8 Ross Avenue  
Block 133, Lot 42  
Borough of Demarest, Bergen County, NJ  
Joint Land Use Board Application County - **Engineering Review 3**  
Colliers Engineering & Design Project No. DEZ0059

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 construct a two-story addition, driveway, patio, and other related improvements at the subject property;

- a) Site plans consisting of one (1) sheet, prepared by prepared and signed by Stephen P. EID, P.E, PLS, of EID Associates, Inc, dated November 20, 2025, **last revised April 20, 2026;**
- b) Architectural Plans consisting of five (5) sheets, prepared and signed by Stanley J. Kufel, RA, dated October 14, 2025, **last revised April 23, 2026;**
- c) Topographic survey of the property consisting of one (1) sheet, prepared and signed by Stephen P. EID, PLS, of EID Associates, Inc, dated February 11, 2025;
- d) Variance Application for the subject property and attachments; signed and dated January 20, 2026;
- e) Zoning Analysis prepared by Stephen P. EID, P.E, PLS, of EID Associates dated January 13, 2026;
- f) Zoning Denial letter dated January 14, 2026.
- g) **Engineer Response letter by Stephen P. EID, P.E, PLS, of EID Associates, Inc, dated April 20, 2026; and**
- h) **Cover letter prepared by Gloria Duby, of Capizzi Law Offices, dated April 24, 2026.**

The Property Owner/Applicant is:

8 Ross Avenue LLC  
c/o Scott Nela  
8 Ross Avenue  
Demarest, NJ 07627

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 property survey, the site is currently occupied by a 2-story single-family dwelling with associated driveway, walkways, deck, frame garage, and other related improvements, some of which are to be demolished. The Applicant is proposing to construct a new 2 story addition on the east side of the existing dwelling, driveway, rear patio, drainage improvements and other related improvements on the property.

The property is a rectangular shaped parcel consisting of 7,000 SF. The property is located on the north side of Ross Ave, between County Road and Elm Place. The dwelling front faces Ross Avenue and driveway access is provided on Ross Avenue. The property is located in the residential 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: D

Use: Single Family Residential

Description	Required	Existing	Proposed	Complies
Lot area**	10,000 sf.	7,000 sf.	7,000 sf.	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Lot Frontage**	100 ft.	70 ft.	70 ft.	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Lot depth	100 ft.	100 ft.	100 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Front yard setback**	20.8 ft.	15.0 ft.	15.0 ft.	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Side yard setback-west **	10.0 ft.	9.9 ft.	9.9 ft.	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Side yard setback-east	10.0 ft.	35.9 ft.	15.5 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Rear yard depth	30 ft.	44.20 ft.	44.20 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
<b>Building Height*</b>	<b>30 ft.</b>	<b>30.15 ft.**</b>	<b>30.36 ft.</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
<b>Max Building Coverage*</b>	<b>20 %</b>	<b>16.2 %</b>	<b>26.9 %</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
<b>Max Livable Floor Area*</b>	<b>30 %</b>	<b>22.6 %</b>	<b>39.1 %</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
<b>Residential &amp; Parking Coverage*</b>	<b>25 %</b>	<b>27.3 %</b>	<b>30.7 %</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
<b>Improved Coverage*</b>	<b>30 %</b>	<b>30.9%**</b>	<b>35.2 %</b>	<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. Lot Area – There is a pre-existing nonconformance for lot area of 7,000 SF, where a minimum of 10,000 is required.
2. Lot Frontage – There is a pre-existing nonconformance for lot frontage of 70 FT, where a minimum of 100 FT is required.
3. Minimum Front Yard setback – There is a pre-existing non-conformance for the existing dwelling for front yard setback of 15 FT where a minimum of 20.8 FT is required. The Applicant is proposing an addition with a front yard setback of 19.1 FT where a minimum of 20.8 FT is required.  
A variance is required for this condition.
4. Building Coverage – The Applicant is proposing a max building coverage of 1,771 SF (25.3%) where the maximum of 1,400 SF (20%) is permitted. **This calculation has been revised, with a proposed building coverage of 1,880 SF (26.9%).**  
A variance is required for this condition.
5. Livable Floor Area – The Applicant is proposing a max livable floor area of 2,737 SF (39.1%) where a maximum of 2,100 SF (30%) is permitted.  
A variance is required for this condition.
6. Residential & Parking Coverage – The Applicant does not include this calculation of the zoning sheet and should revise the plans to include this calculation. Based on the coverage breakdown provided on the plans; it appears the district maximum is exceeded. The Applicant should be prepared to provide testimony to clarify the total residential and parking coverage proposed. The Applicant is proposing a residential and parking coverage area of 2,152 SF (30.7%) where the maximum of 1,750 SF (25%) is permitted.  
A variance is required for this condition.
7. There is an existing garage in the northern corner of the property which is considered an accessory structure. The existing garage encroaches on the rear and side yard accessory structure setbacks. The Applicant is proposing to remove the garage as part of this application.
8. As noted in comment D below, there is a pre-existing nonconformance for building height of 30.1 FT, where a maximum of 30 FT is permitted. **The Applicant proposes to construct the addition to a building height of 30.36 FT.**  
**A variance is required for this condition.**

### III. Engineering Review

- B. The Applicant is proposing to increase improved lot coverage from 2,160 SF (30.9%) to 2,446 SF (34.9%) with a net increase in coverage of 286 SF. **The calculation for maximum improved coverage has been revised to 2,464 SF (35.2%).**
1. There is a wooden deck, stairs, and frame garage in the rear of the existing dwelling which are to be removed.
- C. The Applicant is proposing one (1) precast concrete seepage pit in the rear yard area to collect and store stormwater runoff from what appears to be the roof area of the proposed addition. We offer the following comments related to the drainage design:
1. The Applicant has provided design calculations which indicate approximately 2,446 SF of area being collected and conveyed to the proposed seepage pit. The Applicant has provided adequate storage for this drainage area. We take no exception to the calculations provided. The Applicant should provide testimony if there are any existing drainage improvements on-site.
  2. The Applicant should provide testimony indicating where the seepage pit is proposed to overflow. **Continuing comment.**
  3. A soil test shall be provided prior to the installation of the proposed seepage pits. Soil test shall include information regarding the location of the seasonal high-water table (SHWT) and percolation rate of the soil.
  4. The Applicant proposed an at-grade manhole cover for future maintenance. We take no exception.
  5. The Borough Engineer shall be notified to inspect the seepage pits prior to backfilling.
- D. Revised building height calculations have been provided, indicating an existing building height of 30.1 FT, which is a pre-existing nonconformity. We note that the Applicant's building height calculations for the addition are based on measurement from the average proposed grade which is incorrect. Proposed building height is calculated from the average natural grade, not the proposed grade. The proposed building height and zoning table should be revised to reflect this, or the plans should be adjusted to eliminate this nonconformity. **A revised building height calculation for the proposed addition has been provided, indicating a proposed building height of 30.36 feet.**
- E. A basement is proposed. The Applicant is advised that any basement must be a minimum of 70% below finished grade; otherwise, the area shall be included in the calculation of gross livable floor area. Calculations for this should be provided on the site plan. **Calculations have been provided and indicate the existing basement is 48.7 % below grade, and 51.4 % below the proposed finished grade. As such, the basement does not appear to meet the 70% below-grade requirement. The Applicant indicates that**

**the existing basement is utilized solely for storage and utilities and has therefore not been included in the gross livable floor area calculation. No basement is proposed as part of the new addition.**

- 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 from north to south. The highest point of the property is in the southeastern side where elevations are approximately 78 and the lowest point of the property is in the northeastern corner, where elevations are approximately 77.5.
  2. Under proposed conditions, the high and low points are generally maintained, and drainage patterns should not be substantially impacted. Proposed grading appears to be minimal.
- G. The Applicant has submitted calculations indicating approximately 80 cubic yards of cut and 65 cubic yards of fill, for a total soil movement of 145 cubic yards. Based on the information provided, the proposed soil movement does not exceed the 250 cubic yard threshold, and a soil movement permit does not appear to be required.
- 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 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 Land Use Board Engineer

cc: Board Members (via Joint Land Use Board Secretary)  
Matthew Capizzi, Applicant's Attorney (via email)

April 29, 2026

**PLANNING REPORT**

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

**RE: 8 Ross Avenue, LLC c/o Scott Nela**

8 Ross Avenue  
Block 133, Lot 42  
Review Letter #3  
Project No. DEP-0262

Dear Board Members,

8 Ross Avenue, LLC c/o Scott Nela, the Applicant, seeks variance relief to construct a two-story addition to the southeast side of the existing home. A new driveway to the proposed addition, a rear patio adjacent to the addition, and stormwater management facilities are also proposed. To enable the construction, the Applicant intends to remove the existing driveway on the northwest side of the home, the existing detached garage in the northern corner of the property, and the existing wood deck. The Application requires a D(4) floor area ratio (FAR) variance and "C" variances, which are detailed in Section B.

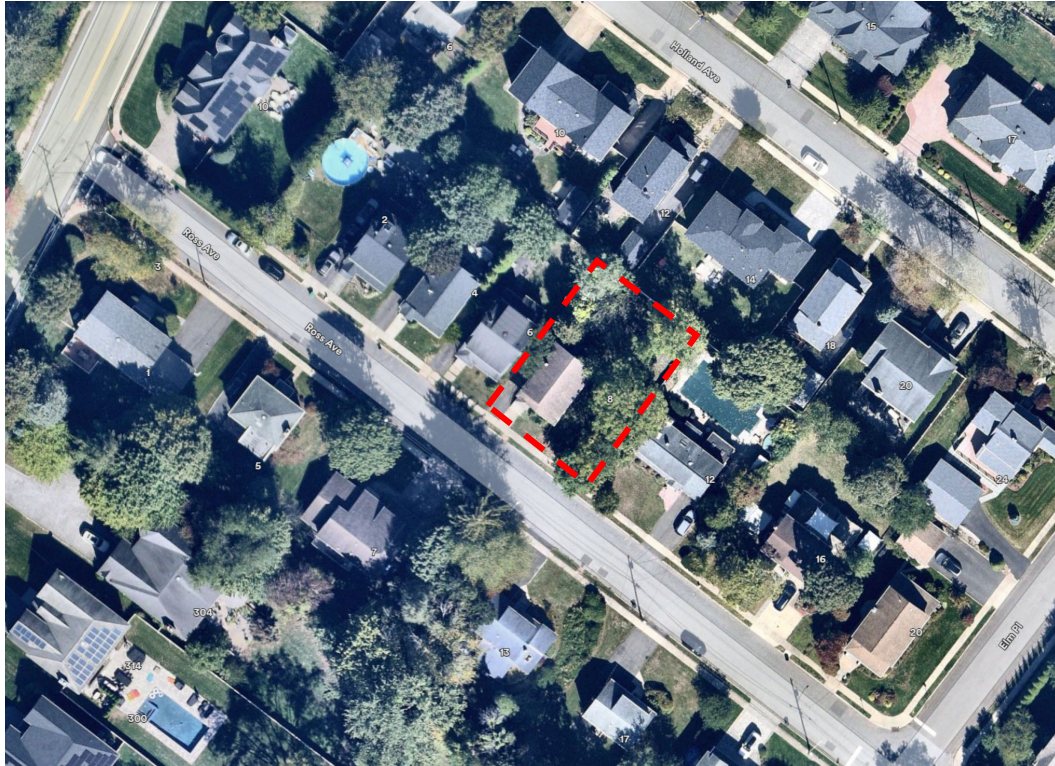
The following documents, which were submitted in support of the Application, have been reviewed:

1. Plan entitled "Site Plan Proposed Addition", prepared by Stephen P. Eid, PE, PLS of Eid Associates, Inc., dated November 20, 2025, revised through April 20, 2026, consisting of 1 sheet.
2. Plan entitled "Proposed Addition to an Existing Two-Story Frame Dwelling", prepared by Stanley J. Kufel, RA, dated October 14, 2025, consisting of 5 sheets. It should be noted that Sheets A-03 and A-04 are dated September 4, 2025. Additionally, a revised Architectural Plan set was submitted on or about April 24, 2026 (but contains no revision date).
3. Survey entitled "Location Survey", prepared by Stephen P. Eid, PE, PLS of Eid Associates, Inc., dated February 11, 2025, consisting of 1 sheet.
4. Variance Application, dated January 20, 2026. Note that a revised Application, dated March 27, 2026, was also submitted.
5. Zoning Permit Denial, dated January 14, 2026, consisting of 1 page.
6. Letter entitled "Single Family Residential Addition", prepared by Eid Associates, Inc., dated January 13, 2026, consisting of 2 pages.

7. Letter entitled "Initial Submittal for Completeness Review", prepared by Gloria Duby, Paralegal of Capizzi Law Offices, dated January 20, 2026, consisting of 2 pages.
8. Letter entitled "8 Ross Avenue, LLC – Demarest JPB (the "Applicant")", prepared by Matthew G. Capizzi, Esq. of Capizzi Law Offices, dated March 16, 2026, consisting of 1 page. (Note that two copies were submitted, which were addressed to different people.)
9. Letter entitled "8 Ross Avenue, LLC – Demarest JPB (the "Applicant")", prepared by Gloria Duby of Capizzi Law Offices, dated March 27, 2026, consisting of 2 pages.
10. Letter entitled "Single Family Residential Addition", prepared by EID Associates, Inc., dated April 20, 2026, consisting of 2 pages.
11. Letter entitled "List of Revisions Made 4/23/2026; Proposed addition to existing 2 story frame dwelling", prepared by Sidiq Ghaleb, dated April 23, 2026, consisting of 1 page.

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

The subject property is located on the north side of Ross Avenue in the Residence D (R-D) District. The property is surrounded by residential uses. See the image below for the approximate location of the subject property shown in red.<sup>1</sup>



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

- Minimum Lot Area – 10,000 square feet
- Minimum Lot Frontage – 100 feet
- Minimum Lot Depth – 100 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 Depth – 30 feet<sup>3</sup>
- Maximum Number of Families per Building – 1
- Maximum Building Coverage – 20%
- Maximum Height of Building – 24 feet/30 feet<sup>4</sup>
- Maximum Livable Floor Area (1 or 2 stories) – 30%<sup>5</sup>
- Maximum Improved Lot Coverage – 30%<sup>6</sup>
- Maximum Residential and Parking Coverage – 25%

## B. Variances

The Application requires the following “D” variance:

1. Section 175-16 – D(4) variance for floor area ratio (“FAR”). The Ordinance limits the livable floor area for one- or two-story dwellings in the R-D District to 30% of the lot area. (It should be noted that a footnote for livable floor area describes the method to calculate said area, which is the same as a FAR calculation.)

The Applicant proposes a livable floor area (FAR) of 2,737 square feet or 39.1% of the lot area.

The Application requires the following “C” variances:

1. Section 175-16 – Variance for front yard setback. The Ordinance requires a 25-foot front yard setback. However, Footnote B of the Limiting Schedule requires an alternative setback on all streets, except 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.

According to the Chart of Average Front Setbacks on the Site Plan, the average front yard setback of the properties along the north side of Ross Avenue between County Road and Elm Place, excluding the subject property, is 20.8 feet. The existing front yard setback is 15 feet. The Applicant proposes a front yard setback to the addition of 19.1 feet. It should be noted that the proposed overhang above the garage has a front yard setback of approximately 15.1 feet.

2. Section 175-16 – Variance for maximum building coverage. The Ordinance limits building coverage to 20% of the lot area.

According to the calculation in General Note 13 on the Site Plan, the Applicant proposes a building coverage of 1,880 square feet or 26.9% of the lot area, which includes the proposed dwelling (1,771 square feet) and covered porch (29 square feet), and the proposed overhang above the garage (80 square feet).

3. Section 175-16 – Variance for maximum building height. The Ordinance limits building height to 30 feet.

The Applicant proposes a building height of 30.36 feet. It should be noted that the existing building height is 30.15 feet.

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

The Applicant proposes an improved lot coverage of 2,464 square feet or 35.2% of the lot area, which includes the dwelling and garage (1,771 square feet), walks, porches, and steps (110 square feet), driveway (340 square feet), and deck, patio, and AC units (243 square feet). It should be noted that the existing improved lot coverage is 2,160 square feet or 30.9% of the lot area.

5. Section 175-16 – Variance for maximum residential and parking coverage. The Ordinance limits residential and parking coverage to 25% of the lot area, which includes the residential use, vehicle access, and parking areas.

According to the calculation in General Note 12 of the Site Plan, the Applicant proposes 2,152 square feet of residential and driveway area (house, covered porch, and driveway area) or 30.7% of the lot area. It should be noted that the existing residential and parking coverage is 1,912 square feet or 27.3% of the lot area.

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

1. Section 175-16 – The Ordinance requires a minimum lot area of 10,000 square feet. The subject property is only 7,000 square feet.
2. Section 175-16 – The Ordinance requires a minimum lot frontage of 100 feet. The subject property only has 70 feet of frontage along Ross Avenue.
3. Section 175-16 – The Ordinance requires a ten-foot side yard setback in the R-D District. The existing side yard setback to the western property line is 9.9 feet.
4. Section 175-16 – The Ordinance limits building height to 30 feet. According to General Note 9 on the Site Plan, the existing building is 30.1 feet from the average existing grade around the existing footprint to the roof peak ( $108.2 - 78.1 = 30.1$  feet). It should be noted that the proposed addition would lower the building height to 29.9 feet measured from the average existing grade around the proposed footprint to the roof peak ( $108.2 - 78.3 = 29.9$  feet), which would **eliminate** this pre-existing non-conforming condition.

5. 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 existing covered front porch encroaches into the front yard.
6. Section 175-19A.(1)(d) – The Ordinance does not permit impervious surfaces within the front yard setback requirement or within ten feet of any side or rear lot line, except for driveways and access walks to the principal building. The existing detached garage has a 1.1-foot side yard setback and a 3.2-foot rear yard setback. It should be noted that the Applicant proposes to remove the existing detached garage, which would **eliminate** this pre-existing non-conforming condition.
7. Section 175-19A.(4)(c) – The Ordinance permits accessory uses, buildings, and structures to encroach into the rear yard, except that no encroachment may be closer than ten feet to the rear lot line. The existing detached garage has a 3.2-foot rear yard setback. It should be noted that the Applicant proposes to remove the existing detached garage, which would **eliminate** this pre-existing non-conforming condition.

### 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 increase 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/Exceptions

The Application does not require any waivers/exceptions based on the information provided.

## 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 D(4) FAR variance and "C" variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. After reviewing the Application, we have identified two "C" variances that have not been requested or identified by the Applicant. The Site Plans shall be revised to list all required relief or amended to comply with the Ordinance.

April 6, 2026 Response: The revised Site Plan has listed the variance for residential and parking coverage. However, the variance for front yard setback has not been listed on the Plan. The Site Plan shall be revised to list all required relief, which can be a condition of any potential Board approval.

*The Site Plan has been revised to list all required variance relief. This comment has been **addressed**.*

### Site Plans

3. The R-D District requires front yard setback of 25 feet. However, Footnote B of the Limiting Schedule requires an alternate 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. The "Chart of Average Front Setbacks" on the Site Plan indicates the average front yard setback along the north side of Ross Avenue between County Road and Elm Place is 19.9 feet. However, the calculation includes the subject property. The Ordinance requires the average front yard setback to be calculated based on lots on either side of the subject property. Excluding the site, the alternate front yard setback is 20.8 feet. The Chart of Average Front Setback shall be revised accordingly, which can be a condition of any potential Board approval.

April 6, 2026 Response: As of April 6, 2026, the "Chart of Average Front Setbacks" has not been revised to eliminate the subject property from the calculation. The Chart shall be revised, which can be a condition of any potential Board approval.

*The Chart of Average Front Setbacks has been revised to note the setback of the subject property is not applicable and calculates the average based on the seven properties within 300 feet on each side of the property. This comment has been **addressed**.*

4. The Zoning Schedule indicates the proposed building coverage is 25.3%, which includes the dwelling and garage (1,771 square feet) according to the Lot Improvement Areas. However,

this area does not include the 29 square foot covered front porch indicated in the Improved Lot Coverage table in the Engineer's January 13, 2026 Letter. Therefore, the proposed building coverage is 1,800 square feet or 25.7% of the lot area. The Zoning Schedule and Lot Improvement Areas shall be revised accordingly, which can be a condition of any potential Board approval.

April 6, 2026 Response: According to General Note 12 on the revised Site Plan, the existing covered porch is 41 square feet. Therefore, based on the information provided, the proposed building coverage is 1,812 square feet or 25.9% of the lot area. However, the Zoning Schedule indicates the proposed coverage is 25.3%, which would only include the proposed dwelling. Additionally, the Lot Improvement Areas table does not separate the covered porch from the "walks, porches & steps" line. The Site Plan shall be revised to eliminate these discrepancies, which can be a condition of any potential Board approval.

*The revised Site Plan includes new General Note 13, which indicates the proposed building coverage is 1,880 square feet or 26.9% of the lot area, which includes the proposed dwelling (1,771 square feet), covered porch (29 square feet), and overhang above the garage (80 square feet). This comment has been **addressed**.*

5. The Proposed Front Elevation and Proposed Right Elevation on Sheet A-04 of the Architectural Plans illustrate an overhang above the garage doors. However, this overhang is not illustrated on the Site Plans or included in the building coverage calculation. The Applicant shall revise the Site Plans to illustrate the proposed overhang, which can be a condition of any potential Board approval. Additionally, the area of the overhang shall be provided to determine the exact building coverage relief required.

April 6, 2026 Response: The revised Site Plan has not illustrated the overhang above the garage as shown in the Architectural Plans. Therefore, the proposed building coverage remains unclear. The Applicant shall revise the Site Plan to illustrate the overhang and include the area in the building and/or improved lot area to determine the exact relief required. This can be a condition of any potential Board approval.

*The revised Site Plan illustrates the overhang above the garage. Additionally, new General Note 13 indicates the overhang is 80 square feet and the proposed building coverage is 1,880 square feet or 26.9% of the lot area. This comment has been **addressed**.*

6. The Ordinance defines "Building, Height of" as "The vertical distance measured from the average natural grade all around the building to the highest point of the roof." Additionally, "Average Natural Grade" is defined as "An average of a natural grade adjacent to the perimeter of a building measured at points 10 feet apart starting at the lowest elevation." General Note 9 on the Site Plan indicates the average grade around home is 78.2 feet and the roof midpoint grade is 104.6 feet, which equates to a height of 26.4 feet. This calculation of the building height does not comply with the Ordinance as the "highest point of the roof" was not utilized. The Site Plans indicate the roof peak is 108.2 feet, which results in a height

of 30 feet. This is the maximum permitted height of the R-D District. However, the Applicant shall provide a detailed calculation of the average natural grade to ensure compliance.

April 6, 2026 Response: General Note 9 on the revised Site Plan indicates the proposed building height is 29.9 feet measured from the average proposed grade around the home (78.3 feet) to the roof peak (108.2 feet). However, the calculation is not consistent with the average natural grade definition. The Applicant shall revise the average natural grade and proposed building height calculation to determine compliance. We strongly encourage the Applicant to prepare an exhibit to confirm Ordinance compliance for the hearing.

*General Note 9 has been revised to calculate the existing building height at 30.15 feet from an average natural grade of 78.05 feet to the roof peak at 108.2 feet. Additionally, the proposed building height is calculated to be 30.36 feet from the average natural grade of 77.84 feet to the roof peak at 108.2 feet. Based on this information, variance relief is required to permit an increased building height. However, it should be noted that the proposed roof peak remains unchanged, while the average natural grade is slightly reduced due to the increased building footprint. This comment has been **addressed**.*

7. The Ordinance defines “Livable Floor Area” as

*The aggregate area of all floors included within the outer walls of a building, excluding basements, garages and other unheated areas, and including only such floor area under a sloping ceiling for which the headroom is not less than five feet six inches, and then only if at least 75% of such floor area has a ceiling height of not less than seven feet six inches and if any such floor that is situated above another story has access to the floor below by a permanent built-in stairway and has a permanent, complete floor and a means of heating to 70° F. at all times.*

Additionally, on May 7, 2025 via Resolution JPB-006-25, the Board made an interpretation of how livable floor area should be calculated and determined the Livable Floor Area “does not include basements that are at least 70% below average grade whether heated or unheated”. According to the Zoning Requirements information on Sheet A-00 of the Architectural Plans and the Engineering’s January 2026 Letter, the proposed livable floor area is 2,737 square feet. However, the area of each floor was not provided. Additionally, the Applicant shall provide information to clarify if the basement is at least 70% below the average natural grade, which shall include a calculation of the average natural grade and the elevation of the basement floor and ceiling. Until this information is provided, we are unable to determine the exact relief required.

April 6, 2026 Response: General Note 10 on the revised Site Plan indicates the existing/proposed 7.4-foot-tall basement is only 3.8 feet below grade or 51.4% below grade. Pursuant to the Board’s interpretation, the existing/proposed basement must be included in the livable floor area. However, as noted above, the Applicant has not calculated the average natural grade pursuant to the Ordinance’s definition. The Applicant shall revise the

average natural grade calculation and provide the basement area to determine the exact D(4) FAR variance relief required.

*As noted above, General Note 9 has been revised to indicate the existing average natural grade is 78.05 feet and the proposed average natural grade is 77.84 feet. The Proposed Elevations on Sheet 5 of the Architectural Plans indicate the basement is six feet, eight inches tall (6.67 feet), not 7.4 feet tall as indicated in General Note 10. Based on the elevations provided by the Architectural Plans, the 6.67-foot-tall basement is 3.34 feet below the existing average natural grade (50%). Therefore, the basement floor area must be included in the FAR calculation to determine the exact D(4) variance relief required. **Testimony** shall be provided to clarify the existing and proposed FAR, which includes the basement, first, and second floors but excludes the proposed garage.*

8. The Site Plan does not illustrate any AC units and/or a generator. The Site Plan shall be revised to illustrate any existing and/or proposed outdoor mechanical equipment. The Applicant shall note that AC units and generators contribute to the improved lot coverage. Depending on the information provided, the proposed improved lot coverage may increase.

*The revised Site Plan illustrates two AC units at the rear of the dwelling, which have been included in the Lot Improvement Areas calculation. This comment has been **addressed**.*

9. The Applicant shall note that the Board made an interpretation in May of 2025 that AC units and generators are ancillary support equipment that are permitted in the side yard, provided all impervious coverage setback requirements are complied with. Section 175-19A.(1)(d) does not permit impervious surfaces to be closer than ten feet to a side or rear lot line.

*The proposed AC units are located to the rear of the dwelling and more than ten feet from the side and rear lot lines. This comment has been **addressed**.*

10. The Zoning Schedule does not include a line for the existing or proposed residential and parking coverage. However, based on the information provided, the proposed residential and parking area is 2,140 square feet or 30.6% of the lot area. This includes the proposed dwelling (1,771 square feet), covered porch (29 square feet), and proposed driveway (340 square feet). However, the area of the overhang above the proposed garage has not been provided, which would increase the proposed residential and parking coverage. The Applicant shall revise the Zoning Schedule to include the residential and parking coverage information and provide the area of the overhang to determine the exact relief required.

April 6, 2026 Response: The Zoning Schedule has been revised to provide the existing and proposed residential and parking coverage information. Additionally, General Note 12 provides a calculation of the coverage. This comment has been addressed.

*General Note 12 has been revised to indicate the proposed residential and parking coverage is 2,152 square feet or 30.7% of the lot area, which includes the proposed dwelling (1,771 square feet), driveway (340 square feet), and covered porch (41 square feet). However, new General Note 13 indicates the covered porch is only 29 square feet, which would reduce the residential and*

*parking coverage from 30.7% to 30.6% of the lot area. **Testimony** shall be provided on the correct square footage of the porch, which will impact either the building coverage percentage or the residential and parking coverage percentage.*

## Architectural Plans

11. The Architectural Plans only include front and right (east) side elevations of the proposed dwelling. The Applicant shall provide the left (west) and rear elevations, which can be a condition of any potential Board approval.

*The revised Architectural Plans provide rear and left (west) elevations of the proposed dwelling on Sheet 5. This comment has been **addressed**.*

12. The Proposed Right Elevation illustrates two windows in the basement. However, the Proposed Basement Plan does not illustrate any basement windows. This discrepancy shall be eliminated, which can be a condition of any potential Board approval.

*The Proposed Right Elevation has been revised to eliminate the two basement windows. This comment has been **addressed**.*

13. The Proposed First Floor Plan does not illustrate a refrigerator in the kitchen. The Plan shall be revised to illustrate the refrigerator and all kitchen cabinetry, which can be a condition of any potential Board approval.

*The Proposed First Floor Plan has been revised to illustrate the refrigerator. This comment has been **addressed**.*

14. The original Board submission contained Architectural Plans dated October 14, 2025 on the cover. These plans highlight the addition in light pink. The second Board submission, attached to the cover letter dated March 27, 2026 include the same Architectural Plans dated October 14, 2025. However, the basement layout is not the same, and the addition is not highlighted in light pink. Testimony shall be provided on which Plans guide. It should be noted that the original set of Plans expanded the basement area while the second set of plans do not increase the basement square footage.

*The most recent submission is attached to a letter dated April 24, 2026 entitled "Submittal for the Public Hearing of May 6, 2026". Included with this submission is a set of Architectural Plans dated October 14, 2025 (Sheets 1 to 3) and September 4, 2025 (Sheets 4 and 5). Additionally, a letter entitled "List of Revisions Made 04/23/2026" was submitted, which details changes to the Architectural Plans. Any future submissions of revised Architectural Plans should detail the original plan date and all revision dates for clarity and record keeping purposes.*

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: Michael Greco, Board Secretary (via email [mgreco@demarestnj.gov](mailto:mgreco@demarestnj.gov))  
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))  
Scott Nela, Applicant (via email [snela1981@yahoo.com](mailto:snela1981@yahoo.com))  
Matthew G. Capizzi, Applicant's Attorney (via email [matthew@capizzilaw.com](mailto:matthew@capizzilaw.com))  
Stephen Eid, Applicant's Engineer (via email [stephenpeid@gmail.com](mailto:stephenpeid@gmail.com))  
Stanley J. Kufel, Applicant's Architect (via email [sidgx306@gmail.com](mailto:sidgx306@gmail.com))

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<sup>1</sup> Image courtesy of <https://www.nearmap.com/us/en>, dated October 1, 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%.

April 2, 2026

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

75 Anderson Avenue  
Block 85.04, Lot 3  
Borough of Demarest, Bergen County, NJ  
Joint Land Use Board Application County - Engineering Review  
Colliers Engineering & Design Project No. DEZ0060

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 construct a new single-family dwelling and other related improvements at the subject property;

- a) Site plans consisting of two (2) sheets, prepared and signed by Michael J. Hubschman, P.E., P.P., and Robert J. Mueller, P.L.S., of Hubschman Engineering, dated December 3, 2025;
- b) Architectural Plans consisting of three (3) sheets, prepared by Eric Kiellar, A.I.A., and Wayne Johnson, R.A., P.P, of Blueline Architecture, LLC., dated January 29, 2026;
- c) Variance Application for the subject property and attachments; signed and dated February 6, 2026;
- d) Zoning Denial letter dated January 13, 2026; and
- e) Completeness letter dated March 31, 2026.

The Property Owner/Applicant is:

75 Anderson Avenue LLC  
c/o Dean Stamos  
6 Van Buren Court  
Cresskill, NJ 07626

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 existing conditions plan, the site is currently occupied by a 2-story single-family dwelling with associated driveway, walkways, deck, and other related improvements, which are proposed to be demolished. The Applicant is proposing to construct a new 2 story

single family dwelling, attached garage, driveway, rear patio, drainage improvements and other related improvements on the property.

The property is a rectangular shaped parcel consisting of 14,534.23 SF. The property is located on the west side of Anderson Avenue between Country Club Way and Orchard Road. The dwelling front faces Anderson Avenue and driveway access is provided on Anderson Avenue. The property is located in the residential R-A 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-A

Use: Single Family Residential

Description	Required	Existing	Proposed	Complies
<b>Lot area*</b>	<b>40,000 sf.</b>	<b>14,534.23 sf.**</b>	<b>14,534.23 sf.</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
<b>Lot Frontage*</b>	<b>200 ft.</b>	<b>78.69 ft.**</b>	<b>78.69 ft.</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
<b>Lot depth*</b>	<b>200 ft.</b>	<b>183.74 ft.**</b>	<b>183.74 ft.</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Front yard setback	50 ft.	39.00 ft.**	50.00 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
<b>Side yard setback-North*</b>	<b>25 ft.</b>	<b>21.70 ft.**</b>	<b>20.53 ft.</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
<b>Side yard setback-South*</b>	<b>25 ft.</b>	<b>8.10 ft.**</b>	<b>12.72 ft.</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Rear yard depth	50 ft.	90.39 ft.	52.80 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Building Height	33 ft.	Not Given	26.98 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
<b>Max Building Coverage*</b>	<b>15 %</b>	<b>13.25 %</b>	<b>19.5 %*</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
<b>Max Livable Floor Area*</b>	<b>22.5 %</b>	<b>18.34 %</b>	<b>28.37 %</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
<b>Residential &amp; Parking Coverage*</b>	<b>25 %</b>	<b>26.1 %**</b>	<b>34.2 %</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
<b>Improved Coverage*</b>	<b>30 %</b>	<b>30.99%**</b>	<b>34.46 %</b>	<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. Lot Area – There is a pre-existing nonconformance for lot area of 14,534.23 SF, where a minimum of 40,000 is required.

2. Lot Frontage – There is a pre-existing nonconformance for lot frontage of 78.69 FT, where a minimum of 200 FT is required.
3. Lot Depth – There is a pre-existing nonconformance for lot depth of 183.74 FT, where a minimum of 200 FT is required.
4. Side Yard (North side) – There is a pre-existing nonconformance for side yard of 23.48 FT, where a minimum of 25 FT is required. The Applicant proposes a reduced setback of 20.53 feet, which further deviates from the ordinance requirement and intensifies the nonconformity.  
A variance is required for this condition.
5. Side Yard (South side) – There is a pre-existing nonconformance for side yard of 8.83 FT, where a minimum of 25 FT is required. The Applicant proposes a setback of 12.72 feet.  
A variance is required for this condition.
6. Building Coverage – The Applicant is proposing a building coverage of 2,835 SF (19.5%) where the maximum of 2,180 SF (15%) is permitted.  
A variance is required for this condition.
7. Livable Floor Area – The Applicant is proposing a livable floor area of 4,123 SF (28.37%) where a maximum of 3,270 SF (22.5%) is permitted.  
A variance is required for this condition.
8. Residential & Parking Coverage – The Applicant is proposing residential and parking coverage of 4,970 SF (34.2%) where a maximum of 3,633 SF (25%) is permitted.  
A variance is required for this condition.
9. Improved Coverage – The Applicant is proposing an improved coverage of 5,008 SF (34.46%) where a maximum of 4,360 SF (30%) is permitted.  
A variance is required for this condition.

### III. Engineering Review

- B. This property fronts Anderson Avenue, which is a Bergen County road. The Applicant should provide testimony regarding any required County approvals and any necessary coordination with Bergen County.
- C. Per the site plan, the entire site is located within 300 feet of the riparian zone of Demarest Brook and is proceeding with construction under NJDEP FHA PERMIT-BY-RULE, N.J.A.C. 8:13-7.10 – General Construction within an Actively Disturbed Riparian Zone. The Applicant should note that, per recently revised regulations, this is now a permit-by-registration, and they shall be required to submit a Permit-by-Registration application electronically through the NJDEP's online permitting system.

- This permit-by-registration authorizes general construction activities located outside a flood hazard area in a riparian zone, provided the conditions at N.J.A.C. 7:13-6.7 are met and:
1. No fuel tank, solar panel, or underground utility line that conveys a gas or liquid is constructed;
  2. No disturbance is located within 25 feet of any top of bank;
  3. Any clearing, cutting, and/or removal of riparian zone vegetation is limited to actively disturbed areas; and the project, in combination with all activities onsite since November 5, 2007, will not result in a net loss of greater than one-quarter acre of riparian zone vegetation.
- D. The Applicant should provide testimony to confirm if there are any additional environmental constraints or encumbrances on the property.
- E. The Applicant proposes a building height of 26.98 feet. In the Residential R-A Zone, building height is measured from the average natural grade to the average building height. Calculations have been provided for review, and our office takes no exception to the proposed height.
- F. No tree removals appear to be proposed as part of this project. Should any tree removals become necessary, review and approval by the Shade Tree Commission will be required.
- G. The Applicant is proposing to increase improved lot coverage from 4,504 SF (30.99%) to 5,008 SF (34.46%) with a net increase in coverage of 504 SF.
- H. The Applicant is proposing two (2) precast concrete seepage pits in the rear yard area to collect and store stormwater runoff from the roof area of the new dwelling. We offer the following comments related to the drainage design:
1. The Applicant should provide drainage calculations demonstrating the collection and storage of the 2-inch runoff from the proposed roof area for review by our office.
  2. The Applicant should provide testimony indicating where the seepage pit is proposed to overflow.
  3. A soil test shall be provided prior to the installation of the proposed seepage pits. Soil test shall include information regarding the location of the seasonal high-water table (SHWT) and percolation rate of the soil.
  4. The Applicant proposed an at-grade manhole cover for future maintenance. We take no exception.
  5. The Borough Engineer shall be notified to inspect the seepage pits prior to backfilling.
- I. The proposed basement is to include a recreation room, bedroom, home gym, theater, bathroom, storage, and mechanical facilities. Please note that if areas are used for

- purposes other than storage or mechanical facilities, and if they are less than 70% below grade, they must be included in the calculation of livable floor area. The Applicant should provide this calculation for our office's review. Testimony should be provided regarding the proposed basement uses and the livable floor area determination.
- J. 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 east to west. The highest point of the property is in the northeastern side where elevations are approximately 84 and the lowest point of the property is in the southwestern corner, where elevations are approximately 78.
  2. Under proposed conditions, the high and low points are generally maintained, and drainage patterns should not be substantially impacted. Proposed grading appears to be minimal.
- K. The Applicant shall provide cut/fill calculations and provide testimony regarding the proposed soil movement on site. 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
- L. 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 Land Use Board Engineer

cc: Board Members (via Joint Land Use Board Secretary)  
Dean Stamos, Applicant's Attorney (deans@ferrarostamos.com)

May 4, 2026

## PLANNING REPORT

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

### RE: 75 Anderson Avenue, LLC

75 Anderson Avenue  
Block 85.04, Lot 3  
Review Letter #1  
Project No. DEP-0267

Dear Board Members,

75 Anderson Ave, LLC, the Applicant, seeks variance relief to construct a new dwelling with an attached garage on the subject property. Other site improvements include a driveway, grading, and stormwater management facilities. It appears the Applicant proposes to remove all existing site improvements. The Application requires a D(4) floor area ratio ("FAR") variance and "C" variances, which are detailed in Section B.

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

1. Plans entitled "Site Plan", prepared by Michael J. Hubschman, PE, PP and Robert J. Mueller, PLS of Hubschman Engineering, PA, dated December 3, 2025, consisting of 2 sheets.
2. Plans entitled "Proposed Construction of New Dwelling: Single-Family Residence", prepared by Eric Kiellar, RA of Blueline Architecture, LLC, dated January 29, 2026, consisting of 3 sheets.
3. Variance Application, dated February 17, 2026.
4. Zoning Permit Denial, dated January 9, 2026, consisting of 2 pages.

### A. Existing Zoning and Surrounding Land Use

The subject property is located on the west side of Anderson Avenue in the Residence A (R-A) District. The subject property is adjacent to residential uses to the north and west, the Alpine Country Club to the east, and vacant land to the south. See the image on the following page for the approximate location of the subject property shown in red.<sup>1</sup>



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

- Minimum Lot Area – 40,000 square feet
- Minimum Lot Frontage – 200 feet
- Minimum Lot Depth – 200 feet
- Minimum Front Yard Setback – 50 feet<sup>2</sup>
- Minimum Side Yard Setback Abutting a Lot – 25 feet
- Minimum Rear Yard Setback Depth – 50 feet<sup>3</sup>
- Maximum Number of Families per Building – 1
- Maximum Building Coverage – 15%
- Maximum Height of Building – 33 feet<sup>4</sup>
- Maximum Livable Floor Area (1 or 2-stories) – 22.5%<sup>5</sup>
- Maximum Improved Lot Coverage – 30%<sup>6</sup>
- Maximum Residential Parking Coverage – 25%

## B. Variances

The Application requires the following “D” variance:

1. Section 175-16 – D(4) variance for floor area ratio (“FAR”). The Ordinance limits the livable floor area (“FAR”) for one- or two-story dwellings in the R-A District to 22.5% of the lot area.

(It should be noted that a footnote for livable floor area describes the method to calculate said area, which is the same as a FAR calculation.)

The Applicant proposes an FAR of 4,123 square feet or 28.37% of the lot area.

The Application requires the following "C" variances:

1. Section 175-5 – Variance for non-compliance. The Ordinance requires buildings to comply with the regulations and the Limiting Schedule for the district the site is located in.

As noted above and below, the Application requires FAR and bulk variance relief. **This variance is not specifically identified on the Site Plan.**

2. Section 175-16 – Variance for side yard setback abutting a lot. The Ordinance requires a 25-foot side yard setback in the R-A District.

The Applicant proposes a 12.72-foot side yard setback to the southern side lot line and a 20.53-foot side yard setback to the northern side lot line. **The Site Plan only identifies a variance for the southern side yard setback.** It should be noted that the existing dwelling is 8.1 feet from the southern lot line and 21.7 feet from the northern lot line.

3. Section 175-16 – Variance for maximum building coverage. The Ordinance limits building coverage in the R-A District to 15% of the lot area.

The Applicant proposes a building coverage of 2,835 square feet or 19.5% of the lot area.

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

The Applicant proposes an improved lot coverage of 5,008 square feet or 34.46% of the lot area. It should be noted that the site currently has a lot coverage of 30.99% according to the Site Plan.

5. Section 175-16 – Variance for maximum residential parking coverage. The Ordinance limits residential and parking coverage to 25% of the lot area, which includes the area of the residential use and vehicle access and parking areas.

The Applicant proposes a residential and parking coverage of 4,970 square feet or 34.20% of the lot area. It should be noted that the site has a residential parking coverage of 26.10% presently.

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

1. Section 175-16 – The Ordinance requires a minimum lot area of 40,000 square feet in the R-A District. The subject property is only 14,534.23 square feet.
2. Section 175-16 – The Ordinance requires a minimum frontage of 200 feet in the R-A District. The subject property only has 78.69 feet of frontage on Anderson Avenue.

3. Section 175-16 – The Ordinance requires a minimum lot depth of 200 feet in the R-A District. The subject property is only 183.74 feet deep.
4. Section 175-16 – The Ordinance requires front yard setback of 50 feet in the R-A District. The existing front yard setback is 39 feet. It should be noted that the Applicant proposes to demolish the existing dwelling, which would **eliminate** this pre-existing non-conforming condition.

### 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 increase in 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/Exceptions

The Application does not require any waivers/exceptions based on the information provided.

### 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) FAR variance and “C” variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.

## Site Plans

2. The Zoning Notes on Sheet 1 indicate the proposed front yard setback is 50 feet. However, the dimension of the Plan is 50.05 feet. This discrepancy shall be eliminated, which can be a **condition** of any potential Board approval.
3. The 50.05-foot front yard setback is not dimensioned to the closest façade projection of the garage. It appears from Sheet 1 of the Architectural Plans that the front lot line is not 90 degrees to the side lot lines and is therefore slightly skewed. A more detailed plan or exhibit shall be provided at the hearing to prove the home meets the minimum 50-foot front yard setback.
4. The Zoning Notes indicate the proposed side yard setback is 12.72 feet and indicates a variance is required. This setback is shown to the southern lot line. However, the Site Plan also illustrates a 20.53-foot side yard setback to the northern lot line, which also requires a variance. The Zoning Notes does not list this setback or indicate the necessary variance. The Zoning Notes shall be revised accordingly, which can be a **condition** of any potential Board approval.
5. Section 175-19A.(1)(d) does not permit any impervious surface to be closer than ten feet to a side lot line, except driveways and access walkways to the principal buildings. The Basement Plan illustrates three window wells on the sides of the new dwelling. The Site Plan shall be revised to provide the side yard setbacks to each of the proposed window wells to determine compliance. Depending on the information provided, a variance may be required.
6. The Zoning Notes indicate the existing rear yard setback is 90.39 feet and a pre-existing non-conforming condition is indicated. However, this setback complies with the 50-foot minimum rear yard setback. The pre-existing non-conforming footnote shall be eliminated, which can be a **condition** of any potential Board approval.
7. Similarly, the Zoning Notes indicate existing building coverage is 13.25% and a pre-existing non-conforming condition is indicated. However, this coverage complies with the 15% maximum building coverage. The pre-existing non-conforming footnote shall be eliminated, which can be a **condition** of any potential Board approval.
8. The Zoning Notes indicate the existing rear yard width is 78.17 feet and a pre-existing non-conforming condition is noted. However, Footnote A of the Limiting Schedule states, "For other than rectangular lots..." The subject property is a rectangular lot. Therefore, the rear yard width requirement is not applicable. The Zoning Notes shall be revised accordingly, which can be a **condition** of any potential Board approval.
9. The Zoning Notes indicate the proposed building coverage is 19.5%, which is the area of the proposed dwelling (2,397 square feet), the proposed covered porch (126 square feet), the proposed covered patio (262 square feet), and overhangs (50 square feet), totaling 2,835 square feet, according to the "Proposed Bldg. Coverage Calc's" on Sheet 1. The Ordinance

permits a maximum building coverage of 15% (2,180.1 square feet). Therefore, the Applicant requires variance relief to permit the proposed building coverage (654.9 square feet in excess).

10. The Ordinance defines "Building, Height of" as "The vertical distance measured from the average natural grade all around the building to the highest point of the roof." Additionally, "Average Natural Grade" is defined as "An average of a natural grade adjacent to the perimeter of a building measured at points 10 feet apart starting at the lowest elevation." However, on November 5, 2026 via Resolution JPB-016-25, the Board made an interpretation of the maximum building heights in the Borough's residential districts and found "...the maximum average building height is 33 feet in Zone A... and in Zones A, BB, and B is measured by the Average Natural Grade all around the building to average height of the roof."

The Zoning Notes indicate the proposed building height is 26.98 feet. The Building Height Schematic and Proposed Building Height Cal's on Sheet 1 calculates the proposed building height utilizing the proposed average grade of 84.72 feet and the middle of the roof elevation of 111.25 feet. Therefore, the Applicant complies with the maximum building height of the R-A District pursuant to the Board's interpretation. However, refer to Comment #19 for a discrepancy between the submitted plans.

11. The Ordinance defines "Livable Floor Area" as

*The aggregate area of all floors included within the outer walls of a building, excluding basements, garages and other unheated areas, and including only such floor area under a sloping ceiling for which the headroom is not less than five feet six inches, and then only if at least 75% of such floor area has a ceiling height of not less than seven feet six inches and if any such floor that is situated above another story has access to the floor below by a permanent built-in stairway and has a permanent, complete floor and a means of heating to 70° F. at all times.*

According to the Proposed Livable Floor Area Cal's on Sheet 1 of the Site Plans, the proposed livable area is 4,123 square feet or 28.37% of the lot area, which includes the first floor (1,780 square feet) and second floor (2,343 square feet). It should be noted that on May 7, 2025 via Resolution JPB-006-25, the Board made an interpretation of how livable floor area should be calculated and determined the Livable Floor Area "does not include basements that are at least 70% below average grade whether heated or unheated". The Board also determined that garage spaces are excluded from the calculation. The Applicant proposes a basement with a home gym, recreation room, bedroom, theater, full bathroom, and mechanical/storage room. The Elevations on Sheets A-2 and A-3 of the Architectural Plans do not illustrate the elevations of the floor and ceiling of the proposed basement or the average natural grade. In order to be excluded from the livable floor area calculation, at least 70% of the basement would need to be below the average natural grade. The Applicant shall provide **testimony** confirming the basement is 70% or greater below the average natural grade.

12. The Zoning Notes indicate the proposed improved lot coverage is 34.46%, which is the building area (2,835 square feet), driveway (2,135 square feet), and rear steps (38 square feet), which totals 5,008 square feet, according to the Proposed Improved Lot Coverage Cal's on Sheet 1 of the Site Plans. The Ordinance permits a maximum improved lot coverage of 30% (4,360.3 square feet). Therefore, the Applicant requires variance relief to permit the proposed improved lot coverage. However, it is unclear if the three window wells are included in this calculation. The Applicant shall provide the window well areas, if not already included in the improved lot coverage calculation, to clarify, which may increase the intensity of the variance. (Note that the window wells, if not included in any of the calculations will also impact building coverage and residential/parking coverage.)
13. The Site Plans do not illustrate any proposed AC units, generators, shed, or other accessory structures. Testimony shall be provided to clarify if any of these items are proposed. If so, said structures/equipment shall be illustrated on the Plan and the area included in the building and/or improved lot coverage calculations. Depending on the information provided, the intensity of the variance(s) may increase.
14. The Applicant shall note that on May 7, 2025 via Resolution JPB-005-25, the Board made an interpretation that AC units and generators are ancillary support equipment that are permitted in the side yard, provided all impervious coverage setback requirements are complied with. Section 175-19A.(1)(d) does not permit any impervious surface to be closer than ten feet to a side lot line.
15. Item F of Section 4 of the Application indicates the Applicant will only remove trees if necessary, but no removal is on the Plans. The Site Plans illustrate most trees along the side and rear property lines and outside of the limit of disturbance as shown on the SESC Plan on Sheet 2. However, there is a 24-inch Hemlock tree that is adjacent to the existing dwelling and concrete areas that may be subject to removal during demolition and/or construction. Additionally, a 14-inch Maple tree is located within approximately five feet of the proposed driveway and its roots could be affected by the proposed improvements. Testimony shall be provided regarding the potential removal of any existing trees. The Applicant shall note that the Borough adopted Ordinance No. 1164-25 on July 14, 2025, which amended Chapter 163 "Trees", Article 2 "Tree Removal and Protection" in its entirety.
16. Sheet 2 provides a Tree Protection Detail. However, no tree protection fencing is illustrated on the SESC Plan. The Plan shall be revised to either illustrate the tree protection fencing or remove the detail. This can be a **condition** of any potential Board approval.

### Architectural Plans

17. The Basement Plan on Sheet A-3 illustrates three window wells, two on the north side of the dwelling and one on the south side. However, the First Floor Plan on Sheet A-1 only illustrates the two window wells on the north side. This discrepancy shall be eliminated, which can be a **condition** of any potential Board approval.

18. The Left Side Elevation on Sheet A-2 indicates the midpoint of the roof and the ridge height are 115.96 feet. However, as noted above, the Proposed Building Height Calc's indicate the midpoint of the roof is 111.25 feet (a 4.71-foot difference). It is unclear which number is correct, **testimony** shall be provided.

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: Michael Greco, Board Secretary (via email [mgreco@demarestnj.gov](mailto:mgreco@demarestnj.gov))  
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))  
Dean Stamos, Applicant's Attorney (via email [deans@ferrarostamos.com](mailto:deans@ferrarostamos.com))  
Michael Hubschman, Applicant's Engineer (via email [mike@hubschmanengineering.com](mailto:mike@hubschmanengineering.com))  
Eric Kiellar, Applicant's Architect (via email [wayne@bluelinearch.com](mailto:wayne@bluelinearch.com))

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<sup>1</sup> Image courtesy of <https://www.nearmap.com/us/en>, dated April 8, 2026.

<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%.



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

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**November 7, 2025**
**7:30 PM**
**DEMAREST BOROUGH HALL**


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

**CALL TO ORDER**

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

**FLAG SALUTE**

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

**ROLL CALL**

**MEMBERS PRESENT:** Theodore Alevrontas, Mayor Brian Bernstein, Jodi Brenner, Camile DiSclafani, Councilwoman Daryl Fox, Mary Hamilton, Fatemah Mamdani, Chair Woods

**MEMBER(S) ABSENT:** Todd Adelman, Kiran Chin

**ALSO PRESENT:** Nick Chelius – Engineer, Darlene Green – Planner, Danielle Federico – Attorney, Michael Greco – Secretary, Zoning Officer

**CLOSED SESSION**

Ms. Federico state that the board is in receipt of a letter for John Lamb’s office dated November 14, 2025, concerning a potential litigation, and requested to enter a closed session to discuss.

A motion was made to enter a closed session for the purpose of discussing a potential litigation by Mayor Bernstein and was seconded by Councilwoman Fox.

Chair Woods recused himself from the Closed Session due to his proximity to the property related to this matter.

The board entered a closed at 7:32 pm.

A motion was made to end closed session and return to open session by Mayor Bernstein and was seconded by Councilwoman Fox.

The board returned to open session at 7:42 pm.

**RESOLUTIONS**

**Resolution JPB-014-25 – JPB-25-005 – 93 Pine Terrace – Jason Lieberman**

Councilwoman Fox asked for clarification on the conditions in the resolution, stating that she saw some new clauses which seemed too strict for a fence application.

Ms. Federico explained that the new clauses were added in, on the last resolution and are standard clauses to protect the Borough and for the sake of consistency across resolutions, they would be in all resolutions moving forward.

A motion was made to approve resolution JPB-014-25 for the Joint Planning Board Application JPB-25-005, requesting variances related to the construction of a fence in a front yard by Vice Chair Brenner, and was seconded by Mr. Alevrontas

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

Board Member	Vote	Board Member	Vote	Board Member	Vote
Mr. Adelman	<i>Absent</i>	Mr. Alevrontas:	Yes	Mayor Bernstein:	Yes
Vice Chair Brenner:	Yes	Ms. Chin:	<i>Absent</i>	Ms. DiSclafani:	Yes
Councilwoman Fox:	<i>No</i>	Ms. Mamdani:	Yes	Chair Woods:	Yes
Mrs. Hamilton:	Yes				

*Motion passed*

**NEW/CONTINUING APPLICATIONS**

**JPB-25-007 – 32 Brookside Avenue – Patrick Min**

Mr. Greco stated that the applicant requested to adjourn to the next meeting, due to an inability to get the necessary documents for the board. Mr. Greco stated that the applicant has given the board an extension of time to act.

Ms. Federico stated that application JPB-25-007, for the property known as 32 Brookside Avenue would be carried to the December 3, 2025, meeting without further notice.

**MASTER PLAN CONSISTENCY REVIEW**

**Ordinance 1170-25 Ordinance of the Borough of Demarest Adopting the Amended Redevelopment Plan produced by Colliers Engineering (formerly Maser Consulting) on behalf of the Borough of Demarest**

Ms. Green explained to the board that the ordinance before the board is an amendment to the Borough’s Downtown Redevelopment plan. She went on to explain that the last ordinance before the board was a change to the borough’s set-aside requirements, and that with the changes in redevelopment with the current round, all affordable housing when triggered will be required to provide a 20% set-aside. In addition, it alters the duration of the deed restrictions, and the text has been amended to say that they have to be consistent with the uniform housing and affordable controls. This change is to make the redevelopment plan consistent with the master plan and the fair share and housing plan. She stated that the ordinance is not inconsistent with the 2025 fair share and housing plan and the board should act favorably on this ordinance.

A motion was made to approve resolution JPB-015-25 as consistent with the intent and purpose of the master plan by Councilwoman Fox, and seconded by Mayor Bernstein.

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

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

*Motion passed*

## REQUEST FOR INTERPRETATION

**Maximum Building Height – Chair Woods** – The definition of building height, and how it is being used in zoning approvals.

Chair Woods presented that he was bringing to the board a request to discuss the required height for certain zones in the borough. He explained that the code once differentiated the definition of height measurement between the zones, where R-A, R-BB & R-B were measured to the mean roof height, but the R-C & R-D zones were measured to the peak. There was an ordinance adopted that changed the heights in the 3 zones to be higher and stated that it did not affect the 2 zones to the peak. Some time after that the limiting schedule was changed and did not differentiate between zones and claimed all height is measured to the mean roof height. The definition in the code for building height is not consistent with this, and they are in conflict.

Mr. Greco explained that as the zoning officer he went through the ordinance and that the most recent change to the code is the limiting schedule which shows all zones as to the average height of the roof. He agreed that the code is inconsistent and that he encourages the board to discuss the intent of the code to set the record.

Chair Woods stated that he was at the meeting when the ordinance was approved and that he knows that the intent was a change only meant for A, BB & B which are the larger zones in town, but that the C&D zones should remain as they are smaller lots and can not handle the bulk of the taller buildings.

Councilwoman Fox stated that she was also there and agrees with the intent stated by Chair Woods.

Ms. Green stated that she agrees that the ordinance is inconsistent in their decision, and that the ordinance makes Demarest unique in that she has never seen a town that measures roof height differently across different zones. She and the engineer agreed that the roof height would be easier measured to the peak in all zones, but that requires a change in the zoning code by ordinance. She stated that looking at the code, in addition that the board should set a maximum on stories of a building, as a 30 ft. tall building could easily have 3 floors, and that a roof measured to the mean, could get as high as 8 ft. above this and could feasibly have a fourth floor, which she does not think was ever the intention of the Borough.

Chair Woods also talked about flat rooves, and that once the code had limitations on these roof styles, but now it seems to have disappeared from the code. He explained that the old ordinance limited flat rooves in the C&D zones to 24 feet, but that the A, BB & B zones would have flat roofs up to 30 ft. and this did not translate into the limiting schedule correctly.

Councilwoman Fox stated that the limiting schedule shows clearly that flat rooves are limited to 30 ft. in all zones. Chair Woods pointed to the ordinance which said that in all other respects the ordinance should not be changed, meaning that the ordinance was only meant for the A, BB & B zones.

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

Noelle Tutunjian, 8 John Street, was sworn in by Ms. Federico, and requested clarification on whether these changes would impact future or prior applications.

Ms. Tutunjian asked why the limiting schedule would be used over the code, and Mr. Greco explained that the limiting schedule is the primary method of determining bulk criteria and is not a “cheat sheet” but that when an inconsistency exists in the code, the most recent update would be the guiding factor.

Ms. Federico explained that the purpose of the interpretation is to determine the intent behind the mayor and council’s decision, and if it is determined that the intent is not accomplished, then the board has the power to set the record clear and give guidance on how to utilize the ordinance.

The board and Ms. Federico explained that this interpretation would affect future applications but would not affect applications which have already been approved. Ms. Federico also explained that over time there has been different views from past and current, boards, zoning officers, builders and professionals over the meaning behind the code, and that is why interpretation is important to set the record moving forward.

Councilwoman Fox asked if the board finds in favor of the interpretation, does the mayor and council need to change the limiting schedule. Ms. Federico explained that the interpretation can be relied on when making decision, and that a change would not be necessary, unless the board finds that the limiting schedule is correct and needs to be changed to alter the rule. The board discussed whether a change to the limiting schedule was necessary or should be done either way. The decision was that it should be changed to match the interpretation and should go before the mayor and council to do that.

Diane Rothman, who was sworn in by Ms. Federico, stated that she is a realtor and asked if a prior approval exists for a property that is changing owners. Ms. Federico explained that when a zone changes, approvals run with the land but that all approvals have expirations based on the type of approval, and so it is not guaranteed if no work commenced.

Michael Peterman, 15 Central Avenue, was sworn in by Ms. Federico, stated that he is living next door to a construction site and that he is a licensed architect. Mr. Peterman stated that the massing of the home next to him is out of control, and that he believes the height and size of the building is bad. He stated his opposition to a construction in town and that it is a problem.

Ms. Federico explained that the interpretation of the ordinance does not require public portion and does not connect to a specific application, but the board is inviting the public to comment on height of buildings only now, and asked that other comments be saved for the zoning ordinance discussion.

Mr. Peterman stated that the height is too high.

A motion was made to close the meeting to the public by Mayor Bernstein and seconded by Mr. Alevrontas. All in favor – Motion passed.

Mr. Greco explained that he can’t seem to find an ordinance that approved the new limiting schedule in the prior ordinances. Ms. Federico stated that the publication date on the limiting schedule may not be the ordinance but instead is when it was changed.

Mayor Bernstein asked for clarification on the specific section of the limiting schedule which calls to the height of buildings. Mr. Greco read “Note D” of the limiting schedule.

A motion was made to approve the interpretation of the height of a building in the R-C & R-D zone would be from the average natural grade to the peak of the building, and that flat roofs in the same ones have a maximum of 24 feet and that the changes in the 2015 ordinance was meant only for the R-A, R-B & R-BB zones.. The motion was seconded by Mayor Bernstein.

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

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

*Motion passed*

The board and Ms. Federico clarified their motion to the Zoning Officer and the Planner for all pending applications.

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

**2026 Meeting Dates**

Mr. Greco explained that he is trying to schedule a number of future applications and it would help him if the board could set a schedule for 2026, subject to confirmation by the 2026 Joint Planning Board, so that he could set dates for the future applications.

The board discussed the proposed dates and made some changes.

A motion was made to approve the amended 2026 meeting dates, subject to the approval of the 2026 Joint Planning Board by Councilwoman Fox and seconded by Mayor Bernstein.

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

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

*Motion passed*

**Zoning Ordinance Discussion**

Chair Woods requested that the board begin the zoning ordinance discussion by opening the meeting to hear the public’s input before the board discussion.

A motion was made to open the meeting to the public for comments by Mayor Bernstein and seconded by Councilwoman Fox.

All in favor – Motion passed.

Diane Rothman was confirmed still sworn in by Ms. Federico. Ms. Rothman made some comments on the problems that construction is creating in the neighborhood, especially in regard to sidewalks and the public's ability to utilize the Borough's right-of-way.

Ms. Federico explained that this is not a zoning issue, but there are rules in place in property maintenance for maintaining sidewalks.

Michael Peterman was confirmed still sworn in by Ms. Federico.

Mr. Peterman stated some concerns about a property on his block. Chair Woods recused himself on this discussion due to his proximity. The property he expressed concern over is 3 Central Avenue. He explained that the new building would create a drainage issue. Councilwoman Fox explained that when there is new construction there are drainage standards that must be met if they are built according to the approved plans. Ms. Federico explained that we are not here to discuss individual properties so much as suggestions for the zoning ordinance. She asked Mr. Peterman if he has specific concerns or recommendations for the zoning ordinance.

Mayor Bernstein asked if there is a condition that he has observed that if we could change the zoning ordinance to mitigate these concerns.

Mr. Peterman stated that he believes the code is not clear on storm water requirements.

Mr. Greco asked the attorney if regrading can be controlled by the zoning ordinance. Ms. Green explained that regrading is handled in engineering through a soil moving permit, which Mr. Greco stated that Demarest has.

The board discussed storm water and how it relates to the zoning ordinance.

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

Councilwoman Fox explained that she created a summary of the changes from the original code to the new code, as well as broke down some of the functions in the code and how it works. She highlighted the inconsistencies in the definitions and how to move forward with them.

Chair Woods asked Mr. Greco to explain the districts.

Mr. Greco explained the different zones in town and how the ordinance interacts with those zones. He explained that the town is mostly Residence Zones, with a few multi-family zones, which are set for specific developments as a part of settlements. He also explained the other districts but pointed the board to focus on the Residence zones which is the bulk of the town. He explained that those zones are governed by the limiting schedule which sets the bulk requirements, and that this is the most important piece of discussion. He furthered pushed the zone to mostly review the R-C and R-D zones as they are where all the variances are.

Chair Woods directed the board to the recommendations submitted by the zoning officer and asked the board if they had any questions or concerns to raise.

Mr. Greco suggested that the board start by discussing F.A.R. (Livable Floor Area), and that his main suggestion was to include garages in the F.A.R. calculation.

Councilwoman Fox suggested that if this is done, then they should increase the F.A.R. number.

Mr. Greco also explained that a recommendation was made to create rules that offer bonuses to F.A.R. based on certain criteria the borough can encourage, e deferred to the Board's Planner on the language.

Chair Woods stated that his view is that the public is concerned with the massing of the buildings and that they are being built too large. He asked the board what they want.

Councilwoman Fox stated that there is a balance between regulating size and not limiting people's ability to build a house worth it to them.

Vice Chair Brenner asked if these are homes with variances built to big, and Mr. Greco stated that they are built as of right by the ordinance.

Mayor Bernstein suggested that the board focus more on the intention first for Livable Floor Area verses F.A.R.. He brought up these homes that build an accessory building and it is being built a foot from the house and escaping the rules of the principal building and circumventing the F.A.R..

Mr. Greco explained that he put in language to say that if an accessory building is built too close to the principal building it becomes part of the principal building.

Chair Woods aske the Board Planner for her thoughts.

Ms. Green explained that a lot of towns don't even have an F.A.R. and that they focus more on coverage numbers and setbacks as well as height to lessen the scale of buildings. Some towns even differentiate from principal building coverage and total building coverage.

The board discussed the use of F.A.R. in the town and how to best use all the different bulk requirements to help reduce the size of buildings fairly with the planner.

The board also discussed the use of a combined side yard setback for further limiting scale.

Mr. Greco explained that the problem with removing F.A.R. leads to developers building tall boxy buildings to maximize their space within the building.

The board agreed to maintain that a basement which is 70% below grade does not need to be included in F.A.R..

The board discussed coverage limitations with the planner, who told the board that some of her towns have a front yard coverage allowance, and the rear yard coverage allowance to encourage more structures in the rear yard.

Mr. Greco showed the board a table which breaks down the accessories a property could have and how he has come up with suggestions for rules governing accessories differently based on type. He explained that the current ordinance has a single rule for all accessories of 10 feet from the side lot line and 10 feet from the rear lot line and only allowed in the rear yard. He stated that he believes that different structures and buildings should have different standards.

The board discussed the rules of the accessories with Mr. Greco and asked questions.

The board discussed how they would move forward with their review of the code, and that as they discuss the secretary can make notes on the things they agree on, and then once everything is compiled it can be voted on as a recommendation to the Mayor and Council.

The board asked if there was a way to compile information on other towns and see how Demarest compares with similar towns.

Councilwoman Fox pointed out that on the chart Mr. Greco made he breaks down the coverage types to make it easier for residents to know where different things fall and that this is important and helpful to residents.

Ms. Green explained that towns who have F.A.R. are usually responding to larger homes being built, and towns who don't use F.A.R. most likely have never experienced these problems. Why they have not experienced the same problem is speculation.

The board discussed the reason for the rewrite and that step one is to create a well written ordinance which fixes the inconsistencies, and fixing the scale is secondary to this, but since the ordinance is being altered it is good to address it now while the process happens. They brought up the importance of balancing regulations against the homeowner's ability to improve their properties.

The board discussed the use of a number as opposed to percentage.

Ms. Green explained that she has a town that uses a fraction which increases the side yard requirements based on the size of the lot if it is larger than the required lot for the zone.

Mayor Bernstein asked a question about swimming pools in the new ordinance and suggested that a pool should not be too close to any buildings on the lot. Chair Woods agreed that pools are a more intense use and should have more restrictions than other structures.

The board discussed the difference between structures and how intense the rules should be on a structure like a walkway. Mr. Greco explained that everything is a structure, but that they do not need rules for setbacks of lesser structures.

Chair Woods asked for clarification on his section about decks, patios and pools. Mr. Greco provided clarification on the location of front, rear and side yards. Then explained how in some unique scenarios where a building is built in an odd shape the location of certain structures needs special rules to make them okay in those areas.

Ms. Green asked about a rule in the chart about accessory building height in relation to the principal building.

The board decided to table this discussion and continue at the next meeting.

Chair woods discussed with the board a possible future holiday party for this year.

**APPROVAL OF MINUTES**

A motion was made to approve the regular meeting minutes of September 3, 2025, by Councilwoman Fox and was seconded by Mr. Alevrontas.

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

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

*Motion passed*

**ADJOURNMENT**

With no further business presented, a motion to adjourn the meeting was made by: Councilwoman Fox and seconded by Mayor Bernstein.

All in Favor – Motion Passed

The meeting was adjourned at 10:03 PM.

Respectfully Submitted,

Michael Greco, Joint Planning Board Secretary