

June 3, 2026

PLANNING REPORT

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

RE: 52 Edward Street, LLC c/o Yitzhak Evar

52 Edward Street
Block 90, Lot 211
Review Letter #1
Project No. DEP-0269

Dear Board Members,

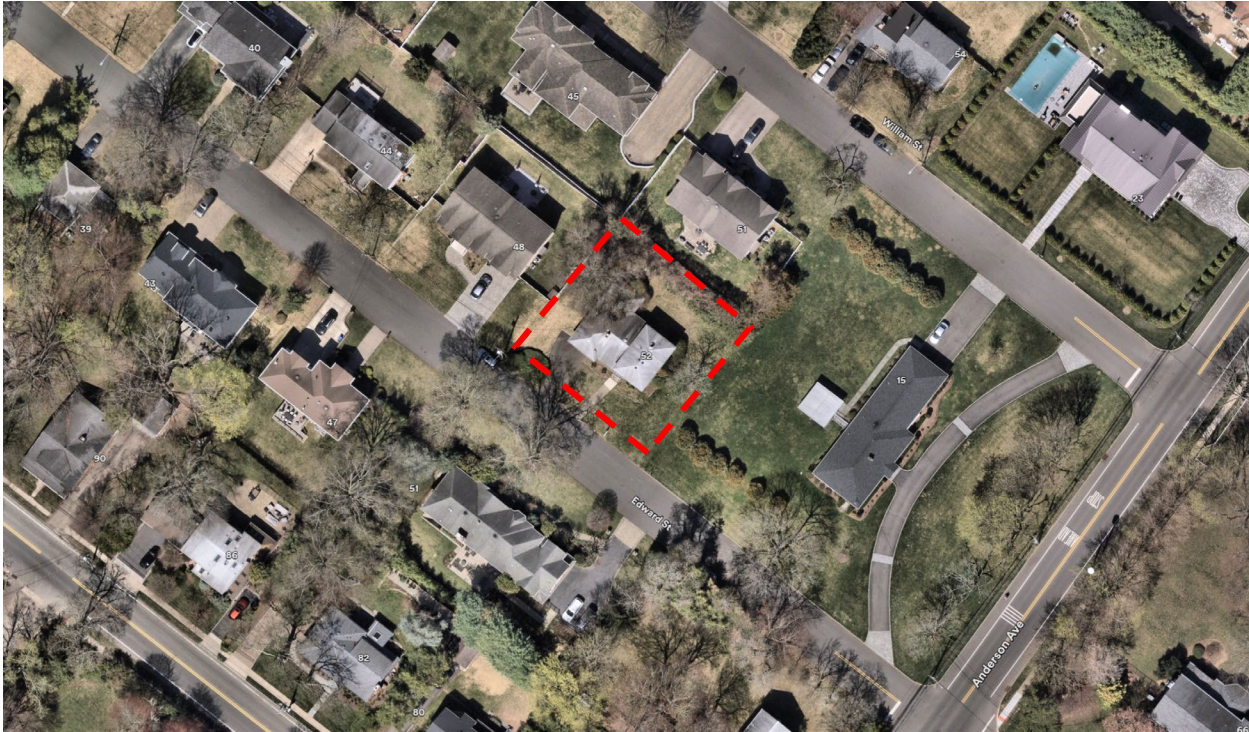
52 Edward Street, LLC c/o Yitzhak Evar, the Applicant, seeks variance relief to construct a new two-story single-family dwelling on the subject property. Other site improvements include a new driveway, front walkway, rear patio, and stormwater management facilities. The Applicant proposes to remove all existing improvements to construct the proposed dwelling. 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 "Soil Erosion & Sediment Control & Site Plan", prepared by Thomas W. Skrable, PE, dated March 17, 2026, consisting of 1 sheet.
2. Plans entitled "Proposed Single Family Residence", prepared by Stephanie DeCarlo Pantale, RA, dated March 17, 2026, consisting of 4 sheets.
3. Survey entitled "Topographic Survey – 52 Edward Street", prepared by Christopher J. Lantelme, PE, PLS of Lantelme, Kurens & Associates, PC, dated February 10, 2026, consisting of 1 sheet.
4. Variance Application, dated March 27, 2026.
5. Zoning Permit Denial, dated March 26, 2026, consisting of 2 pages.
6. Letter entitled "Proposed Dwelling, #52 Edward Street, Borough of Demarest", prepared by Thomas W. Skrable PE, PP, CME, dated March 20, 2026, consisting of 1 page.
7. Letter entitled "Initial Submittal for Completeness Review", prepared by Gloria Duby, Paralegal of Capizzi Law Offices, dated March 30, 2026, consisting of 2 pages.
8. Letter entitled "JPB-26-003; 52 Edward LLC, 52 Edward Street, Demarest, NJ 07627", prepared by Michael Greco, CMR, Borough Land Use Secretary, dated May 5, 2026, consisting of 1 page.

A. Existing Zoning and Surrounding Land Use

The subject property is located on the north side of Edward Street in the Residence A (R-A) District. The property is surrounded by residential uses. See the image below for the approximate location of the subject property shown in red.¹



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 feet²
- Minimum Side Yard Setback Abutting a Lot – 25 feet
- Minimum Rear Yard Setback Depth – 50 feet³
- Maximum Number of Families per Building – 1
- Maximum Building Coverage – 15%
- Maximum Height of Building – 33 feet⁴
- Maximum Livable Floor Area (1 or 2 stories) – 22.5%⁵
- Maximum Improved Lot Coverage – 30%⁶
- 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-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.)

According to Sheet Z1 of the Architectural Plans, the Applicant proposes a livable (“habitable”) floor area (FAR) of 2,998.3 square feet square feet or 29.98% of the lot area.

This variance is not listed on the Site Plan.

The Application requires the following “C” variances:

1. Section 175-16 – Variance for side yard setback. The Ordinance requires a side yard setback of 25 feet.

The Applicant proposes a 16.1-foot setback to the eastern side lot line and a 16.2-foot side yard setback to the western side lot line. It should be noted that the existing eastern side yard setback is 24.9 feet and the existing western side yard setback is 24 feet.

2. Section 175-16 – Variance for rear yard setback. The Ordinance requires a 50-foot rear yard setback.

The Applicant proposes a 33.1-foot rear yard setback. It should be noted that the existing rear yard setback to the dwelling is 41.1 feet and the existing rear yard setback to the attached enclosed porch is approximately 30.1 feet.

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

The Applicant proposes a building coverage of 1,900 square feet or 19% of the lot area, which includes the proposed dwelling footprint. It should be noted that the existing building coverage is 1,935 square feet or 19.35% of the lot area.

4. Section 175-19B.(2) – The Ordinance requires accessory buildings, uses, structures, and improvements to conform to all side yard setback requirements. In this case, a 25-foot side yard setback is required in the R-A District.

The Applicant proposes a rear patio with a side yard setback of approximately 17.5 feet to the eastern side lot line. **The Applicant has not requested this variance.** It should be noted that the existing metal shed has a side yard setback of approximately seven feet to the western side lot line. Additionally, the existing patio has a side yard setback of approximately 17.1 feet to the western side lot line. If the Application is approved, the pre-existing non-conforming conditions associated with the existing metal shed and patio would be **eliminated**.

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. The subject property is only 10,000 square feet.
2. Section 175-16 – The Ordinance requires a minimum lot frontage of 200 feet. The subject property only has 100 feet of frontage along Edward Street.
3. Section 175-16 – The Ordinance requires a minimum lot depth of 200 feet. The subject property only has 100 feet of lot depth.
4. Section 175-16 – The Ordinance requires a front yard setback of 50 feet. 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 “Building Offsets to Edward Street” table on the Site Plan, the average setback of properties on the north side of Edward Street within 300 feet of the subject property is 32.7 feet. The existing dwelling has a front yard setback of 25.2 feet. It should be noted that the Applicant proposes a front yard setback of 33.6 feet, which would **eliminate** this pre-existing non-conforming condition.
5. Section 175-16 – The Ordinance limits improved lot coverage to 30% of the lot area. The existing improved lot coverage totals 3,082 square feet or 30.82% of the lot area. It should be noted that the Applicant proposes an improved lot coverage of 2,992 square feet or 29.92% of the lot area, which includes the dwelling (1,900 square feet), driveway (550 square feet), walkway and steps (142 square feet), patio (370 square feet), and AC units (30 square feet). This would **eliminate** this pre-existing non-conforming condition.
6. 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 metal shed has a rear yard setback of approximately 5.3 feet. Additionally, the existing brick patio has a rear yard setback of approximately 6.2 feet. It should be noted that the Applicant proposes to remove the existing metal shed and brick patio, 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:

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 one "C" variance that has not been requested or identified by the Applicant. Additionally, the D(4) FAR variance is not noted on the Site Plan. The Site Plan shall be revised to list all required relief or amended to comply with the Ordinance, which can be a **condition** of any potential Board approval.
3. The Topographic Survey and Site Plan submitted with the Application are not signed or sealed. A signed and sealed Topographic Survey and Site Plan shall be supplied, which can be a **condition** of any potential Board approval.

Site Plans

4. The R-A District requires front yard setback of 50 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 "Building Offsets to Edward Street" table on the Site Plan indicates the average front yard setback along the north side of Edward Street within 300 feet of the subject property, which includes 40, 44, and 48 Edward Street and 15 Anderson Avenue, is 32.7 feet. The Applicant

proposes a 33.6-foot front yard setback, which complies with the alternate front yard setback requirement.

5. The Zoning Schedule indicates the proposed building coverage is 19%, which includes the 1,900 square foot dwelling. However, it is unclear if this includes the three window wells depicted on the Site Plan. **Testimony** shall be provided to confirm the proposed building coverage. The Applicant shall note that the Ordinance defines "Coverage, Maximum" as "That percentage of the plot or lot area covered by the principal building and the accessory use building and/or structure."
6. The Proposed Side (West) and Side (East) Elevations on Sheet Z2 of the Architectural Plans appear to illustrate building overhangs and/or projections along the front and rear walls of the dwelling. However, these overhangs are not dimensioned, and it is unclear if the proposed building coverage includes these overhangs. Section 175-19A.(1)(a) allows projects to encroach not more than three feet. **Testimony** shall be provided to clarify what these features are, if they were included in building coverage, and their depth.
7. The Ordinance defines "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." According to the "Height Calculations" information on the Site Plan, the average natural grade is at 99 feet and the roof ridge is at 129 feet. Therefore, the proposed building height is 30 feet to the roof peak, which means the average roof height is less than 30 feet. Additionally, the Elevations on Sheets Z1 and Z2 of the Architectural Plans illustrate a building height of 30 feet from the average natural grade to the roof ridge. Therefore, the Applicant complies with the Ordinance.
8. 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 Elevations, the basement ceiling is one foot, two inches below the first floor elevation, which is at 101 feet. The first floor elevation is two feet above the average natural grade. Therefore, eight inches of the nine-foot tall basement is above the average natural grade, which translates to 92.6% of the basement below the average natural grade. Therefore, the basement is not included in the FAR calculation.

9. According to the Improved Lot Coverage Calculations on the Site Plan, the proposed lot coverage is 2,992 square feet or 29.92% of the lot area, which includes the dwelling (1,900 square feet), driveway (550 square feet), walkway and steps (142 square feet), patio (370 square feet), and AC units (30 square feet), which complies with the Ordinance. However, as noted above, it is unclear if the overhangs/projections illustrated on the Architectural Plans are included in the building coverage calculation. Additionally, the three proposed window wells do not appear to be included in the improved lot coverage calculation. The Applicant shall provide **testimony** to clarify the improved lot coverage calculation, which may trigger an additional variance. The Applicant shall note that the Ordinance defines "Improved Lot Coverage" as:

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 be not greater than 25%. Any portion of the 30% of lot coverage not devoted to the residence proper, parking and vehicular access may be used for outdoor appurtenances such as patio, deck, swimming pool or other recreational uses. This limitation shall apply to all residential districts and zones regulating single-family homes.

10. The Zoning Notes and Improved Lot Coverage Calculation indicates the proposed residential and parking coverage is 2,450 square feet, which includes the dwelling (1,900 square feet) and driveway (550 square feet), which complies with the Ordinance. However, as noted above, it is unclear if the potential overhangs/projections and window wells are included in the building coverage calculation. **Testimony** shall be provided to clarify, which may trigger an additional variance.
11. The Site Plan indicates a 32-inch Maple tree is to be removed. Section 163-19C.(3)(a) contains the mitigation requirements, which requires two replacement trees. No replacement trees are illustrated on the Site Plan, which can be a **condition** of any potential Board approval.

Architectural Plans

12. The Basement Plan on Sheet Z2 of the Architectural Plans illustrates what appears to be doors on the window wells. Additionally, the front and rear elevations appear to illustrate some type of railing roughly three feet tall around the window wells. **Testimony** shall be provided to clarify if these are doors or another feature.

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)
Tim Woods, Board Chair (via email timwoods12@gmail.com)
Danielle Federico, Board Attorney (via email dfederico@csglaw.com)
Nick Chelius, Board Engineer (via email nick.chelius@collierseng.com)
Yitzhak Evar, Applicant (via email evazack@gmail.com)
Matthew G. Capizzi, Applicant's Attorney (via email matthew@capizzilaw.com)
Thomas Skrable, Applicant's Engineer (via email tskrable@skrableengineering.com)
Stephanie Pantale, Applicant's Architect (via email pantalearchitect@hotmail.com)

R:\PROJ\GOV\NJ\A-D\DEP\DEP0269 - 52Edward\2.0 Correspondence\OUT\260603dag_52_Edwards_r1.docx

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

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

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

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

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

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