

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

RESOLUTION JPB-018-26

VARIANCE APPROVAL

In the Matter of the Application of
25 Meadow St., LLC
25 Meadow Street
Block 52, Lot 12

WHEREAS, 25 Meadow St., LLC is the applicant and owner (the “Applicant”) of the property located at 25 Meadow Street and designated as Lot 52 in Block 12 on the Tax Maps of the Borough of Demarest (the “Property”); and

WHEREAS, the Applicant’s request for a Zoning Permit for demolition and construction of a new single family home on the Property was denied by the Zoning Officer of the Borough of Demarest (the “Zoning Officer”) on March 18, 2026 (the “Denial Letter”), stating:

Your request is hereby denied based upon the following requirements:

DEMOLITION AND NEW HOUSE
SITE PLAN BY SEAN P. MCCLELLAN P.E. 45194 DATED 03/09/2026
ARCHITECTURAL PLAN BY URI RAPAPORT AIA DATED 01/23/2026

Your request is hereby denied based upon the following requirements:

- 1) MINIMUM FRONTAGE REQUIRED IN R-D ZONE = 100ft.
LOT HAS 50ft.
- 2) MINIMUM LOT AREA REQUIRES IN R-D ZONE = 1,000sf.
LOT HAS 7,730sf.
- 3) R-D ZONE HAS A MINIMUM FRONT YARD SET BACK REQUIREMENT OF 25 FT., APPLICANT CALLS OUT ALTERNATE SETBACK REQUIREMENT OF 31 FT. BOARD SHOULD DISCUSS THE USE OF THE ALTERNATE SETBACK RULE.
- 4) WINDOW WELLS ON BOTH SIDES OF THE HOME ARE ENCROACHING INTO THE SETBACK AN AMOUNT NOT SHOWN, LOOK TO RULE FOR ARCHITECTURAL FEATURE ENCROACHMENTS ALLOWING MAX OF 3 FEET.
- 5) PERGOLA PLACED IN THE SIDE YARD TOWARD THE FRONT OF THE BUILDING OVER THE WALKWAY NOT PERMITTED IN THIS LOCATION.
- 6) HEIGHT OF STRUCTURE IS UNCLEAR. SITE PLAN SHOWS 29.1 FEET. ARCHITECTURAL PLAN TABLE SHOWS 28 FEET. ELEVATIONS OF HOME SHOW 26' 6". NONE EXPAND ON THE MEASUREMENT, HEIGHT IS MEASURED FROM THE AVERAGE NATURAL GRADE TO THE PEAK OF THE BUILDING, PLEASE EXPLAIN THIS WAS USED AND WHICH NUMBER IF ANY IS ACCURATE.
- 6) FAR SHOWN AS 30% BUT NO BREAKDOWN OF FLOOR AREA IS PROVIDED.

The following comments were made during the denial process:

175-5 - R-D ZONE BULK AND AREA

No land shall be hereafter used or occupied and no building or part thereof shall hereafter be used, occupied, erected, moved or altered unless in conformity with the regulations and Limiting Schedule hereinafter specified for the district in which it is located.

AREA (minimums)

LOT AREA = 10,000 sq ft
FRONT YARD SETBACK = 25 ft.
REAR YARD SETBACK = 30 ft.
SIDE YARD SETBACKS = 10 ft.

BULK (maximums)

BUILDING COVERAGE = 20%
BUILDING HEIGHT = 30 ft.
LIVABLE FLOOR AREA = 30%
RESIDENTIAL AND PARKING COVERAGE = 25%
IMPROVED LOT COVERAGE = 30%

175-19 Encroachments into yards.

A. Residence districts. Yards referred to herein are in each case the entire yard, regardless of the minimum required yards provided in the Limiting Schedule (§ 175-16).

(1) All yards.

(a) Ordinary projections of windowsills, belt courses, cornices, eaves and other architectural features shall be permitted to encroach not more than three feet, and unroofed steps as required.

(3) Side yards.

(b) Accessory uses, buildings and structures shall not be permitted to encroach.

and

WHEREAS, thereafter, on May 11, 2026, the Borough of Demarest adopted Ordinance 1180-26, which eliminated all of the bulk variances identified in the Letter of Denial with the exception of the Floor Area Ratio variance; and

WHEREAS, thereafter, the Applicant, represented by Daniel L. Steinhagen, Esq., of the law firm Beattie Padovano, filed an application with a cover letter dated July 16, 2026 with the Joint Planning Board of the Borough of Demarest (the “Board”) for a D(4) variance (the “Application”); and

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

- A. Variance Application electronically signed and dated July 16, 2026;
- B. Rider to Application;
- C. Zoning Analysis prepared by Rapaport & Associates, Inc, Uri Rapaport Architect, AIA dated, dated January 23, 2026;
- D. Plans dated January 23, 2026 revised May 7, 2026, June 14, 2026 and September 23, 2026, signed by Uri Rapaport, AIA;
- E. Revised artistic rendering submitted on September 25, 2026.
- F. Correspondence from Daniel Steinhagen, Esq., dated September 25, 2026, enclosing the revised artistic rendering and revised plans and drawing the Board’s attention to the need for an interpretation of Ordinance 173-5B, which recently revised the definition of Building Coverage as “The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor fall principal and accessory buildings on a lot to the total lot area”, which the Board

interprets herein as to not include awnings, eaves, gutters and the like which are fully attached to the structure with no exterior walls.

- G. Correspondence from Colliers Engineering and Design dated September 1, 2026 comprised of five pages from Nick Chelius, PE, CME, the Board's land use engineer;
- H. Correspondence from Colliers Engineering and Design dated August 31, 2026, comprised of nine pages from Darlene Green, PP, AICP, the Board's professional planner;
- I. An additional rider comprised of 3 pages setting forth the Applicant's legal and planning reasons in support of the application;
- J. Site Plan prepared by McClellan Engineering, signed and sealed by Sean P. McClellan, PE, dated March 9, 2026 which includes a zoning table, various details for seepage pit, driveway, tree protection, etc, 200' map, and proposed site development with dimensions, consisting of one (1) sheet;
- K. Survey dated December 22, 2025, signed and sealed by Douglas W. Doolittle, PE, PLS, PP, showing existing conditions;
- L. Letter of denial dated March 23, 2026; and

WHEREAS, public hearings were held by the Board on September 2, 2026 and October 7, 2026 in accordance with the Open Public Meetings Act and the Municipal Land Use Law (the "MLUL"), at which time the Applicant, represented by counsel, Daniel Steinhagen, Esq. of Beattie Padovano, LLC: (a) presented proof of notice and publication as required by law; and (b) the Board offered questions and comments, received responses and took testimony from

witnesses and considered following all of the evidence in support of Applicant's Application including:

- A. A-1, a set of elevations.
- B. A-2, a rendering of what the proposed home will look like from the street.
- C. A-3, planning exhibit.
- D. Testimony of the Applicant's civil engineer, Sean McClellan, PE, whose testimony can be summarized as follows:
 - 1. The Property is located in the R-D Zone and is improved with an existing two-story dwelling, driveway, and detached single-car garage;
 - 2. The lot is undersized and limited in square footage. It measures approximately 50 feet by 154.6 feet, contains approximately 7,730 square feet. The R-D Zone requires a minimum frontage of 100 feet and a minimum area of 10,000 square feet.
 - 3. The Property has pre-existing non-conformities with respect to lot area and lot width (which cannot be eliminated) as well as other bulk violations (which are being eliminated) as described herein;
 - 4. The proposed new dwelling complies with all zoning requirements except for the Floor Area Ratio, ("FAR") which is a product of the undersized nature of the lot.
 - 5. The proposed new home will comply with the 30' height limitation and all front, rear and side yard setbacks, as well as the building and impervious coverage limits. The proposed home will be approximately 28' wide and is designed with an open concept on the first floor with dining, kitchen, powder

room and living room. The second floor has four bedrooms, two bathrooms and a laundry area. The basement contains a bedroom, bathroom, mechanical room, and an area for a playroom and/or home gym.

6. The Applicant proposes to install screening around the HVAC pad with 3' tall plantings. A new drainage system with seepage pit to control 3,030 gallons is being installed, which exceeds the required 1,785 gallons and is benefit to the public by adding additional storm water control where none exists presently.
- E. The Board's planner, Austin Biegen, PP, appeared at the meeting and testified to his opinion that the only variance required is for FAR.
- F. The new home will eliminate several presently existing non-conformities and through this approval will bring the property into closer conformity with the zoning ordinance. The non-conformities which are eliminated are (i) side yard setback of .9'; (ii) existing driveway is only 3'3" from the eastern side property line, 5' is required under Ordinance 175-25C.(2)(b)(1); (iii) the existing home has no garage and one is required under Ordinance 175-25D.(1)(a).
- G. The Applicant's planner, Cristen Sheppard, PP, offered planning testimony as well as her exhibit, A-3, in support of the application. Ms. Sheppard identified the variance as 216 square feet of floor area, or 2.8% above what is permitted. In light of the undersized nature of the lot and the thoughtful design of the home, the relief sought meets the criteria for granting a variance under N.J.S.A. 40:55D-70(d)(4). Ms. Sheppard presented testimony that approval of this application is consistent with sound planning under Randolph Town Center 324 NJ Super 412 (App Div 1999).

H. Specifically, the site can accommodate the proposed improvements without detriment, substantial or otherwise, to the zone plan, zoning ordinance or master plan. The compliance with every other bulk requirement supports a finding that this home will not result in a “McMansion” or an overbuilt condition. Purposes C (light air and open space) and I (desirable visual environment) of the Municipal Land Use Law are advanced by the sufficient setbacks and attractive design and the elimination of the existing non-conformities. The proposed home is consistent with development in the surrounding area and is not out of character. A-3, an aerial view of the area, supports this finding. The negative criteria are satisfied by the lack of detriment arising from the creation of a home that is consistent in scale to its surroundings in a single-family zone.

I. The relief is related to the undersized nature of the lot and remains within a reasonable range when considered with the proposed setbacks, open-space restoration, driveway consolidation, drainage improvements, and neighborhood context;

J. The proposed improvements will not substantially impair the intent and purpose of the Zone Plan or Zoning Ordinance; and

WHEREAS, at the September public hearing, the Board expressed its concern with respect to the proposed finish materials and the Applicant agreed to revise these materials to the satisfaction of the Board; and

WHEREAS, the Applicant was, and remains, desirous of obtaining approval in time to commence construction before the start of winter, but the Board was reluctant to vote on the

application until such time as an updated rendering and material selection could be submitted, reviewed and approved by the Board; and

WHEREAS, at the Applicant's request the Board voted to direct the Board attorney to prepare this resolution for future consideration at the hearing of October 7, 2026; and

WHEREAS, the Applicant subsequently, on September 25, 2026, submitted a revised rendering which fully satisfied the Board by using a design more consistent with the surrounding development. The new design includes metal seam roof above the garage and front entry, attractive lighting fixtures, shingle style siding and ample landscaping.

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 are incorporated herein by reference.

2. The Property is located at 25 Meadow Street and designated as Lot 12 in Block 52 on the Tax Maps of the Borough of Demarest and is a rectangular-shaped, significantly undersized and narrow parcel consisting of 7,730 square feet of area and only 50 feet in frontage.

3. The Property is located in the Single-Family Residence D Zone (the "R-D Zone").

4. The Property is currently occupied by a very old 2-story single-family dwelling with associated gravel driveway.

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

6. By this Application, the Applicant is seeking D(4) FAR variance relief to construct a new home as described herein as shown the plans.

7. The Property has pre-existing non-conformities:

- (i) lot area (10,000 square feet required; 7,730 square feet existing and proposed);
- (ii) lot frontage (100 feet required; 50 feet existing and proposed);
- (iii) side yard setback – west (10 feet required; 9 feet existing);
- (iv) existing driveway is only 3'3" from the eastern side property line, 5' is required under Ordinance 175-25C.(2)(b)(1)
- (v) the existing home has no garage and one is required under Ordinance 175-25D.(1)(a).

8. The Applicant is 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% permitted; 32.8% proposed).

9. During the course of the public hearings, the Applicant modified the Application by introducing a new architectural rendering and elevations with more attractive finish materials.

10. The Board also finds that the façade and exterior improvements provide significant aesthetic improvements to the Property.

11. The Board finds that the Applicant suffers a hardship as a result of the Property being undersized and half of the required width, and that the proposed development improves the existing Property by eliminating several bulk ordinance violations.

12. Despite the slight departure from the maximum FAR, the home is not an overbuilt design. The Applicant has proven the Property can reasonably accommodate any problem associated with the structure exceeding the permitted FAR by 216 square feet, as the proposed

dwelling complies with building height, side yard setback, front and rear yard setback requirements, and building coverage limit

13. The Board finds that, in light of the deficient lot size, the requested variance is reasonable and appropriate due to the modest size of the dwelling and the elimination of several non-conformities. It also represents an investment in maintaining the single-family nature of the R-D zone, maintains appropriate population density and is consistent with other modernization development within the neighborhood.

14. The Board finds that the Applicant's proposal will provide an attractive design that enhances the character of the neighborhood.

15. The Board finds that the proposed stormwater management improvements are a substantial net improvement to the existing Property, which does not have any stormwater management.

16. The Board further finds that the granting of the variance 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 are provided.

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

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

Zoning Code Section	Required/Permitted	Proposed & Granted
Section 175-16 (livable floor area/FAR)	30% (2,319 square feet)	32.8% (2,535 square feet)

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Joint Planning 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 Applicant shall construct the home and develop the site consistent with the plans submitted, including the revised architectural rendering.

b) The Applicant 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 hearing before the Board, the Applicant shall comply with the recommendations of the Board, including but not limited to the Board Planner Reports and the Board Engineer Reports, as well as any stipulations made during the hearing on the Application and all conditions enumerated herein.

d) 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.

e) The Applicant 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 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.

h) 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.

i) 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.

j) 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 and hold harmless the Borough of Demarest or Board, its officers, agents, employees from and against 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.

k) The Applicant's failure to comply with any condition set forth in 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 Joint Planning Board of the Borough of Demarest upon a roll call vote at a meeting held on October 7, 2026.

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

ATTEST:



MICHAEL GRECO, Secretary

SO APPROVED:



TIMOTHY WOODS, Chair

BOROUGH OF DEMAREST JOINT PLANNING BOARD

VOTE TO APPROVE THE APPLICATION

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman	☒	☐	☒	☐	☐	☐	☐
Ms. Brenner	☐	☐	☐	☐	☐	☒	☐
Vice Chair Chin	☐	☐	☒	☐	☐	☐	☐
Ms. Hamilton	☐	☒	☒	☐	☐	☐	☐
Mr. Lerner	☐	☐	☒	☐	☐	☐	☐
Dr. Mamdani	☐	☐	☒	☐	☐	☐	☐
Mr. Yu (<i>Alt #1</i>)	☐	☐	☐	☐	☐	☐	☒
Ms. Pavlova (<i>Alt #2</i>)	☐	☐	☒	☐	☐	☐	☐
Mr. Alevrontas (<i>Alt #3</i>)	☐	☐	☐	☐	☐	☐	☒
Chair Woods	☐	☐	☒	☐	☐	☐	☐

Date of Approval: October 7, 2026

VOTE TO APPROVE THE RESOLUTION

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman	☐	☒	☒	☐	☐	☐	☐
Ms. Brenner	☐	☐	☐	☐	☐	☐	☒
Vice Chair Chin	☒	☐	☒	☐	☐	☐	☐
Ms. Hamilton	☐	☐	☒	☐	☐	☐	☐
Mr. Lerner	☐	☐	☒	☐	☐	☐	☐
Dr. Mamdani	☐	☐	☒	☐	☐	☐	☐
Mr. Yu (<i>Alt #1</i>)	☐	☐	☐	☐	☐	☐	☒
Ms. Pavlova (<i>Alt #2</i>)	☐	☐	☒	☐	☐	☐	☐
Mr. Alevrontas (<i>Alt #3</i>)	☐	☐	☐	☐	☐	☐	☒
Chair Woods	☐	☐	☒	☐	☐	☐	☐

Date of Adoption: October 7, 2026