

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

RESOLUTION JPB-013-26

VARIANCE APPROVAL

In the Matter of the Application of
75 Anderson Ave LLC
75 Anderson Avenue
Block 85.04, Lot 3

WHEREAS, 75 Anderson Ave LLC is the applicant and owner (the “Applicant”) of the property (the “Application”) located at 75 Anderson Avenue and designated as Lot 3 in Block 85.04 on the Tax Maps of the Borough of Demarest (the “Property”); and

WHEREAS, the Applicant’s request for a Zoning Permit to construct a new 2-story, single-family dwelling on the Property was denied by the Zoning Officer of the Borough of Demarest (the “Zoning Officer”) on January 9, 2026 (the “Denial Letter”), stating:

Your request is hereby denied based upon the following requirements:

LOT AREA= 14,534.23 SF (40,000 SF REQUIRED)
FRONTAGE= 78.69 FT (200 FT REQUIRED)
LOT DEPTH= 183.74 FT (200 FT REQUIRED)
SIDE YARD SET BACK (LEFT)= 12.72 FT (25 FT REQUIRED)
SIDE YARD SETBACK (RIGHT) = 20.53 FT (25 FT REQUIRED)
BUILDING COVERAGE = 19.5% (15% MAXIMUM)
RES. & PARKING COVERAGE= 34.2% (25% MAXIMUM)
IMPROVED LOT COVERAGE = 34.46% (30% MAXIMUM)
LIVABLE FLOOR AREA= 28.37% (22.5% MAXIMUM)

WINDOW WELL DIMENSIONS MAY REQUIRE VARIANCES
IN SIDE YARD
NO A/C UNITS OR GENERATORS SHOWN, MAY REQUIRE
VARIANCES DEPENDING ON LOCATION...; and

WHEREAS, thereafter, 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 new 2-story, single-family dwelling, attached garage and related improvements on the Property (the “Application”); and

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

- A. Variance Application dated February 8, 2026 (the “Application”);
- B. Property Tax Certification executed April 23, 2026;
- C. Site Plan prepared by Hubschman Engineering, P.A. dated December 3, 2025 and consisting of two (2) sheets;
- D. Architectural Plans prepared by Blueline Architecture, L.L.C. dated January 29, 2026 and consisting of three (3) sheets; and
- E. Affidavit of Mailing for notices mailed on April 23, 2026 and Proof of Publication in northjersey.com on April 25, 2026 prepared by Ferraro & Stamos, LLP; and

WHEREAS, a public hearing was held by the Board on June 3, 2026 in accordance with the Open Public Meetings Act and the Municipal Land Use Law (the “MLUL”), at which time the Applicant, represented by Dean Stamos, Esq. of the Ferraro & Stamos, LLP: (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. Colorized Site Plan prepared by Hubschman Engineering, P.A. dated December 3, 2025, marked as Exhibit A-1;
- B. Colorized Architectural plans prepared by Blueline Architecture, LLC dated January 29, 2026, marked as Exhibit A-2;

- C. Testimony of the Applicant's civil engineer and professional planner, Michael Hubschman of Hubschman Engineering, P.A., whose testimony can be summarized as follows:
- a. The Applicant is seeking to demolish the existing single-family dwelling and construct a new single-family dwelling on the Property.
 - b. The Property is significantly undersized, containing approximately 14,584 square feet where 40,000 square feet is required, or approximately 38% of the required lot area.
 - c. The minimum lot area, minimum frontage and minimum lot depth deficiencies are pre-existing nonconforming conditions.
 - d. Variance relief is required for the proposed maximum building coverage, maximum residential parking coverage, side yard setbacks, and floor area ratio.
 - e. The Property is located across from the Alpine Country Club, with the Belaire condominiums to the right, Green Acres property to the south, and residential homes to the north and along Orchard Road.
 - f. Although the property is undersized for the R-A Zone, it is more comparable in size to a lot in the R-15 Zone and the proposed dwelling was designed to fit within the character and scale of the surrounding neighborhood.
 - g. The proposed dwelling would be shifted toward the south in order to provide greater separation from the neighboring residential property.
 - h. The proposed floor area ratio is approximately 28.37%, or approximately 4,100 square feet, which is consistent with or smaller than certain nearby

homes, including a neighboring home of approximately 4,234 square feet and another nearby home of approximately 6,034 square feet.

- i. The proposed dwelling would not be oversized and the proposed height complies with ordinance requirements.
- j. A driveway turnaround area was originally proposed to allow vehicles to exit the driveway in a forward direction rather than backing out onto Anderson Avenue. However, during the course of the public hearing, the Applicant agreed to revise the plans to remove approximately 500 square feet of existing driveway area and replace certain paved areas with grass or permeable area. As revised, the residential and parking coverage is approximately 4,470 square feet, or 30.07%, and the improved lot coverage is approximately 4,508 square feet, or 31.0%, reflecting an approximate four (4%) percent reduction in each category.
- k. The proposed home would include five total bedrooms, including one bedroom located in the basement.
- l. With respect to drainage, runoff generally flows toward the wooded area and seepage pits are proposed to address stormwater runoff associated with the increase in impervious coverage of approximately 504 square feet.
- m. The proposed drainage system is designed to collect runoff from the entire roof area. Seepage pits are proposed and are required to comply with applicable engineering and environmental requirements, including sensitivity to the nearby Demarest Brook and the need to preserve vegetation within the

riparian buffer. Any sump pump discharge shall be directed to a separate seepage pit and shall not be connected to the roof drainage seepage pit.

- n. Water will not be redirected to the south.
- o. Additionally, water will not be directed toward 171 Orchard Road. Additional landscaping may be provided along the property line with 171 Orchard Road to mitigate any drainage concerns.
- p. The Property is within a 200-foot riparian area requiring a permit by registration from the New Jersey Department of Environmental Protection (NJDEP).
- q. Significant existing landscaping and vegetation, including arborvitae hedges and trees, are located to the east of the Property.
- r. The west-side window well will be reduced or revised to provide a 10-foot setback.
- s. From a planning perspective, the requested variances are justified under both the c(1) hardship criteria, due to the undersized nature of the Property and its pre-existing nonconforming conditions, and the c(2) flexible criteria, based upon the aesthetic and functional improvements proposed.
- t. The lot can accommodate the proposed dwelling.
- u. The benefits of the application outweigh any potential detriments, as the proposal would result in a new code-compliant dwelling that benefits the neighborhood, advances the purposes of zoning, including purposes (a), (g), and (i), and does not create a substantial detriment to the public good or

substantially impair the intent and purpose of the zone plan and zoning ordinance; and

D. Testimony of Applicant's architect, Eric Kiellar of Blueline Architecture, LLC whose testimony can be summarized as follows:

- a. The proposed dwelling is shifted south toward the Green Acres area (further away from neighboring residential dwellings) and maintains the front setback of the existing dwelling, which will be demolished.
- b. The Property is a narrow lot, requiring a narrower house and footprint.
- c. The proposed dwelling is a Dutch Colonial style with a gambrel roof, stone, trim, and other architectural details intended to create a timeless and classic appearance.
- d. The one-story portion at the front and right side of the proposed dwelling reduces the visual appearance of a large two-story mass.
- e. The proposed dwelling contains a total of five bedrooms (four bedrooms upstairs and one bedroom in the basement).
- f. The basement is more than 70% below grade and is not counted toward floor area ratio.
- g. The proposed dwelling includes a garage measuring approximately 22 feet by 26 feet, which is smaller than a standard 24-foot by 24-foot garage due to the narrow lot and footprint.
- h. The proposed dwelling will comply with all height requirements in the Zoning Ordinance, as the ridge height is 115.96 feet and the midpoint height is 111.25 feet.

- i. The portion of the garage located within the five-foot side yard setback is one story; and

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

- A. Completeness Letter from the Zoning Officer dated March 31, 2026;
- B. Board Planner Report prepared by Colliers Engineering and Design dated May 4, 2026 (the “Board Planner Report”), along with testimony from Darlene A. Green, PP, AICP of Colliers Engineering & Design (the “Board Planner”);
- C. Board Engineer Report prepared by Colliers Engineering and Design dated April 2, 2026 (the “Board Engineer Report”), along with testimony from Nick Chelius, PE of Colliers Engineering & Design (the “Board Engineer”); and

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

WHEREAS, adjoining property owners appeared at the public hearing to ask questions of the Applicant’s professionals and express concerns regarding stormwater management and flooding and, thereafter, offer 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 June 3, 2026, are incorporated herein by reference.

2. The Property is located at 75 Anderson Avenue and designated as Lot 3 in Block 85.04 on the Tax Maps of the Borough of Demarest and is a rectangular-shaped, undersized parcel consisting of 14,534.23 square feet.

3. The Property is located on the west side of Anderson Avenue between Country Club Way and Orchard Road and is located in the Single-Family Residence A Zone (the "R-A Zone").

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

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

6. By this Application, the Applicant is seeking D(4) FAR variance and C variance relief to demolish the existing dwelling and all existing site improvements and construct a new two-story dwelling with attached garage on the Property, including a new driveway, rear patio, drainage improvements and other related improvements on the Property.

7. The Property has pre-existing non-conformities with respect to lot area (40,000 square feet required; 14,534.23 square feet existing and proposed), lot frontage (200 feet required; 78.69 feet existing and proposed), lot depth (200 feet required; 183.74 feet existing and proposed), front yard setback (50 feet required; 39 feet existing, 50 feet proposed), side yard setback – North (25 feet required; 21.79 feet existing and 20.53 feet proposed), side yard setback – South (25 feet required; 8.10 feet existing and 12.72 feet proposed), residential and parking coverage (25% permitted; 26.1% existing and 30.07% proposed) and improved lot coverage (30% permitted; 30.99% existing and 31% proposed).

8. The pre-existing non-conforming front yard setback was eliminated by this Application.

9. The Applicant is seeking variance relief from the requirements of the R-A Zone pursuant to N.J.S.A. 40:55D-70(d)(4) with respect to maximum livable floor area (22.5% permitted; 28.37% proposed).

10. The Applicant is seeking variance relief from the requirements of the R-A Zone pursuant to N.J.S.A. 40:55D-70(c) with respect to: (i) side yard setback abutting a lot (25 feet required; 12.72 feet proposed to the southern side lot line; 20.53 feet proposed to the northern side lot line); (ii) maximum building coverage (15% permitted; 19.5% proposed); (iii) maximum improved lot coverage (30% permitted; 31% proposed); and (iv) maximum residential parking coverage (25% permitted; 30.07% proposed).

11. During the course of the public hearing, the Applicant modified the Application to eliminate 500 square feet of the existing driveway. The modification will remove the existing turnaround area (driveway entrance closer to Orchard Road) so that the entrance/exit will be from a single entrance/exit point. The modification will also slightly widen the driveway entrance to make it safer to enter/exit onto Anderson Avenue without the need for the turnaround.

12. The Board finds that the proposed new two-story single-family dwelling, which is a permitted use in the R-A Zone and consistent with the surrounding neighborhood, provides safety and aesthetic improvements to the Property, as the proposed dwelling will be up to current code requirements and is an attractive design.

13. The Board finds that the Applicant suffers a hardship as a result of the Property being severely undersized and that the proposed development eliminates an existing pre-existing, non-conforming front yard setback.

14. The Board further finds that there are no realistic alternatives to the proposed variances for maximum livable floor area, side yard setback abutting a lot, maximum building coverage, maximum improved lot coverage and maximum residential parking coverage, 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.

15. 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 approximately 843 square feet, as the proposed dwelling complies with building height, front yard setback and rear yard setback requirements.

16. The Board finds that, in light of the significantly deficient lot size, the modest size of the dwelling, the attractive design of the proposed dwelling and the dwelling's maintenance of building height, front 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 finds that the proposed stormwater management improvements are a substantial net improvement to the existing Property, which does not have any stormwater management.

19. 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 are provided.

20. The Board finds that the Application and the proposed improvements, as modified at the public hearing to remove 500 square feet of the driveway (including the turnaround), 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.

21. 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)	22.5%	28.37%
Section 175-16 (side yard setback abutting a lot)	25 feet	12.72 feet to the southern side lot line; 20.53 feet to the northern side lot line
Section 175-16 (maximum building coverage)	15%	19.5%
Section 175-16 (maximum improved lot coverage)	30%	31%
Section 175-16 (maximum residential parking coverage)	25%	30.07%

NOW, THEREFORE, BE IT FURTHER RESOLVED by the 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 hearing, is hereby granted, subject to the following conditions:

- a) The Applicant shall comply with the Borough's Tree Removal and Protection Ordinance with respect to the removal and replacement of any trees on the Property.
- b) The Applicant shall provide a separate seepage pit for the sump pump. The size, design and installation of the seepage pit shall be reviewed and approved by the Board Engineer.

c) The Applicant shall revise their plans to ensure that all of the proposed window wells comply with the Borough Ordinance and are no closer than 10 feet from the side lot lines.

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

e) 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.

f) 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.

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

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

i) 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.

j) 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.

k) 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.


l) 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.

m) 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 Planning Board of the Borough of Demarest upon a roll call vote at a meeting held on July 1, 2026.

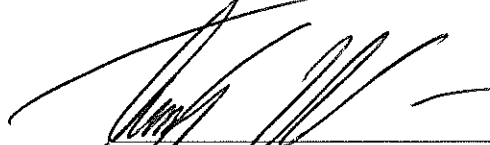
A copy of this Resolution shall be given to the Tax Assessor, Applicant, Borough Clerk, Building Department, Zoning Officer and Borough Engineer.

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. DiSclafani						✓	
Councilman Jiang							✓
Mr. Lerner			✓				
Dr. Mamdani		✓	✓				
Mr. Yu (<i>Alt #1</i>)			✓				
Ms. Hamilton (<i>Alt #2</i>)							✓
Mr. Alevrontas (<i>Alt #3</i>)						✓	
Mayor Bernstein							✓
Chair Woods			✓				

Date of Approval: June 3, 2026

VOTE TO APPROVE THE RESOLUTION

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

Date of Adoption: July 1, 2026