

VIII. PROPOSED LAND USE PLAN

It is the intent of this Master Plan to reiterate most of the land use proposals of the 1959 Master Plan. The fine residential character of the community should be maintained. Demarest is 90.5% developed and there are only 127 vacant acres of which 32 acres are publicly-owned. Only 80 acres of privately-owned land are available for development. It is still the policy of the Planning Board to retain single-family residential development as the predominant type of land use in the Borough.

There are two areas where changes in land use have been requested. They are discussed below. The first is a proposal to construct townhouse condominiums on a portion of the Alpine Country Club property. The second is a Court-ordered reconsideration of the office zoning on the southerly side of Hardenburgh Avenue between the bank and the United Methodist Church.

Alpine Country Club

The Alpine Country Club property consists of 205 acres of which 170 acres are located in Demarest and 35 acres are located in Alpine. The club contains a clubhouse with dining facilities, golf course, eight tennis courts and a swimming pool.

A large property such as a country club, farm or nursery can be considered a transitional use. This means that it could be expected that the largely open space use might someday be replaced by a more intensive type of development. The Residence A zoning for the Alpine Country Club property anticipates that if it were ever developed, it would be developed as detached single-family homes on lots with a minimum lot area of 40,000 square feet.

A recent application on the Country Club property proposes 15 single-family lots on approximately 17 acres. This would leave another 15 acres of the 32 vacant acres which are considered excess Country Club property available for development.

The entire property in Demarest is in the Residence A District. An applicant had requested a rezoning to permit the construction of 260 townhouse units. The proposal was analyzed in the report prepared by Community Housing and Planning Associates, dated December, 1981, the report of the Planning Board dated June 9, 1982; and a memo from the Master Plan consultants, the Planning Association of North Jersey, dated September 7, 1982.

The plans which have been presented are of a preliminary nature. What has been presented is a "Concept Plan" which a developer may submit to a Planning Board for "informal review" under a provision of the Municipal Land Use Law (C. 40:55D-10.1). Both the consultants' report and the Planning Board report refer to the preliminary nature of the submission and the fact that more detailed plans are required before a complete evaluation can be made. The report of the Planning Board clearly states: "... the Planning Board must recommend that no decision be made on the townhouse proposal at this time. There is not enough clear information (even with the consultant's report) to support the proposal".

The Planning Board mentions specifically that a clear comparison is not made between the townhouse proposal and a single-family type of development. The Planning Board mentions further studies which are needed such as planning and engineering studies; legal services to revise existing ordinances; and a comprehensive, professionally prepared financial evaluation. The Planning Board is also concerned about the type of legal device (conservation easement, etc.) to be used to preserve the golf course and to prevent further applications for townhouses from being made.

One important factor to consider in the rezoning request is the future of the remainder of the golf course. If 32 acres were rezoned for townhouses, there would still be 138 acres of Country Club property left in Demarest. The applicants have indicated that the golf course would remain as a golf course or as open space. It

will be essential that if any rezoning is to be considered, an incontestable legal means be found to protect the remaining 138 acres from any future development. One possible method would be through the use of planned unit development with the golf course dedicated as permanent open space.

The Demarest Master Plan and Zoning Ordinance have long provided for Residence A (40,000 square foot lots) on the Country Club property. On 170 acres, with 40,000 square foot lot size and an allowance of 15% of the land in streets, a conventional subdivision would yield approximately 157 lots. The resulting density would be approximately .9 units per acre. This is the density which was anticipated for that property in all past planning and zoning. It would be advisable that the .9 units per acre density and the 157 units be the maximum amount of development which would be permitted on that tract.

If any higher density were to be permitted, all of the planning parameters in the Master Plan and Zoning Ordinance would be affected. Increased capacity for access roads would have to be considered along with increased capacity for sanitary sewers, storm water control facilities and increases in all types of municipal services.

It is the opinion of the Planning Board that the decision on the Alpine Country Club proposal cannot be made until further studies are completed. These studies should include but not be limited to:

1. Study by Borough tax assessor or real estate expert on assessed valuation of townhouse units as compared with single-family units on 40,000 square foot lot
2. Cost-Revenue Analysis of a comparison of tax revenue produced and costs of municipal services for both single-family homes and townhouses.
3. Detailed analysis of traffic impact.
4. Study of storm drainage improvements based on number of units and whether units are concentrated on 32 acres or spread out over 170 acres.

5. If a new zone is to be considered (cluster option, planned development or town-house zone), it would be necessary to develop a complete set of zoning controls covering density, coverage, setbacks, parking and open space.

When these studies are completed, they should be referred to the Planning Board for analysis and recommendation to the Mayor and Council. In the meantime, the Master Plan proposal for the Alpine Country Club property should remain low density residential, single-family detached homes on 40,000 square foot lots.

Office Zone on Hardenburgh Avenue

In 1981, the Planning Board considered a request for rezoning on Hardenburgh Avenue adjacent to the business zone. The request was studied within the framework of the 1959 Master Plan which had considered the possibility of designating an area for office use. The recommendation was made to the Council that Lots 13 and 14 in Block 23 (No. 127 Hardenburgh Avenue) be designated as an Office/Business (O-B) Zone. In making the recommendation, the Planning Board recognized that there was a need for some additional office space adjacent to the business area and that local professional offices could meet a community need. The existing space in the business area had long been fully occupied.

Subsequent to the rezoning, the abutting property owners (owners of 123 and 119 Hardenburgh Avenue) sued the Borough seeking to have their properties included in the O-B District. The decision of the Court upheld the plaintiff's charge that the creation of the O-B Zone constituted spot zoning. The July 27, 1982 letter of the Borough's attorney sums up the Court's decision:

"The theory of the Court was that the three residential parcels between the western edge of the business district and the eastern edge of the church along Hardenburgh Avenue comprised a single "zoning lot" or "zoning envelope". Although the Court did not expressly state it, its theory was that all three lots should be properly zoned alike. Ordinance No. 523, because it

"chops up" (those were the Court's words), this "zoning lot" and because the Ordinance was "tailor made" (the Court's words), constitutes spot zoning."

The Borough attorney did not recommend that the Borough appeal the decision. He said, "... it is my recommendation that the governing body seriously consider rezoning the property from residential to some type of commercial use by including all three parcels so as to keep the "zoning envelope" intact. I would further recommend, however, that no such rezoning be accomplished until your new Master Plan and Zoning Review is complete."

It is the Planning Board's opinion that a small area zoned for office use adjacent to the business area would be desirable. It is a long-standing planning policy in the Borough of Demarest that the business area not be expanded to provide a full range of retail and service establishments. We do not recommend increasing the area zoned for stores. However, we do advise that a small area could be suitably zoned for offices. These offices could provide a convenience to the citizens of Demarest.

The three properties that the Court considered to be in the "zoning envelope" consist of the following:

- 1) Block 23, Lots 13 and 14, 127 Hardenburgh Avenue.
- 2) Block 23, Lot 12, 123 Hardenburgh Avenue.
- 3) Block 23, Lots 10 and 11, 119 Hardenburgh Avenue.

All three lots lie on the southerly side of Hardenburgh Avenue between the bank and the United Methodist Church. Lot areas are as follows:

Lots 10 and 11 - #119 - 33,000 square feet
Lot 12 - #123 - 19,624 square feet
Lots 13 and 14 - #127 - 21,790 square feet
74,414 square feet

The entire "zoning envelope" considered for rezoning by the Court consists of 74,414 square feet or 1.71 acres. This is a substantial parcel when compared with lot sizes in the surrounding area.

The site has been analyzed in memos of the Master Plan Consultants, the Planning Association of North Jersey, dated September 30, 1982 and January 25, 1983. (Included as Appendix III.) Projections were made of the amount of development which would result on these three properties if the regulations of the O-B Zone were followed. With a lot size of 74,414 square feet and the permitted 20% coverage, the ground floor area could be approximately 15,000 square feet; a two-story building would be approximately 30,000 square feet. With a parking requirement of one space per 200 square feet of floor area, a one-story building would result in 75 parking spaces and in a two-story building, 150 parking spaces. It can be seen that the maximum development of the "zoning envelope" could result in a building which would be quite out of character with the buildings in the area.

Ideally, it would be desirable to preserve the three buildings, all of which have historical significance. If these buildings were rehabilitated and converted to office use, the character of the area would be preserved and there would be no adverse impact on the abutting residential neighborhood. It is the intent of this Master Plan to encourage preservation of the existing buildings but to permit their conversion to office use if their owners so desire.

The Land Use Plan shows these properties designated for office use. However, if the intent of the Master Plan is to be followed, the zoning controls which are

established for the office zone will have to be more restrictive than those of the O-B Zone adopted previously. The zoning standards for the O-B Zone would have to be modified to provide for the use of the existing buildings or to limit the amount of floor area and off-street parking if new buildings were to be constructed.

We recommend that the minimum lot size be established at 18,000 square feet; that the ground floor area of any office buildings be limited to 3,000 square feet per lot; and that the permitted height be two stories. The above controls would permit 6,000 square feet of floor area on each lot (2 stories) and 30 parking spaces. Thirty parking spaces at 300 square feet per space, including driveways, would cover 9,000 square feet of lot area. Maximum coverage by building, parking spaces and driveways would then be 12,000 square feet.

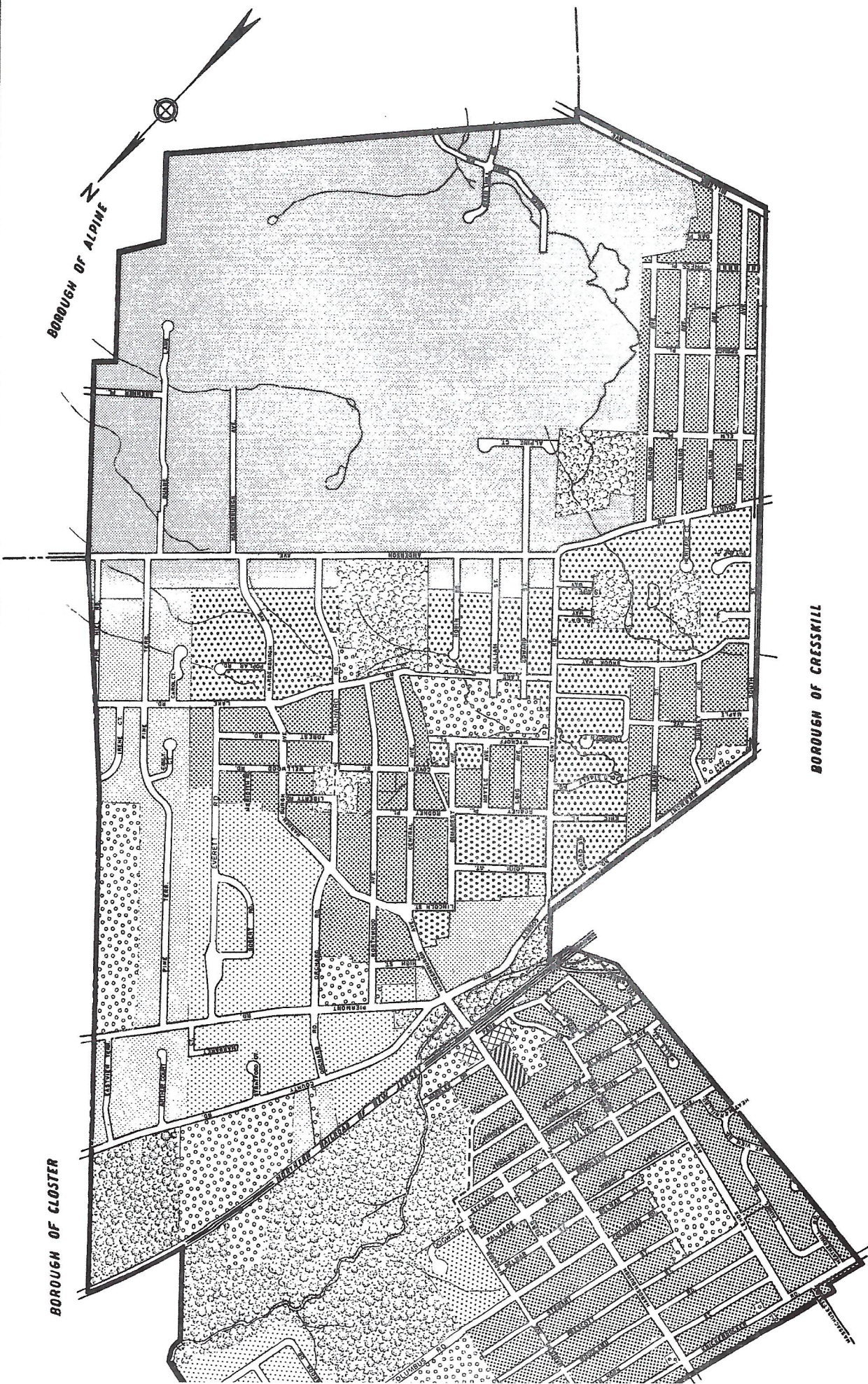
To encourage the retention of the existing buildings, it might be advisable to permit a resident professional to live in the building and have his office there; or perhaps to permit a non-professional residence on the second floor. We would recommend this for the existing buildings only, not for new buildings.

In addition, in the O-B Zone any renovations to the exterior of existing buildings and any new construction should be designed so as to preserve the character of existing development in the zone and in the adjoining residential neighborhood.

Land Use Plan Map

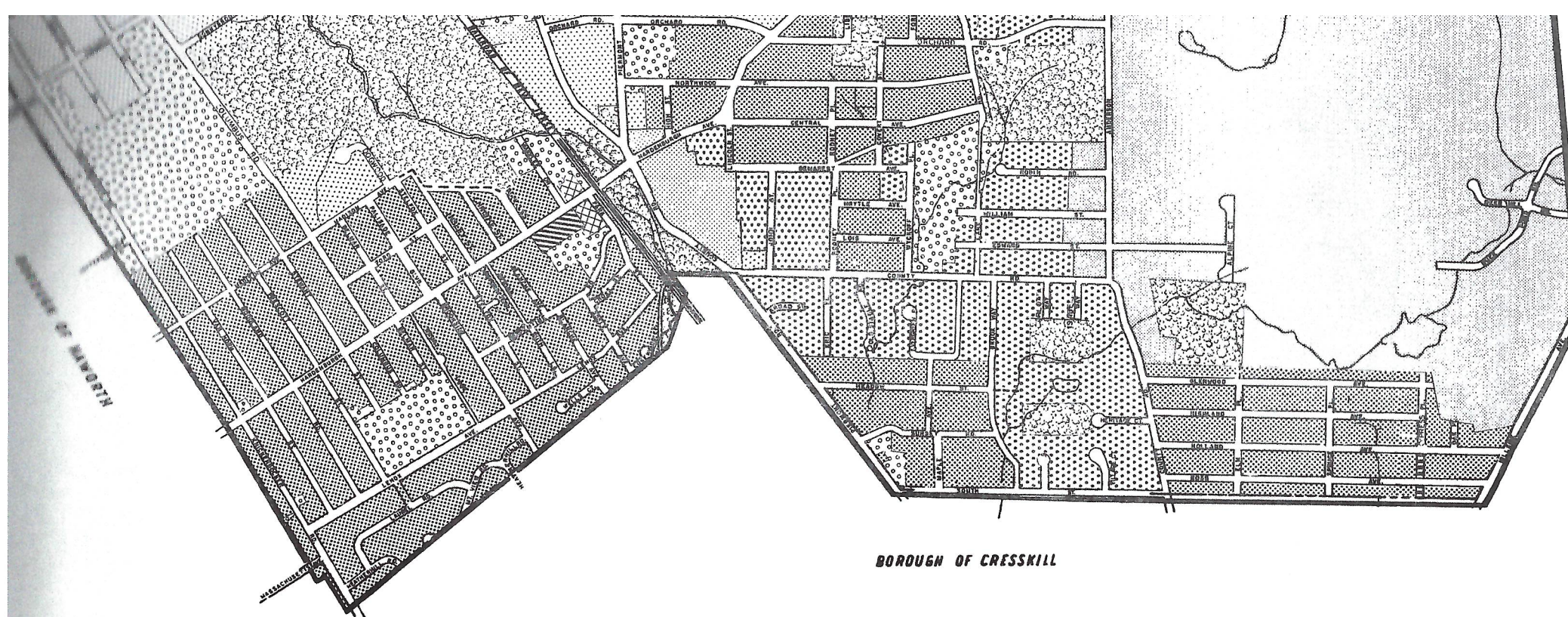
The Land Use Plan Map shows the following categories of land use:

- | | |
|------------------|-----------------|
| Low Density A | Office District |
| Low Density B | Public |
| Medium Density A | Open Space |
| Medium Density B | |
| Medium Density C | |
| Business | |



LEGEND

- LOW DENSITY A
- LOW DENSITY B
- MEDIUM DENSITY A
- MEDIUM DENSITY B



BOROUGH OF CRESSKILL

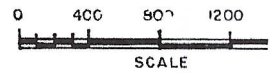
LEGEND

- LOW DENSITY A _____ [Pattern]
- LOW DENSITY B _____ [Pattern]
- MEDIUM DENSITY A _____ [Pattern]
- MEDIUM DENSITY B _____ [Pattern]
- MEDIUM DENSITY C _____ [Pattern]
- BUSINESS _____ [Pattern]
- OFFICE _____ [Pattern]
- PUBLIC _____ [Pattern]
- OPEN SPACE _____ [Pattern]
- PROPOSED STREET VACATION _____ [Pattern]

Prepared by Azzolina Engineering Co.

BOROUGH OF DEMAREST
BERGEN COUNTY, NEW JERSEY

LAND USE PLAN



Staff Services: The Planning Associat

The first five categories are all single-family detached residential areas with lot sizes corresponding to the five residential districts in the Zoning Ordinance:

<u>Land Use Category</u>	<u>Zone</u>	<u>Lot Size</u>
Low Density A	Residential A	40,000 square feet
Low Density B	Residential BB	30,000 square feet
Medium Density A	Residential B	22,500 square feet
Medium Density B	Residential C	15,000 square feet
Medium Density C	Residential D	10,000 square feet

The residential densities for the various land use categories listed above are as follows:

<u>Land Use Category</u>	<u>Density</u>
Low Density A	1.1 dwelling units per acre
Low Density B	1.5 dwelling units per acre
Medium Density A	1.9 dwelling units per acre
Medium Density B	2.9 dwelling units per acre
Medium Density C	4.4 dwelling units per acre

The easterly third of the Borough including the Anderson Avenue frontage and extending eastward to the Alpine boundary is primarily designated Low Density A. The southerly blocks along Glenwood Avenue, Highland Avenue, Holland Avenue and Ross Avenue are designated Medium Density C. The Green Acres site off Glenwood Avenue adjacent to the Holy Angels Academy is shown as open space.

The westerly third of the Borough from the railroad westerly to the Haworth boundary is designated Medium Density C from the Northern Valley Regional High School south to the Cresskill boundary. The northerly section abutting Closter is designated Medium Density A. The Demarest Nature Center is designated Open Space.

It is leased to the non-profit corporation by the Borough and it is the intent of this Master Plan that the Nature Center remain as permanent open space. Public uses include the high school, the municipal building and the Borough Garage and Wakelee Field. The existing business area at Hardenburgh Avenue and the railroad is designated business and three properties on the southerly side of Hardenburgh Avenue between the bank and the United Methodist Church are designated Office.

The central area of the Borough between Anderson Avenue and the railroad contains a mixture of land use designations. In the northerly section near Closter, the area is designated Low Density B. Moving south there are areas designated Medium Density A, Medium Density B and Medium Density C. The Green Acres site on Anderson Avenue is shown as Open Space. The three acre site at the end of Heritage Road is designated as park. Public uses include the Middle School, the County Road School and Borough-owned vacant property off Orchard Road, at the end of Carlotta and Isabella Ways and the 18-acre vacant parcel owned by the Borough along the Closter boundary.

Changes in Circulation System

The Land Use Plan map was revised to reflect the following changes in local streets. These changes update the most recent base map prepared in 1980 by Azzolina Engineering Co.

New Streets Added Through Subdivisions:

- Dogwood Lane

This cul-de-sac is part of a subdivision completed in 1981 creating a total of five lots. This new street is located north of Madison Avenue adjacent to the Demarest Nature Center.

- Cul-de-sac off South Street west of Village Court

Development of the seven lot subdivision has been halted, and the street is not yet constructed.

Street Extensions:

- Carol Court

This cul-de-sac off Lake Road was extended further to provide access to two residential lots. The extension was completed in the early 1970s, but was not reflected on the most recent base map.

Street Vacations:

The following streets were vacated by ordinance, but appeared on the most recent base map:

- Carlotta Way southern portion in Borough property.
- Isabella Way southern portion in Borough property.
- Spruce Place north of Glenwood Avenue.
- Elm Place north of Glenwood Avenue (proposed easement).
- Grove Street.
- Carlton Place.
- Demarest Avenue east of Wyckoff Place.
- Lenox Avenue east of Park Street to Railroad.
- Orchard Road between Liberty Road and Covert Street.

Proposed Street Vacations:

- Meadow Street east of Brook Way (proposed easement).
- Madison Avenue between Stelfox and Achilles Streets (proposed easement).
- Cypress Place south of Holland Avenue.

Proposed Easements:

- Fifteen foot easement extending east off Brook Way at foot of Meadow Street.
Provides access to Borough Park at foot of Heritage Court.
- Easement off Glenwood Avenue north of Elm Place. Provides access to Green Acres tract.
- Sanitary sewer easement at foot of Liberty Road east to Covert Street.
- Sanitary sewer easement, 15 feet wide, along center of Madison Avenue between Stelfox and Achilles Streets.

APPENDIX I. HISTORIC PRESERVATION CONSIDERATIONS

The following material was prepared in connection with the background studies for the 1982 Master Plan. It is reproduced as an Appendix to the Master Plan document for the benefit of those wishing to have further information on historic sites and buildings as well as information on historic preservation ordinances.

VI. HISTORIC PRESERVATION CONSIDERATIONS

State Register Properties

Demarest has four structures listed on the State Register of Historic Places. In 1980, four stone homes located on County Road, the Borough's oldest road, were named to the State Register and were included in Thematic Nomination to the National Register of Historic Places for the Early Stone Houses of Bergen County (nomination still pending). All were included in Bergen County's Stone House Survey. A brief description of each home follows.*

Bogert House
324 County Road

This 1½-story residence with gambrel roof, and evenly cut sandstone exterior, is in good condition, constructed in the 1740 tradition. It was built as a residence and is still occupied as such today.

John Meyerhoff House
279 County Road

This random sandstone block, 1½ story structure, built as a residence in the 1723 tradition, is now St. Joseph's Rectory. The structure is in good condition, has had many alterations to the original construction, but has retained its historic character.

Samuel R. Demarest House
212 County Road

This sandstone ashlar, mansard roof dwelling was constructed in the 1817 tradition. The two-story occupied residence is in good condition and has had alterations.

John R. Demarest House
35 County Road

This 1½-story residence, believed to have been constructed between 1775 and 1800, has a gabled roof and exterior walls of evenly cut sandstone blocks. It is in good condition and is currently occupied.

Another structure listed in the Bergen County Stone House Survey which is not on the State Register nor nominated to the National Register, is the Jacob Blauvelt House at 5 Eastview Terrace. The 2½-story structure with gabled roof and sandstone exterior was originally built as a residence in 1839 and is presently a multi-family (5) dwelling. It is in good condition, but due to severe alterations which affected much of its historic character, it was not accepted on the State Register and therefore, has not been nominated to the National Register.

*All descriptions in this report are based on information from Bergen County Historic Sites Survey 1981-82, DRAFT, Bergen County Office of Historic and Cultural Affairs.

Bergen County Historic Sites Survey

In addition to the five properties described above, the Bergen County Historic Sites Survey lists two districts and six individual buildings of historic significance. Properties included on this list are most notable for their age, limited alterations and architectural significance. Brief descriptions of each district and building follow.

Baptist Church District
(Piermont and County Roads District)

District includes following six buildings and bridge:

550, 555, 561 Piermont Road
256, 259, 260 County Road
Bridge over Tenakill Brook

The Baptist Church District is located in the center of the Borough near the Railroad.

The six structures, believed to have been built between 1861 and 1912, represent Vernacular/Gothic/Colonial Revival architecture. All are in good condition. The Demarest Baptist Church at 561 Piermont Road, which was constructed in 1874, has been altered but has retained much of its original style. It became, 100 years later in 1974, the Old Church Cultural Center and School of Art. The two dwellings at 260 and 259 County Road were constructed between 1861-1876. The home at 555 Piermont Road dates to 1880. 550 Piermont Road and 256 County Road were constructed during a later period: 1900-1912. The bridge was built sometime in the late 19th Century. Register eligibility is possible.

Van Horn Street District

District includes following four structures: 12, 13, 16 and 17 Van Horn Street.

The Van Horn District is located in the southwest corner of the Borough, near the Haworth border. All four dwellings were constructed between 1902-1912, representing Queene Anne/Vernacular/Colonial Revival Architectural style.

Samuel Demarest House
60 County Road

Constructed in 1779 and rebuilt in the early 19th Century, this 1½-story dwelling with gabled roof and clapboard exterior represents the Vernacular/Greek Revival style. Originally the home of one of the Borough's founding families, it is now a dwelling and physician's office. Register eligibility is possible.

Parsonage/Moore House
119 Hardenburgh Avenue

This 1½-story residence, located next to the United Methodist Church, has a gabled roof and a clapboard and shingle exterior. Its style is Vernacular/Arts & Crafts. Date of construction is approximately 1876-1892. Register eligibility is possible.

Dr. Johnson's Residence
2 Heritage Court

Built between 1861-1876, this 2½-story clapboard residence with a mansard roof remains in good condition. Originally a physician's residence, it has had few alterations and retains its historical character. Register eligibility is possible.

George D. Lyman House
38 Orchard Road

This residence is an example of Vernacular/Italian Villa/Gothic Revival architecture. Built between 1861-1876, it has 2½-stories, a cross-gabled roof and clapboard exterior. It is in excellent condition, well-preserved with few alterations. Register eligibility is possible.

John A. Taylor House
584 Piermont Road

This 2½-story residence is an example of Vernacular/Swiss Chalet style. Built between 1861 and 1876, it has a gabled roof and clapboard exterior. The dwelling is in good condition. Register eligibility is possible.

Demarest Railroad Station
20 Park Street

A fine example of Romanesque Revival architecture, the railroad station has a hipped roof and irregular coursed freestone exterior. Constructed in 1872, years after the arrival of the Northern Railroad in 1859, the station is still in good condition and is now used as a Senior Citizens Center. It has been altered, but has retained its historical and architectural character. The station is considered to be eligible for Register listing.

Inventory List

Located within the Borough are 23 additional sites of historical and/or architectural significance. Properties which make up this Inventory List in the Bergen County Historic Sites Survey are classified as being either (a) historically and architecturally significant due to style, size, design and building type, and (b) historically but less architecturally significant due to alteration or design. These properties can be distinguished from those listed previously by their younger age and alterations which may have affected their historical or architectural character. Brief descriptions of each site follow and are grouped accordingly.

A. Historically and Architecturally Significant Sites

Dwellings
32 and 38 Anderson Avenue

Both houses are well-preserved examples of Colonial Revival architecture constructed between 1902-1912. The home at 32 Anderson Avenue has 2½-stories, a clapboard exterior and gabled roof; 38 Anderson Avenue has 2-stories, stucco exterior, with a gabled roof.

Dwelling
150 Anderson Avenue

This 2½-story home with brick and stucco exterior, slate and hipped roofs, was constructed in 1912, with evidence of additional 1930 architectural style. It is an example of English Tudor Revival architecture.

Ice House on William E. Davies Property
Anderson Avenue

This agricultural ice house is one-story, with a sandstone exterior. Built in the late 19th Century, it became the Davies Arboretum in 1978.

P. S. Demarest House
65 County Road

This dwelling of Vernacular/Italianese style has two stories, a clapboard exterior, a low pitched hip roof and wraparound porch. It was built between 1861 and 1876.

J. W. Palmer House
143 County Road

Built between 1876-1892, this 2½-story dwelling has a gabled roof and altered exterior of replacement siding. It represents Vernacular/Gothic Revival Architecture.

Sautjes Tave's Begraven Ground
Everett and Bogert Roads

This late 18th Century and 19th Century Cemetery is in fine condition, with stones dating as far back as 1779. It is significant because of its reference to the Revolutionary War days.

H.A.L. and David Voorhis/George B. Morton House
19 Hardenburgh Avenue

Built between 1839 and 1861, this house is an example of Vernacular/Gothic Revival architecture. There are two attached but distinctive units. The southern unit is 1½-stories with a mansard roof. The northern unit has three bays. The entire structure has been covered with siding.

Dwelling
127 Hardenburgh Avenue

This house is a well-preserved example of a typical home of its time. This Vernacular/Queen Anne Style, 2½-story residence has a clapboard and shingle exterior and cross-gabled roof. Date of construction is c. 1900-1912.

Spring House
90 Lake Road

Built in the late 19th Century, this agricultural-spring house had a hemispherical sandstone and fieldstone construction.

Clarence Bogert House
596 Piermont Road

This 2½-story dwelling of Colonial Revival/Dutch Colonial style has a white clapboard first story and green shingle second story, with a cross gabled roof and wraparound porch. The structure was built between 1902 and 1912.

Dwelling
597 Piermont Road

This dwelling, built between 1902 and 1912, is of Colonial Revival style. It has 2½ stories, a clapboard exterior, pyramidal roofs and wraparound porch.

Carl Strahlendorf House
9 Pine Terrace

Built between 1900 and 1912, this Colonial Revival dwelling has 2½-stories, shingle exterior, hipped roof and wraparound porch. It is exceptionally large for the area.

Dwelling
58 Van Horn Street

This house, of Vernacular/Queen Anne style, is a well-preserved, typical "townhouse". It has 2½-stories, shingle exterior, with cross-gabled roof. In the yard sits a 2½-story gabled-roof barn.

B. Historically Significant Sites

Brick House
23 Anderson Avenue

Constructed between 1876 and 1892, this Vernacular, two-story English bond brick residence has had numerous alterations and additions to the original structure.

Haring House
94 Anderson Avenue

This Vernacular farmhouse has two stories, a clapboard exterior and cross-gabled roof. It has had many alterations and additions.

Schoolhouse
83 Hardenburgh Avenue

Built in 1852 as a school, this building was used as the First Roman Catholic Church from 1910 to 1953. Now a residence, this Vernacular, one-story structure has had multiple alterations, including replacement shingles. It remains one of the few existing one-room schoolhouses of the mid 19th Century.

Bertha Smith/J. I. Wakelee House
101 Hardenburgh Avenue

This was the service house for the Hotel Tenakill which burned in 1896. The Vernacular, two-story structure has a gabled roof, synthetic siding and a porch which has been altered. Its historic importance lies with its connection to the Hotel Tenakill.

Jefferson Tilt/John Sajer House
123 Hardenburgh Avenue

This Vernacular/Second Empire dwelling has 2½-stories, replacement siding, mansard roof and altered porch. Date of construction is 1861-76.

Farmhouse
3 Maple Avenue

This Vernacular/Italianate structure is an example of domestic architectural style in a farming community. It has two stories, a clapboard exterior and a low-pitched gabled roof. There is also a free-standing shed on the property.

Firestation
23 Park Street

This Vernacular/Renaissance Revival structure has two stories plus an attic. Only the facade remains of the original 1894 building, although even this has been altered. A rear section and three bay wing was added later.

Mrs. Maxon/J.D. Ferdon House
Park Street, North of Firehouse

This dwelling, built between 1861-1876, is an illustration of a typical suburban home of its time. This 2½-story structure of Vernacular/Second Empire style has replacement siding, mansard roof and slate roof with multi-colored geometric patterns.

Dwelling
37 Rodney Place

Built in 1912 (c. 1930), this Vernacular house has 1½-stories; brick with pebbled facade and gabled roof. The use of brick was uncommon in that area.

Mrs. Brannigan House
6 Sunset Road

This Vernacular/Gothic Revival farmhouse has 2½-stories, shingle exterior and gabled roof. Numerous alterations and additions have made the original structure larger.

As of this date, National Register status for the four stone houses is still pending. It is not known when a final decision will be made. As noted in this report, some of the other historic sites could be considered eligible for nomination to the State Register of Historic Places (a prerequisite for nomination to the National Register). This action must come from the owners of historic properties. The Borough might consider taking the necessary steps to nominate the Demarest Railroad Station, if action has not already begun. While Register status offers some protection to historic structures, its scope is limited. Although governments cannot demolish these structures for publically funded projects, private owners may still make alterations or demolitions.

The strongest preservation measure is to enact a Municipal Historic Preservation Ordinance. The Borough could select individual buildings or districts and designate them as historic landmarks which could not be demolished. A review committee would be established to handle any applications by owners for alterations. This has already been done in municipalities in the State. Both Mahwah and Rockleigh have municipal Historic Preservation Zoning Ordinances. A legal opinion would be required to advise on a municipality's authority to preserve historic structures. Listing the sites on the Master Plan will not preserve them, but will acknowledge the community's concern that they should be preserved where practical.

The Bergen County Office of Cultural Affairs forwarded to us copies of three reports prepared for the N.J. County and Municipal Government Study Commission, along with three municipal preservation ordinances. Two of the ordinances are from Bergen County municipalities - Mahwah and Rockleigh; the third is from Plainfield and is considered to be a good example. These materials may be of interest to Demarest if it chooses to enact its own historic preservation ordinance. The brief reports discuss the preservation issue at the local level, as well as federal and state levels, and analyze the composition of the local ordinance.

Since federal and state laws provide only limited protection to historic structures, the most effective control is at the local level, through the enactment of a municipal preservation ordinance. The three basic ingredients of a preservation ordinance are identification, designation and regulation. Identification simply means determining which structures should be preserved by comparing them with other structures in the municipality. This is usually accomplished through an inventory, which can be done prior to the enactment of the ordinance or afterwards by a committee created by the ordinance. In Demarest, historic sites have already been identified by the Bergen County Historic Sites Survey.

Designation involves specifying particular sites for preservation, which can be done before or after the ordinance is enacted. It is important that the criteria employed in the designation process be clear. The Borough could select sites and specify them in the ordinance, or a committee could be created to choose sites to be preserved.

Regulation is the exercise of municipal authority over designated structures. It can include alterations, additions, demolitions, new construction, exterior renovation only, etc. Again, criteria must be clear, not ambiguous, avoid vague statements which might be challenged. A common method of regulation is the

Certificate of Appropriateness issued by the reviewing committee which grants approval of the work to be performed and without which work cannot proceed.

There are two basic types of ordinances - historic district and landmark commission ordinances. An historic district ordinance designates one or more historic districts which it regulates. This ordinance is sometimes part of the zoning code. Building activity is regulated either by a committee or the Planning Board. This type of ordinance is most appropriate for a town with an identifiable historic section rather than scattered sites.

The landmark commission ordinance establishes a commission with designation and regulatory powers. Commissions may have direct authority or act as advisors to planning boards. This type of ordinance is appropriate for municipalities with scattered individual landmarks and one or more districts. The Bergen County Historic Sites Survey identifies two districts and numerous scattered sites in Demarest

In general, commissions created in either type of ordinance are from 5-10 members, appointed by the Mayor, are residents and members of professions such as architecture, history or planning.

Most ordinances do not deal with use regulation, only changes to exteriors of historic structures. Often the existing zoning regulations apply.

An analysis of New Jersey local preservation ordinances (39) by the County and Municipal Government Study Commission indicated that most are modeled after earlier ordinances. Many add portions tailored to their own needs. The Study Commission is in the process of finalizing a draft model ordinance, copies of which should be made available to interested municipalities.

The creation of a committee with direct powers of designation and regulation seem to offer the most protection. A planning board which is advised by a committee may be less effective because preservation is one among many of its interests. A committee with purely advisory powers is least effective, since its advice may be overridden easily.

Sample Ordinances

Plainfield. This 1979 ordinance designates an historic zone as part of the zoning ordinance. An historic review committee appointed by the mayor advises and recommends action on applications involving historic buildings. A certificate of appropriateness is issued by the committee before work is begun. Apparently, the planning board may override the advice of the committee.

Rockleigh. The Rockleigh ordinance grants most authority for review to the planning board. The building inspector reviews plans for historic buildings in the zone and submits those involving exterior changes to the planning board. The planning board follows criteria established by the National Trust for Historic Preservation in its review process and issues a Certificate of Approval. To discourage demolition, the planning board may postpone the action while it seeks ways to save the building. An historic advisory committee is appointed by the mayor to consult with the planning board.

Mahwah. This historic sites committee ordinance was created in 1978 and creates a committee of seven members appointed by the mayor. The Committee has powers to identify, designate (advisory only) and regulate. The Committee issues either a Certificate of Appropriateness or Notice of Postponement. The project may be delayed up to six months while preservation methods are sought.

APPENDIX II. POLICY STATEMENT OF THE ENVIRONMENTAL COMMISSION

The Environmental Commission Policy Statement concerning the Master Plan of the Borough of Demarest: pursuant to N.J.S.A. 40:55D-28(b) 8 and 10:

The conservation element of the Master Plan shall provide for the preservation, conservation and utilization of natural resources, including to the extent appropriate, open space, water, forests, soil, marshes, wetlands, wildlife and other natural resources.

1. That the impact of contour alteration on adjacent properties and lowlands adjacent to streams be considered as negative factors:

Basis - Source I - Topographical Mapping of the Northern Valley, 1/9/77-
Engineering Division of the Department of Public Works,
Bergen County, NJ

2. That the "hardware" study of existing culverts indicate near-total number, are inadequate to carry existing water flow under current zoning and therefore, constitute negative factors to run-off increase:

Basis - Source II - Storm Water Facilities Report - Azzolina Engineering.

3. That the floodplains of the Tenakill, Demarest and Cresskill streams be protected and preserved in their natural state and to further pursue the acquisition of drainage easements to insure flood control.

Basis - Source III - Base Map and Soil Survey used by Joseph Ward, Inc. for Sewer System Construction (included in Natural Resource Inventory).

4. Basis - Source IV - An Analysis of Land Use Economics Together with Recommendations for Open Space Preservation Action Priorities by Aspen Space Institute, May, 1970.

TO: Demarest Planning Board
FROM: The Planning Association of North Jersey, Consultants
RE: OFFICE ZONING IN THE CENTER OF TOWN
DATE: September 30, 1982

In connection with the preparation of the Land Use Plan Element of the Master Plan, we have been asked to study the advisability of providing for office zoning adjacent to the present Business Zone.

The need for an area for office development was recognized by the Planning Board in its recommendation for an O-B (Office-Business) zone on lots 13 and 14 in Block 23 (#127 Hardenburgh Avenue). This property is presently developed with an old residence in poor condition. The property is included in the Bergen County Historic Inventory. However, the building is in such poor condition that there are serious doubts as to whether it could be rehabilitated.

The Borough Council followed the Planning Board's recommendation and created the O-B District designating lots 13 and 14 in Block 23 in an amendment to the Zoning Ordinance passed in September of 1981. The abutting property owner (Bellitto - owner of #123 Hardenburgh Avenue) sued the Borough seeking to have their property (Lot 12 in Block 23) included in the O-B District.

The decision of Judge Harvey Smith upheld the plaintiffs' charge that the creation of the O-B zone constituted spot zoning. The July 27th letter of Jonathan Harris, the Borough's attorney, sums up the Court's decision:

"The theory of the Court was that the three residential parcels between the western edge of the business district and the eastern edge of the church along Hardenburgh Avenue comprised a single "zoning lot" or "zoning envelope". Although the Court did not expressly state it, its theory was that all three lots should be properly zoned alike. Ordinance No. 523, because it "chops up" (those were the Court's words), this "zoning lot" and because the Ordinance was "tailor made" (the Court's words), constitutes spot zoning."

The Borough attorney did not recommend that the Borough appeal the decision. He said, "... it is my recommendation that the governing body seriously consider rezoning the property from residential to some type of commercial use by including all three parcels so as to keep the "zoning envelope" intact. I would further recommend, however, that no such rezoning be accomplished until your New Master Plan and Zoning Review is complete."

Advisability of Expanding the Area Designated for Commercial Use

It is our opinion that a small area zoned for office use adjacent to the business area would be desirable. However, we are not persuaded that the best location would be the three properties outlined by the Court in the Bellitto decision.

It apparently is a long-standing planning policy in the Borough of Demarest that the business area not be expanded to provide a full range of retail and service establishments. We do not recommend increasing the area zoned for stores. However, we do advise that a small area could be suitably zoned for business and professional offices. These offices could provide a convenience to the citizens of Demarest.

The three properties that the Court considers to be in the "zoning envelope" consist of the following:

- 1) Block 23, Lots 13 and 14, 127 Hardenburgh Avenue, Owner: Adams.
- 2) Block 23, Lot 12, 123 Hardenburgh Avenue, Owner: Bellitto.
- 3) Block 23, Lots 10 and 11, 119 Hardenburgh Avenue, Owner: De Pouli.

All three lots lie on the southerly side of Hardenburgh Avenue between the bank and the United Methodist Church. Lot areas are as follows:

Lots 10 and 11 - #119	- 33,000 square feet
Lot 12 - #123	- 19,624 square feet
Lots 13 and 14 - #127	- 21,790 square feet
	<u>74,414 square feet</u>

The entire "zoning envelope" considered for rezoning by the Court consists of 74,414 square feet or 1.71 acres. This is a substantial parcel when compared with lot sizes in the surrounding area.

Possible Office Development for the "Zoning Envelope"

We have projected what type of development could be anticipated if the three properties were developed as one office site, using the O-B Zone bulk requirements. We have done this to evaluate what could result from maximum development of the parcel.

Lot Size	74,414 square feet
Maximum permitted coverage in the O-B Zone	- 20%
Ground floor area @ 20% coverage	- 14,882 square feet
Assume two-story building	- 29,764 square feet

(Note: there is no height requirement contained in the amendment, but we are assuming two stories)

Parking requirement - 1 space per 200 square feet of floor area.
Parking spaces required - 149

Site usage:

Area of site	- 74,414 square feet (100%)
Building coverage	- 14,882 square feet (20%)
Parking area at 300 square feet per space, including aisles and driveways	- 44,700 square feet (60%)
Open space	- 14,882 square feet (20%)

It can be seen that the maximum development of the "zoning envelope" could result in a large building with 149 parking spaces which would be quite out of keeping with the character of the buildings in the area.

Historic Preservation Considerations

All three structures have historic significance. The most important is the Parsonage/Moore House (#119 Hardenburgh Avenue) which is next to the church. It is included in the Bergen County Historic Sites Survey which says that State Register eligibility is possible. We are told that at one time the building housed a law office.

The Tilt/Saier House (#123 Hardenburgh Avenue) and #127 Hardenburgh Avenue are included on the Bergen County Inventory List. Properties which make up the Inventory List in the Bergen County Historic Sites Survey are classified as being either (a) historically and architecturally significant; and (b) historically but less architecturally significant due to alteration or design. As has been stated #127 is in very poor repair and it is questionable whether it is worth preserving.

It is possible to consider the preservation of the three buildings and possible future conversions of the existing structures for office use. This would result in the least disruption of the established character of the neighborhood. Restoration of the exteriors would be permitted and renovation of the interiors to make them suitable for office use. Through innovative zoning techniques, it would be possible to create an office preservation district.

Traffic Considerations

Any development of the three properties for office use must take into account traffic volumes on Hardenburgh Avenue; grades along the roadway and sight distances.

The latest available traffic counts on Hardenburgh Avenue were obtained from the Traffic Division of the Bergen County Department of Public Works. These counts were taken in October, 1979, at a point on Hardenburgh Avenue between Columbus Road and Belmar Street (approximately four blocks west of the properties under discussion).

	<u>October, 1979</u>	<u>Adjusted to 1982 With 2% Increase/Year</u>
24-hour count	8067	(8550)
12-hour (7 a.m.-7 p.m.)	6462	(6850)
Peak Hour - AM	795	(843)
Peak Hour - PM	710	(753)

If the example of maximum development were used with 149 cars in the parking lot, the AM peak hour count would experience up to an 18% increase; the P.M. peak hour count would experience up to a 20% increase. For office parking lots, a considerable portion of the vehicle trips will occur during peak hours.

Road grades in this area will affect safe access and egress and turning movements. For the eastbound traffic, beginning west of Stelfoy Street, there is an up-grade which crests at Christie Street. The roadway levels off in front of the church before beginning a downgrade just east of Achilles Street. This downgrade continues past the three subject properties to the business area at Park Street.

We have prepared a sight distance map for the driveways from the three properties. The map shows the following sight distances:

Sight distance from #127 - 200 feet
Sight distance from #123 - 250 feet
Sight distance from #119 (exit) - 420 feet

The best sight distance for the three lots is from the exit driveway of #119 Hardenburgh, the western-most of the three lots. This would seem to be the safest location for a common driveway. Ideally, if rezoning is to be considered, access and egress to all three properties should be combined.

We are submitting a series of pictures illustrating the driveways and sight distances from the three properties.

Conclusion

We do not favor placing the three properties in an office zone as recommended by the Court. We feel that the potential development for the three properties as permitted by the O-B zone would result in an intensity of use which would be out of character with the neighborhood.

We do recommend that an area for office development be considered and would suggest consideration of all or part of the area to the north of the gas station and post office (parking area off Wakelee Drive). A study of the present utilization of the area for parking would have to be made.

Another alternative would be to create an office/preservation district consisting of the three properties and limiting development to utilization of the present structures for office purposes.

It is certified that all copies of this document are in conformance with the one which was signed and sealed by Grace C. Harris, P. P. License No. 272.

TO: Demarest Planning Board
FROM: The Planning Association of North Jersey, Consultants
RE: O-B ZONE - HARDENBURGH AVENUE
DATE: January 25, 1983

Our memo of September 30, 1982, discusses the Court decision that the creation of the O-B Zone for Lots 13 and 14 in Block 23 (#127 Hardenburgh Avenue) constitutes spot zoning. The Judge suggested that the three properties between the Bank and the Church on the southerly side of Hardenburgh Avenue constituted a "zoning envelope" which should have the same zoning designation.

In the course of preparing the Master Plan, the area was given special study. It was realized that a small area zoned for office use adjacent to the business area would be desirable. Such offices would provide a convenience to the citizens of Demarest.

The three properties were analyzed in terms of the O-B zoning controls and it was determined that an intensive office building could be developed if the three properties were combined. A two-story building with 20% lot coverage would contain approximately 30,000 square feet and would require 150 parking spaces. Development of such intensity would be completely out of keeping with the business area and especially with nearby residential areas.

Consequently, we sought to devise zoning controls which would produce something more compatible with the surrounding neighborhood. The concept of an Office Preservation District was proposed. All three structures have historic significance. It was thought that if the existing structures could be rehabilitated for office use the present character of development in the area could be preserved. Controls to be used for an Office Preservation District were investigated.

We are forced to conclude, after reviewing several historic preservation ordinances, that it would probably be difficult to justify why these three properties were designated for preservation when there are many other more significant historic properties in Demarest. Also, it would probably not be possible to guarantee that these buildings could not be demolished unless the Borough or some group were willing to acquire them. It would probably not be possible to insure these properties being developed with joint access and parking.

Where historic preservation districts have worked well, there has generally been a community feeling that the properties within the district should be restored and preserved. Further, the residents of the properties within the historic district have generally been seeking the protection of a historic preservation ordinance.

If the concept of an Office Preservation District is not practical, what means can be found to create an office zone for the three properties (as the Court seems to be directing) without destroying the basic goal of having the new zone retain as much of its present character as is possible.

The conclusion would seem to be that the zoning standards for the O-B Zone have to be modified to provide for use of the existing buildings, if desired, or to limit the amount of floor area and off-street parking if new buildings are to be constructed.

Our September 30th memo described the intensity of development which could take place if the current O-B zoning were extended to the three properties. It could

produce a building with 30,000 square feet of office space and parking for 150 cars. This would destroy the character of the area and have a deleterious effect on residential properties in the surrounding area. The greatest impact would be the parking for 150 cars. The parking requirement for the O-B Zone is one space for each 200 square feet of office space. This is not an overly strict requirement. But the requirement results in an intensity of use which is completely out of keeping with the surrounding residential neighborhood.

The three existing structures have a combined ground floor area of 5,440 square feet. Compare this with the permitted coverage in the O-B Zone which would produce a ground floor area of almost 15,000 square feet. Clearly, the current O-B Zoning standards are not drawn to result in development which would be compatible with surrounding uses.

If we have to discard the Office Preservation District because of legal constraints, we could consider enlarging the O-B Zone to include the three properties, but try to retain the present character of the subject properties and the surrounding residential area. The way to do this is to strengthen the O-B zoning controls.

We recommend for consideration:

1. A minimum lot area of 18,000 square feet

Present lot sizes are:

Lots 10 & 11	-	33,000 square feet
Lot 12	-	19,624 square feet
Lots 13 & 14	-	21,790 square feet

2. That ground floor area be limited to 3,000 square feet per lot (regardless of lot size --- in order to discourage consolidation of lots).
3. That the permitted height be 2 stories.

The above controls would permit 6000 square feet of floor area on each lot and 30 parking spaces. 30 parking spaces @ 300 square feet per space, including driveways, would cover 9,000 square feet of lot area. Maximum coverage by building, parking spaces and driveways would then be 12,000 square feet. With the present lot development, open space on the three lots would be:

33,000 square foot lot	-	approximately 21,000 square feet	64%
19,624 square foot lot	-	approximately 7,600 square feet	39%
21,790 square foot lot	-	approximately 9,800 square feet	45%

To encourage the retention of the existing buildings, it might be advisable to permit a resident professional to live in the building and have his office there; or perhaps to permit a non-professional residence on the second floor. We would recommend this for the existing buildings only, not for new buildings.

Single-family homes should be a permitted use in the zone.

It should be noted that if the three properties are developed separately, we lose the possibility of joint access and egress which we consider very desirable.

It is certified that all copies of this document are in conformance with the one which was signed and sealed by Grace C. Harris, P. P. License No. 272.

