

December 15, 2025

PLANNING REPORT

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

RE: Barbara and Martin Vitale

8 Glenwood Avenue
Block 121, Lot 7
Review Letter #1
Project No. DEP-0248

Dear Board Members,

Barbara and Martin Vitale, the Applicants, seek variance relief to construct a one-story addition to the rear of their home. The Applicant also proposes a new front paver walkway and concrete steps. The Applicant proposes to remove the existing wooded deck and steps at the rear of the home, the existing paver walkway, and the existing sidewalk within the right-of-way to construct the proposed improvements. The Application requires a D(4) floor area ratio (FAR) variance and "C" variances, which are detailed in Section B.

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

1. Plan entitled "Variance Application; Single-Family Residential Addition," prepared by Michael E. Dipple, PE of L2A Land Design, LLC, dated September 19, 2025, consisting of 5 sheets.
2. Plan entitled "Proposed Addition at Existing Single Family Home for Vitale Residence," prepared by Jose I. Carballo, RA, PP of Jose Carballo Architecture, PC, dated September 19, 2025, consisting of 1 sheet.
3. Survey entitled "Location & Topographic Survey," prepared by Stephen P. EID, PE, PLS of EID Associates, Inc., dated May 23, 2025, consisting of 1 sheet.
4. Variance Application, dated October 28, 2025.
5. Copy of Deed, recorded on April 15, 2025.
6. Copy of Zoning Permit Denial, dated October 28, 2025, consisting of 1 page.
7. Letter entitled "Single Family Residential Addition," prepared by L2A Land Design, LLC, dated October 14, 2025, consisting of 2 pages.

8. Letter entitled "JPB-25-010", prepared by Michael Greco, CMR, Borough Land Use Secretary, dated November 3, 2025, consisting of 1 page.

A. Existing Zoning and Surrounding Land Use

The subject property is located on the north side of Glenwood Avenue in the Residence D (R-D) District. The property is surrounded by residential uses and vacant, wooded land to the northeast. See the image below for the approximate location of the subject property shown in red.¹



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

- Minimum Lot Area – 10,000 square feet
- Minimum Lot Frontage – 100 feet
- Minimum Lot Depth – 100 feet
- Minimum Front Yard Setback – 25 feet²
- Minimum Side Yard Setback Abutting a Street – 25 feet
- Minimum Side Yard Setback Abutting a Lot – 10 feet
- Minimum Rear Yard Setback Depth – 30 feet³
- Maximum Number of Families per Building – 1
- Maximum Building Coverage – 20%
- Maximum Height of Building – 24 feet/30 feet⁴

Maximum Livable Floor Area (1 or 2-stories) – 30%⁵

Maximum Improved Lot Coverage – 30%⁶

Maximum Residential Parking Coverage – 25%

B. Variances

The Application requires the following “D” variance:

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

The Applicant proposes a livable floor area (FAR) of 3,562.65 square feet or 35% of the lot area.

The Application requires the following “C” variances:

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

The Applicant proposes a building coverage of 2,193.23 square feet or 21.55% of the lot area.

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

The Applicant proposes a residential and parking coverage of 2,826.32 square feet or 27.77% of the lot area.

Additionally, the following pre-existing non-conforming condition exists:

1. Section 175-16 – The Ordinance requires front yard setback of 25 feet in the R-D District. The existing front yard setback is 24.9 feet.

C. Variance Proofs

D(4) Variance

The Board should note that the court found, in Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285 (1994), that the Applicant need not show “special reasons” that a site is particularly suited for more intensive development if the use is permitted. The Applicant is only required to demonstrate that the site will accommodate the problems associated with a larger floor area than that permitted by Ordinance. These problems typically involve the relationship of the proposal to the neighboring properties, such as intrusion into the side yard or visual incompatibility with the existing and surrounding buildings. The Board needs to determine whether the intent of zone plan and zoning ordinance will be substantially impaired by the proposed increase floor area.

"C" Variances

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involves the C(2) or flexible "C" variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

D. Waivers/Exceptions

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

E. Comments

Based on our review of the above-referenced materials, we offer the following comments.

General

1. The Applicant's professionals must provide testimony to support the grant of the D(4) FAR variance and "C" variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.

Site Plans

2. The Zoning Analysis on Sheet C-03 of the Site Plans indicates the rear yard width is 100 feet, which complies with the Ordinance. However, Footnote A of the Limiting Schedule states, "For other than rectangular lots..." The subject property is a rectangular lot. Therefore, the rear yard width requirement is not applicable. The Zoning Analysis shall be revised accordingly. This can be a **condition** of any potential Board approval.
3. The Zoning Analysis indicates the proposed building coverage is 21.55%, which is the area of the proposed dwelling (2,193.23 square feet) according to the Coverage Summary on the same sheet. The Engineer's October 14, 2025 Letter indicates this area includes the existing dwelling (1,609.56 square feet) and the proposed addition (583.67 square feet). However, it is unclear if this area includes the covered front porch, overhang above the driveway, and the bay window. Testimony shall be provided as this information is necessary to determine the exact relief required. As a **condition** of any potential Board approval, the Coverage Summary shall be revised to provide a detailed building coverage calculation.
4. The Ordinance defines "Building, Height of" as "The vertical distance measured from the average natural grade all around the building to the highest point of the roof." Additionally, "Average Natural Grade" is defined as "An average of a natural grade adjacent to the perimeter of a building measured at points 10 feet apart starting at the lowest elevation." The Zoning Analysis indicates the existing building height is 29.18 feet and the proposed

building height is 29.33 feet. Note #2 of the Zoning Analysis calculates the proposed building height utilizing the proposed average grade of 74.77 feet and the roof peak elevation of 104.1 feet. Sheet C-04 provides a calculation of the existing and proposed average grade. Based on the information provided, the Applicant complies with the building height requirement. It should be noted that the Applicant proposes a one-story addition, which does not increase the highest point of the existing roof. However, due to the slope of the property, the average grade is slightly reduced from 74.92 feet to 74.77 feet, which results in an increased building height.

5. The Ordinance defines "Livable Floor Area" as

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

According to the Coverage Summary, the proposed livable area is 3,562.65 square feet. The Engineer's October 2025 letter indicates this area includes the proposed first floor (2,153.78 square feet) and proposed second floor (1,402.75 square feet). However, this totals 3,556.53 square feet, which does not match the Coverage Summary. Additionally, it is unclear if the area of the garage and open area above the foyer were included in this calculation. Testimony shall be provided to clarify the proposed livable floor area as this information is necessary to determine the exact relief required. Additionally, as a **condition** of any potential Board approval, the Coverage Summary shall be revised to provide a detailed livable floor area calculation.

6. The Zoning Analysis indicates the proposed improved lot coverage is 29.88%. According to the Coverage Summary and Engineer's October 2025 letter, this includes the dwelling (2,193.23 square feet), driveway (633.09 square feet), and walkway (215 square feet). However, as noted above, it is unclear if the proposed building area includes the covered porch, overhang above the driveway, and bay window. Additionally, it is unclear if the block curb and block wall along the side of the driveway is included in the driveway area. Furthermore, it is unclear if the walkway area includes the existing front porch and steps, proposed concrete steps, and proposed wall and curb along the walkway. The proposed improved lot coverage is 0.22% (approximately 22 square feet) less than the maximum permitted in the R-D District. Testimony shall be provided regarding the improved lot coverage area to ensure the proposed coverage does not exceed 30% of the lot area. Additionally, as a **condition** of any potential Board approval the Coverage Summary shall be revised to provide a detailed improved lot coverage calculation.

7. Sheet C-02 of the Site Plans illustrates two existing AC units below the wooden deck. The deck is noted to be removed as it is located within the footprint of the proposed addition.

However, the AC units are not indicated to be removed or relocated. Testimony shall be provided to clarify if the existing AC units will be relocated and/or if any new AC units are proposed. If so, the Site Plans shall be revised to illustrate any AC units and their area shall be included in the improved lot coverage calculation. Depending on the testimony and additional information provided, the proposed improved lot coverage may increase, which could trigger a variance.

8. The Proposed Basement Plan and Rear Elevation illustrate a window in the New Study room. The Site Plans do not illustrate a window well around this window. Testimony shall be provided to clarify if a window well will be provided. If so, the Site Plans shall be revised to illustrate the window well and its area shall be included in the proposed improved lot coverage calculation. Depending on the testimony and additional information provided, the proposed improved lot coverage may increase, which could trigger a variance.
9. The Coverage Calculation indicates the proposed residential and parking area is 2,250 square feet or 37.5% of the lot area. As noted above, additional information is needed to clarify the proposed building coverage and improved lot coverage, which may modify the proposed residential and parking area. If any changes are made to these calculations, the residential and parking area in the Coverage Summary shall be updated accordingly, which can be a **condition** of any potential Board approval.
10. The Site Plans indicate the existing sidewalk, wall, and step within the Glenwood Avenue right-of-way are proposed to be removed. Additionally, the Applicant proposes to install a new sidewalk within the right-of-way. Additionally, the proposed grading and the limit of disturbance are illustrated within the right-of-way. It is unclear if the Applicant has received permission from the Borough to conduct these improvements. Testimony shall be provided to clarify.
11. Sheet C-03 illustrates a row of ten evergreen trees along each side property line, which are noted to contain a mix of Green Giant Arborvitae and Eastern Red Cedar trees. It appears these trees are proposed to be planted. If so, the Site Plans shall be revised to provide the quantity of each species and the proposed size at the time of planting. This can be a **condition** of any potential Board approval.
12. The Applicant shall provide testimony as to the stability of the sloped front yard in light of the proposed elimination of the front curb/wall.

Should you have any questions concerning the above comments, please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Sincerely,

Colliers Engineering & Design



Darlene A. Green, PP, AICP
Borough Planner

cc: Michael Greco, Board Secretary (mgreco@demarestnj.gov)
Nick Chelius, Board Engineer (via email nick.chelius@collierseng.com)
Matthew G. Capizzi, Applicant's Attorney (via email matthew@capizzilaw.com)
Michael E. Dipple, Applicant's Engineer (via email mdipple@l2alanddesign.com)
Jose I. Carballo, Applicant's Architect (via email email@jcarballo.com)

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

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

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

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

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

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