

May 4, 2026

## PLANNING REPORT

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

### RE: 75 Anderson Avenue, LLC

75 Anderson Avenue  
Block 85.04, Lot 3  
Review Letter #1  
Project No. DEP-0267

Dear Board Members,

75 Anderson Ave, LLC, the Applicant, seeks variance relief to construct a new dwelling with an attached garage on the subject property. Other site improvements include a driveway, grading, and stormwater management facilities. It appears the Applicant proposes to remove all existing site 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. Plans entitled "Site Plan", prepared by Michael J. Hubschman, PE, PP and Robert J. Mueller, PLS of Hubschman Engineering, PA, dated December 3, 2025, consisting of 2 sheets.
2. Plans entitled "Proposed Construction of New Dwelling: Single-Family Residence", prepared by Eric Kiellar, RA of Blueline Architecture, LLC, dated January 29, 2026, consisting of 3 sheets.
3. Variance Application, dated February 17, 2026.
4. Zoning Permit Denial, dated January 9, 2026, consisting of 2 pages.

### A. Existing Zoning and Surrounding Land Use

The subject property is located on the west side of Anderson Avenue in the Residence A (R-A) District. The subject property is adjacent to residential uses to the north and west, the Alpine Country Club to the east, and vacant land to the south. See the image on the following page for the approximate location of the subject property shown in red.<sup>1</sup>



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

- Minimum Lot Area – 40,000 square feet
- Minimum Lot Frontage – 200 feet
- Minimum Lot Depth – 200 feet
- Minimum Front Yard Setback – 50 feet<sup>2</sup>
- Minimum Side Yard Setback Abutting a Lot – 25 feet
- Minimum Rear Yard Setback Depth – 50 feet<sup>3</sup>
- Maximum Number of Families per Building – 1
- Maximum Building Coverage – 15%
- Maximum Height of Building – 33 feet<sup>4</sup>
- Maximum Livable Floor Area (1 or 2-stories) – 22.5%<sup>5</sup>
- Maximum Improved Lot Coverage – 30%<sup>6</sup>
- 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 (“FAR”) for one- or two-story dwellings in the R-A District to 22.5% of the lot area.

(It should be noted that a footnote for livable floor area describes the method to calculate said area, which is the same as a FAR calculation.)

The Applicant proposes an FAR of 4,123 square feet or 28.37% of the lot area.

The Application requires the following "C" variances:

1. Section 175-5 – Variance for non-compliance. The Ordinance requires buildings to comply with the regulations and the Limiting Schedule for the district the site is located in.

As noted above and below, the Application requires FAR and bulk variance relief. **This variance is not specifically identified on the Site Plan.**

2. Section 175-16 – Variance for side yard setback abutting a lot. The Ordinance requires a 25-foot side yard setback in the R-A District.

The Applicant proposes a 12.72-foot side yard setback to the southern side lot line and a 20.53-foot side yard setback to the northern side lot line. **The Site Plan only identifies a variance for the southern side yard setback.** It should be noted that the existing dwelling is 8.1 feet from the southern lot line and 21.7 feet from the northern lot line.

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

The Applicant proposes a building coverage of 2,835 square feet or 19.5% of the lot area.

4. Section 175-16 – Variance for maximum improved lot coverage. The Ordinance limits improved lot coverage to 30% of the lot area.

The Applicant proposes an improved lot coverage of 5,008 square feet or 34.46% of the lot area. It should be noted that the site currently has a lot coverage of 30.99% according to the Site Plan.

5. Section 175-16 – Variance for maximum residential parking coverage. The Ordinance limits residential and 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 4,970 square feet or 34.20% of the lot area. It should be noted that the site has a residential parking coverage of 26.10% presently.

Additionally, the following pre-existing non-conforming conditions exist:

1. Section 175-16 – The Ordinance requires a minimum lot area of 40,000 square feet in the R-A District. The subject property is only 14,534.23 square feet.
2. Section 175-16 – The Ordinance requires a minimum frontage of 200 feet in the R-A District. The subject property only has 78.69 feet of frontage on Anderson Avenue.

3. Section 175-16 – The Ordinance requires a minimum lot depth of 200 feet in the R-A District. The subject property is only 183.74 feet deep.
4. Section 175-16 – The Ordinance requires front yard setback of 50 feet in the R-A District. The existing front yard setback is 39 feet. It should be noted that the Applicant proposes to demolish the existing dwelling, which would **eliminate** this pre-existing non-conforming condition.

### C. Variance Proofs

#### *D(4) Variance*

The Board should note that the court found, in Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285 (1994), that the Applicant need not show “special reasons” that a site is particularly suited for more intensive development if the use is permitted. The Applicant is only required to demonstrate that the site will accommodate the problems associated with a larger floor area than that permitted by Ordinance. These problems typically involve the relationship of the proposal to the neighboring properties, such as intrusion into the side yard or visual incompatibility with the existing and surrounding buildings. The Board needs to determine whether the intent of zone plan and zoning ordinance will be substantially impaired by the proposed increase in 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 Notes on Sheet 1 indicate the proposed front yard setback is 50 feet. However, the dimension of the Plan is 50.05 feet. This discrepancy shall be eliminated, which can be a **condition** of any potential Board approval.
3. The 50.05-foot front yard setback is not dimensioned to the closest façade projection of the garage. It appears from Sheet 1 of the Architectural Plans that the front lot line is not 90 degrees to the side lot lines and is therefore slightly skewed. A more detailed plan or exhibit shall be provided at the hearing to prove the home meets the minimum 50-foot front yard setback.
4. The Zoning Notes indicate the proposed side yard setback is 12.72 feet and indicates a variance is required. This setback is shown to the southern lot line. However, the Site Plan also illustrates a 20.53-foot side yard setback to the northern lot line, which also requires a variance. The Zoning Notes does not list this setback or indicate the necessary variance. The Zoning Notes shall be revised accordingly, which can be a **condition** of any potential Board approval.
5. Section 175-19A.(1)(d) does not permit any impervious surface to be closer than ten feet to a side lot line, except driveways and access walkways to the principal buildings. The Basement Plan illustrates three window wells on the sides of the new dwelling. The Site Plan shall be revised to provide the side yard setbacks to each of the proposed window wells to determine compliance. Depending on the information provided, a variance may be required.
6. The Zoning Notes indicate the existing rear yard setback is 90.39 feet and a pre-existing non-conforming condition is indicated. However, this setback complies with the 50-foot minimum rear yard setback. The pre-existing non-conforming footnote shall be eliminated, which can be a **condition** of any potential Board approval.
7. Similarly, the Zoning Notes indicate existing building coverage is 13.25% and a pre-existing non-conforming condition is indicated. However, this coverage complies with the 15% maximum building coverage. The pre-existing non-conforming footnote shall be eliminated, which can be a **condition** of any potential Board approval.
8. The Zoning Notes indicate the existing rear yard width is 78.17 feet and a pre-existing non-conforming condition is noted. 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 Notes shall be revised accordingly, which can be a **condition** of any potential Board approval.
9. The Zoning Notes indicate the proposed building coverage is 19.5%, which is the area of the proposed dwelling (2,397 square feet), the proposed covered porch (126 square feet), the proposed covered patio (262 square feet), and overhangs (50 square feet), totaling 2,835 square feet, according to the "Proposed Bldg. Coverage Calc's" on Sheet 1. The Ordinance

permits a maximum building coverage of 15% (2,180.1 square feet). Therefore, the Applicant requires variance relief to permit the proposed building coverage (654.9 square feet in excess).

10. 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." However, on November 5, 2026 via Resolution JPB-016-25, the Board made an interpretation of the maximum building heights in the Borough's residential districts and found "...the maximum average building height is 33 feet in Zone A... and in Zones A, BB, and B is measured by the Average Natural Grade all around the building to average height of the roof."

The Zoning Notes indicate the proposed building height is 26.98 feet. The Building Height Schematic and Proposed Building Height Cal's on Sheet 1 calculates the proposed building height utilizing the proposed average grade of 84.72 feet and the middle of the roof elevation of 111.25 feet. Therefore, the Applicant complies with the maximum building height of the R-A District pursuant to the Board's interpretation. However, refer to Comment #19 for a discrepancy between the submitted plans.

11. 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 Proposed Livable Floor Area Cal's on Sheet 1 of the Site Plans, the proposed livable area is 4,123 square feet or 28.37% of the lot area, which includes the first floor (1,780 square feet) and second floor (2,343 square feet). It should be noted that on May 7, 2025 via Resolution JPB-006-25, the Board made an interpretation of how livable floor area should be calculated and determined the Livable Floor Area "does not include basements that are at least 70% below average grade whether heated or unheated". The Board also determined that garage spaces are excluded from the calculation. The Applicant proposes a basement with a home gym, recreation room, bedroom, theater, full bathroom, and mechanical/storage room. The Elevations on Sheets A-2 and A-3 of the Architectural Plans do not illustrate the elevations of the floor and ceiling of the proposed basement or the average natural grade. In order to be excluded from the livable floor area calculation, at least 70% of the basement would need to be below the average natural grade. The Applicant shall provide **testimony** confirming the basement is 70% or greater below the average natural grade.

12. The Zoning Notes indicate the proposed improved lot coverage is 34.46%, which is the building area (2,835 square feet), driveway (2,135 square feet), and rear steps (38 square feet), which totals 5,008 square feet, according to the Proposed Improved Lot Coverage Cal's on Sheet 1 of the Site Plans. The Ordinance permits a maximum improved lot coverage of 30% (4,360.3 square feet). Therefore, the Applicant requires variance relief to permit the proposed improved lot coverage. However, it is unclear if the three window wells are included in this calculation. The Applicant shall provide the window well areas, if not already included in the improved lot coverage calculation, to clarify, which may increase the intensity of the variance. (Note that the window wells, if not included in any of the calculations will also impact building coverage and residential/parking coverage.)
13. The Site Plans do not illustrate any proposed AC units, generators, shed, or other accessory structures. Testimony shall be provided to clarify if any of these items are proposed. If so, said structures/equipment shall be illustrated on the Plan and the area included in the building and/or improved lot coverage calculations. Depending on the information provided, the intensity of the variance(s) may increase.
14. The Applicant shall note that on May 7, 2025 via Resolution JPB-005-25, the Board made an interpretation that AC units and generators are ancillary support equipment that are permitted in the side yard, provided all impervious coverage setback requirements are complied with. Section 175-19A.(1)(d) does not permit any impervious surface to be closer than ten feet to a side lot line.
15. Item F of Section 4 of the Application indicates the Applicant will only remove trees if necessary, but no removal is on the Plans. The Site Plans illustrate most trees along the side and rear property lines and outside of the limit of disturbance as shown on the SESC Plan on Sheet 2. However, there is a 24-inch Hemlock tree that is adjacent to the existing dwelling and concrete areas that may be subject to removal during demolition and/or construction. Additionally, a 14-inch Maple tree is located within approximately five feet of the proposed driveway and its roots could be affected by the proposed improvements. Testimony shall be provided regarding the potential removal of any existing trees. The Applicant shall note that the Borough adopted Ordinance No. 1164-25 on July 14, 2025, which amended Chapter 163 "Trees", Article 2 "Tree Removal and Protection" in its entirety.
16. Sheet 2 provides a Tree Protection Detail. However, no tree protection fencing is illustrated on the SESC Plan. The Plan shall be revised to either illustrate the tree protection fencing or remove the detail. This can be a **condition** of any potential Board approval.

### Architectural Plans

17. The Basement Plan on Sheet A-3 illustrates three window wells, two on the north side of the dwelling and one on the south side. However, the First Floor Plan on Sheet A-1 only illustrates the two window wells on the north side. This discrepancy shall be eliminated, which can be a **condition** of any potential Board approval.

18. The Left Side Elevation on Sheet A-2 indicates the midpoint of the roof and the ridge height are 115.96 feet. However, as noted above, the Proposed Building Height Calc's indicate the midpoint of the roof is 111.25 feet (a 4.71-foot difference). It is unclear which number is correct, **testimony** shall be provided.

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

Sincerely,

Colliers Engineering & Design



Darlene A. Green, PP, AICP  
Borough Planner

cc: Michael Greco, Board Secretary (via email [mgreco@demarestnj.gov](mailto:mgreco@demarestnj.gov))  
Tim Woods, Board Chair (via email [timwoods12@gmail.com](mailto:timwoods12@gmail.com))  
Danielle Federico, Board Attorney (via email [dfederico@csglaw.com](mailto:dfederico@csglaw.com))  
Nick Chelius, Board Engineer (via email [nick.chelius@collierseng.com](mailto:nick.chelius@collierseng.com))  
Dean Stamos, Applicant's Attorney (via email [deans@ferrarostamos.com](mailto:deans@ferrarostamos.com))  
Michael Hubschman, Applicant's Engineer (via email [mike@hubschmanengineering.com](mailto:mike@hubschmanengineering.com))  
Eric Kiellar, Applicant's Architect (via email [wayne@bluelinearch.com](mailto:wayne@bluelinearch.com))

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<sup>1</sup> Image courtesy of <https://www.nearmap.com/us/en>, dated April 8, 2026.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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%.