

RIDER TO APPLICATION

25 Meadow Street
Block 52, Lot 12
Demarest, New Jersey

The Applicant, 25 Meadow St., LLC, requests a bulk variance to permit the construction of a new single-family dwelling at 25 Meadow Street, formally known and designated as Block 52, Lot 12 on the Borough's Tax Map (the "Property"). The Property is undersized, with an area of 7,730 square feet, where the R-D Zone requires a minimum of 10,000 square feet. The Property is also exceptionally narrow, with a width of 50 feet, where 100 feet is required.

Despite the Property's limited width and area, the Applicant proposes a new dwelling that conforms to all bulk requirements in the R-D Zone except the required front-yard setback. Based on the ordinance's average front-yard setback calculation for homes on the same side of Meadow Street within 300 feet of the Property, the required front-yard setback is 33.1 feet. That average is driven primarily by the unusually large setback at 17 Meadow Street (44.1 feet). The other homes within 300 feet on the same side of the street have setbacks between 25.2 and 29.3 feet, including the homes immediately adjacent to the Property—29 Meadow and 23 Meadow—which sit 25.3 feet and 29.3 feet from their front lot lines, respectively. The Applicant proposes a 26.6-foot front-yard setback, consistent with the adjacent dwellings. Although the Applicant could meet the 33.1-foot requirement, doing so would require either a smaller building footprint (even though the proposal already falls below the 20% building coverage limit and the 25% building-plus-driveway coverage limit) or an increase in impervious coverage, because a deeper setback would require a longer driveway.

The Applicant submits that the Board may grant the front-yard setback variance under either N.J.S.A. 40:55D-70(c)(1) or N.J.S.A. 40:55D-70(c)(2). As explained above, the Property's

undersized and narrow configuration limits the Applicant's ability to comply with every bulk standard in the R-D Zone. The ordinance's minimum front yard is 25 feet, and the proposed development exceeds that standard. However, the average-setback calculation effectively penalizes the Property because one dwelling maintains a substantially larger setback than the homes closer to the Property. Strict application of the average-setback requirement would force the Applicant to (i) seek the requested front-yard variance, (ii) reduce coverage below what the ordinance otherwise permits, or (iii) seek a coverage variance.

Furthermore, a modest deviation in the front-yard setback on this undersized, narrow lot advances the purposes of zoning because the benefits of the project, when considered in their entirety, substantially outweigh any detriments associated with the front yard setback variance. The proposal promotes the general welfare by replacing the existing 1920s-vintage structure with a new, code-compliant dwelling that conforms to virtually every bulk requirement in the R-D Zone. The project also allows the Applicant to demolish the existing dwelling, which sits nearly on the western side lot line (at its closest point, 0.9 feet from the lot line), thereby furthering purpose (c) of the Municipal Land Use Law by helping to ensure sufficient light, air, and open space. Finally, the new dwelling's attractive design advances purpose (i) of the Municipal Land Use Law by promoting a desirable visual environment.

These benefits substantially outweigh the limited impacts associated with the minor front-yard setback variance, particularly because the new dwelling will dramatically reduce the existing impact on the dwelling to the west created by the current noncompliant side-yard condition. Because the dwellings on either side of the Property maintain setbacks within a few feet of the proposed front-yard setback, the proposed dwelling will not protrude or disrupt the streetscape. Under N.J.S.A. 40:55D-70(c)(2), a variance is appropriate where the proposal

provides a better zoning alternative than a conforming development. Here, the proposed front yard mirrors the adjacent setbacks and permits otherwise conforming development on the Property; that outcome provides a better alternative than a fully conforming design that would force unnecessary reductions or other deviations.

For these same reasons, the Board may grant the variance without substantial detriment to the public good. The deviation from the calculated front-yard setback—driven by a single home located some distance from the Property—creates minimal impacts on adjacent properties. Likewise, granting the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The proposal preserves the neighborhood's character, as shown by the setbacks of the homes immediately adjacent to the Property. The flexible front-yard setback requirement aims to maintain a consistent streetscape; here, one dwelling with an unusually deep front yard drives the average-setback calculation and creates the inconsistency, not the Applicant's request for a front yard that is largely consistent with the homes immediately adjacent to the Property.