

August 31, 2026

PLANNING REPORT

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

RE: 25 Meadow Street, LLC

25 Meadow Street
Block 52, Lot 12
Review Letter #1
Project No. DEP-0273

Dear Board Members,

25 Meadow Street, LLC, the Applicant, seeks variance relief to construct a new two-story single-family dwelling on the subject property. Other site improvements include a driveway, front walkway, patio, AC units, a generator, and a seepage pit. The Applicant proposes to remove all existing improvements to construct the proposed dwelling. The Application requires a D(4) floor area ratio ("FAR") variance and a "C" variance, which are detailed in Section B.

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

1. Plan entitled "Site Plan for Matthew Bader", prepared by Sean P. McClellan, PE of McClellan Engineering, dated March 9, 2026, revised through June 22, 2026, consisting of 1 sheet.
2. Plans entitled "New Single Family Dwelling", prepared by Uri Rapaport, AIA of Rapaport & Assoc. Inc., dated January 23, 2026, revised through June 14, 2026, consisting of 4 sheets.
3. Survey entitled "Boundary and Topographic Survey", prepared by Douglas W. Doolittle, PE, PLS, PP of McNally, Doolittle Engineering, LLC, dated December 22, 2025, revised through January 6, 2025, consisting of 1 sheet.
4. Variance Application, dated July 16, 2026.
5. Document entitled "Rider to Application", unknown author, no date, consisting of 3 pages.
6. Zoning Permit Denial, dated March 23, 2026, consisting of 2 pages.
7. Letter entitled "JPB-26-006; 25 Meadow St LLC, 25 Meadow Street, Demarest, NJ 07627", prepared by Michael Greco, CMR, Borough Land Use Secretary, dated June 10, 2026, consisting of 1 page.

A. Existing Zoning and Surrounding Land Use

The subject property is located on the south side of Meadow Street in the Residence D (R-D) District. The property is surrounded by residential uses. 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 Frontage – 100 feet

Minimum Lot Depth – 100 feet

Minimum Rear Yard Width² – 30 feet

Minimum Lot Area – 10,000 square feet

Minimum Yard Dimensions:^{3, 4}

Minimum Front Yard Setback – 25 feet

Minimum Side Yard Setback – 10 feet

Minimum Combined Side Yard Setback⁵ – 25 feet⁶ (which is reduced to 20 feet for this site)

Minimum Rear Yard Setback – 30 feet

Maximum Number of Families per Building – 1

Maximum Building Coverage – 20%

Maximum Height of the Principal Building⁷ – 30 feet

Maximum Floor Area Ratio ("FAR")⁸ – 30%

Maximum Improved Lot Coverage⁹ – 35%
Maximum Residential and Parking Coverage¹⁰ – 25%

B. Variances

The Application requires the following “D” variance:

1. Section 175-25D.(2) – D(4) variance for floor area ratio (“FAR”). The Ordinance limits the floor area ratio (“FAR”) in the R-D District to 30% of the lot area. (It should be noted that the Ordinance defines “Floor Area Ratio” as “The net floor area of all buildings on a lot divided by the lot area” and defines “Floor Area, Net” as “The total area of the gross floor area of a building, after excluding stairwells, elevator shafts, equipment rooms, attics, and basements.”

The Applicant proposes an FAR of 32.8% (2,535 square feet), which includes the first floor net livable area (1,382 square feet) and the second floor net livable area (1,153 square feet).

The Application requires the following “C” variances:

1. Section 175-70B.(1) – Variance for off-street parking. The Ordinance requires parking for residential uses to comply with the Residential Site Improvement Standards (“RSIS”), which are to be minimum requirements. N.J.A.C. 5:21-4.14(g)4., Table 4.4 requires five-bedroom single-family dwellings to provide three parking spaces. N.J.A.C. 5:21-4.14(d)3. allows a two-car garage and driveway combination to count as three and one-half parking spaces, provided that the driveway is at least 20 feet wide for a minimum length of 18 feet.

The Applicant proposes a two-car garage and driveway combination. However, the driveway is only approximately 16 feet wide for a length of only approximately 13 feet. Therefore, the driveway does not meet the minimum dimension of RSIS and only two garage spaces are provided. **This variance is not listed on the Site Plan.**

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

1. Section 175-25C.(1)(c)[1] – The Ordinance requires driveways to be setback at least five feet from the side yard line. The existing gravel driveway is approximately three feet, three inches from the eastern side lot line. It should be noted that the Applicant proposes to remove all existing improvements, which would **eliminate** this pre-existing non-conforming condition.
2. Section 175-25C.(2)(b)[1] – The Ordinance requires driveways to be setback at least five feet from the side yard line. The existing gravel driveway is approximately three feet, three inches from the eastern side lot line. It should be noted that the Applicant proposes to remove all existing improvements, which would **eliminate** this pre-existing non-conforming condition.
3. Section 175-25D.(1)(a) – The Ordinance requires a minimum lot frontage of 100 feet. The subject property only has 50 feet of frontage along Meadow Street.

4. Section 175-25D.(1)(a) – The Ordinance requires a minimum lot area of 10,000 square feet. The subject property is only 7,730 square feet.
5. Section 175-25D.(1)(a) – The Ordinance requires a minimum side yard setback of 10 feet. The existing dwelling is 0.9 feet from the western side lot line. It should be noted that the Applicant proposes to remove all existing improvements, which would **eliminate** this pre-existing non-conforming condition.
6. Section 175-25D.(1)(a) – The Ordinance requires a minimum combined side yard setback of 25 feet. However, Footnote D of the Limiting Schedule allows the minimum combined side yard setback requirement to be reduced by six inches for every foot a lot is less than the required lot width (frontage), provided that no principal building be closer than ten feet to any property line. In this case, the subject property has 50 feet of frontage, which is 50 feet less than required in the R-D District and the combined side yard setback can be reduced by 25 feet. This would result in a zero-foot combined side yard setback requirement. Therefore, the 10-foot minimum setback applies, which translates to a 20-foot combined side yard setback. The existing dwelling has an 18.5-foot combined side yard setback. It should be noted that the Applicant proposes to remove all existing improvements, which would **eliminate** this pre-existing non-conforming condition.
7. Section 175-26A. – The Ordinance requires all single-family dwellings to have at least one garage parking space. There is no existing garage on the subject property. It should be noted that the Applicant proposes a two-car garage, 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 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” variance required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. After reviewing the Application, we have determined that a “C” variance for the average front yard setback is not required. Ordinance No. 1108-26, adopted on May 11, 2026, repealed and replaced Chapter 175 in its entirety, including the Limiting Schedule. The new Limiting Schedule does not include a footnote detailing the alternate front yard setback requirement based on the established average setback as previously provided under Footnote B. Therefore, the required front yard setback is 25 feet. The Applicant proposes a 26.6-foot front yard setback, which complies with the Ordinance. Therefore, no variance relief is required.
3. However, we have identified a “C” variance for number of parking spaces for a five-bedroom single-family dwelling that has not been requested or identified by the Applicant. The Site Plan shall be revised to list this variance or amended to comply with the Ordinance, which can be a **condition** of any potential Board approval.
4. Section 1 of the Application, the Rider to Application, Note #3 of the Site Plan, and the title block on the Site Plan indicate the subject property is Lot 9 of Block 52. This is incorrect. The subject property is Lot 12 as identified on the Survey and Key Map on the Site Plan. The Applicant shall revise all documents to reference the correct Lot, which can be a **condition** of any potential Board approval.
5. The Applicant has submitted two “Rider to Application” documents. One Rider indicates the property is Block 52, Lot 12, which is correct, discusses a front yard setback variance, and does not indicate a D(4) FAR variance is required. The other Rider indicates the property is Block 52, Lot 9, discusses a front yard setback variance and a D(4) FAR variance. It appears this is the most recent Rider. However, neither document is dated.
6. If approved, the Application will be subject to development fees pursuant to Section 175-22.D.

Site Plan

7. The Residential D District table on the Site Plan indicates the required front yard setback is 31 feet (average). As discussed above, the average front yard setback requirement is no longer present in the Ordinance. The table shall be revised to indicate a 25-foot front yard setback is required, which can be a **condition** of any potential Board approval.
8. The Site Plan indicates the proposed side yard setback to the window wells on each side of the dwelling is seven feet. However, the Cellar Floor Plan on Sheet 2 of the Architectural Plans indicates the window wells extend two feet, nine inches into the ten-foot side yard requirement, which would result in a 7.25-foot side yard setback. Testimony shall be provided to clarify which dimension is correct. (The Ordinance permits a projection of no more than three feet.) This discrepancy shall be eliminated, which can be a **condition** of any potential Board approval.
9. The Residential D District table indicates the proposed building coverage is 18.9%, which includes the 1,458 square foot dwelling. Therefore, the Applicant complies with the Ordinance.
10. The Residential D District table indicates the proposed improved lot coverage is 2,310 square feet or 29.9% of the lot area. According to the Lot Coverage Calculations on the Site Plan, this includes the dwelling (1,458 square feet), driveway (386 square feet), mechanical pads (28 square feet), front walkway and steps (180 square feet), window wells (72 square feet), and rear patio (186 square feet). Based on the above, the Applicant complies with the Ordinance. The Applicant shall note that the 30% maximum improved lot coverage limitation permits up to 2,319 square feet of coverage, which is only nine square feet more than proposed.
11. Additionally, the Residential D District table indicates the proposed residential and parking coverage is 1,844 square feet or 23.9% of the lot area. According to the Lot Coverage Calculations, this includes the dwelling (1,458 square feet) and driveway (386 square feet). Therefore, the Applicant complies with the Ordinance.
12. The Residential D table indicates the proposed building height is 29.1 feet. The Building Height Calculation on the Site Plan indicates the height is measured from the average existing grade of 47.9 feet to the roof peak elevation of 77 feet. Additionally, the Exist. Ground Elev. Table details the 21 spot elevations around the perimeter of the dwelling used to calculate the average natural grade. Based on the above, the Applicant complies with the Ordinance.
13. The Residential D District table indicates the proposed FAR is 2,535 square feet or 32.8% of the lot area, which requires D(4) FAR variance relief. The Ordinance defines "Floor Area Ratio" as "The net floor area of all buildings on a lot divided by the total lot area." Additionally, "Floor Area, Net" is defined as "The total area of the gross floor area of a building, after excluding stairwells, elevator shafts, equipment rooms, attics, and basements." Furthermore, "Floor Area, Gross" is defined as "The total area of all floors of the

principal building on a lot.” The Architectural Plans indicate the net floor area of the first floor is 1,382 square feet, which excludes the 78 square foot stairwell, and the net floor area of the second floor is 1,153 square feet, which excludes the 78 square foot stairwell.

14. It should be noted that “Basement” is defined as “A space having 70% or more of its floor-to-ceiling height below the average natural grade.” The Street Elevation indicates the basement floor is at an elevation of 40.5 feet and has a nine-foot-tall ceiling, which equates to an elevation of 49.5 feet. The average natural grade is 47.9 feet. Therefore, 82.2% of the basement’s floor to ceiling height is below the average natural grade (49.5 feet – 47.9 feet = 1.6 feet / 9 feet = 17.8% above the average natural grade or 82.2% below) and the basement is excluded from the FAR calculation.
15. The Site Plan does not dimension the rear yard setback. This numerical dimension should be added to the Plan, which could be a **condition** of any potential Board approval.
16. The Site Plan illustrates an 18-inch maple tree near the rear corner of the proposed dwelling. However, it is unclear if this tree requires removal to construct the proposed home. **Testimony** shall be provided to clarify. The Applicant shall note that Section 163-20B.(2) contains the mitigation requirements, which would require two replacement trees.
17. Section 175-25C.(2)(i) permits ac condensers in the side yard under certain standards, but they are required to be screened from the view of the public right-of-way with evergreen shrubs planted at a height of no less than three feet. It appears that a portion of the left-most condenser will not be screened by the home and will require an evergreen shrub. The Applicant has the option to slide the unit to the right to be entirely behind the façade or to add a shrub. Otherwise, the Applicant will trigger a variance. **Testimony** shall be provided and the plans revised accordingly, which can be a **condition** of any potential Board approval.

Architectural Plans

18. The Architectural Plans include Sheets 2 through 5. Sheet 1 appears to be missing. The Applicant shall submit Sheet 1 for review. This can be a **condition** of any potential Board approval.
19. The Architectural Plans do not include any side or rear elevations of the proposed dwelling. This information should be submitted, which can be an exhibit at the hearing.
20. The Architectural Plans appear to illustrate a pergola or similar structure over a portion of the front walkway adjacent to the garage (see Sheets 4 and 5). However, this feature is not labeled. Additionally, the Site Plan does not illustrate any pergola or similar feature in this location. **Testimony** shall be provided to clarify if a pergola or similar structure is proposed over the front walkway. If it is a pergola, a variance will be required from Section 175-25C.(1) as pergolas are not permitted in the front yard.
21. The Street Elevation on Sheet 5 of the Architectural Plans appears to illustrate an overhang above the garage door. However, the Floor Plans and Site Plan do not illustrate an overhang

in this location. **Testimony** shall be provided to clarify if an overhang is proposed above the garage doors. The Applicant shall note that Section 175-25C.(1)(e)[1] permits projections to encroach up to three feet into the required front yard. Additionally, an overhang may increase the proposed building coverage.

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)
Tim Woods, Board Chair (via email timwoods12@gmail.com)
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¹ Image courtesy of <https://www.nearmap.com/us/en>, dated July 12, 2026.

² **Footnote A:** 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.

³ **Footnote F:** In all districts and in connection with all brooks and streams, a mandatory open space, unencumbered by any building or structure, shall be maintained as follows: bordering Tenakill Brook, no footing or foundation of any building or structure shall be closer than 50 feet to the top of the bank of the stream; bordering all other brooks and streams, no footing or foundation of any building or structure shall be closer than 25 feet to the top of the bank of the stream. These minimum open space setbacks may be expanded as a result of applications to the New Jersey Department of Environmental Protection for Stream encroachment permits. Said permit applications shall be required when the tributary drainage area for the brook or stream exceeds 50 acres.

⁴ **Footnote 4:** Any accessory building located within 10 feet of the principal building is considered part of the principal building and subject to the setback requirements of the same.

⁵ **Footnote C:** The minimum distance of combined side yards shall be increased by a factor of 1/10 times the number of feet by which the lot width exceeds the minimum requirements.

⁶ **Footnote D:** The combined total side yard requirements may be reduced by six inches for each foot a lot is less than the required width prescribed for the zone in which such lot is located, provided that no principal building shall be placed nearer than ten feet to any property line.

⁷ **Footnote B:** Flat roofs are prohibited on the principal building in all zones.

⁸ **Footnote 6:** The net floor area of all buildings on a lot divided by the total lot area. Net Floor Area = The total area of the gross floor area of the building, after excluding stairwells, elevator shafts, equipment rooms, attics, and basements.

⁹ **Footnote 5:** The part of the site that is covered by buildings, accessory buildings, accessory uses, accessory structures, impervious or pervious parking areas, driveways, walls, walkways, pavers or similar improvements, and any other structures or impervious surfaces.

¹⁰ **Footnote E:** Residential and parking coverage shall include the principal building, garages and the driveway, and any other parking areas.