

May 30, 2025

PLANNING REPORT

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

RE: 7 Christie Street, LLC

7 Christie Street
Block 38, Lot 653
Review Letter #1
Project No. DEP-0229

Dear Board Members,

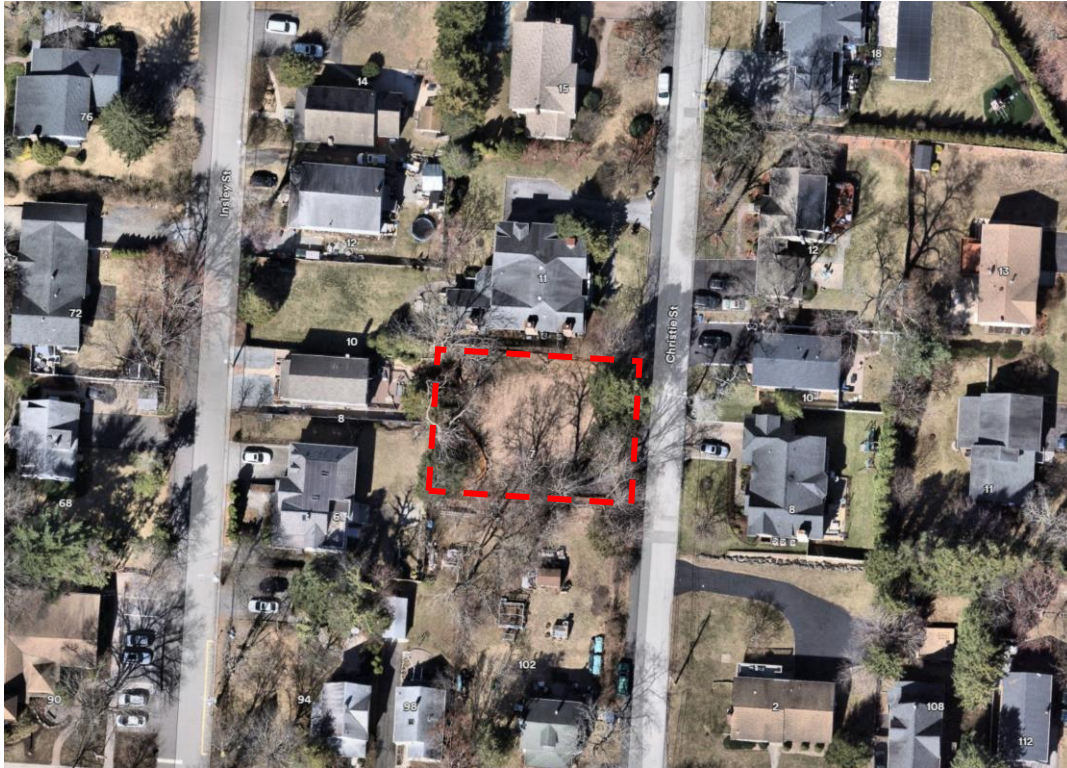
7 Christie Street, LLC, the Applicant, seeks variance relief to permit the construction of a new single-family dwelling on the subject property. Proposed site improvements include the new dwelling, driveway, front walkway, a rear deck and patio, grading, stormwater management facilities, and landscaping. The Applicant intends to remove the existing dwelling and all existing site improvements in order to construct the proposed site improvements. The Application requires "C" variances and a waiver, which are detailed in Sections B and D.

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

1. Plans entitled "Variance Application; Proposed Single-Family Residential Dwelling", prepared by Michael E. Dipple, PE of L2A Land Design, LLC, dated October 1, 2024, signed on March 4, 2025, consisting of 9 sheets.
2. Plans entitled "Proposed Single Family", prepared by Robert E. Zampolin, AIA of Zampolin & Associates Architects, dated May 19, 2025, consisting of 6 sheets.
3. Survey entitled "Topographic Survey of Property", prepared by William C. Buchok, PLS of Lakeland Surveying, Inc., dated April 15, 2024, revised through June 10, 2024, consisting of 1 sheet.
4. Variance Application, dated April 15, 2025.
5. Copy of Deed, recorded on April 24, 2024.
6. Letter entitled "Single-Family Residential Addition", prepared by L2A Land Design, LLC, dated March 6, 2025, consisting of 2 pages.
7. Denial of Application Letter, prepared by M. Greco, Zoning Department, dated March 19, 2025, consisting of 1 page.

A. Existing Zoning and Surrounding Land Use

The subject property is in the Residential R-D District along the west side of Christie Street. The property is surrounded by single-family residential dwellings. 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 Lot Area – 10,000 square 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 – 30 feet³
- Maximum Number of Families per Building – 1
- Maximum Building Coverage – 20%
- Maximum Building Height – 24 feet/30 feet⁴
- Maximum Livable Floor Area – 30%⁵
- Maximum Improved Lot Coverage – 30%⁶
- Maximum Residential and Parking Coverage – 25%

B. Variances

Based on the information provided, the Application requires the following D variance:

1. Section 175-16 – D(4) variance for livable floor area (floor area ratio). The Ordinance limits livable floor area to 30% of the lot area. In this case, livable floor area is limited to 2,400 square feet.

The Applicant proposes a livable floor area of 2,990 square feet, or 37.38% of the lot area.

Additionally, the following “C” variances are required.

1. Section 175-16 – Variance for building coverage. The Ordinance limits building coverage to 20% of the lot area. In this case, building coverage is limited to 1,600 square feet.

The Applicant proposes 2,208.35 square feet of building coverage, or 27.6% of the lot area, which includes the dwelling (1,884 square feet), patio (165.68 square feet), deck (158.68 square feet).

2. Section 175-16 – Variance for improved lot coverage. The Ordinance limits improved lot coverage to 30% of the lot area. In this case, improved lot coverage is limited to 2,400 square feet.

The Applicant proposes 2,916.02 square feet of improved lot coverage, or 36.45% of the lot area, which includes the dwelling (1,884 square feet), patio (165.68 square feet), deck (158.68 square feet), driveway (535.5 square feet), front walkway (99.42 square feet), concrete pad (36 square feet), and window wells (36.75 square feet).

3. Section 175-16 – Variance for residential and parking coverage. The Ordinance limits the coverage of residential and parking improvements to 25% of the lot area. In this case, residential and parking coverage is limited to 2,000 square feet.

The Applicant proposes 2,419.5 square feet of residential and parking coverage, or 30.24% of the lot area, which includes the dwelling (1,884 square feet) and driveway (535.5 square feet).

4. Section 175-19A.(1)(c) – The Ordinance does not permit decks, platforms, and porches, whether roofed or unroofed, enclosed or unenclosed, as structural features to encroach into any yard.

The Applicant proposes a deck with a pergola and an at-grade patio within the rear yard. (Note that the definition of “Deck” includes structures on, above, or below grade.)

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

1. Section 175-16 – The Ordinance requires a minimum lot size of 10,000 square feet in the R-D District. The subject property is only 8,000 square feet.

2. Section 175-16 – The Ordinance requires a minimum lot frontage of 100 feet. The subject property only has 80 feet of frontage along Christie Street.
3. Section 175-16 – The Ordinance requires a minimum front yard setback of 25 feet. The existing front yard setback is 18.2 feet. It should be noted that the Applicant proposes to demolish the existing dwelling, which would **eliminate** this pre-existing non-conforming condition.
4. Section 175-19A.(3) – The Ordinance does not permit accessory uses, buildings, or structures to encroach into the side yard. The existing shed on the north side of the dwelling and the existing stone patio on the south side of the dwelling encroach into the side yard. It should be noted that the Applicant proposes to remove all existing improvements including the shed and stone patio, which would **eliminate** these pre-existing non-conforming conditions.

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 increased 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

The Application does not require any waivers:

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) variance and "C" variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. Based on our review of the submitted Plans and documents, we have determined the variance for the encroachment of the proposed AC units and generator is not required.
3. It should be noted that based on aerial imagery from NearMap, the existing dwelling and improvements depicted on the Survey and Sheet C-02 of the Site Plans have been removed at some point between June 14, 2024 and October 4, 2024.

Site Plans

4. The Zoning Analysis on Sheet C-03 indicates the rear yard width is a pre-existing non-conforming condition. However, Footnote A of the Limiting Schedule states, "For other than rectangular lots, a rear yard width is required that is equal to the frontage requirement in the district..." The subject property is rectangular and therefore, this requirement is not applicable. The Zoning Analysis shall be revised to reflect this information, which can be a **condition** of any potential Board approval.
5. The Zoning Analysis indicates the proposed building coverage is 23.55%. The Coverage Summary on Sheet C-03 indicates the coverage only includes the 1,884 square foot dwelling. However, the Ordinance defines "Coverage, Maximum" as "That percentage of the plot or lot area covered by the principal building and the accessory use building and/or structure." The definition of "Use, Accessory (Building, Structure)" includes decks and patios as accessory structure examples. Therefore, the area of the proposed deck and patio are included in the proposed building coverage calculation. This results in a proposed building coverage of 2,208.35 square feet or 27.6% of the lot area. The Applicant shall revise the Zoning Analysis and Coverage Summary to reflect the proposed building coverage, which can be a **condition** of any potential Board approval.
6. The Zoning Analysis indicates the proposed height of the dwelling is 29.96 feet. Footnote 2 of the Zoning Analysis indicates the proposed height is measured from the average grade of 49.03 feet to the roof peak at 79.88 feet. A calculation of the average grade is provided on Sheet C-03 of the Site Plans. The Elevations on Sheets A200 and A201 illustrates a proposed height of 29 feet, 11.5 inches, which matches the information provided on the Site Plans. Based on this information, the height of the proposed dwelling complies with the R-D District building height limitation of 30 feet.

It should be noted that the Limiting Schedule indicates the maximum building height of the R-D District is "24/30" feet. For the purposes of this reviewed, we have noted the permitted building height as 30 feet, which is the same as the R-B and R-BB Districts. This office is unaware if the Board has made an interpretation of the permitted building height in the R-D District.

Architectural Plans

7. The Basement Plan on Sheet A101 shows the footprint of the at-grade patio adjacent to the exercise/gym room, which coincides with the kitchen area on the First Floor Plan on Sheet A102. However, the Site Plans illustrate the proposed deck in this area. The proposed patio is located at grade adjacent to the family room in the basement and living room on the first floor. These discrepancies shall be eliminated, which can be a **condition** of any potential Board approval.
8. The First Floor Plan indicates the living area is 1,420 square feet and the Second Floor Plan indicates the living area is 1,570 square feet. However, it is unclear if these areas exclude the open area in between the staircase that appears to extend from the basement to the second floor. Additionally, it is unclear if the second-floor area excludes the doubled ceiling height of the entry/foyer area. Testimony shall be provided to clarify the first and second floor areas, which may affect the proposed livable floor area.

Landscaping

9. The Borough recently amended Chapter 163 in its entirety via Ordinance No. 1121-23 on June 26, 2023. Section 163-19C provides the tree mitigation requirements for removed trees. Section 163-19C.(2) provides the mitigation required for removed trees based on the diameter of the removed tree. The Existing Conditions and Demolition Plan on Sheet C-02 indicates the Applicant proposes to remove 11 existing trees including one six-inch-diameter tree, an eight-inch diameter tree, five 12-inch diameter trees, one 18-inch diameter tree, a 24-inch diameter tree, and two 48-inch diameter trees. However, the eight-inch and two 48-inch trees are noted to be dead, which do not require mitigation pursuant to Section 163-19C.(1). Therefore, six mitigation trees are required for the six-inch tree and five 12-inch trees to be removed, two mitigation trees are required for the 18-inch tree to be removed, and three mitigation trees are required for the 24-inch tree to be removed, which totals 11 mitigation trees. The Applicant proposes 11 trees, which complies with the tree mitigation requirements.
10. The Landscaping Plan illustrates two proposed "AF" trees on the south side of the property. However, the Planting Schedule indicates two "AR" Armstrong Maple trees are proposed. It appears the trees were mislabeled as "AF". This drafting error shall be eliminated, which can be a **condition** of any potential Board approval.
11. The label for the three Eastern Hemlock trees indicates there are four trees proposed. This discrepancy shall be eliminated, which can be a **condition** of any potential Board approval.

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: Tim Woods, Board Chair (via email timwoods12@gmail.com)
Danielle Federico, Board Attorney (via email dfederico@csglaw.com)
Nick Chelius, Board Engineer (via email nick.chelius@collierseng.com)
Matthew Capizzi, Applicant's Attorney (via email matthew@capizzilaw.com)
Michael Dipple, Applicant's Engineer (via email mdipple@l2alanddesign.com)
Robert Zampolin, Applicant's Architect (via email bob@zampolin.com)

R:\Projects\A-D\DEP\DEP0229\Correspondence\OUT\250530dag_7_Christie_New_Home_r1.docx

¹ Image courtesy of <https://www.nearmap.com/us/en>, dated March 19, 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%.