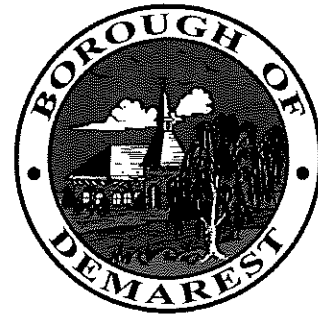


BOROUGH OF DEMAREST
JOINT PLANNING BOARD
REGULAR MEETING AGENDA
Wednesday, August 5, 2026 @ 7:30 PM
118 Serpentine Road, Demarest, NJ 0762



1. CALL TO ORDER

2. PUBLIC ANNOUNCEMENT OF MEETING

Sunshine Law Statement: The notice requirements of the Open Public Meetings Act of the State of New Jersey, P.L. 1975, Chapter 231, have been satisfied by the inclusion of the date, time and place of this meeting in the annual schedule of meetings. Such schedule of meetings was published as required by law and is posted at Borough Hall, on the Borough website and filed in the office of the Borough Clerk.

3. FLAG SALUTE

4. ROLL CALL

- | | |
|---|---|
| ☐ Mr. Adelman | ☐ Mr. Lerner |
| ☐ Mayor Bernstein | ☐ Dr. Mamdani |
| ☐ Ms. Brenner | ☐ Chair Woods |
| ☐ Vice Chair Chin | ☐ Mr. Yu |
| ☐ Ms. DiSclafani | ☐ Ms. Hamilton |
| ☐ Councilman Jiang | ☐ Mr. Alevrontas |

5. RESOLUTION(S)

Resolution JPB-014-26 - JPB-26-003 – 52 Edward Street – 52 Edward LLC

Seeking Variances related to the construction of a new single-family home on an existing non-conforming lot.

☐ APPROVE ☐ DENY ☐ CARRY **DATE:** _____

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman							
Ms. Brenner							
Vice Chair Chin							
Mr. Lerner							
Dr. Mamdani							
Mr. Yu (<i>Alt #1</i>)							
Chair Woods							

Resolution JPB-015-26 - JPB-26-001 – 8 Ross Avenue – 8 Ross Avenue LLC
 Seeking a Variances to the construction an addition and renovate an existing home.
☐ **APPROVE** ☐ **DENY** ☐ **CARRY DATE:** _____

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman							
Ms. Brenner							
Vice Chair Chin							
Mr. Lerner							
Dr. Mamdani							
Mr. Yu (<i>Alt #1</i>)							
Chair Woods							

6. NEW/CONTINUING APPLICATIONS

JPB-25-007 – 32 Brookside Avenue – Patrick Min
 Seeking Variances related to an existing non-conforming house with accessory structures.
☐ **APPROVE** ☐ **DENY** ☐ **CARRY DATE:** _____

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman							
Ms. Brenner							
Vice Chair Chin							
Ms. DiSclafani							
Councilman Jiang							
Mr. Lerner							
Dr. Mamdani							
Mr. Yu (<i>Alt #1</i>)							
Ms. Hamilton (<i>Alt #2</i>)							
Mr. Alevrontas (<i>Alt #3</i>)							
Mayor Bernstein							
Chair Woods							

JPB-26-008 – 3 Central Avenue – Scott Lavin
 Seeking an appeal of the zoning officer's decision to issue permits for the new home application at 3 Central Avenue.
☐ **APPROVE** ☐ **DENY** ☐ **CARRY DATE:** _____

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman							
Ms. Brenner							
Vice Chair Chin							
Ms. DiSclafani							
Councilman Jiang							
Mr. Lerner							
Dr. Mamdani							
Mr. Yu (<i>Alt #1</i>)							
Ms. Hamilton (<i>Alt #2</i>)							
Mr. Alevrontas (<i>Alt #3</i>)							
Mayor Bernstein							
Chair Woods							

7. APPROVAL OF MINUTES

8. NEW/CONTINUING BUSINESS

New Discussion — Possible Amendment to §175-25D, Chapter 175 (Zoning): Massing and Architectural Bulk Standards for Single-Family Residences – VICE CHAIR KIRAN CHIN

9. PUBLIC COMMENT PERIOD

10. ADJOURNMENT

NEXT REGULAR MEETING – WEDNESDAY, SEPTEMBER 2, 2026

**JOINT PLANNING BOARD OF THE
BOROUGH OF DEMAREST**

**RESOLUTION JPB-014-26
“D-4” VARIANCE AND BULK VARIANCE APPROVAL**

In the Matter of the Application of
52 Edward Street LLC
52 Edward Street
Block 90, Lot 211

WHEREAS, 52 Edward Street LLC, the applicant and owner (the "Applicant"), filed an Application with the Joint Planning Board of the Borough of Demarest (the "Board") for use variance and bulk variance approval (the "Application") located at 52 Edward Street and designated as Lot 21 in Block 90 on the Tax Maps of the Borough of Demarest and located in the Borough's R-A Zone (the "Property"); and

WHEREAS, the following plans, reports and correspondence were submitted by the Applicant and considered by the Board:

- A. Letter of Denial dated March 26, 2026;
- B. Variance Application, including the Contact Sheet and Checklist (the "Application");
- C. Correspondence from Capizzi Law Offices regarding the Application Submission dated March 30, 2026 and June 18, 2026;
- D. Property Deed dated March 25, 2026;
- E. Soil Erosion & Sediment Control, & Site Plan prepared by Thomas W. Skrable, P.E., P.P., C.M.E. dated March 17, 2026, last revised June 17, 2026 and consisting of one (1) sheet;
- F. Architectural Plan prepared by Stephanie De Carlo Pantale Architect dated March 17, 2026, last revised June 15, 2026 and consisting of four (4) sheets;

- G. Affidavit of Service of Notice, prepared by Capizzi Law Offices; and
- H. Affidavit of Publication, published in The Record on June 20, 2026.

WHEREAS, a public hearing was held by the Board on July 1, 2026 in accordance with the Open Public Meetings Act and the Municipal Land Use Law (the "MLUL"), at which time the Applicant, represented by Matthew G. Capizzi, Esq. of the Capizzi Law Offices: (a) presented proof of notice and publication as required by law; and (b) submitted the following evidence to the Board in support of Applicant's Application including:

- A. Mr. Capizzi introduced the Applicant's variance application seeking relief to construct a new two-story single-family dwelling on the subject property.
 - a. Acknowledging the subject property lies within the Borough's R-A Zone, Mr. Capizzi explained that the Applicant made efforts to comply with the bulk standards provided by the Borough's nearby R-D Zone, which zone better reflects the size and scale of not only the subject property but several other properties in the immediate vicinity. Other proposed site improvements include a new driveway, front walkway, rear patio, and stormwater management facilities.
 - b. Mr. Capizzi confirmed that the Applicant's intention to remove all existing improvements in order to construct the proposed new dwelling. Mr. Capizzi summarized the variance relief required as a D(4) floor area ratio (FAR) variance as well as several "C" bulk variances.
 - c. Mr. Capizzi planned to call three (3) expert witnesses to testify in support of the Application, including an engineer, architect and professional planner.

- B. Testimony of Applicant's Consulting Engineer, Thomas W. Skrable, P.E., whose testimony can be summarized as follows:
- a. Mr. Skrable initially confirmed that the Applicant had recently revised its Soil Erosion and Sediment Control Plan, dated June 17, 2026 and submitted to the Board prior to the hearing. Mr. Skrable further confirmed that the Applicant made best efforts to comply with the bulk standards provided by the Borough's R-D Zone, as the existing R-A bulk standards appear intended for much larger lots than the subject property. Nevertheless, as the subject property remains zoned R-A, the design as proposed triggers a D-4 FAR variance and six (6) bulk variances, for (i) side yard setback; (ii) rear yard setback; (iii) maximum building coverage; (iv) maximum improved lot coverage; (v) maximum residential and parking coverage; and (vi) side yard setback for the proposed accessory patio.
 - b. Mr. Skrable explained how the proposed design utilized and maintained existing grades, except when required to slope the grades away from the proposed foundation, which remains consistent with best design practice.
 - c. Mr. Skrable confirmed that the Applicant did not take exception to the comments and recommendations provided by the Board Engineer's Engineering Review #2 dated June 24, 2026, and further confirmed the Applicant's stipulation of compliance with the tree replanting requirements detailed within the Board Planner's June 25, 2026 Planning Report.
- C. Testimony of Applicant's Architect, Stephanie De Carlo Pantale, whose testimony can be summarized as follows:

- a. Ms. Pantale provided the Board an overview of her architectural design plans, describing the proposed new home as a transitional, modern structure. She explained her design included stepping both sides of the proposed home to avoid having large walls facing each of these neighboring properties. Similarly, the hip roof design, rather than the more traditional gable roofs found on homes within this neighborhood, was chosen to minimize visual impacts upon neighboring properties.
- b. Ms. Pantale offered into evidence Exhibits A-1 and A-2, which were computer generated renderings of the proposed new home and the front window well intended to allow natural light for the proposed basement level bedroom. At the Board's request, Ms. Pantale stipulated on behalf of the Applicant that the architectural plans would be revised to relocate the proposed basement level bedroom towards the rear side of the dwelling in order to eliminate the front side window well.

D. Testimony of Applicant's Planner, Nicholas Graviano, whose testimony can be summarized as follows:

- a. Pointing to this planning exhibit marked into evidence as Exhibit A-3, Mr. Graviano initially explained that the 10,000 square foot subject property was located within the R-A zone that required 40,000 square feet minimum lot area. Focusing on sheet VE-2 within Exhibit A-3, Mr. Graviano explained how this particular neighborhood has numerous 10,000 square foot lots, though primarily zoned R-A rather than the nearby R-D Zone, which latter zone is more in keeping with the size and scale of the subject property.

- b. Mr. Graviano provided planning justifications for the required D-4 FAR Variance, explaining the applicable standard provided by Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285 (1994) (holding that FAR applicant need not show “special reasons” that a site is particularly suited for more intensive development if the use is permitted, and is only required to demonstrate that the site will accommodate any problems associated with a larger floor area than that permitted by ordinance). Here, Mr. Graviano pointed to the proposed on-site stormwater management system as mitigating any issues associated with the home’s size on the subject property. Mr. Graviano also explained that RSIS compliant parking was being provided and that the proposed front yard setback was consistent with that prevailing within this neighborhood.
- c. Mr. Graviano testified that the Applicant was justifying its variance relief under the c(1) undue hardship criteria, except for the roof overhang variance, which was supported under the c(2) flexible variance standard (as the overhang provided a more attractive design aesthetic while concurrently preventing additional ground cover, thereby providing a preferable public planning benefit). Mr. Graviano testified that the bulk variances being proposed further MLUL purposes of planning a, g and i. In explaining how these variances satisfied the negative criteria, Mr. Graviano found support within the 2023 Master Plan Reexamination Report, which explained the Borough’s desire to “preserve the scale and character” of residential neighborhoods” and further found that “bulk standards reflect conditions” within these neighborhoods.

E. Mr. Capizzi concluded by summarizing the expert testimony and proofs, asserting the variance criteria was satisfied, particularly given the ample spatial buffering between subject property and the adjacent residential properties due to the existing neighborhood zoning.

WHEREAS, at the public hearing, the Board also considered the following:

- A. Board Planner report prepared by Colliers Engineering and Design dated June 3, 2026 and June 25, 2026 (collectively, the “Board Planner Report”), along with testimony from Darlene A. Green, PP, AICP of Colliers Engineering & Design (the “Board Planner”);
- B. Board Engineer Reports prepared by Colliers Engineering and Design dated June 5, 2026 and June 24, 2026 (collectively, the “Board Engineer Report”), along with testimony from Nick Chelius, PE of Colliers Engineering and Design (the “Board Engineer”);
- C. Application Exhibits marked at the public hearing as A-1 (color photo rendering); A-2 (photo rendering); and A-3 (two-page color planning exhibit).

WHEREAS, the Board and the Board Engineer had extensive questions for the Applicant and the Applicant's professionals regarding the proposed addition; and

WHEREAS, an adjoining property owner appeared at the public hearing to ask questions of the Applicant, expressed concerns and offered comments in support of the Application; and

WHEREAS, the Board having heard and considered the testimony, arguments and documents referenced above.

NOW, THEREFORE, BE IT RESOLVED that the Joint Planning Board of the Borough of Demarest makes the following findings of fact and conclusions of law with respect to the within Application:

1. All of the "**WHEREAS**" clauses set forth above are incorporated by reference. All of the testimony, documents, and exhibits produced by the Applicant, including those produced at the public hearing on July 1, 2026, are incorporated herein by reference.

2. The Property is located at 52 Edward Street and designated as Lot 211 in Block 90 on the Tax Maps of the Borough of Demarest and is a rectangular-shaped parcel consisting of 10,000 square feet.

3. The Property is located between Lake Road and County Road and is located in the Residential A (R-A) Zone (the "R-A Zone").

4. The Property is currently occupied by a 1½-story single-family dwelling with associated driveway, walkways, enclosed porch and other related improvements.

5. Single-family residential dwellings are permitted uses in the R-A Zone.

6. By this Application, the Applicant is seeking D(4) FAR variance and C variance relief to construct a new 2-story single-family dwelling, attached garage, driveway, rear patio, drainage improvements and other related improvements.

7. The Applicant is proposing to demolish the existing 1½-story single-family dwelling with associated driveway, walkways, enclosed porch and other related improvements.

8. The Property has pre-existing non-conformities with respect to lot area (40,000 sf. Required; 10,000 sf. existing and proposed), lot frontage (200 ft. required, 100 ft. existing and proposed), lot depth (200 ft. required, 100 ft. existing and proposed), side yard setback-West (25 ft. required, 24.00 ft. existing and 16.1 ft. proposed), side yard setback-East (25 ft. required, 24.90

ft. existing and 16.2 ft. proposed), rear yard depth (50 ft. required, 41.1 ft. existing and 33.10 ft. proposed) and maximum building coverage (15% required, 19.34% existing and 19% proposed).

9. The Property had a pre-existing non-conformity with respect to impervious coverage which was eliminated by this Application.

10. The Applicant is seeking variance relief from the requirements of the R-A Zone pursuant to N.J.S.A. 40:55D-70(d)(4) with respect to maximum livable floor area (22.5% is permitted; 29.98% is proposed).

12. During the course of the hearing, the Applicant modified the Application to relocate the basement level bedroom towards the rear of the dwelling, thereby allowing elimination of the front side basement window well, providing a more attractive aesthetic while concurrently reducing the impervious coverage associated with elimination of that window well.

13. The Board finds that the proposed new residential dwelling with ancillary improvements, which are a permitted use in the R-A Zone and consistent with the surrounding neighborhood, provides an aesthetic improvement to the Property, and provides for improved on-site stormwater management where currently none is provided.

14. Despite the FAR, the home is not an overbuilt design. The Applicant has proven their Property can reasonably accommodate any problem associated with the structure exceeding the permitted FAR by utilizing an innovative hip roof design and overhangs that help visually reduce the scale of the structure while minimizing additional impervious coverage, thereby accommodating any resulting issues consistent with the Coventry Square standard.

15. The Board finds that, in light of the significantly deficient lot size, the modest size of the dwelling, the attractive design of the improvements and the dwelling's improved on-site stormwater maintenance, the requested variances are reasonable and appropriate.

19. The Board finds that the Application and the proposed improvements are consistent with other homes in the neighborhood and that the variances can be granted without any detriment to the public good or any neighboring properties.

20. The Board further finds that the granting of the variances will not substantially impair the intent and purpose of the Borough's Zoning Ordinance or Master Plan and is in the furtherance of the purposes set forth in N.J.S.A. 40:55D-2, e.g. appropriate development, providing a desirable visual environment and providing adequate light, air and open space is provided.

21. The Board finds that the Application and the proposed improvements, as modified at the public hearing to relocate the basement level bedroom to the rear of the structure, thereby allowing elimination of the front side basement window well, are consistent with other homes in the neighborhood and that the variances can be granted without any detriment to the public good or any neighboring properties.

22. The Board finds that the Applicant has proven its entitlement to variance approval under N.J.S.A. 40:55D-70(d)(4), N.J.S.A. 40:55D-70(c)(1) and N.J.S.A.40:55D-70(c)(2) and hereby grants the following variances:

Zoning Code Section	Required/Permitted	Proposed & Granted
175-16	22.5% FAR	29.98% FAR
175-16	25 feet side yard setback	16.1 feet on eastern side 16.2 feet on western side
175-16	15% maximum building coverage	21.83%
175-16	30% maximum improved lot coverage	32.35%
175-16	25% maximum residential and parking coverage	27.3%
175-19B.(2)	25 foot minimum accessory structure setback	17.5 feet (rear patio)

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of the Borough of Demarest, based upon the above findings of fact and conclusions of law, that the within application for use variance and bulk variance approval, as modified on the record at the public hearing, is hereby granted, subject to the following conditions:

a) The Applicant shall provide the Board Engineer with revised site plan and architectural plans depicting the relocation of the basement level bedroom to rear of the dwelling and elimination of the front side basement window well as well as any other modifications stipulated to at the public hearing.

b) The Applicant shall provide an as-built survey to the Board Engineer prior to the issuance of a final certificate of occupancy.

c) Unless otherwise addressed herein or at the public hearing before the Board, the Applicant shall comply with the recommendations of the Board, including but not limited to the Board Planner Report and the Board Engineer Report, as well as any stipulations made during the hearing on the Application and all conditions enumerated herein.

d) Notwithstanding the approval granted herein, the Applicant shall comply with all of the ordinances of the Borough of Demarest and all applicable county, state, and federal statutes, ordinances, rules and regulations.

e) The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development.

f) The Property shall be kept neat during all construction and all construction hours shall strictly adhere to the ordinances of the Borough of Demarest.

g) The Applicant shall post all fees and deposits as required by applicable ordinances of the Borough of Demarest which shall include payment of all outstanding taxes and the payment

of all fees to the Borough's professionals for the review of the within Application and the inspection of work to be performed incidental thereto. The Applicant shall pay any fees or additional escrow deposits which may be due and owed within ten (10) days of notification.

l) All construction, use and development of the Property shall be in conformance with the plans approved by the Board, In the event the Applicant or its successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or replace the instant approval. The Applicant's failure to comply with this condition may be the cause for the issuance of a Stop Work Order, penalties and/or the revocation of either a Building Permit and/or Certificate of Occupancy issued in respect of the contemplated improvements, subject to reasonable notice and the opportunity to cure.

m) The Applicant shall correct and make safe any dangerous or unsafe condition caused by the Applicant or those acting for it, affecting public safety or general welfare, if any such condition develops.

n) The Applicant shall be and remain liable for any and all damages or money loss occasioned by the Borough of Demarest or its officers or agents by any neglect, wrongdoing, omissions or commissions by the Applicant or its agents arising from the making of improvements and shall save, indemnify, hold harmless the Borough of Demarest or Board, its officers, agents, employees and all charges, judgments, costs or counsel fees arising from such damages or loss. The Applicant agrees not to commit any public or private nuisance by reason of dirt, dust, debris, air-pollution, noise pollution, gas, smoke, or other occurrences resulting from the construction or installation authorized by the approval of this plan or any building permit issued in pursuit thereof.

o) The Applicant's failure to comply with any condition set forth with this Resolution shall constitute a failure of the conditions of this approval and may be the cause for the issuance of a Stop Work Order, penalties and/or the revocation of either a Building Permit and/or Certificate of Occupancy issued in respect of the contemplated improvements, subject to reasonable notice and the opportunity to cure.

IT IS HEREBY CERTIFIED that this is a true and correct copy of a Resolution adopted by the Planning Board of the Borough of Demarest upon a roll call vote at a meeting held on August 5, 2026.

A copy of this Resolution shall be given to the Tax Assessor, Applicant, Borough Clerk, Building Department, Zoning Officer and Borough Engineer.

ATTEST:

SO APPROVED:

MICHAEL GRECO, Secretary

TIMOTHY WOODS, Chair

BOROUGH OF DEMAREST JOINT PLANNING BOARD

VOTE TO APPROVE THE APPLICATION

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman		✓	✓				
Ms. Brenner	✓		✓				
Vice Chair Chin			✓				
Ms. DiSclafani						✓	
Councilman Jiang						✓	✓
Mr. Lerner			✓				
Dr. Mamdani			✓				
Mr. Yu (<i>Alt #1</i>)			✓				
Ms. Hamilton (<i>Alt #2</i>)							✓
Mr. Alevrontas (<i>Alt #3</i>)						✓	✓
Mayor Bernstein						✓	✓
Chair Woods			✓				

Date of Approval: July 1, 2026

VOTE TO APPROVE THE RESOLUTION

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman							
Ms. Brenner							
Vice Chair Chin							
Mr. Lerner							
Dr. Mamdani							
Mr. Yu (<i>Alt #1</i>)							
Chair Woods							

Date of Adoption: August 5, 2026

**Prepared by Board Conflict Counsel,
Steven R. Tombalakian, Esq., Weiner Law Group LLP**

DEM004 52 Edward LLC Resolution(5809136.1)

**JOINT PLANNING BOARD OF THE
BOROUGH OF DEMAREST**

RESOLUTION JPB-015-26

VARIANCE APPROVAL

In the Matter of the Application of
8 Ross Avenue LLC
8 Ross Avenue
Block 133, Lot 42

WHEREAS, 8 Ross Avenue LLC is the applicant and owner (the “Applicant”) of the property located at 8 Ross Avenue and designated as Lot 42 in Block 133 on the Tax Maps of the Borough of Demarest (the “Property”); and

WHEREAS, the Applicant’s request for a Zoning Permit to renovate and expand the existing single-family dwelling on the Property by constructing a new two-story addition, a new driveway and a new patio in the rear yard was denied by the Zoning Officer of the Borough of Demarest (the “Zoning Officer”) on January 9, 2026 (the “Denial Letter”), stating:

Your request is hereby denied based upon the following requirements:

LOT AREA= 7,000 SF (10,000 SF REQUIRED)
LOT FRONTAGE= 70 FT (100 FT REQUIRED)
FRONT YARD SETBACK OF ADDITION = 19.6 FT (25 FT. REQUIRED)
BUILDING COVERAGE = 25.3% (20% MAXIMUM)
IMPROVED LOT COVERAGE= 34.9% (30% MAXIMUM)
LIVABLE FLOOR AREA= 39.1 % (30% MAXIMUM)

QUESTIONS:

- 1) RESIDENTIAL & PARKING COVERAGE NOT SPECIFIED BUT DUE TO PROPOSED BUILDING COVERAGE BEING OVER 25% IT IS CLEAR THIS WILL ALSO NEED A VARIANCE
- 2) BUILDING HEIGHT IS MEASURED TO THE MIDPOINT OF THE ROOF IN THE PLAN. BUILDING HEIGHT IN THE R-D ZONE IS MEASURED FROM THE AVERAGE

NATURAL GRADE TO THE ROOF PEAK AND HAS A MAXIMUM OF 30 FT. PLEASE CONFIRM WHETHER THIS IS A VARIANCE OR NOT.

- 3) THE HOME HAS AN EXISTING SIDE YARD SETBACK OF 9.9 FT, THIS SEEMS PRE-EXISTING NONCONFORMING AS RECORDS INDICATE THE HOME WAS BUILT PRIOR TO THE INTRODUCTION OF THE FIRST ZONING ORDINANCE.
- 4) BASEMENT ELEVATIONS NOT SHOWN, PLEASE CONFIRM WHETHER BASEMENT QUALIFIES AS NOT LIVABLE FLOOR AREA, MUST BE 70% BELOW AVERAGE NATURAL GRADE TO QUALIFY...; and

WHEREAS, thereafter, the Applicant filed an application with the Joint Planning Board of the Borough of Demarest (the “Board”) for D(4) variance and “C” variance approval to renovate and expand the existing single-family dwelling by constructing the following improvements: (1) a new two-story addition on the right/easterly side of the dwelling; (2) a new driveway along the easterly side of the Property; and (3) a new patio in the rear yard (the “Application”); and

WHEREAS, the following plans, reports and correspondence were submitted by the Applicant and considered by the Board:

- A. Variance Application dated January 20, 2026;
- B. Revised Variance Application dated March 27, 2026;
- C. Zoning Analysis prepared by EID Associates, Inc. dated January 13, 2026;
- D. Property Tax Certification executed January 15, 2026;
- E. Correspondence from Capizzi Law Offices dated January 20, 2026;
- F. Correspondence to adjacent property owners from Capizzi Law Offices dated March 16, 2026;
- G. Correspondence from Capizzi Law Offices dated April 24, 2026;
- H. Correspondence from Capizzi Law Offices dated May 22, 2026;

- I. Site Plan prepared by EID Associates, Inc. dated November 20, 2025, last revised April 20, 2026, and consisting of one (1) sheet;
- J. Location Survey prepared by EID Associates, Inc. dated February 11, 2025 and consisting of one (1) sheet;
- K. Architectural Plan prepared by Stanley J. Kufel, RA, dated October 14, 2025 and consisting of five (5) sheets;
- L. Revised Architectural Plan prepared by Stanley J. Kufel, RA, dated April 23, 2026 and consisting of four (4) sheets;
- M. Revised Architectural Plan prepared by Stanley J. Kufel, RA, dated June 16, 2026 and consisting of four (4) sheets;
- N. Site Plan prepared by EID Associates, Inc. dated November 20, 2025 and consisting of one (1) sheet;
- O. Site Plan prepared by EID Associates, Inc. dated November 20, 2025, last revised March 24, 2026, and consisting of one (1) sheet;
- P. Site Plan prepared by EID Associates, Inc. dated November 20, 2025, last revised April 20, 2026, and consisting of one (1) sheet;
- Q. Site Plan prepared by EID Associates, Inc. dated November 20, 2025, last revised May 21, 2026, and consisting of one (1) sheet;
- R. Site Plan prepared by EID Associates, Inc. dated November 20, 2025, last revised June 16, 2026, and consisting of one (1) sheet;
- S. Correspondence outlining Application revisions prepared by EID Associates, Inc. dated April 20, 2026;
- T. List of Architectural Plan Revisions dated April 23, 2026;

U. Affidavit of Service prepared by Matthew G. Capizzi for notices mailed on March 26, 2026; and

V. Affidavit of Publication in The Record on March 29, 2026; and

WHEREAS, public hearings were held by the Board on May 6, 2026, June 3, 2026 and July 1, 2026 in accordance with the Open Public Meetings Act and the Municipal Land Use Law (the “MLUL”), at which time the Applicant, represented by counsel, Matthew Capizzi, Esq. of Capizzi Law Offices: (a) presented proof of notice and publication as required by law; and (b) submitted the following evidence to the Board in support of Applicant’s Application including:

- A. Site Plan prepared by EID Associates, Inc. with hand-markup dated June 3, 2026 and consisting of one (1) sheet, marked as Exhibit A-1;
- B. Testimony of the Applicant’s civil engineer, Stephen Eid of EID Associates, Inc., whose testimony can be summarized as follows:
 - a. The Property is located in the R-D Zone and is improved with an existing two-story dwelling, driveway, and detached single-car garage;
 - b. The lot measures approximately 70 feet by 100 feet, contains approximately 7,000 square feet, and is relatively flat, with an approximate one-foot slope from front to rear;
 - c. The Property has pre-existing non-conformities with respect to lot area and lot width;
 - d. The existing dwelling is offset toward the west side of the Property and contains pre-existing nonconformities with respect to the front yard setback, side yard setback, building height, improved lot coverage and residential parking coverage;

- e. The proposed improvements include an addition to the dwelling consisting of approximately 1,800 square feet of livable floor area, a new two-car attached garage, a 14-foot by 14-foot rear patio and a driveway measuring approximately 25 feet by 12 feet that can accommodate four vehicles;
- f. The existing detached garage will be demolished;
- g. The required average front yard setback is 20.8 feet, whereas the existing front yard setback is approximately 15 feet. The proposed addition will provide a front yard setback of approximately 19.1 feet;
- h. The proposed addition includes a jog in its design so that it does not appear as close to the front Property line and does not exacerbate the existing nonconforming condition;
- i. The proposed right side yard setback is approximately 15.6 feet and the existing left side yard setback is approximately 9.9 to 10 feet;
- j. The proposed drainage improvements include a rear seepage pit and lawn grate, which will collect runoff from all roof leaders;
- k. There is no existing drainage system on the Property, therefore the proposed drainage system represents a significant public improvement over the existing condition;
- l. The proposed grading around the dwelling will be raised about 1.5 feet;
- m. A swale will be created to avoid drainage impacts to adjacent properties;
- n. The existing basement has a ceiling height of approximately 7.4 feet, with an architectural ceiling height of approximately 6.5 feet, which is not habitable;
- o. The existing basement is unfinished and used solely for utilities;

- p. The basement will be expand behind the garage and will be finished space; ;
 - q. During the course of the public hearings, the Applicant updated the site plan to adjust the grade so that 73% of the basement is below grade, therefore the basement is not included in the floor area ratio (FAR) calculation;
 - r. The revised Application removes approximately 118 square feet from the building in order to reduce the FAR from 39.1% to 37.36% and the proposed building coverage was reduced from 26.9% to 24.94%;
 - s. omitted.
 - t. The average natural grade is slightly reduced due to the increased building footprint; therefore, based on building height calculations with the new grade elevation, the ridge height of the existing roof will now comply with the maximum permitted height in the R-D Zone, which eliminates the pre-existing non-conformity with respect to building height; and
- C. Testimony of Applicant's architect, Stanley J. Kufel of Stanley J. Kufel, RA whose testimony can be summarized as follows:
- a. The existing building is dilapidated;
 - b. The existing driveway and detached garage will be removed;
 - c. The proposed rear infill addition aligns with the existing dwelling and extends across the rear portion of the house;
 - d. The existing deck will also be removed and a patio is proposed in its place;
 - e. The proposed second floor includes four bedrooms and two bathrooms;
 - f. The proposed first floor includes an open-plan dining area, family room, living space, and two-car garage;

- g. The proposed kitchen is smaller than the existing kitchen, but, during the course of construction, may be enlarged within the interior of the expanded dwelling;
- h. The first-floor layout includes access to the basement and a staircase to the second floor;
- i. No work is proposed to the basement staircase;
- j. A new staircase to the second floor is proposed;
- k. The proposed front elevation includes three peaks, an entrance feature, enclosure of the existing porch area, and a two-car garage;
- l. Relocating the garage farther to the rear would interfere with the rear yard setback;
- m. The proposed renovation will include a new asphalt shingle roof and an attic dormer;
- n. The proposed design is consistent with the character of the neighborhood;
- o. The existing attic has a height of approximately 7 feet 6 inches and will remain unfinished;
- p. The existing basement height is approximately 6 feet 5 inches to the bottom of the joists and will remain unfinished;
- q. The existing basement is uninhabitable, as legal living space requires a ceiling height of 7 feet;
- r. The proposed two-car garage measures approximately 20 feet by 31 feet and carries that width toward the rear of the dwelling;
- s. The proposed master bedroom follows the garage area on the upper floor;

- t. The proposed addition is located behind the existing front portion of the dwelling;
 - u. The proposed design adds depth to the existing building and includes attractive design features, such as a skirt roof over the garage doors;
 - v. The proposed excess coverage is attributable to the roof eaves, which are an attractive architectural feature and will not result in a negative impact;
 - w. The proposed overhang measures approximately two feet by 20 feet and adds approximately 40 square feet of excess coverage;
 - x. The proposed exterior materials include a stone foundation wall on two sides, Hardie board or similar siding on two sides, and stucco on the remaining sides; and
 - y. Tongue-and-groove material is proposed for the upper architectural areas; and
- D. Testimony of the Applicant's professional planner, Nicholas Graviano of Graviano & Gillis Architects & Planners, LLC, whose testimony regarding the original application submission can be summarized as follows:
- a. The Property is an undersized lot in the R-D District and is improved with an existing single-family dwelling constructed around 1930;
 - b. The Applicant requests D(4) FAR variance relief and related C variance relief for the Property;
 - c. The Applicant proposes removal of the existing non-conforming detached garage and driveway, construction of an attached two-car garage, and construction of a second-story addition;

- d. The required maximum FAR is 30%, and the Applicant proposes a floor area ratio of 39.1% (later revised to 37.36%). The permitted FAR is approximately 2,100 square feet and the proposed dwelling contains approximately 2,737 square feet;
- e. The requested floor area is intended to accommodate a modern single-family residence and is consistent with the scale of other dwellings in the neighborhood;
- f. The application also requires relief for building height, building coverage, residential parking coverage and overall improved lot coverage;
- g. The permitted building coverage is approximately 1,400 square feet and the proposed building coverage is approximately 1,883 square feet;
- h. The permitted residential parking coverage is approximately 1,750 square feet and the proposed residential parking coverage is approximately 2,149 square feet;
- i. The overall improved lot coverage increases by approximately 364 square feet;
- j. The Property is approximately 30% undersized as compared to the Zoning Ordinance standard for the R-D District;
- k. The site can accommodate the proposed dwelling with the requested increase in FAR;
- l. If the Property were a conforming 10,000-square-foot lot, the proposed improvements would conform to the applicable bulk standards;

- m. The proposal removes an existing accessory structure and driveway located at or near the Property line and restores open space along the northerly side of the Property.;
- n. The proposed single-wide driveway will be widened to serve the attached two-car garage and will provide adequate off-street parking, thereby reducing reliance on on-street parking;
- o. Drainage improvements are proposed where no drainage system exists today;
- p. The proposed improvements meet or exceed the required side yard setbacks, with an approximately 9.9-foot northerly side yard setback and an approximately 15.5-foot southerly side yard setback where 10 feet is required;
- q. The rear yard setback exceeds the requirement by more than 14 feet, and the front yard condition remains within the established setback pattern;
- r. The additional building mass is located within the permitted building envelope;
- s. The proposed improvements advance the purposes of zoning by promoting the public health, safety, and general welfare, providing adequate light, air, and open space, and promoting a desirable visual environment;
- t. The proposal is consistent with the 2023 Master Plan goals of stabilizing neighborhoods, setting and maintaining planning standards, and protecting existing land use patterns;
- u. The existing house is approximately 100 years old and is deteriorated;
- v. The proposed improvements will modernize the existing dwelling;

- w. Other dwellings on Block 133 are similar in size or larger than the proposed dwelling, including homes of approximately 3,562 square feet, 3,156 square feet, 3,005 square feet and 2,624 square feet;
- x. The proposed 2,737-square-foot dwelling is not out of character with the surrounding neighborhood and will remain a modest four-bedroom home with an attached two-car garage;
- y. The requested building coverage relief equals approximately 483 square feet over the permitted maximum, which represents approximately 7% of the overall lot area;
- z. The relief is related to the undersized nature of the lot and remains within a reasonable range when considered with the proposed setbacks, open-space restoration, driveway consolidation, drainage improvements, and neighborhood context;
- aa. The proposed improvements will not substantially impair the intent and purpose of the Zone Plan or Zoning Ordinance; and

WHEREAS, at the public hearing, the Board also considered the following:

- A. Completeness Letter from the Zoning Officer dated March 4, 2026;
- B. Board Planner Report prepared by Colliers Engineering & Design dated March 27, 2026 (the “Board Planner Report”);
- C. Revised Board Planner Report dated April 6, 2026;
- D. Revised Board Planner Report dated April 29, 2026;
- E. Revised Board Planner Report dated May 29, 2026;
- F. Revised Board Planner Report dated June 25, 2026;

- G. Testimony from Darlene A. Green, PP, AICP of Colliers Engineering & Design (the “Board Planner”);
- H. Board Engineer Report prepared by Colliers Engineering & Design dated March 23, 2026 (the “Board Engineer Report”);
- I. Revised Board Engineer Report dated March 31, 2026;
- J. Revised Board Engineer Report dated May 4, 2026;
- K. Revised Board Engineer Report dated June 1, 2026;
- L. Revised Board Engineer Report dated June 24, 2026;
- M. Testimony from Nick Chelius, PE of Colliers Engineering & Design (the “Board Engineer”); and

WHEREAS, the Board, the Board Engineer and the Board Planner had extensive questions for the Applicant’s professionals regarding the proposed dwelling; and

WHEREAS, adjoining property owners appeared at the public hearing to ask questions of the Applicant’s professionals and express concerns regarding stormwater management and flooding and, thereafter, offer comments in support of the Application; and

WHEREAS, the Board having heard and considered the testimony, arguments and documents referenced above.

NOW, THEREFORE, BE IT RESOLVED that the Joint Planning Board of the Borough of Demarest makes the following findings of fact and conclusions of law with respect to the within Application:

1. All of the “**WHEREAS**” clauses set forth above are incorporated by reference. All of the testimony, documents, and exhibits produced by the Applicant, including those

produced at the public hearings on May 6, 2026, June 3, 2026 and July 1, 2026 are incorporated herein by reference.

2. The Property is located at 8 Ross Avenue and designated as Lot 42 in Block 133 on the Tax Maps of the Borough of Demarest and is a rectangular-shaped, undersized parcel consisting of 7,000 square feet.

3. The Property is located on the northern side of Ross Avenue between Country Road and Elm Place and is located in the Single-Family Residence D Zone (the “R-D Zone”).

4. The Property is currently occupied by a 2-story single-family dwelling with associated driveway, walkways, deck, frame garage and other related improvements.

5. Single-family residential dwellings are permitted uses in the R-D Zone.

6. By this Application, the Applicant is seeking D(4) FAR variance and C variance relief to construct a two-story addition to the southeast side of the existing home, along with a new driveway, rear patio, drainage improvements and other related improvements on the Property. The Applicant will be removing the existing wooden deck, stairs, and frame garage in the rear of the dwelling.

7. The Property has pre-existing non-conformities with respect to the following: (i) lot area (10,000 square feet required; 7,000 square feet existing and proposed); (ii) lot frontage (100 feet required; 70 feet existing and proposed); (iii) side yard setback – west (10 feet required; 9.9 feet existing and proposed); (iv) building height (30 feet permitted; 30.15 feet existing; 30 feet proposed); (v) covered front porch encroachment in the front yard (not permitted; existing and proposed); (vi) front yard setback of detached garage (10 feet required to any side or rear lot line; 1.1 feet existing to front yard setback and 3.2 feet existing to rear yard setback; demolished and, therefore, eliminated by proposed Application); (vii) residential and

parking coverage (25% permitted; 27.3% existing; 28.63% proposed); and (viii) improved lot coverage (30% permitted; 30.9% existing; 33.26% proposed).

8. The pre-existing non-conforming building height and front and rear yard setback encroachments by the detached garage were eliminated by this Application.

9. The Applicant is seeking variance relief from the requirements of the R-D Zone pursuant to N.J.S.A. 40:55D-70(d)(4) with respect to maximum livable floor area (30% permitted; 37.36% proposed).

10. The Applicant is seeking variance relief from the requirements of the R-D Zone pursuant to N.J.S.A. 40:55D-70(c) with respect to: (i) minimum front yard setback (20.8 feet required; 15 feet existing and proposed to the existing dwelling/19.4 feet proposed to new addition and 15.1 feet to proposed overhang above the new garage); (ii) maximum building coverage (20% permitted; 16.2% existing; 24.94% proposed); (iii) maximum improved lot coverage (30% permitted; 30.9% existing; 33.26% proposed); (iv) maximum residential and parking coverage (25% permitted; 27.3% existing; 28.63% proposed).

11. During the course of the public hearings, the Applicant modified the Application by reducing the building coverage to 1,746 square feet or 24.94% of the lot area. The revised plans also decreased the proposed residential and parking coverage to 2,004 square feet or 28.63% of the lot area.

12. In total, as modified during the course of the public hearings, the proposed renovated dwelling contains approximately 2,615.52 square feet of livable floor area and four (4) bedrooms.

13. The Applicant also raised the existing grade around the dwelling by 1.5 feet, which ensures that the existing basement was at least 70% of the basement is below finished grade and, therefore, not included in the FAR calculation.

14. The average natural grade was slightly reduced due to the increased building footprint; therefore, based on building height calculations with the new grade elevation, the ridge height of the existing roof will comply with the R-D Zone, eliminating this pre-existing non-conformity.

15. The Board finds that the proposed addition to the existing two-story single-family dwelling modernizes an old, dilapidated dwelling and is consistent with the scale of the surrounding neighborhood.

16. The Board also finds that the façade and exterior improvements provide significant aesthetic improvements to the Property.

17. The Board finds that the Applicant suffers a hardship as a result of the Property being undersized and that the proposed development improves the existing Property by eliminating the pre-existing non-conforming front and rear yard setback encroachments from the detached garage.

18. The Board further finds that there are no realistic alternatives to the proposed variances for maximum livable floor area, minimum front yard setback, maximum building coverage, maximum improved lot coverage and maximum residential parking coverage, as the renovated dwelling is moderately sized and there is no available land for the Applicant to purchase to increase the size of the Property's undersized lot.

19. Despite the FAR, the home is not an overbuilt design. The Applicant has proven the Property can reasonably accommodate any problem associated with the structure exceeding

the permitted FAR by 515.52 square feet, as the proposed dwelling complies with building height, side yard setback – east and rear yard setback requirements.

20. The Board finds that, in light of the deficient lot size, the requested variances are reasonable and appropriate due to the modest size of the dwelling and the dwelling's maintenance of building height and eastern side yard setback requirement and rear yard setback requirements.

21. The Board finds that the Applicant's addition and improvements provide an attractive design that enhances the character of the neighborhood.

22. The Board finds that the proposed stormwater management improvements are a substantial net improvement to the existing Property, which does not have any stormwater management.

23. The Board further finds that the granting of the variances will not substantially impair the intent and purpose of the Borough's Zoning Ordinance or Master Plan and is in the furtherance of the purposes set forth in N.J.S.A. 40:55D-2, e.g. adequate light, air and open space are provided.

24. The Board finds that the Application and the proposed improvements, as modified during the public hearings, are consistent with other homes in the neighborhood and that the variances can be granted without any detriment to the public good or any neighboring properties.

25. The Board finds that the Applicant has proven its entitlement to variance approval under N.J.S.A. 40:55D-70(d)(4), N.J.S.A. 40:55D-70(c)(1) and N.J.S.A. 40:55D-70(c)(2) and hereby grants the following variances:

Zoning Code Section	Required/Permitted	Proposed & Granted
Section 175-16 (livable floor area/FAR)	30% (2,100 square feet)	37.36% (2615.52 square feet)
Section 175-16 (front yard setback)	20.8 feet	15 feet existing and proposed to the existing dwelling/19.4 feet proposed to new addition and 15.1 feet to proposed overhang above the new garage
Section 175-16 (maximum building coverage)	20% (1,400 square feet)	24.94% (1,746 square feet)
Section 175-16 (maximum improved lot coverage)	30%	33.26% (2,328 square feet)
Section 175-16 (maximum residential and parking coverage)	25% (1,750 square feet)	28.63% (2,004 square feet)

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Joint Planning Board of the Borough of Demarest, based upon the above findings of fact and conclusions of law, that the within application for Variance Approval, as modified on the record at the public hearing, is hereby granted, subject to the following conditions:

- a) The Applicant shall adjust the grading on the Property to ensure that at least 70% of the basement is below finished grade.
- b) The Applicant shall provide calculations for the proposed seepage pit, which shall collect runoff from all roof leaders on the Property. The size, design and installation of the seepage pit shall be reviewed and approved by the Board Engineer.
- c) The Applicant shall submit revised Site Plans updating General Notes 10, 11 and 12 in accordance with testimony provided at the July 1, 2026 public hearing.

d) The Applicant shall provide an as-built survey to the Board Engineer prior to the issuance of a final certificate of occupancy.

e) Unless otherwise addressed herein or at the public hearing before the Board, the Applicant shall comply with the recommendations of the Board, including but not limited to the Board Planner Reports and the Board Engineer Reports, as well as any stipulations made during the hearing on the Application and all conditions enumerated herein.

f) Notwithstanding the approval granted herein, the Applicant shall comply with all of the ordinances of the Borough of Demarest and all applicable county, state, and federal statutes, ordinances, rules and regulations.

g) The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development.

h) The Property shall be kept neat during all construction and all construction hours shall strictly adhere to the ordinances of the Borough of Demarest.

i) The Applicant shall post all fees and deposits as required by applicable ordinances of the Borough of Demarest which shall include payment of all outstanding taxes and the payment of all fees to the Borough's professionals for the review of the within Application and the inspection of work to be performed incidental thereto. The Applicant shall pay any fees or additional escrow deposits which may be due and owed within ten (10) days of notification.

j) All construction, use and development of the Property shall be in conformance with the plans approved by the Board. In the event the Applicant or its successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or replace the instant approval. The Applicant's failure to comply with this condition may be the cause for the issuance

of a Stop Work Order, penalties and/or the revocation of either a Building Permit and/or Certificate of Occupancy issued in respect of the contemplated improvements, subject to reasonable notice and the opportunity to cure.

k) The Applicant shall correct and make safe any dangerous or unsafe condition caused by the Applicant or those acting for it, affecting public safety or general welfare, if any such condition develops.

l) The Applicant shall be and remain liable for any and all damages or money loss occasioned by the Borough of Demarest or its officers or agents by any neglect, wrongdoing, omissions or commissions by the Applicant or its agents arising from the making of improvements and shall save, indemnify and hold harmless the Borough of Demarest or Board, its officers, agents, employees from and against all charges, judgments, costs or counsel fees arising from such damages or loss. The Applicant agrees not to commit any public or private nuisance by reason of dirt, dust, debris, air-pollution, noise pollution, gas, smoke, or other occurrences resulting from the construction or installation authorized by the approval of this plan or any building permit issued in pursuit thereof.

m) The Applicant's failure to comply with any condition set forth in this Resolution shall constitute a failure of the conditions of this approval and may be the cause for the issuance of a Stop Work Order, penalties and/or the revocation of either a Building Permit and/or Certificate of Occupancy issued in respect of the contemplated improvements, subject to reasonable notice and the opportunity to cure.

IT IS HEREBY CERTIFIED that this is a true and correct copy of a Resolution adopted by the Joint Planning Board of the Borough of Demarest upon a roll call vote at a meeting held on August 5, 2026.

A copy of this Resolution shall be given to the Tax Assessor, Applicant, Borough Clerk, Building Department, Zoning Officer and Borough Engineer.

ATTEST:

SO APPROVED:

MICHAEL GRECO, Secretary

TIMOTHY WOODS, Chair

BOROUGH OF DEMAREST JOINT PLANNING BOARD

VOTE TO APPROVE THE APPLICATION

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman		✓	✓				
Ms. Brenner			✓				
Vice Chair Chin	✓		✓				
Ms. DiSclafani						✓	
Councilman Jiang						✓	✓
Mr. Lerner			✓				
Dr. Mamdani			✓				
Mr. Yu (<i>Alt #1</i>)			✓				
Ms. Hamilton (<i>Alt #2</i>)							✓
Mr. Alevrontas (<i>Alt #3</i>)						✓	✓
Mayor Bernstein						✓	✓
Chair Woods			✓				

Date of Approval: July 1, 2026

VOTE TO APPROVE THE RESOLUTION

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman							
Ms. Brenner							
Vice Chair Chin							
Mr. Lerner							
Dr. Mamdani							
Mr. Yu (<i>Alt #1</i>)							
Chair Woods							

Date of Adoption: August 5, 2026