

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

RESOLUTION JPB-010-26

VARIANCE APPROVAL – Revised to correct scrivener’s error¹

In the Matter of the Application of
Barbara and Martin Vitale
8 Glenwood Avenue
Block 121, Lot 7

WHEREAS, Barbara and Martin Vitale (the “Applicants”) as the applicants and owners of the property located at 8 Glenwood Avenue and designated as Lot 7 in Block 121 on the Tax Maps of the Borough of Demarest (the “Property”); and

WHEREAS, the Applicants’ request for a Zoning Permit to construct a one-story addition along the rear portion of the existing single-family home was denied by the Zoning Officer of the Borough of Demarest on October 21, 2025 (the “Denial Letter”), stating:

Your request is hereby denied based on the following requirements:

YOUR ZONING PERMIT IS DENIED FOR THE BELOW REASONS WHICH WOULD REQUIRE VARIANCES FROM THE JOINT PLANNING BOARD OF DEMAREST

BUILDING COVERAGE = 21.55% WHERE 20% IS ALLOWED

LIVABLE FLOOR AREA = 35% WHERE 30% IS ALLOWED

RESIDENTIAL AND PARKING COVERAGE= 27.77% WHERE 25% IS ALLOWED

I WOULD LIKE TO NOTE THAT THERE IS AN EXISTING NONCONFORMITY OF THE FRONT YARD

¹ This resolution is being adopted to correct an error regarding approved Maximum Residential and Parking Coverage Variance from 28.82% to 29.23% and minimum required front yard setback for covered entryway variance from 24.87 ft to 21.87 ft. Typographical errors existed in the originally adopted resolution and are corrected herein, paragraph 20 and other relevant sections.

SETBACK WHICH IS 24.9 FEET WHERE 25 FEET IS
REQUIRED...; and

WHEREAS, thereafter, the Applicants filed an Application with the Joint Planning Board of the Borough of Demarest (the “Board”) for D(4) floor area ratio (“FAR”) variance and “C” variance approval to construct a one-story addition to the rear of the existing single-family dwelling on the Property (the “Application”); and

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

- A. Correspondence from Capizzi Law Offices regarding the Initial Application Submission dated October 29, 2025;
- B. Correspondence from Capizzi Law Offices regarding the revised Application Submission dated December 18, 2025;
- C. Correspondence from Capizzi Law Offices regarding the revised Application Submission dated March 19, 2026;
- D. Variance Application dated October 28, 2025 (the “Application”);
- E. Denial Letter from the Borough of Demarest Zoning Department dated October 21, 2025 and consisting of one (1) page;
- F. Affidavit of Representation dated October 29, 2025;
- G. Deed dated February 20, 2025;
- H. Certification of Payment of Taxes from the Borough of Demarest Tax Collector dated October 29, 2025;
- I. Certification of Payment of Taxes from the Borough of Demarest Tax Collector dated March 18, 2026;

- J. Engineering Plans prepared by L2A Land Design, LLC dated September 19, 2025 and consisting of five (5) sheets;
- K. Engineering Plans prepared by L2A Land Design, LLC dated September 19, 2025, last revised December 8, 2025, and consisting of five (5) sheets;
- L. Engineering Plans prepared by L2A Land Design, LLC dated September 19, 2025, last revised March 16, 2026, and consisting of five (5) sheets;
- M. Zoning Analysis prepared by L2A Land Design, LLC dated October 14, 2025;
- N. Zoning Analysis prepared by L2A Land Design, LLC dated December 18, 2025;
- O. Zoning Analysis prepared by L2A Land Design, LLC dated March 17, 2026;
- P. Correspondence prepared by L2A Land Design, LLC dated March 17, 2026 outlining plan revisions;
- Q. Architectural Plans prepared by Jose Carballo Architecture P.C. dated September 19, 2025 and consisting of one (1) sheet;
- R. Architectural Plans prepared by Jose Carballo Architecture P.C. revised December 3, 2025 and consisting of one (1) sheet;
- S. Architectural Plans prepared by Jose Carballo Architecture P.C. revised March 3, 2026 and consisting of three (3) sheets;
- T. Survey prepared by EIS Associates, Inc. dated May 23, 2025 and consisting of one (1) sheet;
- U. Affidavit of Service for notices mailed on December 19, 2025 prepared by Capizzi Law Offices;

- V. Affidavit of Service for notices mailed on March 26, 2026 prepared by Capizzi Law Offices;
- W. Affidavit of Publication on December 24, 2025 prepared by The Record and Herald News;
- X. Affidavit of Publication on March 26, 2026 prepared by The Record and Herald News; and

WHEREAS, public hearings were held by the Board on January 7, 2026 and April 8, 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 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 Applicants’ Application including:

- A. Colorized Site Plan sheet C-08 dated December 8, 2025, marked as Exhibit A-1;
- B. Colorized Site Photos/Renderings dated March 3, 2026 and consisting of three (3) pages, marked as Exhibit A-2;
- C. Colorized Site Plan sheet C-03 dated March 16, 2026, marked as Exhibit A-3;
- D. Colorized aerial and photographs of the Property, marked as Exhibit A-4;
- E. Testimony of Applicant’s engineer, Michael Dipple of L2A Land Design, LLC, whose testimony can be summarized as follows:
 - a. The Applicants seeks approval to renovate a recently acquired home to permit full-time, first-floor living, motivated by relocation needs and anticipated in-home care.
 - b. The existing house is currently 2.5 stories, but the Applicants do not expect to make meaningful use of the second floor.

- c. The proposed addition is intended to allow the Applicants to remain in the home long term.
- d. The Property is located in the Single-Family Residence D Zone (the “R-D Zone”) and is slightly oversized (10,000 square feet required; 10,179 square feet existing) and is compliant as to lot size, depth, and width.
- e. The Property presently contains an existing driveway and two-car garage.
- f. The proposed improvement is a one-story, first-floor rear addition of approximately 1,200 square feet, intended to create full-time first-floor living space.
- g. The proposed addition is fully within the rear yard.
- h. The Property has a pre-existing non-conforming front yard setback.
- i. The Property has a significant slope to the west, with about five feet of grade change.
- j. The rear yard is elevated because of the grade change and the rear of the Property is vacant, wooded land.
- k. The revised proposal also attempts to manage coverage impacts through narrowing the driveway, reducing front sidewalk area, adding a grass strip, and tying a new drainage system into roof runoff and a drywell.
- l. As initially presented, the proposal required variances for: side yard setback - east (10 feet required; 8.36 feet proposed), rear yard setback (30 feet required; 38.8 feet proposed to balcony), building height, building coverage, livable floor area/FAR, improved lot coverage and residential and parking coverage.

- m. In response to comments made by the Board at the January 7, 2026 hearing, plans were revised to reduce the front sidewalk area, reduce impervious coverage, reduce building coverage, eliminate the variance originally requested for the right side yard, add landscaping to the east and west sides, reconfigure stairs, narrow the driveway to 20 feet, relocate the HVAC equipment and add a generator in the rear yard behind the addition, add a new 42 square foot portico and add a new 12 square foot window well.
- n. As revised, the Applicants are requesting variances for building coverage (20% permitted; 23.10% proposed including the portico), improved lot coverage (30% permitted; 30.84% proposed including the window well and covered entryway), residential and parking coverage (25% permitted; 29.23% proposed), livable floor area/FAR (30% permitted; 35.71% proposed), front yard setback to the covered front entryway (25 ft. is permitted; 21.87 ft. proposed).
- o. A new drainage system is proposed which captures the roof runoff of the entire addition.
- p. Landscaping will include evergreen screening, specifically eastern red cedar and green giant arborvitae, to be planted at heights of 8 to 10 feet.
- q. No rear patio or back stairs/doorway are proposed.
- r. The Property itself is conforming and that revised plans reduced some impacts of the proposed addition through narrower paving, landscaping, and drainage measures.

- F. Testimony of Applicant's architect, Jose Carballo of Jose Carballo Architecture P.C., whose testimony can be summarized as follows:
- a. The proposed addition is intended to improve accessibility and livability for the Applicants, particularly the wife, who needs mobility assistance and wheelchair-accessible space.
 - b. The proposed addition creates a home layout that allows movement without obstacles and improves ambulatory/ADA-compliant access and creates a primary bedroom on the first-floor.
 - c. The house is relatively small, with tight interior spaces and a small kitchen.
 - d. The current layout is not well suited for wheelchair navigation or barrier-free movement.
 - e. The proposed addition has more open modern living space with a first floor that allows easy movement without barriers.
 - f. The existing house is all brick and presents significant visual mass.
 - g. The proposed addition keeps changes largely to the rear of the house.
 - h. In response to comments made by the Board at the January 7, 2026 hearing, plans have been revised and the addition has reduced significantly from a prior version (the original proposed addition was 20 feet wide across the rear of the dwelling; the revised addition is 11 feet wide across the rear of the dwelling).
 - i. As revised, the addition is now flush with the existing structure, continues the façade, and does not increase height.

- j. The rear elevation height is 16 feet from average grade, within the permitted maximum.
- k. A Juliette balcony projecting 12 inches into the rear yard could be made flush with the rear wall, which would eliminate the need for the rear yard variance.
- l. The revised plans include a new front portico with curved detailing that echoes the windows above; it is about 3 feet deep and 5 feet wide and slightly increases the front-yard encroachment (25 feet is required; 24.9 feet is existing; 24.87 feet is proposed) and building coverage.
- m. Proposed materials include leaving some brick exposed and adding Hardie board to reduce the appearance of massing.
- n. The revised plans eliminate the right-side-yard variance, reduce building coverage from 27.67% to 22.69%, reduce impervious coverage from 36% to 30.73% and reduce FAR from 41.22% to 35.71%,.
- o. FAR is affected in part by a two-story foyer, which takes up substantial floor area, but does not translate into especially usable living space.
- p. The revised design includes new landscaping and reduced walkways to lessen lot coverage.
- q. The basement will contain a study.
- r. The Applicants will ensure that the basement will not be counted as livable floor area.
- s. If needed, a 12-square-foot window well will be added to the basement.

G. Testimony of the Applicants' professional planner, David Spatz of Community Housing & Planning Associates, Inc., whose testimony can be summarized as follows:

- a. The Property can accommodate the proposed FAR.
- b. The proposed addition is concentrated in the rear, which minimizes visibility and impact to any of the surrounding neighbors.
- c. There will be no perceptible impact from the proposed addition on the streetscape, since the proposed addition is entirely within the rear yard.
- d. Further, there will be no impact on any rear yard neighbors, as the parcel in the rear of the Property is vacant, wooded land.
- e. The proposed addition improves first-floor living conditions, especially for senior living needs.
- f. The additional drainage improvements, provides benefits both to the subject Property and adjoining properties.
- g. The enhanced landscaping and reduced impervious coverage in the front of the Property mitigate any detriment to neighboring properties.
- h. The Application advances several zoning purposes, including:
 - i. Purpose A: promotion of the public health, safety, and general welfare;
 - ii. Purpose E: encouraging appropriate population density / land use; and
 - iii. Purpose I: creating a desirable visual environment.
- i. The Application provides an attractive design and enhances the Property with the addition of the small, covered entry, new siding and reduced impervious coverage in the front yard.

- j. The slight increase in coverages is mitigated by the drainage improvements, enhanced landscaping and the generous sized lot; and

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

- A. Completeness Letter from the Borough Zoning Officer, Michael Greco (the “Zoning Officer”) dated November 3, 2025 deeming the Application complete;
- B. Board Planner Reports prepared by Colliers Engineering and Design dated December 15, 2025, December 30, 2025 and March 25, 2026 (collectively, the “Board Planner Report”), along with testimony from Darlene A. Green, PP, AICP of Colliers Engineering & Design (the “Board Planner”);
- C. Board Engineer Reports prepared by Colliers Engineering and Design dated December 16, 2025, January 5, 2026 and March 30, 2026 (collectively, the “Board Engineer Report”), along with testimony from Nick Chelius, PE of Colliers Engineering & Design (the “Board Engineer”); and

WHEREAS, the Board and the Board Engineer had extensive questions for the Applicants and the Applicants’ professionals regarding the proposed addition; and

WHEREAS, no members of the public appeared at the public hearing to ask questions of the Applicants or offer any comments regarding 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 Applicants, including those produced at the public hearings on January 7, 2026 and April 8, 2026, are incorporated herein by reference.

2. The Property is located at 8 Glenwood Avenue and designated as Lot 7 in Block 121 on the Tax Maps of the Borough of Demarest and is a rectangular-shaped, slightly oversized parcel consisting of 10,179 square feet.

3. The Property is located on the north side of Glenwood Avenue, between County Road and Elm Place and is located in the R-D Zone.

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

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

6. By this Application, the Applicants are seeking D(4) FAR variance and C variance relief to construct a new one-story addition on the rear of the existing dwelling, along with a new paver walkway, concrete steps, concrete walkway, drainage improvements, façade improvements and landscape improvements.

7. The Applicants are proposing to remove the existing wood deck and steps at the rear of the home, the existing paver walkway and the existing sidewalk within the right-of-way to construct the proposed improvements.

8. The Property has a pre-existing non-conformity with respect to minimum front yard setback (25 feet is required; 24.9 feet is existing).

9. The Applicants are 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% is permitted; 35.71% is proposed).

10. The Applicants are 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) maximum building coverage, as 20% is permitted and 23.10% is proposed with the new portico; (ii) maximum improved lot coverage, as 30% is permitted and 30.84% is proposed with the new window well; and (iii) maximum residential and parking coverage, as 25% is permitted and 28.82% is proposed.

11. The Board finds that the proposed one-story addition to the existing single-family dwelling, which is a permitted use in the R-D Zone and consistent with the surrounding neighborhood, along with the enhanced landscaping and façade improvements, such as the new portico, provide an aesthetic improvement to the Property.

12. The Board finds that the addition of Hardie board siding to the existing brick façade reduces the appearance of massing of the dwelling.

13. The Board finds that the proposed one-story addition will not be visible to the street or any neighbors in the rear of the Property.

14. The Board finds that the Property can support the FAR and that the increase in building coverage, residential and parking coverage and impervious coverage is mitigated by the drainage and landscaping improvements and fact that the Property is oversized.

15. Despite the FAR, the home is not an overbuilt design. The Applicants have proven their Property can reasonably accommodate any problem associated with the structure exceeding the permitted FAR by 581.22 square feet, as the Property is compliant in lot area, lot

frontage and lot depth and the dwelling complies with all side yard, rear yard and building height requirements.

16. The Board finds that in light of the modest size of the dwelling, the attractive design of the improvements and the dwelling's maintenance of building height, side yard setback and rear yard setback requirements, the requested variances are reasonable and appropriate.

17. 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.

18. 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 is provided.

19. The Board finds that the Application and the proposed improvements, as modified during the course of 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.

20. The Board finds that the Applicants have proven their 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 (maximum floor area ratio)	30%	35.71%
Section 175-16 (maximum building coverage)	20%	23.10%
Section 175-16 (maximum improved lot coverage)	30%	30.84%
Section 175-16 (maximum residential	25%	29.23%

and parking coverage)		
Section 175-16 (minimum front yard setback)	25 feet	21.87 feet (to the covered entryway)

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 Variance Approval, as modified on the record at the public hearings, is hereby granted, subject to the following conditions:

a) The Applicants shall revise their plans and update their zoning chart to include changes made during the course of the April 8, 2026 public hearing with respect to the new portico and new window well.

b) The Applicants 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 hearings before the Board, the Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants shall pay any fees or additional escrow deposits which may be due and owed within ten (10) days of notification.

h) All construction, use and development of the Property shall be in conformance with the plans approved by the Board. In the event the Applicants or their 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 Applicants' 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.

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

j) The Applicants 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 Applicants or their 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 Applicants agree 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.

k) The Applicants' 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 April 8, 2026.

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

ATTEST:


MICHAEL GRECO, Secretary

SO APPROVED:


KIRAN CHIN, Vice 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						✓	
Councilwoman Fox						✓	✓
Mr. Lerner			✓				
Dr. Mamdani			✓				
Mr. Jiang (<i>Alt #1</i>)			✓				
Ms. Hamilton (<i>Alt #2</i>)						✓	
Mr. Alevrontas (<i>Alt #3</i>)	✓			✓			
Mayor Bernstein							✓
Mr. Woods					✓		

Date of Initial Approval: April 8, 2026

VOTE TO APPROVE THE CORRECTIVE RESOLUTION

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

Date of Adoption: July 1, 2026