



Demarest Borough
ZONING DEPARTMENT
118 SERPENTINE ROAD
DEMAREST, NJ 07627
(201) 768-0167 EXT. 110
MGRECO@DEMARESTNJ.GOV

Application Date: 6/25/2026
Application Number: ZA-26-0085
Permit Number: _____
Project Number: _____
Fee: \$150

Denial of Application

Date: 6/25/2026

To: BARNHART, STEPHANIE & GAL,
JONATHAN C/O MATTHEW CAPIZZI
15 BROOK WAY
DEMAREST, NJ 07627

CC: APP TELE:(201) 266-8300
APP EMAIL:MATTHEW@CAPIZZILAW.COM

RE: 15 BROOK WAY
BLOCK: 145 LOT: 13 QUAL: ZONE: R-C

DEAR BARNHART, STEPHANIE & GAL, JONATHAN C/O MATTHEW CAPIZZI,

THE APPLICANT SEEKS TO CONSTRUCT A COVERED PATIO TO THE REAR LEFT CORNER OF THE DWELLING TOGETHER WITH AN ASSOCIATED FIREPLACE AND SPA IN THE REAR YARD OF THE PROPERTY.

SITE PLAN BY MICHAEL J. HUBSCHMAN LAST REVISED 06/15/2026

ARCHITECTURAL PLAN BY STEPHANIE DECARLO PANTALE DATED 06/16/2026

Your request is hereby denied based upon the following requirements:

THE SUBMITTED PLANS HAVE THE FOLLOWING NON-COMPLIANT FEATURES, WHICH WOULD REQUIRE VARIANCES FROM THE JOINT PLANNING BOARD.

- 1) PROPOSED BUILDING COVERAGE = 25.17% (MAXIMUM PERMITTED 20%)
- 2) PROPOSED REAR YARD SETBACK = 28.74 FT (MINIMUM REQUIRED 30 FT)
- 3) PROPOSED SIDE YARD SETBACK = 12.75 FT (MINIMUM REQUIRED 15 FT)
- 4) PROPOSED SWIMMING POOL (SPA/HOT TUB) 3.5 FT FROM BUILDING (MINIMUM REQUIRED 10 FT FROM ALL BUILDINGS)

THINGS TO NOTE:

- A) MINIMUM LOT AREA IS EXISTING NOT CONFORMING AT 12,500 SF
- B) MAXIMUM RESIDENTIAL AND PARKING COVERAGE IS LISTED AS EXISTING NON CONFORMING AT 25.76% BUT NO EVIDENCE HAS BEEN SUPPLIED FOR THIS NON CONFORMITY
- C) BUILDING HEIGHT IS SHOWN ON THE PLAN AS CHANGING, THOUGH THE BUILDING IS NOT BEING EXPANDED UPWARD.
- D) PROPERTY SHOWS A "PLAYSET" ON THE SITE PLAN, THOUGH IT IS NOT INCLUDED IN ANY NUMBERS AND NOTHING IS SUPPLIED SHOWING WHAT THE PLAYSET IS.
- E) FENCE ON PLAN APPEARS TO STRAY OUTSIDE OF PROPERTY LINES. ALL SWIMMING POOLS MUST HAVE A UCC COMPLIANT POOL FENCE ON THE PROPERTY.

The following comments were made during the denial process:

25.D. - R-C Bulk Regulations
Minimum required

Lot frontage 100 ft

Lot depth 100 ft

Lot area 15,000 sq ft

Front yard setback 35 ft

Side yard setback 15 ft

Combined side yard setback [C] 35 ft

Rear yard setback 30 ft

Rear yard width [A] 30 ft

Maximum permitted

Number of families 1

Building height [B] 30 ft

Building coverage 20%

Improved lot coverage 35%

Residential & parking coverage [E] 25%

Floor Area Ratio (FAR) 30%

25.C. - Patios

(2) The following accessory buildings, uses and structures shall be permitted in the side yard subject to setback requirement herein.

(i) Patios

[1] Shall not be permitted to encroach into the required side yard setback of the principal building.

(3) The following accessory buildings, uses and structures shall be permitted in the rear yard subject to the setback requirement herein.

(j) Patios

[1] Shall be setback a minimum of 10 feet from the rear lot line and a minimum of 10 feet from the side lot line.

SWIMMING POOL - A water-filled enclosure, permanently constructed or portable, having a depth of more than 24 inches below the level of the surrounding land, or an above-surface pool having a depth of more than 24 inches, designed, used, and maintained for swimming and bathing.

75 - Swimming Pools

A. No person shall construct, install or maintain a swimming pool in the Borough of Demarest without first submitting a plot plan and specifications for the same to the Zoning Official of the Borough of Demarest, who shall issue a zoning permit if the plan and specifications comply with the ordinances of the Borough.

B. All swimming pools shall be set back from all side lot lines a minimum of 15 feet.

C. All swimming pools shall be set back from the rear lot line at a minimum of 15 feet.

D. All swimming pools shall be at a minimum distance of 10 feet from all buildings on a lot.

E. All swimming pools shall be provided with a continuous unobstructed walkway at least three (3) feet in width, measured horizontally from the edge of the pool, along not fewer than two (2) sides; for circular or oval pools, such walkway shall extend along at least fifty percent (50%) of the pool's perimeter.

F. All swimming pools now or hereafter constructed shall be enclosed by a substantial fence in conformance with all UCC codes. All pool fences require a UCC permit from the Construction Official.

G. All ladders or steps leading up to an above ground swimming pool from the exterior grounds shall be removed from the swimming pool when the swimming pool is unguarded and unattended.

Sincerely,

A handwritten signature in black ink, consisting of several stylized, overlapping loops and a long horizontal stroke extending to the right.