

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

**RESOLUTION JPB-010-25**

**VARIANCE APPROVAL**

In the Matter of the Application of  
7 Christie Street LLC  
7 Christie Street  
Block 38, Lot 653

**WHEREAS**, 7 Christie Street LLC (the “Applicant”) is the owner of the property located at 7 Christie Street and designated as Lot 38 in Block 653 on the Tax Maps of the Borough of Demarest (the “Property”); and

**WHEREAS**, the Applicant filed an Application with the Joint Planning Board of the Borough of Demarest (the “Board”) arising from the denial of a Zoning Permit for a proposed new single-family dwelling; and

**WHEREAS**, the Applicant’s request for a Zoning Permit was denied by the Borough of Demarest Zoning Officer on March 19, 2025 (the “Denial Letter”), stating:

Construction of a new single-family dwelling on an isolated undersized lot. New home includes a deck, patio and pergola...

Your Zoning Permit has been DENIED.

Denial Reasons:

Proposed building coverage = 23.55%

Proposed residential & parking coverage = 30.24%

Proposed livable floor area (including finished basement) = 37.38%

Proposed improved lot coverage = 36.45%

Total lot area = 8,000 SQ FT

A/C & Generator not allowed to encroach in the side yard...; and

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

- A. Variance Application dated April 15, 2025 (the “Application”);
- B. Denial Letter from the Borough of Demarest Zoning Department dated March 19, 2025 and consisting of one (1) page;
- C. Affidavit of Representation executed April 15, 2025;
- D. Property Deed dated April 15, 2024 and recorded April 24, 2024;
- E. Letter entitled ‘Single-Family Residential Addition’ prepared by L2A Land Design LLC dated March 6, 2025 and consisting of two (2) sheets;
- F. Certification of Payment of Taxes from the Borough of Demarest Tax Collector dated March 3, 2025;
- G. Two (2) Certified Letters to Neighbors from Capizzi Law Offices dated May 12, 2025;
- H. Engineering Plans prepared by L2A Land Design LLC dated October 1, 2024 and consisting of nine (9) sheets;
- I. Architectural Plans prepared by Zampolin & Associates Architects dated March 5, 2025 and consisting of six (6) sheets;
- J. Survey prepared by Lakeland Surveying, Inc. dated April 15, 2024, last revised June 10, 2024, and consisting of one (1) sheet;
- K. Affidavit of Service prepared by Capizzi Law Offices; and
- L. Affidavit of Publication prepared by The Record and Herald News; and

**WHEREAS**, a public hearing was held by the Board on July 2, 2025 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 Applicant's Application including:

- A. Colorized Site Plan Sheet C-03 with landscaping plan added dated July 2, 2025 and consisting of one (1) sheet, marked as Exhibit A-1;
- B. Planning Exhibit prepared by MJP Land Use Planning LLC and consisting of five (5) sheets, marked as Exhibit A-2;
- C. Colorized Architectural Rendering Sheet A202 depicting the front elevation of the proposed single-family dwelling dated May 19, 2025 and consisting of one (1) sheet, marked as Exhibit A-3;
- D. Testimony of the Applicant's civil engineer, Michael Dipple of L2A Land Design LLC, whose testimony can be summarized as follows:
  - a. The Property is located in the Single-Family Residence D District (the "R-D Zone") and was previously developed with a single-family dwelling, which has been demolished and removed;
  - b. Single-family residential dwellings are permitted in the R-D Zone;
  - c. The Property is located north of Hardenburg Avenue with frontage on Christie Street;
  - d. The Applicant is proposing to construct a new 2.5 story, single-family dwelling with a two-car garage, a new 20-foot driveway, a new front walkway, a rear patio with a pergola, a concrete pad for an HVAC unit or generator and drainage improvements;
  - e. The Property is an undersized, rectangular shaped parcel consisting of 8,000 square feet, whereas 10,000 square feet is required;

- f. The Property also has a pre-existing non-conformity with respect to lot frontage, as 100 feet is required and 80 feet is existing and proposed;
- g. The Applicant is proposing to increase the improved coverage by approximately 1,123.48 square feet (1,792.45 square feet is existing; 2,916.03 square feet is proposed);
- h. The Applicant is requesting a D(4) variance for livable floor area (“floor area ratio” or “FAR”) as 30% (2,400 square feet is permitted) and 37.38% (2,990 square feet is proposed);
- i. The Applicant is also requesting “C” variances for building coverage (20% permitted; 27.6% proposed), improved lot coverage (30% permitted; 36.45% proposed), and residential and parking coverage (25% is permitted; 30.24% is proposed);
- j. The proposed development complies with the front yard setback requirements (25 feet required; 25 feet proposed), side yard setback requirements (10 feet required; 13.83 feet proposed), rear yard setback requirements (30 feet required; 33.5 feet proposed to the proposed dwelling) and height requirements (30 feet permitted; 29.96 feet proposed) in the R-D Zone;
- k. The Property grades from a northeasterly direction toward Tennakill Brook and the existing grades will be maintained;
- l. Utilities will be connected from Christie Street;
- m. The proposed seepage pit will be relocated to the backyard of the Property and will be located at least 15 feet from the neighbor to the north;

- n. The Applicant will comply with the Borough's Tree Replacement and Protection Ordinance regarding tree removal and replacement for the proposed development; and
- E. Testimony of the Applicant's architect, Anthony Zampolin of Zampolin & Associates, whose testimony can be summarized as follows:
- a. The Applicant is proposing a moderately-sized, single-family dwelling containing 5 bedrooms and consisting of approximately 1,420 square feet of living area on the first floor and approximately 1,570 square feet of living area on the second floor;
  - b. The total living area of the proposed dwelling is approximately 2,990 square feet;
  - c. The proposed dwelling will also contain a basement consisting of approximately 1,433 square feet;
  - d. The proposed dwelling will be a modern-farmhouse style, which is consistent with other residential developments in the neighborhood;
  - e. The plans will be revised to reflect a patio in the rear of the property instead of a deck;
  - f. The proposed pergola is 10'6" and will be located on-top of the proposed patio;
  - g. The pergola will not be attached to the proposed dwelling; and
  - h. The height from the average grade to the top of the proposed pergola will not exceed 12 feet; and

F. Testimony of Applicant's professional planner, Michael Pessolano of MJP Land Use Planning LLC, who testified as to the justification for the FAR variance and "C" variances. Mr. Pessolano testified that the basis for a FAR variance is showing that the Property can accommodate any negative impacts associated with the additional square footage. Mr. Pessolano concluded that as the proposed single-family dwelling is a moderately-sized, modern structure that is not overreaching and is compatible in size with the surrounding dwellings in the neighborhood. He testified that the Property will maintain an FAR similar to other homes in the neighborhood while also complying with all bulk and height requirements in the R-D Zone despite being constructed on an undersized lot. Mr. Pessolano stated that the proposed single-family dwelling provides a desirable visual environment and improves the neighborhood by replacing an attractive nuisance. Mr. Pessolano stated that the increase in FAR would not cause any detriment on the adjoining properties or the subject Property. Mr. Pessolano stated that the pre-existing non-conformities with respect to the lot area and lot frontage create a hardship and that the "C" variances requested for building coverage, improved lot coverage and residential and parking coverage are minor in nature and are off-set by the oversized side yard and rear yards provided on the Property. Mr. Pessolano further concluded that there is no substantial detriment to the Borough's Zoning Code, Master Plan, or neighborhood is created by the grant of the FAR or "C" variances; and

**WHEREAS**, at the public hearing, the Board also took testimony from the Board Engineer, Nick Chelius, and Board Planner, Darlene Green, and considered the following items submitted by the Board’s professionals:

- A. Completeness Letter from Michael Greco dated May 9, 2025;
- B. Board Planner Report prepared by Colliers Engineering and Design dated May 2, 2025 (the “Board Planner Report”); and
- C. Board Engineer Report prepared by Colliers Engineering and Design dated May 30, 2025 (the “Board Engineer Report”); and

**WHEREAS**, an adjacent property owner was present at the public hearing and asked questions of the Applicant and expressed concern regarding the number and size of new trees that would be planted by the Applicant in accordance with the Borough’s Tree Replacement and Protection Ordinance; 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 2, 2025 are incorporated herein by reference.
2. The Property is located at 7 Christie Street and designated as Lot 38 in Block 653 on the Tax Maps of the Borough of Demarest and is a rectangularly shaped, undersized, interior lot.

3. The Property is located in the R-D Zone.
4. The Property is currently vacant, but was previously developed with a single-family dwelling.
5. The Property has pre-existing non-conformities with respect to lot area (10,000 square feet minimum required; 8,000 square feet existing and proposed) and lot frontage (100 feet required; 80 feet existing and proposed).
6. The Application is seeking to construct a new single-family dwelling and has applied for variance relief from the Board pursuant to N.J.S.A. 40:55D-70(d)(4) for exceeding the maximum livable floor area in the R-D Zone (30% permitted; 37.38% proposed) and pursuant to N.J.S.A. 40:55D-70(c)(1) and (2) with respect to building coverage (20% permitted; 27.6% proposed), improved lot coverage (30% permitted; 36.45% proposed), and residential and parking coverage (25% is permitted; 30.24% is proposed).
7. The proposed single-family dwelling is a permitted use in the R-D Zone.
8. The Board finds that the proposed development is modest in size and reflects a thoughtful and aesthetically pleasing design.
9. The Board finds that the proposed dwelling, which is a permitted use in the R-D Zone and consistent with the surrounding neighborhood, provides an aesthetic improvement to the Property, as opposed to the existing vacant lot or the prior dilapidated dwelling.
10. The Board finds that the Applicant's suffers a hardship as a result of the Property being undersized and that the proposed development would not require variances for building coverage, improved lot coverage or residential and parking coverage if the lot size was conforming.

11. The Board further finds that there are no realistic alternatives to the proposed building, impervious coverage and residential and parking coverage variances, as the proposed dwelling is moderately sized and there is no available land for the Applicant to purchase to increase the size of their undersized lot.

12. The Board finds that the "C" variances requested by the Applicant for building coverage, improved lot coverage and residential and parking coverage are minor in nature and are off-set by the enlarged rear yard and side yard setbacks being provided.

13. 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 590 square feet, as the proposed dwelling complies with all setback, height and parking requirements.

14. The Board finds that, in light of the deficient lot size, the modest size of the dwelling, the attractive design of the improvements and the dwelling's maintenance of all setback and height restrictions, the requested variances are reasonable and appropriate.

15. 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.

16. 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.

17. 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).

**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 is hereby granted, subject to the following conditions:

- a) Applicant shall comply with the Borough's Tree Removal and Protection Ordinance with respect to the removal and replacement of any trees on the Property.
- b) Applicant shall revise their plans to reflect a patio in the rear of the Property instead of a deck.
- c) Applicant shall relocate the proposed seepage away from the Property line and into the backyard, at least 15 feet from the neighbor to the north of the Property.
- d) Applicant shall not connect the proposed pergola to the dwelling.
- e) Applicant shall not cover or otherwise enclose the proposed pergola.
- f) The height of the pergola shall not exceed 12 feet from average grade.
- g) 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, and shall further comply with the recommendations of all other officials having jurisdiction with respect to the use of the subject Property.
- h) 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. The Property shall be kept neat during all construction.
- i) The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development.

- j) The Applicant shall be required to obtain all necessary permits and approvals from the Construction Official and such other municipal departments as may be necessary.
- k) The Applicant shall post all fees and deposits as required by applicable ordinances of the Borough of Demarest which shall include payment to the Borough's professionals for the review of the within Application and the inspection of work to be performed incidental thereto.
- l) 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.
- m) 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.
- n) The Applicant's failure to comply with conditions set forth with this Resolution shall constitute a failure of the conditions and may be the cause for 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.

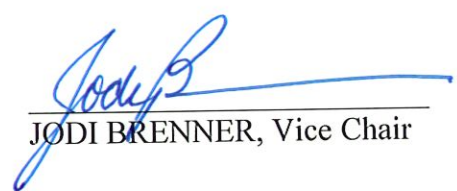
**IT IS HEREBY CERTIFIED** that this is a true and correct copy of a Resolution adopted by the Planning Board of the Borough of Demarest upon a roll call vote at a meeting held on August 6, 2025.

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

ATTEST:

SO APPROVED:

  
 MICHAEL GRECO, Secretary

  
 JODI BRENNER, Vice Chair

**BOROUGH OF DEMAREST JOINT PLANNING BOARD**

**VOTING**

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mr. Adelman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Chin	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiSclafani	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Mamdani	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chair Woods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Date of Adoption: August 6, 2025