

CAPIZZI LAW OFFICES

205 Fairview Avenue
Westwood, NJ 07675
201 266 8300 (o)
201 266 8301 (f)
Capizzilaw.com

Matthew G. Capizzi, Esq.
N.J., N.Y., & D.C. Bars

April 23, 2025

NOTICE OF APPEAL

Via Email: mgreco@demarestnj.gov

Michael Greco – Zoning Officer/Secretary
Borough of Demarest Joint Planning Board
118 Serpentine Road
Demarest, New Jersey 07627-2199

Re: Cohen – Demarest JLUB (the “Applicant”)
17 Laurel Road; Block 1.02, Lot 20 (the “Property”)

Dear Mr. Greco:

Please be advised pursuant to N.J.S.A. 40:55D-70(a) and Section 27-18 of the Demarest Land Use Procedure Ordinance, the Applicant appeals your determination that the installation of an in-ground pool, covered patio, ac units and pads, and generator and pads at the Property requires variance relief for being located in the side yard, as more fully set forth in the Zoning Permit Application Denial dated April 2, 2025 (the “Determination”), a copy of which is enclosed herewith.

This letter shall also confirm this matter is scheduled to be heard before the Joint Planning Board during its next regularly scheduled Public Meeting of May 7, 2025.

Thank you.

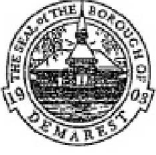
Very truly yours,

Matthew G. Capizzi, Esq. /s

Matthew G. Capizzi, Esq.

MGC/hs
Enclosure

cc: **Via Email w/ Enclosure**
Danielle Federico, Esq. – Board Attorney



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

Application Date: 4/1/2025
 Application Number: ZA-25-0038
 Permit Number: _____
 Project Number: _____
 Fee: \$75

Denial of Application

Date: 4/2/2025

To: ILAN COHEN
 45 BROOK WAY
 DEMAREST, NJ 07627

CC: APP TELE:(201) 655-1555
 APP EMAIL:ILAN.COHEN1900@GMAIL.COM

RE: 17 LAUREL RD
 BLOCK: 1.02 LOT: 20 QUAL: ZONE: R-D

DEAR ILAN COHEN,
 NEW SINGLE FAMILY HOME

Your request is hereby denied based upon the following requirements:

IMPROVED LOT COVERAGE 32.1% WHEN 30% IS ALLOWED

POOL, POOL EQUIPMENT, AC UNITS AND PADS, GENERATORS AND PADS, COVERED PATIO NOT PERMITTED IN SIDE YARD

WINDOW WELLS DO NOT MEET REQUIRED 10 FOOT SET BACK.

WALL ALONG DRIVEWAY NOT PERMITTED IN THE FRONT YARD.

ADDRESS OS PROPERTY IS 17 LAUREL ROAD AND IS A CORNER LOT, THE APPROVING AUTHORITY MUST DETERMINE IF THE REAR YARD IS OPPOSIT LAUREL ROAD OR OPPOSITE S. PRESCOTT STREET. APPLICANT IS PROPOSING THE REAR YARD AS OPPOSITE S. PRESCOTT STREET.

The following comments were made during the denial process:

Your Zoning Permit has been DENIED.

Please see attached Letter for details.

The attached mentioned reasons would require variances from the Borough of Demarest Joint Planning Board. Either correct the above and resubmit your application for Zoning or apply for Variances with the Joint Planning Board Secretary, Michael Greco at 118 Serpentine Road, Demarest, NJ 07627.

If you have any questions do not hesitate to reach out, either by phone at (201) 768-0167 ext. 110, or by email at mgreco@demarestnj.gov

175-5 - Maximum Improved Lot Coverage

No land shall be hereafter used or occupied and no building or part thereof shall hereafter be used, occupied, erected, moved or altered unless in conformity with the regulations and Limiting Schedule hereinafter specified for the district in which it is located.

MAXIMUM IMPROVED LOT COVERAGE

- R-A: 30%
- R-BB: 30%
- R-B: 30%
- R-C: 30%
- R-D: 30%

19 A. (3) (b) - Side Yard Encroachment
 175-19 Encroachments into yards.

A. Residence districts. Yards referred to herein are in each case the entire yard, regardless of the minimum required yards provided in the Limiting Schedule (§ 175-16).

(3) Side yards.

(b) Accessory uses, buildings and structures shall not be permitted to encroach.

175-19 A. (2) (b) - FRONT YARD ENCROACHMENT

175-19 Encroachments into yards

A. Residence districts. Yards referred to herein are in each case the entire yard, regardless of the minimum required yards provided in the Limiting Schedule (§ 175-16)

(2) Front yards

(b) Accessory uses, buildings and structures shall not be permitted to encroach.

175-5 - Minimum Lot Area

No land shall be hereafter used or occupied and no building or part thereof shall hereafter be used, occupied, erected, moved or altered unless in conformity with the regulations and Limiting Schedule hereinafter specified for the district in which it is located.

MINIMUM LOT AREA

R-A: 40,000 sq ft

R-BB: 30,000 sq ft

R-B: 22,500 sq ft

R-C: 15,000 sq ft

R-D: 10,000 sq ft

19 A. (3) (d) - Accessory encroachment side yard setback

175-19 Encroachments into yards.

A. Residence districts. Yards referred to herein are in each case the entire yard, regardless of the minimum required yards provided in the Limiting Schedule (§ 175-16).

(3) Side yards.

(d) Notwithstanding the foregoing, no encroachment shall be permitted within 10 feet of any side lot line.

24 N. - Swimming Pool Fence

All swimming pools now or hereafter constructed shall be enclosed by a substantial fence no less than 48 inches in height, so constructed as to prevent, within reason, any person from gaining access beneath or through such fence, and it shall have a similarly substantial self-latching and self-closing gate of the same height as the fence with latches placed four feet in height and with facilities for locking the gate when the pool is unguarded or unattended.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized name, possibly "John Doe", written in cursive.