

CAPIZZI LAW OFFICES

205 Fairview Avenue
Westwood, NJ 07675
Matthew G. Capizzi, Esq. 201 266 8300 (o)
N.J., N.Y., & D.C. Bars 201 266 8301 (f)
Capizzilaw.com

April 16, 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: Edry – Demarest JPB (the “Applicant”)
17 Duck Pond Road; Block 120.01, Lot 3.01 (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, patio, and sports court 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 16, 2025 (the “Determination”), a copy of which is enclosed herewith.

We request this Appeal be heard by the Joint Planning Board during its next regularly scheduled Public Meeting.

Thank you.

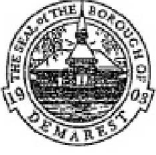
Very truly yours,

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: 4/16/2025
 Application Number: ZA-25-0047
 Permit Number: _____
 Project Number: _____
 Fee: \$50

Denial of Application

Date: 4/16/2025

To: TOMER EDRY C/O MATTHEW CAPIZZI CC: APP TELE:(201) 266-8300
 220 EAST 65TH STREET APP EMAIL:MATTHEW@CAPIZZILAW.COM
 DEMAREST, NJ 07627

RE: 17 DUCK POND RD
 BLOCK: 120.01 LOT: 3.01 QUAL: ZONE: R-A

DEAR TOMER EDRY C/O MATTHEW CAPIZZI,

PROPOSED INGROUND POOL
 PROPOSED TURF FIELD SPORTS COURT
 SITE PLAN PREPARED BY HUBSCHMAN ENGINEERING, P.A. DATED AS JULY 24, 2024 AND LAST REVISED AS OF APRIL 15, 2025, CONSISTING OF FIVE (5) SHEETS.

Your request is hereby denied based upon the following requirements:

ACCESSORY STRUCTURE SIDE YARD ENCROACHMENTS.
 INGROUND SWIMMING POOL
 PATIO
 SPORTS COURT

WHEREAS ACCESSORY STRUCTURES ARE NOT PERMITTED TO ENCROACH INTO THE SIDE YARD IN ANY RESIDENCE DISTRICT.

The following comments were made during the denial process:

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.

27 B. - YARD DEFINITIONS
 YARD

The space on a lot extending along a lot line between such lot line and a principal building or buildings or a nonbuilding use occupying such lot.

YARD, FRONT

A yard extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the "front yard" shall be between the front line of the building and the street line.

YARD, REAR

A yard extending the full width of the lot and situated between the rear line of the building and the rear line of the lot.

YARD, SIDE

A yard situated between the building and the side line of the lot and extending from the front yard to the rear yard.

Sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that are difficult to decipher. The signature starts with a large, sweeping initial letter and ends with a long, horizontal tail stroke.