

January 16, 2026

Michael Greco, Board Secretary
Zoning Board of Adjustment
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

77 Pine Terrace
Block 84.08, Lot 10
Borough of Demarest, Bergen County, NJ
Zoning Board Application Engineering Review
Colliers Engineering & Design Project No. DEZ0035

Dear Mr. Greco:

Pursuant to your request, our office has reviewed the following plans and other documents filed by the Applicant in support of a Variance Application. The Applicant is seeking approval for previously construction addition, car port, pergola, pool and patio and related improvements.

- a) Architectural drawings consisting of three (3) sheets prepared and signed by Mario Navedo, AIA, dated October 1, 2025, last revised November 4, 2025;
- b) Property survey consisting of one (1) sheet, prepared and signed by Andrew A. Schmidt, dated October 28, 2025;
- c) Correspondence explaining as-built zoning and bulk data, prepared and signed by Joseph F. Vince, P.E. L.S. P.P., C.M.E. of Shwanewede Hals & Vince, dated November 6, 2025;
- d) Zoning Officer denial letter, dated October 14, 2025;
- e) Variance Application for the subject property, received November 7, 2025.

The Property Owner/Applicant is:

Barbara Sheleg
77 Pine Terrace
Demarest, NJ 07627

The Applicant/Owner shall notify the Borough of Demarest Zoning Board of Adjustment of any changes to the above information.

Engineering Review

I. Project Description & Location

It is our understanding that the additions have already been built. The Applicant did not follow the proper procedure and apply for permits before construction and is submitting the variance application after the construction was completed.

The property is an irregular shaped parcel consisting of 32,491 S.F. The property is located in residence Zone-BB according to the Borough Zoning Map. The lot is currently occupied with a single-family dwelling, paver driveway, walkways, pool, patio, and other related improvements.

The property is located in Zone X (area determined to be outside the 0.2% annual chance floodplain) as shown on the Flood Insurance Rate Map (FIRM) for the Borough of Demarest dated August 2019.

II. Zoning Requirements & List of Variances / Waivers Requested

A. Bulk Zoning Requirements:

Zone: BB

Use: Single Family Residential

Description	Required	Proposed	Complies
Lot area	30,000 sf.	32,488 sf.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot Frontage	150 ft.	150.00 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot depth	150 ft.	174.8 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Front yard setback *	50 ft.	41.3 ft.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Side yard setback (east)	25 ft.	37.0 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side yard setback (west)	25 ft.	41.2 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rear yard setback	50 ft.	Unclear	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Building Height	30 ft.	26 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Max Building Coverage	15 %	11.4 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Bldg./ Drive Coverage	25 %	15.3 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Impervious Coverage	30 %	24.8 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
FAR	22.5%	13.7%	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

N/A = not applicable
 * = variance required
 ** = pre-existing non-conformance

B. The Following Variances Appear to be Required:

1. Minimum Front Yard Setback (Addition) – 41.3 feet is proposed to the addition, where 50 feet is required. We note this measurement was not provided to the nearest point.

A variance is required for this condition.

2. Minimum Front Yard Setback (Porch) – 49.5 feet is proposed to the porch, where a minimum of 50 feet is required.

A variance is required for this condition.

3. Accessory Structure Location – The Applicant constructed a side yard patio and pergola above the fireplace. Pergolas and patios are considered accessory structures and are only permitted in the rear yard.

A Variance is required for this condition.

- C. The Applicant should provide testimony to clarify if the side-yard pergola is attached to the primary dwelling or if it is freestanding. We note that the pergola is approximately 21 feet from the side property boundary.
- D. The Applicant should provide testimony and/or additional information to clarify the heights of the pergolas in both the rear yard and side yard areas. Should the height exceed the 12-foot maximum, additional variances may be required.

III. Engineering Review

- E. The improvements to this property were completed without obtaining permits. Per the initial application to the Zoning Board in June 2023 the proposed improved coverage, according to the plans submitted at that time, was 8,543 SF (26.3%). We note that a breakdown of existing and proposed coverages had not been provided at that time so we are unable to verify the accuracy of that quantity.

The submission according to the application prepared by the applicant's attorney indicates a total improved coverage of 9,547 SF (29.4%). The survey submitted by the Applicant depicts the improvements in question since they have already been constructed. The Applicant shall be prepared to provide testimony as to all the improvements that were constructed on the property unlawfully and what existed prior to any construction.

- F. We note it appears that there are steps that are encroaching onto the neighboring properties. All site improvements should be maintained on the owner's site.
- G. It is unclear what the "existing" coverage was on the property. As such, it is difficult to quantify the increase in impervious coverage related to this application. The Applicant should be prepared to provide testimony as to all the improvements that were constructed on the property unlawfully. Specifically, the Applicant should be prepared to address the following:
 1. The plans submitted with the 2023 application depict an "Existing" slate walkway that extends from the front porch to the curb line at Pine Terrace. Aerial imagery from May 2021 suggests there was no existing walkway in this location.
 2. Aerial imagery from May 2021 compared to current imagery suggests that there were a substantial number of trees cleared from the property, particularly along the eastern

- side. The Applicant should clarify if the proper approvals were obtained for this tree clearing.
3. There is a patio on the eastern side of the dwelling that was depicted as "Existing" in the 2023 application. The Applicant shall provide testimony as to when this patio was constructed and if the proper approvals were obtained.
 4. There is a walkway depicted on the survey connecting the driveway to the rear patio and pool area. The Applicant shall provide testimony as to when this walkway was constructed and if the proper approvals were obtained.
 5. Historical imagery compared to current suggests that the patio surrounding the pool is relatively new. The Applicant should provide testimony as to when this patio was constructed and if the proper approvals were obtained.
 6. The Applicant should provide testimony regarding any other improvements that have been made to the property since the time of purchase.
 7. We suggest that the applicant prepare a breakdown of existing and proposed coverage on the property prior to the hearing. The existing coverage should be based on the state of the property at the time of purchase. Any improvements constructed unlawfully should be considered proposed.
- H. The Applicant has not indicated any drainage improvements on the plan. Should the Board look favorably upon this application, the board should consider a requirement to install seepage pits that adequately mitigate for the increase in coverage. The seepage pit design should be subject to the review and approval of the Borough Engineer.
- I. The Applicant has provided a specification sheet for a mesh fencing enclosure with supporting documentation demonstrating its compliance with international pool code. It does appear to meet Demarest Ordinance requirements as described in §175-24(N). We note that the mesh fencing is not depicted on the property survey. The Applicant should provide testimony to clarify if the fence is currently installed or is a proposed site feature.
- J. Should the Board be inclined to grant the requested variance, the Applicant shall be aware that prior to issuance of a building permit, a soil moving permit application shall be provided to the Borough in accordance with Chapter 147 (§147-1) of the Borough Ordinance.
- K. The Applicant is hereby made aware that drainage issues may arise during or after the proposed construction. It will be the Applicant's responsibility to remedy any drainage issues caused by the proposed improvements. In addition, water runoff directed to neighboring properties is prohibited. If runoff water does enter neighboring properties, as a result of the proposed improvements, the Applicant will be responsible to remedy the situation at no cost to the Borough.
- L. If, in the event the Board grants this variance, the Borough Engineer shall be notified to inspect and approve all drainage measures, including seepage pits with at least seventy-

- two (72) hours' notice. The Applicant shall not backfill the drainage appurtenances without such approval.
- M. The Applicant is advised that it is their responsibility to make sure their contractor is aware to call the NJ One Call Center a minimum of 72 hours prior to the commencement of construction, so that all on-property underground utilities are marked-out and accounted for.
- N. Should the Board act favorably upon this application, the Applicant is hereby made aware that drainage issues may arise during or after the proposed construction. It will be the Applicant's responsibility to remedy any drainage issues caused by the proposed improvements. In addition, water runoff directed to neighboring properties is prohibited. If runoff water does enter neighboring properties as a result of the proposed improvements, the Applicant will be responsible to remedy the situation at no cost to the Borough.

Should you have any questions, you may contact me at (201) 775-1283.

Sincerely,

Colliers Engineering & Design



Nick Chelius, P.E.
Zoning Board Engineer

cc: Board Members (via Zoning Board Secretary)
Mathew Capizzi, Esq, Applicant's Attorney (matthew@capizzilaw.com)
Gloria Duby, Applicant's Attorney (gloria@capizzilaw.com)
Mario Navedo, Applicant's architect (via attorney)
Joe Vince, PE, Applicant's Engineer (via attorney)
Barbara Sheleg, Applicant (via attorney)