

February 14, 2024

Dorothy Hayden, Chairwoman  
Zoning Board of Adjustment  
Borough of Demarest  
118 Serpentine Road  
Demarest, NJ 07627

38 Sunset Road  
Block 53, Lot 4.01  
Borough of Demarest, Bergen County, NJ  
Zoning Board Application Engineering Review #2  
Colliers Engineering & Design Project No. DEZ0037

Dear Ms. Hayden:

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 proposing to construct a new patio, pergola, outdoor kitchen, drainage improvements, and other related improvements.

- a) Site Plans consisting of one (1) sheet, prepared and signed by Paul Gdanski, PE, dated August 31, 2023; Last revised December 21, 2023;
- b) Survey of property consisting of one (1) sheet, prepared and signed by Miloslav Rehak, dated July 18, 2023;
- c) Landscape Plan consisting of one (1) sheet, not signed, dated January 30, 2024;
- d) Pergola Elevation Detail Consisting of one (1) sheet, not signed or dated;
- e) Renderings of property consisting of four (4) sheets, entitled "Spielberg Residence", not signed, dated February 2024;
- f) Zoning Denial Letter, prepared and signed by Kevin Burnette, dated September 13, 2023;
- g) Updated Variance Application for the subject property signed and dated February 9, 2024.

The Property Owner/Applicant is:

Spencer Spielberg  
38 Sunset Road  
Demarest, NJ 07627

The Applicant's Engineer is:

Paul Gdanski, PE, PLLC  
633 Woodmont Lane  
Sloatsburg, NY 10974

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

## Completeness Review

### General Requirements

- A. Application fees.  
**The Applicant Complies.**
- B. Proof of notice to property owners, as required by MLUL, 10 days prior to the public hearing date.  
**The Applicant shall provide the list and proof of notice prior to the hearing.**
- C. Proof of newspaper published notice, as required within this chapter, 10 days prior to the public hearing date.  
**The Applicant shall provide proof of notice prior to the hearing.**
- D. A list of stockholders owning 10% or more of stock (or ten-percent interest) in the corporation; a list of all partners owning ten-percent or more interest in the partnership, where applicable.  
**The Applicant Complies.**
- E. A survey signed and sealed by a licensed surveyor dated within the last 5 years.  
**The Applicant Complies.**

### Requirements for Application to the Zoning Board for a Variance

- 1. The location of existing buildings and structures, including fences and retaining walls.  
**The Applicant Complies.**
- 2. The zoning district in which the parcel is located and a zoning schedule listing area and bulk requirements with an indication of variances requested.  
**The Applicant Complies.**
- 3. A title block containing the name of the Applicant and owner, preparer, lot and block numbers and date prepared.  
**The Applicant Complies.**
- 4. Zoning Officer Denial Letter.  
**The Applicant Complies.**
- 5. Scale  
**The Applicant Complies.**
- 6. North Arrow  
**The Applicant Complies.**

7. All existing and proposed impervious surfaces.  
**The Applicant Complies.**
8. Location of existing and proposed easements and rights-of-way.  
**The Applicant Complies.**
9. Proposed stormwater management measures (if applicable)  
**The Applicant Complies.**

Based on a review of the items listed above, this application can be deemed **complete** for the purposes of scheduling a hearing.

## Engineering Review

### I. Project Description

- A. The Applicant is proposing to construct a new patio, pergola, outdoor kitchen, drainage improvements, and other related improvements at the subject property.
- B. The Board should be aware that the Applicant previously had an open permit to construct the in-ground pool and retaining wall along the eastern side of the rear yard. It is our understanding that a Certificate of Occupancy (C.O.) has since been granted for these improvements. The Applicant shall confirm in testimony.
- C. The project site is located at 38 Sunset Road, on Block 53, Lot 4.01 and is contained within the Residential D zoning district in the Borough of Demarest. The subject property fronts the north side of Sunset Road.
- D. The Board shall be aware that this property currently has an open soil movement permit for the construction of an in-ground pool and retaining wall along the eastern side of the rear yard. CED recommended the approval of permits via a review letter issued on March 7, 2023.

## II. Zoning Requirements

### A. Bulk Zoning Requirements:

Zone: Residential D District

| Description                               | Required   | Existing   | Proposed   | Complies  |
|---|------------|------------|------------|---|
| Lot area                                  | 10,000 sf. | 14,301 sf. | 14,301 sf. | <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No |
| Lot Frontage                              | 100 ft.    | 100 ft.    | 100 ft.    | <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No |
| Lot depth                                 | 100 ft.    | 154.6 ft.  | 154.6 ft.  | <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No |
| Front yard setback                        | 25 ft.     | 26.5 ft.   | 26.5 ft.   | <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No |
| Side yard setback                         | 10 ft.     | 10.5 ft.   | 10.5 ft.   | <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No |
| Rear yard setback                         | 30 ft.     | 61.4 ft.   | 61.4 ft.   | <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No |
| *Max Building Coverage                    | 20 %       | 20 %       | 22.7 %     | <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No |
| *Max Residential and Driveway Coverage    | 25 %       | 25.5 %     | 28.1 %     | <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No |
| *Max. Improved Coverage                   | 30 %       | 30 %       | 34.8 %     | <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No |
| Minimum Side Yard (Accessory – Ret. Wall) | 10 ft.     | N/A        | 5.9 ft     | <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No |

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

### B. Variances Requested:

1. Maximum building coverage – The Applicant is proposing 3,250 SF (22.7%) building coverage where a maximum of 20% is permitted according to the site plans.
  - i. The increase in building coverage noted on the plans is due to a 379 SF pergola.
  - ii. The Board should consider whether the pergola should be included in the building coverage calculation. If not, this variance would not be required.
2. Maximum residential and driveway coverage – The Applicant is proposing 4,025 SF (28.1%) residential and driveway coverage where a maximum of 25% is permitted.
  - i. The Board shall be aware that the Applicant has not noted that this is a pre-existing condition on the site plans, which is only correct if the Board interprets

that the pergola should be excluded from the residential and driveway coverage quantity.

- ii. The quantity of coverage over the allowable 25% is dependent on the interpretation of whether the 379 SF pergola should be considered building coverage. If the pergola is omitted from the calculations, the Applicant will have 3,646 SF (25.5%) residential and driveway coverage.
3. Maximum improved lot coverage – The Applicant is proposing 4,980 SF (34.8%) where a maximum of 30% is permitted.
  - i. It shall be noted that the previous plans presented to the Board indicated a total of 6,137 SF (42.9%) coverage. The current proposal has reduced proposed coverages by 1,157 SF from the prior proposal.
4. Minimum side yard, Accessory use – The Applicant has depicted 5.9 feet to the retaining wall where a minimum of 10 feet is required. It shall be noted that the retaining wall is considered to be an accessory structure because it is greater than two (2) feet in height as defined in Borough Ordinance §175-27.

C. Waivers Requested:

1. The Applicant has not requested any waivers for this application.

III. **Site Plan Review**

- A. The existing improved coverage on the property is 4,293 SF (30.0%). The Applicant is proposing to increase the improved coverage to 4,980 SF (34.8%), a net increase of 687 SF.
- B. Proposed Pergola:
  1. The Applicant has provided a detail of the pergola. Basic dimensions have not been provided on the detail. The Applicant shall be prepared to provide testimony related to the dimensions of the structure.
  2. It shall be noted that the plans indicate the pergola is 16'x23.7' with a height of 10.7 feet. It is unclear if the 10.7-foot height is measured from grade or from the top of the masonry walls.
  3. The Applicant shall be made aware that the pergola must comply with §175-19(B)(1) which indicates that no accessory use, building or structure shall be erected with a mean roof height in excess of 12 feet.
- C. Drainage:
  1. The Applicant has indicated three (3) Cultec chambers are proposed to collect and store stormwater runoff.

2. Stormwater is proposed to be collected via a slot drain in the proposed patio area and a lawn inlet in the northeast corner of the property. The Applicant shall provide testimony as to how stormwater will be directed to the slot drain and lawn inlet.
3. It does not appear that any stormwater is being collected from the roof of the pergola. The Applicant shall provide testimony to clarify if there is any means of stormwater collection proposed for this area.
4. The Applicant has indicated there is an existing slot drain in between the pool and pergola. This drain was not included in the approved design plan for the pool permit. The Applicant shall provide testimony as to when this slot drain was installed and where it ultimately discharges stormwater to.

We recommend that the Applicant provide testimony regarding the concerns raised in this report; we reserve the right to additional technical comments during the course of Board review.

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: Michael Greco, Zoning/Planning Board Secretary ([mgreco@demarestnj.gov](mailto:mgreco@demarestnj.gov))  
Board Members (via Zoning Board Secretary)  
Paul Gdanski, Applicant's Engineer ([pgski@earthlink.net](mailto:pgski@earthlink.net))  
Spencer Spielberg, Applicant (via address)