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Reply to New Jersey Office

March 8, 2024

Revised Submittal for Public Hearing of March 19, 2024

Via Hand Delivery

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

Re: Spielberg – Demarest ZBA (the “Applicant”)
38 Sunset Road; Block 53, Lot 4.01 (the “Property”)

Dear Mr. Greco:

As you are aware, this office represents the above referenced applicant regarding his application before the Demarest Zoning Board of Adjustment seeking variance relief as to certain existing and proposed improvements at the Property.

The Applicant was before the Board on February 20, 2024 (the “Hearing”), during which the Board asked the Applicant to consider making certain modifications to the proposed improvements. Therefore, the Applicant’s Engineer, Paul Gdanski, P.E., revised his plan to address comments raised at the Hearing. To that end, enclosed please find the following for consideration during the March 19, 2024 hearing:

1. Revised Borough of Demarest Application for Variance from the Requirements of Zoning Ordinance with Denial Letter dated September 13, 2023 attached thereto (16 copies); and
2. Pool Plan, Soil Erosion, Sediment Control Plan, Notes & Details prepared by Paul Gdanski, P.E., PLLC dated August 31, 2023 and last revised as of February 22, 2024 consisting of three (3) sheet (16 copies).

Michael Greco – Secretary

March 8, 2024

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This letter shall also confirm this matter is scheduled to be heard before the Demarest Zoning Board of Adjustment on Tuesday, March 19, 2024 at 7:30pm.

Thank you.

Very truly yours,

Matthew G. Capizzi, Esq. /S

Matthew G. Capizzi, Esq.

MGC/gd
Enclosures

Zoning Board of Adjustment
Demarest, NJ

APPLICATION FOR VARIANCE FROM THE REQUIREMENTS OF ZONING ORDINANCE

File No: _____

Date Filed: _____

Date of Hearing: _____

Disposition: _____

To The Board of Adjustment:

Application is hereby made for a variation from the requirements of Section(s)

N.J.S.A. 40:55d-70 ____ of Chapter 175 (Zoning Ordinance) ____ to construct the following:

OR

To use an existing structure in the following manner:

The location of the property is at: (Street Address) 38 Sunset Road, Demarest NJ 07627

Designated as Block 53 and Lot 4.01 on the Assessment Map.

The reason this new construction or this new use is desired is:

Construction of a pool patio, pergola, and retaining wall.

Date present owner acquired title to property 2/4/2021

Applicant:

Owner:

Name: Spencer Spielberg

Name: Same as Applicant

Address: 38 Sunset Road, Demarest NJ 07627

Address: _____

Phone #: 917-383-5085

Phone #: _____

Signature: _____

Signature: _____

The owner and/or applicant will be represented at the Public Hearing by:

Name: Matthew G. Capizzi, Esq.

Address: 205 Fairview Avenue, Westwood NJ 07675

Phone #: 201-266-8300

Signature:  Matthew G. Capizzi, Esq.

PLEASE NOTE:
THE APPLICANT OR THEIR REPRESENTATIVE MUST PERSONNALLY ATTEND THE HEARING

DESCRIPTION OF THE PROPERTY

Address: 38 Sunset Road, Demarest NJ 07627 Zone: R-D Block: 53 Lot(s): 4.01

Existing Buildings: Include ALL accessory buildings, structures, garage, shed, swimming pool, deck, patio, and tennis court (etc.)

SETBACKS:

REQUIRED	EXISTING (closest point)	APPLICATION PROPOSED (closest point)
25 feet to front yard line	26.5 feet	No change feet
30 feet to rear yard line	61.4 feet	No change feet
25 feet to closest side yard (lot)	10.5 feet	No change feet
25 feet to closest side yard (street)	14.1 feet	No change feet

Required Lot Size: 10,000 square feet Existing Lot Size: 14,301 square feet

Fill in the following *Proposed Net Totals* from your worksheet: (entire table must be completed)

IMPROVED LOT COVERAGE:		
Maximum % for principal residence, vehicle access & parking	Permitted <u>3,575</u> sq. ft.	<u>25</u> %
	Proposed <u>3,646</u> sq. ft.	<u>25.5</u> % Existing and No Change.
Maximum total improved lot coverage %	Permitted <u>4,290</u> sq. ft.	<u>30</u> %
	Proposed <u>4,823</u> sq. ft.	<u>33.7</u> %
BUILDING COVERAGE:		
	Permitted <u>2,871</u> sq. ft.	<u>20</u> %
	Proposed <u>3,250</u> sq. ft.	<u>22.7</u> %
MAXIMUM LIVING AREA (FAR) N/A		
	Permitted _____ sq. ft.	_____ %
	Proposed _____ sq. ft.	_____ %

Variance Requested: Check Applicable Box(es):

- Front
- Side (lot) As to the retaining wall.
- Side (street -corner lot)
- Rear
- Building Coverage
- Improved Coverage
- Maximum Living Area/ FAR (D variance)
- Use (D variance)

Present use of buildings on the property is:
Single-family residence.

Describe deed restrictions or easements on property if any; these include but are not limited to storm drains, sidewalk, open space, streams, brooks, etc.:

N/A

Character of buildings within the 200-foot property line (i.e., residential, commercial, etc.)
Residential

Is (a) lot, (b) present building or (c) use of lot or buildings now non-conforming to the Demarest Zoning Ordinance or other Demarest Ordinances? If so, please describe:

Has a variance been previously granted on this property? _____ If so, when? _____

Please describe _____

Has a variance on this property previously been denied? _____ If so, when? _____

Please describe? _____

IMPROVED COVERAGE CALCULATIONS:

Definition: A material that prevents absorption of storm water into the ground.

Address:	38 Sunset Road, Demarest NJ 07627		
Zone:	R-D		
Size of Lot:	14,301 Sq. Ft.		
Required Square Footage:	10,000 Sq. Ft.		
Permitted Total Improved Coverage	4,290	Sq. Ft.	30 %
Permitted Improved Coverage: Principal Residence, Vehicle Access & Parking	3,575	Sq. Ft.	25%

	A. EXISTING	SQ. FT	Check if to be Demolished	B. PROPOSED	SQ. FT	
	house	2,871 Sq. Ft.	_____	house Pergola	379 Sq. Ft.	
Window Well	Garage	17 Sq. Ft.	_____	Garage	_____	
AC Units	Patio	27 Sq. Ft.	_____	Patio Steps & Kitchen	26 Sq. Ft.	
Wall	Deck	91 Sq. Ft.	_____	Deck Wall	-20 Sq. Ft.	
	Shed	_____	_____	Shed	_____	
	Swimming Pool	465 Sq. Ft.	_____	Swimming Pool	21 Sq. Ft.	Pool & Eq Pad
	Tennis Court	_____	_____	Tennis Court	21 Sq. Ft.	Gen. Pad
	Driveway	775 Sq. Ft.	_____	Driveway	_____	
	Front Walkway	122 Sq. Ft.	_____	Front Walkway	12 Sq. Ft.	
	Side Walkway	_____	_____	Side Walkway	_____	
	Rear Walkway	16 Sq. Ft.	_____	Rear Walkway	_____	
	Other	_____	_____	Other	_____	

Existing Improved Coverage 4,384 Sq. Ft. 30.7 %

Proposed New Improved Coverage 439 Sq. Ft. 3.1 %

Total Improved Coverage (A + B) =

4,823 Sq. Ft.

33.7 %

BUILDING COVERAGE (Footprint) CALCULATIONS:

Coverage, Maximum – The percentage of the plot or lot area covered by the principal building and the accessory use building(s) and/or structure(s).

Address:	38 Sunset Road, Demarest NJ 07627		
Zone:	R-D		
Size of Lot:	14,301 Sq. Ft.		
Required:	10,000 Sq. Ft.		
Permitted Coverage	20	%	2,871 Sq. Ft.

A. EXISTING:

Check if to be demolished

House	<u>2,871</u> Sq. Ft.	<u> </u>
Garage	<u> </u> Sq. Ft.	<u> </u>
Shed	<u> </u> Sq. Ft.	<u> </u>
Other	<u> </u> Sq. Ft.	<u> </u>

EXISTING NET COVERAGE: 2,871 Sq. Ft. (20 %)

B. PROPOSED:

New House	<u>379</u> Sq. Ft.
Addition	<u> </u> Sq. Ft.
Garage	<u> </u> Sq. Ft.
Shed	<u> </u> Sq. Ft.
Other	<u> </u> Sq. Ft.

PROPOSED NEW COVERAGE: 379 Sq. Ft. (2.7 %)

TOTAL BUILDING COVERAGE (A + B): 3,250 Sq. Ft. (22.7 %)

FLOOR AREA RATIO CALCULATIONS (Livable Floor Area)

N/A

The aggregate of all floors included within the outer walls of the building, excluding basements, garages and other unheated areas and including only such floor area under a sloping ceiling for which the headroom is not less than five (5) feet six (6) inches and then only if at least seventy-five percent (75%) of such floor area has a ceiling height of net less than seven (7) feet, six (6) inches and if any such floor that is situated above another story has access to the floor by a permanent, built-in stairway and has a permanent complete floor and a means of heating to seventy-five degrees Fahrenheit (75F) at all times.

Address:	
Zone:	
Size of Lot:	
Square Foot REQUIRED:	
Permitted Livable Area	Sq. Ft. %

A. EXISTING:

Check if to be demolished

House _____ Sq. Ft. _____

Heated Attic _____ Sq. Ft. _____

Other _____ Sq. Ft. _____

EXISTING NET LIVABLE AREA: _____ Sq. Ft. _____ %

B. PROPOSED:

New House _____ Sq. Ft.

Addition _____ Sq. Ft.

Heated Attic _____ Sq. Ft.

Other _____ Sq. Ft.

PROPOSED LIVABLE AREA: _____ Sq. Ft. _____ %

TOTAL LIVABLE AREA (A + B): _____ Sq. Ft. _____ %

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY)
) ss:
COUNTY OF BERGEN)

Spencer Spielberg of full age, being duly sworn according to law on his/her oath
deposes and says that he/she resides at 38 Sunset Road in the City of
Demarest in the County of Bergen and in the State of
_____ that he/she is the owner in fee of all that certain lot, piece or parcel of land situated
lying and being in the Borough of Demarest aforesaid and known and designated as
Block: 53, Lot: 4.01 and that he/she hereby authorizes
Matthew G. Capizzi, Esq. to make the within application in his/her behalf and that the statements
contained in said application are true.

Sworn to before me this 8th day of March, 2024
Gloria Duby DocuSigned by:
Notary Public Spencer Spielberg
Owner



(Affidavit Authorizing Representative)

This affidavit must be signed by Owner when Applicant is Agent **



THE BOROUGH OF DEMAREST
 118 SERPENTINE ROAD
 DEMAREST, N.J. 07627-2199
 Building Department
 construction@demarestnj.org

201-768-3398
 201-768-2581 FAX

Date: 9/13/2023 Block: 53
 Name: Spencer Spielberg Lot(s): 4.01
 Address: 38 Sunset Drive, Demarest, NJ Zone: R-D
 Phone: 917-363-5085

I regret that I cannot issue a Building Permit to you since your request is in violation of the local **Zoning Ordinance Limiting Schedule**.

This decision may be appealed before the Zoning Board of Adjustment, which meets on the third Tuesday of each month at 7:30 p.m. at the Borough Hall.

Variance applications are available on the borough website at Demarestnj.org.

	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
Minimum Lot Frontage	100.0 ft	100.0 ft	100.0 ft	
Minimum Lot Depth	100.0 ft	154.6 ft	154.6	
Minimum Lot Area	10,000 sf	14,301 sf	14,301 sf	
Front Yard Set Back	25 ft	26.5 ft	26.5 ft	
Minimum Side Yard Width Abutting/Street	25 ft	NA	NA	
Minimum Side Yard Width Abutting/Lot	10 ft	10.5 ft	10.5 ft	
Rear Yard Depth	30 ft	61.4 ft	61.4 ft	
Rear Yard Width	100.0 ft	85.0 ft	85.0 ft	
Maximum Building Coverage	20 %	20%	22.7%	YES
Height of Building	24/30 ft	NA	NA	
Max. Livable Fl. Area (FAR)	NA	NA		
Max lot % for principal residence, vehicle access and parking	25%	NA		
Maximum improved Lot Coverage%	30%	30.0%	42.9%	YES