

December 1, 2025

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

32 Brookside Avenue  
Block 14, Lot 759.02  
Borough of Demarest, Bergen County, NJ  
Joint Land Use Board Application - Engineering Review #2  
Colliers Engineering & Design Project No. DEZ0046

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 previously constructed a new 2 story dwelling, driveway, rear patio, walkways, and other related improvements.

- a) Property Survey consisting of one (1) sheet, prepared and signed by Christopher J. Lantelme, PE, LS, dated December 23, 2025;
- b) Zoning officer denial letter, prepared and signed by Michael Greco, dated March 25, 2025;
- c) Variance Application for the subject property and attachments; signed and dated April 14, 2025;
- d) **Architectural plans consisting of seven (7) sheets, prepared and signed by Simon Kim, RA, dated June 25, 2006;**
- e) **Site plans consisting of two (2) sheets, prepared and signed by Michael Hubschman, PE and Robert Mueller, PLS, dated June 21, 2006, Site plan last revised November 22, 2006; SESC sheet last revised March 15, 2007;**
- f) **Original Building permit application (permit no 07-061); certificate of occupancy dated July 8, 2008; other historical documents/records;**
- g) **Zoning Board of Adjustment File no 667-06 approving a 25' front yard setback, 20' rear yard, 33.49% impervious coverage, and 75' lot depth, adopted October 17, 2006;**
- h) **Permit approval for 16" wall around garden, dated November 13, 2013;**
- i) **Final As-built survey dated November 20, 2007.**

The Property Owner/Applicant is:

Patrick Min  
32 Brookside Avenue  
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

According to the property survey, the site is currently occupied by a 2-story single-family dwelling with associated paver driveway, walkways, patio, retaining wall, shed, and other related improvements. We understand that the improvements have already been constructed and are not in compliance with zoning regulations. The Applicant is retroactively seeking site plan and variance approval.

The property is an irregular shaped parcel consisting of 10,006 SF. The property is a corner lot, with frontage on Serpentine Road to the north and Brookside Avenue to the west. The dwelling front faces Brookside Avenue and driveway access is provided on Brookside Avenue. The property is located in the residential D Zone according to the Borough Zoning Map.

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: D

Use: Single Family Residential

Description	Required	Existing	Complies
Lot area	10,000 sf.	10,006 sf.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Lot Frontage (Brookside)	100 ft.	130.50 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Lot Frontage (Serpentine)**	100 ft.	75 ft.	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Lot depth (E/W Direction)**	100 ft.	75 ft.	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Lot depth (N/S Direction)	100 ft.	130.5 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Front yard setback (Serpentine Road)*	25 ft.	<b>24.8 ft.</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Front yard setback (Brookside Ave)*	25 ft.	<b>24.9 ft.</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Side yard setback (South)	10 ft.	31.0 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Accessory Setback (Patio)*	10 ft.	<b>5 ft. +/-</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Rear yard setback*	30 ft.	<b>19.9 ft.</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Building Height	30 ft.	Unknown	<input type="checkbox"/> Yes   <input type="checkbox"/> No

Max Building Coverage*	20 %	<b>20.4%</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Bldg./ Drive Coverage	25 %	<b>36.74%</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Improved Coverage*	30 %	<b>44.6%</b>	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Livable Floor Area	30%	Unknown	<input type="checkbox"/> Yes   <input type="checkbox"/> No

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

B. The following pre-existing nonconformities appear to be present on the property:

1. Lot Frontage (Serpentine Road) – Lot frontage of 75 feet is existing where a minimum of 100 feet is required.
2. Lot Depth (East/West Direction) – Lot depth of 75 feet is existing where a minimum of 100 feet is required.

C. The Following Variances Appear to be Required:

1. Front Yard Setback (Serpentine Road) – A front yard setback of 24.8 feet is existing where a minimum of 25 feet is required.
2. Front Yard Setback (Brookside Ave) – A front yard setback of 24.9 feet is existing where a minimum of 25 feet is required.
3. Accessory Structure Setback – The survey does not provide a dimension to the rear yard patio from the rear property line. Measurement of the survey suggests that the patio is approximately 5 feet from the property line where a minimum of 10 feet is required.
4. Rear Yard Setback – A rear yard setback of 19.9 feet is provided where a minimum of 30 feet is required.
5. Building Coverage – Building coverage of 2,037 SF (20.4%) is existing where a maximum of 20% is permitted.
6. Residential and Parking Coverage – Residential and Parking Coverage of 3,677 SF (36.7%) is existing where a maximum of 25% is permitted.
7. Improved Lot Coverage – Existing Improved lot coverage is 4,465 SF (44.6%) where a maximum is 3,002 SF (30%) is permitted.
8. Livable Floor Area – The ordinance requires a maximum of 3,002 SF (30%) livable floor area. We note that floor area calculations have not been provided. We note that the majority of the building footprint contains a second floor, and the first floor has a 1,983 SF footprint. The Applicant should be prepared to provide testimony on the total livable floor area in the dwelling.

### III. Historical Overview & Chronology

- A. **The Applicant appeared before the Zoning Board and was approved for a 25 foot front yard setback, 20 foot rear yard setback, 33.49% impervious coverage, and 75 foot lot depth. The resolution was adopted October 17, 2006.**
- B. **An engineering plan and architectural plan were provided from 2006 showing the original construction of the dwelling, a front paver walkway, the driveway, a small patio, and drainage improvements on the property.**
  - **The engineering plan by Hubschman Engineering shows 2,289 SF (22.88%) impervious coverage. It appears that the coverage total does not include the driveway which is approximately 1,350 SF. This increases the total coverage on the property to 3,639 SF (36.4%). We note that this coverage total is in excess of what was approved by the Board.**
  - **The plan shows a front yard setback of 25 feet and a rear yard setback of 20 feet.**
- C. **A final as-built survey was submitted at the conclusion of construction dated November 20, 2007. The as-built did not include a total or breakdown of coverages but appears to be consistent with the coverage presented on the site plans by Hubschman Engineering.**
- D. **On November 11, 2013, a permit was issued for the construction of a "16" wall around garden as per survey" the survey that was referenced was not provided. It is unclear what the actual height of the installed wall is.**
- E. **At the 9/3/25 hearing, the Board requested the following items to assist in the evaluation of this application**
  - **Photos of the areas in question**
  - **A comparison of the 2006 plan vs what exists now**
  - **Records of any agreements between the current owner and prior owner for the removal of part of a patio.**

**The Applicant has not submitted either photos or a comparison of the 2006 plan vs current for review.**

### IV. Engineering Review

- A. **The survey should be updated to provide a zoning table showing all existing setbacks and coverages. This item has not been addressed. It is unclear if the lot coverage calculations reflect existing conditions or if they include the portions to be removed. The Applicant should provide testimony.**
- B. **The Applicant has submitted a survey of the previously constructed improvements. Based on the survey, it is unclear if there are any existing drainage improvements or stormwater measures on the site. The Applicant should provide testimony if there are drainage improvements on site. In addition, drainage calculations should be provided verifying the sufficiency of any stormwater measures constructed. Historical plans show two precast concrete drywells on the property which appear to collect runoff from the roof area of the dwelling.**

### C. Retaining Walls

1. There is a retaining wall constructed within Borough ROW along the Serpentine Road and Brookside Avenue frontages. The wall is approximately 175 feet long and appears to be decorative. The Applicant should provide testimony as to the need for this wall. We recommend the wall is removed unless sufficient evidence is provided to justify it remaining.
  2. There is a retaining wall constructed along the southern property boundary adjacent to the driveway. Top and bottom of wall elevations have not been provided. Google imagery suggests that the wall is approximately 1-2 ft high. The Applicant should confirm in testimony. A portion of this wall encroaches into Borough ROW and should be removed.
  3. There appears to be a wall located along the eastern property boundary which is not labeled on the survey. Top and bottom of wall elevations have not been provided. The Applicant should provide testimony to clarify.
- D. We note that no proposed topography is shown on the survey. As such, CED has limited information available to evaluate any concerns related to grading or drainage as it relates to this application.
- E. The Applicant should provide testimony if there are any drainage improvements on site. Testimony should be provided as to where roof leader drains are directed. **According to the 2006 plans by Hubschman Engineering, there are two drywells on the property.**
- F. The Applicant should be prepared to provide documentation of any building permits filed or prior variance approvals. It is unclear if the dwelling and associated improvements were constructed lawfully or with the proper approvals.
- ### G. Historical Imagery
1. We note that historical imagery suggests that the dwelling, rear, patio, driveway, and walkways existed as they are shown dating back to 2014 (no imagery is available prior to this date). See imagery below.
  2. It appears an expanded rear patio area was constructed sometime in 2017 which occupied almost the entire rear yard area. This patio was removed in late summer/early fall of 2024. See imagery below.



Historical Imagery – Conditions from 2014 - 2017



Historical Imagery – Conditions from 2017 - 2024



Historical Imagery – Conditions from 2024 – Current

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

Sincerely,

Colliers Engineering & Design

A handwritten signature in blue ink, appearing to read 'N. Chelius'.

Nick Chelius, P.E., C.M.E.  
Joint Land Use Board Engineer

cc: Board Members (via Zoning Board Secretary)  
Patrick Min, Applicant ([patricksmmin@gmail.com](mailto:patricksmmin@gmail.com))  
Christopher Lantelme, Applicant's Engineer (C1 | 1@verizon.net)