

January 20, 2026

## **PLANNING REPORT**

Joint Planning Board  
Borough of Demarest  
118 Serpentine Road  
Demarest, NJ 07627

### **RE: KNS Property Holdings, LLC**

110 County Road  
Block 91, Lot 307  
Review Letter #1  
Project No. DEP-0250

Dear Board Members,

KNS Property Holdings, LLC, the Applicant, seeks variance relief to construct a two-story addition to the north side of the existing single-family dwelling on the subject property. Other proposed site improvements include a new driveway, a new walkway, AC unit and generator pads, and stormwater management facilities. The Applicant proposes to demolish the existing foundation on the north side of the home, attached steps and platforms, detached garage, two sheds, driveway, and fence. The Application requires a D(4) floor area ratio (FAR) variance and "C" variances, which are detailed in Section B.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Plans entitled "110 County Rd, Demarest, NJ 07627", prepared by Do Robert Y. Lee, PE, RA, LEED, Assoc. AIA of Lumen Architectural Engineering, PC, dated August 12, 2025 and revised through November 17, 2025, consisting of 6 sheets.
2. Survey entitled "Boundary & Topographical Survey", prepared by Steven L. Koestner, PLS of Koestner Associates, dated May 28, 2025, consisting of 1 sheet.
3. Variance Application, dated October 28, 2025.
4. Copy of Deed, recorded on May 22, 2025.
5. Drainage Calculation Report, prepared by Robert Y. Lee, PE, RA, LEED, Assoc. AIA of Lumen Architectural Engineering, PC, dated August 13, 2025, consisting of 2 pages.
6. Letter entitled "JPB-25-011", prepared by Michael Greco, CMR, Borough Land Use Secretary, dated December 15, 2025, consisting of 1 page.

### A. Existing Zoning and Surrounding Land Use

The subject property is located at the corner of County Road and Lake Road in the Residence C (R-C) District. The property is surrounded by residential uses. See the image below for the approximate location of the subject property shown in red.<sup>1</sup>



Yard and bulk requirements in the R-C District are:

- Minimum Lot Area – 15,000 square feet
- Minimum Lot Frontage – 100 feet
- Minimum Lot Depth – 100 feet
- Minimum Front Yard Setback – 35 feet<sup>2</sup>
- Minimum Side Yard Setback Abutting a Street – 35 feet
- Minimum Side Yard Setback Abutting a Lot – 15 feet
- Minimum Rear Yard Setback Depth – 30 feet<sup>3</sup>
- Maximum Number of Families per Building – 1
- Maximum Building Coverage – 20%
- Maximum Height of Building – 24 feet/30 feet<sup>4</sup>
- Maximum Livable Floor Area (1 or 2-stories) – 30%<sup>5</sup>
- Maximum Improved Lot Coverage – 30%<sup>6</sup>
- Maximum Residential Parking Coverage – 25%

## B. Variances

The Application requires the following "D" variance:

1. Section 175-16 – D(4) variance for floor area ratio ("FAR"). The Ordinance limits the livable floor area for one- or two-story dwellings in the R-C District to 30% of the lot area. (It should be noted that a footnote for livable floor area describes the method to calculate said area, which is the same as a FAR calculation.)

The Applicant proposes a livable floor area (FAR) of 2,484 square feet or 33.12% of the lot area.

The Application requires the following "C" variances:

1. Section 175-16 – Variance for side yard setback abutting a street. The Ordinance requires a 25-foot side yard setback abutting a street.

The Applicant proposes a two-story addition with a 27.57-foot side yard setback to Lake Road. It should be noted that the existing side yard setback abutting Lake Road is 26.14 feet.

2. Section 175-16 – Variance for side yard setback abutting a lot. The Ordinance requires a 15-foot side yard setback abutting a street.

The Applicant proposes a two-story addition with a 13.13-foot side yard setback to Lot 306. The addition exacerbates the existing non-conforming side yard setback.

3. Section 175-16 – Variance for residential parking coverage. The Ordinance limits the residential parking coverage to 25% of the lot area, which includes the area of the residential use and vehicle access and parking areas.

The Applicant proposes a residential and parking coverage of 2,067 square feet, or 27.56% of the lot area, which includes the dwelling (1,500 square feet) and driveway (567 square feet).

4. Section 175-19A.(1)(d) – Variance for impervious surface side yard encroachment. The Ordinance does not permit impervious surfaces to encroachments within ten feet of any side lot line.

The Applicant proposes two AC units and a generator, which are situated on impervious pads, on the eastern side the dwelling, which a side yard setback of approximately eight feet, 11 inches (generator) and nine feet, two inches (AC units). **The Applicant has not requested this variance.**

Additionally, the following pre-existing non-conforming conditions exist:

1. Section 175-16 – The Ordinance requires a minimum lot area of 15,000 square feet. The subject property is only 7,500 square feet.

2. Section 175-16 – The Ordinance requires a minimum lot frontage of 100 feet. The subject property only has 75 feet of frontage along County Road.
3. Section 175-16 – The Ordinance requires a minimum front yard setback of 35 feet. The existing front yard setback to County Road is 23.87 feet.
4. Section 175-16 – The Ordinance limits improved lot coverage to 30% of the lot area. The existing improved lot coverage is 32.3%. It should be noted that the Applicant proposes to remove a majority of the existing improvements and proposes an improved lot coverage of 29.62%, which complies with the Ordinance and eliminates this pre-existing non-conforming condition.
5. Section 175-19A.(1)(d) – The Ordinance does not permit impervious surfaces within the front yard setback requirement or within ten feet of any side or rear lot line except for driveways and access walks to the principal building. The existing square shed is within three feet of the rear lot line. It should be noted that the Applicant proposes to remove the existing shed, which would eliminate this pre-existing non-conforming condition.
6. Section 175-19A.(3)(b) – The Ordinance does not permit accessory uses, buildings, or structures to encroach into the side yard. The existing square shed and detached garage encroach into the side yard abutting Lake Road. It should be noted that the Applicant proposes to remove the square shed and detached garage, which would eliminate this pre-existing non-conforming condition.
7. Section 175-19A.(4)(c) – The Ordinance permits accessory uses, buildings, and structures to encroach into the rear yard, except that no encroachment may be closer than ten feet to the rear lot line. The existing square shed is 2.8 feet from the rear lot line. It should be noted that the Applicant proposes to remove the shed, which would eliminate this pre-existing non-conforming condition.

### C. Variance Proofs

#### *D(4) Variance*

The Board should note that the court found, in Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285 (1994), that the Applicant need not show “special reasons” that a site is particularly suited for more intensive development if the use is permitted. The Applicant is only required to demonstrate that the site will accommodate the problems associated with a larger floor area than that permitted by Ordinance. These problems typically involve the relationship of the proposal to the neighboring properties, such as intrusion into the side yard or visual incompatibility with the existing and surrounding buildings. The Board needs to determine whether the intent of zone plan and zoning ordinance will be substantially impaired by the proposed increase floor area.

#### *“C” Variances*

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional

topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involves the C(2) or flexible "C" variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

#### D. Waivers/Exceptions

The Application does not require any waivers/exceptions based on the information provided.

#### E. Comments

Based on our review of the above-referenced materials, we offer the following comments.

##### General

1. The Applicant's professionals must provide testimony to support the grant of the D(4) FAR variance and "C" variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. After reviewing the Application, we have identified one variance that has not been requested or identified by the Applicant. The Site Plans shall be revised to list all required relief or amended to comply with the Ordinance.
3. The Ordinance defines "Lot, Corner" as:

*A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street, forming an interior angle of less than 135°. The minimum frontage is to be maintained on all streets. The approving authority is to designate the front of the building, and then the yard opposite the designated front of the building shall meet rear yard minimum requirements.*

The subject property is located at the corner of County Road and Lake Road. Based on the zoning information table on Sheet S-100.00 of the Site Plans, the Applicant has designated the front yard adjacent to County Road, the side yard abutting a street adjacent to Lake Road, the side yard to the southeast, and the rear yard to the northeast. We take no issue with these yard designations as the property's address is on County Road.

##### Site Plans

4. The zoning information table indicates the side yard setback abutting a street requirement is not applicable. However, the property line adjacent to Lake Road is a side yard abutting a street. The zoning information table shall be revised accordingly.
5. The zoning information table and Building Coverage Calc. on Sheet S-100.00 of the Site Plans indicate the proposed building coverage is 1,500 square feet or 20% of the lot area, which is

the maximum permitted in the District. The Applicant shall note that any additional building coverage, such as a shed, would require variance relief.

6. The zoning information table and "Improved Lot Coverage Calc." indicates the proposed improved lot coverage is 2,222 square feet or 29.62%, which includes the dwelling (1,500 square feet, driveway (567 square feet), front walkway and steps (120 square feet) and AC unit and generator pads (35 square feet). The Applicant shall note that the proposed improved lot coverage is 0.38% (approximately 28.5 square feet) less than the maximum permitted in the R-C District. Any impervious coverage totaling more than 28.5 square feet would require variance relief.
7. The Ordinance defines "Building, Height of" as "The vertical distance measured from the average natural grade all around the building to the highest point of the roof." Additionally, "Average Natural Grade" is defined as "An average of a natural grade adjacent to the perimeter of a building measured at points 10 feet apart starting at the lowest elevation." The zoning information table indicates the proposed building height is 28.29 feet, which complies with the Ordinance. The "Average Natural Grade Calc." on Sheet S-100.00 indicates the average natural grade is 50.46 feet based on six elevations. However, the six elevations are spaced more than ten feet apart. The Applicant shall revise the average natural grade calculation to provide elevations around the dwelling ten feet apart, beginning at the lowest elevation. This can be a **condition** of any potential Board approval.
8. Additionally, the "Building Height Calc." utilizes the mid-point of the roof at 78.75 feet, not the "highest point of the roof" as required by the definition. The Northwest Elevation on Sheet A-200.00 illustrates two sloping roofs. The lower roof has a peak at 77.47 feet and the higher roof has a peak at 82.29 feet. Utilizing the provided average natural grade, the proposed building height is 31.83 feet, which would require variance relief. However, until the average natural grade is clarified, it is unclear if a variance for building height is required. The Applicant shall provide additional information to clarify.
9. The Ordinance defines "Livable Floor Area" as

*The aggregate area of all floors included within the outer walls of a 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 feet six inches, and then only if at least 75% of such floor area has a ceiling height of not less than seven feet six inches and if any such floor that is situated above another story has access to the floor below by a permanent built-in stairway and has a permanent, complete floor and a means of heating to 70° F. at all times.*

According to the "Livable Floor Area Calc." on Sheet S-100.00, the dwelling has a livable floor area of 2,484 square feet, which equates to an FAR of 33.12% and requires D(4) variance relief. However, it is unclear how this area was calculated. The Applicant shall provide additional information regarding the calculation of livable floor area. The Applicant shall note that the Board made an interpretation of livable floor area in May of 2025 that the

definition does not include basements that are at least 70% below grade whether heated or unheated and that it does not include garage space whether heated or unheated.

10. The Applicant shall note that the Board made an interpretation in May of 2025 that AC units and generators are ancillary support equipment that are permitted in the side yard, provided all impervious coverage setback requirements are complied with. Section 175-19A.(1)(d) does not permit any impervious surface to be closer than ten feet to a side lot line. The proposed AC units and generators are closer than ten feet to the eastern side lot line. Therefore, variance relief is required.
11. The Proposed 57'-0" Level Plan on Sheet A-100.00 of the Site Plans illustrates a sink and counterspace within the basement area. Testimony shall be provided regarding the use of the basement and the sink and counter space.

Should you have any questions concerning the above comments, please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Sincerely,

Colliers Engineering & Design



Darlene A. Green, PP, AICP  
Borough Planner

cc: Michael Greco, Board Secretary ([mgreco@demarestnj.gov](mailto:mgreco@demarestnj.gov))  
Nick Chelius, Board Engineer (via email [nick.chelius@collierseng.com](mailto:nick.chelius@collierseng.com))  
Carmine R. Alampi, Applicant's Attorney (via email [calampi@alampi-law.com](mailto:calampi@alampi-law.com))  
Do Robert Y. Lee, Applicant's Engineer & Architect (via email [robert@lumen.us](mailto:robert@lumen.us))

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<sup>1</sup> Image courtesy of <https://www.nearmap.com/us/en>, dated October 1, 2025.

<sup>2</sup> On all streets other than Knickerbocker Road, Hardenburgh Avenue, County Road, Anderson Avenue, Piermont Road, and Lenox Avenue, an alternate setback will be required, conforming to the established average setback on the street on which the lot fronts, within the same district and within 300 feet on each side of the lot along the same side of the street, but not beyond any intersecting streets, established by three or more houses.

<sup>3</sup> For other than rectangular lots, a rear yard width is required that is equal to the frontage requirement in the district, such width to be measured between points on each side line which are distant from the frontage line the number of feet specified as the minimum lot depth requirement in the district, such side line points to be measured at right angles to the frontage line. This requirement applies to all residence districts.

<sup>4</sup> Measured from the average natural grade around the perimeter of the proposed structure. No more than 50% of the roof area shall exceed the specified average height. Flat roofs above 30 feet in height are expressly prohibited in all zones.

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<sup>5</sup> Maximum livable floor area (as defined in §175-27) is calculated as a square foot percentage of the total square footage of the lot to be developed.

<sup>6</sup> The part of the site that is covered by buildings or accessory buildings; impervious or pervious tennis courts, basketball courts, decks, swimming pool decks, patios, firepits, hot tubs, or other recreational structures or improvements; impervious or pervious parking areas, driveways, walls, walkways, pavers, or similar improvements; and any other structures or impervious surfaces. Total improved lot coverage shall not exceed 30% of the lot area. The percentage of the lot to be used for the principal residential use and all vehicle access and parking areas shall not be greater than 25%.