

December 15, 2025

PLANNING REPORT

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

RE: Hyun Jin Park & Hyun Joo Lee

35 Knickerbocker Road
Block 2, Lot 37
Review Letter #1
Project No. DEP-0242

Dear Board Members,

Hyun Jin Park and Hyun Joo Lee, the Applicants, seek variance relief to construct a one-story addition at the front of their home and construct a new second floor. The Applicant also proposes a new driveway, front walkway, and rear deck/patio and to remove the one-car garage below the first floor and create a two-car garage at grade. The existing driveway, front walkway, sidewalk, and rear patio are proposed to be removed to construct the proposed improvements. The Application requires a D(4) floor area ratio variance and "C" variances, which are detailed in Section B.

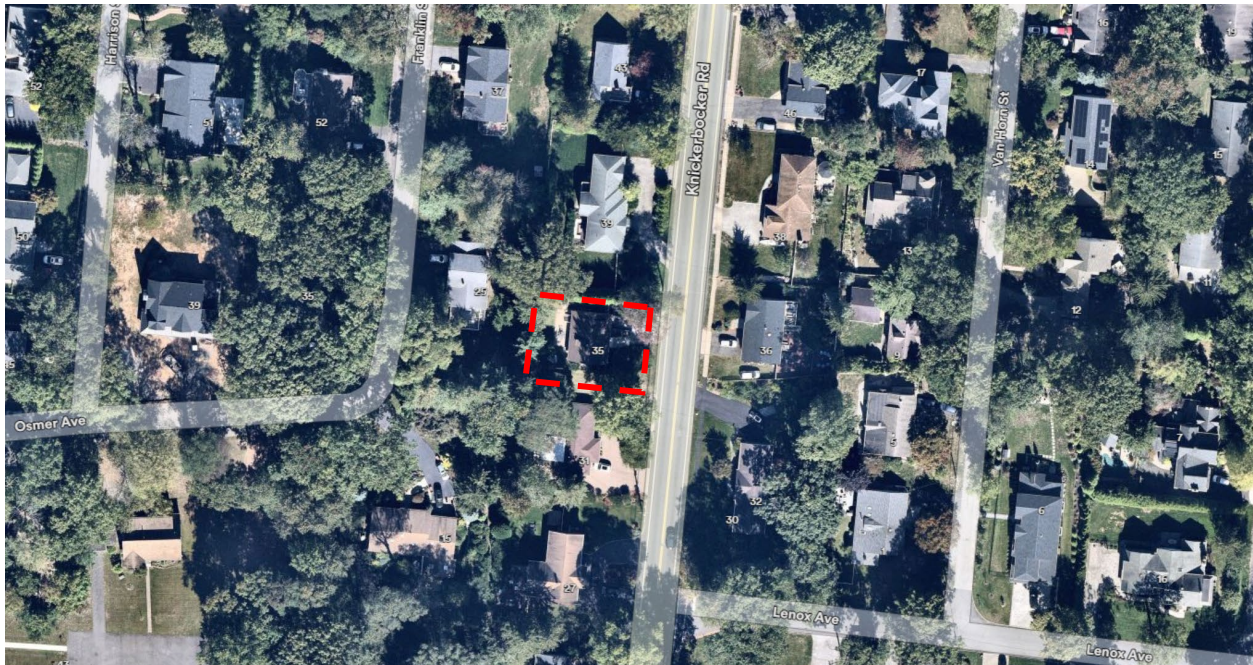
The following documents, which were submitted in support of the Application, have been reviewed:

1. Plan entitled "Soil Erosion & Sediment Control & Site Plan", prepared by Thomas W. Skrable, PE, PP, CME, dated August 28, 2025, consisting of 1 sheet. ("SESC Plan")
2. Plans entitled, "Addition & Renovation (Single Family)", prepared by Martin Santini, FAIA, RA, PP of SH Planning, dated August 25, 2025, consisting of 3 sheets.
3. Survey entitled "Survey of Property", prepared by Marc J. Cifone, PLA of Lakeland Surveying, dated July 28, 2016, revised through July 21, 2025, consisting of 1 sheet.
4. Variance Application, date received September 3, 2025.
5. Copy of Deed, recorded on August 18, 2016.
6. Copy of Zoning Permit Denial, dated June 4, 2025, consisting of 1 page.
7. Letter entitled "Proposed Dwelling Additions, #35 Knickerbocker Road, Borough of Demarest", prepared by Thomas W. Skrable, PE, PP, CME, dated August 28, 2025, consisting of 1 page.

8. Letter entitled "JPB-25-009", prepared by Michael Greco, CMR, Borough Land Use Secretary, dated September 24, 2025, consisting of 1 page.

A. Existing Zoning and Surrounding Land Use

The subject property is located on the west side of Knickerbocker Road in the Residence D (R-D) District. The property is surrounded by residential uses. See the image below for the approximate location of the subject property shown in red.¹



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

- Minimum Lot Area – 10,000 square feet
- Minimum Lot Frontage – 100 feet
- Minimum Lot Depth – 100 feet
- Minimum Front Yard Setback – 25 feet²
- Minimum Side Yard Setback Abutting a Street – 25 feet
- Minimum Side Yard Setback Abutting a Lot – 10 feet
- Minimum Rear Yard Setback Depth – 30 feet³
- Maximum Number of Families per Building – 1
- Maximum Building Coverage – 20%
- Maximum Height of Building – 24 feet/30 feet⁴
- Maximum Livable Floor Area (1 or 2-stories) – 30%⁵
- Maximum Improved Lot Coverage – 30%⁶
- 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-D 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 2,219 square feet or 36.98%. It should be noted that the existing FAR is 1,840 square feet or 30.67% of the lot area.

The Application requires the following "C" variances:

1. Section 175-16 – Variance for side yard setback. The Ordinance requires a ten-foot side yard setback. According to the Survey, the existing dwelling has a 9.9-foot side yard setback to the northern property line.

The Applicant proposes an addition to the front of the dwelling and a new second floor above, which exacerbates the building area within the required setback. **The Applicant has not requested this variance.**

2. Section 175-16 – Variance for maximum building coverage. The Ordinance limits building coverage to 20% of the lot area.

The Applicant proposes a building coverage of 1,520 square feet or 25.33% of the lot area.

3. Section 175-16 – Variance for maximum improved lot coverage. The Ordinance limits improved lot coverage to 30% of the lot area.

The Applicant proposes an improved lot coverage of 2,510 square feet or 41.83% of the lot area, which includes the proposed building coverage (1,520 square feet), proposed driveway, walkway, and steps (775 square feet), proposed deck (40 square feet), proposed patio (169 square feet), and proposed AC unit beyond the overhang (six square feet). It should be noted that the existing improved lot coverage is 2,784 square feet or 46.4% of the lot area.

4. Section 175-16 – Variance for maximum residential parking coverage. The Ordinance limits 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 2,250 square feet or 37.5% of the lot area.

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

1. Section 175-16 – The Ordinance requires a minimum lot area of 10,000 square feet in the R-D District. The existing lot is only 6,000 square feet.

2. Section 175-16 – The Ordinance requires a minimum lot frontage of 100 feet in the R-D District. The existing lot only has 60 feet for frontage along Knickerbocker Road.
3. Section 175-24K. – The Ordinance requires all fences to be located within property lines. According to the Survey, the existing fence encroaches onto adjacent Lot 40 to the south and adjacent Lot 5 of Block 1809 in the Borough of Haworth to the west.

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. Based on our review of the submitted Plans and documents, we have identified one variance that has not been requested or identified by the Applicant. The SESC Plan shall be revised to

list all required relief or amended to comply with the Ordinance. This can be a **condition** of any potential Board approval.

Survey & SESC Plan

3. The Survey does not illustrate the existing rear yard setback to the dwelling. This information shall be added to the Survey. This can be a **condition** of any potential Board approval.
4. The Survey and SESC Plan do not illustrate the existing vinyl fence in the northern side yard, which is shown in the Existing Photo 1 on Sheet A1 of the Architectural Plans. This fence shall be shown on the Survey and SESC Plan. This can be a **condition** of any potential Board approval.
5. The SESC Plan does not illustrate the proposed side yard setbacks to the proposed additions at the front of the dwelling. This information shall be provided to confirm each of the proposed side yard setbacks. This can be a **condition** of any potential Board approval.
6. The SESC does not clearly illustrate or identify the existing improvements proposed to be removed. For example, the existing driveway and walkway are not noted to be removed. Additionally, it is unclear if the paver walkway on the north side of the dwelling will be removed. The Applicant shall provide a separate demolition plan to clearly illustrate the existing improvements to be removed. Additionally, the Applicant should revise the SESC Plan to remove the linework of the existing improvements to clearly show the proposed conditions. This can be a **condition** of any potential Board approval.
7. The Zoning Notes on the SESC Plan do not provide a column for the existing area, yard, and bulk conditions. This information shall be added to the Zoning Notes so the Board can compare the existing and proposed conditions. This can be a **condition** of any potential Board approval.
8. The Zoning Notes indicate the rear yard width is 60 feet, which is a pre-existing non-conforming condition. However, Footnote A of the Limiting Schedule states, "For other than rectangular lots..." The subject property is a rectangular lot. Therefore, the rear yard width requirement is not applicable. The Zoning Notes shall be revised accordingly. This can be a **condition** of any potential Board approval.
9. The Zoning Notes indicate the proposed building coverage is 25.33%, which is the area of the proposed dwelling (1,520 square feet) according to the Lot Coverage Calculations. However, it is unclear if this area includes the roof over the front porch and the two-foot-deep overhang at the rear of the dwelling. Testimony shall be provided to clarify.
10. 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 Height Calculations on the SESC Plan indicates the proposed height is 26.7 feet,

measured from the average grade (116.9 feet) to the average “mid-roof” (143.6 feet). However, it is unclear how the average natural grade was calculated. Additionally, the calculation does not use the highest point of the roof. The Applicant shall revise the Height Calculation to provide a detailed calculation of the average natural grade and the elevation of the highest point of the roof. Said grades shall also be shown on the SESC Plan. Furthermore, the average natural grade shall be noted on the Elevations on Sheet A3 of the Architectural Plan.

11. 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 Information of Bldg. Area table on Sheet A1 of the Architectural Plans and the Engineer’s August 28, 2025 Letter, the proposed livable area is 2,219 square feet. This includes the 1,130 square foot first floor and the 1,089 square foot second floor. The Area Information diagrams on Sheet A2 of the Architectural Plans indicates the first-floor area excludes the 390 square foot garage and the second-floor area excludes the 46 square foot open area above the foyer and the 284 square foot open area above the family room and stairs. Therefore, the livable floor area was calculated pursuant to the definition above.

12. The Zoning Notes indicate the proposed improved lot coverage is 41.83%. The Improved Lot Coverage Calculations on the SESC Plan calculates an area of 2,510 square feet, which includes the proposed dwelling (1,520 square feet), driveway, walkway, and steps (775 square feet), deck (40 square feet), patio (169 square feet), and A/C unit beyond the overhang (six square feet). However, it is unclear if this area includes any existing impervious surfaces to remain, such as the walkway on the north side of the dwelling. Testimony regarding Improved Lot Coverage Calculation shall be provided to clarify.

13. The Improved Lot Coverage Calculations indicate the proposed residential and parking area is 2,250 square feet or 37.5% of the lot area. However, it is unclear how this area was calculated. This calculation shall be provided on the Plan to clarify. This can be a **condition** of any potential Board approval.

14. The SESC Plan illustrates the proposed AC unit partially below the two-foot-deep overhang at the rear of the dwelling. According to the scale provided on the Elevations, the overhang is approximately two feet above grade. It is unclear how an AC unit can fit below this overhang. Testimony shall be provided to clarify. The Applicant shall note that if the AC unit will be relocated from below the overhang, the proposed improved lot coverage would increase.

15. The SESC Plan includes a tree protection detail and illustrates two trees in the southeast corner of the property will be protected. Testimony shall be provided if any tree removal will be required as a result of the proposed improvements.

Architectural Plan

16. The Proposed 1st Floor Plan on Sheet A2 of the Architectural Plans indicates the hatched area at the front of the dwelling represents the proposed two-story addition. However, the Proposed 2nd Floor Plan on the same sheet does not illustrate the second floor above the front porch. Instead, this area is labeled as "roof". The Front Elevation on Sheet A3 illustrates a roof above the front porch, not a portion of the proposed second floor. This discrepancy shall be eliminated. This can be a **condition** of any potential Board approval.

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)
Nick Chelius, Board Engineer (via email nick.chelius@collierseng.com)
Matthew G. Capizzi, Applicant's Attorney (via email matthew@capizzilaw.com)
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¹ Image courtesy of <https://www.nearmap.com/us/en>, dated October 1, 2025.

² 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.

³ 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.

⁴ 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.

⁵ 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.

⁶ 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%.