

**JOINT PLANNING BOARD OF THE
BOROUGH OF DEMAREST**

RESOLUTION JPB-007-26

VARIANCE APPROVAL

In the Matter of the Application of
Hyun Jim Park & Hyun Joo Lee
35 Knickerbocker Road
Block 2, Lot 37

WHEREAS, Hyun Jim Park & Hyun Joo Lee (collectively, the “Applicants”) are the applicants and owners of the property located at 35 Knickerbocker Road and designated as Lot 37 in Block 2 on the Tax Maps of the Borough of Demarest (the “Property”); and

WHEREAS, the Applicants request for a Zoning Permit to construct a new one-story addition at the front of their home and a new second floor addition at the Property was denied by the Zoning Officer of the Borough of Demarest on June 4, 2025 (the “Denial Letter”), stating:

Your ZONING PERMIT has been DENIED.

Proposed Building Coverage = 25.33%, where 20% is allowed.

Proposed Improved Lot Coverage = 41.83%, where 30% is allowed.

Proposed Livable Floor Area = 36.98%, where 30% is allowed.

Residential and Parking Coverage = 37.5%, where 25% is allowed.

Addition on north side of house is 9.9 feet from the side lot line, where 10 feet is required.

Total Lot Area = 6,000 sq ft.

Lot Frontage = 60 feet.

Both conditions are existing non-conforming conditions.

The following comments were made during the denial process:

175-5 - Maximum Building Coverage

R-D: 20%

175-5 - Maximum Livable Floor Area

R-D: 30%
175-5 - Maximum Improved Lot Coverage
R-D: 30%
175-5 - Maximum Residential and Parking Coverage
R-D: 25%; and

WHEREAS, thereafter, the Applicants filed an Application with the Joint Planning Board of the Borough of Demarest (the “Board”) for “D” and “C” Variance approval to renovate and construct an addition to the existing single-family dwelling on the Property, including a new second story addition, driveway, rear patio, curbing, drainage and other related improvements (the “Application”); and

WHEREAS, the following plans, reports and correspondence were submitted by the Applicant and considered by the Board:

- A. Variance Application, including the Application Contact Sheet (the “Application”);
- B. Deed for the Property dated July 29, 2016 and recorded with the Bergen County Clerk on August 18, 2016 in Deed Book 2347, Page 686.
- C. Affidavit Authorizing Representative executed September 2, 2025;
- D. Correspondence from Capizzi Law Offices regarding the Initial Application Submission dated September 3, 2025;
- E. Correspondence from Capizzi Law Offices regarding Submittal for the Public Hearing dated December 15, 2025, including correspondence to abutting property owners located at Block 2, Lots 41 and 30;
- F. Zoning Analysis prepared by Thomas W. Skrable, P.E. dated August 28, 2025;
- G. Denial Letter dated June 3, 2025;

- H. Architectural Plans prepared by SH Planning dated August 25, 2025 and consisting of three (3) sheets;
- I. Boundary Survey prepared by Lakeland Surveying dated July 28, 2016, last revised July 21, 2025, and consisting of one (1) sheet;
- J. Soil Erosion & Sediment Control & Site Plan prepared by Thomas W. Skrable, P.E., P.P., C.M.E. dated August 28, 2025 and consisting of one (1) sheet;
- K. Affidavit of Service for notices mailed on December 12, 2025 prepared by Capizzi Law Offices; and
- L. Affidavit of Publication on December 14, 2025 prepared by The Record and Herald News; and

WHEREAS, a public hearing was held by the Board on January 7, 2026 in accordance with the Open Public Meetings Act and the Municipal Land Use Law (the “MLUL”), at which time the Applicant, represented by Matthew Capizzi, Esq. of Capizzi Law Office: (a) presented proof of notice and publication as required by law; and (b) submitted the following evidence to the Board in support of Applicant’s Application including:

- A. Colorized Front Façade prepared by SH Planning, marked as Exhibit A-1;
- B. Colorized Google Earth Map Aerial, marked as Exhibit A-2;
- C. Testimony of the Applicant’s civil engineer, Thomas Skrable, whose testimony can be summarized as follows:
 - a. The Property is located on the western side of Knickerbocker Road and is currently developed with a 1.5 story, single-family dwelling, with a garage located beneath the house.

- b. The Property is a relatively flat, rectangular lot consisting of 6,000 square feet.
- c. The existing below-grade garage has resulted in ongoing drainage issues, including basement flooding and resulted in the Applicants' car being totaled.
- d. The proposed plan removes the existing one-car garage under the house and creates a two-car garage at grade, which also allows for an improved and more functional living space.
- e. The existing building footprint of approximately 1,110 square feet will be expanded to approximately 1,520 square feet, representing an increase of 410 square feet.
- f. The floor area ratio (FAR) will increase from 1,840 square feet (30.67%) to 2,219 square feet (36.98%), which is still a relatively small dwelling for the area.
- g. The Application requires variances for building coverage, improved lot coverage, residential parking, and side yard setback.
- h. The proposal reduces improved lot coverage on the Property from an existing 2,784 square feet to 2,510 square feet, representing a reduction of 274 square feet, which is achieved through the removal of an existing rear patio and the elimination of a walkway along the north side of the Property.
- i. The proposed side yard setback will be 9.9 feet, with the structure extending slightly forward.

- j. The driveway configuration will largely remain unchanged, with a minor bump out on the north side and the driveway elevation raised approximately 4.5 feet to accommodate the new garage location.
 - k. There will be no substantial change to the existing grade, with elevations remaining between 116.8 and 117.1, except at the garage entrance.
 - l. There is no existing stormwater management on the Property.
 - m. The proposed improvements will collect all roof runoff from both the existing and proposed structures in a Cultec infiltration system, thereby improving drainage on the site.
 - n. The proposed addition will have a maximum elevation of 29.9 feet, which is below the 30-foot height limit.
 - o. There will be 1 new air conditioner unit in the rear of the Property, which does not fit under the overhang of the house; this will increase the proposed lot coverage by 12 square feet; and
- D. Testimony of the Applicants' architect and professional planner, Martin Santini, whose testimony can be summarized as follows:
- a. The Property is located in the RD Zone on an undersized lot.
 - b. The existing home is a small Cape Cod style dwelling consisting of 1,840 square feet of living area, which already slightly exceeds the permitted FAR due to lot size.
 - c. The proposed addition will increase the existing dwelling by 1 bedroom (from 3 bedrooms to 4 bedrooms).

- d. The proposed project adds only 379 square feet of livable area, resulting in a total of 2,219 square feet, which is a very modest addition for a single-family residence.
- e. There is no change to the existing building footprint.
- f. The need for FAR, side yard, building coverage, improved coverage, and parking coverage variances are only necessary due to the undersized lot, which is approximately 40% deficient in lot area.
- g. Despite the increased FAR, from 30.67% existing to 36.98% proposed, the home remains compatible with surrounding development and does not create a detriment to the Borough's Zone Plan or public good.
- h. The variance for improved lot coverage improves slightly, with a decrease of approximately 4.57%.
- i. The location of nearby homes, 32 feet to one side, 48 feet to the south, and 67 feet to the rear, ensures that the addition will not impair light, air, or open space for neighboring properties.
- j. The proposed improvements correct existing drainage issues on the Property due to the garage being located below grade.
- k. Exterior façade improvements include a stone base, Hardie plank or Ethos siding, an asphalt shingle roof, and a metal roof accent over the front entrance steps.
- l. All elevations will use consistent materials, improving cohesion and curb appeal; and

WHEREAS, at the public hearing, the Board also considered the following:

- A. Completeness Letter from the Borough Zoning Officer, Michael Greco (the “Zoning Officer”) dated September 24, 2025;
- B. Board Planner Report prepared by Colliers Engineering and Design dated December 15, 2025 (the “Board Planner Report”), along with testimony from Darlene A. Green, PP, AICP of Colliers Engineering & Design (the “Board Planner”);
- C. Board Engineer Report prepared by Colliers Engineering and Design dated December 18, 2025 (the “Board Engineer Report”), along with testimony from Nick Chelius, PE of Colliers Engineering & Design (the “Board Engineer”); and

WHEREAS, the Board and the Board Engineer had extensive questions for the Applicant and the Applicant’s professionals regarding the proposed addition; and

WHEREAS, no members of the public appeared at the public hearing to ask questions of the Applicant or offer comment on the Application; and

WHEREAS, the Board having heard and considered the testimony, arguments and documents referenced above.

NOW, THEREFORE, BE IT RESOLVED that the Joint Planning Board of the Borough of Demarest makes the following findings of fact and conclusions of law with respect to the within Application:

1. All of the “**WHEREAS**” clauses set forth above are incorporated by reference. All of the testimony, documents and exhibits produced by the Applicant, including those produced at the public hearing on January 7, 2026 are incorporated herein by reference.

2. The Property is located at 35 Knickerbocker Road and designated as Lot 37 in Block 2 on the Tax Maps of the Borough of Demarest and is an undersized, rectangular shaped parcel.

3. The Property is located on the western side of Knickerbocker Road in the Single Family Residence D Zone (the "R-D Zone") and consists of 6,000 square feet.

4. The Property is currently occupied by a 1.5 story single-family dwelling with one-car garage below the first floor, driveway, walkways, patio and other related improvements.

5. Single-family residential dwellings are permitted uses in the R-D Zone.

6. The Property has pre-existing non-conformities with respect to lot area (10,000 square feet is required; 6,000 square feet is existing and proposed), lot frontage (100 feet is required; 60 feet is existing and proposed), side yard setback (north) (10 feet is required; 9.9 feet is existing and proposed) and rear yard width (100 feet is required; 60 feet is existing and proposed).

7. By this Application, the Applicants are seeking to renovate and expand the existing 1.5 story dwelling by removing the one-car garage below the first floor and creating a two-car garage at grade and constructing a new 2-story addition along the front elevation. In addition, the Applicants are proposing a new front walkway, driveway, rear patio and drainage improvements.

8. The Applicants are seeking variance relief from the requirements of the R-D Zone pursuant to N.J.S.A. 40:55D-70(d)(4) with respect to livable floor area (FAR) as 30% is permitted and 30.67% is existing and 36.98% is proposed.

9. Additionally, the Applicants are seeking variance relief from the requirements of the R-D Zone pursuant to N.J.S.A. 40:55D-70(c)(1) with respect to minimum side yard setback

(north) (10 feet is required and 9.9 feet is existing frontage and proposed to the new second floor addition), maximum building coverage (20% is permitted, 25.33% proposed), maximum improved lot coverage (30% permitted, 46.40% existing and 42.03% proposed) and maximum residential parking coverage (25%, 29% existing and 37.50% proposed).

10. The Board finds that the FAR variance can be granted without detriment to the public good or any neighboring properties and will not negatively impact any of the neighbors. The harm sought to be avoided through the FAR ordinance is overly large structures which overwhelm their lot and/or adjoining properties. This harm is virtually non-existent in this instance. This is especially true given that the existing dwelling is only 1,840 square feet and consists of three bedrooms. The Applicants are proposing a modest addition of 379 square feet, which will result in a four-bedroom home consisting of approximately 2,219 square feet, which is relatively modest for the surrounding area. Further, despite the Property being undersized in lot area, lot frontage, side yard setback (north) and rear yard width, the renovated dwelling will comply with the building height and rear yard, side yard (south) and front yard setbacks.

11. The Board finds that, despite the FAR, the proposed dwelling is not an overbuilt design, is not a “McMansion” and fits well with the surrounding homes.

12. The Board finds that the proposed addition to the existing single-family dwelling, which is a permitted use in the R-D Zone and consistent with the surrounding neighborhood, is modest and provides an aesthetic improvement to the Property.

13. The Board finds that the Applicants suffer a hardship as a result of the Property being undersized and that the proposed development would not require variances for building coverage, improved lot coverage or residential and parking coverage if the lot size was conforming.

14. The Board finds that the proposed variance for side yard setback (north) for the second-floor addition over the existing first floor of the dwelling is de minimis and a better alternative than expanding building coverage elsewhere on the Property.

15. The Board further finds that there are no realistic alternatives to the proposed building, impervious coverage, residential and parking coverage or side yard setback (north) variances, as the proposed dwelling is moderately sized and there is no available land for the Applicants to purchase to increase the size of their undersized lot.

16. The Board finds that the Application provides significant benefits by reducing the amount of impervious coverage that currently exists on the Property and providing a stormwater management system to collect stormwater from the entire roof area, where none exist today.

17. The Board finds that the benefits of granting the Application outweigh any detriments.

18. The Board further finds that the granting of the variances will not substantially impair the intent and purpose of the Borough's Zoning Ordinance or Master Plan and is in the furtherance of the purposes set forth in N.J.S.A. 40:55D-2, e.g. adequate light, air and open space is provided, as the Property complies with the rear yard setback, side yard setback (south), front yard setback and height requirements.

19. The Board finds that, in light of the deficient lot size, the modest size of the existing dwelling and the proposed addition, the stormwater improvements to the Property, the attractive design of the improvements and the dwelling's maintenance of the height restriction and most setbacks, the requested variances are reasonable and appropriate.

20. The Board finds that the Application and the proposed improvements are consistent with other homes in the neighborhood and that the variances can be granted without any detriment to the public good or any neighboring properties.

21. The Board finds that the Applicants have proven its entitlement to variance approval under N.J.S.A. 40:55D-70(d)(4) and N.J.S.A. 40:55D-70(c)(1) and hereby grants the following variances:

Zoning Code Section	Required	Proposed & Granted
Section 175-16 (maximum livable floor area/floor area ratio)	30%	36.98% (2,219 square feet)
Section 175-16 (minimum side yard setback) (north)	10 feet	9.9 feet (to new second floor)
Section 175-16 (maximum building coverage)	20%	25.33% (1,520 square feet)
Section 175-16 (maximum improved lot coverage)	30%	42.03% (2,522 square feet)
Section 175-16 (maximum residential parking coverage)	25%	37.50% (2,250 square feet)

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of the Borough of Demarest, based upon the above findings of fact and conclusions of law, that the within application for Variance Approval is hereby granted, subject to the following conditions:

- a) Unless otherwise addressed herein or at the public hearing before the Board, the Applicants shall comply with the recommendations of the Board, including but not limited to the Board Planner Report and the Board Engineer Report, as well as any stipulations made during the hearing on the Application and all conditions enumerated herein.
- b) Notwithstanding the approval granted herein, the Applicants shall comply with all of the ordinances of the Borough of Demarest and all applicable county, state, and federal statutes, ordinances, rules and regulations.
- c) The Applicants shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development.

- d) The Applicants shall be required to obtain all necessary permits and approvals from the Construction Official and such other municipal departments as may be necessary.
- e) The Property shall be kept neat during all construction and all construction hours shall strictly adhere to the ordinances of the Borough of Demarest.
- f) The Applicants shall post all fees and deposits as required by applicable ordinances of the Borough of Demarest which shall include payment of all outstanding taxes and the payment of all fees to the Borough's professionals for the review of the within Application and the inspection of work to be performed incidental thereto. The Applicants shall pay any fees or additional escrow deposits which may be due and owing within ten (10) days of notification.
- g) All construction, use and development of the Property shall be in conformance with the plans approved by the Board. In the event the Applicants or their successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or replace the instant approval. The Applicants' failure to comply with this condition may be the cause for the issuance of a Stop Work Order, penalties and/or the revocation of either a Building Permit and/or Certificate of Occupancy issued in respect of the contemplated improvements, subject to reasonable notice and the opportunity to cure.
- h) The Applicants shall correct and make safe any dangerous or unsafe condition caused by the Applicant or those acting for it, affecting public safety or general welfare, if any such condition develops.
- i) The Applicants shall be and remain liable for any and all damages or money loss occasioned by the Borough of Demarest or its officers or agents by any neglect,

wrongdoing, omissions or commissions by the Applicants or their agents arising from the making of improvements and shall save, indemnify, hold harmless the Borough of Demarest or Board, its officers, agents, employees and all charges, judgments, costs or counsel fees arising from such damages or loss. The Applicants agree not to commit any public or private nuisance by reason of dirt, dust, debris, air-pollution, noise pollution, gas, smoke, or other occurrences resulting from the construction or installation authorized by the approval of this plan or any building permit issued in pursuit thereof.

- j) The Applicants shall provide an as-built survey to the Board Engineer prior to the issuance of a final certificate of occupancy.
- k) The Applicants' failure to comply with any condition set forth with this Resolution shall constitute a failure of the conditions of this approval and may be the cause for the issuance of a Stop Work Order, penalties and/or the revocation of either a Building Permit and/or Certificate of Occupancy issued in respect of the contemplated improvements, subject to reasonable notice and the opportunity to cure.

IT IS HEREBY CERTIFIED that this is a true and correct copy of a Resolution adopted by the Planning Board of the Borough of Demarest upon a roll call vote at a meeting held on February 4, 2026.

A copy of this Resolution shall be given to the Tax Assessor, Applicants, Borough Clerk, Building Department, Zoning Officer and Borough Engineer.

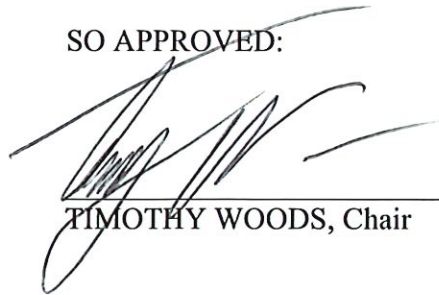
ATTEST:



MICHAEL GRECO, Secretary

J. Falkenstern
Borough Clerk

SO APPROVED:



TIMOTHY WOODS, Chair

BOROUGH OF DEMAREST JOINT PLANNING BOARD

VOTE TO APPROVE THE APPLICATION

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	NOT ELIGIBLE
Mr. Adelman		✓	✓				
Ms. Brenner			✓				
Vice Chair Chin	✓		✓				
Ms. DiSclafani			✓				
Councilwoman Fox							✓
Mr. Lerner			✓				
Ms. Mamdani			✓				
Mayor Bernstein							✓
Chair Woods			✓				
Mr. Jiang (Alt. 1)							✓
Ms. Hamilton (Alt. 2)							✓
Mr. Alevrontas (Alt. 3)							✓

Date of Approval: January 7, 2026

VOTE TO APPROVE THE RESOLUTION

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	NOT ELIGIBLE
Mr. Adelman	✓		✓				
Ms. Brenner			✓				
Vice Chair Chin			✓				
Ms. DiSclafani			✓				
Mr. Lerner		✓	✓				
Ms. Mamdani						✓	
Chair Woods			✓				

Date of Adoption: February 4, 2026