

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

RESOLUTION JPB-011-26

VARIANCE APPROVAL

In the Matter of the Application of
KNS Property Holdings LLC
110 County Road
Block 91, Lot 307

WHEREAS, KNS Property Holdings LLC, the applicant and owner (the “Applicant”), filed an Application with the Joint Planning Board of the Borough of Demarest (the “Board”) for D(4) variance and “C” variance approval to construct a two-story addition on the north side of the existing single-family dwelling on the property (the “Application”) located at 110 County Road and designated as Lot 307 in Block 91 on the Tax Maps of the Borough of Demarest (the “Property”); and

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

- A. Variance Application, including the Contact Sheet and Checklist (the “Application”);
- B. Correspondence from the Law Office of Carmine R. Alampi, LLC regarding the Application Submission dated October 29, 2025;
- C. Affidavit Authorizing Representative executed October 27, 2025;
- D. Property Deed dated May 20, 2025;
- E. Site Plan prepared by Lumen Architectural Engineering P.C. dated August 12, 2026 and consisting of six (6) sheets;

- F. Site Plan prepared by Lumen Architectural Engineering P.C. dated August 12, 2026, last revised November 17, 2025, and consisting of six (6) sheets;
- G. Survey prepared by Koestner Associates dated May 28, 2025 and consisting of one (1) sheet;
- H. Drainage Calculation Report prepared by Lumen Architectural Engineering P.C. dated August 13, 2025;
- I. Correspondence from the Law Office of Carmine R. Alampi, LLC regarding the Affidavit of Service dated January 23, 2026; and
- J. Affidavit of Service for notices mailed on January 22, 2026 and published in the Bergen Record on January 23, 2026 prepared by the Law Office of Carmine R. Alampi, LLC; and

WHEREAS, a public hearing was held by the Board on April 8, 2026 in accordance with the Open Public Meetings Act and the Municipal Land Use Law (the “MLUL”), at which time the Applicant, represented by Carmine Alampi, Esq. of the Law Office of Carmine R. Alampi, LLC: (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. Survey of 8 Lake Road (to the north of the Property) prepared by Koestner Associates dated September 5, 2003, marked as Exhibit A-1;
- B. Survey of 7 Lake Road (across the street and to the north of the Property) prepared by Koestner Associates dated June 24, 1983, marked as Exhibit A-2;
- C. Recorded Map Number 642 of the Area dated July 1, 1892, marked as Exhibit A-3;

- D. Photographs of the Property and surrounding area, marked as Exhibit A-4;
- E. Testimony of the Applicant's surveyor, Steven Koestner of Koestner Associates, whose testimony can be summarized as follows:
 - a. The Property is an undersized corner lot (measuring approximately 75 feet by 100 feet).
 - b. The Property has pre-existing non-conformities with respect to minimum lot width (100 feet required; 75 feet existing) and lot area (15,000 square feet required; 7,500 square feet existing) and there is no practical way to expand the lot to comply with these requirements without creating nonconformities on other lots.
 - c. The Property also has pre-existing non-conformities with respect to the front yard setbacks (35 feet required; 23.87 feet existing and proposed on County Road; 26.22 feet existing and proposed on Lake Road).
 - d. The existing home's placement and setbacks are generally consistent with the established pattern of development along Lake Road and County Road.
 - e. The Applicant is seeking relief for floor area ratio ("FAR") (30% permitted; 33.12% proposed) and maximum residential and parking coverage requirements (25% required; 27.56% proposed).
 - f. The magnitude of the requested FAR relief is modest (about 234 square feet over what would be permitted).
 - g. The lot is relatively flat (there is approximately two feet of grade change across the site) and stormwater will be collected and managed onsite with seepage pits to avoid uncontrolled runoff.

- h. The surrounding area was originally laid out as three (3) 25 feet by 100 feet lots; and
- F. Testimony of Applicant's engineer and architect, Robert Lee of Lumen Architectural Engineering P.C. whose testimony can be summarized as follows:
- a. The proposed dwelling will have a modern design and is intended to remain consistent with the neighborhood.
 - b. The front elevation will be oriented toward the County Road with driveway access from Lake Road.
 - c. Existing site features, including the detached garage, two sheds and the steps and platform between the garage and the house will be removed, which reduces impervious coverage from approximately 32.3% to approximately 29.62% (whereas 30% is permitted), eliminating this pre-existing non-conformity.
 - d. The proposed addition meets the 30-foot height limit at approximately 29.5 feet (based on corner averaging).
 - e. The proposed livable floor area is 2,484 square feet (approximately 33.12% FAR), requiring a modest FAR variance of about 234 square feet.
 - f. The FAR computation excludes the garage and excludes a basement/cellar that is at least 70% below average grade,
 - g. Exterior materials will consist of wood, stone, stucco, and modern windows.
 - h. Landscaping/shrubbery will be provided along the Lake Road and County Road perimeter to mitigate visual impacts; and

- A. Testimony of the Applicant's professional planner, David Spatz, whose testimony can be summarized as follows:
- a. The proposal advances the purposes of zoning by improving public health, safety and welfare through a more livable, code-compliant home, maintaining the established front yard/setback pattern along both County Road and Lake Road and providing drainage improvements that benefit onsite and offsite conditions.
 - b. The proposed development promotes appropriate population density and a desirable visual environment, as it provides an attractive design that upgrades development in the area.
 - c. Placement of the proposed addition in the rear yard limits impacts on adjacent properties.
 - d. The lot's longstanding hardship conditions (undersized lot area and width) support the bulk relief.
 - e. The Property can support the modest FAR increase (approximately 234 square feet over the permitted FAR), particularly where the plan improves coverage/building coverage and increases open space by removing an old shed.
 - f. The requested C variances are supported, since there would be no substantial detriment to the public good and that the positive attributes of the Application outweigh any potential negatives.

- g. The requested C variance related to impervious surface created by concrete pads for HVAC equipment in the side yard is mitigated by the Applicant screening the equipment with landscaping; and

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

- A. Letter from the Borough Zoning Officer, Michael Greco (the “Zoning Officer”) dated November 7, 2025 deeming the Application incomplete;
- B. Completeness Letter from the Zoning Officer dated December 15, 2025;
- C. Board Planner Report prepared by Colliers Engineering and Design dated January 20, 2026 (the “Board Planner Report”), along with testimony from Darlene A. Green, PP, AICP of Colliers Engineering & Design (the “Board Planner”);
- D. Board Engineer Report prepared by Colliers Engineering and Design dated January 20, 2026 (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, an adjoining property owner appeared at the public hearing to ask questions of the Applicant, expressed concerns and offered comments in support of 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 April 8, 2026, are incorporated herein by reference.

2. The Property is located at 110 County Road and designated as Lot 307 in Block 91 on the Tax Maps of the Borough of Demarest and is a rectangular-shaped, undersized parcel consisting of 7,500 square feet.

3. The Property is located on the corner of County Road and Lake Road and is located in the Single-Family Residence C Zone (the “R-C Zone”).

4. The Property is currently occupied by a single-family dwelling, detached garage, 2 sheds, driveway, walkways and other related improvements.

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

6. By this Application, the Applicant is seeking D(4) FAR variance and C variance relief to construct a new two-story addition to the north side of the existing single-family dwelling on the Property, including a new driveway, a new walkway, new AC and generator pads and stormwater management facilities.

7. The Applicant is proposing to demolish the existing foundation on the north side of the home, attached steps and platforms, detached garage, two sheds, driveway, and fence.

8. The Property has pre-existing non-conformities with respect to the front yard setbacks (35 feet required; 23.87 feet existing and proposed on County Road; 26.22 feet existing and proposed on Lake Road).

9. The Property had a pre-existing non-conformity with respect to impervious coverage which was eliminated by this Application and the removal of several existing site features, such as the detached garage and sheds.

10. The Applicant is seeking variance relief from the requirements of the R-C Zone pursuant to N.J.S.A. 40:55D-70(d)(4) with respect to maximum livable floor area (30% is permitted; 33.12% is proposed).

11. The Applicant is seeking variance relief from the requirements of the R-C Zone pursuant to N.J.S.A. 40:55D-70(c) with respect to: (i) minimum side yard setback abutting a lot (15 feet is required; 13.05 feet is existing and proposed to Block 91, Lot 306); and (ii) maximum residential and parking coverage requirements (25% required; 27.56% proposed).

12. During the course of the hearing, the Applicant modified the Application to relocate the 2 AC units and generator from the eastern side of the dwelling to the northern side of the dwelling (behind the house), eliminating the need for a variance for impervious surface side yard encroachment.

13. The Board finds that the proposed two-story addition to the existing single-family dwelling, which is a permitted use in the R-C Zone and consistent with the surrounding neighborhood, provides an aesthetic improvement to the Property, which was dilapidated.

14. The Board finds that the Applicant suffers a hardship as a result of the Property being severely undersized and that the proposed development would not require a variance for residential and parking coverage if the lot size was conforming.

15. The Board further finds that there are no realistic alternatives to the proposed residential and parking coverage variance, as the proposed dwelling is moderately sized and there is no available land for the Applicant to purchase to increase the size of their severely undersized lot.

16. The Board finds that the D(4) and “C” variances requested by the Applicant for FAR, minimum side yard setback abutting a lot and residential and parking coverage are de minimis and enhance the aesthetics of the existing dwelling.

17. Despite the FAR, the home is not an overbuilt design. The Applicant has proven their Property can reasonably accommodate any problem associated with the structure exceeding the permitted FAR by 234 square feet, as the proposed dwelling complies with building coverage, impervious coverage, building height and rear yard setback requirements.

18. The Board finds that, in light of the significantly deficient lot size, the modest size of the dwelling, the attractive design of the improvements and the dwelling’s maintenance of building coverage, impervious coverage, building height and rear yard setback requirements, the requested variances are reasonable and appropriate.

19. 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.

20. 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.

21. The Board finds that the Application and the proposed improvements, as modified at the public hearing to relocate the proposed AC units and generator to the rear of the Property (behind the house), 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.

22. The Board finds that the Applicant has proven its entitlement to variance approval under N.J.S.A. 40:55D-70(d)(4), N.J.S.A. 40:55D-70(c)(1) and N.J.S.A. 40:55D-70(c)(2) and hereby grants the following variances:

Zoning Code Section	Required/Permitted	Proposed & Granted
Section 175-16 (livable floor area/FAR)	30%	33.12%
Section 175-16 (minimum side yard setback abutting a lot)	15 feet	13.05 feet (abutting Block 91, Lot 306)
Section 175-16 (maximum residential and parking coverage)	25%	27.56%

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, as modified on the record at the public hearing, is hereby granted, subject to the following conditions:

a) The Applicant shall provide the Board Engineer with detailed roof height calculations prior to the issuance of any permits in order to substantiate, to the satisfaction of the Board Engineer, that the height of the roof is in compliance with the R-C Zone. If the final roof height calculations trigger a height variance, the Applicant shall return to the Board to request variance approval before the issuance of any permits.

b) The Applicant shall work with the Board Engineer to his satisfaction to provide enhanced landscaping/shrubbery along the Lake Road and County Road perimeter to the satisfaction of the Board Engineer in order to mitigate any visual impacts from the proposed development.

c) The Applicant shall relocate the 2 AC units and generator from the eastern side of the dwelling to the northern side of the dwelling (behind the house).

d) The existing white vinyl fence between the Property and 106 County Road (Block 91/Lot 306) shall remain.

e) The Applicant shall provide the Board Engineer with detailed FAR calculations in order to substantiate, to the satisfaction of the Board Engineer, that at least 70% of the basement is below average grade.

f) The Applicant shall provide an as-built survey to the Board Engineer prior to the issuance of a final certificate of occupancy.

g) Unless otherwise addressed herein or at the public hearing before the Board, the Applicant 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.

h) Notwithstanding the approval granted herein, the Applicant shall comply with all of the ordinances of the Borough of Demarest and all applicable county, state, and federal statutes, ordinances, rules and regulations.

i) The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development.

j) The Property shall be kept neat during all construction and all construction hours shall strictly adhere to the ordinances of the Borough of Demarest.

k) The Applicant 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 Applicant shall pay any fees or additional escrow deposits which may be due and owed within ten (10) days of notification.

l) All construction, use and development of the Property shall be in conformance with the plans approved by the Board. In the event the Applicant or its 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 Applicant's 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.

m) The Applicant 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.

n) The Applicant 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 Applicant or its 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 Applicant agrees 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.

o) The Applicant's 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 April 8, 2026.


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

ATTEST:



MICHAEL GRECO, Secretary

SO APPROVED:



TIMOTHY WOODS, Chair

BOROUGH OF DEMAREST JOINT PLANNING BOARD

VOTE TO APPROVE THE APPLICATION

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman		✓	✓				
Ms. Brenner						✓	
Vice Chair Chin			✓				
Ms. DiSclafani						✓	
Councilwoman Fox						✓	✓
Mr. Lerner			✓				
Dr. Mamdani			✓				
Mr. Jiang (<i>Alt #1</i>)	✓		✓				
Ms. Hamilton (<i>Alt #2</i>)						✓	
Mr. Alevrontas (<i>Alt #3</i>)			✓				
Mayor Bernstein							✓
Chair Woods			✓				

Date of Approval: April 8, 2026

VOTE TO APPROVE THE RESOLUTION

BOARD MEMBER	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT	N/E
Mr. Adelman						✓	
Vice Chair Chin			✓				
Mr. Lerner		✓	✓				
Dr. Mamdani						✓	
Mr. Jiang <i>(Alt #1)</i>	✓		✓				
Mr. Alevrontas <i>(Alt #3)</i>						✓	
Chair Woods			✓				

Date of Adoption: May 6, 2026