

Resolution of the Demarest Governing Body

Resolution No. 091-26

April 13, 2026

Council Member	Motion	Second	Yes	No	Abstain	Absent
Slowikowski		✓	✓			
Carmeli						✓
Collins	✓		✓			
Fox						✓
Marks			✓			
Reiss						✓

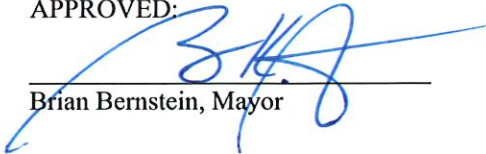
TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 17 VAN HORN STREET

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BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 17 Van Horn St., Block 3, Lot 68 prepared by Allison Lapatka P.E., is hereby approved subject to the following conditions:

1. No topsoil shall be removed from the site.
2. The applicant shall indicate the location to which excess soil will be exported.
3. The applicant shall indicate the route of travel within the Borough.
4. The applicant shall provide for the cleaning of the streets used in the route of travel within the Borough.
5. The applicant shall provide the name of the person responsible for the soil movement.
6. The applicant shall be responsible for any damage done to Borough streets during the soil removal process.
7. The applicant shall ensure that the site is maintained in a safe and secure manner.
8. The applicant shall deposit, with the Borough, professional escrow in the amount of \$2,596.00 for inspection services of the Borough Engineer and legal review.
9. The applicant shall provide a performance guarantee to the Borough in the amount of \$62,304.00.

APPROVED:



Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on April 13, 2026.



Julie Falkenstern, RMC
Borough Clerk

400 Valley Road Suite 304
Mt. Arlington, NJ 07856
Main: 877 627 3772



Engineering
& Design

March 27, 2026

Dot Halght
Building Department
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

17 Van Horn Street
Block 3, Lot 68
Borough of Demarest, Bergen County, NJ
Zoning Review - Proposed Single-Family Residence
Colliers Engineering & Design Project No. DEP0258

Dear Ms. Halght,

Pursuant to your request, our office has reviewed the following plans and other documents filed by the Applicant in support of a soil moving application in relation to the construction a proposed single-family residence on the property:

- a) Site plans consisting of two (2) sheets, prepared by Allison Lapatka, P.E, of Allison Engineering and Land Surveying LLC, dated October 20, 2025, **last revised February 17, 2026;**
- b) Architectural Plans consisting of fifteen (15) sheets, prepared by Joseph Cestaro, AIA, of J. Cestaro Architecture LLC, last revised February 5, 2026;
- c) Site Improvements Cost estimate consisting of one (1) sheet, prepared by Allison Lapatka, P.E, of Allison Engineering and Land Surveying LLC, dated January 9, 2025;
- d) Soil Moving Application for the subject property, signed and dated November 19, 2025;
- e) **Review Response Letter from Allison Lapatka, P.E., dated February 17, 2026;**
- f) **Revised soil movement application dated February 27, 2026.**

The Applicant/Owner in this matter is:

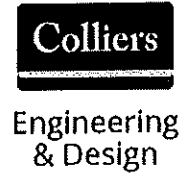
17 Van Horn LLC, c/o James Paladino
1000 Wyckoff Ave
Mahwah, NJ 07430

The Applicant/Owner shall notify the Borough of Demarest Building Department of any changes to the above information.

Zoning Review

I. **Project Description and Location**

According to the property survey, the site is currently occupied by a 3-story frame dwelling, gravel driveway, slate patlo, wooden porch, masonry garage and other related appurtenances, which are



proposed for demolition. The Applicant is proposing to construct a new 2 story structure, including an asphalt driveway, paver walks, rear proposed covered patio, and pool. The property is a rectangular-shaped parcel consisting of 16,000 sf. The property is located on Van Horn Street between Lenox Avenue and Hardenburgh Avenue.

The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.

II. Bulk Zoning Requirements:

Zone: D
 Use: Single Family Residential

Description	Required	Existing	Proposed	Complies
Lot area	10,000 sf.	16,000 sf.	16,000 sf.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot Frontage	100 ft.	160.0 ft.	160 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot depth	100 ft.	100 ft.	100 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Front yard setback	25.0 ft.	37.2 ft.	26 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side yard setback (north)	10.0 ft.	19.7 ft.	20.3 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side yard setback (south)	10.0 ft.	19.7 ft.	47 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rear yard setback	30 ft.	18.1 ft.	30.3 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rear yard width	100 ft.	160 ft.	160 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Building Height	24/30 ft.	24/30 ft.	29.4 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Max Building Coverage	20 %	11.8 %	19.9 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Residence/Parking	25 %	26 %	21.9 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Improved Lot Coverage	30 %	44.3%	30 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Floor Area	30%	30%	30%	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

III. Zoning Comments:

1. The Applicant should provide calculations confirming the average building height shown is at or below required 30 foot maximum. Calculations shall be as described in ordinance section 175-27. Calculation was provided as requested indicating a building height of 29.4 feet. Our office takes no exception. Comment addressed. We note that note 1 under the zoning table still indicates "Building height per Architect, No more than 50% of roof area to exceed 30' from average grade" which is incorrect. Building height shall be measured to the ridge. This note should be eliminated from the plan.



2. The site plan indicates a proposed building height measured from the average natural grade to the finished ridge high point of 37.16 feet. However, the plans list the approximate average grade as 114.8, which exceeds the finished ridge high point elevation of 108.04, which appears to be incorrect. The Applicant shall review and correct the height calculation and revise the plans accordingly. **Calculation was revised. Our office takes no exception. Comment addressed.**
3. As per ordinance section 175-10(A)(1) the maximum permitted building height is 30 feet, measured to the high point of the ridge (not to the midpoint of the roof). The plans indicate a total building height of 37.16 which exceeds the district maximum. The Applicant shall revise the building height or seek a variance for this condition. **Calculation was revised. Our office takes no exception. Comment addressed.**
4. An egress window is shown on the architectural drawings but is not depicted on the site plan. The Applicant shall revise the site plan to depict the egress window and confirm that it has been properly accounted for in the building coverage calculations. The site plan currently indicates a proposed building coverage of 20 percent. If the egress window projection has not been included in this calculation and results in coverage exceeding the maximum permitted, a variance may be required. The Applicant should consider reducing the proposed building coverage to eliminate this potential variance. **The window well is now shown on the site plan and is included in building coverage calculation. Comment addressed.**
5. The Applicant shall provide details for the proposed covered patio in the rear yard, including the proposed height. As per ordinance section 175-19(B)(1), the mean height shall not exceed 12 feet. **The Applicant has clarified that the covered patio is part of the principal structure and therefore is not subject to accessory structure height limitations. Comment addressed.**
6. Pursuant to the Borough Ordinance Section 175-19(B)(3), all accessory uses, buildings, and structures shall be set back a minimum of 10 feet from the rear property line. The proposed patio surrounding the pool does not comply with this requirement. The Applicant should revise the plans to eliminate the encroachment or seek a variance for this condition. **Pool patio is no longer encroaching. Comment addressed.**
7. Ordinance Section 175-19(A) – Pool equipment location: Pool equipment is not permitted to encroach into the side yard setback (10 feet). The pool equipment needs to be relocated or the applicant should seek a variance for this condition. **Pool equipment has been moved and is no longer encroaching. Comment addressed.**

Our office has reviewed the application, and based on the above, the Applicant **does comply** with the zoning requirements.



Soil Moving Application Review

Site Plan

8. The existing improved coverage as calculated on the site plan is 7,091 SF (44%). The Applicant is proposing to decrease the improved coverage to 4,798 SF (30.0%) a net decrease of 2,293 SF.
9. The Applicant is proposing (1) precast concrete seepage pit to collect and store stormwater runoff from the roof area. We offer the following comments related to the drainage design:
 1. The Applicant has provided design calculations which indicate approximately 3,183 SF of roof area being collected and conveyed to the proposed drywell. The Applicant has provided adequate storage for this drainage area. We take no exception to the calculations provided.
 2. A soil test shall be provided prior to the installation of the proposed seepage pits. Soil test shall include information regarding the location of the seasonal high-water table (SHWT) and percolation rate of the soil.
 3. The Applicant has provided an at-grade manhole for future maintenance in the seepage pit detail.
 4. The Borough Engineer shall be notified to inspect the seepage pits prior to backfilling.
10. We offer the following comments related to the proposed grading:
 1. Existing grades on site range from 112 on the northeast of the property to 116 on the southeast of the property. Stormwater generally flows from south to north under existing conditions.
 2. Grading changes depicted appear to be minimal, with changes proposed appearing to be to accommodate the new proposed dwelling location as well as the pool and patio. If any changes in grades are desired beyond what is represented on the site plan, an updated grading plan should be submitted for review and approval.
 3. If any changes in grades are desired beyond what is represented on the site plan, an updated grading plan should be submitted for review and approval.
 4. Grades should not be altered by more than one foot in areas within the drip line of any trees to remain.
11. The Applicant is proposing to remove 4 trees to construct the proposed improvements. The Applicant is proposing 5 replacement trees according to the site plans. We defer to the shade tree commission for final review and comment on replacement trees.
12. The Applicant should provide a pavement restoration detail for the proposed utility connections prior to construction. The Applicant should note they are responsible for obtaining any necessary road opening permits for work in the ROW.



Soil Moving Application

13. The site plan indicated 785 CY of cut, and 296 CY of fill and a net export of 489 CY. However, the soil moving application indicates 254 CY of export. The Applicant should review and revise as necessary, so these figures correspond.
14. The Applicant will require a soil moving permit in accordance with Chapter 147 (§147-1) of the Borough Ordinance as the posted values of soil movement are greater than 250 cubic yards. As a result, the following provisions apply: As per Borough Ordinance Section 147-7, the Applicant shall move the soil, in accordance with the soil permit, under the supervision of the Building Inspector and Borough Engineer and shall pay a reasonable fee for such services in the amount determined by the Mayor and Council.
 - a. As per Borough Ordinance Section 147-8, the owner of the premises or the person in charge of relocation of the soil, when permission has been duly granted, shall not take away the top layer of soil for a depth of eight inches, but such top layer of soil to a depth of eight inches shall be set aside for retention on the premises and shall be respread over the premises when the rest of the soil has been moved pursuant to levels of contour lines approved by the Mayor and Council of the Borough of Demarest.
 - b. As per Borough Ordinance Section 147-9, no permission or soil permit shall be issued unless and until the Applicant therefore shall have filed with the Borough of Demarest a performance bond, in form, amount and surety acceptable to the Borough of Demarest, conditioned upon full and faithful performance of the soil's being moved in accordance with the provisions of the Borough's Soil Moving Ordinance and permission of the Mayor and Council granted pursuant hereto.
 - c. An engineer's cost estimate has been submitted by the Applicant to determine the performance guaranty to be submitted to the Borough. The cost estimate for bonding should include all cost associated with soil erosion and sediment control measures, seepage pit installation, drainage structures / piping, and soil moving (on-site and export).

The Applicant has provided a cost estimate in the amount of \$51,920.00. Bonding and escrow amounts are as follows:

 - i. Performance Bond (120%): \$62,304.00
 - ii. Engineering Escrow (5%): \$2,596.00

Miscellaneous

15. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements.
16. If drainage issues arise during or after construction, the Applicant will be responsible for remedying any drainage issues caused by the proposed construction and/or demolition

activities. In addition, water runoff directed to neighboring properties is prohibited. If stormwater runoff does adversely impact neighboring properties, the Applicant will be responsible for remedying that situation at no additional cost to the Borough.

17. Sediment shall be removed from the upstream face of the silt fence when it has reached a depth of ½ the silt fence height or when the silt fence is leaning or buckling from the collected sediment and debris. Silt fence shall be inspected daily for signs of deterioration and sediment removal. When damaged, the silt fence shall be repaired or replaced immediately. Soil erosion and sediment control measures, including silt fence, shall be installed prior to the start of construction.
18. The Applicant should place a silt fence downgrade on all areas where the existing ground disturbance will occur. In addition, the disturbed areas must be stabilized with seed and straw as soon as construction is completed. These recommendations/requirements are made to prevent sediment-laden water from entering municipal streets and neighboring properties.
19. The Applicant will inevitably mobilize construction equipment and/or will have deliveries of material from the Borough Right-of-Way, which could damage municipal infrastructure. Therefore, the Applicant will be responsible for any damages to the curb, sidewalk, drainage infrastructure, and/or pavement in the Borough's Right-of-Way.
20. A signed and sealed "As-Built" site plan should be submitted as a requirement for this office to "sign off" on the issuance of the Certificate of Occupancy (C.O.). The "As-Built" should accurately show site features, including grading, spot elevations, coverage quantities, etc.

Our office has reviewed the application, and based on the above, this office **does recommend** permits be issued at this time.

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

Sincerely,
Colliers Engineering & Design



Nick Chellus, P.E.
Borough Engineer

NHC/rcd

cc: Michael Greco, Zoning Officer (via e-mail)
Julie Falkenstern, Administrator (via e-mail)
Allison Lapatka, Applicant's Engineer (allison@els.com)
James Paladino, Owner (office@libertybuildingcorp.com)