

Resolution of the Demarest Governing Body

Resolution No. 097-26

April 27, 2026

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

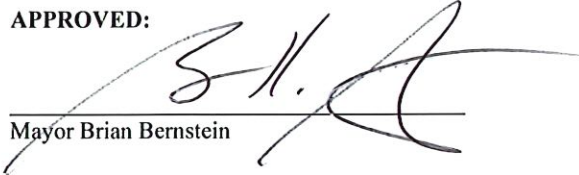
TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 50 PINE TERRACE

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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 50 Pine Terrace Block 84, Lot 3.09 prepared by Matthew G. Clark, 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 \$3,380.50 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 \$81,132.00.


APPROVED:



Mayor Brian Bernstein

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 27, 2026



Julie Falkenstern, RMC
Borough Clerk

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



April 23, 2026

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

50 Pine Terrace
Block 84, Lot 3.09
Borough of Demarest, Bergen County, NJ
Soil Moving Application Review #2 – Dwelling & Pool
Colliers Engineering & Design Project No. DEP0265

Dear Ms. Haight,

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 of a 2 ½ story dwelling, attached car garage, pool, asphalt driveway, drainage improvements, and other related appurtenances on the property:

- a) Site plans consisting of four (4) sheets, prepared and signed by Matthew G. Clark, PE, of MCB Engineering Associates, dated March 19, 2026, **last revised April 22, 2026.**
- b) Architectural Plans consisting of eleven (11) sheets prepared by Stephanie DeCarlo Pantale RA of Stephanie DeCarlo Pantale Architect dated March 19, 2026;
- c) Soil Moving Application for the subject property, signed and dated March 26, 2026.
- d) Engineers' response letter, prepared and signed by Matthew G. Clark, PE, of MCB Engineering Associates, dated April 22, 2026**
- e) Engineers' cost estimate, prepared and signed by Matthew G. Clark, PE, of MCB Engineering Associates, dated April 22, 2026**

After our review of these revised documents, we offer the following comments in this matter. For ease of reference, updated comments are in **bold**:

General

1. The Applicant/Owner in this matter is:

3.09 LLC
P.O Box 190
Fort Lee, NJ 07024

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

2. The Applicant previously appeared before the Zoning Board for approval to subdivide the existing Lot 3.07 into two Lots 3.08 & 3.09 and construct two, two-story dwellings. Lot 3.09 now known as 50 Pine Terrace, is currently vacant.
3. The project site is located in the Residence BB Zone according to the Borough of Demarest Zoning Map.
4. The property is located northwest of Emily Court with frontage along Pine Terrace. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.

Site Plan

5. We note the overall layout of the proposed dwelling and associated improvements have been modified from what was provided in the approved resolution compliance plans.
6. The Applicant is proposing an improved coverage of 4,838 SF (28.73%).
7. The Applicant is proposing three (3) drywells to collect and store stormwater runoff on the property. Two drywells are in the front yard and one additional drywell is located in the rear yard area of the property. We offer the following comments related to drainage design:
 - a. The Applicant has provided design calculations which indicate approximately 3716 SF of roof area and 1,298 SF of pool and patio area are being collected and conveyed to the proposed front yard and rear yard drywells respectively. We take exception. The Applicant has not provided adequate storage for this drainage area. We note the plans approved per resolution #JPB-011-25 indicated 3 drywells to be installed in the front yard 1 in the rear, a total of 4 drywells. **The Applicant has revised the plans to add an additional drywell in the front yard. The total amount of drywells proposed is now 4. Comment addressed.**
 - b. The Applicant was aware that soil testing is required at the location of the proposed seepage pits. The applicant has provided soil testing indicating adequate soils for the installation of the drywells. **No further comment.**
 - c. The Applicant has provided an at-grade manhole for future maintenance in the drywell detail. **No further comment.**
 - d. The Engineer shall be notified to inspect the seepage pit system prior to backfilling. **Continuing comment.**
8. We offer the following comments related to the proposed grading:
 - a. Existing grades on site range from 67 at the north of the property to 73 along the southwest of the property. Stormwater flows generally from the south to north under existing conditions.
 - b. There appears to be minimal re-grading proposed. Should the Applicant wish to alter grades beyond what is represented on the site plan, a revised plan shall be submitted.
 - c. Grades should not be altered by more than one foot in areas within the drip line of any trees to remain.

9. The Applicant is proposing 6 replacement trees according to the site plans. The applicant should clearly denote which trees, if any, are scheduled to be removed from this lot. We defer to the shade tree commission for final review and comment on replacement trees. **Continuing comment. Per the engineer's response letter, the Applicant is in communication with the Borough Arborist and shade tree department.**
10. We offer the following comments regarding retaining walls:
- The Applicant is proposing a retaining wall with a max height of two (2) feet adjacent to the driveway area along the eastern property boundary. The Applicant should provide additional top and bottom wall elevations at the highest point of the wall to confirm final max height. The applicant should note any wall constructed greater than 4 feet will require engineering certification. **Comment addressed. Additional elevations have been provided confirming the max height of 2 feet.**
 - Any wall in excess of 2 feet is considered an accessory structure and is not permitted in a side yard area. **The max height of the retaining wall per site plans is 2 feet.**
 - Additional information should be provided regarding constructability of the wall. Due to the close proximity to the neighboring property. It appears the neighboring property would be disturbed by constructing the wall as shown on the site plan. **Per the engineer's response letter due to the elevation of property, the construction of the retaining wall is expected to be limited to the Applicant's site with no disturbance to the neighboring property.**

Soil Moving Application

11. The soil moving application indicates moving approximately ~~2,313 CY~~ **2,356 CY** to construct the proposed improvements.
12. 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.
- 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.
 - 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 shall be 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 \$67,610.00. Bonding and escrow amounts are as follows:

- i. **Performance Bond (120%): \$81,132.00**
- ii. **Engineering Escrow (5%): \$3,380.50**

Miscellaneous

13. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements.
14. 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.
15. Sediment shall be removed from the upstream face of the silt fence when it has reached a depth of $\frac{1}{2}$ 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.
16. 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.
17. 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.
18. 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 Chelius, P.E., C.M.E.
Borough Engineer

CC: Michael Greco, Zoning Officer (via e-mail)
3.09 LLC, Applicant, (via mail)
Matthew G. Clark P.E, Applicant's Engineer (mcbea@mcbea.com)