

Resolution of the Demarest Governing Body

Resolution No. 104-26

May 11, 2026

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

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 40 MEADOW STREET

=====

BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 40 Meadow St., Block 55, Lot 9 prepared by Matthew G. Clark, P.E., is hereby approved subject to the following conditions:

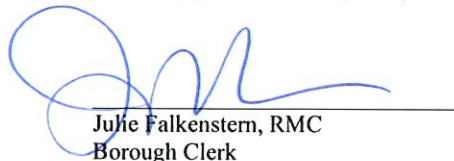
1. No topsoil shall be removed from the site.
2. The applicant shall indicate the location to which excess soil will be exported.
3. The applicant shall indicate the route of travel within the Borough.
4. The applicant shall provide for the cleaning of the streets used in the route of travel within the 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 \$875.40 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 \$21,009.60.

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 May 11, 2026.


Julie Falkenstern, RMC
Borough Clerk

May 5, 2026

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

40 Meadow Street
Block 55, Lot 9
Borough of Demarest, Bergen County, NJ
Soil Moving Permit **Review #2** – Proposed Single-Family Residence
Colliers Engineering & Design Project No. DEP0266

Dear Ms. Haight,

Pursuant to your request, our office has reviewed the following plans and other documents filed by the Applicant in relation to the construction a 2 ½ story frame dwelling, garage, patio, macadam driveway, drainage improvements and other related appurtenances on the property. For ease of reference, updated comments are in **bold**:

- a) Plot plan consisting of one (1) sheet, prepared by Sean P McClellan, P.E, of McClellan Engineering, dated January 4, 2026, **last revised April 13, 2026.**
- b) Architectural Plans consisting of fifteen (15) sheets, prepared by Joseph M. Cestaro AIA, of J. Cestaro Architecture LLC, dated January 5, 2025, last revised March 11, 2026;
- c) Soil Moving Application for the subject property, signed and dated March 19, 2026; and
- d) Zoning Permit dated March 13, 2026.
- e) **Soil testing report, prepared by Johnson Soils Company, dated revised April 22, 2026;**
- f) **Engineering Estimate, prepared by Sean P McClellan, P.E, of McClellan Engineering, dated April 13, 2026.**

General

1. The Applicant/Owner in this matter is:
40 Meadow Street LLC
11 Luke Road
Upper Saddle River, NJ 07458

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

2. The site is currently occupied by a 2 ½ story frame dwelling, asphalt driveway, garage, and other related appurtenances, which are proposed for demolition.

3. The project site is located in the Residence D Zone according to the Borough of Demarest Zoning Map.
4. The property is a square shaped parcel with frontage along Meadow Street and Maple Avenue. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.

Site Plan

5. The existing improved coverage as calculated on the site plan is 3,182 SF (31.8%). The Applicant is proposing to decrease the improved coverage to 3,000 SF (30.0%) a net decrease of 182 SF.
6. The Applicant is proposing ~~one (1)~~ **two (2) drywells** to collect and store stormwater runoff on the property. The drywells are proposed to be located in the front yard of the property. We offer the following comments related to drainage design:
 - a. The Applicant has provided design calculations which indicate approximately 2,000 SF of roof area being collected and conveyed to the proposed drywell. We take exception. The Applicant should provide stormwater mitigation for all proposed impervious coverage. **The Applicant has provided revised design calculations which indicate approximately 3,000 SF of new impervious area being collected and conveyed to the proposed drywells. The Applicant has provided adequate storage for this drainage area. Comment addressed.**
 - b. The Applicant shall be made aware that soil testing is required at the location of the proposed seepage pits. Soil testing should include the elevation of the Seasonal High-Water Table (SHWT) and the percolation rate of the soil. It shall be confirmed that the bottom of the chamber is at least two (2) feet above the SHWT. It is suggested that soil testing be performed before installation of the seepage pits. **Soil testing report has been provided indicating adequate soils. Comment addressed.**
 - c. The Applicant has provided an at-grade inspection port for future maintenance in the drywell detail.
 - d. The Engineer shall be notified to inspect the stormwater infiltration system prior to backfilling. **Continuing comment.**
7. We offer the following comments related to the proposed grading:
 - a. Existing grades on site range from 103 at the east side of the property to 97 along the west of the property. Stormwater flows generally from the east to west under existing conditions.
 - e. 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. **Continuing comment.**
 - b. Grades should not be altered by more than one foot in areas within the drip line of any trees to remain. **Continuing comment.**

8. The Applicant is proposing to remove 12 trees to construct the proposed improvements. The Applicant is proposing 21 replacement trees according to the site plans. We defer to the shade tree commission for final review and comment on replacement trees. **Continuing comment.**
9. The Applicant is proposing a keystone retaining wall with a max height of 2 feet. The Applicant should note should any wall be constructed 3 feet or greater in height will require an engineer's certification. **Continuing comment.**

Soil Moving Application

10. The site plan indicates approximately 347 CY of cut and 93 CY of fill and net export of 254 CY to construct the proposed improvements.
11. Based on the soil moving application, 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:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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 costs 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 \$17,508.00. Bonding and escrow amounts are as follows:

- i. **Performance Bond (120%): \$21,009.60**
- ii. **Engineering Escrow (5%): \$875.40**

Miscellaneous

12. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements. **Continuing comment.**
13. 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. **Continuing comment.**
14. 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. **Continuing comment.**
15. 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. **Continuing comment.**
16. 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. **Continuing comment.**
17. 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. **Continuing comment.**

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.
Borough Engineer

NHC/tc

cc: Michael Greco, Zoning Officer (via e-mail)
Julie Falkenstern, Borough Admin (via e-mail)
40 Meadow St LLC, Applicant (permits@LJSventuresinc.com)

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