

Resolution of the Demarest Governing Body

Resolution No. 132 -24

July 22, 2024

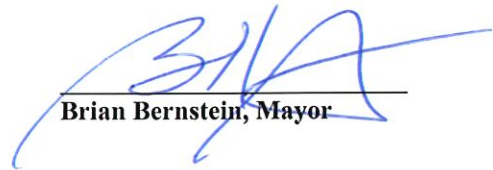
Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang		✓	✓			
Fox			✓			
Marks			✓			
Slowikowski	✓		✓			
Reiss			✓			
Collins			✓			

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 74 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 74 Pine Terrace Block 84.05 Lot 7 prepared by Robert Costa, P.E., P.P., 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 deposit, with the Borough, escrow in the amount of \$ 1,478.70 for inspections services of the Borough Engineer.
8. The applicant shall provide a performance guarantee to the Borough in the amount of \$ 29,574.00



Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Acting 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 July 22, 2024



Julie Falkenstern, Acting Borough Clerk

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



July 15, 2024

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

74 Pine Terrace
Block 84.05, Lot 7
Borough of Demarest, Bergen County, NJ
Soil Moving Application Review #2 – Proposed Dwelling
Colliers Engineering & Design Project No. DEP0206

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 new dwelling, covered/uncovered terrace, attached three (3) car garage, bluestone walkway, seepage pits, retaining wall, and other related appurtenances at the subject property:

- a) Site plans consisting of ~~one (1) sheet~~ **three (3) sheets**, prepared by Robert L. Costa, PE, PP of Costa Engineering Corporation, dated August 10, 2023; last revised June 13, 2024; **Last revised July 8, 2024;**
- b) Architectural Plans consisting of twenty-one (21) sheets, prepared by Daniel D'Agostino, AIA of Plan Architecture, dated September 21, 2023, Last revised May 16, 2024;
- c) Demarest Zoning Board of Adjustment Resolution of Approval for existing lot area and existing lot width, Application File No. ZB 24-001, approved April 16, 2024; and
- d) Soil Moving Application for the subject property;
- e) **Letter of Transmittal describing changes to the plans and supporting documents, prepared and signed by John E. Mengersen of Costa Engineering, dated July 11, 2024;**
- f) **Drainage Calculations prepared and signed by Robert L. Costa, PE, PP, of Costa Engineering, dated August 18, 2023; last revised July 11, 2024;**
- g) **Engineer's cost estimate, prepared and signed by Robert L. Costa, PE, PP, of Costa Engineering, dated July 8, 2024.**

After our review of these documents, we offer the following comments in this matter:

General

1. The Applicant/Owner in this matter is:

Chad Cutler
9 Ave at Port Imperial #1003
West New York, NJ 07093

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 an existing dwelling, driveway, and associated structures which are to be demolished. The Applicant is proposing to construct a new dwelling, covered/uncovered terrace, attached three (3) car garage, bluestone walkway, seepage pits, retaining wall, and other related appurtenances.
3. The project site is located in the Residence BB Zone according to the Borough of Demarest Zoning Map, where the construction of a single-family dwelling is permitted.
4. The project site is a mostly rectangular shaped parcel consisting of 23,950 SF. The property has frontage along Pine Terrace to the southwest.
5. According to the site plans, two variances were requested for the proposed construction. The first is a variance for existing non-conforming lot area, and second is existing non-conforming rear yard width. These variances were approved by the Zoning Board under Application File No. ZB 24-001. There is an existing non-conforming side yard setback for accessory structures, which will be removed since existing structures on the property are proposed to be removed.
6. The existing improved lot coverage is not provided on the plans. As such, for the purposes of this review, we will treat the existing improved coverage quantity as 0. The proposed improved coverage is 6,785 SF (28.33%). The net increase in coverage is 6,785 SF.

Site Plan

7. The Applicant has used 51.2 feet as the front yard setback based on the established setback to adjacent properties on Pine Terrace. Based on Demarest Limiting Schedule footnote B, this is consistent with the requirements of the ordinance, and we take no exception.
8. The Applicant is proposing two (2) precast concrete drywells to collect and store stormwater runoff on the property from what appears to be the roof area, foundation drain, and the proposed driveway. We offer the following comments related to drainage design:
 - a. The Applicant provides the storage capacity of each of the two seepage pits, which is a total of 1,530 gallons (205 cubic feet) in a 16-foot by 29-foot crushed stone box. In addition, the elevation of the top of pits, inverts of pipes, bottom of pits, and bottom of stone are displayed. However, the Applicant does not provide supporting calculations or construction details for the proposed seepage pits. The Applicant shall revise the plan to include a detail of the seepage pits and supporting design calculations. The calculations should clearly indicate tributary drainage areas for the roof, foundation drains, and driveway trench drain.

The Applicant has included a detail of the seepage pit system which is consistent with the dimensions previously noted. The Applicant has provided supporting design calculations under separate cover which indicate a total system storage of 1,287.78 CF and a tributary drainage area of 5,365.85 SF. We have reviewed the calculations and take no exception.
 - 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 seepage pit is at least two (2) feet above the SHWT. It is suggested that soil testing be performed before installation of the seepage pits.

- c. The Applicant shall be advised that an at-grade inspection port or manhole cover is required for future maintenance. This should be indicated in the detail. **The detail indicates an at-grade manhole cover. Item addressed.**
 - d. The Engineer shall be notified to inspect the seepage pit system prior to backfilling.
9. The site plans indicate chain link fence enclosing the rear yard area of the property. It is unclear if this fencing is existing or proposed. There are portions of the fence that encroach onto the adjacent property to the northeast. This fencing should be relocated to be contained within the applicant's property boundaries. **The Applicant has indicated on the plans that fencing is to be relocated within the property boundaries. Item addressed.**
10. The Applicant has provided building height calculations on the plan indicating an average grade elevation of 72.18 and a midpoint of roof of 101.6 which equates to a total building height of 29.42 feet. The Applicant shall be made aware that a foundation location survey will be required to be submitted, reviewed, and approved prior to backfilling to confirm compliance with the approved plans and maximum building height.
11. The Applicant has indicated there are several existing utility connections which are to be re-used (Sanitary, Water, and Gas). We offer the following comments:
 - a. The site plans state that the existing utility connections shall be inspected and reused for the proposed improvements if the utilities are in good working order. If the existing utilities cannot be re-used, then they shall be replaced with new service connections.
 - b. Any sidewalk, curb, asphalt or any other roadway infrastructure disturbed shall be restored to their original condition at the Applicant's expense.
12. We offer the following comments related to the proposed grading:
 - a. The existing site generally slopes downward from the south to the north with grades ranging from approximately 73 in the front yard of the property to approximately 67 at the rear yard property boundary. Stormwater appears to flow generally from the south to the north under existing conditions with portions of the front yard drainage toward Pine Terrace.
 - b. The Applicant is proposing to regrade the rear yard by raising the grade by an average of 2.5 feet. The proposed grading levels the back yard at an elevation of 72, with 3:1 slopes from the retaining wall and along the rear property boundary. Stormwater in the front yard area will drain toward Pine Terrace and the remainder of the property stormwater will flow away from the dwelling in a generally perpendicular fashion. While we take no exception to the grading changes proposed, the Applicant shall be made aware that if adverse impacts to neighboring properties occur as a result of the proposed grading or other aspects of this development, it will be the Applicant's responsibility to remedy those issues at their own expense.
 - c. Grades should not be altered by more than one foot in areas within the drip line of any trees to remain.
13. The Applicant has designated five (5) trees for removal. The Applicant has provided a tree removal table and a table summarizing the replacement trees proposed. We defer to the Shade Tree Commission for final comment and approval of any removal and/or replacement trees. **The Applicant has provided the requested tree removal/replacement table. Tree replacement is still to be coordinated with the shade tree commission. Item addressed.**

14. An as-built survey with a coverage breakdown will be required prior to the issuance of a C.O.
15. We have reviewed the placement of the proposed dwelling, and it appears the Applicant is compliant with all minimum yard dimension requirements. We take no exception.
16. The Applicant is proposing a retaining wall located along the northwestern boundary of the property with a maximum height of two (2) feet. The Applicant shall provide a retaining wall cross-section detail showing the proposed construction and location of drainage features associated with the retaining wall. In addition, it is unclear whether the location of the proposed retaining wall will impact the existing 15' drainage easement. The Applicant shall demonstrate that the proposed retaining wall will not prevent flow of stormwater drainage through the drainage easement. **The Applicant has provided a retaining wall detail as requested. It does not appear that the wall will impact the drainage easement along the rear property boundary. Comment addressed.**

Soil Moving Application

17. The site plans indicate a total fill of 766 CY, a total cut of 219 CY and a net import of 547 CY. If grading changes occur beyond what is presented on the plan, the Applicant shall revise the soil moving calculations to account for the proposed change in soil volume.
18. 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 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 as required by ordinance. We have reviewed the provided estimate and take no exception.

Miscellaneous

19. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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 after the Applicant obtains approval from Mayor and Council and post a performance guarantee in accordance with the amounts below:

Engineer's Estimate: \$24,645.00

Performance Guarantee (120%): \$29,574.00

Engineering Escrow (5%): \$1,478.70

Project No. DEP0206
July 15, 2024
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Should you have any questions, you may contact me at (201) 775-1283.

Sincerely,

Colliers Engineering & Design

A handwritten signature in blue ink, appearing to read "Nick Chelius".

Nick Chelius, P.E.
Borough Engineer

cc: Kevin Burnette, Construction Code Official (via e-mail)
Daniel D'Agostino, AIA, Applicant's Architect (dan@plnarc.com)
Robert L. Costa, PE, PP, Applicant's Engineer (via address)
Chad Cutler, Applicant (chad@cutlerpallets.com)

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AZZOLINA & FEURY ENGINEERING, INC.

Professional Engineers and Land Surveyors

30 Madison Avenue, Paramus, NJ 07652 • (201) 845-8500 • Fax (201) 845-3825
110 Stage Road, Monroe, NY 10950 • (845) 782-8681 • Fax (845) 782-4212

July 8, 2024

Borough of Demarest
Building Department
115 Serpentine Road
Demarest, N J 07627

Attention: Dot Haight, Demarest Building Department Admin. Assistant

Re: 11 Central Avenue
Block 65, Lot 134.03
Borough of Demarest, Bergen County, NJ
Soil Moving Application Review – Proposed Dwelling
A & F File No. 12509

Dear Ms. Haight:

This letter is in response to the review letter of July 5, 2024 from Nick Chelius, P.E., of Colliers Engineering & Design regarding the application identified above. Specifically, Mr. Chelius has advised the applicant that an Engineer's Estimate in support of the soil moving application for this site is required. Three (3) copies of our Engineer's Estimate are provided herewith.

If there are any questions regarding this matter, please do not hesitate to contact us.

Very truly yours,
AZZOLINA & FEURY ENGINEERING, INC.

Perry E. Frenzel, P.E., P.P.

cc: BF Development, LLC c/o Austin Siboni – Owner (by e-mail)
Kevin Burnette, Construction Code Official (by e-mail)
Nick Chelius, P.E. Colliers Engineering & Design (by e-mail)



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SOIL MOVING REPORT AND ENGINEER'S COST ESTIMATE

For the Property Located at:

11 Central Avenue, Block 65, Lot 134.03
Borough of Demarest
Bergen County, New Jersey

Prepared for:

BF Development, LLC
94 Franklin Street
Tenafly, New Jersey 07670

July 8, 2024

Perry E. Frenzel, P.E., P.P., N.J. P.E. Lic. No. GE28190

July 8, 2024

Soil Moving Report & Engineer's Cost Estimate
11 Central Avenue, Borough of Demarest
Applicant: BF Development, LLC

I. General Project Scope

This report has been prepared in support of the application of BF Development, LLC to develop the property located at 11 Central Avenue in the Borough of Demarest. The Owner/applicant has proposed the construction of a new single family residence, with an in-ground swimming pool. To implement the proposed improvements, certain portions of the lot, as shown on the 'Plot Plan & Soil Erosion Plan', dated 5-6-24, last revised 6-25-24, require soil moving. For the most part, the soil movement would be the excavation for the basement of the proposed dwelling and the seepage pits to be installed for stormwater management, and the filling of the area of the rear yard where the pool would be located.

II. Soil Moving Volumes

In total, 699 cubic yards of soil material are to be moved. The major component of the total volume is the excavation of 559 cubic yards for the basement of the new dwelling, plus 98 cubic yards for the proposed seepage pits (98 cubic yards). The entire volume of excavated material would be relocated on-site, primarily for the filling of the rear yard in area of the proposed pool, under the floor of the proposed garage, with some minor regrading of the front yard to provide positive flow of stormwater away from the foundation of the new home. In total, 41 cubic yards of material would be 'imported'. This material would be crushed stone for the seepage pits (31+/- cubic yards) and for the area beneath the garage floor (10 +/- cubic yards). No other 'fill' would be imported. Topsoil would be stripped and stockpiled on-site prior to excavation and regrading, and re-distributed, grade on-site in proposed landscape areas.

III. Engineer's Cost Estimate

The total estimated cost of soil moving activities as described above is \$ 39,906.00. Our breakdown of anticipated costs follows hereafter.



AZZOLINA & FEURY ENGINEERING, INC.

Professional Engineers and Land Surveyors


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110 Stage Road, Monroe, NY 10950 • (845) 782-8681 • Fax (845) 782-4212

ENGINEER'S COST ESTIMATE 11 Central Avenue, Block 65, Lot 134.03 Borough of Demarest

<u>Item No.</u>	<u>Description</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Total</u>
1.	Strip/Stockpile Topsoil	105 c.y	\$ 25.00/c.y	\$2,625.00
2.	Silt Fence	530 l.f.	8.00/l.f	6,625.00
3.	Construction Tracking Pad	1 ea.	L.S.	1,500.00
4.	Inlet Filter	1 ea.	L.S.	250.00
5.	Excavation	699 c.y.	16.00/c.y.	11,184.00
6.	Fill/ Regrade	1,342 s.y.	6.00/c.y.	8,052.00
7.	Topsoil/Seed/Mulch	1,342 s.y.	4.50/c.y.	6,042.00.

Subtotal \$ 36,278.00
Contingency (10%) 3,628.00

TOTAL \$39,906.00

Prepared By: 

Date:

7-8-2024

Perry E. Frenzel, P.E., P.P.
N.J. Professional Engineer, Lic. No. GE28190