

Resolution of the Demarest Governing Body

Resolution No. 146-24

September 9, 2024

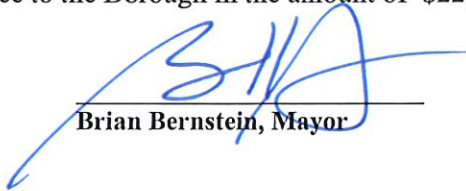
Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang			✓			
Fox	✓		✓			
Marks						✓
Slowikowski			✓			
Reiss			✓			
Collins		✓	✓			

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 22 NORTHWOOD AVE.

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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 22 Northwood Ave. Block 72 Lot 22, prepared by Sean P. McClellan, 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 deposit, with the Borough, escrow in the amount of \$1,146.96 for inspections services of the Borough Engineer.
8. The applicant shall provide a performance guarantee to the Borough in the amount of \$22,939.20



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 September 9, 2024



Julie Falkenstern, Acting Borough Clerk

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



August 28, 2024

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

22 Northwood Avenue
Block 72, Lot 22
Borough of Demarest, Bergen County, NJ
Soil Moving Application Review – Proposed Dwelling **Review #2**
Colliers Engineering & Design Project No. DEP0208

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, patio, walkway, window well, covered porch, drop curb, macadam driveway, air conditioner pads, seepage pits, and other related appurtenances at the subject property. Updated items are in **bold**:

- a) Site plans consisting of one (1) sheet, prepared and unsigned by Sean P. McClellan, PE, dated May 7, 2024, **last revised August 22, 2024;**
- b) Architectural Plans consisting of ten (10) sheets, prepared by Joseph J. Bruno, AIA, dated May 20, 2024, **last revised August 25, 2024;**
- c) Soil Moving Application for the subject property, signed and dated June 20, 2024;
- d) **Response letter from Sean P. McClellan, PE, dated August 22, 2024; and**
- e) **Cost Estimate, prepared and signed by Sean P. McClellan, PE, dated August 22, 2024.**

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

General

1. The Applicant/Owner in this matter is:

Richard Conboy
6215 City Place
Edgewater, NJ 07020

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, gravel driveway, block curb, slate walk, frame shed, stone wall, brick border, gravel walk, paver wall, and associated structures which

- are to be demolished. The Applicant is proposing to construct a new dwelling, patio, walkway, covered porch, macadam driveway, drainage improvements, and other related appurtenances.
3. The project site is located in the Residence D 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 rectangular shaped parcel consisting of 15,000 SF. The property has frontage along Northwood Avenue to the southwest. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.
 5. According to the site plans, no variances were requested for the proposed construction. There are no pre-existing non-conformities in zoning table.
 6. The existing improved lot coverage is calculated to be 3,958 SF (26.4%) The proposed improved coverage is calculated to be 3,938 SF (26.3%). The net decrease in coverage is 20 SF.

Site Plan

7. The Applicant has used 25 feet in the provided zoning table as the front yard setback based on the Demarest Limiting Schedule. The Applicant has also calculated an average front yard setback of 39.3 feet as established by setbacks for adjacent properties on Northwood Avenue as per Demarest Limiting Schedule footnote B. The Applicant is compliant with both the 25-foot setback and the alternative average setback.
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 and covered porch for the proposed dwelling. We offer the following comments related to drainage design:
 - The Applicant provides the storage capacity of each of the two drywells, which is a total of 4,520 gallons (604 cubic feet) in a 7.5-foot by 10-foot crushed stone box. In addition, the elevation of the drywell invert is displayed. The Applicant has provided design calculations for the drywell system. We have reviewed the calculations and take no exception.
 - 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.
 - The Applicant has provided an at-grade 6-inch PVC observation port cap for future maintenance in the seepage pit detail. We take no exception.
 - The Engineer shall be notified to inspect the seepage pit system prior to backfilling.
9. The Applicant has provided building height calculations on the plan indicating an average grade elevation of 103.4; however, there is inconsistent information related to the roof midpoint elevation. We offer the following comments:
 - There is a schematic on the plans labeled "Building Height Calculation" which shows a roof midpoint elevation of 128.4 and a total building height of 25.0 feet. There is also

a table summarizing existing ground elevations which indicates a roof midpoint elevation of 131 and a total building height of 28.4 feet. The Applicant shall eliminate this discrepancy from the plans. **The Applicant has revised the "Building Height Calculation" schematic and table summarizing existing ground elevations to show a building height of 23.9 feet with a roof midpoint elevation of 127.3. We take no exception.**

- The "South Elevation" on the architectural plans indicate a maximum ridge elevation of 138.0 while the east elevation indicates a maximum ridge elevation of 131.0. No dimensions or elevations are provided indicating the midpoint of the roof. It is unclear how the roof midpoint elevation was established based upon the information provided. **Sheet 4 of the architectural plans have been revised to include the 127.3 midpoint roof elevation on the "East Elevation". The maximum ridge elevations for the "South Elevation" and "East Elevation" have been removed. We take no exception.**
10. 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:
- 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.
 - Any sidewalk, curb, asphalt or any other infrastructure within the Borough ROW disturbed shall be restored to their original condition at the Applicant's expense.
11. We offer the following comments related to the proposed grading:
- The existing high-point of the site is located at the central part of the property near the proposed dwelling, and the terrain slopes downward towards the northwest, northeast, and southwest (front and rear property boundaries) of the property. The elevations range from approximately 103.5 at the center of the property to 98 in the rear of the property and 100 in the front of the property. Stormwater appears to flow generally away from the center of the property with portions of the front yard drainage toward Northwood Avenue.
 - The Applicant is proposing to regrade the rear, front, and side yards as part of this application. The proposed grading creates a milder slope toward the rear property boundaries, with maximum 5:1 slopes along the rear property boundary and near the western corner of the property. Stormwater in the front and side yard areas will drain toward Northwood Avenue 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.
 - Grades should not be altered by more than one foot in areas within the drip line of any trees to remain.

12. The Applicant has designated seven (7) 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.
13. An as-built survey with a coverage breakdown will be required prior to the issuance of a C.O.
14. 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.
15. The Applicant shows on the site plan corner elevations for the proposed building (in brackets) on the north side of the building as 102.6. The architectural drawings appear to show the corners of the proposed building to be at different elevations. The Applicant shall revise proposed elevations on the site plan to be consistent with the architectural plans. **The Applicant states that the site plan grading supersedes the depiction of the propose building. We take no exception.**

Soil Moving Application

16. The site plans indicate a total fill of 126 CY, a total cut of 488 CY and a net export of 362 CY. The Applicant shall revise the soil movement calculations accordingly. 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.
17. 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.
 - 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. **Continuing comment.**

- **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 totaling \$19,116.00. We have reviewed the estimate and take no exception. Pursuant to Ordinance Chapter 147, the following shall be provided for the performance guarantee and engineering escrow:**
 - **Performance Guarantee (120%): \$22,939.20**
 - **Engineering Escrow: \$1,146.96**

Miscellaneous

18. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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 **after the Applicant provides the required performance guarantee, engineering escrow, and obtains approval from Mayor and Council.**



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 "NChelius".

Nick Chelius, P.E.
Borough Engineer

cc: Kevin Burnette, Construction Code Official (via e-mail)
Joseph J. Bruno, AIA, Applicant's Architect (via e-mail)
Sean P. McClellan, PE, Applicant's Engineer (r_ventura_23@yahoo.com)
Richard Conboy, Applicant (rtc1116@gmail.com)