

Resolution of the Demarest Governing Body

Resolution No. 159-24

September 23, 2024

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

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 12 IRENE CT.

=====

BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 12 Irene Ct. Block 84.04 Lot 2, prepared by Perry Frenzel, P.E., P.P, is hereby approved subject to the following conditions:

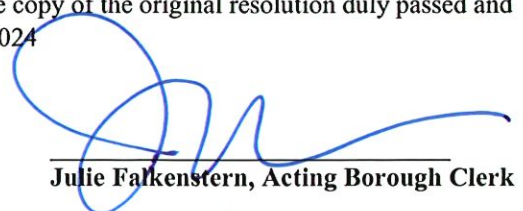
1. No topsoil shall be removed from the site.
2. The applicant shall indicate the location to which excess soil will be exported.
3. The applicant shall indicate the route of travel within the Borough.
4. The applicant shall provide for the cleaning of the streets used in the route of travel within the 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 \$5,491.50 for inspections services of the Borough Engineer.
8. The applicant shall provide a performance guarantee to the Borough in the amount of \$109,830.00



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 September 23, 2024



Julie Falkenstern, Acting Borough Clerk

AZZOLINA & FEURY ENGINEERING, INC.
30 Madison Avenue
Paramus, New Jersey 07652
201-845-8500

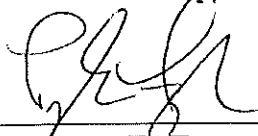
ENGINEER'S ESTIMATE OF SITE IMPROVEMENT COSTS

For the Property Located at
12 Irene Court
Block 84.04, Lot 2
Borough of Demarest

Prepared For
RRF Properties, LLC
199 Whitman Street
Haworth, New Jersey

September 10, 2024

Prepared By



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

CONSTRUCTION COST ESTIMATE
12 IRENE COURT, DEMAREST , N.J.

<u>Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
1.	Tracking Pad	L.S.	-	\$ 1,200.00
2.	Silt Fence 10 units	620 L.F.	\$ 7.00	4,340.00
3.	Topsoil – Strip and Stockpile	L.S.	-	2,500.00
4.	Excavation	788 C.Y.	25.00	19,700.00
5.	Soil Export	556 C.Y.	45.00	25,020.00
6.	Concrete Seepage Pits	2 EA.	3,200.00	6,400.00
7.	Cul-Tec 150XLHD Chambers	4 EA.	550.00	2,200.00
8.	Perimeter Drain, 6" Perf. PVC	80 L.F.	35.00	2,800.00
9.	Solid PVC, 6" Dia.	30 L.F.	25.00	750.00
10.	Solid PVC, 4" Dia.	28 L.F.	22.50	630.00
11.	Tree Removal (2)	L.S.	-	1,800.00
12.	Conc. Curb Replacement	18 L.F.	55.00	990.00
13.	Fine Grading	1,933 S.Y.	4.50	8,698.00
14.	Topsoil (4"), Mulch, Seed	1,933 S.Y.	7.50	14,497.00
<u>ESTIMATED TOTAL AMOUNT</u>				\$ 91,525.00

Prepared By:



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

September 10, 2024

Date Prepared

Project No. 12466

September 13, 2024

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

12 Irene Court
Block 84.04, Lot 2
Borough of Demarest, Bergen County, NJ
Soil Moving Application **Review 2** – Proposed Dwelling, Pool, and Patio
Colliers Engineering & Design Project No. DEPO212

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, asphalt driveway, paver walkway, patio with pergola, attached three car garage, in-ground pool with attached patio, drainage improvements, and other related appurtenances at the subject property. Updated items are in **bold**:

- a) Board Approved Plans - Plot Plan and Soil Erosion Control Plan, Tree Mitigation Plan, and Detail Sheet prepared for RRF Properties, LLC, consisting of three (3) sheets, prepared and signed by Perry Frenzel, PE of Azzolina and Feury Engineering, Inc., dated April 11, 2024;
- b) Site Plans consisting of ~~one (1) sheet~~ **three (3) sheets**, prepared and signed by Perry Frenzel of Azzolina and Feury Engineering, Inc. dated April 11, 2024, **last revised September 10, 2024**;
- c) Architectural Plans for the Fermano Residence, consisting of ten (10) sheets, prepared by Peter J. Dito, RA, of FDS Architects, dated January 24, 2024, last revised February 7, 2024;
- d) Seepage Pit Design prepared for RRF Properties, LLC, consisting of two (2) sheets, prepared by Perry E. Frenzel, PE, of Azzolina and Feury Engineering, Inc., dated April 11, 2024, **last revised September 10, 2024**;
- e) Soil Moving Application for the subject property, signed and dated May 10, 2024;
- f) Zoning Board of Adjustment File No. ZB 2024-003 approved resolution, signed and dated July 16, 2024;
- g) Colliers Engineering and Design Zoning Board Review, prepared and signed by Nick Chelius, PE, dated June 21, 2024; and
- h) **Engineer's Estimate of Site Improvement Costs, consisting of two (2) pages, prepared by Perry Frenzel, PE of Azzolina and Feury Engineering, Inc., dated September 10, 2024.**

This application was heard before the Zoning Board on July 16, 2024, when it was approved subject to certain conditions. The approval of the Application was memorialized on August 20, 2024, by resolution. As such, a resolution compliance review is included in this letter in addition to the soil

movement application review. After our review of the above documents, we offer the following comments in this matter:

Resolution Compliance for File No. ZB 2024-003, resolved July 16, 2024

The owner of the subject property first came before the Board seeking relief for existing conditions on the property. The Application was approved for the following variances:

- Minimum Lot Area, with the existing lot area of 24,000 SF, whereas a minimum of 30,000 SF is required; and
- Front Yard Setback, with the existing setback of 49.7 feet and proposed setback of 50.2 feet, whereas 50 feet is required.

Below are listed the conditions of approval. Commentary on compliance with these conditions is provided in **bold** and previous comments related to Review 1 are provided in *italics*:

1. The Applicant shall obtain any necessary approvals from all municipal, county, and state agencies. **Applicant shall comply.**
2. The Applicant shall comply with all comments contained in B-1 and other directives from the Board Engineer.

Below is a summary of relevant comments from the latest version of Exhibit B-1, CED Review letter dated June 21, 2024:

- A. The Applicant is proposing two (2) precast concrete drywells to collect and store stormwater runoff from what appears to be the roof area of the proposed dwelling. We offer the following comments related to the drainage design:
 1. The applicant should provide clarification as to the tributary drainage area for the proposed drywells. Testimony should be provided to clarify if all or a portion of the roof is to be collected and stored in the proposed drywells.

9/9/24 - The Applicant has stated in the Seepage Pit Design that the entire roof area of the proposed dwelling is the tributary drainage area for the proposed drywells. It was agreed upon at the hearing that the Applicant would add stormwater collection for the patio and pergola area which does not appear to be reflected on the current plans. The Applicant should revise the plans accordingly.

9/12/24 - The Applicant has revised the plans to collect stormwater from the patio and pergola area via a perimeter drain that is connected to a Cultec chamber seepage pit. See the Engineering Review for additional comments. Comment satisfied.
 2. It is suggested that the drywells are located further from the property boundary if feasible. CED typically recommends at least fifteen (15) feet from property boundaries.

9/9/24 - The proposed seepage pit is located ten (10) feet away from the side property boundary. This item remains open.

9/12/24 - The Applicant has moved the front yard seepage pit to be 15 feet away from adjacent properties. Comment satisfied.

3. There appears to be no means of stormwater collection proposed for the rear yard patio or pergola areas. The Applicant should confirm in testimony.

9/9/24 - The tributary drainage area is identified only as the roof area of the proposed dwelling. This item remains open.

9/12/24 - The Applicant has revised the plans to collect stormwater from the patio and pergola area via a perimeter drain that is connected to a Cultec chamber seepage pit. Comment satisfied.

4. The Applicant is proposing to connect the sump pump to the proposed seepage pits. The Applicant shall be made aware that this connection must be accounted for in any future drainage design calculations submitted.

9/9/24 - The Applicant has included as part of the flow into the proposed seepage pit. Comment satisfied.

- G. The Applicant is proposing a new curb cut and driveway apron. The Applicant should indicate on the plans the limits of full height curbing to be restored.

9/9/24 - This item remains open.

9/12/24 - The Applicant has provided the limits of new full height curb and proposed depressed curb on the plans. Comment satisfied.

3. The Applicant shall coordinate all drainage proposals with the Board Engineer and shall amend and revise same to his satisfaction. **See the Engineering Review comments below.**

Based on the above, the Applicant **does comply** with the conditions of the resolution.

Engineering Review

1. The Applicant/Owner in this matter is:

RRF Properties LLC
199 Whitman Street
Haworth, NJ 07641

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 and other associated improvements which are to be demolished. The Applicant is proposing to construct a new dwelling, asphalt driveway, paver walkway, patio with pergola, attached three car garage, in-ground pool with attached patio, air conditioning units, pool equipment pad, seepage pit, and other related appurtenances.
3. The project site is a rectangular shaped parcel consisting of 24,000 SF. The property has frontage along Irene Court to the southwest. The project site is located in the Residence BB Zone according to the Borough of Demarest Zoning Map.
4. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.
5. The existing improved lot coverage is 6,768 SF (28.2%). The proposed improved coverage is 7,197 SF (29.99%). The net increase in coverage is 429 SF.
6. 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 for the proposed dwelling and the proposed sump pump. We offer the following comments related to drainage design:
 - a. The Applicant provides the storage capacity of each of the two drywells, which is a total of 1,132 cubic feet in a 14-foot by 28-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 has provided revised design calculations for an additional seepage pit system that consists of four (4) 150XLHD Cultec chambers surrounded by crushed stone. This system collects approximately 964 SF from the pool patio and pergola areas. The storage volume is calculated to be 294.15 CF. We have reviewed the calculations and take no exception.**
 - b. The Applicant shall relocate the seepage pit to provide a minimum of 15 feet from adjacent properties. **The Applicant has moved the front yard seepage pit to be 15 feet away from adjacent properties. Comment satisfied.**
 - c. The Applicant shall provide additional stormwater collection for the patio and pergola area pursuant to the discussion agreed upon at the zoning board hearing. The drainage design should be revised accordingly. **The Applicant has revised the plans to collect stormwater from the patio and pergola area via a perimeter drain that is connected to four (4) Cultec chambers. Comment addressed.**

- d. The Applicant shall be made aware that soil testing is required at the location of the proposed seepage pit. 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.
 - e. The Applicant has provided a seepage pit profile detail that shows a 6" PVC inspection port at grade for future maintenance.
 - f. The Engineer shall be notified to inspect the seepage pit system prior to backfilling.
7. The Applicant has provided building height calculations on the plan indicating an average grade elevation of 102.37 with a midpoint roof elevation of 128.86. The building height is calculated to be 26.49 feet. The provided architectural plans appear to be consistent with the site plans. We take no exception.
8. The Applicant has indicated there are several new utility connections which are to be re-used (Water and Gas), within the Borough ROW. We offer the following comments:
 - a. 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.
9. We offer the following comments related to the proposed grading:
 - a. The existing high-point of the site is located at the eastern corner of the property, and the terrain slopes downward towards the west corner of the property toward Irene Court and the neighboring property to the northwest. The elevations range from approximately 105 at the east corner to 99 at the west corner of the property. Uncollected stormwater appears to flow generally from east to west with the front yard drainage directed toward Irene Court.
 - b. The Applicant is proposing to regrade the rear, front, and side yards as part of this application. Stormwater in the front and southeastern side yard areas will drain toward Irene Court, and the remainder of the property will drain towards the northwest property boundary. 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.
10. The Applicant has designated three (3) trees for removal and two (2) trees for replacement. The Applicant has provided a tree removal table and a tree replacement table. We offer the following comments related to tree removal:
 - a. If any additional trees beyond what is represented on the site plan are required to be removed a revised site plan should be submitted showing said tree removal before proceeding.
 - b. We defer to the shade tree commission for final comment on replacement trees (if needed) and acceptable planting species of said trees.
11. An as-built survey with a coverage breakdown will be required prior to the issuance of a C.O.

Soil Moving Application

12. The site plans indicate a total fill of 232 CY, a total cut of 761 CY, and a net export of 529 CY. The calculations displayed on the plans for total cut and fill consist of separate calculations for different proposed improvements. The sum of the fill and cut for the separate calculations are not in agreement with the total estimated cut and fill on the property. The Applicant shall revise the soil moving calculations accordingly. **The Applicant has revised the total cut to 788 CY with total fill of 232 CY and a net export of 556 CY.**
13. 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 that contains the items described above. Comment satisfied.**

Miscellaneous

14. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements.
15. 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.

16. 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.
17. 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.
18. 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.
19. 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 provides a performance guarantee in the amount of \$109,830.00 and engineering escrow in the amount of \$5,491.50.

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

Sincerely,

Colliers Engineering & Design



Nick Chelius, P.E.
Borough Engineer

CC: Kevin Burnette, Construction Code Official (via e-mail)
Peter J. Dito, RA, Applicant's Architect (via mail)
Perry E. Frenzel, PE, Applicant's Engineer (p.frenzel@afenginc.com)
RRF Properties, LLC, Applicant (via mail)