

Resolution of the Demarest Governing Body

Resolution No. 167 -24

October 15, 2024

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

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 5 STRATFORD CT.

BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 5 Stratford Ct. Block 76, Lot 3.04, prepared Sean 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 \$889.12 for inspections services of the Borough Engineer.
8. The applicant shall provide a performance guarantee to the Borough in the amount of \$17,798.40

APPROVED:

Mayor Brian Bernstein

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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

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

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October 1, 2024

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

5 Stratford Court
Block 76, Lot 3.04
Borough of Demarest, Bergen County, NJ
Soil Moving Application Review #2 – Proposed Keystone Wall, Driveway/Walkway Realignment, and
Seepage Pits
Colliers Engineering & Design Project No. DEP0213

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 keystone wall, driveway and walkway realignment, two Cultec chamber drainage systems, and other related appurtenances at the subject property:

- a) Drainage and Grading Plan consisting of one (1) sheet, prepared and signed by Sean P. McClellan, PE, of McClellan Engineering dated May 29, 2024; last revised August 21, 2024; **revised September 18, 2024;**
- b) Soil Moving Application for the subject property, signed and dated July 24, 2024; and
- c) Letter from Sean P. McClellan, PE, of McClellan Engineering with attached soil test results, signed and dated July 22, 2024;
- d) **Cost estimate prepared by Sean P. McClellan, PE, dated September 18, 2024;**
- e) **Comment response letter from Sean P. McClellan, PE, dated September 18, 2024.**

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

General

1. The Applicant/Owner in this matter is:

Daniel HeeSun Lee
5 Stratford Court
Demarest, NJ 07627

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 two-story dwelling, macadam driveway, concrete walkways, slate patio, pool, walls, metal fence, and other related appurtenances. The Applicant is

proposing to construct a new keystone wall, driveway and walkway realignment, drainage improvements, and other related appurtenances on the property.

3. The project site is located in the Residence B Zone according to the Borough of Demarest Zoning Map.
4. The property has frontage along Stratford Court to the north. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.
5. The site plans appear to be lacking some basic information which is required to properly review this application. The following should be provided in the next submission:
 - A table summarizing zoning information and compliance with bulk requirements in both existing and proposed conditions.
 - The area of the parcel has not been provided.
 - Design calculations for the drainage improvements have not been provided.

The Applicant has provided the above requested information. The subject parcel is approximately 32,723 SF. The Applicant has indicated no variances are required for the proposed construction.

6. According to the site plans, no variances are requested for the proposed construction. The Applicant is proposing a keystone wall with a maximum 3.9 feet in height in the rear and side yard of the property. The Applicant should be made aware that retaining walls 2 feet high or greater are considered accessory structures and are only permitted in the rear yard area.

Colliers Engineering & Design recommends this condition be further reviewed by the Borough Zoning officer for final determination on compliance. It appears that there are accessory structures in the side yard area when they are only permitted in the rear yard.

7. The existing improved lot coverage indicated on the plans is 11,412 SF (34.9%) The proposed improved coverage is calculated to be 9,734 SF (29.7%). The net decrease in coverage is 1,678 SF.

Site Plan

8. The Applicant is proposing two (2) separate drainage systems consisting of Cultec 330 Units. System 1 appears to be collecting roof leader discharge and system 2 appears to be connected to the sump pump of the dwelling. We offer the following comments related to drainage design:
 - a. The Applicant has not provided design calculations. The Applicant shall provide this information in the next submission. Separate calculations should be provided for each system.

The Applicant has provided design calculations as requested. We have reviewed the calculations and take no exception.
 - b. The Applicant has provided soil testing from Johnson Soils Company that demonstrate the permeability of the soil at the locations of the proposed seepage pits. The test pits where soil was tested were extended to seven (7) feet in depth, and no groundwater or rock were encountered in the test pits. The soil testing indicates K-3 soils. As such, it appears that adequate soil conditions are present for the installation of the Cultec Chambers.

- c. The provided details for the Cultec chambers do not appear to show inspection/observation ports. The Applicant shall provide an at-grade observation port for future maintenance.
This comment has been addressed.
- d. The Engineer shall be notified to inspect the seepage pit system prior to backfilling.

9. We offer the following comments related to the proposed grading:

- a. Existing grades on site range from 104 at the eastern boundary of the property to 93 in the northwestern corner. Stormwater flows generally from the east to the west/northwest under existing conditions.
- b. The Applicant is depicting minor regrading of the property as part of this application. The changes appear to be minor in nature and maintain existing drainage patterns. However, the Applicant does not provide grading or slope information for the proposed macadam driveway. The Applicant should provide this information in the next submission.
- 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 seven (7) trees for removal. The Applicant has neither provided a tree removal table nor a table summarizing the replacement trees proposed. We defer to the Shade Tree Commission for final comment and approval of any removal of trees.

Soil Moving Application

11. The site plans indicate a total fill of 26 CY, a total cut of 130 CY and a net export of 104 CY. The soil movement calculations do not include cut/fill required to construct the proposed keystone wall. The Applicant shall revise the soil movement calculation 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.

12. The Applicant does not appear to require a soil moving permit in accordance with Chapter 147 (§147-1) of the Borough Ordinance. If posted values of soil movement are greater than 250 cubic yards, 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).

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 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.
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*** a soil moving permit be issued after the applicant provide the required performance guarantee and obtains permission from Mayor & Council. It is also recommended that the zoning officer review and approve the retaining walls in the side yard area before proceeding. Bonding amounts based on the provided cost estimate are as follows:

Engineers Estimate: \$14,832.00
Performance Guarantee: \$17,798.40
Engineering Escrow: \$889.92

Project No. DEP0213
October 1, 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 "NChelius".

Nick Chelius, P.E.
Borough Engineer

CC: Kevin Burnette, Construction Code Official (via e-mail)
Sean P. McClellan, PE, Applicant's Engineer (via mail)
Daniel Heesun Lee, Applicant (heesunminlee@hotmail.com)

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McCLELLAN ENGINEERING

Sean P. McClellan P.E. | 84 Gettysburg Way Lincoln Park, New Jersey 07035 | Phone: 862-668-1160 |
McClellanEngineering@gmail.com

September 18, 2024

COST ESTIMATE

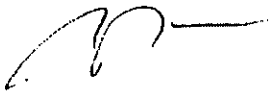
TOWN: Demarest

PROJECT: 5 Stratford Court – New Dwelling

Costs for work performed per Building Department request

Item	Description	Quantity	Unit	Unit Price	Total
1	Soil Erosion & Control Measures	-	-	-	2,000
2	Cultec 330 Chambers	13	1000 gal	600	7,800
3	Roof Leaders	1	-	1,000	1,000
4	Soil Moving from site	104	Yds	15	1,560
		Subtotal			12,360
		Contingency @ 20%			2,472
		Estimated Construction Cost			\$14,832

Prepared By:



Sean P. McClellan, PE