

Resolution of the Demarest Governing Body

Resolution No. 182-24

October 28, 2024

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

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 144 ORCHARD RD.

=====

BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 44 Orchard Rd. Block 71 Lot 5, prepared by Sean McClellan P.E., is hereby approved subject to the following conditions:

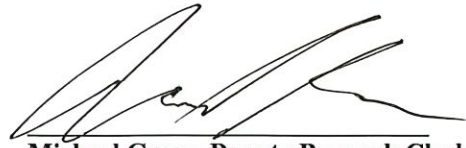
1. No topsoil shall be removed from the site.
2. The applicant shall indicate the location to which excess soil will be exported.
3. The applicant shall indicate the route of travel within the Borough.
4. The applicant shall provide for the cleaning of the streets used in the route of travel within the 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 \$1,847.88 for inspections services of the Borough Engineer.
8. The applicant shall provide a performance guarantee to the Borough in the amount of \$36,957.60



Brian Bernstein, Mayor

CERTIFICATION

I, Michael Greco, Deputy 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 28, 2024



Michael Greco, Deputy Borough Clerk

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



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October 14, 2024

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

44 Orchard Road
Block 71, Lot 5
Borough of Demarest, Bergen County, NJ
Soil Moving Application Review - Proposed Dwelling
Colliers Engineering & Design Project No. DEP0216

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, pool, walkway, macadam driveway, drainage improvements, and other related improvements on the property:

- a) Site plans consisting of one (1) sheet, prepared and signed by Sean P. McClellan, PE, of McClellan Engineering, dated July 31, 2024;
- b) Architectural Plans consisting of ten (10) sheets, prepared and signed by Peter J. Dito, RA, of FDS Architects, dated September 13, 2024;
- c) Soil Moving Application for the subject property, signed and 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:

Larry Jacob
50 Orchard Rd
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 dwelling and other related improvements which are to be demolished. The Applicant is proposing to construct a new dwelling, patio, pool, walkway, macadam driveway, drainage improvements, and other related improvements on the property.
3. The project site is located in the Residence B Zone according to the Borough of Demarest Zoning Map, where the construction of a single-family dwelling is permitted.



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4. The project site is a rectangular shaped corner lot parcel consisting of 43,039 SF. The property has frontage along Orchard Road, east of Piermont Road. 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 noted in the zoning table.
6. The existing improved lot coverage indicated on the plans is 4,926 SF (11.4%) The proposed improved coverage is calculated to be 10,802 SF (25.1%) where a maximum of 30% is permitted in this zone. The net increase in coverage is 5,876 SF.

Site Plan

7. The Applicant is proposing three (3) precast concrete drywells to collect and store stormwater runoff on the property from what appears to be the roof area of the proposed dwelling. We offer the following comments related to drainage design:
 - a. The Applicant has provided design calculations which indicate approximately 4,840 SF of roof area being collected and conveyed to the proposed drywells. The Applicant has provided adequate storage for this drainage area. We take no exception to the calculations provided.
 - 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 has provided an at-grade 6-inch PVC observation port cap for future maintenance in the seepage pit detail. We take no exception.
 - d. The Engineer shall be notified to inspect the seepage pit system prior to backfilling.
8. The Applicant has provided building height calculations on the plan indicating an average grade elevation of 103 and a roof midpoint elevation of 131.3. This equates to a total building height of 28.3 feet where a maximum of 30 feet is allowed.
9. The Applicant has not indicated they are installing any new utilities on site. The Applicant notes that existing utilities are to be re-used.
10. We offer the following comments related to the proposed grading:
 - a. Existing grades on site range from 106 in the northeastern corner of the property to 101 in the southwestern corner. Stormwater flows generally from east to west/southwest 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. We take no exception.
 - c. Grades should not be altered by more than one foot in areas within the drip line of any trees to remain.



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11. The Applicant has designated six (6) 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.
12. An as-built survey with a coverage breakdown will be required prior to the issuance of a C.O.

Soil Moving Application

13. The site plans indicate a total fill of 181 CY, a total cut of 992 CY and a net export of 811 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.
14. 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).

Miscellaneous

15. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements.
16. 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



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does adversely impact neighboring properties, the Applicant will be responsible for remedying that situation at no additional cost to the Borough.

17. 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.
18. 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.
19. 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.
20. 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 provides a cost estimate as outlined in comment 14d of this letter and obtains the required performance guarantee and approvals from Mayor and Council.

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)
Sean P. McClellan, PE, Applicant's Engineer (r_ventura_23@yahoo.com)
Larry Jacob, Applicant (lnjacob@gmail.com)

McCLELLAN ENGINEERING

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

October 18, 2024

COST ESTIMATE

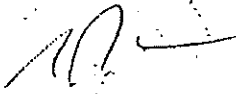
TOWN: Demarest

PROJECT: 44 Orchard Road – 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	Seepage Pit Installation	3	1000 gal	3,500	10,500
3	Roof Leaders	1	-	1,000	1,000
4	Soil Moving from site	811	Yds	15	12,165
		Subtotal			25,665
		Contingency @ 20%			5,133
		Estimated Construction Cost			\$30,798

Prepared By:



Sean P. McClellan, PE