

Resolution of the Demarest Governing Body

Resolution No. 210-24

December 9, 2024

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

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 242 HARDENBURGH 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 242 Hardenburgh Ave. Block 81.01 Lot 1 prepared by Mark Martins, 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 \$3,341.70 for inspection services of the Borough Engineer.
8. The applicant shall provide a performance guarantee to the Borough in the amount of \$66,834.00



Brian Bernstein, Mayor

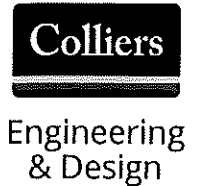
CERTIFICATION

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 December 9, 2024



Julie Falkenstern, Acting Borough Clerk

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



November 25, 2024

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

242 Hardenburgh Ave
Block 81.01, Lot 1
Borough of Demarest, Bergen County, NJ
Soil Moving Application Review #2
Colliers Engineering & Design Project No. DEP0214

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, driveway, retaining wall, drainage improvements, and other related appurtenances at the subject property:

- a) Site plans consisting of three (3) sheets, prepared and signed by Mark Martins, PE, dated June 10, 2024; Last revised August 30, 2024, **last revised October 24, 2024**
- b) Architectural Plans consisting of thirteen (13) sheets, prepared by Anthony L. Zampolin of Zampolin & Associates Architects, dated June 25, 2024, last revised July 25, 2024;
- c) Soil Moving Application for the subject property, signed and dated September 4, 2024.
- d) **Soil testing results prepared by Johnson Soils Company signed by Lisa V. Mahle-Greco, PE.**
- e) **Drainage calculations prepared and signed by Mark Martins, PE, dated June 3, 2024, last revised October 9, 2024**

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

General

1. The Applicant/Owner in this matter is:

M&M Holdings III LLC
242 Hardenburgh Ave
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 which is to be demolished. The Applicant is proposing to construct a new dwelling, patio, walkway, macadam driveway, retaining wall, drainage improvements, and other related improvements on the property.
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 12,100 SF. The property has frontage along Hardenburg Avenue, southwest of Merideth 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. However, the Applicant is proposing a retaining wall on the side yard exceeding 2 feet. As per definition in ordinance #175-27 walls two-feet in height or greater are considered accessory structures. As per ordinance #175-19(B), accessory structures are only permitted in the rear yard.

The retaining wall height has been reduced to below 2 feet. Comment addressed.

6. We note there's an inconsistency on the site plan regarding the amount existing impervious coverage. The existing impervious coverage is shown as 2,833.6 SF under the impervious calculations on sheet 1 of the site plans. Note #11 on sheet 1 of the site plans states existing impervious coverage is 3,127 SF. The Applicant shall clearly indicate existing versus proposed improved lot coverage on the site plans in a side-by-side table format for comparison and eliminate any discrepancies related to existing coverages.

The discrepancies have been addressed. Comment satisfied.

Site Plan

7. 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 of the proposed dwelling and additional area via surface inlets. 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 2,400 gallons (320 cubic feet) in a 12-foot by 12-foot crushed stone box. However, the Applicant does not provide supporting calculations for the proposed seepage pits. The Applicant shall revise the plan to include supporting design calculations for each proposed seepage pit and their capacity. The calculations should clearly indicate all tributary drainage areas for each independent seepage pit system.

The applicant has provided the requested design calculations. The tributary drainage area appears to be equivalent to the net increase in coverage (2,406 SF). Comment addressed.

- 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.

Soil testing results have been provided. We take no exception.

- c. The Applicant has provided an at-grade manhole cover 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 70.24 and a roof midpoint elevation of 100.7. This equates to a total building height of 29.94 feet where a maximum of 30 feet is allowed.
9. The Applicant has indicated there are several new utility connections proposed (Sanitary, Gas, and Water). We offer the following comments:
 - a. It will be the Applicants responsibility to obtain the necessary road opening permits related to this work.
 - b. 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.
10. We offer the following comments related to the proposed grading:
 - a. Existing grades on site range from 67 in the southeast of the property to 76 in the northwestern corner. Stormwater flows generally from north to south under existing conditions.
 - b. The Applicant is proposing to regrade the rear yard by raising the grade by an average of 0.5 to 1 feet. Stormwater in the rear yard area will drain toward Hardenburg avenue into the two proposed seepage pits on the North and South side of the property. 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. The Applicant is depicting minor regrading of the front 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.
 - d. Grades should not be altered by more than one foot in areas within the drip line of any trees to remain.
11. The Applicant does not appear to designate any trees for removal. Review of the site plan appear to show multiple trees that may need to be removed in order to install the proposed improvements. The plan shall be revised to clearly indicate what trees and how many trees to be removed to install the proposed improvements. We defer to the Shade Tree Commission for final comment and approval of any removal and/or replacement trees.

The tree removal and replacement schedule has been noted on the site plan. We defer to the Shade Tree Commission for final comments and approval of any removal and/or replacement trees.

Soil Moving Application

12. The site plans indicate a total fill of 85.7 CY, a total cut of 665.0 CY and a net export of 579.9 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.

Soil volume has been revised to total fill of 86.3CY and a total cut 672.6 CY. We take no exception.

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).

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 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.
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 at this time contingent on the following being addressed:

- **Prior to issuance of the permit the Applicant shall provide a cost estimate in accordance with comment 13d of this letter for review and provide the required bonds and fees.**
- **The Applicant shall obtain permission from Mayor and Council pursuant to Ordinance Chapter 147.**

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



Engineering
& Design

Sincerely,

Colliers Engineering & Design

A handwritten signature in black ink, appearing to read "N. Chelius".

Nick Chelius, P.E.
Borough Engineer

cc: Kevin Burnette, Construction Code Official (via e-mail)
Mark Martins, Applicant's Engineer (via email)
Robert Zampolin, Applicant's Architect (via email)
M&M Holdings III LLC, Applicant (info@jbcmlc.com)

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