

Resolution of the Demarest Governing Body

Resolution No. 095 -24

April 30, 2024

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

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 38 EVERGREEN PLACE

=====

BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 38 Evergreen Pl. Block 146 Lot 6 prepared by Christopher Lantelme, 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 \$ 1,280.52 for inspections services of the Borough Engineer.
8. The applicant shall provide a performance guarantee to the Borough in the amount of \$ 25,610.40

APPROVED:

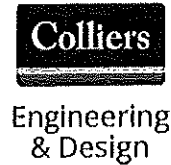

 Brian Bernstein, Mayor

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 April 30, 2024


 Julie Falkenstern, Acting Borough Clerk

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



April 23, 2024

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

38 Evergreen Place
Block 146, Lot 6
Borough of Demarest, Bergen County, NJ
Soil Moving Application – Proposed Dwelling – **Review 2**
Colliers Engineering & Design Project No. DEP0199

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 and other related appurtenances at the subject property:

- a) Site plans consisting of one (1) sheet, prepared and signed by Christopher Lantelme, P.E. & P.L.S., of Lantelme, Kurens & Associates, P.C., dated January 10, 2024; Last revised March 8, 2024; **Last revised April 18, 2024;**
- b) Architectural Plans consisting of eight (8) sheets, prepared and signed by Raul G. Mederos, RA, of Imagen Architecture LLC, dated January 31, 2024;
- c) Soil Moving Application for the subject property;
- d) **Soil testing results prepared and signed by Lisa V. Mahle-Greco, P.E. of Johnson Soils Company, dated April 12, 2024;**
- e) **Engineer's cost estimate for site improvements, prepared and signed by Christopher Lantelme, P.E., dated April 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:

Yael Cohen
8 Brook Way
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 comprised of a single-family dwelling with paver patio, enclosed porch, driveway, walkways and other related improvements which are to be demolished in their entirety. The Applicant is proposing to construct a new dwelling with associated patio, in-ground pool, driveway, walkways, shed, drainage improvements, and other related improvements.
3. The project site is located in the Residence C Zone according to the Borough of Demarest Zoning Map, where the construction of a single-family dwelling and the installation of an in-ground pool is permitted.
4. The project site is a rectangular shaped corner lot consisting of 15,233 SF. The property has frontage along Evergreen place along the northern and western property boundaries. The front of the dwelling and driveway is oriented in the northerly direction.
5. According to the site plans, no variances are being requested for the proposed construction.
6. The existing improved coverage on the lot is 3,906 S.F. (25.6%). The proposed impervious coverage is ~~4,535 S.F. (29.8%)~~ **4,529 SF (29.7%)** where a maximum of 30% is allowed in this zone. The net increase in impervious coverage is ~~629 SF~~ **623 SF**.

Site Plan

7. Based on the definitions provided in Section §175-27 of the Borough Ordinance, the proposed pool and shed are considered Accessory Uses.
8. The zoning table indicates that the required side yard setback is 10 feet. The Demarest Limiting schedule indicates that the required side yard setback for this zone is 15 feet. The Applicant shall correct this discrepancy. **Comment addressed.**
9. The Applicant is proposing two (2) 1,000-gallon precast concrete drywells to collect and storm stormwater runoff on the property. We offer the following comments related to drainage design:
 - a. The drywells are proposed in a location adjacent to several large maple trees that are not designated for removal. The Applicant shall be made aware that these trees are to be protected in accordance with the tree protection detail. No excavations shall be made within the drip line of the trees. **The drywell location has been moved further away from the existing trees to avoid conflict. Comment addressed.**
 - b. We have reviewed the design calculations for the drywells and take no exception. The Applicant is collecting approximately 2,717 SF of roof area and directing stormwater to the proposed drywells. The provided capacity is sufficient to handle this area.
 - c. The Applicant shall be made aware that soil testing is required at the location of the proposed drywells. 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. **The Applicant has performed the required soil test and provided the results. No groundwater was encountered, and K-5 soils were observed indicating adequate soil conditions for the installation of the seepage pits. Comment addressed.**



- d. The Engineer shall be notified to inspect the seepage pit system prior to backfilling.
10. Per §175-24(N), all swimming pools shall be enclosed with a substantial fence no less than forty-eight (48) inches in height. We offer the following comments related to fencing:
 - a. The Applicant has shown chain link fencing enclosing the rear yard area.
 - b. The Applicant should provide a detail of the proposed fence. The height of the fence should be clearly indicated. **The Applicant has provided the requested detail depicting a four-foot-high chain link fence. This item has been addressed.**
 - c. A pool compliant self-locking gate should be specified at the side yard entrance. **Comment addressed.**
 11. There are two (2) foot max retaining walls located along the southern and western corner of the property. The Applicant shall be made aware that these walls cannot be in excess of two (2) feet, or it will trigger the need for a variance (accessory structure in the front/side yard and accessory structure setback).
 12. There is a 24" maple in the vicinity of the proposed landscape wall. The Applicant should clarify if this wall is within the required protection area (the drip line) of the tree. If there is any interference, the wall should be shortened accordingly. **The Applicant has slightly shortened the proposed retaining wall to avoid conflict with the existing 24" maple.**
 13. We offer the following comments related to the proposed grading:
 - a. The site as it currently exists slopes downward in the northern direction with grades ranging from 102 in the southern corner to 94 in the northern corner (a difference of 8 feet).
 - b. The Applicant is proposing minor regrading which includes a natural swale shape along the western side of the property to direct stormwater toward Evergreen Place.
 - c. Existing drainage patterns appear to be maintained throughout the property. We take no exception to the grading changes proposed.
 - d. Grades should not be altered by more than one foot in areas within the drip line of any trees to remain.
 14. The Applicant has designated approximately ten (10) trees for removal. The Applicant should revise the plan to include 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. **The Applicant has provided a tree removal and replacement summary on the site plans. Comment addressed.**
 15. Per Borough Ordinance §175-19A(3)b – Side Yards - Accessory uses, buildings and structures shall not be permitted to encroach meaning the required side yard setback of 15 feet applies to the proposed shed and any other accessory structures. The shed shall be relocated, or the Applicant will be required to seek variance relief for this condition. **The shed has been relocated as requested. Comment addressed.**

16. The site plan indicates a total impervious coverage of 29.8% is proposed where 30% is allowed in the zone. The Applicant shall be advised that any additional coverage beyond what is represented on the site plans would trigger the need for a variance. An as-built survey with a coverage breakdown will be required prior to the issuance of a C.O.
17. We have reviewed the placement of the proposed pool and patio, and it appears the Applicant is compliant with all accessory structure setback requirements. We take no exception.

Soil Moving Application

18. The Applicant has submitted a soil moving application and calculations, which indicates a total cut of 941 cubic yards and total fill of 122 cubic yards. The calculations indicate that 519 cubic yards of soil are to be exported from the site. 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.
19. 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 for site work as requested.**

Miscellaneous

20. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements.
21. If drainage issues arise during or after construction, the Applicant will be responsible for remedying any drainage issues caused by the proposed demolition activities. In addition, water runoff directed to neighboring properties is prohibited. However, suppose runoff water does enter neighboring properties as a result of proposed land disturbance and construction. In that case, the Applicant will be responsible for remedying that situation at no additional cost to the Borough.
22. 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.
23. 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.
24. 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.
25. 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 submits the required performance guarantee and obtains permission from Mayor & Council. The Applicant shall provide the following:

- Performance Guarantee: \$25,610.40
- Engineering Escrow: \$1,280.52

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

Project No. DEP0199
April 23, 2024
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Engineering
& Design

Sincerely,

Colliers Engineering & Design

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

Nick Chelius, P.E.
Borough Engineer

cc: Kevin Burnett, Construction Code Official (via e-mail)
Christopher Lantelme, P.E., Applicant's Engineer (c111@verizon.net)
Yael Cohen, Applicant (epersitz@google.com)

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Lantelme, Kurens & Associates, P.C.

ENGINEERS & SURVEYORS 101 West Street, P.O. Box 486, Hillsdale, New Jersey 07642 (201) 666-2460
Fax (201) 666-9745

Christopher J. Lantelme, P.E. & L.S.

April 18, 2024

COST ESTIMATE

TOWN: Demarest

PROJECT: 38 Evergreen Place – 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	2	1290 gal	3,500	7,000
3	Roof Leaders	1	-	1,000	1,000
4	Soil Moving from site	519	Yds	15	7,785
			Subtotal		17,785
			Contingency @ 20%		3,557
			Estimated Construction Cost		\$21,342

Prepared By:



Christopher J. Lantelme, PE & LS

