

Resolution of the Demarest Governing Body

Resolution No. 046-25

February 10, 2025

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

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 54 EVERETT ROAD

BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 54 Everett Rd. Block 84.01, Lot 9 prepared by Michael Hubschmann, 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 ensure that the site is maintained in a safe and secure manner.
8. The applicant shall deposit, with the Borough, escrow in the amount of \$874.19 for inspection services of the Borough Engineer.
9. The applicant shall provide a performance guarantee to the Borough in the amount of \$20,980.48

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 February 10, 2025

Julie Falkenstern, Acting Borough Clerk

February 4, 2025

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

Soil Moving Review #2

54 Everett Road
Block 84.01, Lot 9
Borough of Demarest, Bergen County, NJ
Soil Moving Application Review – Proposed Dwelling
Colliers Engineering & Design Project No. DEP0218

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, pool with spa, pergola, retaining wall, walkway, macadam driveway, drainage improvements, and other related improvements on the property:

- a) Site plans consisting of **three (3) sheets**, prepared and signed by Michael Hubschman, PE, of Hubschman Engineering, dated December 10, 2024, **last revised January 28, 2025.**
- b) Architectural Plans consisting of six (6) sheets, prepared and signed by Linda Del Nobile, AI, of Del Nobile Designs, dated December 9, 2024.
- c) Drainage report prepared and signed by Michael J. Hubschman, PE, of Hubschman Engineering, dated December 10, 2024;
- d) Soil Moving report prepared and signed by Michael J. Hubschman, PE, of Hubschman Engineering, dated December 10, 2024;
- e) Soil Moving Application for the subject property, unsigned and undated.
- f) **Soil Testing report prepared by Michael J Hubschman, PE, December 11, 2024**
- g) **Response letter from Michael J Hubschman, PE, dated January 29, 2025; and**
- h) **Cost Estimate, prepared and signed by Michael J Hubschman, PE, dated January 28, 2025.**

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

General

1. The Applicant/Owner in this matter is:

Enkeleta Dekaj
P.O Box 182
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, slate patio and other related improvements which are to be demolished. The Applicant is proposing to construct a new dwelling, pool with spa, pergola, retaining wall, 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.
4. The project site is a square shaped lot parcel consisting of 23,900 SF. The property has frontage along Everett Road and is located to the east of Bogert Road. Under proposed conditions, driveway access is provided on Everett Road with the front of the dwelling facing Everette Road. 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 indicated on the plans is 5,338 SF (22.3%) The proposed improved coverage is calculated to be 7,147 SF (29.9%) where a maximum of 30% is permitted in this zone. The net increase in coverage is 1,809 SF.

Site Plan

6. The Applicant is proposing four (4) precast concrete drywells to collect and store stormwater runoff on the property. We offer the following comments related to drainage design:
 - a. There are two separate drywell systems proposed, each consisting of two (2) precast concrete tanks. One system is located in the front yard (SP1 and SP2) and the other is located in the rear yard area (SP3 and SP4). Stormwater is collected and conveyed to the drywells by a combination of driveway inlets and roof leaders.
 - b. The Applicant has provided design calculations which indicate approximately 5,499 SF of roof area and driveway being collected and conveyed to the proposed drywell. The Applicant has provided adequate storage for this drainage area. We take no exception to the calculations provided.
 - c. 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. It should be noted that some soil testing information has already been provided on the site plans. We request that percolation rates of the soil also be provided in the soil testing information. **Soil testing has been provided. We take no exception.**
 - d. The Applicant has provided an at-grade manhole cover for future maintenance in the seepage pit detail. We take no exception.
 - e. The Engineer shall be notified to inspect the seepage pit system prior to backfilling. **A note this effect has been added to the site plan on sheet 1 of 3, note #15.**

7. We offer the following comments related to the proposed grading:
 - a. Existing grades on site range from approximately 80 in the southeastern corner of the property to approximately 72 in the northeastern corner. Stormwater flows generally from east to west in the front yard area and toward the northeast corner in the side and rear yard areas. Existing drainage patterns appear to be maintained.
 - b. The Applicant is depicting minor regarding to construct the proposed improvements changes.
 - c. Grades should not be altered by more than one foot in areas within the drip line of any trees to remain.

8. The Applicant is proposing to install an approximate 1.9ft high (max) block modular wall in both the northeastern rear yard area and the western side yard area. The Applicant shall ensure all drains from the retaining wall remain on their property and that the walls do not negatively impact drainage patterns on neighboring properties. **A note this effect has been added to the site plan on sheet 1 of 3, note #16.**

9. The Applicant should provide bottom of wall elevations for the retaining wall located on the west side of the property. **Comment addressed.**

10. The property is encumbered by a 15-foot-wide drainage easement that runs along the western side of the property. We offer the following comments:
 - a. A portion of the driveway and one of the driveway inlets is located within the drainage easement. These improvements should be relocated to be outside of the easement.
 - b. The proposed retaining wall in the western side yard area is proposed within the drainage easement. The proposed wall should either be eliminated or relocated to not impact the drainage easement.
The Applicant has eliminated all improvements within the easements. Comments a. & b. are no longer applicable.

11. The Applicant has designated twelve (12) trees for removal. 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 soil moving application indicates approximately 437 CY of cut and 565 CY of fill for a net import of 128 CY of soil to move to construct the proposed improvements.

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). **The Applicant has provided a cost estimate totaling \$17,483.74. We have reviewed the estimate and take no exception. Pursuant to Ordinance Chapter 147, the following shall be provided for the performance guarantee and engineering escrow:**
 - **Performance Guarantee (120%): \$20,980.48**
 - **Engineering Escrow: \$874.19**

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 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 at this time.

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)
Michael Hubschman, PE, Applicant's Engineer
Linda Del Nobile, RA, Applicant's Architect