

**Resolution of the Demarest Governing Body**

**Resolution No. 164-25**

**September 8, 2025**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>			✓			
<b>Collins</b>		✓	✓			
<b>Fox</b>	✓		✓			
<b>Jiang</b>			✓			
<b>Marks</b>			✓			
<b>Reiss</b>			✓			

**TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 65 LENOX AVE.**

=====

**BE IT RESOLVED** by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 65 Lenox Ave, Block 1.02, Lot 9 prepared by Thomas W. Skrable, P.E., P.P., C.M.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 \$2,160.00 for inspection services of the Borough Engineer.
9. The applicant shall provide a performance guarantee to the Borough in the amount of \$43,200.00

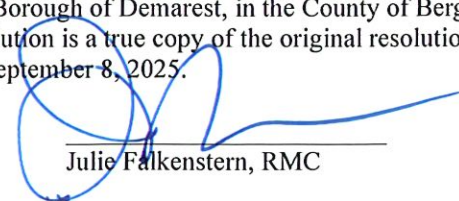
**APPROVED:**



\_\_\_\_\_  
 Brian Bernstein, Mayor

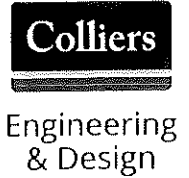
**CERTIFICATION**

I, Julie Falkenstern, Registered Municipal 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 September 8, 2025.



\_\_\_\_\_  
 Julie Falkenstern, RMC

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



September 8, 2025

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

65 Lenox Avenue  
Block 1.02, Lot 9  
Borough of Demarest, Bergen County, NJ  
Soil Moving Application Review - Dwelling #2  
Colliers Engineering & Design Project No. DEP0239

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 2.5-story dwelling, two car garage, rear patio, driveway, drainage improvements, and other related appurtenances on the property:

- a) Site plans consisting of one (1) sheet, prepared and signed by Thomas W. Skrable P.E., P.P., C.M.E., dated June 25, 2025; last revised July 16, 2025;
- b) Architectural Plans consisting of eight (8) sheets prepared by DR Design, dated July 17, 2025; and
- c) Soil Moving Application for the subject property, signed and dated August 17, 202;
- d) **Preliminary Construction Cost Estimate, prepared by Thomas Skrable PE, dated 9/5/25.**

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

**General**

1. The Applicant/Owner in this matter is:

65 Lenox LLC  
Doron Rice  
57 Cedar Street  
Closter, NJ 07624

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 a 1-story frame dwelling, driveway, garage and other related appurtenances.
3. The project site is located in the Residence D Zone according to the Borough of Demarest Zoning Map.

4. The property is located between Brookside Avenue and Drury Lane with frontage along Lenox Avenue. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.

#### Site Plan

5. The existing improved coverage as calculated on the site plan is 4,130 SF (41.30%). The Applicant is proposing to decrease the improved coverage to ~~2,868 SF (28.68%)~~ **2,950 SF (29.5%)** a net decrease of ~~1,262 SF~~ **1180 SF**. We note that the proposed retaining walls do not appear to be included in the proposed coverage calculations. The Applicant should revise the site plans accordingly. **The retaining walls have been added to the coverage calculations. Comment addressed.**
6. The Applicant is proposing two (2) drywell chambers to collect and store stormwater runoff on the property. We offer the following comments related to drainage design:
  - a. The Applicant has provided design calculations which indicate approximately 1983 SF of roof area collected and conveyed to the proposed drywell. Drainage calculations are provided on the site plans. We have reviewed the calculations and take no exception.
  - b. The Applicant should provide invert elevations for all proposed pipe connections. **Comment addressed.**
  - 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 chamber is at least two (2) feet above the SHWT. It is suggested that soil testing be performed before installation of the seepage pits.
  - d. The Applicant has provided an at-grade manhole cover and at grade inspection port for future maintenance in the drywell detail.
  - e. The Engineer shall be notified to inspect the seepage pit system prior to backfilling.
7. We offer the following comments related to the proposed grading:
  - a. Existing grades on site range from 78 at the southeast of the property to 84 along the northwest of the property. Stormwater flows generally from the northwest to southeast under existing conditions.
  - b. Grading changes depicted are minimal. If any changes in grades are desired beyond what is represented on the site plan, an updated grading plan should be submitted for review and approval.
  - 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 notes on the site plan retaining walls proposed at a max height of 4 feet; however the construction detail indicates a max height of 2 feet. The Applicant should clarify the max height of the proposed walls. In addition, top and bottom of wall elevations should be revised accordingly. The Applicant should be made aware that walls in excess of 2 feet are considered accessory structures and are not permitted in front or side yard areas as per Borough Ordinance. **Comment addressed. No walls are depicted in excess of 2 feet.**
9. The Applicant shall ensure all drains from the retaining wall remain on their property. It shall be noted that the wall must be constructed per plan at a maximum height of 2 feet in order to comply with the

ordinance. Any wall 2 feet in height or greater is considered an accessory structure and is only permitted in the rear yard area.

10. The Applicant is proposing to remove a total of 5 trees to construct the proposed improvements. We defer to the shade tree commission for final review and comment on replacement trees.

#### Soil Moving Application

11. The soil moving application indicates approximately 629 CY of cut and net export of 629 CY to move to construct the proposed improvements.
12. 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 an estimate in the amount of \$36,000. Performance guarantee and engineering escrow amounts are as follows:**
    - Performance guarantee: \$43,200.00
    - Engineering Escrow: \$2,160.00

#### 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  $\frac{1}{2}$  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.
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 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., C.M.E.  
Borough Engineer

CC: Michael Greco, Zoning Officer (via e-mail)  
65 Lenox LLC, Applicant, (dlice@ricegroup.us)  
Thomas Skrable, Applicant's Engineer (tskrable@skrableengineering.com)

PRELIMINARY CONSTRUCTION COST ESTIMATE  
 SOIL EROSION AND SEDIMENT CONTROL, DRAINAGE AND SOIL MOVEMENT  
 65 LENOX AVENUE, BOROUGH OF DEMAREST  
 JOB NO. 25-092, 9/5/25

ITEM DESCRIPTION	UNIT	UNIT PRICE	QTY. TOTAL	ITEM TOTAL
SOIL EROSION AND SEDIMENT CONTROL	LS	\$5,000.00	1	\$5,000
EXCAVATION	CY	\$20.00	629	\$12,580
SEEPAGE PITS/STONE	LS	\$15,000.00	1	\$15,000
ROOF LEADER PIPING	LF	\$15.00	200	\$3,000
ESTIMATED CONSTRUCTION COST				\$36,000

 Digitally signed  
 by Thomas W.  
 Skrable, P.E.  
 Date: 2025.09.05  
 08:32:14 -04'00'

THOMAS W. SKRABLE, P.E.  
 9/5/2025

SEP 05 2025