

**Resolution of the Demarest Governing Body**

**Resolution No. 168-25  
September 29, 2025**

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

**TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 127  
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 127 Hardenburgh Ave, Block 23, Lot 13 & 14 prepared by Michael E. Dipple 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 \$20,327.70 for inspection services of the Borough Engineer.
9. The applicant shall provide a performance guarantee to the Borough in the amount of \$150,104.64.
10. The applicant shall provide a Safety/Stabilization guarantee to the Borough in the amount of \$9,781.20
11. The applicant shall provide a Maintenance guarantee to the Borough in the amount of \$35,271.90

APPROVED:

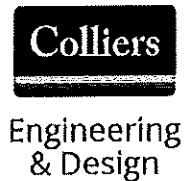
  
\_\_\_\_\_  
Brian Bernstein, Mayor

**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 29, 2025.

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

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



September 29, 2025

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

127 Hardenburgh Avenue  
Block 23, Lots 13 & 14  
Borough of Demarest, Bergen County, NJ  
Soil Moving Application Review – Residential Multi-Family Building  
Colliers Engineering & Design Project No. DEP0171A

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 two-story multifamily residential building, other site improvements consist of a parking area below the building, grading changes, drainage, utilities, landscaping, and lighting, and other related appurtenances on the property:

- a) Site plans consisting of twelve (12) sheets, prepared and signed by Michael E. Dipple P.E., of L2A Land Design, dated October 25, 2022; last revised May 18, 2023; Last revised December 27, 2023; Last revised April 15, 2025; Last revised July 28, 2025;
- b) Architectural Plans consisting of five (5) sheets, prepared and signed by Raymond J. Virgona, R.A., of Virgona & Virgona Architects, dated September 8, 2022, last revised October 12, 2022; last revised December 14, 2022. Plan set revised to 8 sheets, dated June 1, 2023;
- c) Stormwater Management Report consisting of 34 sheets, prepared and signed by Michael E. Dipple, P.E. of L2A Land Design, dated October 25, 2022; Last revised April 15, 2025; Last revised July 28, 2025;
- d) Bonding Estimate consisting of two (2) pages, prepared and signed by Michael E. Dipple P.E., of L2A Land Design, dated September 26, 2025; and
- e) Soil Movement Plan consisting of one (1) sheet (C-08), prepared and signed by Michael E. Dipple P.E., of L2A Land Design, dated October 25, 2022; last revised September 25, 2025.

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

**General**

1. The Applicant/Owner in this matter is:

BCUW/Madeline Housing Partners, LLC  
c/o Bergen United Way, 6 Forest Avenue, Suite 210  
Paramus, New Jersey 07652

The Applicant/Owner shall notify the Borough of Demarest Building Department of any changes to the above information.

2. The site is currently vacant. The project site is located in the DRP Zone according to the Borough of Demarest Zoning Map.
3. The property is located on Hardenburgh Avenue west of Wakelee Drive. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.

#### Site Plan

4. The existing lot is vacant. The Applicant proposes to increase the improved coverage to 15,782.17 SF (67.44%) a net increase of 15,782.17 SF.
5. The proposed increase in Impervious area is greater than 0.25 Acres; therefore, the project is considered a major development and must comply with the NJ Stormwater Management Regulations. These regulations impose requirements on stormwater quality, stormwater quantity, and groundwater recharge requirements. We offer the following comments related to stormwater management:
  - a. The Applicant should comply with all conditions noted as in CED letter dated July 31, 2025 regarding stormwater quality, quantity and groundwater recharge.
  - b. The Applicant is proposing two pervious pavement areas in the north and south of the property consisting of 960SF and 4,640 SF respectively. The pervious pavement areas drain to sixteen (16) Stormtech SC-740 chambers located on northern portion on the site.
  - c. The Applicant has provided design calculations and a comprehensive stormwater management report which was previously reviewed as part of resolution compliance. We take no exception to the calculations and report provided.
  - d. The Applicant shall comply with all applicable requirements in the NJ Stormwater Best Management Practices Manual, including pre and post construction soil testing.
  - e. The Engineer shall be notified to inspect all drainage improvements prior to backfilling.
6. The Applicant is proposing to install a concrete wall in the southern rear yard area with a max height of 3 feet 4 inches. The Applicant shows top and bottom wall elevations on the western side of the wall. The Applicant shall ensure stormwater from the retaining walls remains on their property. We take no exception to the walls as shown.
7. The Applicant is proposing to remove 55 trees to construct the proposed improvements. The Applicant has provided a tree replacement schedule. We defer to the shade tree commission for final review and comment on replacement trees.
8. Per CED resolution compliance memo dated 7/31/2025, the affordable units shall have at least a thirty (30) year deed restriction, which shall be submitted at least one hundred sixty (160) days prior to the issuance of any Certificate of Occupancy. Said deed restriction shall list the unit address, income level, and number of bedrooms and bathrooms. The deed restriction shall be reviewed by the Board Attorney and Planner prior to being recorded.

9. Per CED resolution compliance memo dated 7/31/2025, the Applicant shall be responsible for retaining a qualified Administrative Agent, who has been pre-approved by the Borough in accordance with the Settlement Agreement.
10. Per CED resolution compliance memo dated 7/31/2025, the Applicant will need to provide descriptions and any other necessary information for filing the blanket easement to allow the Borough to repair, replace, or maintain any onsite stormwater facility should the Applicant or future property owner fail to do so. Such information shall be provided prior to issuance of a C.O.

#### Soil Moving Application

11. The Applicant has provided soil movement calculations indicating a total soil movement of approximately 1,200 CY. The Applicant should be aware that any soil movement quantity in excess of 250 CY requires Mayor and Council approval pursuant to Chapter 147 of Borough Ordinance.
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. The Applicant has submitted an Engineers cost estimate to determine the performance guaranty to be submitted to the Borough. The cost estimate for bonding should include all costs associated with soil erosion and sediment control measures, stormwater mitigation equipment and installation, drainage structures / piping, and soil moving (on-site and export). We note the following related to the provided estimate:

The Estimate is broken down as follows:

A - Public Improvements in the ROW: \$115,306.00

B - Private On-Site Safety/Stability: \$119,840.00

C - Private On-Site Safety/Stability: \$171,408.00

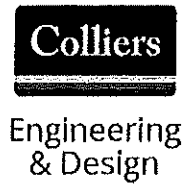
Based on the Above Bonding and Escrow Amounts are:

- D - Safety/Stabilization Guarantee: \$9,781.20
- Performance Bond (A+D) x120% = \$150,104.64
- Inspection Escrow (A+B+C) x5% = \$20,327.70
- Maintenance Guarantee (A+B) x15% = \$35,271.90

### 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

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

Nick Chellus, P.E., C.M.E.  
Borough Engineer

cc: Michael Greco, Zoning Officer (via e-mail)  
Bruce E. Whitaker, Applicant's Attorney (mcwhitelaw@optonline.net)  
Michael Dipple, Applicant's Engineer (mdipple@l2alanddesign.com)