

Resolution of the Demarest Governing Body

Resolution No. 201-25

November 10, 2025

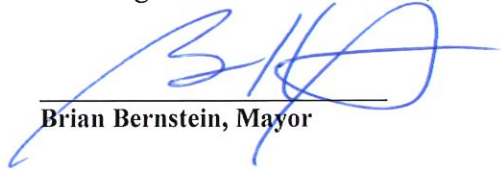
Council Member	Motion	Second	Yes	No	Abstain	Absent
Slowikowski			✓			
Collins			✓			
Fox						✓
Jiang			✓			
Marks		✓	✓			
Reiss	✓		✓			

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 17 DUCK POND ROAD

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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 17 Duck Pond Rd., Block 120.1, Lot 3.01 prepared by Michael Hubschman 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, professional escrow in the amount of \$3,995.70 for inspection services of the Borough Engineer and legal review.
9. The applicant shall provide a performance guarantee to the Borough in the amount of \$87,905.40.



Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 November 10, 2025



Julie Falkenstern, RMC

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

201-25



October 28, 2025

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

17 Duck Pond Road
Block 120.01, Lot 3.01
Borough of Demarest, Bergen County, NJ
Soil Moving Application Review - Proposed pool & sport court
Colliers Engineering & Design Project No. DEP0209

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. The Applicant was previously approved for the construction of a new single-family dwelling on the subject property. The Applicant is now seeking approval for the construction of other improvements on the property including an inground pool, pervious sport court area, retaining walls, fencing, lighting, drainage improvements and other related improvements on the property:

- a) Site plans consisting of six (6) sheets, prepared and signed by Michael Hubschman, PE, of Hubschman Engineering, dated July 24, 2025, last revised September 12, 2025, **last revised October 13, 2025 ;**
- b) Soil Moving Report for the subject property prepared and signed by Michael J. Hubschman P.E. & P.P., of Hubschman Engineering, P.A., dated July 29, 2024, last revised September 15, 2025;
- c) Drainage Report for the subject property prepared and signed by Michael J. Hubschman P.E. & P.P., of Hubschman Engineering, P.A., dated October 8, 2024, **last revised October 14, 2025;**
- d) Cost Estimate prepared by Michael J. Hubschman P.E. & P.P., of Hubschman Engineering, P.A., dated September 15, 2025;
- e) Application for Soil Movement for the subject property;
- f) **Rear yard description with Metes and Bounds prepared by Robert J Mueller, PLS of Hubschman Engineering, P.A.**
- g) **Soil testing results prepared by Michael J. Hubschman P.E. & P.P of Hubschman Engineering, P.A. dated October 14, 2025**

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

General

1. The Applicant/Owner in this matter is:

Tomer Edry
17 Duckpond Road
Demarest, NJ 07627

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

2. The site was formerly a mostly vacant lot. The site recently obtained approval for the construction of a new single-family dwelling. The Applicant is now seeking approval for the construction of the remaining improvements on the property such as the pool, sport court, driveway, fencing, and drainage improvements.
3. The project site is a residential property located in the Residence A Zone according to the Borough zoning map.
4. The property is an irregular shaped parcel consisting of 107,360.23 SF located on Duck Pond Road, directly west of Deerhill Road. The Applicant proposes to locate the driveway access on Duck Pond Road with the front of the dwelling facing Duck Pond Road. Academy Lane borders the rear of the property to the west. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.
5. Based on the outcome of the hearings at the Demarest Joint Planning Board, the western end of the property is considered a rear yard area. It was determined that no variances were required for this application.
6. The plans provided in the initial approval for the dwelling only depicted an existing coverage of 8,037 SF and proposed total improved lot coverage of 25,403 SF (23.66%). The current plans depict proposed coverage of 25,040 SF (23.32%), representing a slight decrease from the original approval.
7. The Applicant appeared before the Joint Land Use Board for an appeal to the zoning officer's decision that the property required variances. The zoning officer identified the western yard area as a front yard due to the presence of Academy Lane. It was determined in the hearing that this area should be considered a rear yard and therefore, no variances were needed. The decision was memorialized by resolution adopted on 6/4/25 (Resolution JPB-008-25).

Resolution Compliance

Below is a summary of conditions outlined in the resolution of approval. Commentary on compliance with conditions is provided in **bold**:

1. The Applicant's Engineer shall provide the Borough Engineer and Borough Zoning Officer with a metes and bounds legal description of the rear yard as depicted in Applicants exhibit A-2. *Comment remains outstanding.* **Metes and Bounds has been provided. Comment addressed.**

Based on our review of the above conditions outlined in the resolution of approval, we find that the Applicant **does comply** with the conditions outlined in the resolution.

Site Plan

2. The Applicant is proposing fourteen (14) precast concrete drywells in the side yard area to collect and store stormwater runoff from what appears to be the roof area of the proposed dwelling. We offer the following comments related to the drainage design:
 - a. The Applicant has provided design calculations which indicate approximately 3,322 SF of roof area being collected and conveyed to the proposed drywells. The Applicant has provided adequate storage for this drainage area. We take no exception to the calculations provided.
 - b. The Applicant has revised the drainage design from the prior submission to include a rain garden in addition to the proposed subsurface infiltration basin to provide pretreatment to impervious areas. Leaf screens are proposed to provide pretreatment to runoff from the proposed roof areas. The revised approach is generally acceptable, however, there are several minor changes which must be made prior to our office advising the Borough that the stormwater management design meets the requirements of the Code and NJAC 7:8. The following must be addressed:
 - i. The grate elevation used in the routing calculations for the proposed rain garden does not match the elevation shown on the site plan. The calculations and site plans should be revised for consistency. **The site plan has been revised accordingly. Comment Addressed.**
 - ii. The routing calculations for the subsurface infiltration basin currently indicate free discharge from the outlet control structure. The routing calculations should be revised to model the proposed 8" outlet pipe as the primary outflow conveyance. **The applicant has indicated that the outlet pipe has been upsized to a 10" pipe. Comment Addressed.**
 - iii. The Applicant must provide calculations in accordance with the Soil Erosion and Sediment Control Standards in New Jersey for the proposed outlet into the rain garden. **Calculations for the scour hole have been provided. Comment Addressed.**
 - iv. A detail depicting the interface between the proposed rain garden and subsurface infiltration basin must be provided. The detail must also show the outlet control structure and all interconnections thereto. If infiltration is proposed, the rain garden and subsurface infiltration basin details should be revised to remove the filter fabric at the bottom of the system in accordance with Chapters 9.7 and 9.8 of the NJDEP BMP Manual respectively. **The requested detail and revisions have been provided. Comment Addressed.**

- v. The Applicant shall provide a planting list for the proposed rain garden in order to demonstrate that the proposed plantings will be suitable for a rain garden environment. **A planting list has been provided. Comment Addressed.**
 - vi. The Applicant must prepare a maintenance manual in accordance with Chapter 8 of the NJDEP BMP Manual for the proposed BMPs. **The applicant has indicated that this will be provided prior to construction and/or the issuance of a certificate of occupancy. Continuing Comment.**
 - c. A soil test shall be provided prior to the installation of any stormwater improvements. Soil test shall include information regarding the location of the seasonal high-water table (SHWT) and percolation rate of the soil. All information collected should be in compliance with the recommendations of the NJ Stormwater BMP manual. **The applicant has provided supplementary soil testing to confirm the infiltration rates and the elevation of the seasonal high-water table. Comment Addressed.**
 - d. The Applicant has provided an at-grade 6-inch PVC observation port cap for future maintenance in the seepage pit detail.
 - e. The Borough Engineer shall be notified to inspect the seepage pits prior to backfilling.
3. The Applicant has depicted existing and proposed contours on the property. We offer the following comments related to grading:
 - a. Under existing conditions, the site generally drains from east to west. The highest point of the property is in the southeastern side where elevations are approximately 164 and the lowest point of the property is in the northwestern corner, where elevations are approximately 136.
 - b. Under proposed conditions, the high and low points are generally maintained, and drainage patterns should not be substantially impacted. Grading changes do not appear to exceed more than one (1) foot in most locations.
4. The Applicant should provide top and bottom curb elevations for the proposed driveway. **Top and bottom of curb elevations have been provided. Comment addressed.**
5. The Applicant is proposing several light fixtures in the rear surrounding the proposed sports court. The Applicant should provide a lighting plan and light schedule for the proposed lighting along with lighting detail. The applicant has provided a lighting plan. **Per Demarest ordinance 175-21 "Any exterior lighting in connection with any use in all districts shall be so arranged and shielded as to reflect the light downward and away from all adjoining properties and structures so that the lights and glare from lights will not become a nuisance to adjoining properties."**
6. The Applicant is proposing several boulder retaining walls on the property. The retaining wall near the eastern side of the property and near the western property line appears to have a max height of 1.9' feet. The Applicant is also proposing a boulder retaining wall on the west side near the proposed rain garden but do not provide wall elevations. The plans should be revised to include top and bottom wall elevations for the western retaining walls. **The**

applicant has provided the requested top and bottom wall elevations. Based on the elevations provided the max height is 1.9 feet. Comment addressed.

7. The Applicant should ensure drainage from the retaining walls maintain on their property and do not runoff to adjacent properties.
8. The site plans provide construction detail for a keystone module block retaining wall whereas the site plan only appears to indicate boulder walls. The construction details should be reviewed for consistency with the site plans. **The plans have been revised to provide a boulder detail, in addition the applicant has provided a callout for the modular block walls to be used as planters adjacent to the cover patio on the west side of the site,**
9. The Applicant should provide a stockpile detail on the soil erosion and sediment control plans. **A Stockpile detail has been provided. Comment addressed.**
10. According to the existing conditions plan, the Applicant is proposing to remove 33 trees to construct the proposed improvements and has provided a tree schedule indicting replacement trees. The Applicant should clearly denote on the site plans which trees are proposed to be removed. We defer to shade tree commission for additional review and comments.
11. An as-built survey with a coverage breakdown and final grades will be required prior to the issuance of a C.O.

Soil Moving Application

12. The Applicant has indicated a total cut of 4,210 CY, a total fill of 2,500 CY and a net export of 1,710 CY of soil is anticipated to complete the proposed improvements. The Applicant should be aware that any soil movement quantity in excess of 250 CY will require Mayor and Council approval pursuant to Chapter 147 of Borough Ordinance
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 has been submitted by the Applicant to determine the performance guaranty to be submitted to the Borough.

The Applicant has provided an estimate in the amount of \$79,914.00. Performance guarantee and engineering escrow amounts are as follows:

- Performance guarantee: \$95,896.00
- Engineering Escrow: \$3,995.70

Miscellaneous

14. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements. **Continuing comment.**
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. **Continuing comment.**
16. 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. **Continuing comment.**
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. **Continuing comment.**
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, drainage infrastructure, and/or pavement in the Borough's Right-of-Way. **Continuing comment.**

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.
Continuing comment.

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 (mgreco@demarestnj.gov)
Michael Hubschman, PE, Applicant's Engineer (mike@hubschmanengineering.com)
Tomer Edry, Applicant (edr.tomer@gmail.com)

**ENGINEER'S ESTIMATE FOR BONDING - SOIL MOVING PERMIT
 PROPOSED SINGLE-FAMILY DWELLING
 Block 120.1, Lot 3.01
 17 DUCK POND ROAD
 Borough of Demarest
 Bergen County, New Jersey**

Item	Quantity	Unit	Unit Price	Amount
1 Clearing /Grading/Topsoil Stock Pile	1	LS.	\$5,000.00	\$5,000.00
2 Silt Fence	1,400	LF.	\$3.00	\$4,200.00
3 Construction Entrance	50	SY.	\$8.00	\$400.00
4 Seepage Pit, 6 ft deep	14	EA.	\$1,500.00	\$21,000.00
5 6" PVC Pipe, roof drain	533	LF.	\$15.00	\$7,995.00
6 6" Perofrated PVC	50	LF.	\$17.00	\$850.00
7 8" PVC Pipe	68	LF.	\$18.00	\$1,224.00
8 8" DIP Pipe	85	LF.	\$25.00	\$2,125.00
9 10" PVC Pipe	341	LF.	\$20.00	\$6,820.00
10 18" X 18" Inlets	2	EA.	\$200.00	\$400.00
11 24" X 24" Inlets	6	EA.	\$250.00	\$1,500.00
12 Drainage Manholes	2	EA.	\$1,500.00	\$3,000.00
13 Inlet Filters	10	EA.	\$100.00	\$1,000.00
14 Tree Protection	5	EA.	\$150.00	\$750.00
15 Export Soil	1,710	CY.	\$5.00	\$8,550.00
16 Rain Garden, end section and overflow structure	1	EA.	\$4,000.00	\$4,000.00
17 Outlet Structure	1	EA.	\$2,500.00	\$2,500.00
18 Tree Replacement	34	EA.	\$ 150.00	\$ 5,100.00
19 Final stabilization	1	LS.	\$ 3,500.00	\$ 3,500.00
			Subtotal	\$79,914.00
			Total Bond Amount (120%)	\$95,896.80
			Performance Guaranty (110%)	\$87,905.40
			Cash (10%)	\$7,991.40
			Engineer & Legal Escrow (5%)	\$3,995.70