

Resolution of the Demarest Governing Body

Resolution No. 233-25

December 29, 2025

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

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 292 COUNTY 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 292 County Rd., Block 76, Lot 7.01 prepared by Matthew Clark, 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 \$4,880.80 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 \$117,139.20.


Approved:



Brian Bernstein, Mayor

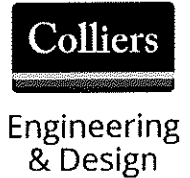
CERTIFICATION

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 December 29, 2025



Julie Falkenstern, RMC

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



December 8, 2025

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

292 County Road
Block 76, Lot 7.01
Borough of Demarest, Bergen County, NJ
Soil Moving Application Review – Dwelling
Colliers Engineering & Design Project No. DEP0244

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 dwelling, rear patio, circular driveway, inground pool, drainage improvements, and other related appurtenances on the property:

- a) Site plans consisting of four (4) sheets, prepared and signed by Matthew Clark, P.E., of MCB Engineering Associates, September 2, 2025, **last revised December 5, 2025;**
- b) Architectural Plans consisting of fourteen (14) sheets prepared by James Virgona R.A, dated September 15, 2025;
- c) Soil Moving Application for the subject property;
- d) **Engineer response letter dated November 25, 2025, prepared by Matthew Clark, P.E., of MCB Engineering Associates;**
- e) **Engineer response letter dated December 5, 2025, prepared by Matthew Clark, P.E., of MCB Engineering Associates;**
- f) **Engineer's cost estimate for site work, dated December 5, 2025, prepared by Matthew Clark, P.E., of MCB Engineering Associates.**

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

General

1. The Applicant/Owner in this matter is:

292 County Road LLC
292 County 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 is currently occupied by a 2-story frame dwelling, driveway, garage and other related appurtenances.
3. The project site is located in the Residence B Zone according to the Borough of Demarest Zoning Map.
4. The property is located on the corner of Orchard Road and County Road. 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 3,653 SF (13.3%). The Applicant is proposing to increase the improved coverage to 8,230 SF (30.0%) a net increase of 4,577 SF.
6. The Applicant is proposing two (2) drywell chambers to collect and store stormwater runoff on the property. The drywells are located at the northwestern end of the property. We offer the following comments related to drainage design:

- a. The Applicant has not provided design calculations for the drywell system. The detail provided indicates a storage capacity of 172 CF which is significantly undersized. **The Applicant has provided design calculations which indicate approximately 4082 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.**

The Applicant should provide the following information:

- i. The tributary drainage area to the system in a broken down or itemized format. **Comment addressed.**
 - ii. Calculations demonstrating the required storage of the system based on the above drainage area. **Comment addressed.**
 - iii. Calculations demonstrating the storage capacity of the system. **Comment addressed.**
 - b. 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. **Continuing comment.**
 - c. The Applicant shall provide an at-grade manhole cover for future maintenance in the drywell detail. **An at grade manhole cover has been provided. Comment addressed.**
 - d. The Engineer shall be notified to inspect the seepage pit system prior to backfilling. **Continuing comment.**
7. We offer the following comments related to the proposed grading:
 - a. Existing grades on site range from 104 at the southern corner to 100 at the northern corner. Stormwater flows generally from the south to the north 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 appears to be removing at least 7 trees to construct the proposed improvements. The Applicant should provide a tree removal and replacement schedule on the plans. We defer to the shade tree commission for final review and comment on replacement trees. **Continuing comment.**
9. The Applicant has provided a pavement restoration detail for the proposed utility connections. The Applicant should note they are responsible for obtaining any necessary road opening permits for work in the ROW. **Comment addressed.**
10. The Applicant has provided a detail for the proposed fencing. We note the proposed fencing does not appear to comply with Borough Ordinance. Any fencing in a front yard area is limited to 4 feet high and must be at least 50% open. The fencing type changes in the northern corner of the property to a 6 foot high privacy fence, this type of fence is not permitted in this location as this is considered a front yard area. **Comment addressed. Fencing height has been reduced to 4 feet in the front yard areas.**
11. The Applicant has indicated spot curb repair/replacement along Orchard Road. The curb along the entire frontage of Orchard Road should be replaced, up to the ADA ramp at the corner. **The Applicant is proposing a portion of the curb between the two proposed curb cuts. The Applicant has noted that existing curb outside of this area is in good condition. Upon review of the area, we agree and take no further exception.**
12. The Applicant has provided building height calculations on the site plans. The calculations indicate an average natural grade of 102.19 and a roof peak height of 133.65' which equates to a total building height of 31.46 feet from grade to ridge. We offer the following comments:
 - a. The Applicant should provide a list of all the spot shots used to calculate the average natural grade. Both existing and proposed elevations should be provided at all endpoints and corners of the proposed dwelling. **Comment addressed.**

Soil Moving Application

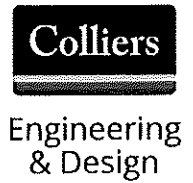
13. The soil moving application indicates 262 CY of fill and 583 CY of cut for a total soil movement of 845 CY. A net export of 321 CY is needed to construct the proposed improvements.
14. The Applicant will require a soil moving permit in accordance with Chapter 147 (§147-1) of the Borough Ordinance 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 in the amount of \$97,616.00. Bonding and escrow amounts are as follows:**
 - i. **Performance Bond (120%): \$117,139.20**
 - ii. **Engineering Escrow (5%): \$4,880.80**

Miscellaneous

15. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements. **Continuing comment.**
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. **Continuing comment.**
17. Sediment shall be removed from the upstream face of the silt fence when it has reached a depth of ½ 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.**
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. **Continuing comment.**
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. **Continuing comment.**
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. **Continuing comment.**



Our office has reviewed the application, and based on the above, this office ***does recommend*** permits be issued at this time, contingent on the Applicant submitting an engineer's estimate, posting the required bonds, and obtaining Mayor & Council Approval.

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. Chelius". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

cc: Michael Greco, Zoning Officer (via e-mail)
292 County LLC, Applicant, (fermanobuilders1@gmail.com)
Matthew Clark, PE, Applicant's Engineer (mcbea@mcbea.com)