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March 26, 2024

Dorothy Hayden, Chairwoman
Zoning Board of Adjustment
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

63 Central Avenue
Block 74, Lot 8
Borough of Demarest, Bergen County, NJ
Zoning Board Application Engineering Review
Colliers Engineering & Design Project No. DEZ0040

Dear Ms. Hayden:

Pursuant to your request, our office has reviewed the following plans and other documents filed by the Applicant in support of a Variance Application. The Applicant is proposing to construct a keystone retaining wall and other renovations of existing home at the subject property.

- a) Boundary Survey Map consisting of one (1) sheet, prepared and signed by John A. Lock, PLS of Azzolina and Feury, Inc., dated May 2, 2023;
- b) Retaining Wall and Soil Erosion Control Plan consisting of one (1) sheet, prepared, and signed by John A. Loch, PLS, and Perry E. Frenzel, PE, dated August 10, 2023; Last revised February 28, 2023;
- c) Variance Application and attachments for the subject property; signed and dated February 9, 2024;

The Property Owner/Applicant is:

Austin and Doreen Siboni
63 Central Avenue
Demarest, NJ 07627

The Applicant/Owner shall notify the Borough of Demarest Zoning Board of Adjustment of any changes to the above information.

Engineering Review

I. Project Description & Location

The Applicant is proposing to remove an existing stone wall in the rear yard and construct a new keystone retaining wall with maximum height of five (5) feet.

The site is located at 63 Central Avenue, on Block 74, Lot 8, and is contained within the Residence D Zoning District. The subject property fronts the southern side of Central Avenue.

II. Zoning Requirements & List of Variances / Waivers Requested

A. Bulk Zoning Requirements:

Zone: D

Use: Residential – Accessory Use (Retaining Wall)

Description	Required	Existing	Proposed	Complies
Lot area	10,000 sf.	15,488 sf.	15,488 sf.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot Frontage (Lot width)	100 ft.	134.25 ft.	134.25 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot depth	100 ft.	112.88 ft.	112.88 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Front yard setback (Central Avenue)	25 ft.	30.9 ft.	30.9 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
** *Side yard setback	10 ft.	9.6 ft.	9.6 ft.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Rear yard setback	30 ft.	38.6 ft.	38.6 ft.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
*Rear yard setback (Accessory)	10 ft.	22.9 ft.	0.5 ft.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
*Side yard setback (Accessory) Eastern Side	10 ft.	3 ft. +/- (To Shed)	0.5 ft. (To wall)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
*Side yard setback (Accessory) Western Side	10 ft.	10 ft. +/- (To Ex Wall)	6.5 ft. (To Prop Wall)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
*Maximum Fence Height	6 ft.	N/A	8 ft.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Max Building Coverage	20 %	19.6 %	19.6 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
*Max. Improved Coverage	30 %	37.1 %	37.3 %	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
**Max. Residential & Parking Coverage	25 %	28.9 %	28.9 %	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

N/A = not applicable

* = variance required

** = pre-existing non-conformance

B. Variances Requested:

1. **Improved Lot Coverage** – There is a pre-existing non-conformance for improved lot coverage of 5,751 SF (37.1%) where a maximum of 30% is permitted. The Applicant proposes to increase the improved lot coverage to 5,781 SF (37.3%), a net increase of 30 SF.

A variance is required for this condition.

2. **Rear yard setback (Accessory Structure)** – The Applicant is proposing a rear yard accessory structure setback of 0.5 feet where a minimum of 10 feet is required.

A variance is required for this condition.

As per the definitions in §175-27 of Borough Ordinance, a retaining wall (in excess of 3 feet) is considered an accessory structure and is subject to accessory structure setbacks. The proposed wall is a maximum height of five (5) feet.

3. **Side yard setback (Accessory Structure) Eastern Side** – The Applicant is proposing a side yard setback of 0.5 feet where a minimum of 10 feet is required.

A Variance is required for this condition.

It should be noted that there is an existing shed (to remain) that is also encroaching into the side yard accessory structure setback. It is unclear if the shed was installed lawfully. The shed is approximately 3 feet from the side property boundary (an exact dimension is not provided).

4. **Side yard setback (Accessory Structure) Western Side** – The Applicant is proposing a side yard setback of 6.5 feet where a minimum of 10 feet is required.

A variance is required for this condition.

5. **Maximum Fence Height** – The Applicant is proposing to install a three (3) foot high railing atop the proposed five (5) foot high retaining wall. The maximum fence height permitted is six (6) feet.

A variance is required for this condition.

The board should be aware that if the variances are approved, it is recommended to keep the railing for fall protection purposes.

III. Engineering Review

- A. There is an existing stone wall which is designated to be removed. It is assumed that the proposed keystone wall is intended to replace it.
- B. The Applicant should provide testimony describing the need for the non-compliant wall location. It appears feasible to construct the wall within the required setbacks.
- C. The plan indicates an existing stone wall to be removed. It also indicates an “existing keystone wall under construction to be removed.” The Applicant shall clarify in testimony the owner of this wall. It should be noted that if the Applicant is the owner of this wall, it encroaches onto multiple neighboring properties.
- D. The retaining wall details do not specify any underdrains or weepholes. The Applicant should provide testimony as to how hydrostatic pressure is to be relieved behind the proposed wall. The Applicant should be reminded that directing stormwater toward neighboring properties is prohibited.
- E. The Applicant proposes to remove one (1) 38” maple tree on the property. The plan indicates two (2) additional trees to be protected. The Applicant should confirm in testimony if there are any additional trees or other improvements that may be impacted by the proposed construction.
- F. Should the Board be inclined to grant the requested variance, the Applicant shall be aware that prior to issuance of a building permit, a soil moving permit application shall be provided to the Borough in accordance with Chapter 147 (§147-1) of the Borough Ordinance. The Earthwork calculations shown on the plan cannot be confirmed since off-site existing grading is not shown on the plans. It is unclear how much fill will be required to increase grade of the backwall for the compacted reinforced backfill zone.

- G. Should the board act favorably upon this application, the Applicant is hereby made aware that drainage issues may arise during or after the proposed construction. It will be the Applicant's responsibility to remedy any drainage issues caused by the proposed improvements. In addition, water runoff directed to neighboring properties is prohibited. If runoff water does enter neighboring properties as a result of the proposed improvements, the Applicant will be responsible to remedy the situation at no cost to the Borough.

Should you have any questions, you may contact me at (201) 775-1283.

Sincerely,

Colliers Engineering & Design



Nick Chelius, P.E.
Zoning Board Engineer

cc: Board Members (via Zoning Board Chairwoman)
Michael Greco, Zoning Board Secretary (mgreco@demarestnj.gov)
Azzolina & Feury Engineering, Applicant's Engineer (via mail)
Paul S. Haberman, Esq, Applicant's Attorney (via mail)