

June 21, 2024

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

12 Irene Court  
Block 84.04, Lot 2  
Borough of Demarest, Bergen County, NJ  
Zoning Board Application Engineering Review  
Colliers Engineering & Design Project No. DEZ0041

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 new single family dwelling with attached garage, driveway, patio with pergola, in-ground pool with surrounding patio, drainage improvements, and other related improvements 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 August 11, 2023;
- b) Plot Plan and Soil Erosion Control Plan Prepared for RRF Properties, LLC, 12 Irene Court, Block 84.04, Lot 2, prepared by Azzolina and Feury, Inc., dated April 11, 2024;
- c) Architectural plans titled "Fermano Residence, 12 Irene Court, Demarest, NJ 07627, Block 84.04, Lot 2, Bergen County, New Jersey," consisting of ten (10) sheets, prepared and signed by Peter J. Dito, RA, of FDS Architects, dated January 24, 2024;
- d) Variance Application and attachments for the subject property; signed and dated June 11, 2024;
- e) Demarest Zoning Officer denial to issue a Building Permit, prepared by Kevin Burnette, dated May 26, 2024.

The Property Owner/Applicant is:

Romel and Melvina Fermano  
RRF Properties, LLC  
12 Irene Court  
Demarest, NJ 07627

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

#### **I. Project Description & Location**

The Applicant is proposing to remove an existing split level frame dwelling, patio, swimming pool, driveway, and walkway and construct a proposed dwelling with attached garage, driveway, patio with pergola, in-ground pool with surrounding patio, drainage improvements, and other related improvements at the subject property.

The subject property is a rectangular shaped parcel consisting of approximately 24,000 SF and is located at 12 Irene Court on Block 84.04, Lot 2. The site is contained within the Residential R-BB Zoning District and is surrounded by residential properties in all directions. The subject property fronts the northeastern side of Irene Court.

## II. Zoning Requirements & List of Variances / Waivers Requested

### A. Bulk Zoning Requirements:

Zone: R-BB

Use: Residential – New Dwelling

Description	Required	Existing	Proposed	Complies
**Lot area	30,000 sf.	24,000 sf.	24,000 sf.	<input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No
Lot Frontage (Lot width)	150 ft.	160 ft.	160 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Lot depth	150 ft.	150 ft.	150 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
**Front yard setback (Central Avenue)	50 ft.	49.7 ft.	50.2 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Side yard setback	25 ft.	37.4 ft.	26.8 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Rear yard setback	50 ft.	65.4 ft.	51.3 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Rear yard setback (Accessory - Pool)	10 ft.	1.8 ft.	23.7 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Side yard setback (Accessory - Pool) Northwestern Side	25 ft.	54 ft.	53.9 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Side yard setback (Accessory - Patio) Southeastern Side	10 ft.	92.3 ft.	25 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Maximum Fence Height	6 ft.	N/A	6 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Building Height	30 ft.	<30 ft.	26.49 ft.	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Livable Floor Area (FAR)	22.5% (5,400 sf.)	<22.5%	21.1% (5,064 sf.)	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Max Building Coverage	15 % (3,600 sf.)	9.2 % (2,204 sf.)	14.99 % (3,599 sf.)	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Max. Improved Coverage	30 % (7,200 sf.)	28.2 % (6,768 sf.)	29.99 % (7,197 sf.)	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No
Max. Residential & Parking Coverage	25 % (6,000 sf.)	16.2 % (3,884 sf.)	21.12 % (5,068 sf.)	<input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No

N/A = not applicable

\* = variance required

\*\* = pre-existing non-conformance

### B. Pre-existing Non-conforming Conditions:

1. **Front Yard Setback** – The existing dwelling currently occupying the property has a front yard setback of 49.7 feet. The Applicant is proposing to demolish the dwelling to construct a new dwelling with a conforming front yard setback.

C. Variances Requested:

1. **Lot Area** – There is a pre-existing non-conformance for lot area of 24,000 SF where a minimum of 30,000 SF is permitted. The Applicant does not propose to change the lot area. A variance is required for this condition.

III. **Engineering Review**

- A. The Applicant is proposing to increase improved lot coverage from 6,768 SF (28.2%) to 7,197 SF (29.99%) with a net increase in coverage of 429 SF.
- B. The Applicant is proposing two (2) precast concrete drywells 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:
  1. The applicant should provide clarification as to the tributary drainage area for the proposed drywells. Testimony should be provided to clarify if all or a portion of the roof is to be collected and stored in the proposed drywells.
  2. The Applicant should provide testimony indicating where the drywells are proposed to overflow.
  3. It is suggested that the drywells are located further from the property boundary if feasible. CED typically recommends at least fifteen (15) feet from property boundaries.
  4. There appears to be no means of stormwater collection proposed for the rear yard patio or pergola areas. The Applicant should confirm in testimony.
  5. The Applicant is proposing to connect the sump pump to the proposed seepage pits. The Applicant shall be made aware that this connection must be accounted for in any future drainage design calculations submitted.
- C. The Applicant proposes to remove three (3) trees (6"-diameter deciduous, 36"-diameter deciduous, and 20"-diameter pine). The plan indicates eighteen (18) 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.
- D. The Applicant has provided a tree mitigation plan (sheet 2 of the site plans) which depicts removal and replacement of trees. The calculated replacement requirement is two (2) trees. The Applicant is proposing two (2) Tricolor European Beech Trees and eight (8) Green Giant Arborvitae as replacement trees. The Applicant shall be made aware that should this application be approved; the tree replacement will be subject to review and approval by the shade tree commission.
- E. It should be noted that the proposed fence appears to be in conflict with several trees along the western side property boundary. The Applicant should provide testimony explaining how this will be handled.
- F. The Applicant has depicted existing and proposed contours on the property. We offer the following comments related to grading:
  1. Under existing conditions, the site drains from east to west. The highest point of the property is in the eastern corner where elevations are approximately 104 and the lowest point of the property is in the western corner adjacent to the proposed driveway, where elevations are approximately 99 (a difference of 5 feet).
  2. 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.

- G. The Applicant is proposing a new curb cut and driveway apron. The Applicant should indicate on the plans the limits of full height curbing to be restored.
- H. The Applicant is proposing new utility connections within Borough ROW. The Applicant should be made aware that it will be their responsibility to restore any existing grass area, curbing, or roadway pavement to it's original condition at their own expense.
- I. The Applicant has indicated a total cut of 761 CY, a total fill of 232 CY and a net export of 529 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.
- J. 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
- K. 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](mailto:mgreco@demarestnj.gov))  
Azzolina & Feury Engineering, Applicant's Engineer ([p.frenzel@afenginc.com](mailto:p.frenzel@afenginc.com))  
Matthew G. Capizzi, Esq, Applicant's Attorney (via email)