

September 10, 2024

Dorothy Hayden, Chairwoman
Zoning Board of Adjustment
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
Zoning Board Application Engineering Review
Colliers Engineering & Design Project No. DEZ0043

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 dwelling with associated driveway, walkways, patio, retaining walls, pool, sport court, and other related improvements.

- a) Site Plans consisting of one (1) sheet, prepared and signed by Michael J. Hubschman, PE, PP, and Robert J Mueller, PLS, of Hubschman Engineering, dated June 17, 2024;
- b) Variance Application for the subject property;
- c) Zoning officer denial, prepared and signed by Kevin Burnette, dated July 24, 2024.

The Property Owner/Applicant is:

Zmanny LLC / Tomer Edry
220 East 65th Street, Apt 21L
New York, NY 10065

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

According to the site plans, the site is currently occupied by a single-family dwelling with associated driveway, walkways, patio, and other related improvements which are to be demolished in their entirety. The Applicant is proposing to construct a new single-family dwelling, driveway, walkways, patio, retaining walls, sport court, pool, drainage improvements

and other related improvements. The Board should note that a recent site inspection revealed that there is no dwelling currently occupying the property.

The property is an irregular shaped parcel consisting of 107,360.23 SF. The northern portion of the property fronts Duck Pond Road and the southwestern portion of the property fronts Academy Lane. As such, it appears the property has two front yard areas. The property is located in the residence A Zone according to the Borough Zoning Map.

The property is located in Zone X (area determined to be outside the 0.2% annual chance floodplain) as shown on the Flood Insurance Rate Map (FIRM) for the Borough of Demarest dated August 2019.

II. Zoning Requirements & List of Variances / Waivers Requested

A. Bulk Zoning Requirements:

Zone: R-A

Use: Single Family Residential

Description	Required	Existing	Proposed	Complies
Lot area	40,000 sf.	107,360 sf.	107,360 sf.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot Frontage (Duck Pond Rd)	200 ft.	201.83 ft.	201.83 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot Frontage (Academy Lane)	200 ft.	282.38 ft.	282.38 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot depth	200 ft.	322.10 ft.	322.10 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Front yard setback (Duck Pond Rd – Avg)	54.10 ft.	169.66 ft.	169.66 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Front yard setback (Academy Lane)	50 ft.	135.31 ft.	135.31 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side yard setback	25 ft.		75.15 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rear yard setback	50 ft.		50.19 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rear Yard Width	200 ft.	372.61 ft.	372.61 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Maximum Building Height	33 ft.		33 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Max Building Coverage	15 %		7.09 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Max. Improved Coverage	30 %		23.66 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Max. Residential & Parking Coverage	25 %		13.18 %	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Livable Floor Area	30%		23.66%	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

N/A = not applicable

* = variance required

** = pre-existing non-conformance

B. The Following Variances Appear to be Required:

1. Accessory Structure Location (Sport Court) – There is a 55 ft x 110 ft sport court in the side yard area. Per Borough Ordinance, accessory structures are only permitted in the rear yard area.

A variance appears to be required for this condition.

2. Accessory Structure Location (Pool and Patio) – Due to the frontage along Academy Lane, the pool and portions of the patio are located in what is technically a front yard. Accessory structures are only permitted in the rear yard area.

A variance appears to be required for condition.

3. Accessory Structure Location (Retaining Wall) – The Applicant is proposing what appears to be a 5-foot-high retaining wall enclosing the cobblestone parking area in the front of the property. Based on the definitions in Borough Ordinance, retaining walls 2 feet in height or greater are considered accessory structures and are only permitted in the rear yard area.

A variance appears to be required for this condition.

C. General Discussion

1. We note the following relevant sections and definitions provided in Demarest Ordinance related to this application:
 - 175-19(B) - All districts. Accessory buildings, uses and structures and improvements shall be permitted only in a rear yard, subject to the following regulations, which shall apply to the entire rear yard, not just the required minimum depth:
 - 175-19(B)6 – “An accessory use, building or structure in any residence district on a lot between two parallel streets shall comply with the locational regulations and restrictions for an accessory building or improvement as applicable to each abutting street, including all front, rear and side yard requirements for each street, notwithstanding upon which street the principal building fronts.”
 - 175-19(B)7 – “Swimming pools. No swimming pools shall be located within any front yard and no swimming pool shall be located in any side yard.”
 - 175-24 Fences
 - 175-24(C) – “No fence shall be erected in a front yard of any lot in a residential district unless the fence is less than 50% solid and is not more than four feet in height.”
 - Note that the Board should consider whether portions of the fence enclosing the proposed sport court are located in a front yard. If so, the fence would exceed the maximum height of four feet.

- 175-27 Definitions
 - Retaining Wall – “A structure forming a change of grade with or without footing that is two feet or greater in height from the lowest adjacent grade elevation.”
 - Accessory Use (Building, Structure) 1c Examples: “Swimming pool (aboveground or in-ground), playground equipment, arbor, pergola, deck, antennae, patio, retaining wall, etc.”

III. Engineering Review

A. Coverages and applicability to Major Development Stormwater Regulations

1. The plans indicate a total improved coverage of 25,403 SF (23.66%). Existing coverages have not been provided. Due to the lack of information provided on existing coverages, a net increase in coverage related to this application cannot be determined. The Applicant should be prepared to provide testimony as to existing coverages on site. Note this information is relevant as to the applicability of Major Development rules and general stormwater design considerations.
2. The Board should be aware that the site has not been designed as a major development. Per N.J.A.C. 7:8, the definition of a “Major Development” is a project which includes either a disturbance area larger than 1 Acre or ¼ Acre (10,890 SF) or more of increase in impervious area.
3. The plans do not depict a total area of disturbance, the Applicant should be prepared to provide testimony and/or exhibits which depict the total limits of disturbance anticipated.
4. The Board should be aware that should this project be considered a major development as defined above; a substantial re-design of drainage infrastructure would be required which could impact the location / arrangement of proposed improvements on the current plans.

B. Grading & Drainage

1. The Applicant is proposing two (2) precast concrete drywells in the front yard area to collect and store stormwater runoff from what appears to be the roof area of the dwelling and the driveway area. There appears to be sufficient capacity to store this drainage area.
2. Stormwater in the rear yard area appears to be directed toward the northwest corner of the property where there is a separation between two retaining walls and a sharp drop in grade.
3. The Applicant is proposing to level off the rear yard area. Natural grades slope downward toward the northwestern corner of the property. The proposed changes

utilize retaining walls to level off this area. The grade is being raised a maximum of about 4.5 feet in the northwesterly corner.

C. Pool Fencing

1. As per 175-24(N) All pools are required to be enclosed by a fence no less than 48" in height and pool code compliant self-latching and self-closing gates shall be provided. It does not appear as though a fence enclosure for the proposed pool has been provided. The Applicant should provide testimony.

D. Environmental Restrictions

1. The plans depict a 150-foot setback from the top of bank of Creskill Brook along the northern frontage of the property (near Duck Pond Road). Improvements proposed within this area include portions of the driveway.
2. The plans depict a 300-foot riparian zone setback from the top of bank of Creskill Brook along the northern portion of the property. Improvements proposed within this area include the driveway, minor regrading, covered driveway area, seepage pits, and the front portion of the dwelling.
3. The Applicant should provide testimony as to the nature of permits anticipated and any other environmental restrictions on-site.

E. Should the Board be inclined to grant the requested variance(s), 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. Earthwork calculations will need to be provided for the proposed work.

F. 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.

G. If in the event the Board grants this variance the Borough Engineer shall be notified to inspect and approve all drainage measures, including seepage pits with at least seventy-two (72) hours notice. The Applicant shall not backfill the drainage appurtenances without such approval.

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)
Michael J Hubschman, Applicant's Engineer (mike@hubschmanengineering.com)
Matthew G Capizzi, Applicant's Attorney (matthew@capizzilaw.com)