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April 12, 2021

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

1 Irene Court
Block 84.05, Lot 1
Borough of Demarest, Bergen County, NJ
Zoning Board Application Review #2
Colliers Engineering & Design Project No. DEZ-008

Dear Ms. Hayden,

Pursuant to your request, our office has reviewed the following plans and other documents filed by the Applicant in support of Variance Application #803.20. The Applicant is proposing to construct an in-ground pool/spa and other related appurtenances.

- a) Site Plan consisting of one (1) sheet titled "Pool Site Plan for 1 Irene Court, Lot 1, Block 84.05, Borough of Demarest, Bergen County, New Jersey", prepared by Lantelme, Kurens & Associates, P.C., dated July 10, 2020 and as signed and sealed by Christopher Lantelme, P.E & L.S., **with last revision date of February 10, 2021;**
- b) Land survey titled "Property Survey", for property situated in Borough of Demarest, Bergen County, N.J. Lot 1, Block 84.05, certified to David Sugarman and as prepared by prepared by Lantelme, Kurens & Associates, P.C., dated July 6, 2020 and as signed and sealed by Christopher Lantelme P.E. & L.S.;
- c) Demarest Zoning Board Application packet dated September 23, 2020.

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

A. General

1. The Applicant/Owner in this matter is:

David Sugarman
1 Irene Court
Demarest, New Jersey 07627

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

2. The property is a three-sided corner lot bounded by Irene Court to the north, Pine Terrace to the south, with Lake Road intersecting both right-of-ways along the easterly side of the lot. A neighboring property (Lot 2) co-shares the side-yard along the westerly property line. The dwelling front faces Irene Court. Although for zoning purposes all three yards are considered front-yards, for the purpose of this review the yard which faces Irene Court shall be designated the front-yard and the yard that is along Pine Terrace shall be designated the rear-yard.
3. The site is currently comprised of a two (2) story, single family dwelling with an attached garage, macadam driveway, paver walkways, and rear yard paver patio. No information was provided on the land survey regarding any existing stormwater management features such as seepage pits nor existing landscaping which abuts up against Pine Terrace or Lake Road.
4. The property is located in Zone X (Area of Minimal Flood Hazard) as shown on the Flood Insurance Rate Map (FIRM) with ID of 34003CO204H, Borough of Demarest, with effective date of 8/28/2019.
5. The Applicant is proposing to construct an in-ground pool/spa, pool patio, covered patio (pavilion), shed, perimeter drain, and two (2) seepage pits for stormwater management. The total proposed improvements equate to approximately 1,967 square feet of additional impervious / improved coverage. **Of note, the request of a proposed pavilion and shed has been eliminated from the currently revised plans. Instead, it appears the Applicant is requesting a proposed pergola where the proposed pavilion and shed was once indicated. The square footage of proposed improvements has dropped from the previously requested 1,967 square feet to 1,071 square feet, a decrease of 896 square feet.**
6. The property is located in the Residential BB Zone, where a single-family home is permitted, and the installation of an in-ground pool is permitted as an accessory use and the covered patio (pavilion) and shed are both permitted as accessory structures. **The proposed pool is still requested although the pavilion and shed has been eliminated. The proposed pergola is to be considered an accessory structure.**

B. Variance / Waiver Requests

7. Per the submitted variance application, the Applicant is seeking two (2) variances on the following Borough Ordinance requirements:

- a. §175-16, Limiting Schedule District permits a maximum lot impervious coverage of 30%. The Applicant is seeking an additional 6.5% over the 30% allowable (i.e. 36.5%) which equates to an additional 1,617 square feet over maximum allowable. **This comment was discussed at the 02.16.2021 Zoning Board meeting. The Applicant has since revised the plans and the lot impervious coverage has now been reduced from 36.5% to 32.9%. This equates to an updated variance request of 2.9% over allowable (i.e. 724 square feet over the allowable 30%).**
- b. §175-16, Limiting Schedule District permits a maximum building coverage of 15%. The Applicant is seeking an additional 1.4% over the 15% allowable (i.e. 16.4%) which equates to an additional 354 square feet over maximum allowable. **This comment was discussed at the 02.16.2021 Zoning Board meeting. The Applicant has since revised the plans and the building coverage has been reduced from 16.4% (354 square feet over the max allowable of 3,744 square feet) to 14.8% (under 15%, now at 3,694 square feet). The Applicant has therefore eliminated this variance request.**
8. In regard to accessory structures and accessory use, §175-19(B)(2) states that setbacks shall conform to the side yard setback requirements and minimum yard dimensions per the Limiting Schedule. The proposed pool's side-yard setback is not posted on the site plans. The proposed pool accessory graphically complies (i.e. 25-foot minimum from the side-yard, see C.18 below). **The revised plans now indicate the side-yard setback to 54.8-feet, which complies.**
9. Per §175-19(B)(2); the proposed pavilion and shed is setback 25-feet from the side-yard. The pavilion and shed accessory comply (i.e. 25-foot minimum from the side-yard). **The proposed pavilion and shed has been eliminated from the plans. The now proposed pergola appears to be over 25-feet from the side-yard as shown graphically and appears to comply. Applicant is to confirm the distance from the side-yard.**
10. In regard to accessory structures and accessory use, §175-19(B)(3) states that setbacks shall be a minimum of 10-feet from the rear-yard. The proposed pool's rear yard setback is 13.2-feet. The proposed pool accessory complies (i.e. 10-foot minimum from the rear-yard). **Remains in effect.**
11. Per §175-19(B)(3); the proposed pavilion and shed is setback 25-feet from rear-yard. The pavilion and shed accessories comply (i.e. 10-foot minimum from the rear-yard). **The proposed pavilion and shed has been eliminated from the plans. The now proposed pergola is 25-feet from the rear-yard and therefore complies.**
12. Per §175-19(B)(3); the proposed patio is setback 13.2-feet from rear-yard. The proposed patio complies (i.e. 10-foot minimum from the rear-yard). **This setback remains unchanged and still complies. Of note, the Applicant has reduced the overall proposed patio area from the previously proposed 1,495 square-feet to 792 square-feet, a decrease of 703 square-feet.**

13. The Applicant has not requested any waivers. **This comment remains in effect.**

C. Site Plan Review

14. Based on the definitions provided in §175-27 of the Borough Ordinance, the proposed pool and pool patio are considered Accessory Uses and the proposed covered patio (pavilion) and shed are considered an Accessory Buildings. **Although the proposed covered pavilion and shed has been eliminated, the proposed pergola is considered an Accessory Building.**

15. The Board should be aware of the following pre-existing non-conforming condition of the property:

- a. §175-16, Limiting Schedule District: Minimum Lot Dimensions (Lot Area required) for the BB Zone is a minimum 30,000 square feet where 24,958 square feet is existing (as existing non-conformance). **This comment remains in effect.**

16. The site plan should be revised to indicate the landscape screening along both Pine Terrace and Lake Road. **The existing evergreen plantings at Pine Terrace and Lake Road has been indicated on the revised plans. This comment has been addressed.**

17. The proposed pool's side-yard setback should be graphically noted on the site plan. **The revised plans now indicate the side-yard setback to 54.8-feet, which complies.**

18. The Applicant is advised per §175-24(F) that living fences or screening (i.e. landscape screening) shall be planted no closer than three (3) feet to the property line. Living fences shall be maintained in a neatly trimmed condition. **This comment remains in effect.**

19. There exists a metal fence along three (3) sides of the property. The Applicant shall confirm via testimony that this fence conforms to the standards at §175-24. **This comment remains in effect.**

20. The Applicant is proposing two (2) additional seepage pits (drywells). The drywell calculations appear satisfactory. The Applicant is not proposing any additional yard or drainage inlets. The Applicant should confirm that additional inlets are not required as part of this application. **This comment remains in effect.**

21. We recommend the 99 and 100 foot contours located at the westerly corner of the property should swale and direct flow to the existing inlet at that corner and away from the neighboring

- property (Lot 2). The proposed silt fence may need to be adjusted to allot for these recommended contour edits. **The proposed contouring has been adjusted along with the silt fence alignment on the revised plans. This comment has been addressed.**
22. The Applicant should be 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. **This comment remains in effect.**
23. The Applicant should be prepared to provide testimony as to consideration of a permeable paver infiltration system for the proposed increase of approximately 695 square feet at the pool patio to lessen the burden of the additional impervious coverage. **This comment no longer applies.**
24. The Applicant has provided soil moving calculations on the site plan with cut and fill numbers for the scope of the proposed construction. The soil moving permit application is in accordance with Chapter 147 (§147-1) of the Borough Ordinance. **It appears the Applicant does not require approval from the Mayor and Council as the posted values of soil movement is under 250 cubic yards.**
25. In accordance with Borough Ordinance Section 175-19.B(1), the Applicant shall verify that the mean roof height of the proposed covered patio (pavilion) is not in excess of 12 feet. A schematic of the pavilion should be supplied to this office for review. **This comment is no longer valid as the pavilion has been eliminated. However, the Applicant shall confirm that the proposed pergola is not in excess of 12 feet. Architectural plans shall be submitted to the building department for review prior to the issuance of a building permit.**
26. The Applicant is advised that it is their responsibility to make sure their contractor is aware to call the NJ One Call Center a minimum of 72 hours prior to the commencement of construction, so that all on-property underground utilities are marked-out and accounted for. **This comment is still in effect.**
27. As this Application appears to disturb more than 5,000 square feet, we defer to the Bergen County Soil Conservation District for additional comments and/or certification in regard to this matter. **This comment is still in effect.**

Should you have any questions, you may contact me at (973) 398-3110, extension 4576.

Sincerely,

Colliers Engineering & Design



Carl P. O'Brien, P.E., P.P., C.M.E., C.P.W.M.
Department Manager

cc: Marti Francis, Zoning Board of Adjustment Secretary (via email)
Board Members (via Zoning Board of Adjustment Secretary)
Susan Crosman, Borough Clerk (via email)
David M. York, Esq. Applicant's Atty (via email)
Christopher J. Lantelme, PE & LS Applicant's Engineer (via email)
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