

April 21, 2011

A regular meeting of the Allendale Planning Board was held in the Municipal Building on April 21, 2011. The meeting was called to order at 8:07 p.m. by Mr. Quinn, Chairman, who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following members answered roll call: Mr. Quinn, Mayor Barra, Mr. Fliegel, Mr. Sasso, Ms. Sheehan, Mr. Sirico, Mr. Strauch, Mr. Walters and Mr. Zambrotta. Ms. McSwiggan was absent. Also present were Mr. Dunn, Board Attorney and Mr. Yakimik, Borough Engineer.

On a motion by Mr. Zambrotta, seconded by Mr. Sirico, the minutes of the work session of March 14 and the regular session of March 17, 2011 were approved as submitted. On roll call Mr. Sasso and Mr. Fliegel abstained. All other Board members present voted in favor.

Major Subdivision – Calvary Lutheran Church, Block 910, Lots 2, 17.01 and 17.02

Bruce Whitaker was present as attorney for applicant. He said this application is for a preliminary major subdivision approval and this is the commencement of the public hearing. He has previously submitted to the Board and Counsel the appropriate proof of publication, affidavit of service and copies of the public notice. Mr. Dunn said he has examined the service submitted by Counsel and it is in proper order.

Mr. Whitaker said this concerns property known as Block 910, Lots 2, 17.01 and 17.02 in the Borough of Allendale otherwise known as 165 W. Crescent Avenue and Ivers Road. The property is currently occupied by Calvary Lutheran Church which has been in existence for over 50 years. The church is located on lot 2. Lot 17.01 is property in its natural state and the church parsonage is on lot 17.02. The property consists of approximately 4.779 acres and is located in the A-1 residential zone. The buildings and facilities have been sufficient for the church's needs for many years and the projection is that it will remain sufficient for its needs.

At this point the church has looked at the site and has determined that the balance of the property is not going to be necessary for their needs and based on their own economics they have looked at what would be the best thing to do with that property. They have two different alternatives and directions that they could take. One would be to look at a different location and that is not a direction they want to take. They want to stay in Allendale. Taking that direction would result in someone else taking over and perhaps expanding the church. The church wants to retain its facilities at its current size and develop the remaining property with three new building lots and to retain the fourth lot being the parsonage. The fifth lot is the church lot that would remain. The concept behind this is to create three new residential lots that would be basically conforming to the A-1 zone and to have residences basically buffering the residences that exist now and to create a new roadway to service the new building lots. The parsonage would remain.

Mr. Whitaker explained the advantages of the new plan as follows. First, the church use in this residential zone would be limited. There would be no expansion. The Board will hear testimony that the church and its present and future needs are satisfactorily met with the property that would be remaining. The homes that would be constructed would be compatible to those in the

existing residential area and would serve as a buffer to that church use. He said the overall development as the Board will hear through testimony and exhibits that will be presented will show that there will be an improvement over the existing drainage. He added that there will be an improvement not only to the property itself and the drainage but in addition there will be an offsite improvement that will help existing conditions and make the overall drainage situation better than it is today. Mr. Whitaker said he believes that those benefits certainly outweigh any detriments that this development would present and will have a positive impact overall.

In connection with this application there are certain waivers and variances that are being requested. RSIS standards indicate that for the roadway being proposed curbing is not needed and they are proposing to have curbing. RSIS standards also say that a roadway could be 26 ft. in width and 28 ft. is proposed. They are requesting waivers to basically upgrade the minimum standards. In addition, RSIS standards state that a water main only needs to be 6 inches and they are proposing a larger one at 8 inches. Finally, there is a request for elimination of sidewalks on both the culdesac as well as Ivers Rd. They do not believe sidewalks are warranted in this area since a sidewalk on the culdesac would only service three homes.

Mr. Whitaker said they are also making a request for certain variances. The majority of the lots meet all of the bulk standards. They are all over 20,000 sq. ft. as required by the Code. Most all of them meet all of the required setbacks. The first variance they are looking for pertains to the remaining lot that the church would have for its existing facility. The Code requires a 3 acre area for a church and they are proposing 2.18. That results in this church being contained in its present state with no expansion possibilities. There is an existing structure which is the parsonage that is at the southeast corner of Ivers Rd. and the proposed culdesac. With the construction of the roadway it would now have two front yards. At this point lot 17.03 would have an insufficient front yard setback of 15.5 ft. where 35 ft. is required. Finally, based upon an interpretation that has been made concerning what is a rear lot line, the zoning officer believes the rear lot line can be expanded to say there are two rear lot lines. If there are two rear lot lines then on lot 2.02 there is sufficient rear yard setback from one corner of the proposed house. It expands to 59 ft. at the far end but in one corner it is 35 ft. versus the required 50 ft. Mr. Whitaker pointed out that the rear yard deficiency runs back to the church parking lot and not to a residential lot.

Mr. Whitaker said he recognizes that there are other administrative agencies that need to review and approve this and they have already received conditional approval from the Bergen County Planning Board and they have received a Letter of Interpretation issued by DEP. Mr. Whitaker said he believes that the overall approach they are taking results in a very good plan – a plan that contains a church in its current location and it presents three new building lots that will be an asset to the community in the way it is going to be constructed and the way the roadway is formatted and the fact that it basically buffers the church from the existing residences on those sides. He added, “We have gone through a number of work sessions to get where we are tonight and we have talked about conceptual plans in the past and have come to this result this evening.”

Mr. Whitaker said he will turn the meeting over to Mr. Tibor Latincsics of Conklin Associates to discuss the engineering aspects of this plan.

Mr. Strauch said reference was made to not needing sidewalks on the street that is proposed because there are only three houses but the roadway width is being increased from 26 ft. to 28 ft. He pointed out that every foot of impervious coverage is choking off our aquifer and as a Council member he needs to preserve our aquifer. In addition putting in curbs further reduces the recharge of the aquifer because it prevents the water from draining off the road into the grass area of the properties bordering the road and channeling it into the storm drain which channels it down the stream and floods the neighbors to the south instead of recharging the aquifer so he would prefer to see the sidewalks. He would rather stick to the original 26 ft. or narrower because there are only three houses. The amount of square footage of paving created for three houses is phenomenal. He said Ivers Road is a busy 30 ft. wide road. He would argue that putting sidewalks on Ivers would be good planning. As a member of the church, he would hate to see the church spend money unnecessarily, but he supports the church in its actions to seek alternatives with its property. He feels that three acres sounds like a good amount of land and he is not sure that retaining the church in its current size justifies the fact that we deviate from two to three and he is not sure if applicant wants to wait to resolve these issues or move forward with the engineering. He feels the variance issue should be dealt with first.

Mr. Whitaker said as far as the sidewalks, curbing and roadway width are concerned he would respectfully request that the Board listen to the testimony and at that point formulate an opinion. He noticed in the review done by the Borough Engineer there was a recommendation that the roadway be as proposed but realizes that if the Board were to say that they would not like to see curbing but that they would like to see a lesser roadway, applicant is amenable to modifications. As far as the variance relief is concerned and having worked with this Board in the past he realizes that one of the real issues that we need to address up front is the drainage issue. There is also the possibility in addressing the drainage issue that the plans may get tweaked, changed or modified in some fashion so he has held back on the variance relief until he knows exactly what the variance relief is that he is going to be seeking. He will have a witness for the variance relief at a later date. He would like to address the subdivision aspect first. Mr. Latincsics is a planner and he will address the variance aspect if we get that far this evening.

Mr. Quinn asked if any of the Board members have questions.

Mr. Walters asked if the three lots go on the tax rolls when the subdivision is created or when they are sold. Mr. Whitaker said if the subdivision is approved new lot numbers will be assigned by the Tax Assessor. Mr. Dunn said he believes they become lots upon the filing of the deeds confirming the subdivision.

Mr. Whitaker said if Mr. Strauch is a member of the church, Counsel needs to properly advise him that he will not be a participating member of this hearing. Mr. Dunn asked Mr. Strauch if he is a member of the church. Mr. Strauch said that he is and he has no objection to recusing himself. Mr. Dunn said he will research this subject before the next meeting but he believes a church member cannot participate. Mr. Strauch said he will recuse himself and sit in the audience this evening. Mr. Quinn asked if any other Board members are members of the church and there were none. Mr. Dunn asked if any members live within 200 ft. of the church and there were none.

A member of the audience asked if transcripts of the meeting will be available to the public. Mr. Dunn said the applicant does have a court reporter present and they may or may not have a transcript available. Mr. Quinn said the Board has minutes that are public record once they are approved.

Mr. Whitaker said Tibor Latincsis will be his first witness. He has been qualified previously before this Board as a licensed engineer and planner in the State of New Jersey. The Board can stipulate to that or he can present his credentials this evening. The Board agreed to stipulate that he is qualified in those fields.

Mr. Latincsis said he has been retained by applicant as the engineer and planner for the purposes of reviewing this site and developing the plans that were submitted with this application. Those plans marked A-1 through A-15 were presented on easels and boards for this meeting. Mr. Latincsis said this major subdivision is based on a survey prepared by Conklin Associates marked Exhibit A-5. They have also prepared a topographic survey, a tree inventory survey as well as a wetlands survey. The wetlands survey was submitted to NJ DEP and they have issued a LOI for the property. Exhibit A-6 is the topographic survey of the trees and the approved LOI plan is Exhibit A-14.

Mr. Latincsis said the subject property has a cumulative land mass of 4.779 acres. The property consists of lot 2 and two residential lots, 17.01 and 17.02 in Block 910. The current church is on Lot 2. Mr. Latincsis said Exhibit A-1 is the preliminary subdivision plan and Exhibit A-3 is the grading and roadway plan associated with the subdivision. Mr. Latincsis said current lot 2 with the church property is 3.8 acres. Lot 17.02 is a vacant residential lot which is 21,593 sq. ft. Lot 17.01 with the parsonage is 20,278 sq. ft. He said this application will yield two additional residential lots. There are currently two existing – the parsonage lot and the vacant lot. They are proposing three new homes or a net increase of two residential lots. The property is located in A zone with a requirement of 20,000 sq. ft. for a lot with a caveat that the 20,000 sq. ft. has to be within 175 ft. of the right of way. The proposed residential lots meet that criteria. Lot 2.02 is 20,343 sq. ft.; lot 2.03 is 30,275 sq. ft. and lot 2.04 is 20,064 sq. ft. They are reconfiguring the property without the parsonage making it a corner lot increasing slightly from 20,000 sq. ft. to 23,000 sq. ft. Lot 2.01 will be 2.18 acres. There is a triangular piece of property at the corner of West Crescent Ave. and Ivers Rd. which is a remnant from the trolley line property which appears to be the front lawn or corner of the church property, but technically it is not church property. It is owned by Orange and Rockland and the church did approach them to purchase the property. If they did purchase that property it would increase the church property to approximately 2.4 acres. What is proposed is a 400 ft. long culdesac servicing the three new lots. The parsonage is proposed to remain with a driveway coming out to Ivers Rd. The cul de sac is a fully improved roadway with a width of 28 ft. from curb to curb within a 50 ft. right of way with drainage, water main, sanitary sewer, and underground utilities all part of this roadway. It terminates in a full cul de sac with a 100 ft. diameter and 8 ft. pavement radius for turning of emergency and maintenance vehicles.

Mr. Whitaker said as far as RSIS standards are concerned, the deviations they are proposing are curbing on the roadway where it is not required. Mr. Latincsis said they are asking for a waiver on the sidewalks along the length of the roadway. RSIS does not require curbing and in some

cases discourages curbing. He believes the Allendale code requires curbing and granite block curbing as opposed to concrete is proposed. In terms of the water supply, a 6 inch water main is sufficient; however, they are aware of the Fire Department's preference for 8 inch water mains so the water main is proposed and will be upgraded to 8 inches. There is a fire hydrant at the terminus of the cul de sac. Mr. Latinscics explained the grading plan for the property and the roadway details. RSIS standards only require a pair of inlets every 400 ft. on a roadway. They are proposing two pair of inlets and a third inlet at the culdesac to accommodate the homeowners. The Borough Engineer has asked for an additional inlet to the rear of lots 2.03 and 2.04 to assure no runoff bypasses and they will add that inlet.

Mr. Whitaker asked if it is correct to say that although the proposed roadway exceeds RSIS standards it also is compliant with Borough standards as it pertains to utility hookups, lighting that would be required on the cul de sac, the thickness of the pavement that is being proposed and of course the Belgian block curbing. Mr. Latinscics said all of the normal construction standards will be complied with. The lighting has to be discussed and coordinated with Orange and Rockland Electric but they have not gotten to that stage.

Mr. Whitaker asked about the Borough of Allendale Shade Tree requirements. Mr. Latinscics said they neglected to show the street shade trees on the plan but they will be provided when they resubmit the plans.

Mr. Whitaker asked Mr. Latinscics to discuss the drainage aspects of the site starting with the existing conditions and the wetlands study and documentation received from DEP as well as what is being proposed. Mr. Latinscics said Exhibit A-7 is a 2007 aerial photograph with the 4.8 acre property outlined in yellow. He said that although it is typical in a major subdivision to focus on the subject site, in this case the drainage analysis provides a macro-drainage analysis where the site is bounded by Ivers Rd. Above that there is 7.9 acres draining from off site areas to the site. There is a flag lot, lot 4, to the immediate north of the property that has a driveway access to that property. Mr. Latinscics said there is a driveway culvert. It is not clear whether it is abandoned or in use but there is a 12 inch culvert under that driveway. The downstream end is visible. He could not find the upstream end. There is a 4 inch corrugated and a 6 inch pvc pipe that drains to a trapped wetlands area which has been confirmed by a LOI review of this application. The upper edge of this property is receiving runoff from up slope off site, approximately 7.9 acres. He will provide additional detail on this shortly.

Mr. Latinscics said existing and proposed conditions for the remainder of the site are shown on Exhibit A-9. Under existing conditions they indicate the outer limit of the footprint of development. That area drains to an open lawn area that is adjacent to the parking lot that ultimately drains down across the lawn. There are some low areas where the water sits. It is his understanding that is a result of the dredging of Crestwood Lake a number of years ago. This is where that soil was deposited and the area was poorly graded so it is a trapped low area that collects water. When that fills up it spills over. Exhibits A-11 and A-12 are photos of the site focusing on drainage. The photos were taken by him or his staff in March of this year during wet weather conditions. He said that the site drains to an inlet in Ivers Rd. and ultimately finds its way to the Allendale Brook in a very circuitous route. It does not drain into the Celery Farm. It enters Allendale Brook immediately downstream of the box culvert under Franklin Turnpike.

There is other drainage infrastructure on the property at the upper end and that is a problem area. Referring to Exhibit A-9, he said the trapped wetland area at the upper end of the church parking lot at the upper property line of the church property is receiving approximately 7.9 acres of drainage from up-slope areas – the triangle area bounded by Franklin Turnpike to the east and West Crescent to the west. That trapped area is drained by a 10 inch porous wall concrete pipe. He said there have been some modifications to that pipe. It was sleeved with 6 inch pvc pipe. He suspects that portions of the 10 inch pipe were crushed and remedial measures were taken with 6 inch pvc. Exhibit A-11 details that this is a porous wall pipe with sleeve inserted in the pipe and it is a critical piece of infrastructure. That porous wall pipe connects into an inlet in the middle of the parking lot and then goes another 168 ft. and increases to a 15 inch pipe and then goes to an inlet in Ivers Road. He said that unfortunately the 10 inch was reduced to 6 inch and he suspects to keep debris out a grate was placed over the inlet of that pipe. He said approximately 7.9 acres were draining into this grate. When that became clogged that depressed area would turn into a small lake which he has photos of. He said it is a real problem area due to antiquated and perhaps poorly maintained infrastructure. Another trapped drainage area on the property is a low area in the lawn area to the rear of the existing lot. He said another factor is that the dredging from the bottom of the lake created very poor drainage conditions and that soil has very low permeability. With heavy rains in the low areas the water ponds to a point where the water surface rises over the curb into the B inlet which is their outlet.

Mayor Barra asked if Mr. Latincics knows why soil was put in that lot. Mr. Latincics said he does not know. He did not ask the parishioners why it was put there but it was typical of what was done years ago. Mayor Barra asked if he knows when it was put there. Mr. Latincics asked the Mayor if he remembers when the lake was dredged. He responded that it is dredged all the time. Mr. Whitaker said he will look into this and provide an answer.

Mr. Latincics said those are the prominent drainage features and certainly the impervious surface on the church property all drains to the B inlet, be it roof leader connections to the catch basins or storm sewer piping which connects directly to that inlet. He said, “We have a central lawn area with that depressed isolated wetland which has been confirmed for the second time by DEP. There was an original LOI which in the process of this application will be resubmitted and confirmed. The topography rises up in the eastern portion of the property which is wooded. He said that is a summary of existing drainage conditions which brings him to the proposed design.

Mr. Whitaker asked if it would be correct to say that the proposed design was created based on the RSIS as well as being cognizant of pertinent Borough ordinances, specifically chapter 231. Mr. Latincics said the storm water management design is consistent with RSIS 521-721 which to a large extent is consistent with Allendale storm water ordinance 06-14. The key element in both the RSIS and the municipal ordinance is that it is the duty of the applicant and the engineer to provide a storm water management plan and the Borough ordinance provides for three possible ways to provide this and the most restrictive of the three was chosen.

Mr. Latincics said in this case they looked at 44 different rainfall patterns to identify the worst case criteria and that identifies storm water storage for the required detention basin to meet the zero increase in runoff or in this case reduce the peak rate of runoff for the footprint of the

development that is proposed. It identifies that the 100 year storm requires 5,142 cu. ft. of storage to provide 20% reduction in peak flow rates. A very strict standard is the 2 year storm which requires 50% reduction. After this analysis is performed, it identifies that they are required to meet design alternative 3 – the strictest standard or 7,866 cu. ft. of storage which is 15,000 gallons. He said it an open graded detention basin which actually provides 20% more than that. They are providing 9,651 cu. ft. or 72,000 gallons storm water storage for the proposed residential development. They measured all of the way up to the very top of the detention basin before it would spill over to Ivers Road which is actually what happens today. He has a picture from March 11, 2011 with water ponding on the property. When it builds up to a certain level it spills over the curb to the B inlet. They have provided 16,522 cu. ft. which is 2.1 times the required volume of storm water management. He said all of this is detailed in the storm water report signed by him dated January 28, 2011. He said he has provided a robust drainage design draining to an oversized open air detention basin which connects to the B inlet in Ivers Road.

Mr. Whitaker said the Storm management report prepared by Mr. Latincsics dated January 28, 2011 will be marked A-16. He said this report supplies the engineering basis for the opinions rendered by Mr. Latincsics.

Mr. Whitaker asked Mr. Latincsics to explain how this detention system that has been designed actually functions and works. Mr. Latincsics said this detention basin (Exhibit A-13) is basically a large bath tub with an outlet that controls the rate of runoff from the detention basin connecting directly to the 24 inch pipe in Ivers Rd. He said what is happening at the upper end of the property is a perfect example of a de facto detention basin. There is runoff flowing in and there is a restriction and they have been monitoring this. Due to the restriction of the grate which was clogged, the runoff was backing up to a certain point. The water would pond and the water surface would rise up to a certain point where it would creep around the topography at the east end of this wetlands area which happens to be where all of the debris is piled. There are some piles of dirt and logs and that is further holding back the water. When this water surface rises to a certain elevation it creeps around the debris piles and then flows into a trapped area. When that builds up it then flows over the curb.

Mr. Whitaker said in connection with the detention basin itself, they have provided and stipulated that the maintenance of the detention basin will be a requirement of the property owner which is the church.

Mr. Latincsics said there is 7.9 acres of upslope area draining through the church property that is essentially other people's water. The detention basin is on proposed lot 2.01 which is the church property and the detention basin would be maintained by the church; however, there is an easement around the detention basin in favor of the Borough of Allendale for the right but not the responsibility to maintain the detention basin. The second easement running the length of the property around existing piping is an existing condition but there are 7.9 acres draining through the church property until it enters the municipal system. They are creating a similar easement that is the right and not the responsibility of the property owner. The church wanted to take out this piping which is their piping. It would be to the detriment of upslope property owners and this easement addresses that.

Mayor Barra asked what is meant by the right and not the responsibility of the property owner. Mr. Whitaker said he can address that question. There is an easement agreement that is generally done with this type of detention facility and it requires the property owner to maintain. It gives an easement to the Borough where the detention system is located to have the right but not the responsibility to enter and do the clean out. In the worst case scenario, the property owner does not maintain it. On that basis, the Borough of Allendale can then come in and do the clean out and surcharge the property owner for their failure to do that work. He said, "We will stipulate to that." Mr. Whitaker said there is no easement right now that the Borough has for the pipe that runs through the church property from one side to the other. As a matter of good housekeeping, the Borough should have that easement so they can go in there if they have to maintain what is basically a public pipe. A lot of pipes were installed many years ago and no one documented when those pipes were placed. Mayor Barra said, "You are giving us a right, but not the responsibility easement." Mr. Whitaker said, "You would have the responsibility too because it is basically a public pipe that is not taking water from our site but it is taking water upstream and passing it through us."

Mayor Barra said you are giving us that easement but the responsibility to take care of it falls on the Borough. Mr. Whitaker said it is the same as the Borough having the responsibility for a sewer pipe in the road. Mayor Barra asked how long is that pipe. Mr. Latincics said it is over 300 ft. and was asked who is responsible for it today. Mr. Whitaker said no one is because it could be removed. The Borough has no right to that pipe right now. Mayor Barra asked if anybody maintains it now. Mr. Whitaker said not that he is aware of. Mayor Barra said when you give someone a right you also have the responsibility to give them increased responsibility. He believes he will have to talk to the Borough's Director of Operations and the Borough Attorney about the impact this has on the additional obligations and liability on the Borough.

Mr. Whitaker said he will state that the Borough has an obligation. If that pipe deteriorated and the Borough wanted to go on the property to fix the pipe, the church could say you have no right to enter onto the property if they wanted to be obstinate, but he is not suggesting they would do that. It is not a pipe that the church has to maintain because it is not theirs. Mayor Barra said this is something that will have to be referred to the Borough Attorney. He added that he does not know why the Borough would want a 300 ft. pipe that it does not have right now. Mr. Whitaker replied, "Only to insure that the proper drainage is taken from upland through our property to help the residents to the north." Mr. Latincics commented that this trapped wetlands area builds up with water until it reaches a certain elevation at which point it flows through the church property.

At this point both Mr. Yakimik and Mr. Latincics were sworn. Mr. Latincics said this will apply to his previous testimony as well.

Mr. Yakimik said he believes there was a comment concerning water from the church not affecting this pipe, but a significant amount of runoff from the church parking lot enters the subject pipe system we are talking about, so this pipe system has a direct bearing on the drainage of the parking lot.

Mr. Yakimik said he will reserve his comments for later when it is time for his testimony. He just wants to clarify that the pipe is not solely for offsite drainage. Drainage from the church site does contribute to that system.

Mr. Zambrotta said he believes the testimony is that the existing drainage moves from the higher points of the northwest part of all of the lots and tends to collect in the lower parts which is in the center or the north and does not percolate through the soil. It collects and ponds in the most southern area near the storm drain and eventually through the 24 inch main to the storm drain at the bottom.

Mr. Latincics said they have the unique circumstance here that unsuitable soil that was placed on this property from the lake bottom will be removed. They cannot build a road on top of that. He added that the development will probably improve infiltration into the soil.

Mr. Zambrotta said his overall observation is that there will be less open soil for water to percolate through and they will focus that increased need for percolation or drainage into one area which is the 10,000 cu. ft. detention basin and that still feeds the same 24 inch storm drain. Mr. Latincics said that is correct. Mr. Zambrotta asked Mr. Latincics his opinion that the 24 inch outlet is going to support an increased amount of rapid drainage.

Mr. Latincics said detention basins are a normal accessory feature of land development and they exist throughout Allendale and New Jersey. This is a typical robust size for this size development. The applicant's responsibility under one of the alternatives in the code is a zero increase in runoff or a reduction in the rate of runoff. He said applicant has provided a detention basin that reduces the rate of runoff that is being generated by the proposed development. He believes it is a conservative design. If the criticism is that the detention might be too big that is unusual because usually it is the opposite.

Mr. Zambrotta said his concern is that the water will not drain to that basin as fast as you think it will be and it will be a permanent swimming pool. Mr. Latincics said under the current design, the detention basin is addressing the footprint of development. Mr. Zambrotta asked where does the water come from where we see a great deal of flooding today south of Ivers. Mr. Latincics said that is detailed on Exhibit A-8. Mr. Zambrotta asked where is that water coming from if it is draining north to south. Mr. Latincics said his study consisted of the applicant's site, up slope contributing to the site to the point of interest. While he provided the schematic drainage map so we could talk about this intelligently, that is not the scope of this project or this application. Mr. Zambrotta said his concern is that the answer is they are not looking anywhere further south than their plot because that is not their responsibility.

Mr. Yakimik said he does not think Mr. Latincics is aware but last month we had some severe flooding south of Ivers in the rear yards of homes that front the south side of Ivers. He thinks Mr. Zambrotta's question is – is that flooding going to be worsened by the development, will it solve that problem, etc. Mr. Latincics said the short answer is that they are reducing the rate of runoff from the development. For example, in the 2 year storm they are reducing the rate of runoff 44% so they are reducing the rate of runoff leaving the site.

Mr. Whitaker said, "By virtue of the proposal we are making, from a drainage standpoint is it going to exacerbate the conditions south of us?" Mr. Latincics replied, "It will not."

Mayor Barra quoted Mr. Whitaker as saying that the testimony you are going to hear tonight will improve the drainage on the site and there will be off site improvement better than it is today, but that is not what he is hearing. Mr. Latincics said that in the 2 year storm, the rate of runoff leaving the site will be 44.3% of the existing and that is a significant improvement. The storms in March produced 2.9 to 4-1/2 inches of rainfall and that was a worst case condition. In the 10 year storm we are at 61% of existing and with the 25 year storm we are at 76.6% and in the 100 year storm we are at 81.8% so we are reducing the rate of runoff to downstream properties. They are building a 16,522 cu. ft. large bathtub that is 123,000 gallons. They are creating storage and are building compensatory storage to handle the runoff and improve it slightly.

Mayor Barra said he is not as interested in the rate of runoff. He asked if Mr. Latincics walked across the street south of Ivers to see what happens south of Myrtle and Talman. Mr. Latincics said he did not trespass. He made a visual observation from the roadway. Mayor Barra said with the amount of water that exists south of Ivers directly across from the homes facing Ivers, the amount of water on Myrtle Ave. and Talman and the amount of other water that is on those properties, is that amount of water going to increase as a result of this development or does the detention basin take care of that?

Mr. Latincics said in this case with a 10 year storm of critical duration the detention basin significantly reduces it 60% of the existing rate and then it slowly drains out over 3 hours. It is taking a 25 minute deluge and slowly discharging it to the downstream piping over actually 3.3 hours.

Mayor Barra asked if he is aware that the flooding to the south of Ivers remains for days after the rainfall. Mr. Latincics said he is not aware of that. Mayor Barra said if that amount of water is 25 or 35 ft. from the backyards or back doors of the homes on the south side of Ivers, is this development going to over this 3 hour period of time now have the water not only at the homes on Ivers but the homes on Talman and Myrtle. Is that now going to be 10 ft. from the homes instead of 25 ft. because water is being delivered to those areas in 3 hours.

Mr. Latincics said it sounds like the applicant is being asked to do a watershed analysis on one hand and then in addition a micro-analysis at a backyard level. He said the project has been designed in conformance with the municipal ordinance. They are providing a detention basin that has double the required volume and it is a robust design. He concluded, "Just like the upstream property owners have some inherent right to drain through the church – all property owners ultimately drain to the down hill property owner."

Mayor Barra asked if there is concern as to whether this has a negative impact to the people downstream. Mr. Latincics replied, "Certainly." The Mayor asked if this plan addresses that concern or does it make the situation worse for the people downstream. Mr. Latincics replied, "We have provided a robust design. We have provided double the required volume. We have applied the strictest standard." Mayor Barra said he looked at the exhibit sheet and he does not see a hydrologist's report. Mr. Whitaker said Exhibit A-16 is the storm management report. Mr.

Latinicsics said he is a drainage engineer and a hydrologist. Mayor Barra asked if he has given any consideration to the effect this development will have on the ground water, not only on the site but on the adjoining properties both north and south of the site.

Mr. Latinicsics replied affirmatively. He said one of the first things they did was test holes. The storm water management report indicates that the ground water is 5-1/2 to 6 ft. down. He said that once you dig through the unsuitable soil from the former lake bottom there is a sand layer 5-6 ft. down. As referred to in his report, perhaps the underlay in the detention basin of crushed stone will facilitate greater infiltration into that sand layer.

Mayor Barra said his question is has he done an investigation not only on the site but the adjoining properties to determine the impact of this development on the water table with respect to the adjoining properties both north, south and east of this development. Mr. Latinicsics said the short answer is yes but it is a question of how much of an improvement one should make.

Mayor Barra asked if Mr. Latinicsics has an opinion through his studies as to any impact on the water table that this development will have with the houses to the south and are they going to have water in their basements. Mr. Latinicsics replied that they have not performed studies south of Ivers Rd.

Mr. Zambrotta said today the property ponds a great deal over a period of days and percolates down into the aquifer. Mr. Latinicsics said it is probably not getting into the aquifer. It site there until it builds up and spills over the curb into the 24 inch pipe. Mr. Zambotta said the water doesn't go uphill so it is ponding. Where does it go. When it is ponded it is not above the curb. Mr. Latinicsics said from his observation it sits there and over a long period of time it infiltrates into the ground. Mr. Zambrotta said his concern is that a 24 inch pipe that today causes a lot of ponding now has an increased flow and demand coming from the detention basin plus a now fully cleared out 6 inch pipe from the northern wetlands. Mr. Latinicsics said the detention basin is reducing the load on that 24 inch pipe. Mr. Zambrotta said the bathtub drain is at the very bottom of the detention basin so it will flow out at whatever the capacity is for that 6 inch pipe. Mr. Latinicsics said that is not the case. On the control structure there is a wire restriction that is choking back the flow. The detention basin is reducing the load of the 24 inch pipe. The 24 inch pipe is not the problem. He said we are pushing that detention basin volume. It reduces the flow and holds it back and it increases the time it takes to exit the site. In this case it is going from 24 minutes to about 40 minutes. He added that this is a relatively small project and he believes they have met the minimum standard and he expects Mr. Yakimik will comment on that.

Mr. Yakimik said he would like to go back to a question the Mayor asked with respect to ground water. He believes the expert he was referring to is a hydrogeologist and not a hydrologist. A hydrogeologist studies ground water effects where a hydrologist takes care of surface water. Mayor Barra asked if a report was prepared by a hydrogeologist. Mr. Latinicsics said soil test holes were excavated by a soils engineer. They did not hire a hydrogeologist and no study was done by a hydrogeologist.

Mr. Whitaker said attached to Exhibit A-16 which is the Storm Water Management Report is the Johnson Soils Company report with the geotechnical engineering report attached to it. He said

that is what is commonly required with a Storm Water Report and that is what is required under the Borough ordinance.

Mayor Barra asked how do we evaluate whether this project has an adverse effect on the surrounding property owners. His concern is that the Borough is having more and more homeowners who are having issues of water coming into their basements that has never happened before. They have had water coming into their properties and backing up to their back doors. He said from a layman's perspective we appear to be at a saturation point when people's homes are in jeopardy.

Mayor Barra said his concern is that we do not put in a development, no matter how small or insignificant, that is going to exacerbate already existing problems that residents are having. When he walked the Orange and Rockland trolley path and looked at the amount of water he made the comment that he thought he was in the Louisiana bayou because that is how bad it was and it is getting worse day by day. When you look at the amount of impervious surface with the new road going in that normally would have soil that would take care of that water, where is that water going? He said the water is ending up in people's basements and in their back yards and threatening their homes. This past week he and John Yakimik have seen underground streams that did not exist before. The entire water table and aquifer in this town is changing and we are at a saturation point from a soil and water perspective and that is why the applicant is being questioned so intently on this drainage concern.

Mr. Whitaker said the questions and issues the Board has raised have to be evaluated in order to provide answers and they are not prepared to do so tonight.

Mr. Yakimik said he issued a report dated April 1, 2011 with regard to the application documents that were submitted to him. He said the first item he concentrated on was the subject of the 15 inch diameter pipe that has been constricted by the 6 inch pipe. He said the plans are a little inconsistent. One of them says it is a 15 inch diameter drain pipe with constricted 10 inch diameter pvc pipe. He found it is a 10 inch diameter porous wall pipe constricted by a 6 inch pvc pipe which is the worst of the two. With regard to item 2, in his opinion and as stated by Mr. Latinsics this represents a major constriction that exists on the site with regard to drainage and that restriction may unnecessarily cause a high seasonal ground water elevation to properties at least in the general vicinity of this constriction. Mr. Latinsics said he agrees but that is a surface problem and a nuisance. Mr. Yakimik said he would characterize it as more than a nuisance. Mr. Latinsics said addressing that constriction is going to lower that water surface elevation and that will then lower the ground water condition in that immediate area. He added that those goals are easily addressed to benefit the uphill and adjacent property owners. He said we don't want to over-improve it because then we may pass upslope water more quickly to the site downstream of Ivers. He added that there is no question that there are opportunities for improvement.

Mr. Yakimik said the applicant's proposal that was presented to the Board was to leave this major constriction as is. Mr. Latinsics said he thinks there is a recognition that there is improvement that needs to be made there and certainly the storm management report and design both focus on the development. He said he would like a consensus that if they meet the

minimum standards which is the conservative standard, they can then move forward. Normally the concern would be that the detention basin isn't big enough. Now there is a concern that it might be too big. He said they can enlarge this detention basin but before they do that he thinks it is important to get some feedback as far as meeting the minimum standard and how can they tweak and seek to improve this. He said he needs a starting point. Is the detention basin way too small or have we provided a detention basin that is addressing this development? Another question would be is there a benefit to putting that pipe into the detention basin.

Mr. Yakimik said the first thing we need to do if the applicant is willing is to address his comments with regard to more information with regard to ground water. He has asked for another series of ground water readings. The water readings were taken on January 15. Mr. Yakimik said at that time we had snow on the ground and not the conditions that we are currently having so he believes we need a more accurate understanding of the ground water at the site and perhaps the Johnson Soils report has to be amended to address our specific questions on what this development will do with regard to the ground water. He does not believe Johnson Soils addressed that in their report because they probably were not asked to do so. He said as a starting point, we need to get more information. He added that there could be other options that could make this Board feel better about the attempts that have been made to improve conditions on and off site. He said the Code has been addressed but storm water management is not an exact science and there are many variables that could affect things that are not quantifiable in models that we develop. The Board has legitimate concerns about ground water and the effects of this development and he believes the applicant could make an attempt to do all that he can possibly do to address the storm water and the ground water conditions that would be beneficial to the applicant, the neighbors and to the Borough. He concluded that there are opportunities for improvement here.

Mr. Whitaker said he concurs with Mr. Yakimik's comments and applicant will explore those various options. Mr. Yakimik said his report also addresses variance issues including the 50 x 50 ft. box that needs to be established with each lot.

Mr. Quinn announced that the matter will be carried to Thursday, May 19.

On a motion by Mr. Walters, seconded by Mr. Zambrotta, the meeting adjourned at 10:35 p.m.

Respectfully submitted,

Barbara Knapp

