

May 19, 2011

A regular meeting of the Allendale Planning Board was held in the Municipal Building on May 19, 2011. The meeting was called to order at 8:10 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. Walters, Mr. Zambrotta and Ms. McSwiggan. Mr. Strauch was absent.

Since the minutes of the April 21, 2011 meeting were distributed to members late this afternoon, action on them was tabled until the next meeting.

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

Bruce Whitaker, attorney for applicant, explained that this is a continuation of the hearing of April 21. The purpose of this meeting is to proceed with further review pertaining to the drainage issue. The Board had requested additional information pertaining to drainage at the last meeting. Mr. Latincsics had made a comment to the effect that the overall drainage and proposal being made by the applicant would serve to be a benefit. The question was what are those benefits and how are those benefits derived from the engineering plans that were submitted. Questions were asked pertaining to the effect of the proposal on adjoining property owners both above the property as well as the properties below. The second question asked by Board members was has there been a review of the water table and what would be the results of this project as it pertains to the water table. He said, “We had offered through the course of this to look at the overall drainage area for the purpose of determining what, if any, offsite problems are not the responsibility of applicant, but if we are doing this study and see things that obviously could help rectify neighboring property owners, we offered to provide that information so that it would be part of the Board’s record for future improvements no matter what happens as far as this application is concerned.”

Mr. Whitaker said they have done a further study and have followed the guidelines of the storm water management ordinance. What they are prepared to show tonight is that there are benefits to this project if it is built not only to the property itself but the overall drainage for this area. They will show that this project not only complies with the storm water management ordinance but they will provide information pertaining to conditions that exist offsite that need to be rectified in some manner whether this project is approved or not. He said with what the church is proposing the overall drainage will be better off than what is there today. Mr. Latincsics will proceed with an explanation of what has occurred since the last meeting in the form of additional studies that were done and the overall effect of what is being proposed.

Mr. Whitaker said there was a question asked at the last meeting about the variance requests. He pointed out that these variance requests could change if a lot line shifts or modifications to the plan are made as a result of comments from Board members.

Mr. Whitaker said he has passed out a list of exhibits from the last meeting as well as the ones they will be presenting this evening. He thanked Mr. Yakimik for providing him with a copy of his report dated May 18 and he also thanked Mr. Snieckus for his report which deals with variance issues. Mr. Whitaker asked Mr. Latincsis to explain what he has done from an engineering standpoint in the form of studies based on requests made by Board members and members of the public since the last meeting.

Mr. Dunn commented that Mr. Latincsis is still under oath having been previously sworn at the last meeting.

Mr. Latincsis said he has prepared a supplemental report and has handed out a summary to the Board members (Exhibit A-17). A revised exhibit list consisting of 2 pages (exhibits A-1 through A-21) was also submitted.

Mr. Latincsis said there is significant opportunity through the construction of the detention basin to benefit both upslope and downslope property owners. It will reduce peak runoff rates to downstream property owners by about 25%. At the same time it will provide improved storm sewer piping and reduce the water level of upslope ponding. He said Exhibit A-18 consists of photographs taken throughout the watershed. The inspection was done during the deluge on April 28. The very tip of the watershed he is referring to is at the intersection of Franklin Turnpike and W. Crescent Ave. Referring to Exhibit A-8 the site is approximately at the upper one-third of that watershed. Various watercourses and piping go down to Myrtle Ave. There is a detention basin at the townhouse site. The water course goes under the Erie Lackawana and it takes another right hand turn back under the Erie Lackawana under Myrtle Ave. It enters the main channel of the Allendale Brook just below the Celery Farm. The box culvert by Elm St. is a collapsed culvert. He said they performed a watershed wide analysis and have provided good practical information documented with mapping and 330 photographs during very adverse conditions.

Mr. Latincsis said they performed additional topographic survey work downstream of the property in regard to a question by the Mayor as to whether the impacts of the trolley line embankment and those culverts upon the neighbors was investigated as well as additional field survey work of storm sewer features immediately upstream. They also installed four ground water level monitoring piezometers at the site.

Mr. Latincsis said in terms of the watershed investigation, feedback from the prior meeting indicated that people had the impression they were receiving more water in this watershed than they had previously and that is the case. For example the 100 year storm has been redefined from 7.5 inches to 8.4 inches. He said he will focus on the upper portion of the watershed. The western boundary of W. Crescent Ave. has a storm sewer system and curb line and that system drains to the Allendale Brook and not this watershed. He said there are quite a few drop curbs on the down hill side or eastern edge of W. Crescent Ave. that are in very bad condition and gutter flow from W. Crescent Ave. is entering this watershed when it should not. This happens particularly when the catch basins are clogged as is often the case, and particularly as on April 28 when gutter flow that should be going to Valentine Brook entered this watershed. The Borough

Engineer has advised him that a sidewalk and curbing project is proposed that will address that problem.

Mr. Latincsics said there are four major restrictions in this water shed to be aware of. They are the fill within the rear of offsite, upslope, Lot 3, Block 910, the Calvary Lutheran parking lot, the former trolley line embankment (offsite, downstream) and the railroad embankment (offsite, downstream). Mr. Latincsics said they wanted to modify the design and improve on this situation. On the third page of the handout there is a summary of the prior design which provided reductions as per the code and then they took it upon themselves to revisit the detention basin and attempt to improve things in the big picture. In order to do this they increased the size of the detention basin and specified either 15 inch or 18 inch pipe from this trapped isolated wetlands area directing into the detention basin and that introduces the upper 8.32 acres into the detention basin.

Mr. Latincsics said the footprint of the project is only 1.8 acres but he has redesigned the detention basin to take the runoff from the upper 8.3 acres plus the 1.8 acres and increased the size of the detention basin and analyzed the impacts downstream. Due to the storage and the restricted orifice which controls the outflow there is a large reduction in the rate of runoff leaving the site. The point of interest continues to be the inlet on Ivers Road where the discharge goes to the 24 inch RCP pipe which then continues south of Ivers Rd. underneath the trolley line. They are reducing the runoff in the 2 year storm 76% of existing, 75% in the 10 year storm and 81% in the 100 year storm. He said that is a direct benefit to downstream property owners and the downstream storm water system. There is approximately a 30 minute lag between the peak inflow and peak outflow and this is making the downslope sewer systems more effective. The ponded water levels are reduced here by approximately 9 inches in the 100 year storm so that is a benefit plus it is a system that will function properly.

Mr. Latincsics said the ponded area is providing effective storage and from a storm water management perspective it is good to keep that ponded wetlands as is. The 1.8 acres of development is approximately 13% of the watershed that we are dealing with; however, it is providing a 25% reduction in key flows. With the enhanced design they will be providing .51 cu. ft. of storm water storage for every sq. ft. of impervious surface which is almost 5 times the volume provided by Nadler Court so he believes the term "robust design" is warranted. He said this is the perfect place for a detention basin because this is where the water naturally collects. If this detention basin were built in the upper reaches of this project hidden away in the woods which some people may prefer, it would be of limited value.

Mr. Latincsics said this design provides an opportunity to improve the watershed-wide drainage patterns. It has provided the basis of a plan for the entire watershed which warrants review of the curbing along West Crescent Ave. and there is one location where a 24 inch pipe goes into a 12 inch pipe which causes a problem. He recommends focusing on the design for the 10 year storm to maximize its benefits because in many cases the 100 year storm is going to pond elsewhere before it gets to the detention basin.

Mr. Whitaker asked if the reduction in runoff is promulgated on the improvements that the applicant is proposing and not on anything downstream such as the repair of piping by the railroad tracks or trolley area. Mr. Latincics said that is correct. The problem pipe is owned by Rockland Electric and ultimately he believes it is their responsibility. The first step is to identify the problem and identify the responsible party and hopefully to work together to solve any problems.

Mr. Fliegel asked if there is going to be standing water in the basin all of the time in the rainy season. Mr. Latincics said it is no different than the current condition today but they will put it in a controlled system with a better outlet. Mr. Latincics said there will only be water in the basin during periods of high ground water. He added that there is the option of raising the bottom of the basin to reduce its volume. He said he recommends that the bottom of the basin be backfilled with crushed stone which will allow for infiltration when the high water table drops down.

Mr. Fliegel commented that the water in the basements really comes from ground water and not from the runoff of the site. Mr. Latincics said in his experience 90% of people's basement problems start with their roof leaders.

Mr. Zambrotta said he believes the testimony is that by improving the drainage from the northern lot line where there are isolated wetlands and upgrading the pipe and increasing the size of the detention you are providing an effective amount of storage to hold water there and deliver the water through the Ivers storm water pipe. There is improvement north of the site because water will flow through faster and potentially there may be some improvement south of the site because there is a trickle of water and not the rush of water on the Ivers site. Mr. Latincics said they are effectively flushing the water through the storm sewer pipe but when it gets to the detention basin, slamming on the brakes and holding that water for a period of time, and reducing the rate of outflow to the downstream storm sewer system.

Mr. Quinn asked how much bigger is the design since the last meeting. Mr. Latincics said the footprint has been increased lengthwise and the shape. The volume has been doubled. The detention basin is 30 ft. wide by 75 ft. Mr. Whitaker said they have stipulated that it will be fenced and landscaped. He added that they will stipulate that the piping that runs through the church property will also be maintained by the church. Normally a municipality would ask for a non-binding easement that states if the church or the property owner failed to maintain it or the pipe the Borough could come in and do the work and that could be surcharged against the property owner similar to an assessment. Mr. Whitaker said in connection with the problems that exist in this watershed, specifically the drainage pipe by the trolley which he believes that Orange and Rockland are responsible for, he recognizes that they are not always quick to respond with this type of issues. Mr. Latincics said if permits are required by DEP, Conklin Associates would cooperate and provide the survey work and assist with obtaining them.

Mr. Latincics said that copies of the plans have been provided to various Borough departments including the Fire Dept. for comments and to date none have been received.

Mayor Barra said the Borough has been grappling with the issue of curbs or no curbs because of the storm water issues. Would a lack of curbs in this instance help in terms of having some of the rain water on the street percolate into the property rather than all going into the storm drains? Mr. Latincsics said it could be argued both ways. He said he would rather put crushed stone in the basin to help in getting the water through the sand layer 5 ft. down. The goal should be to get that water into the sand layer.

Mayor Barra said he is having difficulty in terms of what happens to the water. If we are at a high water table of 2 ft. this detention basin would probably have a foot of water in it just from ground water. Mr. Latincsics said that is correct. The Mayor said we have had some significant rainfalls this past week and the Borough has been dealing with an enormous amount of problems. His question is how much more water, if any, gets released into the storm drain as a result of the street, the driveways and the houses having the same rainfall as we have had last week versus the way it is now. Mr. Latincsics said the volume of water leaving the site is being doubled.

The Mayor said he is pleased with the fact that these issues have been addressed because they are enormous issues. He appreciates that the water is being released at a lesser rate but the bottom line that concerns him is that there is more water. He said if you are doubling the amount of water off the site because of this development, he is not only looking at this spot which is a bad one, but he is looking further down at the end of Talman and Myrtle where the entire property floods. Continuing downstream all of those spots along the way until you get to the brook by DeMercurio have serious water problems so what concerns him is that if this development is putting more water into the sponge which is already filled to capacity, where is it going to go?

Mr. Latincsics said there are 330 photographs in relation to the watershed every step of the way so it is quite a circuitous route. If every property owner in the 8.3 acres upslope of this property has a right to drain to the downslope property, what you cannot do is dramatically change the rate or nature of that runoff. He said they have provided a robust detention basin that does that and significantly improves existing conditions.

Mayor Barra said he is not disagreeing that there are a lot of other properties that have problems, but what he is trying to deal with is that these are the realities of problems that we have in town. What he is trying to determine is whether this project is going to make everybody's life more difficult and more miserable with more water as a result of the impervious surface. He said, "I am concerned when you tell me that even with the robust detention basin, you are going to be releasing twice the volume of water that would be coming off the site today. That is my concern. From what I hear this detention basin is not going to stop that. It is simply going to slow it down." Mr. Latincsics said that is the basis of your municipal ordinance, the county ordinance, the state ordinance and all drainage designs.

Mr. Zambrotta said, "When you answered the Mayor's question about doubling the runoff from the site and increasing the impervious coverage, where is it going today?" Mr. Latincsics said it goes across the curbing into the B inlet and the Ivers 24 inch pipe. He said the runoff that we are entitled to release from the property is based on what leaves the property today and in fact a reduction of that.

Mr. Zambrotta continued that additional impervious coverage has been added on the site plan. Where does the water go today? Does all of that water ultimately drain into the same place or does it go down into the aquifer. Mr. Latincics said other than what infiltrates into the soil it all goes to the Ivers Road B inlet.

Mr. Zambrotta said he is only trying to understand what is the true variance between existing total runoff and future total runoff. He wants to know the specific impact of the new impervious coverage. Mr. Latincics said that simply put the volume will double which is why they have provided a robust detention basin that goes beyond what is required for this development and it provides benefits for the entire watershed. He said this is the perfect location for this detention basin. If it was built by Nadler Court it would not have the same benefits because it is not where the water naturally collects.

Mr. Whitaker asked, "On the basis of what is being proposed and your review of the pertinent storm water management ordinances in Allendale, does this comply with more than the minimum requirements of that ordinance?" Mr. Latincics replied affirmatively.

Ms. McSwiggan said she was not at the last meeting but in reviewing the minutes it seems that the detention basin was described as a bathtub with an outlet that controls the rate of runoff from the detention basin connecting directly into a 24 inch pipe into Ivers Rd. Mr. Latincics said in layman's terms that is correct.

Ms. McSwiggan said there was discussion of a sand layer and then a gravel layer at the bottom of this bathtub. Mr. Latincics said the sand layer is there already. Ms. McSwiggan said there was mention of the water draining in 14 hours in lieu of it draining for days. Mr. Latincics said he would have to check the 14 hour time frame but it would drain in the 100 year storm in 6 hours.

Ms. McSwiggan asked how the control mechanism works and will it get clogged. Mr. Latincics said there are grates and they should not be too small so that they get clogged and they would be easy to modify. Ms. McSwiggan asked if he would have to be called back to do that and he replied affirmatively. She asked if it is the church's responsibility for maintaining this if there is a situation where it gets clogged and there is water backing up. Mr. Whitaker said it has been his experience if there is a homeowners' association that a maintenance person comes in periodically to make sure that it is cleaned out and maintained on a regular basis.

John Yakimik, Borough Engineer said he was previously sworn. He received a report yesterday and has not had an opportunity to review the new proposal from the applicant in detail but it does seem to address the issues that were raised at the last meeting. He has submitted a report dated May 18 which is a supplement to his April 21 report. Since the previous meeting he did some research to see if there were some historical maps of the area showing what was occurring in the past and he was able to find some aerial mapping from 1964 and also an application that was before the Board in 1986 for improvements at the site. He pointed out to the Board that in 1964 it appears that the water course on the property was an open ditch. The site plan in 1986 shows that 90% of that ditch has been piped by someone and it no longer operates as an open ditch. To hear tonight that the applicant is striving for getting the capacity of this watercourse towards

that 1964 ideal is refreshing to hear. He said that he has to review these calculations to see how accurate they are. The blue line that is highlighted is the open ditch that existed on the property at one time. The 1986 plan shows an outline of where that ditch would have occurred. Mr. Yakimik said that on the surface he feels that what the applicant is proposing is probably the best we could hope for in the current situation. To ask the applicant to put the drainage back to an open ditch would be unreasonable.

Mr. Latincsics said to recreate the ditch would be impractical and he believes it would have an adverse impact on downstream property owners. They are passing the water from 8.6 acres more effectively through the site.

Mr. Yakimik said he plans to have his updated report available in about 2 weeks. He is still concerned about ground water. He asked Mr. Latincsics how many more readings he is planning to take at the site and what is the frequency of taking them. Mr. Latincsics said he will continue to take them every week. With regard to Nadler Court, Mr. Yakimik said it was developed when there were less restrictive codes in place.

Mr. Yakimik said he concurs with the analysis of what is going on with regard to the ponding that is occurring across Ivers Road to the south by the Rockland Electric right of way and it appears to be the responsibility of Rockland Electric. He asked Mr. Latincsics if he has information on the pond and the elevation of the pond that is occurring there. He would like to look at that information in concert with the piezometer readings in order to get a good sense of what the ground water is doing in that area.

Mr. Latincsics said the Ivers Rd. storm sewer goes under the trolley line and bypasses that ponded area. He has taken elevation shots over time, surveyed the high water mark and they are providing that information. He said it would be helpful if the town could locate that manhole on the angle point coming off of Ivers Rd.

Mr. Yakimik said when he was doing his research and found the old mapping, he found some surveys done by Conklin Associates but there was not sufficient detail to locate the manhole. He has no further information on where that manhole is and suggested that Mr. Latincsics check his files. He added that there is an easement in place.

Mr. Yakimik said one thing that was said that does concern him is that for the design for the detention basin one foot is below the seasonal high ground water elevation. He will take a look at that with the experts from his office. He added that the improvements proposed are in the right direction. He said he needs to look at what has been submitted in detail and will get a report back to the Board in two weeks.

Mr. Whitaker asked if the monitoring on a weekly basis is satisfactory for his needs. Mr. Yakimik replied affirmatively.

Mayor Barra commented that if he is reading the 1986 plan correctly, the parking lot has been expanded pavement-wise over the ditch and now there is a pipe under the pavement. Mr. Yakimik said that occurred sometime between 1984 and 1986. In support of the testimony, there

was a larger crater that existed in 1986 to the east of that parking lot. Based on the 1986 plans there was a 2 ft. change in elevations so there was a crater there. That now has been raised so there is only a one ft. depression in that area. Mr. Latincics said he does not want to call the detention basin a crater. He would prefer to call it a landscaped bath tub. He said applicant is to a large extent going back to re-creating what was there in 1964. They are providing conveyance to the site of the storm sewers and are providing a landscaped detention basin. The prior one did not have an outlet so it would fill up early in a storm and did not have any benefit. They are providing an engineered detention basin so they are moving back in time but with a better design. If they put the same detention basin in the upper portion there would be no benefit whatsoever. He believes attention has to be paid to landscaping and it will certainly be an easy place to maintain.

Mr. Whitaker said there is no documentation they can find that indicates how it occurred but based on the recollection of members of the church, evidently there was a time frame in which the Borough of Allendale did a clean out of the bottom of Crestwood Lake and needed to get rid of the material. The church gave permission for them to spread it on their property.

Mayor Barra said his information is that the Borough scrapes that lake bottom every year. It was not a question that the Borough needed to do something with that soil but he believes the request was made by Mr. Lankering to fill in the depression on that property with that material from the lake bottom.

Mr. Walters asked if we would be better off if nothing were done or would the problems be there regardless. Mr. Yakimik said if we take that approach in his mind nothing is going to get done. In the future the problems will continue and it will be much more difficult to get improvements and it will be over a much more prolonged period of time. He said that is the risk that we take here. As he said before, storm water management is not an exact science. However, if the applicant over-designs and puts in safety factors, we get a more reasonable assurance that it is going to work. At the same time, he is creating more volume, etc., but we have to look at that versus the improvements that we are getting to this watershed and weigh the risks associated with that and say is this a real improvement that can happen to the adjacent property owners at the risk of maybe having more problems in a catastrophic storm. If applicant overdesigns and creates more of a safety factor, he feels more comfortable recommending this to the Board.

Mr. Snieckus from Burgis Associates said he did not benefit from the discussion at the last meeting. With regard to the discussion about the isolated wetlands area regarding the new pipe and the ability to drop that water level. He asked if there will be any standing water in that area as a result of that pipe and the improvements. Mr. Latincics said they are looking to drain that area so that after a major storm it drains dry. Mr. Snieckus asked if it would pay to leave some water in there over a period of time thereby reducing the overall impact to the system. Mr. Latincics said they chose not to fill this pocket because it is effective storage. If we do not grade it properly and water sits in there that is not available storage when it really starts raining. Mr. Latincics said he believes this property should be properly graded so it remains dry after a storm. There is an opportunity to enlarge that pocket creating a storm water storage area so water will sit temporarily and drain down.

Mr. Snieckus asked if it would be beneficial to look at any seepage pits in the upper lot areas. Mr. Latincics said he chose the robust alternative and with the RSIS in a typical design there would be two catch basins on this roadway and they have five. Every home has a catch basin to connect leader or roof drains to. That was a specific element in the design and they put the storage into the detention basin. The storage fits the grade of watershed and not just these homeowners.

Mr. Snieckus asked if it would help to have open bottom basins within those upper basin areas in an effort when the ground water is low to allow that water to run directly into the ground. Mr. Latincics said it could be considered but the final determination would be made by the Borough Engineer and the DPW. Mr. Yakimik said the DPW might not like that type of basins because it is difficult to clean them out with the rough surface on the bottom but he will check with them. He said it is a possibility.

Mr. Snieckus asked if there is some land area available to provide some meandering lines to the grading of the basin. He is not trying to remove capacity but to establish more aesthetics and there is some space between the parking lot and the top of the basin. Mr. Latincics said that could be considered.

Mr. Quinn opened the meeting to the public for comments on the testimony this evening.

John Pastore, 77 Ivers Rd. said that he heard testimony that the church would be responsible for the maintenance of the basin. He asked about the degree to which this would be enforceable by the town. Mr. Dunn said it would be dependent on the vehicles used to establish the easements and the rights that the Borough would have for access to the sites. He said we want easements and access for maintenance purposes and we bind those tools with filed and recorded deeds. He added that this is usually a process of negotiation and discussion with the property owners.

Mr. Pastore asked what other kinds of maintenance are generally associated with these detention basins. Mr. Latincics said routine maintenance would include garbage and trash collection, maintenance of lawn area and anything that enters storm systems upslope that enter the catch basin and needs to be cleaned out. Typically it is cleaned by the developer prior to it being turned over to the municipality or a homeowners' association. Depending on the character of the watershed, sediment may need to be cleaned out on a periodic basis.

Mr. Pastore asked if it is too early in the process to prepare a formal maintenance plan. Mr. Latincics said he has a simple one hitting the high points but it is too early in the process.

Mr. Pastore asked what other water management options were considered before deciding on a detention basin. Were there other options that were reviewed before this one was selected? Mr. Latincics said there were but once you get to a larger scale development it quickly comes down to a detention basin and variations of a detention basin such as Nadler Court where it is underground. Some people think that has a visual benefit but it does make maintenance more difficult. In this case, particularly since it was a watershed based design, it quickly comes down to a detention basin.

Mr. Pastore asked what is the difference between a retention basin and a detention basin. Mr. Latincsis said a retention basin will hold water and a detention basin drains dry. He said this is primarily a detention basin. In periods of seasonal high water depending on the final design we may see water in the bottom. Mr. Pastore asked if we have to be concerned about mosquitoes breeding in this pool of water. He is concerned that there is going to be standing water for weeks or months and will that be a concern with mosquitoes breeding and what would be done to mitigate that? Mr. Latincsis said the normal control measures would be used. Mr. Pastore asked if that would be the church's responsibility. Mr. Whitaker said it would be part of a management plan. It will be included in a litany of items that need to be controlled by the property owner.

Mr. Pastore said since last month, the volume of water to be contained has been essentially doubled. He asked if the design makes it any deeper or just broader, longer and wider. Mr. Latincsis said they have increased the size of the footprint. He added that typically there is 3,000 cu. ft. of water that is ponding in the lawn area. To recreate that existing condition they have created a 3,000 cu. ft. puddle which is the detention basin, to mimic existing conditions.

Margaret Onesius, 133 W. Crescent Ave., said she lives at the property directly to the north of the church parking lot. She asked if Allendale now has any detention ponds and are they working or are there any problems with them. Mr. Yakimik replied, "Yes, we do and yes, we have problems." There is a problem at Crestwood Mews and the Construction Official has been issuing violation notices. He said that detention basin was constructed before the new regulations that require much more stringent criteria. There are now more stringent safeguards in place regarding maintenance. She asked, "Are you saying it was constructed entirely different so we should not have the same problems?" Mr. Yakimik said if this does get approved, when the applicant prepares the final drawings there will be a litany of measures for maintenance that will be part of the approval. That litany will become a recordable item that the property owner has to follow as far as maintenance is concerned. With the Crestwood Mews application that did not take place and that is a very crude detention basin. It is not based on an outlet weir structure that is being proposed. It is simply based on a smaller diameter pipe that gets clogged very frequently. It was approved many years ago so there are better safeguards in place now to prevent that from happening.

Ms. Onesius said she is concerned about the ability of the church to maintain it. Mr. Whitaker said the Storm Water Management Ordinance that was adopted in Allendale was State mandated and has a litany of management requirements that is recorded. This document says that the owner is responsible for maintenance and the town has the ability to go on that private property to take over the maintenance if the property owner fails to do so or if there is an emergency. The town can then surcharge the property owner for whatever costs are incurred. He said the Crestwood Mews project was approved long before the present guidelines came into effect. Mr. Latincsis said he toured the Crestwood Mews site during the 28th storm and it is in a very inaccessible location so the simplest maintenance becomes difficult.

Mr. Yakimik said we have detention basins at Allendale Brook Estates and it is his understanding they are maintained very well and they predated the more strict regulations that

are in place now. Currently under construction is the Whitney which has a very large retention/detention basin that is under the current laws. He watched it operating last week during the heavy rains and it is operating quite well. Mayor Barra said he is sure the church will be responsible for any maintenance problems but it does create different issues than if it was a private development. Mr. Whitaker said it is still an enforcement issue if it is a church or a homeowner's association. Mr. Fliegel asked if it would make it more enforceable if the homes were responsible. The Mayor said they are outside the lot lines. The church owns that whole southern portion.

Mrs. Onesius said there were comparisons to Nadler Court. She lives by Nadler Court and they did not have the water problem that we see at Calvary Church. She asked, "What do we do if the flooding gets worse after this development? Who do we turn to?"

Mr. Yakimik said this is a chance for real improvement; however, there might be some tangible risks in taking this step. If we don't take this step the problems you are having now will continue longer, so he asked Ms. Onesius to have confidence in this Board and its professionals.

Ms. Onesius asked when the proposed curbing project that was mentioned will take place. Mr. Yakimik said there are a lot of strings attached to that project because it is federally funded; however, they are trying their best to get it done as quickly as possible. They are trying to have it constructed this year.

There being no further comments, the meeting was closed to the public.

Mr. Quinn said the matter will be carried to the next meeting.

On a motion by Mr. Zambrotta, seconded by Mayor Barra, the meeting adjourned at 10:30 p.m.

Respectfully submitted,,

Barbara Knapp