

September 12, 2011

A regular meeting of the Allendale Planning Board was held in the Municipal Building on September 12, 2011. The meeting was called to order at 8:20 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, Mr. Fliegel, Mayor Barra, Ms. Sheehan, Mr. Zambrotta, Mr. Walters, Mr. Sasso and Ms. McSwiggan. Mr. Sirico and Mr. Strauch were absent. Also present was Mr. Snieckus, Planning Consultant and Mr. Dunn, Board Attorney.

Continuation of Calvary Lutheran Church Major Subdivision Application

Bruce Whitaker was present as attorney for applicant. He said applicant has a revised plan dated September 8 which contains modifications requested by Mr. Yakimik. Mr. Latincsecs, engineer for applicant, was previously sworn and will explain those modifications.

Mr. Latincsecs said he has responded to the August 26 and the July 21 reports from Dewberry. Mr. Whitaker said one of the requests made was for submission of additional information to Hatch Mott MacDonald and other agencies. Mr. Latincsecs said that has been done. He said he will review the revisions as detailed in his September 8 letter and the plans have a revision date of September 8. The first detail that was added to the plan is the flush curb detail which appears on Exhibit A-2. A 6 ft. high vinyl fence was specified to the rear of lot 2.02. The 6 ft. fence is detailed on A-5. It does trigger a variance request since the Borough code limits fences to 4 ft. within 15 ft. of the property line. The fence is on lot 2.01 to serve as a buffer for residential lot 2.02. Based on the request of the Borough's landscape architect and planner, in that same area he substituted Leyland Cyprus for the prior specified arborvitae and Euonymus hedge between the street shade trees. Optional sidewalks are indicated on Exhibit A-1 with detail provided on A-2. There was also a request for swales. He said that by the time the sidewalks are built there will be very little room for the swales so that can be revisited.

Mr. Latincsecs said the Borough Engineer has asked for additional soils data. Three soils reports have been provided – the Bergen County Soil Conservation District Soil Survey, a very informative 1952 Rutgers University Soils Investigation and Johnson Soils On-site Soils Investigation. He said the Johnson Soils Investigation verifies the Rutgers Soils Survey. The report states that surface drainage is hindered by the flat surfaces and heavy rains may produce temporary saturation. He added that depths to water tables show great variation. He believes that sufficient and detailed soils information has been provided.

Mr. Latincsecs said the street light plans specified at the end of the cul de sac have been submitted to Rockland Electric for their review and comments. They were asked to provide light level readings on the church parking lot which were measured on September 2 at 10 p.m. Exhibit A-1 shows the foot candle readings at various points in the parking lot. Mr. Latincsecs said there was discussion at the last meeting about the drainage easement between lots 2.03 and 2.04. That has been revised so it would be a private easement and the responsibility of the two adjacent property owners with the right of the municipality to enter if there was an emergency situation. He added that he has included additional ground water readings including Hurricane

Irene readings through September 6. Mr. Latincsics said that is a summary of the major revisions to the plan.

Mr. Whitaker asked if it is understood that what is provided in connection with the sidewalk delineation shown on the plans is subject to the decision by the Board as to whether or not they want the sidewalks, where they want them located, etc. Also in connection with the sidewalks, Mr. Latincsics had indicated that there is one tree he would like to save and to shift the sidewalk slightly on Ivers Rd. Mr. Latincsics said there is a nice 12 inch maple at the nose of an island fronting on Ivers Rd. and he would like to try to work around that tree.

Mr. Whitaker asked if the ground water readings that were provided by Mr. Latincsics conform to his engineering plans as they pertain to the overall drainage improvements including the basements. Mr. Latincsics replied affirmatively. He asked if the ground water levels that he has come up with as a result of that investigation are accommodated with the basin that is being provided. Mr. Latincsics said that is correct. He added that the plans also take into account not only the comments from Mr. Yakimik but also the comments from Burgis Associates pertaining to landscaping to be provided and supplemented. Mr. Latincsics said he also conferred with Hatch Mott MacDonald with regard to the water and sanitary sewer design.

Mr. Whitaker said since the last meeting he has received a letter from the Allendale Police Dept. with no objections to the plan, correspondence from the Tax Assessor and correspondence from Hatch Mott MacDonald which he will provide to the Board. Mr. Whitaker added that there was a request from the Borough Engineer pertaining to parking and he will have that information available on Thursday.

Mr. Yakimik said he just received these plans at 5:30 this afternoon so he has not had an opportunity to review them. Mr. Yakimik said Mr. Latincsics indicated that the revised plans include a flush curb detail and asked for an explanation as to why he did that. Mr. Latincsics said it was at his request and there was discussion at the last meeting. Mr. Whitaker said page 3 of Mr. Yakimik's report dated July 21 indicates that the Board should consider the installation of curbing either flush to the road or full height which will prolong the integrity of the edge of pavement over time. Mr. Yakimik said that has been superseded by his August 26 report which is silent on the matter because it was discussed in the previous plans that full height Belgian block curb would be installed as part of the subdivision. Mr. Latincsics said he is in full agreement. He believes the full height granite curb is preferable.

Mr. Yakimik said he believes the plan shows an optional sidewalk going up Couch Court which he does not believe was discussed. Mr. Latincsics said the impression he received was that it was a request. Mr. Whitaker said applicant can go either way with that. There were some comments from Board members that they wanted the sidewalk. Mr. Yakimik said he would prefer that the plans do not show anything that is optional. Mayor Barra asked if there is any reason why there should be sidewalks on Couch Court. Mr. Yakimik said there is not. Mr. Whitaker said they will remove them from the plan.

Mr. Yakimik said with regard to the drainage line and now proposed private easement between lots 2.03 and 2.04 his last letter dated August 26 recommended looking into methods to regrade

that area so that a pipe would not be necessary. He asked if that was done and what was found as a result. Mr. Latincics said that would require an extensive grading and a valley between those two properties which is undesirable, so they kept the inlet and the piping to the roadway system and simply made it a private easement. Another alternative would be to put a seepage pit there.

Mr. Quinn asked if Mr. Yakimik is indicating that he has not had a chance to review the latest submission. Mr. Yakimik said that is correct; however, he can have an analysis and review prepared by Thursday.

Mr. Fliegel asked if anything has been done to change the drainage other than the pipe between lots 2.03 and 2.04 since the last submission. Mr. Latincics said no, but there is some greater detail on the wetlands plans and the detention basin. Mr. Fliegel asked if there have been additional soil readings. Mr. Latincics said yes. Mr. Fliegel asked what is Dewberry's position on that. Mr. Yakimik said he would have to go back to his experts with those readings before he can answer that question.

Mr. Quinn said he recalls some discussions with regard to the type of material in the detention basin. He asked if that has been settled. Mr. Yakimik said there was initial discussion on whether this detention basin should be allowed to percolate into the ground or should it be basically an impervious bowl with a clay layer. He said he is of the position that it is more advantageous to have something that is impervious. It better meets the definitions of the Borough Code and the intent of DEP guidelines. He said the big question is the fact that percolation will cause an adverse effect on neighboring properties in close proximity to the project. Then there is another series of questions with regard to the under-layer of this detention basin when the applicant provided his application several months ago to indicate that he was going to a created wetland situation. In that case the underlying soils and use they are constructing become much more complex. In their last report on August 26 they had asked for more detail with regard to those soils for that created wetland. He is surmising that those were just handed to him today and he will need his experts to look at those reports for Thursday.

Mayor Barra said that his report of August 26 reflected in Item VI on page 3 that the high groundwater elevation at the site would be exacerbated by the proposed development resulting in increased negative affects to adjacent properties and the developer's engineer should address those concerns through a supplemental soils report. He said it is his understanding of applicant's response tonight that the soil conditions are thoroughly documented and confirmed so there is no need for supplemental soils information. He asked if Mr. Yakimik is still of the opinion that he needs more supplemental soils data to prove that there is not going to be a negative impact on adjoining properties. Mr. Yakimik said all that he has seen that the applicant has submitted is information he has submitted previously with regard to the Johnson Soils report. He said there are more ground water readings but that just establishes where the ground water elevation is. What he had asked for was much more site specific for this site concerning the soil conditions and what he believes he is receiving is a broad over-reaching response to his request so it would be evaluated accordingly. He added that he would say that the applicant has fallen short of his request.

Ms. McSwiggan said in reading the letter just received tonight there is a statement that in case of an extensive long drought a simple garden hose addresses any possible concerns. It is her understanding that the church would be responsible for monitoring or keeping an eye on the level of water in the detention basin. If it gets too low are they supposed to go out with a garden hose and keep it wet? Mr. Latincics said that is a practical solution. In the general vicinity of this detention basin there is a wetlands and what they are doing is reconstructing that wetlands a short distance south. He said in normal circumstances there is absolutely sufficient water in this location to support a wetland. However, in a prolonged drought there might be a problem. Ms. McSwiggan commented that one of the residents raised a concern at a prior meeting about who is going to monitor this basin, who is going to maintain it and how are we going to know that the plants are going to grow properly.

Ms. McSwiggan said she realizes there is a lot of water on the site but last summer was pretty dry. She said she gets a little nervous when the expectation is that somebody from the church is supposed to keep an eye on the level of water, and if the plants look like they are going to dry out they have to water them with a hose. She is concerned about how that is going to happen. Mr. Latincics said there is a maintenance responsibility with almost any style or type of detention basin and this one is no different. Mr. Whitaker said there was discussion about a storm water management plan that has to be approved and developed between engineers to be approved as a condition of any approval and that plan is required by State law.

Mr. Quinn said since we just basically had a 100 year storm several weeks ago, what is his assessment of what happened on this particular property since that seems to be the big question on this development and this property. How would the proposed changes help to alleviate that. Mr. Latincics said that he is actually very pleased how their design addresses this. He showed photos that he took on early afternoon of August 28 upstream and downstream of the site. He referred to a photo of a large ponded area which is where the detention basin is going to be which is where water naturally collects. He said we are working with a natural drainage pattern. He said we will be reducing the discharge to catch basin D-9 by approximately 25% and additional photos show the trolley line embankment continues to have the adverse impact it has to offsite properties. Some remedial work was done on the inlet of that RCP pipe but that has functioned as it has with other major storms with the upper wetland area. The upper wetland area fills up until it reaches the point where it reaches the pipe's capacity and that is where the water in the ponded area is coming from. He said the evidence from Hurricane Irene supports this storm water management design.

Mr. Yakimik said he would tend to agree. When Hurricane Irene hit his first reaction was that the site would be acting as Mr. Latincics described. What he has historically seen on this site over the last several months was about what he expected so he concurs with what Mr. Latincics is saying. Mr. Quinn asked Mr. Yakimik if he concurs with what Mr. Latincics is saying with regard to storm water management. Mr. Yakimik said, "I would say by the numbers, yes. Ground water infiltration – I don't know."

Mr. Walters asked if the drainage post Irene will be better or worse when the system is in place and the house is built. Mr. Latincics said it will improve the drainage and they are creating a storage volume there that does not exist today. At the outlet portion of the detention basin is an

8 inch pipe draining to a 24 inch pipe. That 8 inch pipe will reduce the rate of flow out of the detention basin and reduce the rate of runoff to the pipe which by visual observation has sufficient capacity to catch the greater flow or the reduced flow. He said that water is collecting there today. There are shifting the wetlands area and putting it a little lower. He does not want the public to think they are accelerating the runoff from the upper portion of the watershed because that is not the case.

Mr. Zambrotta said prior testimony indicated that the isolated wetland is in the northern part of 2.02 and 2.01 and historically it has always collected a large amount of water that ponds there. The benefit that Mr. Latincics testified to is that by improving that drainage system that water will move efficiently down. The water as it moves southerly down the watershed that today is collecting in the northern edge of the church will now move efficiently. Mr. Latincics said it will continue to do that in the future. There is no storage volume being eliminated or subtracted. Mr. Zambrotta said he remembers in prior testimony that he felt that the pipe was not working efficiently. Mr. Latincics said the pipe is in poor condition. It is proposed to be upgraded. Mr. Zambrotta said the open question is will that volume of water that will be sitting there, how will that impact the ground water situation and that is the question that John Yakimik feels he cannot answer yet. Mr. Yakimik said another issue that we have to study is the maintenance issue with regard to the created wetland. There were a number of questions in his last report on August 26 and according to applicant his latest submission answers all those questions with regard to maintenance. His experts have contacted several people at DEP and they do not know of any successful created storm water wetland located in northern New Jersey; however, the applicant has provided rebuttal to that. He said his experts will look into that but there is also the issue of the maintenance of the created wetlands. Mr. Sasso asked who in the Borough has the authority over the maintenance of the wetland. Mr. Yakimik said the authority would be the Construction Official. If he sees something wrong he would issue a violation.

Mayor Barra asked what time of the day were the photographs taken. Mr. Latincics said it was early afternoon and it was not raining at the time. Mayor Barra said he was out at 8:30 or 9 and the rain started to diminish at 10-30 or 11. He noticed that other than the streams that were running very heavily that by 12 – 2 p.m. there was quite a reduced flow in the streets. Mr. Fliegel asked if he went down Crescent Ave. and if there was water at Brookside School. Mr. Latincics said actually there were roads closed off.

Mr. Walters asked if the retainage should percolate or be static. Mr. Latincics said the municipal ordinance and the State code encourage ground water recharge. If there is a consensus that it should be eliminated they would then ask for a waiver of the ordinance that requires recharge.

Mr. Yakimik said he concurs with what Mr. Latincics is saying. The Borough code and State standards all point to ground water infiltration as being the preferable method to recharge the aquifer. However, as more and more buildings get constructed and get closer and closer together that tends to be impractical and there are a lot more questions on how it affects basements and other structures that are in close proximity. He said he believes our ordinance also says that ground water infiltration is preferred as long as it does not affect underground structures. He is not sure at this point if the proposed conditions will affect underground structures. He said we

have taken the model ordinance from the State and the State has basically left it up to the experts to determine if this infiltration will adversely affect underground structures but unfortunately the science of underground water movement is still a guess. He said he will go back to his experts and ask if we just play it safe and make this an impervious liner what impact does that have on storm water management. Will the basin overflow? Is there a potential for the basin to overflow and still cause flooding on Ivers Rd? Do we need to rely upon that infiltration for that basin to work? He said these are all questions that need to be answered. He believes we have the information needed except for the detailed ground conditions. He will take this back to his experts and give an opinion prior to the Thursday meeting.

Mr. Snieckus said that since he just received this information today he would like to follow up with Mr. Yakimik before Thursday. In addition to that, one of the things he will be taking a look at is the recommendation for possible tree preservation in areas where trees can possibly be saved.

Mr. Sasso said that even though there are catch basins on the street to collect the water is it possible some of it will make its way down Ivers Rd. Mr. Latinsics said it will be a vast improvement over what happens today.

The meeting was opened to the public for comments.

John Pastore, 77 Ivers Rd. said he will save his impression of what the conditions were on July 28 for the conclusion. He asked whether the standing water in the constructed storm water wetlands will freeze. Mr. Latinsics said it would certainly freeze if it was cold enough. Mr. Pastore asked if it could freeze in such a way that the water would not be flowing out of the outlet in the basin. Mr. Latinsics said he has learned that they freeze more efficiently than one that is recessed in the ground. They do have an under drain system so there is sub surface piping that addresses that concern. Mr. Pastore said if the surface freezes would any additional water come in under the top of the ice. Mr. Latinsics said it flows under the ice. Mr. Pastore asked if all of it could freeze. Mr. Latinsics said if there is an extreme deep freeze all of it could freeze.

Mr. Pastore said at the July meeting there was testimony about the planted vegetative buffer and landscaping to shield the new homes from the constructed storm water wetland. He asked what landscaping is being planned on the south end parallel to Ivers to shield it from the existing homeowners. Mr. Latinsics said there will be pachysandra on the slopes of the detention basin and the body of it is planted wetlands.

Mr. Pastore said at the April Planning Board meeting the storm of March 10 and 11 was described as a worst case scenario with between 2.9 and 4.5 inches of rain and obviously we have had a worst case scenario since then. He asked if he believes the detention basin would have filled up in that event. Mr. Latinsics replied affirmatively. He added that the design standard is the 100 year storm. Then they have extra storage or a foot storage over that. If we have a storm greater than the 100 year storm the overflow grate will carry the water out into the storm sewer system. He said if we have 15 inches of rain this detention basin will overflow. Mr. Pastore asked what would be the condition of that 24 inch pipe at that point in time. Would that pipe then be filled underneath Ivers Rd. Mr. Latinsics said he would have to look at the

specific numbers. The 24 inch pipe is going to ultimately have a certain capacity. It is not going to be unlimited. He will have to do an additional investigation to determine that.

Mr. Pastore asked if Hurricane Irene resulted in any need to substantially change the design in terms of expanding the capacity of the size of the pipes used. Mr. Latincsis said the applicant has an obligation to design a detention basin to provide for the volume of runoff from the site and that has been provided. That volume has been significantly exceeded and they have addressed the entire 11-13 acres. They could have chosen to not connect the upslope pipe to the detention basin but they have chosen to improve the situation. He said with 15-17 inches of rain this detention basin will fill up.

Mr. Pastore asked what is the capacity that is currently proposed in cubic feet and gallons. Mr. Latincsis said it is 15,088 cu. ft. to the overflow grate. The total capacity to the rim is 21,513 cu. ft. Multiply by 7.48 to yield gallons. The requirement for this project was 9,600 cu. ft. It has been increased to 15,000 or 21,000 cu. ft. depending on whether you measure to the overflow grate or the very rim of the detention basin. Mr. Pastore asked if the basin would have overflowed with Hurricane Irene. Mr. Latincsis said the overflow grate would have been functioning. Mr. Pastore asked if by now it would have drained or would there be standing water in it at this point. Mr. Latincsis said there will be water in this basin basically at all times except in extreme drought.

Mr. Pastore asked if the additional ground water elevation readings later than May 12 were provided as requested in the Dewberry letter of July 21. Mr. Yakimik said they were. Mr. Pastore said at the May Board meeting there was a question from a Board member about whether it would be better to do nothing on the site as compared to having a storm water management feature. Mr. Yakimik is quoted as saying that “having such a feature would be a real improvement that can happen to the adjacent property owners at the risk of maybe having more problems in a catastrophic storm. He asked what those problems might be. Mr. Yakimik the standard is the 100 year flood. A catastrophic storm is anything that exceeds that and the applicant is not obligated to design for a catastrophic storm. Mr. Pastore asked, “So as long as we stay to the 100 year flood we would expect real improvements without more problems to the adjacent property?” Mr. Yakimik said, “Yes, that is a fair statement. The caveat being that in theory the 100 year storms occur more frequently than 100 years and the public is beginning to become leery of what we categorize as a 100 year storm.” Mr. Pastore asked if there is any risk of any kind of catastrophic failure of the berm if there was any kind of rapid erosion event. Mr. Yakimik said he does not believe so. He added that anything is possible but not within the standards that we work with. Mr. Pastore asked if he feels that a liner does not make sense on that site. Mr. Yakimik said he believes he said earlier this evening that we will look at a liner. He will discuss that with his experts.

Jim Wright, 498 Franklin Tpk. asked if there is any way to provide the public with PDF's for the Thursday meeting. Mr. Quinn said if the applicant, the experts and professionals furnish the Board with them then they could be made available, but it is not the standard.

Mr. Wright asked how many trees would be cut down for this development. Mr. Latincsis said he cannot recall the number but he believes it is on the plan. Mr. Wright asked about the amount

of impervious surfaces generated by this development including the cul de sac. Mr. Latincics said it is in the order of approximately 36,000 sq. ft. and they identified the post development impervious as .874 acres. Mr. Wright asked if there is any affect from cutting down 123 trees on the amount of storm water runoff into the detention pond. Mr. Latincics said yes, that is accounted for in developing the flows into the detention basin. Mr. Wright asked where does the water go when it runs into the cul de sac and goes into the catch basin. Mr. Latincics said it flows to the storm sewer piping and into the detention basin. Mr. Wright said there is always a concern at the Celery Farm with drowning. He wondered if ice on the detention pond is an attractive nuisance. Mr. Latincics said the fence around the pond meets the pool code. It is split rail fence with welded wire mesh 4 ft. tall.

Margaret Onesios, 133 W. Crescent Ave. said she is directly to the north of the rear of the church parking lot so they are impacted with water. She said lots 2.03 and 2.04 are further away from the detention pond. How is that not going to impact her since water will not be able to go into that impervious surface and will come towards her house. Mr. Latincics said Nadler Ct. is uphill and east of her property. She drains to this property and not vice versa.

Ms. Onesios said the neighbor behind her has a big lake forming all of the time. She said she has 3 sump pumps and they do not stop pumping until this lake is drained. She said if she is pumping 9500 gallons per hour she can fill that detention pond in 15 hours. There are many times the pumps continue for many days. Mr. Latincics said there is a series of piping that goes through the fill that was placed in the rear of lot 3 and approximately 7 acres is draining right to the rear of her home. Some of the piping is clogged turning this area into a small lake instead of passing through. Ms. Onesios said this property is lower than hers so she is afraid the problem will get worse than it is now. Mr. Latincics said this is the reason they did not leave this pipe as is. The pipe that is draining this wetland area is in disrepair and rebuilding that pipe will be to her benefit. They are providing a robust detention basin to compensate for the impacts downstream which will be to her benefit. If they simply improved that pipe and did not bring it into the detention basin but let it flow through the way it does today it would adversely affect the people downstream of Ivers.

Ms. Onesios said she is worried about the development of additional property and feels that it does have the potential to impact her property making the flooding worse. With regard to the volume that she pumps out, if she fills the detention pond by herself in 15 hours it is definitely going to overflow frequently. Applicant is saying the pond holds approximately 155,000 gallons. She is pumping 9,540 gallons per hour and her pumps run day and night.

Ms. Onesios asked what is going to happen with mosquito control. Mr. Latincics said it is a natural habitat. We have a current wetland today and they are shifting it. He anticipates frogs and spring peepers will occupy that basin.

Ms. Onesios said the letter of July 21 on page 6 talks about the NJ DEP possibly having a 5 year monitoring period. Mr. Latincics said typically detention basins are monitored and the project is bonded. Mr. Yakimik said he believes the applicant's attorney said they would agree to a 5 year maintenance bond for the detention basin.

Theresa Lucas, 38 Talman Place said she has two sump pumps running continuously during all the storms. She asked if the overflow of the additional runoff of the proposed drainage system tie into Talman and what is going to alleviate the current situation of the heavy flooding that occurs on her property. Mr. Latincsis said the reduced runoff from the detention basin drains to the storm sewer system under Talman. Ms. Lucas said she has two easements on her property for storm drains that take the current water table into the catch basins and out into the current storm drain on Talman Place. That storm drain overflows during heavy and severe rainfall. She would like to know what is going to be done to correct the current as well as the additional flows from the proposed project.

Mr. Yakimik asked if the overflowing catch basins are in the street of Talman or in the rear of her property behind her pool. Ms. Lucas showed a photo taken after a storm in July showing flooding in her backyard approximately 1-1/2 ft. from her house. She said that was the overflow from the catch basin from the right rear and the left center of her property. She asked if he is aware of the current situation on Talman and how these catch basins are improperly functioning. Mr. Latincsis said he is aware of it. He said there is a natural topographic depression at the corner of Talman and Myrtle that builds up with water. Some of it is natural runoff. He said it sounds like sump pumps are common in the neighborhood. He said it seems that the solution is to excavate the pipe and build an inlet in the middle of the low point.

John Pastore said on page 6 of Mr. Yakimik's July 21 letter he states that a constructed storm water wetland or CSW is not typically used as a storm water management device. He further cited concerns about the failure of such devices and how they can be costly to redesign and remediate. He asked what the word failure means in the context of the CSW? Mr. Yakimik said he believes he said in the report that a failure constitutes the vegetative species in the detention basin dying or decaying or invasive species coming into the detention basin choking them out, causing more sediment and clogging of the detention basin, and if not taken care of, the amount of runoff captured by the detention basin would be reduced which would cause flooding more frequently. The other aspects of failure are aesthetic as the invasive species of weeds would look unpleasing. He added that the more important issue is if it is not maintained properly, the quantity of storm water could be compromised from the original design.

Mr. Yakimik asked Mr. Snieckus since he is a landscape architect, if he can provide any further comments. Mr. Snieckus said Mr. Yakimik summarized it very well. The failures are the invasive species coming in and dominating the beneficial species you want within the basin. In addition the plant material itself could die because of the lack of proper hydrology in the basin.

Kathleen Sullivan, 184 Myrtle Ave., asked where the information was derived that the storm drains on Talman are adequate. Mr. Latincsis said from visual observations during Hurricane Irene, the pipe exiting under Ivers Rd. discharging to the downstream trolley line culvert was running half full. Ms. Sullivan asked if he looked at the storm drains on Talman. Mr. Latincsis said he did but he did not take a photo. Ms. Sullivan said if it rains in the next week she will show him that those drains are always overflowing.

Larry Brex, 107 Myrtle Ave. said he knows that the runoff problem is a municipal issue. By creating this cul de sac and building these homes that they are planning on building, can you

guarantee that our back yards are not going to flood any worse than they are flooding now. He said the pipe flows freely between 107 and 101 Myrtle Ave. and it runs but it is not adequate and it floods. By creating this cul de sac, will that create more water coming into that storm drain? Mr. Latincsics said his property drains downslope. The obligation of an upslope property owner is that you cannot change your rate of discharge or significantly alter characteristics. He said the initial design of the detention basin was just for this project. Then they were asked to look at a greater watershed to optimize the benefits. He said if we put just this project into the detention basin it would be 25% of the rate it is today. He said they then looked at the entire watershed and reduced the rate of runoff to the municipal 24 inch pipe to approximately 75% of the existing rate. Mr. Brex asked if the answer is that this will not adversely affect him any more than it currently does. Mr. Latincsics said he cannot comment for the back yard since he has not seen it. Mr. Brex said that was his next question. He asked if he took pictures of his yard. Mr. Latincsics said he has been through the area. He described the course that the water takes. Mr. Brex said he is just concerned that the construction site is going to make the situation worse. Mr. Latincsics said they are improving the situation but to keep in mind that they are only a small percentage of the water shed.

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

Ms. McSwiggan asked for an explanation of how the amounts are arrived at for the performance guarantee and who is responsible for maintaining them. Mr. Yakimik said a performance guarantee guarantees that what has been shown to be constructed on the plan is really constructed according to the plan. Once his office certifies that it has been constructed in accordance with the plans the applicant has the right to ask that the performance guarantee be released. If the detention basin is constructed in accordance with the plan he would like to see it actually working before it is released. One of the conditions of it being released is that the applicant has to put up a maintenance bond in an amount that is substantially less than the performance bond. Typically a maintenance bond is 15% of the cost of the performance guarantee. In this case if this application is approved he would make a recommendation to the Board that the developer's agreement has language in it that the 15% be a higher number and that we look at the scenario as a failure of the detention basin and we put a dollar amount on that failure. He believes it could be \$10-15,000. It would be his recommendation that the developer's agreement has a higher number for the maintenance guarantee and that it is not just 15%. His recommendation would be that we are covered if that detention basin were to fail over that 5 year period.

Mayor Barra asked if the Board is bound by time limits to vote on Thursday. Mr. Whitaker said he gave an extension of time to Thursday.

Mayor Barra said he is concerned that we are squeezing everything into one evening and then we have to vote. He suggested opening the meeting up to the public this evening for their general comments.

Mr. Quinn opened the meeting to the public for their comments.

Mr. Pastore, 77 Ivers Rd. was sworn. He said he believes everyone is familiar with the water conditions behind the homes on Ivers Rd. His property is ½ acre and after the heavy rains in March about half of his property and nearly all of his back yard was under water. About an acre of the adjacent properties was under water and it was 2 inches deep in places. Much of the wooded area behind these homes had standing water from March through May and they now have water after Irene. He said it appears that the amount of water that is ponding onto Ivers has increased especially in the last several years. He feels that the big change in the water shed is caused by Nadler Court. He said he is not an expert but it is a striking coincidence. He is sure Nadler Court was built according to what the ordinances and storm water best practices call for, but as Mr. Yakimik testified, storm water management is not a precise science. He said after Irene he was up most of the night because he has four sump pumps with probably 12,000 gals. of capacity and between 9-10 the street on Ivers was completely full in those two basins.. He did not walk down to the outlet but he suspects it was completely full and above the level of the basin. He does not know if it is the town's responsibility to clean those but he would like to see that sediment that is in there removed. He said he is deeply concerned about any development that could make a bad situation worse.

Mr. Pastore said the church is a great neighbor and he was not raised to take a position that is in conflict with any church. They have every right to use their land as they see fit as long as it is in conformance with our master plan, zoning ordinance, and storm water best management practices and does not have a detrimental impact on the neighboring properties.

Mr. Pastore said he would like to make a few points that he hopes will be helpful. First is the environmental concerns. He wants to correct something that was stated by the applicant's engineer at the April meeting and repeated elsewhere about the water flowing into the Celery Farm. While it is true that most of the time that circuitous route that does come out by the Fell House into Allendale Brook and flows south towards the center of town away from the Celery Farm, during heavy flow events that flow reverses. Mr. Pastore said he heard tonight that the applicant has provided maintenance to the detention basin. He hopes that whoever is responsible to evaluate the viability of that plan addresses whether it addresses all of the various issues with regard to the constructed wetlands basin including mosquito control, how it will be planted and circumstances concerning possible freezing and drought. He said no matter how well that solution is designed it is not going to function unless it is properly maintained. Another concern is the impact on possible use of the site for other religious congregations. He said we learned from the applicant's attorney that the property could be sold to a congregation looking to expand and needing to use all of the property and we heard it could be a large regional church. He believes the Board should consider another possibility that if the subdivision is granted and at some point Calvary Lutheran finds the need to sell, much of the 2 acre lot is not usable because of the large detention basin and existing wetlands and it would be necessary to see how else that property could be developed. Fourth is the lack of a credible storm water management solution. He is deeply troubled by the failure of the applicant's engineer to have initially evaluated and determined which type of storm water feature would have been best for this site. The first proposal was for a dry detention basin and we were told it would completely drain in three hours. Then we learned that the water table was as high as two feet below grade and the bottom of the basin was intended to be lower than that and it was clear that that solution would not work. He said that now we have a proposal for a constructed storm water wetlands; however, there is the

DEP and the Best Practices Manual Chapter, CSW's must be able to maintain a permanent pool level to support the planted vegetation and the water budget analysis should confirm that drying will not exceed two months. He feels a critical point for Mr. Yakimik to assess is whether this pool will be retaining standing water in a typical summer or a dry summer. It seems to him that the most desirable solution would be a dry detention pond designed to fully drain in a matter of a few hours or a most a day or two. Given the high water table he feels that it would need to be at a depth deeper than 18 or 24 inches.

Mr. Pastore continued that at the April meeting the Board expressed concern about the impact on the water table. The applicant's engineer had indicated that no study had been done on the impact of the water table on the properties south of Ivers. At the May 19 meeting the applicant's engineer provided impressive testimony on the overall watershed assessment, shifting the proposed design from site remediation to a watershed solution. The engineer testified that the water table had risen 2 ft. on the applicant's property from the January measurement of 5 ft. They did not provide any testimony as to the impact of the water table behind his home and his neighbors. He hopes Mr. Yakimik has checked the various storm water management reports and has provided that information. His last point is the impact on property values adjacent to detention basins. He said the testimony indicated that the requested variances were made on the basis that the development will be a benefit rather than a detriment to the neighboring properties but he would like to present an alternative perspective. He said he would like to cite a study by the Texas A & M Landscape Architecture and Urban Planning. Mr. Whitaker objected. Mr. Dunn agreed that the Board cannot accept testimony with regard to somebody else's circumstances.

Mr. Pastore said he feels very strongly that having a view of this detention basin directly from the front of his house is not going to be a positive feature to his home. He thought the fence was supposed to be solid and not a split rail fence. He was happy to hear about all of the landscaping to be planted in front of the new homes but he is as close to this basin and he did not hear about landscaping to shield his home from that view so he has a major objection and feels it will diminish the value of his property. He said he respects the decisions of the Planning Board and hopes there will be mechanisms in place to insure that the detention basin is constructed as the applicant's engineer has testified to improve the existing conditions for upslope and downslope neighbors and he hopes the Borough will have a politically acceptable recourse if the current or future property owners do not properly maintain this storm water facility.

Mr. Dunn said everything that has been discussed with regard to this application pertaining to storm water, etc. is reduced to an agreement with the Borough if it is approved and the monitoring of it is overseen by the Borough Engineer.

Mr. Dunn asked about the landscape plan. Mr. Whitaker said the landscape plan has been supplemented by their engineer. He realizes that Burgis Associates has to review the plan. If the Borough landscape architect requires some tweaking of the plan or some modifications based on the testimony, it is certainly something that the applicant can adapt to. He said the concept of the split rail fence is more rural in nature and in general fits better on this property than a solid fence. Mr. Pastore said he hopes there will be evergreen plantings.

Mayor Barra suggested asking Mr. Snieckus to address on Thursday evening what he would recommend and what might look best not only to the applicant but to the new homes and the adjoining property owners.

Mr. Whitaker asked Mr. Pastore if he recognizes a document from Conklin Associates dated August 16, 2011 and has he received the document prior to this evening. Mr. Pastore said he has seen the document and believes it referenced whether he knew the location of the outlet drainage from the ponding area behind him. He said he did not respond to the letter because he does not know where the outlet is. He said if he had any knowledge he certainly would have brought it to his attention. It is his testimony that he had no idea any such drainage existed until this year when someone made that observation at one of these hearings. Mr. Whitaker said the request is made to permit Mr. Latinsics to evaluate that with Mr. Pastore. Mr. Pastore said he would have no problem with that request.

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

Mr. Quinn said this application will be continued on Thursday.

On a motion by Ms. McSwiggan, seconded by Mr. Zambrotta, the meeting adjourned at 10:55 p.m.

Respectfully submitted,

Barbara Knapp  
Recording Secretary