

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
October 30, 2014
Special Meeting**

Meeting Called to Order at: 7:35 PM

Open Public Meetings Statement: Read into the record by the Board Secretary.

Roll Call: Messrs. Berardo (absent), Corriston (absent), Pierson, Reade (absent), Cirulli, Newman (absent), Iannelli, Councilman Rorty, Chairman Hanlon, Mayor Randall

Also in Attendance: Gary J. Cucchiara, Esq., Board Attorney; Mr. David Hals, Borough/Board Engineer; Mr. Ed Snieckus, Borough Planner; Ms. JoAnn Carroll, Board Secretary.

Approval of Minutes: Pierson, Councilman Rorty
July 24, 2014
All in Favor

Ongoing Business:

Hollows at Ho-Ho-Kus, Chamberlain Developers, W. Saddle River Road/Van Dyke Drive, Block 802, Lots 1, 2, 3, 4 and 10: major subdivision application; the applicant proposes to construct and market single family dwelling units on each of the properties; major soil movement application.

Chairman Hanlon: meeting procedures reviewed; November 13, 2014 meeting of the Board will be the only meeting in the month of November; public permitted to ask questions of the stormwater engineer.

Mr. Jim Pierson has signed the absent certification document stating he has listened to the audio of the October 23, 2014 meeting.

Mayor Randall has signed the absent certification document stating he has listened to the audio of the October 23, 2014 meeting.
(Mayor Randall had missed part of the October 23, 2014 meeting.)

Chairman Hanlon: stated revised plans have been available for inspection by the public; the Board received revised stormwater plans this same day; Mr. Inglima confirmed he also received the revised

stormwater plans this same day; the Borough Planner and Borough/ Board Engineer received plans this day as well.

Mr. Whitaker/Dr. Pazwash: continued cross examination of Dr. Pazwash; information delivered to the Board this day was the revised drainage report incorporating a map that was previously testified to; request made that it be synthesized into the report; Exhibit marked:

A13	October 30, 2014	Stormwater Management Report; Boswell Engineering; File No. 14-132; revised October 2014
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testimony at the last meeting regarding inlets on WSRR; applicant would agree to the Engineer's and Board's decision as to a 2 or 3 inlet capacity; the only stipulation as it pertains to the report.

Mr. Inglima: asked to hear from Dr. Pazwash regarding Exhibit A13.

Mr. Whitaker/Dr. Pazwash: exhibit A14 marked;

A14	October 30, 2014	Map prepared by Boswell Engineering; revision date of 10/28/14; lot 5 grading
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Mr. Inglima: stated he had only received this new information this same day; he hasn't had the opportunity to review it in depth; nor has his engineering consultant.

Mr. Inglima/Dr. Pazwash: stormwater management report identical to previous report; only change is grading on lot 5 so it agrees with the site plan; Dr. Pazwash did not believe he added anything; same calculations; same system; all the same except for grading; for purpose of conformity, removed seepage pit from under the road; only revision is grading; discussed an error on the first page of the report.

Mr. Whitaker: corrected on the record; the date on the first page should have read 9/3/14 instead it read 9/28/14.

Mr. Inglima/Dr. Pazwash: discussed the change of grading on lot 5; only other change was the seepage pit for the inlet; Dr. Pazwash did not design the inlet; his design configuration is based upon the entire site; the only information from Palus is the inlet on the south side of the road which used to have three seepage pits; discussed storm trap; difference shown on plan; Dr. Pazwash's note which is directed to the system; states lengths, widths and the dimension of the storm base; note on bottom of the page.

Mr. Whitaker: stated the applicant will stipulate that what has been testified to is what will be installed.

Mr. Inglima: asked Dr. Pazwash if he knew of a subdivision plan set that includes all the features that are shown on A14.

Dr. Pazwash: stated he had not seen that plan.

Mr. Inglima: asked the Board if any plan been filed with the Board by the site engineer, Mr. Palus, since the date that the 9/3/14 plans were submitted.

Mr. Whitaker: stated the answer to the question is no; as is general practice, when revisions are made and a Board makes a final decision in the affirmative, one of the stipulations is that the plans would be finally reviewed by the Board Engineer for purposes of conforming all of the stipulations and all of the information supplied on a final plan; it is always provided and reviewed and must be approved by the Board Engineer for it to be signed off on by the pertinent Borough Officials and County Officials as the subdivision plat; that is the standard procedure used.

Mr. Inglima/Dr. Pazwash: Dr. Pazwash clearly indicated the seepage pits were not his design; Dr. Pazwash has analyzed the entire site; confident the water will not leave the system; 8 inch PVC pipe on the plan connecting the new catch basin is an emergency measure; may never become effective in discharging flow from the catch basin; Dr. Pazwash requested Mr. Palus to send him the revised grading plan for lot 5; discussed the seasonal high water table, soil log and test results; sheet located where Mr. Palus indicated the location of the test holes; two locations on proposed lot 5 are in the SE area of the site; roots indicated at certain elevations; no wetlands; water table probably at 8 ft.; referred to Dr. Pazwash's book, Urban Stormwater Management; storm capture vaults discussed; common practice to design a system and a percolation test can be taken at the location of the proposed system during construction by the Borough Engineer; discussed possibility of what to do if the chamber/structure is being recharged by groundwater during high water table periods.

Mr. Inglima: began to discuss the proposed basement elevations of the structures shown on the plans.

Mr. Whitaker: objected; conceptual placement of homes shown; subdivision is to basically establish lot lines, conforming lots.

Mr. Inglima: stated the plan prepared by the witness's firm shows these details; not abstract; testified to a subsurface infiltration basin that would be used to pass all the water collected from the cul-de-sac and other areas into the ground; fair question to ask.

Mr. Cucchiara: stated it was best to frame the question as a hypothetical.

Mr. Inglima: continued to ask questions of Dr. Pazwash in relation to basement elevations.

Mr. Whitaker: continued with his objection; elevations on prototype; merely a prototype; subdivision plan not required to show the elevations of proposed homes.

Mr. Inglima: stated the elevations are shown on the plan; relevant area of inquiry.

Mr. Whitaker: stated this was irrelevant.

Mr. Inglima/Dr. Pazwash: Dr. Pazwash walked the site, especially after a heavy rain; site dry as a bone; complies with the RSIS; complies with subchapter 7, stormwater management; the only place a non structural solution would be at the low point of lot 5; scour hold not Dr. Pazwash's design.

Mr. Inglima: asked if the runoff would be reduced at the site if the cul-de-sac was eliminated.

Mr. Whitaker: stated hypotheticals are not on the table; what is being proposed is an 11 lot subdivision.

Mr. Inglima/Dr. Pazwash: Mr. Inglima read aloud beginning of 7.1(c) regarding non structural strategies; provisions can be made on a lot to lot basis; lot to lot grading; Mr. Inglima read aloud second portion of subsection 7.1 (c); Mr. Inglima asked if the applicant was asking for a waiver from this section of the RSIS.

Mr. Whitaker: stated it is the position of the applicant that a waiver is not required.

Mr. Inglima/Dr. Pazwash: Dr. Pazwash stated the language of the RSIS is basically taken from the DEP; really prepared for huge developments; several acres; not practicable in this case; Dr. Pazwash is familiar with the DEP requirements; reducing peak rate of run off; reducing peak and volume; main requirements for any project; doesn't work all the time to have non structure projects; proposed structure/vault promotes objectives; if project approved, the Municipal Engineer will ask for the stormwater maintenance management plan for the structures; required at the stage of final approval; not prematurely; referred to A14; water

purified before it goes to the detention infiltration system; Mr. Inglima asked about the water quality measures and Dr. Pazwash stated it was not his design; discussed taking into account the water passing out of the chamber during a storm event; for a short duration storm you should normally ignore seepage losses; storms of 1 -6 hours must be included; used information derived from Mr. Palus' test to determine the rate of infiltration; it is a common practice to perform soil log and percolation tests at the location of any system which is proposed just prior or during construction; submit results to the satisfaction of the Municipal Engineer.

Mr. Inglima: requested the opportunity to ask additional questions after he consults with his client; bring back his engineer on the 13th; asked for Dr. Pazwash to be present.

Mr. Whitaker: stated this was the last evening testimony would be heard pertaining to the drainage aspect of the application.

Mr. Inglima/Dr. Pazwash: discussed runoff that would exist in the future; calculated runoff easterly towards WSRR and westerly to Van Dyke; also looked at proposed conditions at those points; more than 60% induction westerly; runoff will be fully retained; looked at grading plan; performed calculations under existing conditions; Mr. Inglima began to discuss the west side of the site; **Mr. Whitaker** objected; it had already been testified to that Mr. Palus dealt with the west side and Dr. Pazwash dealt with the east side.

Mr. Inglima/Dr. Pazwash: continued to discuss runoff; a different coefficient is used for pavement and grass; the calculations were done based on the contributing runoff to Van Dyke; discussed different coefficients used; Mr. Inglima asked if Dr. Pazwash took into account the various types of soil to determine runoff in the future; **Mr. Whitaker** objected; question deals with soil.

Mr. Inglima/Dr. Pazwash: discussed compaction; excavation; referred to photo marked O43; gravel base; firm foundation for structure.

A 15 minute recess was taken at this time: 9:00PM
Meeting called to order: 9:15PM

Roll Call: Messrs. Pierson, Cirulli, Newman, Iannelli, Councilman Rorty, Chairman Hanlon, Mayor Randall

Mayor Randall/Councilman Rorty/Dr. Pazwash: discussed if regrading would affect the drainage system on the west side of the road; Dr. Pazwash responded "no"; runoff discussed; discussed runoff in regards to

lots 6 and 7; doesn't want to see run off going onto lot 5; even without regrading there is a significantly less amount of runoff.

Mr. Iannelli/Dr. Pazwash: spoke regarding lot 5; asked if it was possible if water that is in the retention system will seep out and fill into the new area; Dr. Pazwash stated most of the runoff is miniscule; doesn't need calculations.

Mr. Pierson/Dr. Pazwash: reviewed the circumstances of a non-structural strategy and why it would be impractical on a 3.7 acre lot; Dr. Pazwash stated it was not practical to incorporate non-structural designs in this case.

Chairman Hanlon/Dr. Pazwash: discussed runoff absorption; calculations based on blacktop paving; driveways are impervious; runoff from driveways, cul-de-sac and easterly of WSRR contained in calculations; the runoff from the grass will get into the system via the street.

Councilman Rorty/Dr. Pazwash: discussed coefficient of impervious surfaces; coefficient will not change if Belgian block was used; Dr. Pazwash believed there would be a trench drain at the bottom of each driveway which would capture the runoff completely.

Mr. Whitaker: stated Mr. Palus testified to this fact.

Dr. Pazwash: stated specific designs can be changed on a lot to lot basis; if an owner likes to have a pervious driveway, then that can be accommodated.

Mr. Brad Brownell, 12 Van Dyke Drive: asked questions of Dr. Pazwash.

Chairman Hanlon: questioned the Borough Engineer regarding installing dry wells along a segment of Van Dyke which would capture water coming down; discussed erosion.

Mr. Hals: described water flow; reduction would be much more than 50%; improvement to property that currently exists.

Mayor Randall: asked if there was an reasonable basis to believe that based on the reduction in the stormwater flow, that someone could anticipate flooding in their basement based on the new conditions.

Mr. Hals: stated if there was flooding it would be in the new homes themselves; they are absorbing most of the water.

Mr. Brownell: questioned who would be responsible if there was flooding in his basement.

Mr. Cucchiara: stated that is not a question the Board could answer; the facts would have to be analyzed; liability determined and possible litigation; not a subject for this hearing.

Ms. Sharon Gomez, 37 Van Dyke Drive: asked questions of Mr. Hals.

Ms. Suzanne Curtis, 11 Van Dyke Drive: asked questions of Dr. Pazwash which were determined more appropriate for Mr. Palus.

Ms. Kim Mitchell, 934 Washington Avenue: asked questions of Dr. Pazwash.

Mr. Jim Albes, 31 Valley Forge Way: asked questions of Dr. Pazwash.

Dr. Pazwash/Mr. Whitaker: Dr. Pazwash has reviewed design systems in the past for municipalities; in this instance the design that Dr. Pazwash has done, if he were reviewing this in the capacity as a representative and a review engineer for a municipality, he would recommend it; overly conservative approach.

Chairman Hanlon: may the record show that Mr. Palus is now before the Board; he is still sworn in; Mr. Inglima had concerns regarding some documents from last week that were not received in a timely manner.

Mr. Inglima: asked if there was going to be redirect on the exhibit; did not believe the exhibit was marked.

Mr. Whitaker: stated Mr. Inglima requested the exhibit.

Mr. Inglima: stated on October 9, 2014, Mr. Palus described by reference to his September 3, 2014 revision of the subdivision plan which was marked A6; he indicated there was a survey that served as a basis for information contained on that plan; he did not have it with him at the time; Mr. Inglima asked Mr. Palus to produce this survey.

Mr. Whitaker: stated it has been produced since.

Mr. Inglima: stated he would like to have it marked.

A15	October 30, 2014	DAB Control Survey; latest revision date of July 30, 2014
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Mr. Palus/Mr. Inglima: discussed exhibit A15; establishment of center line of Hollywood Avenue; base line means center line; the line is indicated at a distance of 25.2 ft. in some locations from the north boundary of the site; there is no indication on A15 of the metes and bounds of the baseline of Hollywood Avenue; no monuments indicated on A15; Mr. Palus suggested questioning the surveyor; Mr. Inglima had asked Mr. Palus to perform calculations of proposed lot 1 in the northeast end of Van Dyke Drive; Mr. Palus stated there was no reason for this calculation.

Mr. Whitaker: objected; it is stated in transcript; irrelevant.

Mr. Palus/Mr. Inglima: supplement exhibit provided regarding the indication of seepage pits along the westerly side of WSRR adjacent to lot 5; revision of plan sheet; revision of full plan set to reflect the changes to the drainage design from scour hold.

Mr. Whitaker: stated it is subject to the Board approving the condition of 2 or 3 manholes in the area; all conforming conditions are put in a resolution of approval.

Mr. Cucchiara: stated he did not know what the determination would be; if approved, the determination would be made to the nature and number of seepage pits; subject to review of the Board Engineer.

Mr. Palus/Mr. Inglima: discussed the building envelopes shown on the proposed lots; setbacks included; typically required by ordinance.

Mr. Inglima: questioned the building envelope conforming to the requirement earlier discussed with Mr. Snieckus.

Mr. Whitaker: objected; beyond the jurisdiction of what the subdivision ordinance requires and the jurisdiction of the Board; when a building envelope is shown it is merely an envelope showing the zoning setbacks; if a building permit is requested for any lot, the Zoning Officer will review.

Mr. Palus/Mr. Inglima: Mr. Palus heard the questions directed to Dr. Pazwash in regards to the location of the groundwater elevation in areas where there are stormwater management structures proposed at the site;

discussed storm vaults shown on plans; determined storm vaults show on plans would be at least 2 ft. above the seasonal high water table experienced at the property; Dr. Pazwash deferred to Mr. Palus questions relating to the seepage pits that are shown on the plans; deferred questions regarding seepage pits that are shown on the individual lots as well as the seepage pits that are shown along the westerly right of way line of WSRR where they would be used to drain the new inlet that is shown there; Mr. Inglema asked if Mr. Palus had determined if the seepage pits, the stone beds that surround them and all the required areas for the dissipation of stormwater collecting in them, will be at least 2 ft. above the seasonal high water table; Mr. Palus stated "yes."

Chairman Hanlon: asked Mr. Snieckus if he wanted to comment on the setback on Van Dyke.

Mr. Whitaker: stated it is a zoning issue that has to be dealt with by the Zoning Officer; stated he read Mr. Snieckus' report; jurisdictionally it has to go to a Zoning Officer first.

Mr. Cucchiara: stated he suggested to the Chairman that the Board stay with the issue of drainage at this time; Mr. Snieckus will have the opportunity to speak at a subsequent time; believes it would be appropriate at this time for the Board and the public to ask questions.

Councilman Rorty: stated in regard to Mr. Inglema's request for plan clarity; wondering if when we start getting closer to what we are discussing, the plans be revised for final approval.

Mr. Whitaker: stated revisions can be made at any time; not quite sure what the Board's requests are in certain instances; there are options; haven't heard Mr. Hals' response as to his suggestions; stipulated for the record, when all of the information collectively, the applicant will be able to put it on a plan.

Chairman Hanlon: asked regarding water on Van Dyke.

Mr. Palus: stated the amount of water coming off of the Van Dyke side of the property today, is greater than the amount of water coming off of the Van Dyke side of the property tomorrow if this property was to be built overnight; the runoff is being reduced.

Ms. Suzanne Curtis: 11 Van Dyke Drive: asked questions of Mr. Palus.

Mr. Stanley Kober, 919 Washington Avenue: asked questions of Mr. Palus.

Councilman Rorty: asked about testimony regarding lot 5 and where the home would be; elevation.

Mr. Palus: stated the proposed house did not change from the original plan; what has changed is the area of the yard in the SE corner of lot 5; low area going to be filled in.

Councilman Rorty: asked if the building envelope was affected by the original water retention system.

Mr. Palus: stated there is a 30 ft. front yard setback off of WSRR; the original submission had a 32 ft. wide easement to accommodate the underground pipes in the area; the building envelope became 2 ft. wider towards WSRR when the drainage was moved out of the area and it was placed it in the proposed cul-de-sac.

Councilman Rorty: asked if the basement floor was going to be lower now.

Mr. Palus: stated the basement did not move; walk out basement; before it was covered; house didn't move; the grading of the yard adjacent to the house on one side changed.

Mr. Hals: discussed the sidewalk waiver; curbing; pavement unraveling; personal opinion would be to not install; Board decision; in terms of a cul-de-sac, the RSIS doesn't require sidewalks; if sidewalks are put in, they are only required on one side; recommended the waiver; discussed items that are looked at during the construction phase.

Chairman Hanlon: asked for an extension to the 13th.

Mr. Cucchiara: stated there was a discussion regarding proceeding on the 13th of November.

Mr. Whitaker: stated so the record is clear, the applicant was prepared to go on the 6th; at that point, the subdivision would be concluded; Mr. Hals has to confirm and review and give testimony regarding drainage aspects.

Chairman Hanlon: Mr. Hals also has to be available for public questions.

Mr. Whitaker: stated Mr. Snieckus also has to testify regarding his reports; summations for that purpose; extension granted but only through the November 13th date with the idea of concluding that, presenting very brief testimony as it pertains to the soil movement

aspect; ministerial; at that time, complete summations; Mr. Palus not available on the 13th; needs to conclude the subdivision.

Discussion took place regarding scheduling.

A6	October 9, 2014	Amended Plans with latest revision date of 9/3/14 (sheets 5 and 6 of Exhibit A6 marked by Mr. Palus to show the locations of the soil test holes)
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Motion to Adjourn: Councilman Rorty, Pierson
All in Favor

Meeting adjourned at 11:00PM.

Respectfully submitted by:
JoAnn Carroll
Planning Board Secretary