

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
October 23, 2014
Combined Session**

Meeting Called to Order at: 7:35 PM

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

Roll Call: Messrs. Berardo, Corriston (absent), Pierson (absent), Reade, Cirulli, Newman, Iannelli, Councilman Rorty, Chairman Hanlon, Mayor Randall (absent at time of roll call/arrived at 9:15PM)

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.

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.

Overview of Meeting:

Chairman Hanlon/Mr. Cucchiara: Meeting procedures reviewed; petition still being sent; all attorneys ask that it stop; trying to intimidate and influence the Board is illegal; not evidence; Mr. Cirulli did receive; did read; would not affect his voting on this application in any manner. Mr. Iannelli had not received any correspondence regarding this evening's meeting; Councilman Rorty had not received any correspondence regarding this evening's meeting; Mr. Berardo had not received any correspondence regarding this evening's meeting; Mr. Reade had not received any correspondence regarding this evening's meeting; Mr. Newman had not received any correspondence regarding this evening's meeting; Mr. Cucchiara stated for the record that additional petitions were received; same petition which was discussed at the last meeting; two pieces of correspondence were also received; one straight correspondence; the other was in the form of a transmittal letter in connection with an OPRA request.

Mr. Whitaker/Mr. Palus: discussed presentation at meeting on 10/9 in regards to the revised plans; discussed changes made to plans; Mr. Palus

was previously sworn in; still under oath; proposal to superimpose onto plans at a later date; supplement to drainage calculations prepared; discussed fully clogged 2-12 inch pipes crossing WSRR; water spills over roadway and into low area on proposed lot 5; same inlet as before but instead applicant is proposing to scour lot 5; sized to handle full volume of a 100 year storm; overflow across WSRR tying into existing inlet; soil very good in the area; very apt for providing infiltration; seepage pits discussed; in conformity with stormwater management guidelines; RSIS discussed.

Mr. Palus/Board Members: no water from WSRR will go onto lot 5; resident had indicated pipe by her home was blocked; 773 WSRR; pipe is not blocked; not in great condition down towards the river; beyond RSIS, Borough and State standards; seepage pits under sidewalk; a filter can be put in the catch basin; minimize sediment; should be basically maintenance free; filters discussed; manhole to grade on first seepage pit can be added; partially clogged and cracked pipe does not pertain to the applicant's system; elevations of the pipe going into the seepage pit and the pipe going to the overflow discussed; they will fill up evenly with water; holes in side of vaults; bottom open; manhole covers discussed; moved seepage pits away from underneath sidewalk for maintenance purposes; applicant will place three manholes if the Board so desires; curb continues along the entire frontage of the property to the SE corner of lot 5; retaining wall in lot 5 being removed.

Mr. Hals: hasn't seen what is being proposed; the connecting pipe from the inlet to the seepage pit would be a minimum of 12 inches in diameter; as large in diameter as possible; will look at the design; may ask to eliminate the middle seepage pit; add a connecting pipe and expand the stone; look at a way to minimize a later expanse for the Borough; flow guards discussed; DPW would maintain; would be cleaned several times during the fall months; once again in the spring; no other type of filter like the one being proposed in the Borough; 3x during a year; doesn't take long to clean; debris will be caught in the first unit; equipment is borrowed by the Borough; other areas like this in town; seepage pits directly below the basins; this system would last much longer than the others in the Borough.

Mr. Inglima: stated, for the record, he has seen the exhibits and heard testimony for the first time this evening; not filed with the Board and has not been made available to him; will conduct his cross examination on this matter; will only be able to do so much.

Mr. Inglima/Mr. Palus/Mr. Whitaker: revised plans/no new plans filed; sheet 5 shows grading; removing retaining wall; regraded with slope; grading discussed; seepage pit size discussed; excavation shown by

straight lines; pits to be placed where circles are shown; stone everywhere else; elevation 104 is approximately 12 ft. from right of way line; elevation 102 is 18 ft. from right of way line; elevations of seepage pits discussed; scour hold elevation discussed; seepage pit function discussed; path of least resistance taken; with these soils, predominantly moving straight down; seepage pit will be placed right up against the curb line of WSRR as widened as shown on the plan; the water will be going into the ground 9 ft. below the road level; telephone cable discussed; sanitary sewer line discussed; easement rights discussed by Mr. Inglema; Mr. Whitaker objected; private matter; not an issue before the Board; location of seepage pit determination discussed; scour hold below grade; water collected in seepage pits would be dispersed into areas below the surface; moved away from adjacent parcels; beneficial solution to all parties because of the concerns raised; scour hold would have worked; 3-1,000 gallon seepage pits are overkill; water table discussed; another request made by Mr. Inglema for Mr. Palus to submit to the Board a survey showing the information on the most recent set of plans of the center line and other dimensions along Hollywood Avenue; test hole locations discussed; Mr. Palus marked the location of the test holes on sheet 3; 4 samples taken; each sample tested 2x by the lab; Mr. Palus has a lab and performs the tests himself; permeability ratings given; Mr. Inglema stated he respectively reserved the right to ask further questions that may arise from further discussion with Mr. Palus; Mr. Whitaker stated the submission made tonight was sent to Mr. Inglema this afternoon; Mr. Palus will be in attendance at the 10/30/14 meeting; Mr. Cucchiara stated in conjunction with the review of Mr. Inglema's own consultants, if questions do arise, it would be helpful to the Board if he could present those questions ahead of time to the applicant; can certainly expand upon them at the hearing if there are further questions; Mr. Inglema stated this was the first time dealing with a significant change in the engineering design and the drainage design for the sight; Mr. Whitaker stated he objected to the description of the changes being significant; the issues came up about the location proximity of the scour hold to one of Mr. Inglema's property lines; the applicant looked at it; determined there was an alternate plan and that is what was provided; not a major modification to the plan.

No Board questions.

Chairman Hanlon opened up the meeting to the public; questions to be asked must pertain to testimony from the previous meeting and the meeting this evening.

Mr. Sharon Gomez, 37 Van Dyke Drive, asked questions of the applicant's engineer.

Mr. Whitaker and Mr. Inglima had a brief discussion regarding variance relief.

Public portion closed.

A 10 minute recess was taken at this time: 8:50PM

Meeting called to order: 9:00PM

Roll Call: Messrs. Berardo, Reade, Cirulli, Newman, Iannelli,
Councilman Rorty, Chairman Hanlon

Chairman Hanlon stated the Board was approached by a member of the 200' list; asked if they could ask questions.

Mr. Stanley Kober, 919 Washington Avenue, asked questions of the applicant's engineer.

Dr. Hormoz Pazwash was sworn in by the court reporter; gave his educational background; 44 years teaching and engineering experience; majority of teaching and engineering pertains to hydrology; employed by Boswell Engineering; licensed in NY and NJ; municipal engineer in Bergen and Passaic Counties; familiar with the RSIS; familiar with all stormwater management requirements in NJ.

Please Note: Mayor Randall has arrived at this point of the meeting: 9:14PM.

Mr. Inglima asked questions of Dr. Pazwash regarding his resume and experiences.

Dr. Pazwash is accepted as an expert in the field of hydrology and civil engineering.

Mr. Whitaker/Dr. Pazwash: Dr. Pazwash was engaged by Chamberlain Developers to conduct hydrology studies and reviews in connection with this application; met with team of professionals for applicant; reviewed the plans submitted and marked into evidence; reviewed matter with Mr. Palus; visited the site; would not write a report without observation; observation is key to process of the project; has attended a few of the meetings; report prepared; discussed stormwater management aspect Dr. Pazwash conducted on the basis of what he did to determine what type of drainage system required for project; results discussed; conducted site visit on 5/7/14; took photographs which are included in his report; 7/3/14 was a rainy day; heavy rainstorm that evening; visited site early morning 7/4/14; walked the site; looked at lot 5; dry as a bone; not a drop of water; no dampness; confirmed the percolation test given to him

by Mr. Palus was correct; explained the system as it relates to the WSRR drainage system and the cul-de-sac; the run off to Van Dyke, based on Dr. Pazwash's calculations is reduced over 60% for all storm events; excess of all requirements; determined the best solution would be an infiltration system to fully detain the entire runoff on the east side from the pavement and from the grass and filter into the ground; connection design proposed; overdesign; more storage than what is required; this system is located in the proper location and is designed properly; roadway accessible; water quality device discussed; RSIS does not have any requirements or data for water quality; rely on the DEP; system shown on plan verified by the DEP for both in line and off line use.

Dr. Pazwash/Board Members/Mr. Hals: discussed previous Palus testimony regarding seepage pits in the right of way and on the property; seepage pit in lieu of the inlet; pipe to lot 5 to eliminate the run off from the road to the private property; seepage pit has a smaller foot print; contained in a smaller area; minor correction/alteration; can work with Borough Engineer; this type of infiltration system and design implemented in other areas of New Jersey; discussed size and capacity; discussed previous storms and flooding in parts of Ho-Ho-Kus; Dr. Pazwash stated this was not unusual; many towns have old drainage systems; not looking to install an oil water separator; discussed device proposed; locations discussed; Mr. Hals agreed with all of Dr. Pazwash's testimony; cleaning of system discussed; concrete structure details discussed.

Dr. Pazwash/Mr. Inglima: Dr. Pazwash stated he did not design the seepage pits; only designed the system which is on the plan; he prepared and signed it; shows the infiltration system and whatever comes to it; seepage pits were designed by Mr. Palus; seepage pits along the roadway were designed by Mr. Palus; Dr. Pazwash spoke with Mr. Palus on Tuesday regarding sizing; showed on plan with conformity with Dr. Pazwash's plan; Mr. Inglima asked if the seepage pit concept was Dr. Pazwash's or Mr. Palus'.

Mr. Whitaker: objected; irrelevant.

Mr. Cucchiara: stated the witness can respond if he knows the answer.

Dr. Pazwash: stated he designed the stormwater management; he didn't design the seepage pits.

Dr. Pazwash/Mr. Inglima: Dr. Pazwash stated the seepage pits have nothing to do with this drainage system; discussed the drainage report; the system is overdone; Dr. Pazwash spoke with Mr. Palus regarding the contribution of run off to the seepage pit; calculations made of the runoff

to enter the seepage pits system under various storms; Dr. Pazwash performed calculations for the runoff if the scour were to be built.

Mr. Whitaker: objected; irrelevant; the scour hold is not part of what has been designed and proposed; Dr. Pazwash designed the system in the cul-de-sac; prior testimony has been heard from Mr. Palus who testified extensively about the seepage pits at the end of WSRR.

Mr. Inglima: stated, for the record, Dr. Pazwash prepared a report in September before any of the elements shown on the current plan were on the plan; Mr. Inglima wants to know what report he has, what data has been compiled, what information is at his disposal that he can share other than to say it is going to work; all should be able to review.

Mr. Cucchiara: stated he doesn't have a problem with that request except that Mr. Inglima's line of questioning relates to the seepage pits; if the questions were kept to his report, they would then be appropriate.

Mr. Whitaker: stated Dr. Pazwash put it on the plan to show that it existed.

Dr. Pazwash: stated the wrong question is being asked; he has already stated numerous times that he did not design the seepage pit; he designed the system under and affirmed that it would work; has done hundreds of these projects.

Mr. Whitaker: stated the scour hold calculations are now irrelevant; it is not on the plan.

Mr. Inglima: stated the scour hold design was predicated on a catch basin in the same location that was going to divert run off into the scour hold; stated he understands that is not part of the plan; Mr. Inglima asked if calculations had been done and Dr. Pazwash stated he had done calculations; asked for the calculations to be produced.

Mr. Whitaker: stated they don't have it, because they don't need it, because they aren't proposing it.

Mr. Cucchiara: confirmed that Mr. Palus filed a report that contained these calculations.

Mr. Inglima: stated he doesn't know if those calculations included run off; asked if the information received this evening contained the calculations he has been asking Dr. Pazwash about; Mr. Inglima asked Dr. Pazwash if he had reviewed A9.

Dr. Pazwash: stated no.

Mr. Inglima: asked if Dr. Pazwash had verified any of the information that is contained in A9.

Mr. Whitaker: stated this had been asked and answered.

Dr. Pazwash/Mr. Inglima: discussed a series of structures installed below grade under the roadway; same design as shown on the subdivision plan; same chambers; small modification; moved closer to intersection; Mr. Palus prepared A12; moved closer to the intersection so it is a shorter reach of pipe; under right of way of proposed cul-de-sac; boldt castle pre cast units; storm trap better than capture; better system to work with; no difference in the attitude of the DEP between run off storage devices of different manufacturers; project not under DEP jurisdiction; thickness of stone base discussed; size of the storm traps are sufficient; during construction a percolation test is performed; maybe more than one; establishment of the groundwater level discussed; percolation test must be performed at the location of the system.

Mr. Whitaker: stated the applicant will stipulate to the test Dr. Pazwash has testified to.

Dr. Pazwash/Mr. Inglima: continued to discuss the percolation test; water table 2 ft. below the bottom of the system; normally measured during construction; spring time the water table could be higher; over sized system; Dr. Pazwash designed the storm trap; loading requirements discussed; H25 with no fill; Dr. Pazwash stated he has used a similar design in the past, but not a storm trap; stated the different types of systems he has used; Dr. Pazwash has seen many engineers use it and the evidence is that they work fine; discussed work done by Dr. Pazwash at Interchange 98 in Wall Township.

Mr. Inglima: asked what the level of compaction is required in order to ensure the product will not shift or create a burden to the surface below.

Mr. Whitaker: objected; this is a construction detail that is required when an engineer requires it to be built and to be built to their specifications; it is not part of a subdivision application.

Dr. Pazwash: stated it has nothing to do with stormwater management.

Mr. Cucchiara: asked if this was within Dr. Pazwash's knowledge.

Dr. Pazwash/Mr. Inglima: commonly 95% compaction suffices; can get that information from the manufacturer; water stored in the voids

between the stone was included in the calculations; void ratio discussed; shape discussed; openings for water to go from one chamber to another; did not know what the relevance of Mr. Inglema's question was to the design of the stormwater management system.

Mr. Whitaker: objected; stated there has to be a point when the Board will stop this line of testimony; the engineering detail is left to the Borough's professional's when the construction occurs; accepted style device; heard from Board engineer; to go into the miniscule detail is beyond the scope of a subdivision application; the testimony the Board has heard is that the storm system will work and it will have the appropriate capacity.

Mr. Cucchiara: asked if Mr. Inglema had any final questions in regard to this line of questioning; stated he did not feel this line was helpful to the Board at this time.

Mr. Whitaker: stated there is no relevancy.

Mr. Inglema: asked if Dr. Pazwash had considered locating the proposed storm trap system on one of the building lots that is shown on the subdivision plan instead of below the roadway.

Dr. Pazwash: stated it is below the roadway because it has to be accessible by the town if the town decides to maintain it; his understanding is that the Borough has accepted the responsibility of maintaining the system; if he is wrong the Borough can say so.

Mr. Inglema: asked if there was a formal position taken by any agency of the municipality that relates to Dr. Pazwash's testimony.

Mr. Whitaker: stated the Chairman has spoken that the Borough has other facilities similar to this.

Mr. Cucchiara: stated he doesn't believe there has ever been anything formal; certainly there was a discussion last time that it might be in the best interest of the Borough that it be a type of facility that could be maintained by the Borough.

Mayor Randall: stated there has been no position by the Borough.

Mr. Cucchiara: stated presumably that was the basis for the revisions that are here this evening; he is not speaking for the applicant.

Mr. Whitaker: stated Mr. Inglema can find his answer in the standards of the RSIS.

Chairman Hanlon: stated he and Mr. Hals have had conversations over the past few months regarding the Borough maintaining systems underground and above ground; there is a procedure; spoke regarding Arbor Drive and Normandy Court; the DPW has a program that cleans these systems; a report is filed with the DEP and the DEP files a report with the Feds; the Feds can do an inspection every so often.

Mr. Hals: stated there are RSIS requirements; the RSIS requires the municipal agency or the government agency maintain the stormwater systems; the Borough would be responsible.

Mr. Inglima: stated he accepts the information regarding the practices of the municipalities as it concerns maintaining systems in the municipality; stated it is his clients' position that the Borough's stormwater management ordinance does not require the Borough to accept responsibility for any stormwater management structures/ systems that are being installed to serve the objectives of a private developer.

Mr. Whitaker: stated it is a private roadway and it is covered under the RSIS which trumps the local municipality.

Mr. Inglima: stated this is a system that is being designed by the applicant that the Board does not have to accept if it imposes a burden on the Borough; stated the questions he is asking are relevant questions.

Dr. Pazwash/Mr. Inglima: continued to discuss the location of the proposed storm trap system; Dr. Pazwash stated it is preferred not to have the system on private property; Mr. Inglima asked if Dr. Pazwash remembered reviewing a particular application in Mahwah, NJ; Dr. Pazwash stated he reviews hundreds of projects every year and he did not recall the specifics of the Mahwah application.

Mr. Whitaker: objected; Dr. Pazwash had answered Mr. Inglima's question regarding not remembering the specifics regarding the Mahwah application.

Dr. Pazwash/Mr. Inglima: referred to A11; individual lot grading plan; Dr. Pazwash included this plan in his report; plan prepared by Mr. Palus; Dr. Pazwash hatched out certain pipes and inlets because he designed a different system; reviewed Mr. Palus' plan from "day 1"; after he did his first inspection, 5/7/14, reviewed Mr. Palus' plan and calculations, made comments, which is not part of the final solution anymore; Dr. Pazwash was engaged by the applicant the beginning of May; Mr. Inglima asked if Dr. Pazwash had reviewed the plans which were on file with the Borough.

Mr. Whitaker: objected; totally irrelevant; there is now a final plan that Dr. Pazwash has testified to.

Mr. Cucchiara: stated he agreed with Mr. Whitaker's objection; whether or not he did or didn't, this is the plan that is before the Board; Mr. Inglima can ask any questions in regards to that plan or revisions that he made to the prior plan; attorneys themselves have different opinions than when a case first begins; then a conclusion is reached later on.

Mr. Inglima: asked if Dr. Pazwash was familiar with A2.

Dr. Pazwash: stated yes.

Mr. Inglima: asked if there is anything about the design that is shown on sheet 4 or any other engineering drawings, that Dr. Pazwash felt were not a proper or sound engineering design.

Mr. Whitaker: objected; working with the September plan now; no relevancy to a plan that has been withdrawn and revised.

Mr. Cucchiara: stated he agreed; he does not see how there is any relation to what is being discussed at this time.

Dr. Pazwash/Mr. Inglima: discussed the design that Dr. Pazwash used for his report; grading plan that Mr. Palus prepared; designed system to fully retain 100 year storm in its entirety; referred to A6 which is the amended subdivision plan set with a revision date of September 3, 2014.

Mr. Whitaker: stated Dr. Pazwash has testified to the fact that he has marked up the plan prior to that date, then tonight, he has put an exhibit in that reflects the September 3, 2014 revised plan; Dr. Pazwash agreed to this statement.

Dr. Pazwash/Mr. Inglima: discussed maintenance of the proposed trap system; CDS systems approved by the DEP; DEP has certifications for these types of systems; Mr. Inglima asked when the final certification was issued.

Mr. Whitaker: objected to the relevancy of the date when the certification was issued.

Dr. Pazwash/Mr. Inglima: discussed the spinning chamber/ trapped floatables; vacuum truck easily cleans; measurement of the ability of devices to remove sediment; runoff calculations include the grass areas; solids drop to the bottom; stainless steel screen.

Mr. Inglima: asked for a full size copy of the survey and the full size copy of the plan marked this evening; A12.

Mr. Hals: stated the plan doesn't exactly match what was submitted with the subdivision plans dated 9/3/14; grading on lot 5 is different; two plans should be reflected to be the same would be helpful.

Mr. Whitaker/Dr. Pazwash: stated it will be done; they will coordinate with Mr. Palus.

Chairman Hanlon: brief discussion had regarding attendance on 10/30/14; there will be a quorum.

Motion to Adjourn: Berardo, Mayor Randall
All in favor

Meeting adjourned at 10:55PM.

Respectfully submitted by:
JoAnn Carroll
Planning Board Secretary
January 22, 2015