

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Planning Board Minutes
July 9, 2019
Special Meeting
7:30PM**

Meeting Called to Order at 7:30PM by Chairman Hanlon

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

Roll Call: Messrs. Pierson, Reade, Newman (absent), Jones, Councilman Policastro, Chairman Hanlon, Mayor Randall

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

Chairman Hanlon: thanked Member Pierson for changing his schedule to attend this evening's meeting.

Chairman Hanlon: stated, for the record, both the July 11, 2019 and July 18, 2019 meetings were cancelled.

Ms. Marissa McCloskey, Love Corn, 611 N. Maple Avenue, Suite #8, Block 1016, Lot 4: change of business location.

Ms. McCloskey: stated her application is for a change of business location; was before the Board 2 years ago; moving to N. Maple Avenue right above St. Eve's restaurant; will have 6 employees; there is ample parking; no signage proposed; using new location as an office space; not retail; moving August 1, 2019.

Motion to approve application: Jones

Seconded by: Reade

Ayes: Pierson, Reade, Jones, Councilman Policastro, Chairman Hanlon, Mayor Randall

Nays: None

Mr. Chang Kim, Haru Salon and Spa, 193 E. Franklin Turnpike, 1st Floor, Block 1010, Lot 10: expansion of business into adjacent vacant space.

Mr. Peter Kim: stated he is expanding his existing salon into the space next store, to the left; was the old dance studio; new space will have a make-up station along with storage and an office; same amount of employees; no signage proposed at this time.

Chairman Hanlon: suggested the applicant place the street number on the doors; commented there is plenty of parking.

Councilman Policastro: informed the applicant he would have to submit a sign application if he was to add any signage, even if it was on the glass.

Motion to approve application: Pierson

Seconded by: Councilman Policastro

Ayes: Pierson, Reade, Jones, Councilman Policastro, Chairman Hanlon, Mayor Randall

Nays: None

Ms. Yaritza Benitez and Mr. Edwin Trujillo, Ho-Ho-Kus Bagel Shop, 7 N. Franklin Turnpike, Block 1013, Lot 2: change of ownership application.

Ms. Benitez and Mr. Trujillo: stated they are taking over ownership of the bagel store; menu will be the same; will have 2 employees.

Chairman Hanlon: asked if there will be signs in the window advertising the new ownership.

Ms. Benitez: stated possibly in the future.

Chairman Hanlon: stated there is no parking at the site; the applicant can apply for a permit to park at the train station.

Councilman Policastro: asked if the existing sign was to remain.

Ms. Benitez: stated yes.

Chairman Hanlon: stated no internally illuminated signs are allowed; if there are lights on the sign, they must be on a timer; recommended the applicants join the Chamber of Commerce.

Ms. Benitez: stated they are looking to take over ownership on August 1, 2019.

Motion to approve application: Mayor Randall

Seconded by: Jones

Ayes: Pierson, Reade, Jones, Councilman Policastro, Chairman Hanlon, Mayor Randall
Nays: None

Proposed Ordinance Amendment Review:

2019-25: An ordinance to amend and supplement Chapter 27 of the Code entitled "Floodplain Management"

Mr. Hals: stated FEMA has updated their flood insurance rate maps; the revision map is being adopted in August; NJDEP indicated municipal ordinances must be updated to reference the maps to be adopted; the Borough's ordinance has already met the State DEP regulations; the ordinance is being updated for date and map numbers.

Motion to recommend the adoption of Ordinance #2019-25 "An Ordinance to Amend and Supplement Chapter 27 of the Code entitled "Floodplain Management" and to authorize the Board Attorney to submit a letter to the Mayor & Council stating same: Councilman Policastro

Seconded by: Reade

Ayes: Pierson, Reade, Jones, Councilman Policastro, Chairman Hanlon, Mayor Randall

Nays: None

Approval of Minutes:

May 9, 2019

Motion to approve: Pierson

Seconded by: Jones

Ayes: Pierson, Reade, Jones, Chairman Hanlon

Abstain: Councilman Policastro

Nays: None

Public Hearing/Ongoing Business:

Mr. Richard Radici, Wearimus Properties, LLC, 262 Wearimus Road, Block 905, Lot 5: major subdivision application; 2 lots

No Board Members indicated any conflicts in respect to this application.

Mayor Randall has listened to the discs of June 14, 2018, September 13, 2018 and March 14, 2019 and has signed an absent member certification for each stating this and has submitted the certification to the Board Secretary.

Chairman Hanlon: reviewed the meeting procedures; confirmed with the Board Secretary that all statutory requirements had been met for the Special Meeting.

Allen Bell, Esq., applicant's attorney: stated, Mr. Hansen, the applicant's engineer, would review the changes made to the plan; when the applicant was last before the Board, a revised plan showing 2 fully conforming lots from 3 lots was presented; the Board recognized an opportunity for there to be less paving and less intrusion on coverage and less impact on drainage by reducing the cartway width; a turnaround has been provided on one of the lots for emergency vehicles; has received the reports from both Mr. Hals and Mr. Snieckus and the applicant can comply with all items noted.

Mr. Cucchiara: stated, for the record, the revised plans were submitted in May, 2019; Mr. Hansen has been previously sworn in and is still under oath.

Exhibit B11: David Hals, Schwanewede/Hals Engineering report dated 7/8/19

Exhibit B12: Edward Snieckus, Burgis Associates, report dated 7/9/19

Mr. Hansen: Exhibit A-17 marked; aerial photo in color of subject property with proposed improvements; A-17 shows a private road with a common driveway; 50 ft. private road to access 2 fully conforming lots; no variances; fully re-engineered the site; paper street provides access to both lots; both lots conform to lot frontage, lot width and all other bulk requirements of the zone; dedication to County for Wearimus Road; spoke with Mr. Timsak who had just a few minor comments; proposing private road; 16 ft. in width along the 2-way access portion; fully curbed; drainage collected from private road to the stormwater management system located between the two homes; maintained by the HOA which will be created as part of the subdivision; Mr. Hals reviewed the stormwater management system and believes it conforms per his recommendations; incorporate design so that the horseshoe shaped driveway at proposed lot 5.01 has an emergency turnaround; the amount of improved lot coverage and disturbance is reduced; the design is one that respects the environment; sensitive to the amount of runoff and other considerations.

Mr. Bell: asked Mr. Hansen to review the waivers requested by the applicant.

Mr. Hansen: stated the first waiver is for radial/perpendicular lot lines between the two proposed lots; it is the common lot line between the two lots; the Borough's ordinance requires that it be designed so that it is radial to the paper street cul-de-sac; if that was done, it would push the paper street cul-de-sac back which would then push the home back further; it is currently designed so the lot line is also essentially parallel to Wearimus Road; this way it can be easily maintained by both homeowners; requesting a waiver for sidewalks; it was noted in the Board's professionals' reports that there are no sidewalks in the area; requesting that be granted; another waiver requested for the RSIS cartway width; de minimis request; proposing 16 ft. and that would be a mountable curb for flexibility for cars that needed to pull up onto the curb; safe access for the amount of vehicles on the road; benefits is it reduces

the amount of coverage and disturbance; relief requested for the width of the driveway where 16 ft. is proposed and 12 ft. is required; there is a competing interest with respect to the two way access; the ordinance states the maximum of 12 ft. for a circular driveway; this is a public road and operates as a common driveway; believes the 16 ft. is appropriate; has reviewed Mr. Hals' and Mr. Snieckus' reports and can comply with all items noted; can also comply with the easement comment in Mr. Hals' letter.

Chairman Hanlon: asked to see A-17; asked if there was a water table number for the area in the back where the detention is proposed.

Mr. Hansen: stated soil logs had an 18 in. depth which was the worst case scenario of the water table; there was a comment from Mr. Hals regarding a curtain drain; agrees to do that and work it into the design.

Chairman Hanlon: asked if there was any detail on the depth of the water on the far south end where the pipe line comes through.

Mr. Hansen: stated he did not do soil logs in that location.

Chairman Hanlon: asked if any testing for the water table had been done by the proposed patio in the back of the house shown on proposed lot 5.02.

Mr. Hansen: stated tests were done throughout the site; the water table was between 2 ft. and 5 ft.; it will fluctuate different times of the year; it was fairly consistent.

Chairman Hanlon: stated he feels it was 2-5 ft. deep.

Mr. Hansen: stated the water table is probably high due to the recent rain storms.

Chairman Hanlon: stated Mr. Hansen had testified that the detention system was going to be 18 inches from the water table.

Mr. Hansen: stated it was identified by mottling; the water table will fluctuate if testing is done during the wet season; that would be the worst case scenario; will install a curtain drain to keep the water table at a lower level.

Mr. Reade: stated the private roadway transitions to the driveway; single inlet for run off; asked if that is pulling the water out of the horseshoe driveway.

Mr. Hansen: stated all of the runoff from proposed pavement on A17 will make its way to that system.

Mr. Reade: asked if the horseshoe driveway was on a raised elevation.

Mr. Hansen: stated the private roadway goes down in grade to the south; comes into the site and will go down in grade as you go down the horseshoe; the runoff comes down and it rises up to the garage and pitches to the bio-retention system.

Mr. Reade: asked if the inlet line went to the bio-retention system only.

Mr. Hansen: stated yes; it has been designed that any water that comes east traveling west will enter a swale and go around the property; that water is existing.

Mr. Reade: asked if the retaining wall shown was holding back water from the Township of Washington slope.

Mr. Hansen: stated no; it was designed so the swale could be constructed; the wall is 3.6 ft. in height at its max.

Mr. Reade: stated the neighbor's fence intersects with the wall; asked if the applicant would be speaking to the owner about this.

Mr. Hansen: stated the fence comes onto the applicant's property; it will need to be removed.

Mr. Reade: asked what the purpose was for the second outlet to the wetlands area.

Mr. Hansen: stated the proper design is to have an overflow during a major storm; it regulates the flow; Mr. Hals commented that the concrete outlet structure looked commercial; will add a stone façade on it; will make it look like a landscape detail.

Mr. Reade: asked if seepage pits are proposed for both lots when the homes are built.

Mr. Hansen: stated they are not proposed.

Mr. Reade: asked if the sanitary for proposed lot 5.02 was powered by an ejector pump.

Mr. Hansen: stated yes; the system sits in the ground and runs through the forced main; the size or location is not determined until the house is decided upon.

Mr. Reade: asked if there are backflow devices in the line.

Mr. Hansen: stated the typical component is an alarm; if the wet well starts to fill up and possibly back up, there is a float bag that triggers the alarm; the homeowner is responsible for the pump and the line all the way out to the street.

Councilman Policastro: asked if the electric service was to run above or underground.

Mr. Hansen: stated underground within the right of way.

Councilman Policastro: asked if the wetlands would be impacted with the proposed structures.

Mr. Hansen: stated neither the wetlands nor the transition areas would be disturbed.

Councilman Policastro: asked if there would be any adverse effects to the surrounding properties, including runoff.

Mr. Hansen: stated there will be no negative impacts to surrounding or downstream properties.

Mr. Pierson: asked what the curtain drain system would look like.

Mr. Hansen: stated it would look like a grassed depression; south side would be a max of 3.5 ft.; interior of the basin is flat; as you go north up the hill it rises 5 ft. on a 3:1 slope; will be maintainable; there will be an earth berm.

Mr. Jones: asked if the applicant could comply with the several comments in the Borough Engineer's report.

Mr. Hansen: stated yes.

Mr. Jones: asked if any assurances could be given to the potential homeowner of the back lot that they would not have any flooding issues due to the pipe coming from the Township of Washington.

Mr. Hansen: stated nothing from this application would change the flow of that pipe; not connecting to it; can't guarantee that someone in the Township of Washington wouldn't change the pattern.

Mr. Jones: stated the pipe is a pre-existing condition; doesn't know if the applicant has a legal obligation, but morally, asked if there is no obligation to say that pipe would not damage the applicant's property as it is being developed and the home that is going to sit on that lot; asked if Mr. Hansen had any concerns with the flow patterns he has witnessed on the site.

Mr. Hansen: stated no concerns have been witnessed; has proposed this typical grading scheme to have the house as high as it can be; will be reviewed again when the house plan is submitted; wants to create a house site with good drainage abilities.

Mr. Jones: stated the pipe has been a concern for some time.

Chairman Hanlon: stated there has been a lot of rain lately but not a significant amount; the storm this past Saturday at around 5PM lasted 25 minutes; before Saturday there was not a lot of heavy rain; was on the site on Saturday morning; there were mosquitos all over; the trees were loaded with termites; a lot of trees have come down; the ground looks like it can't support the trees; there were deer on the property; there were fresh deer hoof marks in the mud as if they were made 20 minutes prior, but it hadn't rained; there was a lot of dampness on the property; a number of puddles; there had been no rain but the ground was wet; the rocks were full of moisture; there was water running out of the pipe; went up to the Township of Washington where the water comes from and every single drain there was bone dry; this is why the water table is questioned; drawing only shows one man hole but there is more than one; the videos showed the pipe over a period of time; some of the pipe was disconnected; that means the water table is higher than his understanding at this point; if the ground is so damp all the time and in the winter it freezes and pushes it up, the pipe can separate; the homeowners of proposed lot 5.02 are going to get the water from the pipe; asked Mr. Hansen for his thoughts.

Mr. Hansen: stated he knows the pipe was built a long time ago; not surprised it has separated over time due to the age of the pipe, freezing and thawing; Mr. Radici has agreed to make reasonable improvements to the pipe; in regards to the water on the property, it could be the high water table, or an illicit connection, such as a sump pump.

Chairman Hanlon: stated someone would have to go underground to connect to it.

Mr. Hansen: stated it could be an upstream connection.

Chairman Hanlon: stated there was nothing on the Township of Washington line; all three locations were checked and they were bone dry.

Mr. Hansen: stated he would have to go to the site himself; not surprised at what was found.

Chairman Hanlon: stated that means the water table is higher in that whole section; there is a lot of water; it needs to be looked at; there was mud which was surprising; there was moisture where the house had previously sat; houses on the Township of Washington side, lots 3 and 4, had moisture on

their fences leading down into the applicant's property; the area where the pool and tennis court were has been cleaned out and you can see where the water comes down from the Township of Washington across the gravel area; can see where the water travels through there.

Mr. Hansen: stated he is not surprised by this because the subject property is at the bottom of the hill; the stormwater design will be much more maintainable and the property will be drier.

Chairman Hanlon: stated the home is no longer on the site; it has been all dug out; the basement is there; the swimming pool is gone; the tennis court is gone and has been replaced with gravel; looks as if gravel was brought onto the property; can see the water lines on the gravel.

Mr. Hansen: stated the demo has been completed; nothing designed to convey water through the property.

Chairman Hanlon: stated the gravel is new to the site because it has been placed where the tennis court was located; asked if the 550 gallon tank which had been testified to was on the site, had been removed; diesel fuel had been dispensed on the site and there was spillage.

Mr. Hansen: stated he was not aware of any tanks or pre-existing uses or removal.

Chairman Hanlon: stated on the western side of the home there were 15-20 pails of chemicals; the pails have disappeared; there were spills; there were remains of 1-2 pallets that something was on the site at one time; an environmental study needs to be done; there are also photos in the file which the applicant has never requested.

Mr. Hansen: stated he will leave that issue to Mr. Bell.

Chairman Hanlon: stated the brook is on the applicant's property; on a previous plan there was an item marked that part of the subject property would be taken care of by a drainage depression; that is no longer shown.

Mr. Hansen: stated the wetlands did not extend as far as originally believed; NJDEP approval has been received.

Chairman Hanlon: stated this was part of the brook flowline coming underneath Wearimus Road; comes around the corner and swings around.

Mr. Hansen: stated he knew the stream; manmade ditch; essentially off the applicant's property; not regulated; it was shown on a prior plan before engineering for delineation; the ditch is not wetlands.

Chairman Hanlon: asked if the property water and stormwater management easement will be the responsibility of the homeowners.

Mr. Hansen: stated it will be part of the HOA: the system is not designed to have a lot of maintenance; it will not be the Borough's responsibility.

Chairman Hanlon: asked why part of the property was being given to the County.

Mr. Hansen: stated they were trying to negotiate an easement; assumed rededication is what they wanted.

Chairman Hanlon: asked if the system collecting water for two properties was 60 ft. wide, 120 ft. long and 7 ft. deep.

Mr. Hansen: stated the system is 3.5 ft. deep when standing on the low side of the berm; the high side extends about 5-7 ft. down the hill.

Chairman Hanlon: asked what the protection would be from people falling in.

Mr. Hansen: stated it is designed to be a dry basin; has 3:1 slopes; stable slopes; would not put protection around it.

Chairman Hanlon: asked if each property owner would mow their lawn on their side of the line.

Mr. Hansen: stated yes.

Chairman Hanlon: asked if the trimmings would have to be collected so they don't get into the system.

Mr. Hansen: stated yes.

Chairman Hanlon: asked if there would be a plan on how to take care of the property.

Mr. Hansen: stated yes, a plan has been done.

Chairman Hanlon: stated there is a 20 ft. drop off from the Twp. of Washington to the patio in the back of the house of proposed lot 5.02; a lot of water will be running down to the back of the house.

Mr. Hansen: referred to sheet 4; typical grading plan; demonstrates the lots can be graded so as not to affect the house; the water will be directed to where it goes currently.

Chairman Hanlon: stated the water will be coming down at a significant speed and then made to turn towards the left.

Mr. Hansen: stated he has the capacity and retardance factors; it is designed for the 25 year storm.

Chairman Hanlon: asked if Mr. Hansen knew the history of water problems in the Borough; stated from the front point of the house in the front of the patio, the water comes down 30 ft. from the Twp. of Washington and then there is a 16 ft. drop to hit the corner of the house on the left hand side; the water comes down from the Twp. of Washington and hits the side of the house.

Mr. Hansen: stated there is a strong slope from the Twp. of Washington to the applicant's site; the water is coming there now; using an engineered design swale to deal with the water; the swales will be made of grass.

Chairman Hanlon: asked if it were up to the homeowner to keep an eye on the swales and the water coming to their house.

Mr. Hansen: stated yes.

Chairman Hanlon: stated there are not too many homes in town that need to do this.

Mr. Hansen: stated it can be designed as a line swale with riprap as well in order to address erosion concerns; based on the design, Mr. Hansen feels the grass swale will work fine.

Chairman Hanlon: stated there is a storm drain on the proposed street past the new home; water comes off of Wearimus and hits the one drain; under Block 1202, Lot 3, water gets down into the street; that drain will not be able to catch all that water; it will run across the drain and to the house; there is already a situation where the water runs into the house.

Mr. Hansen: stated all the water coming down the hill from Wearimus stays on Wearimus; essentially a landing area; the County has asked them to continue curbing along the entire frontage of Wearimus as a clean conveyance and prevention of erosion on Wearimus; for the record, the applicant will not be taking water and treating it on their developed portion of the property.

Chairman Hanlon: asked if the water is directed to the nameless brook.

Mr. Hansen: stated it is going there now.

Chairman Hanlon: stated it goes to the applicant's property now.

Mr. Hansen: stated there is a small ridge along the shoulder of Wearimus; the water runs between the edge of pavement and the grade; the water will run along the curb line for less erosion.

Chairman Hanlon: asked if the water table inside the detention system was 18 inches.

Mr. Hansen: stated yes; mottling is 16-18 inches; mottling can be a hanging type of water; soils which have clay in them or prevent water from coming from the surface and percolate slowly; a curtain drain was suggested by Mr. Hals.

Chairman Hanlon: asked if seepage pits would be proposed for the new homes.

Mr. Hansen: stated none are designed at this time.

Chairman Hanlon: asked if there were a possibility they would be needed.

Mr. Hansen: stated no; the system is designed well.

Chairman Hanlon: stated most water collection systems are either 550g or 1,000g and are fairly deep; asked how they would be installed.

Mr. Hansen: stated they will be a manufactured Cultec chamber, which is shallow and long; they have more storage.

Chairman Hanlon: referred to A17; noticed both houses have detention systems; asked if it were the intention of the applicant that all trees will be removed.

Mr. Hansen: stated some trees will be removed with minimal disturbance.

Chairman Hanlon: asked how the water would be collected when the trees are gone.

Mr. Hansen: stated by the detention system; change will be from a wood condition to a lawn system; both of them work in the calculations that are shown.

Chairman Hanlon: stated he was concerned about a tree coming down onto one of the houses; large trees on the property have come down root first; they have been grabbing water for many years; asked about the gas and water lines for the house at proposed lot 5.02 being affected after all these years.

Mr. Hansen: stated the water lines are well designed and the gas lines are now plastic.

Chairman Hanlon: asked if the sewer line to Wearimus Road could be made a gravity line to the other property next door instead of having a sewer treatment facility to connect to the town system.

Mr. Hansen: stated they could pump to a gravity line but it would still have to be pumped and cleaned out to a small manhole; better design as proposed.

Chairman Hanlon: asked who will be responsible if something goes wrong with the pressurized system for lot 5.02.

Mr. Hansen: stated the owner of lot 5.02; it will be made clear to that homeowner.

Chairman Hanlon: stated the plan shows 10 trees to be preserved along Wearimus Road.

Mr. Hansen: stated the plan is to selectively save trees along Wearimus Road; will work with the County for the trees in the right of way.

Chairman Hanlon: stated the applicant will have to work with the Borough.

Mr. Hansen: stated the applicant will work with the Borough; a field investigation will be done.

Chairman Hanlon: stated the applicant's plan was to plant red oaks; in the detention system there are river birch; on the plan there are 8 but the drawing only shows 4.

Mr. Hansen: stated Mr. Snieckus made some observations; the number was recommended by the Board's professionals.

Chairman Hanlon: asked why the 24 hemlocks shown on the plan do not go down to where the property line is to the south.

Mr. Hansen: stated they could be extended further but the proposed location is more appropriate for screening.

Chairman Hanlon: asked if the trees were being used to hold back water.

Mr. Hansen: stated the trees are for a visual barrier; they can be removed or the species changed, per the Board's direction.

Chairman Hanlon: asked who will own and be responsible for the trees.

Mr. Hansen: stated the owner of lot 5.02.

Chairman Hanlon: confirmed there will be no oaks but there will be 4 river birch and the hemlocks will be changed to a tree that deer do not like.

Mr. Hansen: stated he anticipated the homes would be nicely landscaped.

Chairman Hanlon: referred to sheet 714; there are 3 locations marked recommending soil compact test locations.

Mr. Hansen: stated this is a new requirement; started in Ocean County; the State requires either tilling the land or tests to show the soil is not over compacted; the test locations are in appropriate spots; appropriate tests will be done.

Chairman Hanlon: asked what would take place if the soil was over compacted.

Mr. Hansen: stated it would have to be tilled down around 6-12 inches; it is not meant to get to the subsoil; it is to make sure the soil is aerated so it will not act like an impervious surface.

Chairman Hanlon: asked if the test only had to be done in 3 locations, per the State guidelines.

Mr. Hansen: stated yes because the exempt areas are around a house, by utilities, roadways and driveways; areas to be tested were shaded on the plan; proposing 4 tests, which complies with that amount of area.

Chairman Hanlon: asked about the pipe in the southwest corner and if what is causing the problem in that area could be determined.

Mr. Hansen: stated soil testing should not be done in that area because the soil will not make a difference.

Chairman Hanlon: asked where the topsoil was located on the subject property.

Mr. Hansen: stated there is topsoil on the property but he does not know the amount; stockpiling areas must be shown per the soil erosion sediment control standards of the County.

Chairman Hanlon: asked more information regarding the pump.

Mr. Hansen: stated it would designed at the time of lot development; standard design.

Chairman Hanlon: asked if there was a nasty winter and salt is put down on the roadway, would that water get into the detention system; asked if the pump will be getting that water.

Mr. Hansen: stated the pump would only handle domestic sewage.

Chairman Hanlon: asked if there was another pump device for the stormwater system.

Mr. Hansen: stated no; it will work by gravity.

Chairman Hanlon: asked if a generator would be installed at both homes, per prior testimony given.

Mr. Hansen: stated he was not sure that requirement was stated.

Mr. Bell: stated the applicant did agree to install a generator for the house at proposed lot 5.02 and still agrees to install a generator and sump pumps.

Chairman Hanlon: asked if the system would have an alarm system for when it flooded.

Mr. Hansen: stated there was an earlier question regarding what happens if the domestic sewage pump doesn't work; there is a float which will be set at a level so if the pump does not work, an alarm would be activated to let the homeowners know that there is an issue; the pumps are designed to run a couple of times a day.

Chairman Hanlon: stated this section of town is far away from the main part of town; asked what would happen if the homeowners are away and the alarm goes off.

Mr. Hansen: stated if the homeowners are out of town then no one will be using the system.

Chairman Hanlon: stated except when the water softener kicks in.

Councilman Policastro: asked if the curb line along the driveway would be constructed of Belgian block.

Mr. Hansen: stated yes.

Councilman Policastro: asked the same question regarding the curb line on the County road.

Mr. Hansen: stated it would be subject to what the County wanted; he would think Belgian block due to the residential feel of the area.

Councilman Policastro: asked Chairman Hanlon if the Borough's Ordinance regarding Belgian block applied to a County road.

Chairman Hanlon: stated we would have to ask the County for relief.

Councilman Policastro: asked if the applicant would construct the homes or sell the property.

Mr. Bell: stated the applicant intends to build the houses.

Mr. Snieckus: stated the applicant is proposing a private drive in response to the Board's comments; there are some nuances with the ordinance in regards to lot frontage and lot width as it relates to a street; a street has a specific definition; dealt with this in other cases; whether or not it has to be a public street or not; identified for the Board that relief might need to be provided if there will be a private driveway, just for the lot width and lot frontage criteria; it is technically not a public street; particularly lot 5.02; it does not have direct frontage on a public street; it would have frontage on the private drive; via the private drive, it does have access and direct frontage on Wearimus Road; it does address the issues, under the MLUL, "a building lot is to abut a street"; feels this satisfies the issue; still a matter of the lot width measurement that should be identified in this application as something that might need relief, as well as lot frontage; as it relates to lot 5.02, obviously this lot would have its frontage based upon the actual right of way going out to Wearimus, where for lot 5.01, the frontage would probably be along Wearimus itself; the applicant has shown and illustrated the applicant will be providing the appropriate front yard setbacks from the private right of way; asked that the applicant and Board consider that as a condition of approval if the Board were to approve the application; that is the applicant comply with the same setbacks, even though it is technically a private road; sometimes it becomes a question as to how a lot front lot line is determined; this is typically where your front yard setback is taken from; wanted to make sure it is clear for the record, for any future property owners, the Zoning Officer reviewing any improvements to a building that it is understood where the front lot line is and where the front yard setback should be taken from.

Mr. Bell: stated he has a different view of the definition because the definition says, which is shown on a plat, heretofore, approved pursuant to law, or which is approved by official action as provided by the MLUL; the applicant maintains that, even though it is a private road, it is a drive or other way; which is in the statute; the applicant's position is the changes were made to accommodate the Board and whatever relief is needed to get to that point would be requested; don't believe frontage or lot width variances are needed because the private

roadway, in keeping the 50' right of way, meets the obligation; if the Board feels otherwise, then he would move to amend the application to apply for any variances that are necessary to obtain the approval of the Board.

Mr. Snieckus: stated he agreed with the applicant that if it weren't for a private road the applicant would be compliant with the frontage and lot width requirements; it is a nuance of the private road that he wanted to have clarified.

Chairman Hanlon: stated the Board does not want it to be a road for a number of reasons; one is it will create a flag lot.

Mr. Snieckus: stated if it were created as a public roadway, right of way, it creates other issues as to impervious coverage, additional impact, additional soil moving, all the items the applicant was identifying before; the proposed private drive is less impactful to the neighborhood.

No additional Board Member comments at this time.

Mr. Snieckus: asked why the limit line of soil was so far back on lot 5.02 compared to the limit of disturbance.

Mr. Hansen: stated he wanted to show a reasonable backyard; wanted to show something realistic; there is still a substantial tree buffer in the rear of the property; shown to demonstrate what a homeowner would want.

Chairman Hanlon: stated the tree line information should be shown for people to see; asked how much land is there behind the proposed patio on lot 5.02.

Mr. Hansen: stated, with the clearing shown, about 80-110 ft.

Mr. Snieckus: stated, in regards to the trees proposed along the common lot line, specification information was requested relative to those trees; they are currently shown as 3 inches in caliper; not a common spec for the evergreen trees; it is usually a height measurement.

Mr. Bell: agreed to provide the information for the trees, including the height.

Chairman Hanlon: stated the trees will also have to be subject to being in the wetlands.

Mr. Snieckus: stated the trees need to be wet site tolerant and deer resistant; only the green giant arborvitae; not a true arborvitae but a relative of it; the deer will not browse on them; the applicant should look into this species; river birch vs. the quantity shown on the plan was raised; it was testified to that there would be a long term protection and maintenance plan for the

stormwater basin; it is not clear to certain homeowners of what needs to be done to maintain it.

Chairman Hanlon: stated there is a detailed list on the plans of what a homeowner has to do; it is quite extensive for a property owner.

Mr. Hansen: stated the stormwater regulations now are must more extensive than 20 years ago; due to the development, the applicant has no choice with the stormwater design and preparing the maintenance manual and have it filed with the deed; by doing so, the chances of the system being maintained and inspected is greater; the system has been designed to promote maintenance and protect downstream properties.

Chairman Hanlon: asked how it would be enforced.

Mr. Hansen: stated the Borough Engineer has to submit to the State annually the MS4 permit; properties such as the one proposed have to submit their inspections and maintenance records to Mr. Hals so he knows this is being done when he submits the MS4 permit.

Mr. Jones: stated this is the greatest problem the town deals with on a daily basis; procedures where put into place 20 to 30 years ago and no one follows through on them.

Mr. Snieckus: stated the applicant has identified the waiver relief sought; radial configuration, sidewalks and cartway width of the private roadway, lot frontage and lot width for both lots; driveway width for 16 ft. where 12 ft. is permitted; three variances and three waivers; any relevant goals and objectives of the Master Plan, as reviewed and relating to any various relief which is being sought by the applicant.

No Board Member questions of Mr. Snieckus at this time.

Meeting opened to the public.

No members of the public came forward to ask questions of Mr. Snieckus.

Public portion closed.

Robert Inglima, Esq., objector's attorney; his clients are Thomas and Maryellen Nye, 40 Deerhill Drive; Block 905, Lot 3.

Mr. Inglima asked questions of Mr. Hansen.

Mr. Inglima: stated Mr. Hansen did not sign the plans which were marked into the record this evening.

Mr. Hansen: stated they were signed by his VP.

Mr. Inglima: asked if he was familiar with the design elements and involved in the process.

Mr. Hansen: stated yes.

Mr. Inglima: asked what the applicant was proposing to do with the pipe which runs through the easement.

Mr. Hansen: stated the applicant has agreed to repair the pipe where it has deteriorated.

Mr. Inglima: confirmed there would be selective replacement; areas not damaged would remain in place; asked if the pipe would be lined.

Mr. Hansen: agreed; no the pipe would not be lined.

Mr. Inglima: asked if any repairs were proposed for the westerly outfall.

Mr. Hansen: stated no.

Mr. Inglima: asked if Mr. Hansen had inspected the pipe.

Mr. Hansen: stated yes, but it was not a formal inspection.

Mr. Inglima: asked if Mr. Hansen had looked at the area where the pipe terminates.

Mr. Hansen: stated he had conducted a visual inspection.

Mr. Inglima: asked if Mr. Hansen was aware that there is no headwall or any other type of outlet control structure where the pipe terminates.

Mr. Hansen: stated yes.

Mr. Inglima: asked if there was a proposal by the applicant to put in any type of riprap or any other type of protective measure of an engineering type to keep sediment from building up or erosion from being created at the end of the pipe.

Mr. Hansen: stated no.

Mr. Inglima: asked if Mr. Hansen had looked into the possibility of extending the pipe into an existing pipe that is on Mr. Nye's property.

Mr. Hansen: stated no; he spoke with Mr. Nye's engineer; the applicant is not interested in doing this.

Mr. Inglima: asked if Mr. Hansen did not believe if the pipe was extended into the opening of the existing pipe on Mr. Nye's property, it would eliminate the potential for erosion on the banks of the swale.

Mr. Hansen: stated he was not convinced it would; there is water coming from other directions as well.

Mr. Inglima: stated Mr. Hansen had testified earlier that his proposal does not change the characteristics of overland water flow that originates in areas to the east of the site either in Ho-Ho-Kus or in the Twp. of Washington; asked if that was a fair statement.

Mr. Hansen: clarified that applicant is not planning to attenuate that water; not planning any disturbance on the properties; proposing to grade the subject property to take the water, convey it and bring it to the area it goes to now.

Mr. Inglima: asked if Mr. Hansen meant the area where the water will go to after the improvements are constructed, when he stated the area where the water goes to now.

Mr. Hansen: stated the water goes to the southwesterly corner of the property at this time.

Mr. Inglima: asked if Mr. Hansen was stating the water which comes down the hill from Lot 6, near the intersection of Wearimus Road and Washington Avenue, goes to Mr. Nye's property.

Mr. Hansen: stated yes.

Mr. Inglima: asked if it crosses all the surface of lot 5 and winds up in Mr. Nye's property.

Mr. Hansen: stated yes.

Mr. Inglima: asked if it was absorbed at all in the applicant's site.

Mr. Hansen: stated whether there are grass or trees on the site, the water is going over land and going into Mr. Nye's property.

Mr. Inglima: asked if it moved in a westerly direction toward the swale.

Mr. Hansen: stated some of it goes towards the swale and the swale discharges to Mr. Nye's property.

Mr. Inglima: asked if Mr. Hansen was stating it is intercepted by the existing swale on lot 1, rather than the fact Mr. Hansen's earlier statement indicated it passed along the applicant's property.

Mr. Hansen: stated no; some of the water from the properties to the east travel across the applicant's property directly to Mr. Nye's property and some of it travels across the applicant's property to the swale, which then travels to Mr. Nye's property.

Mr. Inglima: asked if any of the flows had been quantified.

Mr. Hansen: stated all information is contained in the stormwater report.

Mr. Inglima: asked if Mr. Hansen knew how much water enters the applicant's property from areas lying generally in the east which enters the swale.

Mr. Hansen: stated it depends on how much it rains; can't answer the question with specificity.

Mr. Inglima: referred to the area which lies east of the proposed private road; Mr. Hansen testified earlier that there would be a swale created that would keep the water that currently enters the site on the east side of the proposed driveway and direct its flow towards an area which lies to the southeast corner of the dwelling on lot 5.02.

Mr. Hansen: stated that was correct.

Mr. Inglima: asked how deep of an excavation is being made in order to create the swale.

Mr. Hansen: stated approximately a foot deep.

Mr. Inglima: stated regarding the contours indicated in the area which runs generally to the east from the proposed driveway on lot 5.02 and to the north/northeast of the dwelling showed on lot 5.02, in some places it is 5 ft. deep.

Mr. Hansen: stated the swale is not 5 ft. deep.

Mr. Inglima: referred to contour 177 which crosses line 182; seems like a 5 ft. ditch.

Mr. Hansen: stated it wasn't a 5 ft. ditch; Mr. Inglima is comparing the existing contour to the proposed.

Mr. Inglima: stated if he was standing on the applicant's site he would be standing at elevation 182; after the swale is constructed that is shown on the applicant's plans, he would be standing in a swale at elevation 177.

Mr. Hansen: stated the grade around that area would be altered as well; Mr. Inglima would not be standing in a 5 ft. ditch.

Mr. Inglima: stated only a few feet to the east, there is elevation 184 that is being tied into an existing contour; it is 7 ft. lower.

Mr. Hansen: stated no; the difference between the contour elevations is 7 ft.; there is a slope and a swale.

Mr. Inglima: asked how his client could be assured that when the applicant excavates 5 ft. to create the swale, there is not going to be water that is currently in the soil entering the swale and then being redistributed to the southwest.

Mr. Hansen: stated there is no guarantee but this is a responsible drainage plan and there will be no adverse impact to neighboring properties.

Mr. Inglima: stated there will be no groundwater emerging into the side of the swale and then running to the house upon lot 5.02 and then going to the southwest corner of the site into Mr. Nye's property.

Mr. Hansen: stated if there is groundwater present now it will be going to Mr. Nye's property anyway.

Mr. Inglima: asked if the water comes up out of the ground currently.

Mr. Hansen: stated he did not know.

Mr. Inglima: referred to the area lined on the plan to the north of the dwelling on proposed lot 5.01; asked if it would be fair to say that the applicant will be adding 2-3 ft. of fill to the north and west side of the proposed dwelling.

Mr. Hansen: stated it is a typical grading and Mr. Inglima's statement is correct.

Mr. Inglima: referred to the driveway which serves both proposed homes; asked if there would also be fill of approximately 2-3 ft. added.

Mr. Hansen: stated yes, in some areas.

Mr. Inglima: stated higher areas are being created around the proposed homes and lower areas by locations such as the swale.

Mr. Hansen: stated it is a cut and fill situation.

Mr. Inglima: asked why the applicant had to cut into the woods and change the topography so close to the outer boundaries of the site.

Mr. Hansen: stated to create a reasonable backyard.

Mr. Inglima: referred to sheet 3 of 14 showing the proposed drainage and stormwater management easement of lot 5.01; it indicates a width of 15 ft. where it abuts the westerly lot line of lot 5.01.

Mr. Hansen: stated that was correct.

Mr. Inglima: referred to the grading plan; changes to the contours are being shown of the property within the 15 ft. easement.

Mr. Hansen: stated yes; it has to be shown to design the stormwater system.

Mr. Inglima: stated it was discussed there would be a berm around the proposed bio retention swale; there is no berm on the uphill or northeast side of the pond.

Mr. Hansen: stated that was correct.

Mr. Inglima: stated there is basically a slope heading down from the driveway of lot 5.01 directly into the pond.

Mr. Hansen: stated that was correct.

Mr. Inglima: stated there was a partial berm on the southwest side of the pond with an emergency spillway; there is a driveway that comes into lot 5.02 along the southeast side of the bio retention swale; there is an indication there is a curb cut of 5 ft. wide; asked where the water that would be flowing across the driveway goes when it gets to the 5 ft. wide curb cut.

Mr. Hansen: stated the water goes perpendicular to the proposed contours and into the bio retention system.

Mr. Inglima: referred to the contour that is along the closest side of the bio retention basin, that is elevation 176; there is a contour to the SW of that point which is also 176; asked what would direct the water from the driveway that is directed along the entire run to the swale as opposed to just flowing to the west into the SW corner of the site.

Mr. Hansen: showed a berm on the plan; there would be a high point on the berm; the curb cut is 6 inches higher.

Mr. Inglima: asked if a swale or other type of topographic feature would direct the water from the driveway into the basin.

Mr. Hansen: stated additional clarification could be added if Mr. Hals required it.

Mr. Inglima: asked, if from the standpoint of good engineering design, there should be something that induces the water that is flowing out through the 5 ft. wide curb cut to go into the basin.

Mr. Hansen: stated it already does; believes Mr. Inglima is asking for additional spot grades for clarification which can be provided; it has already been designed to take that water.

Mr. Inglima: stated when the water rises to the level of 175 ft. in the proposed basin it will start to flow out into the pipe that runs to the riprap that is located generally to the west of the proposed home on lot 5.02.

Mr. Hansen: stated there is not going to be 175 ft. of water.

Mr. Inglima: corrected, elevation 175.

Mr. Hansen: stated once water gets to 18 inches in the basin, it will exit the orifice into the pipe.

Mr. Inglima: asked if then the water would run onto Mr. Nye's property.

Mr. Hansen: stated as it already does at this time.

Mr. Inglima: stated at this time the water is not directed that way by any structures.

Mr. Hansen: stated the water is going there.

Mr. Inglima: stated detailed topographic features are indicated on the plan that surround the homes that are depicted on the plan; 1 ft. contours, swales, fill and cut; the plans state "typical dwelling"; asked if the applicant is asking for approval for exactly the footprints that are shown on the plans with the exact topographic levels/elevations.

Mr. Hansen: stated absolutely not; they are typical boxes which are shown for a subdivision.

Mr. Inglima: asked if Mr. Hansen was familiar with the quality and sizes of homes that are developed in the area.

Mr. Hansen: stated yes.

Mr. Inglima: asked if the homes that are indicated with the footprint shown on the plan are typical of that type of construction.

Mr. Hansen: stated they are approximately 5,000 sf homes.

Mr. Inglima: asked if the houses that are shown are typical of what would be constructed.

Mr. Hansen: stated yes.

Mr. Inglima: asked why the homes that are going to be built aren't shown along with the topographic features, to show they will work.

Mr. Hansen: stated it will be shown on the building plan.

Mr. Inglima: stated this applicant is seeking approval from the Board for variances and for waivers, soil moving and drainage; asked why that level of detail would be deferred to a later date or review authorities circumvented by not providing exactly what is to be built.

Mr. Hansen: stated, for a lot of reasons; the home has to be sold to a buyer; the buyer will dictate what will be built.

Mr. Inglima: respectfully disagreed; within the Board's authority to request or require sufficient detail be provided on the plan of this nature before action is taken on the application; Mr. Inglima had no further questions of Mr. Hansen.

Mr. Bell (to Mr. Hansen): asked if the purpose of the stormwater regulations is to limit the rate of flow from the applicant's property to neighboring properties.

Mr. Hansen: stated it is to regulate flow for specific storms and to reduce the flow.

Mr. Bell: asked if it was Mr. Hansen's opinion, that the drainage system he designed complies with all the stormwater regulations that exist today.

Mr. Hansen: stated yes.

Meeting opened to the public.

No members of the public came forward at this time to ask questions of Mr. Hansen.

Public portion closed.

Mr. Hals: referred to his report dated July 8, 2019; items 1-6 are basic statements about the project; item 10 deals with the lots themselves; there are freshwater wetlands on the property which have been identified by the NJDEP; the wetlands and the wetlands transition area are all located on proposed lot 5.02; asked for bearings and distances to be labeled on the plan around the perimeter of the wetland transition area; it will also be shown on any subsequent maps; there will be a final subdivision plat which will be required to be filed with the County; that restriction/area will be identified on any future maps and will be able to be picked up by a surveyor in the future.

Mr. Bell: stated the applicant agrees to comply.

Mr. Hals (continued): the roadway has been discussed; Mr. Snieckus identified all of the waivers and variances; the applicant has to update the soil movement application; supporting data must be submitted to verify the proposed cut and fill quantities that are required; both proposed homes need to be connected to the sanitary sewer main in Wearimus Road by individual connections; presently the plan shows them tying into manholes; they have to be tied in as laterals; the force main has been discussed; private connection and it is not the responsibility of the Borough; each of the laterals will also be the responsibility of the homeowners and not the Borough; the water main services should be separate services to the main that is indicated on Wearimus Road; each of the houses should have separate services; there is an existing fire hydrant at the intersection of Wearimus Road and Washington Avenue; it is on the northern leg of Wearimus Road; that hydrant is within 500 ft. of either of the proposed houses; it does meet the firefighting requirement of the RSIS; there are no new hydrants proposed with the development; there has been extensive discussion regarding stormwater management; Mr. Hansen wasn't quite clear; the applicant is not proposing seepage pits for the development; as part of the groundwater recharge requirement and water quality requirement, the bio retention basin will fill up to a depth of approximately 1.5 ft.; that will be retained in the basin so there is no water flowing out of the basin at all; all the roof, driveway and roadway water will either be collected or overland flow through the curb cuts or overland flow through surface water to get to the basin; once it gets to the basin it will stay in the basin for the first foot and a half; the water will flow through the outlet pipe and off the site with larger storm events; about 70% of all rain events will be retained by the basin; there will be no outfall; with larger storm events, once the 1.5 ft. is filled up, there is a 5 in. orifice which will control the flow and once that rises up, it will have an overflow on the weir which will discharge through the system; the system is designed to make the quantity reduction and flow rate reductions for the 2 - 10 and 100 year storm events; it is also designed for any larger storm events that do occur, it can go through the system and safely pass the storm; it is designed in accordance with stormwater management regulations; the applicant does meet the water quality, groundwater recharge and water quantity reductions; requests a storm inlet to be installed on Wearimus Road uphill of the driveway

entrance; it will collect the stormwater before it crosses the driveway/street entrance and piped over to the stormwater system on the opposite side of Wearimus Road; the applicant did conduct all on-site soil testing; Mr. Hals witnessed the soil tests when they were done a year and a half ago; it is the applicant's engineer's opinion that it is a perched groundwater condition; due to this, Mr. Hals recommends the bio retention basin have an interceptor drain installed, or a curtain drain around it, so the water doesn't bleed out of the bank and cause an issue with the functioning of the basin; believes the applicant has agreed to this; the outlet control structure is a concrete structure with aluminum grating on it; it is industrial looking; it should be redesigned or screened; not something you would see in a homeowner's backyard; the applicant has proposed to put a stone finish on it; the applicant is proposing 24 inch hemlock trees along the property line between the residents on Jacobs Road; the Board should consider either interspersing or changing the row; there could be several pockets of evergreens and intersperse shade trees and also introduce shade trees along the roadway on the other side, so it will offset some of the trees which are being removed; remaining comments are technical items; the applicant does have to provide the major soil movement application approved and soil quantities submitted; there are 2 deed restrictions which will be required; a stormwater maintenance manual was submitted; the manual does need some corrections; stormwater management regulations require the maintenance be filed with the property owner as a deed restriction; the deed restriction should be filed and recorded so it would show up as a deed search for either of the properties, due to the HOA; a HOA needs to be formed; the HOA should be reviewed by the attorney for content and that should also be recorded; the applicant needs both Bergen County Planning Board and Bergen County Soil Conservation District approvals; the applicant no longer needs NJDEP sewer extension approval due to the modifications made; the applicant also eliminated the need for a wetlands transition area waiver.

Chairman Hanlon: asked where the trees would alternate along the road as Mr. Hals had suggested; they would be deer resistant, water resistant bushes; asked if Mr. Hals' suggestion would be from Wearimus Road to the southern border line; asked if this will help reduce some of the water coming down and collecting.

Mr. Hals: stated no; it is a misnomer that trees suck up water after it rains; different surface types allow more water runoff in certain aspects; there will be less run off from the trees due to the debris on the ground, leaf litter, etc., that prevents the flow of water along a straight path across the surface; shade trees have benefits; the evergreens will give more of a buffer; shade trees will give more covering so there is more shade; there won't be heat on the asphalt surface.

Chairman Hanlon: asked why the plantings aren't extended to the south border line.

Mr. Hals: stated that would be up to the Board; the first lot in Ho-Ho-Kus has a little more of an open area; the next two which are in the Twp. of Washington, those rear yards are much higher in elevation and there are trees on the slope; would have to visit the property to see if there are other areas that need to be addressed.

Mr. Bell: stated the applicant has no problem with interspersing evergreens and shade trees; believes the area before it becomes a private driveway for the owner of lot 5.02 and is appropriate for that type of landscaping; after that the individual owner may want to provide forms of landscaping for his/her property.

Chairman Hanlon: stated it was his understanding that the owner of lot 5.02 owns the entire line to Wearimus Road.

Mr. Bell: stated that was correct; to the extent it serves both lots as an access, feels it is an appropriate point to cut it off; leave it to the individual owner to provide the landscaping; if the Board makes it a condition, the applicant will comply.

Councilman Policastro: asked Mr. Hals if the proposed action to be taken in regards to the pipe is sufficient.

Mr. Hals: stated yes; he did review the videotape of the pipe; there are some sections that the bell is broken; there is also a long horizontal crack in the top section of the pipe; the applicant's proposal is to replace sections, which is an adequate method of repairing the pipe.

Chairman Hanlon: stated there is a manhole that seems to be missing; asked if it should be identified.

Mr. Hals: stated the videotape did find it but it is not on the plan.

Chairman Hanlon: stated it needs to be shown on the plans.

Councilman Policastro: asked if seepage pits would be recommended for both lots.

Mr. Hals: stated this is one section of the Borough where seepage pits don't work; have attempted to use them in the past and they don't work.

Councilman Policastro: asked if Mr. Hals was certain that a 16 ft. wide private driveway would accommodate all types of vehicles.

Mr. Hals: stated the simple answer is “yes”; had recommended it be widened to 18 ft.; no objection to mountable curbs; a firetruck could easily get up onto the shoulder.

Councilman Policastro: asked if Mr. Hals believed the wetlands would impact the proposed structures.

Mr. Hals: stated no; the applicant has pulled the whole development towards Wearimus Road; the previous application had three lots; the applicant was proposing buffer averaging; it tightened up the area where proposed houses could be and where the detention basins were; the other development was a much more intensive use of the property.

Councilman Policastro: asked if Mr. Hals felt the proposed subdivision would have an adverse impact to the surrounding properties.

Mr. Hals: stated there will be an impact; visual impact with the change of character when traveling on Wearimus; that is a fact of development; believes the applicant is capturing as much stormwater as they can and controlling it in a manner which meets the regulations; there is a possibility that during construction, if there are heavy rains and the soil is bare, there might be an impact; once the houses are built and the property is stabilized, believes the impacts will be minimal.

Councilman Policastro: asked about the preservation of trees on the property.

Mr. Hals: stated individual trees could be looked at; what is being proposed are typical dwellings and the general layouts on the site; when the houses are built the trees which were marked to be saved may change; what the applicant is doing is reasonable; can reduce some of the tree disturbance, but feels what is being shown is the overall impact of the worst case scenario.

Councilman Policastro: stated the house had been demolished.

Mr. Hals: stated he was not aware of this; if the structures had been removed and it had been more than a 2 year period, then the property has to be treated as if it were undeveloped.

Mr. Pierson: asked if the list of variances and waivers requested represents a complete list.

Mr. Hals: stated Mr. Snieckus and himself have a difference of opinion on the section of the code that Mr. Snieckus referenced earlier; Mr. Snieckus points out there is an additional variance for fronting on a public street (lot frontage and lot width); Mr. Hals has a different opinion; feels they are not variances; feels the subdivision is conforming; doesn't see any objection to seeing it the

way Mr. Snieckus does; the only variance needed is the driveway width variance; that is for the circular area on 5.01; his recommendation is the Board grant the variance in this case, it is a reasonable proposal; the radial lot line is a waiver from the design section; believes the Board should grant this waiver; there are two RSIS de minimis waivers; cartway width and sidewalks; there are no sidewalks in this section of town.

Mr. Pierson: asked for confirmation that there is a remedial effect if the surface bio retention becomes more than 18 inches deep.

Mr. Hals: stated there is a small orifice pipe; between 16 inches to 5 ft. deep is the mottle section; below that is granular soil; hard tan soil with the mottling; don't have to dig far to see water bleeding out of the soil; the granular soil is drier; the water hasn't been able to get through that; perched groundwater is the wetlands area; types of ponding on the surface; small depressions; all goes to the soil condition of the property; this is consistent with the whole band through this region of the soil condition of Ho-Ho-Kus; the problem is with the sump pumps in the houses; once you get through the hard pan there is dry soil underneath; tests have shown that it is a very permeable soil; by regulation it has to drain out within 72 hours; the applicant has shown it will drain out between 2.5-3 hours.

Chairman Hanlon: stated Mr. Hals had requested the applicant provide an additional drain on Wearimus which would be piped under the new driveway.

Mr. Hals: stated it would go across diagonally to a manhole on the other side of the street; the Borough in the late 90s put a storm drain across Wearimus Road.

Chairman Hanlon: asked if the applicant needed any support from Mr. Hals' office to talk to the County to allow the applicant to do this.

Mr. Hals: stated no; the County will have no issues; the County will have an issue with Belgian block curbing; the County standard is concrete; once curbing goes in it will be the responsibility of the Borough, not the County.

Chairman Hanlon: stated the manual has to be upgraded for the HOA for maintenance.

Mr. Hals: stated the components have to be listed in the manual; there are no stormwater basins which were installed under the stormwater management rules; they were all installed prior to the rules being adopted; they are supposed to notify his office when they are cleaned and/or fixed, but they do not; this system will fall under the new requirement and they will have to actually notify the DPW Superintendent, who is the stormwater management

coordinator, and give the paperwork to him on a yearly basis; will be in the deed restriction.

Chairman Hanlon: asked if Mr. Hals had previous experience with this type of reporting.

Mr. Hals: stated yes; the biggest con is trying to get the paperwork to be filed by the people who do the work they are supposed to do; no one seems to do the cleaning and reporting; the good thing with the basin is it will be visible; it is above ground; this type of basin is the best one; it is visibly seen; out of sight out of mind does not work with this system.

Chairman Hanlon: asked, as an engineer, would Mr. Hals would have to get permission to go onto the property to inspect.

Mr. Hals: stated, driving by, it would not be seen; he would anticipate the homeowners are going to hire a landscape service and it would be nothing more than cutting the grass and some very minor stormwater maintenance.

Chairman Hanlon: asked if the DPW would then receive a report.

Mr. Hals: stated the 15 ft. easement is a private easement; the Borough would have the right to enter the property if it needs to be fixed and then the cost would be charged back to the homeowner.

No Board Members had questions for Mr. Hals.

Meeting opened to the public.

No members of the public came forward to ask questions of Mr. Hals.

Public portion closed.

Chairman Hanlon: stated additional items are needed from the applicant per the Borough Engineer; environmental situation; suggestion of the redesign of the trees; soil movement application to be updated; contact with the County.

Councilman Policastro: asked what the legal extent of architectural detail the Board could request of the applicant.

Mr. Cucchiara: stated it is not part of a subdivision application; many times there might be a proposal that includes architectural details; an applicant will sometimes give an idea, samples, photographs of what the homes will look like; ordinarily the applicant is only required to show the building footprint and that would satisfy the requirements of a subdivision application.

Mr. Bell: stated if a lot was sold and the owner wanted to change the design of the house, the applicant would have to come back before the Board; believes the Board would agree that the applicant has tried to iron out the previously

stated concerns; reduced density, reduced size of the conforming roadway; tried to work with the Board; the items which need to be addressed are relatively minor and can be submitted to the Board's professionals; asked the Board to consider making a decision on the application this evening, subject to those items; agree to submit the modifications requested.

Chairman Hanlon: stated this property has been subject of applications for almost 9 years; water issue is a key issue; the manual needs to be written correctly; no information has been submitted regarding the environmental issues on the property which was brought up several months ago; the Board has no information regarding the numerous tanks which were on the property.

Meeting opened to the public.

No members of the public came forward to give a statement regarding this application.

Public portion closed.

Mr. Inglima: stated there have been no answers regarding the 24 inch pipe; this is a serious question as to who is responsible for the pipe; we may never know what happened when the Alsters gave access to their property; the pipe does currently exist on the applicant's property

Mr. Hals: stated the pipe is the Borough's responsibility; it was transferred to the Borough.

Mr. Inglima: stated he is aware of 2 documents; easement recorded on 10/30/72; instrument which ran between Frank Alster and Dorothy Alster and Armco Construction Co Inc.; a drainage easement running across the applicant's land was granted to Armco; grants the right for Armco to use the easement for the purposes of constructing and maintaining drainage facilities; 15 ft. wide easement; subsequently there was an easement that was granted by Armco to the Borough of Ho-Ho-Kus.

Mr. Hals: stated that was the easement he was referring to.

Mr. Inglima (continued): this was recorded on 2/26/73; an easement for constructing, reconstructing and maintaining a storm drain, brook and or culvert over a portion of Lot 3, Block 94; described the 15 ft. easement; does not know if this instrument imposes an obligation on the part of the municipality to maintain the easement and pipe; Mr. Inglima's clients are not required to repair, install, replace or maintain the pipe; 100% of the flow winds up on his client's property; the holes and cracks are relevant because along the entire length of the pipe water is leaving the pipe, traveling over land and onto his client's property; it is contributing to an existing condition on his client's property which would not exist but for the defects in the pipe; the issue of the pipe should be resolved; secondary issue; the end of the pipe is open; there is

nothing to prevent the water from shooting across and damaging the banks of the swale, creating sediment and disrupting the flow of water through the pipe that his client installed on his property; question of whether or not the development will redirect the surface flow or intercept ground water and redirect them to the areas closest to Mr. Nye's property that currently exists today is a matter of concern; respectfully rely upon the offices of the Municipal Engineer, but there are no guarantees; very concerned about any indirection of service flow towards Mr. Nye's property; respectfully asked that the issues with respect to the existing pipe be resolved, with permanence, that the pipe be replaced, there be a suitable outflow protection, that would prevent further erosion of the swale; these are regional issues; issues of municipal concern; asked they be dealt with at this time rather than at a later date.

Mr. Bell: stated Mr. Inglima was correct when he said there are regional issues; the condition of the pipe is not necessarily an obligation of the applicant because his proposal does not affect it; they have agreed to repair the pipe; cannot agree to do something off site to change the conditions where the pipe ends; not the applicant's property; it implicates other agency approvals; Mr. Inglima's client wants this issue to be resolved with finality; doesn't believe it is fair to put that application on the applicant for water flowing through an easement on his property; the applicant is acting in a spirit of cooperation with the Board by agreeing to repair the pipe; to ask the applicant to go beyond that is unreasonable; there were numerous discussions with Mr. Inglima's client; engineers met at the site; unable to come to an agreement; beyond repairing the pipe there is not much more the applicant can do; correcting the part that is contained on the applicant's site.

Chairman Hanlon: stated the applicant's site is contributing water into the pipe right now.

Mr. Bell: stated that won't be the case once the pipe is repaired.

Chairman Hanlon: stated both Mr. Bell and Mr. Inglima have very important arguments; this issue has been a problem for many years; who owns the pipe, who is supposed to take care of it and now there is a possibility of an easement, which is not shown on the plans; the town may not even know they own the pipe; this has to be clarified; this is important for the future owner of lot 5.02; has serious concerns with the environmental issues on the property; the applicant has cleaned out the property; no way to know if the tanks/drums have been buried.

Mr. Richard Radici, owner of Wearimus Properties, LLC: sworn in by Mr. Cucchiara; stated since he purchased the property he has never seen any tanks or drums; they could have been there before he purchased the property; never saw a 550 gallon oil tank; never saw any pictures of tanks or drums on

the property; the oil tank might have been removed before he bought the property.

Mr. Hals: asked if Mr. Radici would agree to a sweep of the property to locate any tanks.

Mr. Radici: agreed.

Mr. Cucchiara: asked if a sweep was done when the property was purchased.

Mr. Radici: stated no; before the property was purchased, there was part of a tank in the house, but it was not there after the purchase.

Mr. Bell: stated it was not a standard sale; court ordered; part of litigation between the owner and others.

Meeting opened to the public.

**No members of the public came forward to ask questions of Mr. Radici.
Public portion closed.**

**Please note: a brief recess was taken at this time for Mr. Bell to confer with the applicant's engineer: 10:50PM
Meeting reconvened at 10:55PM**

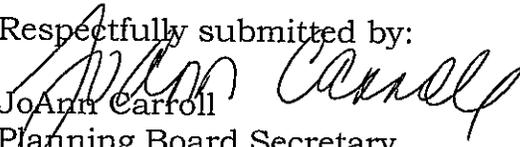
Brief discussion had regarding meeting dates. The next hearing for the application will take place on September 12, 2019.

Mr. Bell: granted the extension of time for the Board to make a decision through September 12, 2019.

Motion to Adjourn: Jones
Seconded by: Mayor Randall
All in Favor
None Opposed

Meeting adjourned at 11:00PM

Respectfully submitted by:


JoAnn Carroll
Planning Board Secretary
August 16, 2019