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September 18, 2024

Via Messenger Delivery

Planning Board
Township of West Orange
66 Main Street
West Orange, New Jersey 07052

Re: Application of TheWayMaker, LLC
40 Eagle Ridge Way
Block 106 Lot 20.03

Chairperson and Members of the Planning Board,

This firm represents TheWayMaker LLC, the owner of the above referenced property ("Owner").

PROPOSAL

In response to directives from the Township, this Major Site Plan Development Application is to propose a subsurface chamber infiltration basin in the rear yard to enhance the previously approved stormwater seepage pit detention system and to enlarge the surface area of collection for the yard. It also addresses the incomplete boulder wall in the rear yard and shows the landscaping. The performance of the permitted work caused more than an acre of property to be inadvertently disturbed by the construction equipment during the approved relocation of the stormwater seepage pits.

REASONS FOR RELIEF

The performance of permitted work installing the stormwater seepage pits inadvertently resulted in the disturbance of more than an acre. The proposed Stormwater Chamber System and Stormwater Management Report responds to the directive of the township engineer and the West Orange Ordinance for Stormwater Management. No variances are required for this Application.

BACKGROUND

Construction permits were issued on 9/29/21 & 10/14/22 for the construction of a pool and pool house respectively together with a stormwater seepage pit system approved by DPW on 3/6/2023 to collect the stormwater from impervious facilities on the property. During the

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excavation for the seepage pits in the initial 4/28/21 site plan location, the contractor encountered rock that precluded the installation of the designed seepage pit system. Testing was done by Matarazzo Engineering for permeability and a location in the yard was identified that could support the deep stormwater seepage pits.

Matarazzo Engineering prepared Plans and Drainage calculations based on the new location that tested with soil suitability. The Plans and Calculations were reviewed and approved by the West Orange DPW on 3/6/23. In reliance on the approved Plans and Drainage calculations, the Owner's site contractor, Grabowski, installed the approved storm water seepage system that consists of 10 concrete structures that are each six feet in height and three feet in diameter that are placed on 2 feet of crushed stone on the base soil. The structures are surrounded by crushed stone and topped by another two feet of stone and earth. The Matarazzo design considered collection of stormwater from the impermeable construction to be collected and piped directly into the stormwater system. The design included an overflow in the same area with the same rip rap construction as existed previously. That stormwater seepage pit system, as approved, was inspected during construction and approved.

During the installation of the approved stormwater seepage pits, the contractor uncovered a boulder wall and construction debris from the 2007-2009 original house construction that had dirt and weeds covering it. The contractor removed the debris and reconstructed the boulder wall. Rather than using shoring during the construction of the seepage pits, the contractor overbuilt the wall as a temporary support until the grading of the property adjacent to the pool and over the seepage pits was completed. Upon completion of the grading, the top boulders that were placed and not mortared would be removed. Prior to completing the grading and reducing the wall to the height shown on Matarazzo's plans, construction was stopped. There was a misunderstanding that: (1) the wall was new construction; and that (2) the wall was completed with all grading done.

As a result of the original excavation, the discovery of the boulder wall and construction debris removal, and the subsequent excavation for the approved deep stormwater seepage pits, more of the lot was disturbed than originally intended, and the original grading was disturbed and needed to be restored. At a meeting held on April 18, 2024 with the Township officials, the

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township engineer opined¹ for the first time that because of the extended construction activity, the construction had become a Major Development for which a Major Development Site Plan application must proceed. Notwithstanding a commitment to restore grades and bring the boulder wall into compliance, the township engineer asserted that the process requires a Major Development Site Plan, not an ultimate, good faith result, even though all work was permitted and inspected. A request for a waiver was denied and this Application proceeds to address that directive of the township engineer to file a Major Development Site Plan Application for a single family house.

THIS APPLICATION

As a Major Development, the State Regulations and West Orange Code requires additional stormwater collection which has been designed by Colliers Engineering to be placed underground in the rear yard. Certain drains from the impervious areas will be redirected to the new proposed system and a curtain drain has been designed to collect the surface stormwater. As a result of the proposed designs, the original grades on the property will not be completely restored. While the grading will be generally close to the pre-existing grades, in order for the curtain drain to be most effective, the grading has been modified for maximum collection.

Additionally, there is a pre-existing drainage ditch on the property that serves to transport stormwater from off-site sources on and abutting Eagle Ridge Way as well as the stormwater from the subject property adjacent to the ditch. The Owner maintains Lot 40 and keeps the ditch free of debris and replaced the two parallel clay pipes that were in disrepair with a single concrete elliptical pipe and at the recommendation of the HEPSCD, put riprap in the ditch to slow and control the water flow, even though the water does not originate on Lot 40. An outlet control chamber² is proposed to be installed at the start of the previously installed elliptical pipe and a scour hole will be placed at the outflow end of the elliptical pipe prior to the stormwater following its natural path over the mountain to follow the pre-existing drainage ditch that continues on other properties.

¹ This is the same township engineer that reviewed the Drainage and Grading Plan on March 6, 2023 that DPW approved and for which substantial work proceeded in reliance on that authorization, the inspections and approval. Said reviewed plan indicated the greater area of disturbance required for the new installation. In her review memo at that time, the engineer did not state that the project had now become a Major Development.

² As set forth in the details and calculations from Colliers Engineering, this outlet control chamber will actually reduce the outflow from the elliptical pipe to a level less than the outflow from the pre-existing twin clay pipes.

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Also, the aforementioned boulder wall in the rear of the yard will be modified to be in complete compliance with the West Orange Code § 25-8.4.

And finally, the entire driveway will be replaced with pervious pavers. This replacement together with the existing and proposed landscaping will eliminate stormwater shedding in the front of the property.

CONCLUSION

The construction of the pool and the pool house are complete, as is the installation of the 10-tank seepage pit system. This Application expands the collection of on-site stormwaters to include substantially all of the grassed and landscaped areas with a storm tech underground detention system. Substantial landscaping is included along the property line between 40 Eagle Ridge Way and 38 Eagle Ridge Way. This includes over 80 new trees that were not pre-existing. While contemplated, further landscaping at the ridge of the mountainside between the referenced properties cannot be planted due to the presence of invasive Trees of Heaven³ on the adjacent site that have become nesting areas for the spotted lantern flies. Immature landscape materials in this area will not be able to survive the presence of these bugs.

The Owner trusts that with the engineering and construction counsel for this Application, all efforts have been taken to be in full compliance with the directive of the township engineer to file a Major Development Application and comply with the West Orange Stormwater Management Ordinance.

Respectfully submitted,


PRISCILLA J. TRIOLO, ESQ.

PJT/alr

cc : TheWayMaker LLC (via electronic mail)

³ [Ord. No. 2846-24](#), the Tree Protection, Removal and Replacement Ordinance of the Township of West Orange, specifically, Section 4 b. 15 requires the homeowner to remove the invasive Tree of Heaven.