

Monica & Richard Cohn
40 Eagle Ridge Way
West Orange, NJ 07052

Mr & Mrs Kessler
29 Mountain Ave
West Orange, NJ 07052

January 12, 2025

Dear Andy & Jane

As we welcome a new year, Monica and I want to extend our wishes to you for a Happy and Healthy New Year. We also want to reaffirm our desire for amicable relations with all our neighbors.

We understand there have been ongoing concerns about stormwater runoff, and we believe some of the information you have received may not fully reflect the situation. For example, we took extensive measures to ensure that our pool and cabana additions did not cause any increase in runoff onto your property. When you visited in May 2022 to observe the construction, you saw the excavated soil stockpile that was used to create a temporary berm designed to contain stormwater during the excavation. In good construction practices, the berm was seeded to assure its stability. After completing the excavation and installing a township-approved 10-tank stormwater system, we began using the stockpiled material for backfill and restoring the original grade until the Town ordered a halt to the work.



Fig. 1. Temporary berm preventing stormwater from flowing down the mountain.



Fig. 2. Installation of 10 (double height) seepage tanks.

The stormwater system we installed was designed to manage runoff from our house and our new construction, accommodating even a 100-year storm. It was not intended to address runoff from Eagle Ridge Way or that originating upstream of us—from the Crystal Pointe Condominium—that flows down the drainage ditch between 40 and 42 ERW. The system installed is working as designed. This has been independently acknowledged by the HEP Soil Conservation District, whose inspections confirmed no runoff from our system contributed to the drainage ditch.

Janet Rekesius, District Manager memorialized this in an email to Chief Abbot on April 10, 2024:

On Apr 10, 2024, at 10:08 AM, Janet Rekesius <Janet@hepscd.org> wrote:

I will attend the 3pm meeting Friday. Please let me know where it will be held. I'll be happy to inform regarding what the HEPSCD can and cannot regulate.

It would be most helpful to have a copy of any plans showing the stormwater system in the ROW of Eagle Ridge Way – what area is contributing water from upstream, where it enters 40 Eagle Ridge, any easements, etc. We know it currently daylights on 40 Eagle Ridge via a concrete elliptical pipe, into riprap, before flowing downhill. I'd like more information on the upstream end.

The new infiltration system on 40 Eagle Ridge has an engineered outlet (emergency overflow) that is not the same as the elliptical pipe. HEPSCD has **not** observed overflow from the infiltration system during our inspections.

Janet Rekesius
District Manager

Fig. 3. Email from HEPSCD produced in OPRA response.

The increase of runoff from the drainage ditch could be due for many factors, but the installation of the pool and cabana was not one of them.

Unfortunately, efforts to collaborate with the Township and their representatives, particularly Mr. Trenk, have not been constructive. Instead of fostering cooperation, there has been a pattern of

adversarial actions that have hindered resolution. While we remain committed to addressing any issues within our control, the runoff from upstream properties remains beyond our control or responsibility. As a downhill property owner, I cannot be responsible for what is caused by run-off from properties above me.

Despite these challenges, we have undertaken additional measures, including engaging multiple engineers to review the situation, all of whom concur that the stormwater flow is an effect of the amount of runoff from the street and the condominium. This has resulted in substantial financial and time investments on our part. I finally retained Collier's Engineering to do a site plan for my property (which is very expensive and will collect the runoff from my backyard lawn and overflow to the pre-existing seepage pits that were already designed to collect all impervious). The work proposed on the Site Plan will not change or capture the runoff originating upstream and flowing down the drainage ditch, nor are we responsible to do so. Colliers also developed a mitigation strategy that should have been done by the condominium or the Township Back in July, Colliers fully designed an outflow control structure with a scour hole to be placed at the end of the ditch before the stormwater continues its path over the side of the mountain. Richard Trenk instructed the Township engineer to dismiss this proposed interim measure without consideration. Since we are under a Stop Work Order, this control structure was never installed.

We were willing to explore alternative solutions that would address this runoff that involved the cooperation of all parties, including the Township, Crystal Pointe and Llewelyn Park but were rebuffed by Richard Trenk who apparently wanted us to solve Llewelyn Park's pre-existing and long running drainage issues which is a ridiculous posture. The land use law is well settled in this area. Even HEPSCD was trying to find such a solution on the upstream source of the runoff into the ditch (See Fig. 3. Above).

No one from the Township expressed any interest in exploring the true source of the water flowing down to your property or developing a real global solution; or they were instructed not to, thinking that they could force us to resolve the issues belonging to other property owners. The cost for an engineering analysis of the condominium property and the street, together with the municipal catch basins and municipal structures would be astronomical, and any remedial work would have to be performed on the condominium property. The thought process that this could be visited on a property owner just because we improved our property, unrelated to the pre-existing offsite condition is ludicrous. Nevertheless, while not required to do any work on the stormwater flowing down the ditch, we instructed Colliers to include this previously refused outflow structure on the Site Plan to demonstrate our commitment to be a participant in a good faith resolution of the problem.

We hope to move forward constructively. We are willing to meet and review our plans with you to ensure clarity and address any concerns you may have.

Regarding Trees of Heaven (TOH):

During the past summer, we noticed significant activity from Spotted Lanternflies (SLF) on your property, particularly around several large Trees of Heaven. We eliminated those bugs that migrated on the rear of our property to the best of our ability. These invasive trees are known to attract and support nesting of SLFs and harm native species. According to the Town's Tree Ordinance, they require removal. [West Orange Tree Ordinance](#)

We are happy to facilitate access to your property from ours to assist your contractors with this work, provided removal is managed responsibly to avoid relocating active nests to our property or damage to our recently landscaped yard. Please note that our new lawn and additional landscaping is scheduled to be installed by the end of March/beginning of April, closing the window for access from our property.

We trust you will understand the urgency and necessity of this matter and look forward to cooperating with you in the spirit of neighborliness.

Below are pics I took from our side of the property line showing the swarms of the SLF on the Trees of Heaven located on your property. There are now larvae hibernating on these trees which require specialized handling to ensure they are neutralized and fully removed with the trees. While we are more than happy to allow your tree removal experts access your property from our back yard, the trees and SLF Larvae will need to be felled and brought down the mountain and disposed of from your property and not traversed across our property. We have already spent substantial monies landscaping phase I of our backyard, and the young specimens will be susceptible to new TOH and SLF that would take root if your removal crosses our property.

We expect our enhanced stormwater plan to be approved by the Planning Board in January and the installation to begin shortly thereafter with the work to be completed by end of March/early April and a new lawn and additional landscaping to be installed immediately thereafter.

Please call us to set up our meeting to review and coordinate this work to assist your compliance with the Township codes and give us a chance to review our Site Plan so that you can understand the work we have undertaken and the additional work we propose. 2024 was a year of strife and we believe major misunderstandings. We are hoping that we can put that behind us and start 2025 with a renewed relationship of friendship.

Looking forward to hearing from you.

Warm regards,

Richard Cohn

