

**DRAFT
MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
January 22, 2025 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on January 22, 2025 at 7:30 P.M. via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 7:30 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

- *Chairman Bagoff* requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

- The next Planning Board special meeting will be held **Wednesday, January 29, 2025 at 6:30 P.M in person.**
- The next Planning Board regular meeting will be held **Wednesday, February 5, 2025 at 7:30 P.M via Zoom.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. Ken Alper; Mr. John Cardoza; Mr. William Wilkes; Mr. Lee Klein; Mr. Christopher Morgan, Sr.; Mayor Susan McCartney; Council president Bill Rutherford; Ms. Lori Kapferer

ABSENT: Mr. Peter Smeraldo;

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Gerry Haizel, Consulting Town Planner;
Phil Scott, Board Engineer;
Zayibeth Carballo, Town Engineer
Jamilet Baquerizo Vite, Planning Board Secretary

SWEARING IN

- The Township Professional(s) sworn in.

APPLICATIONS

- **PB-24-19 TheWayMaker LLC**

Block: 106 Lot: 20.03 Zone: R-1

40 Eagle Ridge Way

The applicant, TheWayMaker, LLC, proposes to undertake site work on a lot with an existing one-family dwelling. The proposed site work includes the installation of a subsurface chamber infiltration basin in the rear yard, as an enhancement to a previously approved stormwater seepage pit detention system.

PRESENTATION

- The attorney, Priscilla Triolo, on the behalf of the applicant states they are making a presentation solely with regard to storm water management for the single-family home at 40 Eagle Ridge Way
- They have previously submitted to the board an application, a letter of explanation, surveys, as well as a storm water management report and a major site plan development plan. Both reports and plans have been provided by Collier's Design and Engineering.
- The details of the storm water system that Collier's designed and to that end they have the signatory of the storm water report and the signatory on the plan, the engineer provided.
- The owner of the property is an LLC and the manager of the LLC, Richard Cohn, will inform the board concerning the occupancy of the property, some of the property's properties to orient the board towards the project and how everything has developed on his property.
- The applicant is interested in getting the project underway as soon as the board is satisfied that the proposed plan meets the requirements of the storm water management code provisions of the township of West Orange.
- The manager, Richard Cohn, entered on the record and he was sworn under oath. He testified to the following:
- Mr. Cohn moved to West Orange in 1997. He and his wife, Monica, raised 3 sons here.
- His middle son, Jordan, has been classified on the Autistic spectrum and received special education services since kindergarten through his high school graduation from West Orange High School.
- Jordan has always been physically active and enjoyed the numerous recreation activities afforded by living in Eagle Ridge, including, tennis, outdoor and indoor swimming pools, playgrounds, racquet ball courts, and rollerblading.
- In February 2020, Jordan represented West Orange in the New Jersey Special Olympics Winter Games in Mountain Creek and won 2 gold medals in Alpine Skiing.
- The town recognized his achievements and awarded a proclamation. Unfortunately, the pandemic and the lockdown prevented the in-person presentation of the proclamation.
- The pandemic had additional adverse impacts on Jordan. The association that runs Eagle Ridge closed the indoor and outdoor pools, the outdoor playground, and all the recreational areas strongly discouraged any outdoor activities.
- Mr. Cohn and his wife considered a move but they loved living in West Orange and limited their search of a new home in West Orange.
- They wanted to purchase a house that had a pool or there was no prohibition in putting in a pool. It's their intention to use the pool all year round.
- His broker showed them this house on 40 Eagle Ridge Way, a private secluded road. The

house had a big backyard that gently sloped from the back of the house to the eastern edge of the property, which then steeply dropped into Llewellyn Park.

- The backyard would be ideal for a new swimming pool for recreational activities.
- Mr. Cohn and his family moved into the house in May of 2021.
- They started planning and designing the pool and the pool house.
- His objective has always been to build a pool and pool house for his family and be in compliance with all ordinances.
- Mr. Cohn hired engineers, architects, and licensed contractors, and obtained permits.
- After moving in, they retained a licensed landscape architect, Brian Stratton, also known as the pool artist to design the pool.
- While they knew they wanted a cabana, their primary emphasis and focus was on the pool.
- They followed the drawings and the site plans in 2021 and obtained the building permit to commence construction.
- Their property lies on bedrock and they needed an experienced site contractor to properly perform the excavation for the pool and future pool house and they were referred to Grabowski Construction Corp, a 3-generation local business based in West Orange, who were familiar with their property and the neighboring environments.
- The excavation took approximately a year from the summer of 2021 to the summer of 2022.
- While excavating they created a temporary berm about 5 to 10 feet from the eastern edge and seated it which then acted like a moat preventing any water from the excavation construction from going down the mountain and into Llewellyn Park.
- During the excavation and clearing off underbrush, Grabowski uncovered a historical pathway, likely from the Lenape tribe, leading up from Llewellyn Park and proceeding northward to the top of 40's backyard and continuing northward to 38 Eagle Ridge Way.
- There was also uncovered boulders creating a support for this path that would mesh together.
- During this excavation, they were working with a licensed architect to develop the plans for the pool house.
- Given the elevation levels of the lower level of the pool house and along with the amount of bedrock, it became clear that the original location of seepage tanks as set forth in the landscape architect site pans was not going to work.
- They retained professional engineers to review and design a storm water plan to meet their needs and to prevent runoff from their site.
- The WayMaker retained Matarazzo Engineering to review and design a storm water system along with drainage and grading plans.
- Mr. Cohn instructed Matarazzo to overdesign the system to ensure both the drainage will work no mater how hard a storm would happen and arrest the runoff from their improvements.
- In early March of 2023, they submitted to the township the Matarazzo Design Storm Water System Drainage and Grading Plans. The submission was reviewed by Municipal Engineer Zayibeth Carballo.
- A couple of days later, they received a red stamped builder copy and was released to their contractor. The approved plans were given to Grabowski.
- Mr. Cohn stated that it's important to know that no one said at that time that they have and will disturb more than an acre and will have to make an additional submission.
- Grabowski spent the next 7 months following the Matarazzo approved plans and installed

a 10-tank seepage pit and tied in the installed drain lines from the simultaneously construction of the pool house and the pool.

- West Orange DPW reviewed, inspected and approved the installed seepage pit.
- While clearing the underbrush, Grabowski uncovered a rudimentary boulder wall that was not previously visible.
- In order to install the approved seepage tanks in the location set forth in the Matarazzo plans, Grabowski first had to move aside this prior boulder wall about 14 feet offsite from the eastern property line in order to have his heavy equipment stabilized to lift and install the seepage tanks.
- After they were installed, Grabowski began to restore the boulder wall in a secure fashion with the intent that it would be no higher than 4 feet at its highest and most of the height would be 2-4 feet.
- The currently higher boulder wall was temporarily showing necessary to keep in place and stabilize the newly installed seepage tanks,
- The pool that has been installed has an infinity edge looking eastward and it would defeat the purpose of an infinity edge if any portion of the boulder wall was in the view quarters looking east over the infinity edge.
- Had the township not ordered work on the boulder wall to stop in December 2023 and Grabowski been allowed to complete his work, the finished boulder wall would be in only a small section, 4 feet high, with the great majority of it running from 1 ½ to 4 feet.
- Mr. Cohn would defer to the engineers from Colliers to describe the current plan to reduce the height of the boulder wall to even smaller heights utilizing a 2-tier system.
- There was no stop work order on the pool and the pool house and work continued. Numerous inspections were made and approved. Work has been completed and is awaiting final inspections.
- When they moved to 40 Eagle Ridge Way, there was a pre-existing drainage ditch running between 40 and 42 Eagle Ridge Way and at the eastern end back of the property it made a 45-degree left turn and then flew over the mountain into Llewellyn Park.
- At the end of the ditch, right before it flies over the mountain, there were 2 round circular clay pipes that outflowed at the top of the mountain onto 29 Mountain Ave in Llewellyn Park
- Water enters the drainage ditch upstream on Eagle Ridge Way from multiple sources.
- Directly across from 40 and 42 Eagle Ridge Way is a wooded parcel owned by the Crystal Point Condominium Association that collects runoff from upstream townhomes that are part of the Crystal Point Condominium Association.
- There is a ditch within that wooden parcel with an outflow HPE pipe that originates in the Crystal Point parcel and goes underneath Eagle Ridge Way and daylights on 40 Eagle Ridge Way side into the drainage ditch.
- In addition, at the same point of daylight in the drainage ditch, there's a concrete pipe that runs from the storm water drainage that flows southward along Eagle Ridge Way from Boland Drive approx. 400 feet away.
- There's another wooden parcel owned by Crystal Point opposite 38 Eagle Ridge Way and has its own HPE pipe from that wooden parcel into the storm water basin drain on Eagle Ridge Way that then flows south into the drainage ditch that then proceeds east and ultimately down into Llewellyn Park.
- Since moving in May 2021, Mr. Cohn personally observed that during storms both wooden parcels would overflow and flood Eagle Ridge Road and would take days before the water rescinded and flow down the drainage ditch.
- The flooding in the Crystal Point parcels rotted out the roots of some trees and last year a

fallen tree narrowly missed his son walking by, by seconds.

- The Crystal Point Association then removed the rotten trees and cleaned out the debris and leaves in the ditch leading to those pipes that go under Eagle Ridge Way from their parcel and since then Eagle Ridge Way has not flooded.
- In November of 2023, Hudson Essex Passaic Soil Conservation District (HEPSCD) inspectors made several visits to the site and directed their project manager to cause the drainage ditch to be cleared of debris and rip rap added to the ditch
- The SCD issued a deficiency notice memorializing this directive.
- Mr. Cohn then directed Grabowski to clean the debris and add rip rap which was done in December 2023.
- As Grabowski cleaned the ditch moving from the front of 40 Eagle Ridge Way to the back, that is west to east, he came across the twin 12-inch pipes that were there historically at the eastern of the ditch before it headed down the mountain.
- These pipes were severely damaged in multiple areas where water flowed through them, under them, and around them.
- Grabowski took the SCD direction to clean debris to include replacing the broken pipes which was down with a new 36 concrete elliptical pipe.
- The use of an elliptical pipe was so that instead of water gushing out of circular 12-inch pipes like a fire hose, it would come out slower mitigating any erosion.
- With the Crystal Point cleaning out their parcels and the SCD direction to clean out the ditch, install rip rap, and replacement of the damaged pipes, the upstream water from Crystal Point and Eagle Ridge Way along with increase drain of flowing down the drainage ditch without the previous impediments.
- Also, there is a tributary path flowing south to north into the replacement concrete pipe from the narrow Llewellyn Park parcel that runs at the top of the mountain behind 42 Eagle Ridge Way and then down into Llewellyn Park.
- What has been repeatedly inspected and confirmed by SCD in writing is “HEPSCD has not observed overflow from the infiltration system during our inspection.”
- The newly installed seepage system is working as intended and no water, even during storms, have been observed coming from the emergency overflow located 50 feet north of the replacement concrete pipes outflow.
- Notwithstanding that the township approved and inspected the functioning seepage tank system and none of the approved work, the pool house and the pool, was causing runoff into the ditch.
- As an interim measure, while Colliers was developing the major site development storm water plans, over the past summer, Colliers proposed to install an output flow control system that would turn the 36-inch concrete elliptical pipe into a twin 10 inch, thereby slowing the flow of water down the ditch.
- The town rejected this proposal and directed Colliers to continue working on the major site plan.

BOARD QUESTIONS

- Mayor McCartney asked about the infinity pool at the edge of the eastern part of the property, would the steep slope ordinance take effect with the pool. Mr. Cohn said the pool is not at the edge of the property, there is approx. 100 feet from the infinity edge to the eastern edge of the property.
- Mr. Alper asked is the boulder wall temporary. Mr. Cohn said the currently existing boulder wall is supposed to be temporary. It acts as temporary ensuring to install the approved seepage tanks. Under the new proposed plan, it is going to be reduced in size by

making it 2 tiers.

- Mr. Alper asked what is the current height. Mr. Cohn said the current height ranges anywhere from 1 ½ feet to 10 feet at its highest. One of the reasons it's 10 feet at its highest because on the other side, the downhill side, Grabowski had to level the path in order to put his equipment to install the seepage tanks.
- Ms. Kapferer asked have you received complaints from the property owner at 29 Mountain Ave in Llewellyn Park. Mr. Cohn said yes.
- Ms. Kapferer asked do you know if the complaints are related to the 36-inch pipe. Mr. Cohn said he can't pinpoint what the complaint relates to but he does know that the complaint is related to water coming down. He did reach out to the neighbors and have proposed an outflow control structure that will reduce the flow of the water in that ditch.
- Ms. Kapferer asked can you describe the seepage system that was already installed. Mr. Cohn showed an image of the installation of approved drainage system.
- Chairman Bagoff asked did you have any direct communication with Crystal Point about where the water originates or the pipe. Mr. Cohn said yes, when the tree almost fell on his son, he spoke with the president of the condo association about the rotted trees and within days they cut down the rotten trees as well as cleaned out the ditch and wooden parcel and cleaned the debris and that stopped the flooding of the street.
- Chairman Bagoff asked do you know where the water starts that it eventually flows under your property going towards Llewellyn Park. Mr. Cohn said yes.
- Chairman Bagoff asked would it be your intention somewhere along the line, if possible, to mitigate this so it doesn't flow through your property. Mr. Cohn said he spoke with Council President Rutherford and he came out and saw what was happening and would advocate for global resolution that would involve Crystal Point, Mr. Cohn, Llewellyn Park, and the town and Mr. Cohn was willing to do that then and he is willing to do that now.

NO PROFESSIONALS QUESTIONS

OBJECTOR'S ATTORNEY QUESTIONS

- The attorney, Robert Simon, on behalf of Llewellyn Park asked was the information from your notes submitted to the board as part of this application. Mr. Cohn said he would have to ask his attorney exactly what was submitted.
- Mr. Simon asked are you familiar with the title commitment or title search for this property. Mr. Cohn said yes when it was purchased.
- Mr. Simon asked do you recall any drainage easement or related easement encumbered your property that are of record. Mr. Cohn said his only recollection is that the original survey or a copy indicated the drainage ditch that runs between 40 and 42.
- Mr. Simon asked are you aware as to whether Omland and Osterkorn prepared a survey at your direction dated approximately May 2024. Mr. Cohn said he is aware that they prepared a survey but he doesn't know if it was at his direction.
- Mr. Simon asked are you aware whether Robert Engineering Group prepared a survey for 40 Eagle Ridge Way dated approximately February of 2021. Mr. Cohn said yes this was when they purchasing the property or shortly after that.
- Mr. Simon asked the drainage ditch that Mr. Cohn has referred to, is that a ditch that runs approximately along the western side of the property between 40 and 42 Eagle Ridge Way. Mr. Cohn said yes.
- Mr. Simon asked do you know why on the 2021 Robert survey; the drainage ditch is located in a different location mostly on 42 Eagle Ridge Way while the Omland and

Osterkorn survey from 2024 shows the drainage ditch as essentially abutting 40 and 42 Eagle Ridge Way. Mr. Cohn said from his understanding that the ditch always ran between 40 and 42.

- Mr. Simon asked with regard to the 36-inch pipe, do you know when that pipe was first installed. Mr. Cohn said he believes it was installed shortly after SCD inspected in November of 2023.
- Mr. Simon asked were there any approvals or certificates issued by any government agency. Mr. Cohn said to his knowledge it was a replacement for the pre-existing circular pipes and he believes it was directed by SCD to show that pipe on an updated SCD drawing.
- Mr. Simon asked are you aware that the pipe has been discharging water at a regular rate as recently as this past week during these below freezing temperature. Mr. Cohn said as about 4 hours ago, a bunch of trucks came down 40 Eagle Ridge Way and apparently there is a water main break in the Crystal Point parcel opposite 40 and 42 that goes right into that ditch.
- Mr. Simon asked have residents of Llewellyn Park raised concerns to you regarding water runoff from your property. Mr. Cohn said just one resident communicated that with him.
- Mr. Simon asked have you asked your engineer about these complaints. Mr. Cohn said he doesn't recall asking his engineer, he did ask Grabowski. He also spoke to the senior inspector from SCD and they saw the water going at a pretty good clip going down the drainage ditch and also the emergency outflow to the seepage tank system that was dry and that nothing was coming out of that. SCD also said the system is working as intended, the water that is going down the mountain is not coming from what they installed.
- Mr. Simon asked in connection with your construction, do you recall how many mature trees were removed from the property. Mr. Cohn said there was 2 dead and dying trees at the front of 40 near the border of 38. He applied for permits from the town, he received them, and hired a licensed tree contractor to remove those 2 trees.
- Mr. Simon asked when you talked to Mr. Grabowski or any of the engineers, was there any discussion about steep slope disturbance on the property. Mr. Cohn said there was no discussion about steep slope. The steep slope starts from the boundary line between 40 and 29 Mountain Ave.
- Mr. Simon asked if he knew whether the engineers performed a steep slope analysis. Mr. Cohn said he doesn't know if the engineers did. He believes when they initially applied for the pool permit in 2021, they provided a steep slope analysis.
- Michael DeCheser at 35 Mountain Ave asked when the trees were removed along the property line, how many trees were removed and did he have permits to remove those trees. Mr. Cohn said he didn't remove any trees between 40 Eagle Ridge Way or 29 Mountain Ave; the trees he was referencing to that he had permits for was between 40 and 38 closes to the middle.
- Mr. Simon asked did you or your contractors perform excavation within the steep slope area you described earlier in your testimony. Mr. Cohn said not his knowledge.
- Mr. Simon asked was there any blasting performed within the steep slope area. Mr. Cohn said no.
- Mr. Simon asked do you know whether putting down sod is identified anywhere on the site plan. Mr. Cohn said he believes it is listed in the lawn section of the plan that Collier's submitted.
- Mr. Simon asked in those areas where you claim that the Collier's plan shows lawn, what

was there prior to the construction activity on the site, was it underbrush. Mr. Cohn said it was lawn.

- Mr. Simon asked is your testimony that where you intend to put down sod or lawn was all formerly lawn prior to the construction activity for your pool and pool house. Mr. Cohn said yes.
- Mr. Simon asked was there any other underbrushes you described on your property that was removed in connection to construction activity. Mr. Cohn said not that he is aware of.
- Mr. Simon asked with regard to the elliptical pipe, are you aware that based on the Collier's plan, it appears that the pipe bisects lot 11 which is owned by Llewellyn Park. Mr. Cohn said I didn't think it's on the property.
- Mr. Simon asked is the pipe on 42 Eagle Ridge Way. Mr. Cohn said he doesn't think so.
- Mr. Simon asked the drainage ditch rip rap, was that installation partially on 42 Eagle Ridge Way. Mr. Cohn said he doesn't believe so.

PUBLIC QUESTIONS

- Michael DeCheser asked, how many trees were removed. Mr. Cohn said 2.
- Michael DeCheser asked, the property line joining the Kessler's, it seems like that whole line was lowered a certain degree, can you talk about that. Mr. Cohn said there was a little bit of misunderstanding by the Kessler's that he tried to clear up recently. Mr. Grabowski took steps that before a new storm water system was put in and was doing the excavation to prevent water from running down the mountain and going into Llewellyn Park, he created a berm about 10 feet before that property line between the Kessler's and 40 Eagle Ridge Way. When the 10-tank system was installed, the berm was removed, so looking from your perspective and if you were looking for a year at a 10 feet high berm and now it's gone, it is understandable that from that perspective the line was changed.
- Michael DeCheser asked, did you deviate from the existing plan that you originally got to do the construction and related work. Mr. Cohn said Grabowski was following the Matarazzo approved plans that were approved in March of 2023 and to his knowledge there was no deviation.
- Ryan Shinman from 45 Mountain Ave asked, did you realize that the trees that were cut down since you moved in have fallen over onto 45 Mountain Ave's property probably more than 10 to 15 trees from your property falling onto my property. Mr. Cohn said to his knowledge 45 Mountain Ave is behind 42 Eagle Ridge Way and before you get to 45 there is a strip of property owned by the trustees of Llewellyn Park and no trees to his knowledge were knocked down to the property of 45 Mountain Ave.
- Ryan Shinman asked, did you realize that the water runoff from the construction has flooded all the way down the mountain to my basement. Mr. Cohn said he is unaware of the water situation.
- Ryan Shinman asked, did anyone from Llewellyn Park inquire about using dynamite or explosives blasting on the property that would cause rocks to fall on both Mr. Kessler's and my property. Mr. Cohn said he is not aware of any damage that was caused. He is aware that Grabowski obtained any permits required. He was told by Grabowski that it was not dynamite; it was another type of explosive that is used for excavations and contained. He is also aware of putting seismograph adjacent to the property to measure the impact of any blasting and this is the first he is hearing about any impact to any property from any blasting.
- Ryan Shinman asked, are you aware of any damage to pipes from blasting. Mr. Cohn said no he is not aware.
- Andy Kessler at 29 Mountain Ave asked, when you began the work on your project, did

you work all the way up to where our property line meets between your property and mine at the peak of the mountain. Mr. Cohn said one of the things that Grabowski suggested was to put a fence on the property line and it was to prevent any runoff to the other property so if it was a few inches over, it was done to protect Mr. Kessler's property. The work that was done was for the installation of the seepage tanks and that work was ten to 15 feet offset west of the property line.

- Andy Kessler asked, did you remove all the underbrush from your property line at the peak of the mountain going towards your house. Mr. Cohn said yes.
- Andy Kessler asked, you indicated that you were aware that water was going down the mountain at 29 prior to doing your project, is that correct. Mr. Cohn said yes to his understanding.
- Andy Kessler asked, how did you know that, did you observe that. Mr. Cohn said yes, he observed it before the work was started.
- Andy Kessler asked, are you aware that prior to your project, water has never flowed down the mountain. Mr. Cohn said he is not aware of that.
- Andy Kessler asked, during the excavation portion of this construction, was there more water going down the mountain. Mr. Cohn said there was no more water going down during the excavation.
- Andy Kessler asked, didn't the water start going down the mountain once you removed all the shrubbery and growth that was protecting the mountain from having the water go down. Mr. Cohn said there was an 8 to 10 foot berm that was stopping the water from going down the mountain.
- Andy Kessler asked. the wall that was built, how close was it to the peak of the mountain. Mr. Cohn said he is not sure what he means by the peak of the mountain but it is 15 feet away from Mr. Kessler's property line.
- Andy Kessler asked, isn't that a violation of the steep slope ordinance that you built a wall 15 feet from the peak. Mr. Cohn said from his understanding is that it's temporary and that it is in full compliance with the ordinance.
- Jerry Sweeny asked. is the 36-inch elliptical pipe located on the property 40 Eagle Ridge Way. Mr. Cohn said yes.
- Jerry Sweeny asked, was that installed by Grabowski by your request. Mr. Cohn said they got the SCD directive to clean the debris out of the ditch and install rip rap. Grabowski got to the easterly end and saw the broken pipe; he decided to replace the broken circular pipe with the elliptical pipe. Grabowski explained to him that elliptical pipe is more environmentally sensitive and slows velocity and Mr. Cohn believed it was a good idea.
- Jerry Sweeny asked, was that part of a storm water management plan. Mr. Cohn said it was installed because of the directive from the SCD to cleanup the debris in the ditch and install the rip rap and he took that directive with the broken pipe to replace the broken pipes.
- Jerry Sweeny asked, did the SCD order that the pipe be replaced. Mr. Cohn said no they did not specifically order it. The directive was about removing debris and that's the way Grabowski interpreted it and when SCD came and saw it, they said add it to the SCD plan.
- Jerry Sweeny asked, what does the 36-inch elliptical pipe connect to. Mr. Cohn said on the south end, the drainage ditch that originates from the Crystal Point wooden parcel and goes under Eagle Ridge Way and then daylights at 40 Eagle Ridge Way, water flows down there. Water also flows from all the storm basins on Eagle Ridge Way, which is fed by water run off on Eagle Ridge Way as well as water running off from high points of Crystal Point. This goes into the drainage ditch and as it goes eastward towards Llewellyn

Park. There is tributary from the ten 15-foot-wide slabs of land owned by the trustees of Llewellyn Park and is pitched into the same drainage ditch and both water sources funnel into the inflow of the elliptical pipe and it outflows on the top of 29 Mountain where the two pre-existing 12-inch clay pipes historically outflowed.

- Jerry Sweeny asked, are you part of the condo's association. Mr. Cohn said he is not.
- Jerry Sweeny asked, did anyone consult with Crystal Point about the installation of the elliptical pipe. Mr. Cohn said no, the elliptical pipe was on my property and Grabowski was doing that from the direction of the SCD.
- Jerry Sweeny asked, was Grabowski the contractor to perform all the major construction including the storm water management construction on 40 Eagle Ridge Way. Mr. Cohn said they were the site contractors; they did all the site work and the storm water work. Upon the approval of the board, Mr. Cohn intends to utilize them to install the improvements to the storm water system.

GENERAL DISCUSSION

PRESENTATION

- The professional engineer, Jesse Cokeley, entered on the record, he was sworn under oath, and his credential were accepted by the board. He testified to the following:
- The property is 2.07 acres in size and was previously reviewed and approved as a minor development to construct the pool and pool house.
- During construction, more than 1 acre of land was disturbed thus qualifying the development as a major site plan under the township storm water management regulations.
- The plans and reports that have been referenced before have been submitted to the board and outlined the existing and proposed conditions for the site as well as the construction of the storm water management system to bring the site into compliance as a major development.
- The existing site contains the singular family dwelling with an asphalt driveway, also the in-ground pool and pool house.
- Generally, the site drains from west to east away from Eagle Ridge Road.
- On the site plan page 4 of 8, Grading and Drainage Plan, the darker lines represent the proposed improvements, the light gray lines represent the existing conditions from when the project was triggered as a major development.
- Under proposed conditions, the site would generally mimic the existing drainage pattern from west to east, however, the majority of the development and improvements will be captured and routed through subsurface basin to attenuate peak flow.
- There is a previously installed dry well system part of the reviewed and approved minor development.
- Under the township storm water regulations, a minor development is only required to capture and treat 3 inches of rain fall runoff so the 10-tank system designed by Matarazzo was designed for the 3 inches of rain fall for the pool, house, and pool house.
- The design and details of the system was previously approved and included in outflow pipe downstream of the boulder wall.
- As part of the major site plan application, it includes a series of pipes, drain inlets, and manholes to be installed to convey storm water runoff from the house, the pool house, and surrounding lawn area to the proposed subsurface infiltration basin.
- The major development of the town storm water requirements required the applicant to design the system to attenuate peak flows per DEP storm water regulations for the 2 year,

10 years, and 100-year storm event, provide water quality mitigation, and ground water recharge requirements. Hence the need for the additional storm water system.

- Additionally, the applicant is proposing to demolish and replace the exiting asphalt driveway with pervious pavers.
- The void space of the subsurface stone provides additional storm water storage capacity.
- The applicant is also proposing to construct a scour hole at the terminus of the 36-inch covert in the south east corner of the site along with the outlet control structure on the pipe.
- There is also a 2-foot-wide curtain drain proposed at the perimeter of the flatter lawn area to promote infiltration.
- The calculations for the sizing of the scour hole including the outflow from the dry well system shall be added to the report as requested by Matrix in their January 8th review letter.
- Together the measures bring the site into compliance with the required storm water regulations.
- As the driveway is reducing the motor vehicle surface and providing porous pavement and a slight reduction from the existing configuration, the water quality requirement is met.
- Through proposed infiltration practices, the site is designed to maintain 100% of the average annual ground water recharge vine.
- As can be seen on page 3 of the Storm Water Report, the proposed practices are designed to meet and/or exceed the required peak runoff reduction for the 2, 10, and 100-year storm events.
- The storm water report includes the modeling and mapping used to calculate and demonstrate the compliance as just outlined.
- Matrix's January 8th letter includes some minor technical comments about the drainage report which they can state they have no issue in addressing as a conditional approval should the board sees fit.
- Soil movement calculations shall be added to the plans and a permit shall be sought from HEPSCD.
- They do not intend to remove any additional trees.
- The plans also propose the construction of a tier boulder wall in the rear of the property.
- On page 3, the layout plan, you can see the grayer wall is under construction, that is the wall as it is today. They are proposing to add a second wall stepped back hence the term tier to reduce the overall height of the wall.
- On page 4, the grading plans, identified at the north end, the wall is non-existent, not even a foot high and as it progresses south, the wall gets to a height of about 2 ½ feet and that will be the height of the existing wall and then there shall be a little bit of grading in between to the next wall which will also have a maximum height of 2 ½ feet at its highest point.
- The distance between the two proposed tiers is about 4 to 5 feet.
- Mr. Cokeley's office can supply the requested details and supported calculations from a licensed structural PE requested by Matrix as a condition of final approval should the board sees fit.
- On page 2, the existing condition of the driveway has a little bit of inconsistent edge on some spots and flares out whereas on page 3, you can see it is a smoother curve and that allows for a reduction on the pervious surface overall.
- Once the system is approved by the board, then they will generate the storm water

management manual to match the system that is approved by the board. It would include inspection and maintenance, recommendations by the manufacture and then it would also designate responsible parties, how frequent the inspections would be, and then what steps for any maintenance that is required.

BOARD QUESTIONS

- Ms. Kapferer asked regarding the chamber system, is that designed to infiltrate storm water. Mr. Cokeley said yes.
- Ms. Kapferer asked can you confirm that at this point no geo technical analysis has been performed. Mr. Cokeley said yes that is correct.
- Ms. Kapferer asked in regard of the soil survey for the area, did it list a depth to bedrock. Mr. Cokeley said he does not recall that aspect of it.
- Ms. Kapferer asked has there been any thought if the soil testing comes back and indicates there's an issue with bedrock and the soil can't infiltrate the water, is there feasibility for another system to be installed instead. Mr. Cokeley said if they were to get 0 infiltration rate, it would put them in a different class because then they would have not to meet infiltration pre infrastructure requirement so they would look into a different practice. They are optimistic they will obtain reasonable infiltration rates.
- Ms. Kapferer asked regarding the seepage tank system, is there any concerns about the positioning of the wall right next to the seepage system. Mr. Cokeley said one of Mr. Scott's comments was stability analysis which takes into account the uphill influences of the wall so that would have to be part of that calculation.
- Mr. Klein asked when you designed your drainage system, did you design it based on the pervious pavers. Mr. Cokeley said yes.
- Mr. Klein asked do you have any excess capacity to pick up any of the water that is coming off of Eagle Ridge Way. Mr. Cokeley said he doesn't believe so. The system they designed for the site includes the porous pavers and that allows them to hit those reductions required by the state. If they would take more on, the system would have to be revised.
- Mr. Klein asked if the seepage tanks overflow, is it going to act if it's going down the hill. Mr. Cokeley said they are going to add an outfall pipe to the plan, extend it, and bring it to the scour hole.
- Mr. Klein asked what happens when it gets to the scour hole, will it continue to the neighbor's property. Mr. Cokeley said yes.
- Mr. Klein asked will that be better or the same. Mr. Cokeley said that the entire flow after everything is installed will be reduced.
- Mr. Klein asked does that take into account for the water that comes off the street onto the site and then from the site to off the site. Mr. Cokeley said it does not account for what is coming through Crystal Point onto the site. Our focus area is 40 Eagle Ridge Way.
- Mr. Klein asked the additional impervious and the reduction of the runoff, if I am downhill, will it be equal or less water coming off 40 Eagle Ridge Way. Mr. Cokeley said less.
- Ms. Scarpa asked who has the responsibility for the maintenance. Mr. Cokeley said typically the operation and maintenance plan identifies the owner of the facility and then they would be required to in the maintenance plan designate a contractor to perform regular inspection maintenance.
- Mayor McCartney asked what is the distance from the pool to the wall that was mentioned. Mr. Cokeley said the pool is about 65 feet to the wall and then downhill of

the wall is about another 15 feet to the property line. In total, it is about 80 feet from the property line to the pool.

- Mr. Guarino asked was there a measurement made of any additional storm water runoff into the municipal storm source. Mr. Cokeley said no, everything drains away from the municipal storm source.
- Mr. Guarino asked was there any considerations in putting any storm water from the back to the municipal storm water to lessen the flow onto anyone's property. Mr. Cokeley said drainage calculations are done to mimic the existing conditions. The site flows towards the other property. By bringing storm water to the municipal system in Eagle Ridge Way, that would contribute more water runoff but also more challenging as storm water would need to go uphill.
- Chairman Bagoff asked did you have any comments about the 36-inch pipe that now faces Llewellyn Park from his property and the water runoff, is it more, less, or about the same as previously said to occurred. Mr. Cokeley said he doesn't know because he doesn't have a survey that includes the 12-inch pipe that was there.
- Chairman Bagoff asked do you think it makes sense in the overall project to address that pipe that flows from Crystal Point to Llewellyn Park traversing 40 Eagle Ridge Way. Mr. Cokeley said the outlet control structure that Mr. Cohn asked them to do does address it in some way. It is essentially mimicking 2 12-inch pipe to best they can.
- Chairman Bagoff asked is your testimony that based on the way the storm water management will be accommodated in your project, the flow from Crystal Point through 40 Eagle Ridge Way, the water will be decreased to Llewellyn Park. Mr. Cokeley said no they didn't look at Crystal Point He said that his testimony and what the report shows is the storm water runoff from 40 Eagle Ridge Way to the neighboring property is going to be reduced in compliance with the regulations.
- Chairman Bagoff asked can you agree that all the requests in the Matrix World Engineering Report of November 26th, 2024 will be agreed to by the applicant. Mr. Cokeley said the only one he mentioned before is the architectural plan and then the rest will be addressed.

PROFESSIONALS QUESTIONS

- Mr. Scott asked is there anything in my letter that you have any issue or have a problem addressing as part of our review. Mr. Cokeley said they do not.
- Mr. Scott asked in terms of the outlet control structure and scour hole, how is the outlet control structure going to be working without having a storage mechanism to hold back the water. Mr. Cokeley said they were looking at it from a perspective if there were 2-inch pipes here before what could they put in place to closely mimic that situation as closely as possible so the outlet control structure consists of 2 10-inch outfalls to mimic the prior drainage pattern. The scour hole was per SCD direction.
- Mr. Scott asked do you have any information prior to the SCD coming in and making the request to put in the elliptical pipe. Mr. Cokeley said he doesn't.
- Mr. Scott asked has there been any calculations or analysis of the ditch like what kind of flows that can be anticipated during any type of storm events. Mr. Cokeley said they looked at strictly from this site and in their design and drainage area maps it is part of the 40 Eagle Ridge Way that goes into the ditch. From the analysis of 40 Eagle Ridge Way property, it is going to be a reduction getting to that ditch.
- Mr. Scott asked in your revising of your plans, did you do any calculations to show what that reduction is. Mr. Cokeley said he believes their storm water report includes analysis a 3 different design points one of which is the ditch and they can extract that out and

provide a table comparison.

- Mr. Scott asked has any geo technical investigation been done. Mr. Cokeley said they have not performed those tests yet. They did confirm using a soil survey that is hydrologic soil group C.
- Mr. Scott asked has there been any thought about collecting or redirecting water from the drainage ditch into the new proposed system. Mr. Cokeley said there wasn't.
- Mr. Scott asked is there any type of easement that allows for the water that comes from Crystal Point runoff to come into the property. Mr. Cokeley said no, not on the surveys he has seen.
- Mr. Scott asked has there been any consideration from the applicant to look at what it would take to try some type of storm water management system to account for the runoff from offsite. Mr. Cokeley said they weren't asked to do anything more than to address the major site plan compliance.

OBJECTOR'S ATTORNEY QUESTIONS

- Mr. Simon asked are you aware that this application was triggered based on disturbance over 1 acre of land. Mr. Cokeley said yes.
- Mr. Simon asked are you familiar with the West Orange Ordinance, did you review before you preparing your plans. Mr. Cokeley said yes.
- Mr. Simon asked do you believe that the applicant has fully complied with all obligations set forth in the ordinance pertaining to this application. Mr. Cokeley said he can only speak to the storm water regulations as it pertains to major development, that's what these plans cover.
- Mr. Simon asked did you also prepare as part of your plans a zoning table. Mr. Cokeley said they do have a zoning table in their plans.
- Mr. Simon asked the information that is contained in that zoning table, did you review that information. Mr. Cokeley said yes
- Mr. Simon asked did you do any independent investigation regarding boundary or topographic information that is shown on your plans. Mr. Cokeley said no.
- Mr. Simon asked do you recall that one of the requirements for this application is a topographic base map of the site which extends a minimum of 200 feet beyond the limits of the proposed development showing 2-foot contour intervals. Mr. Cokeley said he doesn't recall that specifically.
- Mr. Simon asked do you recall whether the ordinance requires a showing of steep slope disturbances on your plan. Mr. Cokeley said if these were included in the checklist, they deem it complete.
- Mr. Simon asked did you submit to the board any methodology of how you calculated the 6,592 square feet of steep slope disturbance. Mr. Cokeley said no.
- Mr. Simon asked do you recall that in the ordinance, particularly the steep slope ordinance, that there are various definitions of steep slopes, critical slopes based on the percentage of slopes. Mr. Cokeley said yes, he believes it is broken down into different ranges.
- Mr. Simon asked do you recall that there are different categories of slopes that relate to reduction in minimum lot area and minimum lot area per unit as calculated under the West Orange Township Ordinance for the R1 zone. Mr. Cokeley said he remembers there is a table.
- Mr. Simon asked did you review that table in coming up with your calculation of 6,592 square feet of steep slope disturbance. Mr. Cokeley said he does not recall.

***The application has been carried to the February 12, 2025, Planning Board special meeting without further notice. ***

Meeting adjourned at 11:15 P.M.

ADOPTED:

Jamilet Baquerizo Vite
Planning Board Secretary