

**DRAFT
MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
February 12, 2025 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on February 12, 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, February 26, 2025 at 6:30 P.M in person.**
- The next Planning Board regular meeting will be held **Wednesday, March 12, 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; Mayor Susan McCartney; Councilwoman Susan Scarpa;

ABSENT: Ms. Lori Kapferer; Mr. Peter Smeraldo; Mr. Christopher Morgan, Sr.;

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Gerry Haizel, Consulting Town Planner;
Mr. Phil Scott, Board 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

BOARD QUESTIONS

- Chairman Bagoff asked is there a geotechnical survey with this application. Mr. Cokeley said there was not one conducted.
- Mayor McCartney asked how will this comply with the steep slope ordinance. Ms. Triolo said there is no application before this board concerning steep slopes, they are here for a storm water management system. The grading has been provided for the storm water management system as well as the details and calculations.
- Mayor McCartney asked how far away is the system from the steep slope. Ms. Triolo said there is no steep slope.
- Chairman Bagoff asked what is the relation with the storm water management system to the steep slope. Mr. Cokeley said the storm water system is placed roughly 100 feet or more from the property line.
- Mr. Klein asked Mr. Scott they picked C type soil, is there a worse soil than C. Mr. Scott said yes, there is a category D and that is an even lower permeability.

PROFESSIONALS COMMENTS

- Mr. Scott said they question whether or a geotechnical investigation was done on this site either for the proposed storm management system or the previous system that was done as part of the Matarazzo Engineering design.
- Mr. Scott said based on his review of the storm water report they are using the practice infiltration for this design of this space.
- Mr. Scott said with this development and the number of concerns that they have with regard to the storm water, Mr. Scott prefers to have a geotechnical study in advance of the approval.
- Mr. Scott said without having that specific information, it is hard to say that they should move forward with the application. Or if the board sees it fit, they can approve it as a condition. Ms. Triolo replies by saying this application was deemed complete without a geotechnical report and they will object to any carrying of it in order to provide more reports. The applicant will keep the escrow account for the engineer funded to assure there are funds for the engineer to attend and do inspections during testing and installation. They welcome Mr. Scott to be an active participant as far as his observations and recommendations during construction but to ask for a geotechnical report at this point in time is unnecessary, unwarranted and not required.
- Mr. Scott said based on his site visit, he has witnessed water flowing out of the 36-inch elliptical pipe. The day he was there, it was not raining. It was a day after a snowstorm and it was 17 degrees and Mr. Scott didn't anticipate that there was any snow melt that was contributing to the water flowing through the pipes.
- Mr. Scott followed that pipe back and saw that water was flowing through the drainage ditch that site between both properties, 40 and 42 Eagle Ridge Way.

- Mr. Scott said he saw that water was flowing through there and continued to follow it all the way up to 40 Eagle Ridge Way. At that point he saw two pipes come together that flow into the drainage ditch. He saw that some of that water was flowing from across 40 Eagle Ridge way which is the property of Crystal Point Townhouse Development and there is another pipe that is coming from the northern direction of Eagle Ridge Way.
- Mr. Scott said in terms of this application, Mr. Cohn's seems to be handling his storm water with the design of the Collier's plans with what they are proposing is going to reduce in theory that this design should reduce even more what would contribute to the drainage ditch.
- Mr. Scott said he feels they can deal with this application with regard to the storm water management system the applicant is proposing and the water flowing through the ditch and into Llewellyn Park is a separate issue.

PROFESSIONALS QUESTIONS

- Mr. Scott asked have you done any type of geotechnical investigation for this project. Mr. Cokeley said they did not prepare or are aware of prior geotechnical. Ms. Triolo also added that the Matarazzo design that was submitted to the township of West Orange did not require a geotechnical investigation and none was requested or required when the approvals were given from engineering and building to construct and those approvals have been provided to the board.
- Mr. Scott asked where did you get your calculation rates without a geotechnical study. Mr. Cokeley said they will utilize web soil survey to take a look at the mapping of the hydraulic soil groups.
- Mr. Scott asked how did you come about with your seasonal high-water table. Mr. Cokeley said they were going based on the web soil survey that will provide an estimated range. A survey was also conducted in 2023 that was a base map they were using so they had elevation information. They assumed if that system was installed then they can reasonably assume that the ground water wouldn't fluctuate too much beyond that.
- Mr. Scott asked would you conduct a geotechnical investigation in the event this project is approved. Mr. Cokeley said yes, that will be a condition of approval.

OBJECTORS COMMENTS

- The attorney, Robert Simon, on behalf of Llewellyn Park said with regard to the geotechnical survey and seasonal high water table information, that information was specifically requested as part as the site development storm water plan. There are requirements for submission of that plan and that includes information as the seasonal high ground water elevations, geotechnical information, soil reports, seasonal high water table, and soil borings.
- Mr. Simon said they will present information that demonstrates that steep slope variance relief is required as part of this application. It has not been applied for or called out to any plan in terms of deviation.
- Mr. Simon said the storm water management system and the resulting clearance and disturbance of this site which has now triggered a major site plan application has disturbed steep slopes of various categories and percentages that substantially exceeds what is permitted under the ordinance.
- Mr. Simon said under the municipal land use law, you cannot bifurcate development approvals for a particular site where you are asking for certain reliefs and then go back to a different board and ask for different relief.
- Mr. Simon said the steep slope ordinance specifically states that all relief as part of site

plan approval that implicates steep slope disturbance shall be reviewed concurrent with any site plan review. Under section 60 of the municipal land use law, the statute states you can apply for a bulk variance and then subsequently apply for any necessary site plan approval. The reason for this is if certain site plan requirements are expensive, you go into the variance first, if it's granted, you go back to the site plan approval and at that time you have to reprove the negative criteria for your variance. In this case, you would be doing it backwards. Here they need steep slope variance approvals and cannot go back in and subsequently ask for a bulk variance approval after receiving a site plan approval, where the grading and the disturbance of the site dictates and triggers the need for that steep slope relief.

- Mr. Simon said the information that was provided by the board shows the disturbance of the steep slope and how that implicates the storm water management system which is an issue here and with regard to a site development storm water plan, it is also required to indicate to plot topographic conditions within 200 feet of the property which hasn't been shown and steep slope information. As part of a storm water plan analysis it says that the written description of the features of the site including soil conditions and slope conditions corresponding with regard to the steep slope ordinance says disturbance of steep slope result in accelerated erosion process from storm water runoff.
- Mr. Simon said due to the interplay between steep slope disturbance and storm water management, especially here when the applicant is applying for a major site plan, the fact that the applicant has failed to apply for the necessary steep slope variances that they need relief for and the interplay of those variances due to prior disturbances where they are asking for forgiveness not permission.
- Ms. Triolo replies to Mr. Simon by saying this application has been deemed complete, they are looking for storm water management. They did not apply for a steep slope variance because they believe they don't need one because the area that is being considered for this storm water management system does not impact steep slope. Based on the engineer's testimony, the mechanism for the storm water management is 100 feet from the property line. They already have seepage pits that were designed to accept and collect all of the impervious on the site. They have added to that and restricted even more storm water and this application includes significant reduction in storm water. The applicant they would like the storm water application to be considered.
- Mr. Simon said when an application comes before the planning board and it is brought to the attention of that board, if the board determines that based on their ordinance that the application is complete and/or where the member of the public raises questions as to not just checklist completion but whether the applicant has applied for all the relief that is required of them for approval of a site plan of a development application. The ordinance says that for any development application before the planning board it shall consider and review the steep slope ordinance for compliance. There is no geotechnical information, seasonal high water table information, or hydraulic measurements.
- Mr. Simon said he does not want the board to go through the process of hearing an application and then realizing that it has to be a do over because it is not completed or it is missing critical information. For these reasons, Mr. Simon said for these reasons this application should not proceed as submitted or as a notice to the public.
- Mr. Simon said the notice to the public state that no variances were required when they are and it talked about permission to construct the 2-tier wall at the rear of the property and it is in the middle of the steep slope.
- Mr. Simon said the rear of this property is consumed by steep slopes which has already been disturbed and are proposed to being disturbed as well.

APPLICANT'S REPLIES

- The attorney, Priscilla Triolo, on behalf of the applicant said the application is for a storm water management system.
- Ms. Triolo states what Mr. Simon would like to do is go back and undo West Orange's approval of the Matarazzo plans and the construction of the Matarazzo seepage pits.
- The proposed storm water system is setback away from the seepage pits. It is in the flat of the yard.
- The driveway that's being replaced from impervious to pervious pavers is 300 feet from the rear yard property line and it is not near steep slopes. They do not deny different elevations on the property; however, there were no steep slopes that were under consideration for this storm water management plan.
- The idea of having a geotechnical report before an application is submitted is not standard or ordinary. It is a condition of approval to submit it to the engineer and most boards when there is technical construction, they always require that the applicant agrees to keep the escrow account funded, the applicant agrees to have the engineer notice when any testing is done, agrees to have the engineer for the town present while construction is being done. There are standard conditions of approval which West Orange does on a regular basis with their major site development plans.
- The geotechnical is done as a function of construction and the engineer is then given the opportunity to get the reports. They already said they agree to that.
- As far as steep slope, they are not here for steep slope because the storm water system that is proposed is not adjacent to or near the edge of the mountain.
- The applicant has put in a drain to collect surface water from the grass area such that where there is a lot of rain comes down before it can be absorbed in the grass, there is a drain for that to collect it. The storm water chambers are going to restrain water.
- Mr. Cokeley testified last time that there were standards in New Jersey that are used to calculate what can leave the site and he testified that what he did in his calculus was made it so that less storm water would leave the site than what the state allows.

PROFESSIONAL COMMENTS

- Ms. McGovern said that the planning board they does not have the power to over rule permits or construction assessments that were made previously by the code department. In terms of what the planning board can do is to judge the application before them.
- Ms. McGovern said while the requirements for site development storm water plan do mention under 25-29.9 section C2 environmental site analysis, this description should include a discussion of soil conditions, slopes, wetlands, waterway, and vegetation. There should be a description of that and Ms. McGovern is leaving it to the board in terms of whether their engineer can satisfy with that.
- Ms. McGovern said the ordinance does require in section 25-29.96B under calculations, when the proposed storm water management control measure infiltration basin depends on the hydrologic repellency of soils and a soil report shall be submitted. The soil report shall be based on on-site borings logs or soil pit profiles. Ms. McGovern said she believes that Mr. Scott was describing his preference before final vote be taken.
- Ms. McGovern said she would suggest that the board should listen to the board engineer as to what he thinks is best and what the timing of something like that is whether it's a long process or short process.
- Ms. McGovern said in terms of steep slopes, the applicant is not here for that. They were not cited for it and she doesn't believe this board has the power to overrule a permit that was issued in the past but they are here to review their storm water management proposal.

- Ms. Triolo replied to Ms. McGovern by saying if the geotechnical is made a condition of approval and if the requirements with regards to permeability testing is made a condition of approval that in the event that the soil fail and are Group D or less they will go back to the board with a new design system. But they think to make it a condition of approval and to require a funding of Mr. Scott to be engaged on behalf of the board to review the geotechnical report, to be present when they are taken, to watch the testing, and to see that the Collier's design bears out. The applicant will provide all the information with regard to the soils and soil testing as it is in live time.

GENERAL DISCUSSION

- Chairman Bagoff asked Mr. Scott does the board need to have all these items prior to their deliberation or can he condition and which is ideal. Mr. Scott said in a lot of instances it can be done as a condition in a situation where you may have an existing building and it doesn't allow for you do the testing in advance of doing demolition. In this instance they do have the ability to do the geotechnical investigation because there is no building that has be razed in order to do such investigation. Mr. Scott says he doesn't see any reason why they can't do this as a condition. He will leave it up to the board if they would like to move forward even without having that information at this time and making it a condition of approval.
- Chairman Bagoff asked Mr. Scott how long would this study take. Mr. Scott said it would take approximately 2 days in the field of drilling and testing. It will then take sometime for them to send the information to the lab, have them analyze it, get the information back and then for them to put together a report can take another few days so in total this can take 2-3 weeks.
- Mr. Simon said this is not a long process to make sure the system that is seeking approval is the system that is intended to be installed.
- Mr. Simon said after taking a look at the plans, the Collier's subsurface system is encroaching on steep slope. If this system needs to be modified in size, it may implicate steep slopes and they have no idea what the soil type is, what the seasonal ground water table is, if there is any mounding in the area, and they don't have any hydraulic calculations.
- Ms. Triolo said this house only has one backyard and the applicant only has one place that he can put the storm water management system in. They will expedite as a condition of approval to get all the soil testing and if has to be moved, it will be moved, if it has to be enlarged, it will be enlarged, and if the chambers have to be changed, it will be done. These are all engineering in-field situations and are common and ordinary. This is not a major development, it is a singular family home and this system is going to be put under his backyard.

BOARD QUESTIONS

- Mayor McCartney asked how will this comply with storm water regulations. Mr. Cokeley said they are increasing impervious coverage by more than a quarter of an acre; they are actually reducing with the introduction of porous pavers so water quality is not required. As far as the water quantity requirement, the system has ben designed to meet the required reductions and exceed them.
- Mr. Klein asked Mr. Cokeley to explain if a mistake was made and the soil testing came out that it's the worst soil, how much larger would the chamber be, how many more chambers would you need, how much bigger of a piece of pipe would you need. Mr. Cokeley said the groups A, B, C, and D are typically indicative of what you can expect

from an infiltration rate. The number they used in their infiltration rate is the worst allowable by the state. In theory if they were to go out and get a test this is the biggest the system would be. Anything below that rate which is a half an inch per hour, they would be not be able to do an infiltration system. The fact that is C and not D, gives him the confidence that they will get a percolation rate of an acceptable level.

- Mr. Klein asked if you have this the double the size would you be able to put in a spot that wont impact the steep slope. Mr. Cokeley said they could increase the size within the area and not encroach into the steep slopes

OBJECTORS QUESTIONS

- Mr. Simon asked have you reviewed all the documentation that was linked on the agenda for this evening's meeting. Mr. Cokeley said he doesn't know; he hasn't clicked on the link that was in the agenda. He has reviewed past documentation.
- Mr. Simon asked for clarification that the applicant has submitted to the board all those documents. Ms. Triolo said those documents were submitted because the board requested copies of the documents to which Mr. Cohn, the manager of the WayMaker, referenced while he was testifying.
- Mr. Simon asked Mr. Cokeley with regard to the requirements of a submission of a site development storm water plan; you have not provided a topographic base map of the site which extends a minimum of 200 feet beyond the limit of the proposed development. Mr. Cokeley said no, he doesn't believe it was submitted.
- Mr. Simon asked have you submitted any evaluations of steep slopes on this property. Mr. Cokeley said no.
- Mr. Simon asked if this property doesn't infiltrate and it doesn't percolate, then not only will you have to design a new system but further you will not be in compliance with the storm water regulations. Mr. Cokeley said if they don't get a percolation rate then the system will have to be redesigned but a detention system at a site that does not have infiltration capacity will comply with the town's ordinance.
- Mr. Simon asked will you have to design something to make it comply. Mr. Cokeley said yes, it would be similar to what they have and it will not be an infiltration system, it would be a closed system.
- Mr. Simon asked with regard to your zoning table on your plans, did you indicate certain steep slope information as it related to affected lot area. Mr. Cokeley said yes.
- Mr. Simon asked where did you receive that information to lead you to put that information on the zoning table to calculate affected lot area. Mr. Cokeley said he doesn't recall.
- Mr. Simon asked the affected lot area for this site per your zoning table, is it less than 80,000 square feet. Mr. Cokeley said yes.
- Mr. Simon asked have you seen any documents submitted with this application that shows steep slope disturbance. Mr. Cokeley said he has seen the Matarazzo plans.
- Mr. Simon asked did the Matarazzo plans identify the location of steep slopes on the property. Mr. Cokeley said the plans he reviewed did not, they just indicated the system, the pipes and some of the grading.
- Mr. Simon asked did you review the documents from Robert's dated April 28th, 2021 titled Topographic Survey and Slope Analysis Plan that was submitted by the applicant prior to this hearing. Mr. Cokeley said he did not.
- Mr. Simon asked other than the Matarazzo plans, have you seen any plans that show any type of slope analysis for this property. Mr. Cokeley said no, he has seen the Matarazzo plans and the as-built survey which was used as their existing conditions demo plans.

- Mr. Simon asked did you do any type of independent investigation to determine whether any activity or structure is located within steep slopes. Mr. Cokeley said no.
- Mr. Simon asked are your plans remain based on the Osterkorn survey from 2024. Mr. Cokeley said yes.
- Mr. Simon asked have you performed the local code review including the steep slope ordinance review. Mr. Cokeley said he didn't do a steep slope ordinance review.
- Mr. Simon asked since you became involved have you reviewed the Robert's survey from 2021 that was submitted with the application materials. Mr. Cokeley said no.
- Mr. Simon asked is it new information to you that the ditch on the western part of the property is in a different location than the Osterkorn survey from 2024 that you relied on putting together your Collier's plan. Mr. Cokeley said he would have to review to determine if it was different.
- Mr. Simon asked are you aware of whether any survey that was for plans other than your Collier's plan to identify beds and banks as part of ditches. Mr. Cokeley said no he is not aware.
- Mr. Simon asked have you reviewed the Robert's Topographic Survey and Slope Analysis Plan dated April 28th, 2021 that was submitted by the applicant. Mr. Cokeley said no.
- Mr. Simon asked have you reviewed the site and grading plans prepared by the pool artist dated April 28th, 2021 that was submitted by the applicant. Mr. Cokeley said no.
- Mr. Simon asked have you reviewed the Matarazzo grading plan dated December 17th, 2022. Mr. Cokeley said yes.
- Mr. Simon asked when did you first review that plan. Mr. Cokeley said he thinks it was after July 2024 when they were preparing their storm water report.
- Mr. Simon asked the 2022 Matarazzo grading plans shows the drainage ditch that is on the western side of the property meandering across Lot 24.01 and then coming out on the southern side by the Llewellyn Park Lot 11 before turning back to the east across the subject property, correct. Mr. Cokeley said he believes it does.
- Mr. Simon asked does the Matarazzo grading plan also shows a 24-inch pipe going from the proposed cabana and pool area to the south side of the property. Mr. Cokeley said yes.
- Mr. Simon asked does it also show an outlet structure from the dry well system to the south of the property. Mr. Cokeley said yes.
- Mr. Simon asked does the Matarazzo grading plans contemplate disturbance to the southerly property line. Mr. Cokeley said he doesn't remember if it does to the southerly property line.
- Mr. Simon asked does the plan identify the location of any steep slopes on the property. Mr. Cokeley said he didn't see that.
- Mr. Simon asked if you remove the pipe and the scour hole and the outfall structure, what was there previous. Cokeley said the 36-inch pipe is there.
- Mr. Simon asked are you familiar with Mr. Cohn's testimony that the 2 12-inch clay pipes were broken and replaced with the 36 inches of elliptical pipe. Mr. Cokeley said yes.
- Mr. Simon asked in terms of storm water management in complying with the storm water management ordinance and the township of West Orange in best management practices, if you removed the 36-inch elliptical pipe and the outfall and scour hole what do you replace it with. Mr. Cokeley said he is not removing the 36-inch pipe.
- Mr. Simon asked does the Matarazzo plans show the ditch on the western side of the

property. Mr. Cokeley said yes.

- Mr. Simon asked are you familiar with the 2024 survey from Osterkorn because you refer to it on your plan. Mr. Cokeley said yes.
- Mr. Simon asked does the survey that you rely on shows the discharge point of the channel entering the newly installed 36-inch pipe. Mr. Cokeley said it shows the channel ending at the 36-inch pipe.
- Mr. Simon asked do you know the extent of which that area is encumbered by steep slope disturbances. Mr. Cokeley said no.
- Mr. Simon asked based on the 2024 survey, the 36-inch pipe is approximately 70 feet long with a slope greater than 8%. Mr. Cokeley said he doesn't know.
- Mr. Simon asked the proposal is that the slope length and conditions of the drainage channel have been changed from what you saw on the Matarazzo plans. Mr. Cokeley said the Matarazzo plan he was using was to get information about the dry well system.
- Mr. Simon asked do you recall submitting a memo to the board dated July 19th, 2024. Mr. Cokeley said he remembers a memo.
- Mr. Simon asked is it relevant to this application. Mr. Cokeley said it is not part of this application.
- Mr. Simon asked if in your July 19th, 2024 memo, it stated you would study storm water from both your client's property as well as the Crystal Point property. Mr. Cokeley said he doesn't remember.
- Mr. Simon asked the Crystal Point water is not going to be mitigated in any way by the proposed storm water system, correct. Mr. Cokeley said correct.
- Mr. Simon asked did you investigate whether the ditch location was different than what you have put on your Collier's plan. Mr. Cokeley said no, he visited the site and confirmed the conditions that were on the survey.
- Mr. Simon asked in preparation for tonight's proceeding did you go through and review the about 1000 documents that are now comprised as part of the record of this proceeding including documents that are linked on the agenda for tonight's hearing. Mr. Cokeley said no.
- Mr. Simon asked with regard to the 36-inch pipe, you have not performed any type of evaluation of any erosion caused by water coming out of the pipe, correct. Mr. Cokeley said no.
- Mr. Simon asked the 2 12-inch clay pipe, were they identified on either your plans, the Matarazzo plans or the Osterkorn survey. Mr. Cokeley said no those were part of Mr. Cohn's testimony with the images he shared last hearing.
- Mr. Simon asked you don't know as the engineer on the project where the 2 12-inch pipes were located. Mr. Cokeley said correct.
- Mr. Simon asked if you remove the 36-inch pipe, what would you put in its place. Mr. Cokeley said what Ms. Triolo referred to it being removed was the scour wall and the outlet control structure that are proposed on the plan. The pipes are not proposed as part of the plan.
- Mr. Simon asked when did you first become involve with the project. Mr. Cokeley said middle of 2024.
- Mr. Simon asked were you given any information about this site or documentation. Mr. Cokeley said yes.
- Mr. Simon asked who provided that information. Mr. Cokeley said the applicant.
- Mr. Simon asked did the applicant provide you any information that indicated that the 36-inch pipe was approved as installed. Mr. Cokeley said he saw the SCD requirement and

then they came and inspected the site and said everything looked good.

- Mr. Simon asked do you know about the township's involvement. Mr. Cokeley said no.
- Mr. Simon with regard to your plans on sheet 4 of 8, there is a proposed subsurface infiltration basin that leads to the existing seepage tanks. Mr. Cokeley said correct.
- Mr. Simon asked the area in the rear of the property with the darker lines, that indicates grading disturbance. Mr. Cokeley said correct.
- Mr. Simon asked are you able to calculate how many square feet of the site is subject to regrading from your plans based on sheet 4. Mr. Cokeley said he would need to get on the computer to do so.
- Mr. Simon said the entire rear of the property from about 60 feet to the rear property line and then it continues long the western portion is being disturbed as part of this development, correct. Mr. Cokeley said correct.
- Mr. Simon asked do you recall on the Matarazzo plan there is an outfall that goes from the seepage tanks directly to the south towards where the 36-inch elliptical pipe is located. Mr. Cokeley said yes.
- Mr. Simon asked do you recall on the Matarazzo plans in blue there is a 24-inch pipe that is going from the cabana and pool to the exact same location outside of the seepage tank field. Mr. Cokeley said he does remember the outfall.
- Mr. Simon stated on Mr. Cokeley's plans, it is not showing an outfall coming from the seepage tank field as compared to the Matarazzo plan and in addition to which it didn't show an inlet to the right of the seepage tank field on sheet 4 of 8 which is inconsistent with the Matarazzo plan.
- Mr. Simon asked is there a reason why on your plans it doesn't show where the water is going once it gets to the seepage tanks field. Mr. Cokeley said it is a function of the survey and it is something he noticed when viewing conditions of the site is that the outfall is there but the Osterkorn survey did not pick it up.
- Mr. Simon asked lot 24.01 contributes runoff to the storm water report points of study but it is not included in the calculations, correct. Mr. Cokeley said correct.
- Mr. Simon asked if the storm water report does not include any contributing offsite subareas in the pre proposed development calculations, correct. Mr. Cokeley said correct.
- Mr. Simon asked in terms of the disturbed area, are you aware whether any tree removal permits were issued in connection with trees or vegetation removal. Mr. Cokeley said he is not aware of that.
- Mr. Simon asked are you aware of tree replacement requirements in connection with any type of grading plans. Mr. Cokeley said no.
- Mr. Simon asked have you provided any geotechnical investigation or soil testing. Mr. Cokeley said no.
- Mr. Simon asked if the storm water facility does not infiltrate, it is not in compliance with the storm water regulations, correct. Mr. Cokeley said it would be dependent on an infiltration rate available at the site. If the site cannot infiltrate, then an infiltration green practice is not feasible and a detention system would be required.
- Mr. Simon asked have you performed any investigation to determine the direction of ground water flows from the site to adjacent off-site properties. Mr. Cokeley said no.
- Mr. Simon asked the project is going to increase the amount if storm water that recharges the site ground water. Mr. Cokeley said as he mentioned in his previous testimony, it is in the reports that they meet the recharge requirement.
- Mr. Simon asked you haven't evaluated the hydraulic of the mounding impact on the adjacent properties. Mr. Cokeley said that is correct.

- Mr. Simon asked you haven't also determined what sort of impact that increase would have on the ground water levels on your property. Mr. Cokeley said correct.
- Mr. Simon asked have you done any type of hydrologic or hydraulic analysis regarding this property. Mr. Cokeley said no.
- Mr. Simon asked based on images, the rear of the property is currently covered with gravel or stone based, do you recall seeing that. Mr. Cokeley said yes.
- Mr. Simon asked is the intention to keep the property covered with that type of material. Mr. Cokeley said it is there for construction stabilization purposes and it is not going to be there long term. The plan proposes landscaping or lawn areas.
- Mr. Simon asked did you notice that in the prior plans that there was contemplation for a tennis court on this property. Mr. Cokeley said he doesn't know.
- Mr. Simon asked if you are going to add impervious coverage to the site, you have to modify the storm water system you have designed, correct. Mr. Cokeley said it would be subject to any building permit review to the extent the impervious is added. Any new impervious would require storm water mitigation.
- Mr. Simon asked your storm water system didn't contemplate the maximum permitted impervious coverage of 24%, correct. Mr. Cokeley said the system is oversized because they are going beyond the minimum reduction required.
- Mr. Simon asked are you aware of any environmental impact before it was prepared for this application. Mr. Cokeley said no.
- Mr. Simon asked what is the purpose of the curtain drain you are proposing on your plan. Mr. Cokeley said it is an addition item that the applicant was willing to consider to put at the perimeter of the proposed flat area of the lawn that would capture surface runoff from the lawn area and then it has a connection back to the subsurface system.
- Mr. Simon asked is the purpose of it to prevent the backyard from flooding. Mr. Cokeley said it is just to capture additional runoff.
- Mr. Simon asked are you proposing any new inlets. Mr. Cokeley said they are not proposing new inlets but they are resetting a few of them.
- Mr. Simon asked do you know to what extent these inlets are constructed on areas that have steep slopes. Mr. Cokeley said he doesn't know.
- Mr. Simon asked is there a reason why you didn't propose any landscaping along the south or the western side of the property adjacent to Llewellyn Park. Mr. Cokeley said it was more supposed to be amenities landscaping for the applicant as part of his proposed and desired improvements.
- Mr. Simon asked there is no landscaping proposed to mitigate any storm water runoff. Mr. Cokeley said it is not being taken into account in the design.
- Mr. Simon asked there is fencing surrounding the property, correct. Mr. Cokeley said yes.
- Mr. Simon asked with the fence in its current location, how is the equipment going to be able to get to the areas in question for that proper maintenance. Mr. Cokeley said machines if they need to can access through the gates and the fence.

PUBLIC QUESTIONS

- Gerald Sweeny at Llewellyn Park asked as to the application that is pending before the board, is it the preliminary and final major site plan that includes the grading and drainage plan dated 9/14/24. Chairman Bagoff said it is the plan that is published on the website.
- Mr. Sweeny asked Mr. Cokeley did you prepare or sign off on that plan. Mr. Cokeley said yes his signature is on the plan.

- Mr. Sweeny asked is that plan in your view complete and covering all the issues of storm water management and drainage applicable to the site. Mr. Cokeley said yes.
- Mr. Sweeny asked is the installation of the outlet control structure part of that plan. Mr. Cokeley said it is shown on the plan but it is not a requirement to comply with the storm water ordinance.
- Mr. Sweeny asked were you aware of the directive in the planning board resolution that Crystal Lake provide protection for runoff and drainage into Llewellyn Park. Mr. Cokeley said he is not familiar.
- Mr. Sweeny asked you weren't familiar when you prepared your plan. Mr. Cokeley said he wasn't looking at Crystal Point's runoff as part of this application.
- Mr. Sweeny asked when you considered the overall plan to deal with the storm water coming out of or entering onto 40 Eagle Ridge did you consider other directives. Mr. Cokeley said no.
- Mr. Sweeny asked were you made aware of the runoff water flow into Llewellyn Park before the installation of the elliptical pipe. Mr. Cokeley said no.
- Mr. Sweeny asked did you prepare the reported dated July 19th, 2024 that the recommended effect taking immediate action to stem the runoff into Llewellyn Park. Mr. Cokeley said yes.
- Mr. Sweeny asked did you indicate that the majority of the runoff into the drainage channel originates from upstream properties. Mr. Cokeley said yes.
- Mr. Sweeny asked that doesn't indicate that all of it came from upstream, is that correct. Mr. Cokeley said correct.
- Mr. Sweeny asked some of it came from the applicant's property, correct. Mr. Cokeley said correct.
- Mr. Sweeny asked tonight you indicated that that you did not recommend that the elliptical pipe be removed, is that correct. Mr. Cokeley said he is not proposing anything to do with it.
- Andrew Kessler at 29 Mountain Ave asked do any of the drawings, studies, or reports that has been submitted to the board for this application show the 36-inch elliptical pipe. Mr. Cokeley said it is an existing 36-inch pipe that is on their plans.
- Mr. Kessler asked what plans of yours are they on. Mr. Cokeley said it is pretty much on every sheet 2-6.
- Mr. Kessler asked when did you do these plans. Mr. Cokeley said the survey was conducted in May 2024; that's the basis.
- Mr. Kessler asked did you have any communication with the applicant or the applicant's counsel as to show or not to show the existing 36-inch pipe. Mr. Cokeley said no.
- Mr. Kessler asked was that decision made by your group of engineers as experts that it should be shown on your drawings. Mr. Cokeley said it was picked up on the survey and he wouldn't take something off of the survey.
- Mr. Kessler asked when you saw it was there, did you have any communication with the town engineer concerning the 36-inch pipe. Mr. Cokeley said they did prepare a memo in July that was shared with the town but it is not part of this application. He did not talk to her directly.
- Mr. Kessler asked did you receive a response from the town engineer concerning the 36-inch pipe. Mr. Cokeley said he believes they were directed to file a major site plan application.
- Mr. Kessler asked did the town engineer request any information about the 36-inch pipe in your application. Mr. Cokeley said just that it complies with the ordinance.

- Mr. Kessler asked did you have discussions with anybody else in the town like the zoning officials concerning the 36-inch pipe. Mr. Cokeley said no.
- Mr. Kessler asked have you have any discussions with anyone in the town like the zoning officials concerning with anything to do with this matter. Mr. Cokeley said no.
- Mr. Kessler asked are you aware of a CME report dated December 18th, 2023 and January 11th, 2024 concerning 40 Eagle Ridge Way. Mr. Cokeley said he believed he received that memo.
- Mr. Kessler asked what did you take into consideration from this report with respect to what you filed with the board. Mr. Cokeley said their intention was to design a storm water management plan that complies with the ordinance and that is what they done; the memo did not impact his design.
- Mr. Kessler asked is it your understanding that CME associates were retained by the township of West Orange to do an assessment of this property. Mr. Cokeley said he thinks the memo says they were acting as the consultant engineer for the township.
- Mr. Kessler asked the report says prepared by Joseph Sullivan, Professional Engineer, did you have any discussion with Mr. Sullivan. Mr. Cokeley said no.
- Mr. Kessler asked what document did you rely upon to say there was water runoff existing into Llewellyn Park prior to the installation of the 36-inch pipe. Mr. Cokeley said the Matarazzo plans and the 2024 survey shows the drainage pattern going to Llewellyn Park.
- Mr. Kessler asked did you see any documents prior to the disturbance of the property by the applicant that shows water runoff going down from Eagle Ridge into Llewellyn Park. Mr. Cokeley said the Matarazzo plans from 2023 show the existing conditions travelling in the ditch.
- Mr. Kessler asked when was the disturbance of the property by the applicant. Mr. Cokeley said initially after the Matarazzo plans were approved in 2023.
- Mr. Kessler asked you haven't seen any pictures prior to the disturbance showing the runoff of the water going down into the mountain and down into Llewellyn Park. Mr. Cokeley said no.
- Michael DeCheser at 35 Mountain Ave asked are you aware of the ditch from the street to the elliptical pipe. Mr. Cokeley said yes.
- Mr. DeCheser asked are you aware that when you hit the elliptical pipe it turns at a 110 degree turn to the left. Mr. Cokeley said yes, the 36-inch elliptical pipe is at an angle.
- Mr. DeCheser asked right where the elliptical pipe starts, there is a pit there, did you notice if there is an additional channel running to that pit. Mr. Cokeley said he didn't notice that.

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

Meeting adjourned at 10:53 P.M.

ADOPTED:

Jamilet Baquerizo Vite
Planning Board Secretary