

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

January 28, 2020

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, January 28, 2020 at 7:30 P.M. Catherine Parilla read the announcement in accordance with the requirements of the Sunshine Law:

In accordance with the provisions of the New Jersey Open Public Meetings Act, the notice of this regular meeting held Tuesday, January 28, 2020 at 7:30 P.M. has met the requirements of the law by publication in The Record and posted on the bulletin board of the lobby in the Borough Hall and filed in the office of the Borough Clerk.

ROLL CALL:

Members Present: Carol Cochi, Gayle Gerstein, Elizabeth Herries, Lorraine Mattes, Catherine McGuire, Catherine Parilla, Joyce Sonpal, Mayor Paul Tomasko
Members Absent: David Kupferschmid
Staff Present: Michael Kates, Board Attorney; John Phillips, Special Counsel; Perry Frenzel, Borough Engineer
Marilyn Hayward, Board & Recording Secretary

SWEARING IN OF 2020 OFFICIALS: Mayor Tomasko administered the oath of office to Gayle Gerstein, Class III member for a one-year term expiring 12/31/2020, and Joyce Sonpal, and Carol Cochi for four-year terms, Class IV members expiring 12/31/2023. David Kupferschmid was not present and will be sworn in at a later date.

REORGANIZATION:

Chairperson: Catherine Parilla upon a motion by Ms. Sonpal, seconded by Ms. Mattes

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. Mattes, Ms. McGuire, Ms. Parilla, Ms. Sonpal, Mayor Tomasko

Vice Chairperson: Catherine McGuire upon a motion by Mayor Tomasko, seconded by Ms. Sonpal

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. Mattes, Ms. McGuire, Ms. Parilla, Ms. Sonpal, Mayor Tomasko

Board Secretary/Recording Secretary: Marilyn Hayward upon a motion by Mayor Tomasko, seconded by Ms. Sonpal

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. Mattes, Ms. McGuire, Ms. Parilla, Ms. Sonpal, Mayor Tomasko

PROFESSIONAL SERVICE APPOINTMENTS: Upon a motion by Elizabeth Herries, seconded by Catherine McGuire to re-appoint the following professionals and to adopt the corresponding Professional Resolutions appended to these minutes for the positions of Board Engineer, Board Attorney, Borough Planner and Special Counsel.

Board Attorney:	Michael Kates, Esq.
Board Engineer:	Perry Frenzel, P.E. of Azzolina & Feury
Special Counsel:	John Phillips, Esq.
Borough Planner:	Joseph Burgis, P.P. of Burgis Assoc., Inc.

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. Mattes, Ms. McGuire, Ms. Parilla, Ms. Sonpal, Mayor Tomasko

APPROVAL OF MINUTES OF DECEMBER 17, 2019 REGULAR MEETING:

Upon a motion by Ms. Herries, seconded by Ms. Cochi to approve the minutes of the December 17, 2019 Planning Board Regular Meeting Eligible members voted as follows:

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. Mattes, Ms. McGuire, Ms. Parilla, Mayor Tomasko

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS: None

MEMORIALIZATIONS:

Resolution Soil Moving: Their, Kelly; 3 Deerhill Road, Block 50 Lot 1.01

Upon a motion by Ms. Gerstein, seconded by Ms. Herries to adopt a resolution memorializing action taken by the Planning Board of the Borough of Alpine on December 17, 2019 a copy of which is appended to these minutes.

Eligible members voted as follows:

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. Mattes, Ms. McGuire, Ms. Parilla, Mayor Tomasko

Abstain: Joyce Sonpal

Resolution Soil Moving: Rock Solid Builders/Feldman 12 Margo Way, Block 81.04 Lot 18.04

Upon a motion by Ms. Herries seconded by Ms. Gerstein, to adopt a resolution memorializing action taken by the Planning Board of the Borough of Alpine on December 17, 2019 a copy of which is appended to these minutes.

Eligible members voted as follows:

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. Mattes, Ms. McGuire, Ms. Parilla, Mayor Tomasko

Abstain: Joyce Sonpal

COMMUNICATIONS None

FINANCIAL REPORT & 2020 BUDGET Upon a motion by Mayor Tomasko, seconded by Ms. Gerstein and approved by all to recommend the proposed budget to the Mayor and Council for approval. This figure includes funding for the Master Plan Re-examination.

BILLS AND CLAIMS: A motion to approve the below referenced bills was made by Mayor Tomasko, seconded by Ms. Gerstein and approved by all.

Michael Kates, Esq.	\$ 741.00	Rock Solid Builders (81.04/18.04)	Escrow
Michael Kates, Esq.	\$ 438.00	Their (50/1.02)	Escrow
Azzolina & Feury Eng., Inc.	\$ 1,432.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
John C. Phillips, Esq.	\$ 2,340.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
Burgis Associates	\$ 665.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
	\$ 4,650.00	Master Plan – Re-examination	Budget
	\$ 487.50	Alpine Housing Plan	COAH
Huntington Bailey	\$ 2,235.00	COAH	COAH

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: No meeting.

Board of Health: Next meeting February 11

Environmental Commission: Preparing for Arbor Day in April.

Building Department: Report on file

NJ Transit Update: Support for the Greenway on the CSX rail line included in the County’s Parks Master Plan. They are considering dropping “Bergen” from the title “Bergen-Hudson Rail Line.” The line never came into Bergen County.

COAH Update: Borough’s immunity from builder remedy lawsuits extended through the end of February.

Zoning Board of Adjustment Annual Report: No issues identified.

CONTINUED & AMENDED APPLICATION: [See also October 22, November 26 and December 19, 2019]

- **Amended Preliminary and Final Site Plan and Soil Moving: Alpine Three, LLC; Closter Dock Road, Block 43 Lots 6.01, 6.02 & 6.03**

Application for Extension of Preliminary Site Plan Approval submitted October 30, 2019 for consideration in conjunction with pending application

Application for Soil Moving with Waivers: Alpine Three, LLC Closter Dock Road Block 43 Lots 6.01, 6.02 & 6.03 (onsite) submitted in December for consideration in conjunction with pending application

Stenographer present at the request of the applicant and transcript to be provided. Mayor Tomasko recused.

Guliet D. Hirsch, Esq. appeared on behalf of the Applicant, Alpine Three, LLC along with applicant's engineers Michael J. Hubschman, PE, PP of Hubschman Engineering, P.A. and Peter A. Ciliberto, Jr., P.E. of Najarian Associates. Also present for the Board: Special Counsel John Phillips, Planner David Novak from Burgis Associates, and Special Engineer Gary Vander Veer.

Members of the public who spoke to the application: Ted Noback, Richard Incontro, Aurora Bairan, Paul Tomasko, Caroline Park, Bob Cullen

Exhibits marked during the course of these proceedings:

O – 3 Memo from Richard Incontro to the Planning Board dated January 28, 2020 re: Precipitation with 6 attachments.

1. USGS The 100-Year Flood
2. Bergen County North Jersey Total Precipitation (Inches) from 1895 to October 2019.
3. Daily Precipitation from Haworth, Bergen County, NJ (note Mr. Incontro stated "Hawthorne")
4. One Hour Precipitation Haworth, Bergen County NJ
5. Conversion of Acres to Square Inches - and then how many gallons of water that transmits
6. Letter to Editor January 28, 2020 The Record by Bill Kibler Policy Director Raritan Headwater Association

Attorney Phillips reviewed the following for the record:

1. Applicant seeks a waiver from combined height of the wall and fence. After review the ordinance clearly states a protective fence atop a retaining wall does not require adding the two heights. Maximum is six feet for the retaining wall maximum plus four feet for the fence. Alternative plans may entirely eliminate this question.
2. Applicant requests a waiver for fences within ten feet of a road. The two fenceposts in question are adjacent to the entryway, one on each side. As this is not a public road, they may not need a waiver. Determination to be made.
3. Applicant filed a soil moving permit application with waivers for the off-site sewer line. After review this application was withdrawn and will not be part of this application.

Attorney Hirsch stated Mr. Hubschman will discuss the sewer main design and onsite soil moving application. Mr. Ciliberto will review the spring and stormwater issues. Mr. Hubschman needs to leave by 9 PM but both engineers will return along with their environmental consultant, John Peel and be available for questions by Attorney Capizzi or the public at the next meeting. Mr. Peel will be the last witness they intend to call. She reviewed issues for the record:

- Noting they have had several months, what is the status of the Board retaining their own stormwater expert? A summary report of any testimony should be provided in advance just as they did. Mr. Frenzel acknowledged the request. They are still interviewing. Attorney Hirsch is also awaiting a review letter from the Board engineer.
- Attorney Hirsch asked the Board to consider a special dedicated meeting date. Ms. Parilla noted substantial time has been provided at the regular meetings. It was agreed to revisit this question at the February meeting.
- Attorney Hirsch asks the Cosgrove Report be stricken from the record as outlined in her letter. Attorney Phillips had marked it for identification as part of his historical narrative but agreed it is was not marked into evidence and the Board should not rely on it or review it. If not referred to by any proper witnesses it may be stricken. Ms. Parilla asked what if the Board's expert wishes to review and use the report. Attorney Phillips stated they will make a determination at that time. Attorney Hirsch will not seek a definitive determination this evening.

Mr. Hubschman acknowledged he remains under oath. Ms. Hirsch asked questions to clarify issues raised at prior hearings. Mr. Hubschman responded as follows:

- The Wilson Drive manhole is in Alpine and more than 600 feet from the Cresskill border.
- A question was raised regarding locating units over the abandoned septic fields. The prior septic field locations were decommissioned and stone removed. Elevations for basement floor and bedrock are 432 feet and 423 feet for Unit 2 and 430 feet and 422 feet for Unit 4 respectively. The foundations will be built up to ensure footings sit on bedrock rather than the fill. There are no other issues relative to construction atop the abandoned septic locations.
- Grading of the travel path from the handicapped sparking space to the northwest unit is almost level and complies even though this is not required.

Soil Moving (Onsite) Application submitted December 19, 2019. Volumes: Cut: 2,168 cubic yards Fill: 2,924 cubic yards, Import: 756 cubic yards including paving and stone materials. Attorney Phillips asked if that includes the fill that will go in for the foundation and Mr. Hubschman stated it does. A waiver is required to fill 5.5 – 6 feet along a

small portion at the rear where the stairway is and going towards the east to comply with the interior road grading. Technical waivers are requested for provision of the insurance certification and performance guarantee. Any approval will be subject to their provision and full compliance with the ordinance. Deliveries to the site will be over major roads. Bergen County Soil approval has been obtained. Construction will likely commence from the rear wall forward to provide a silt barrier and protect the general welfare.

Response to Questions from the Board

- Constructing the wall first will prevent runoff and erosion during construction and silt fences will protect the ditch at the rear as well as the brook that runs behind the borough field.
- Clarified confusion regarding modification revision dates on plans submitted with the soil moving application.
- They will work within permitted hours. The contractor will have to work out commuter traffic issues.

Response to Questions from the Public

- **Ted Noback, 57 Schoolhouse Lane** re: blasting: why? how much? why not rock hammering? what impact on the aquifer, spring and downhill residents and their septic systems should the blasting change water flow patterns? Mr. Hubschman minimized impact. Only minor blasting proposed for foundations at the northeast corner; they might be able to rock hammer. He is not an expert on hydrogeology or state blasting regulations and cannot extend any guarantees. Attorney Phillips asked Attorney Hirsch if she has expert testimony on the potential impacts of blasting. She responded Mr. Peel is not such an expert. Mr. Noback stated this is an important question for the Board to ask due to the potential impacts to downhill neighbors. Ms. Parilla asked Mr. Frenzel to look into expert testimony that could provide guidance to the Board on this issue.
- **Richard Incontro, 36 Schoolhouse Lane** questioned the waiver for fill: why? Can they eliminate by constructing fewer units or exposing more of basement? What happens if the waiver is denied? Is the fill going over isolated wetlands or the spring? Mr. Hubschman explained County standards for the road profile. They propose a typical 10% grade for the interior road. This is not a significant waiver. He will not deal with hypotheticals. If denied they could redesign at 12% but 10% is safer or, Attorney Hirsch added, they would likely appeal. The location of fill is at the rear of the property and not atop wetlands or the spring. Further questions re: the spring and wetlands in this context deferred to Mr. Peel next month.
- **Aurora Bairan, 489 Anderson Avenue** asked how the application came about? A brief review was provided.

Sewer Main Referring to plans previously submitted to the Board, "Sewer Force Main Plans" with Sheets 1 through 6 dated April 2001, 5 of which were last revised April 2013.

They propose running a two-inch force main from the site to Closter Dock Road, Church Street, and Hillside Ave to a manhole in Wilson Drive which is part of the Rio Vista sewered development. They will cross the Cresskill Brook twice (on Church St. near Miles St. and Hillside Ave. by Duck Pond Rd.) running the main through a cement casement under the road and atop the culvert. Design plan and profile follows standard Residential Site Improvement Standards (RSIS) and NJDEP regulations. Alpine does not have local regulations for a sewer line. NJDEP approval is required. The trench will be two feet wide by four feet deep with a stone base providing the minimum three-foot cover. They seek waivers to permit the Closter Dock Road manhole and the line to be closer to the road's edge rather than the centerline to minimize traffic issues and, on Hillside Avenue, to also provide distance from the water line. Any rock encountered will likely be hammered rather than blasted. A three-horsepower pump will provide a maximum flow of 52 gallons per minute through the two-inch solid flexible welded polyethylene pipe. This system is exclusive for this property and no other properties can tie in.

Response to Questions from the Board

- The Grading and Drainage Plan provided demonstrates gravity flow from the units to the underground pump station with a manhole at the rear of the property which includes a 4-5 foot diameter holding tank. Floats regulate the dual system pump (second pump and generator backup). Sewage is not treated.

- Elbows and street vents were reviewed. The pipe is flexible and can withstand traffic vibrations and changes in temperature. A Poly Pig device can be inserted through the manhole pushed through the line by the pump to address clogs. Mr. Hubschman reviewed experience designing sewers in Fair Lawn, Edgewater and Wayne.
- The pump station is located at the end of the interior road and designed to withstand traffic. The manhole is at grade but the holding tanks and lines are well below the freeze line.
- The Homeowners Association to be created will be responsible for system breaks or failures. Borough counsel will have an opportunity to review the agreement. A condition of any approval will mandate the offering statement alert prospective buyers of the sewer system and their responsibility for it. The Borough will require a maintenance bond to ensure taxpayers will not be responsible.
- NJDEP permits are required and will be obtained for the two Cresskill Brook crossings.

Response to Questions from the Public

- **Ted Noback** questioned capacity of the holding tank. 329 gallons. Mr. Noback questioned how that is sufficient for 7 units with 4 bedrooms each and 28 bathrooms when the tank for his single-family home is 1,000 gallons. Mr. Hubschman will review his reports and respond next month.
- **Bob Cullen, 83 Church Street** questioned why a force main versus gravity? How will they protect trees that line Church Street? coordination with utilities? and provisions if the system breaks or the Homeowners Association defaults? A gravity system would require an 8-inch pipe and manholes every 300 feet, create more disturbance and be a lot more expensive. Restricting use to this site as the Borough has requested could also be problematic. NJDEP will approve the force main under condition that it be for this development only. The line is closer to the eastern side of Church Street away from the trees on Mr. Cullen's side. They will have to coordinate with other utilities. Maintenance will be guaranteed by a perpetual bond.
- **Mr. Noback** further questioned use of a gravity system. Attorney Hirsch advised sewer agreements state no further tie-ins whether established by NJDEP or the Borough; this is settled and not for Board discussion. There is no justification or engineering reason to require a gravity system which would be more expensive and create more disturbance. They have received no engineering review letters to indicate a force main would be inappropriate. Mr. Hubschman clarified wastewater is pumped up to Closter Dock Road and, while it will trickle downhill by gravity, the system remains under some pressure. Attorney Phillips referenced **Exhibit A – 5** “Settlement Agreement, Sewage Capacity Allocation and Sewer Extension Agreement between Alpine Three and Cresskill Borough dated January 20, 2005” which terms ‘privately owned limited capacity two-inch diameter transmission line’ stating that was what DEP approved in **Exhibit A-6** “Letter dated March 26, 2013 from Elizabeth Semple, Manager, Division of Coastal and Land Use Planning to Lloyd Tubman re: Alpine III Amendment.”
- **Mr. Incontro** asked where does the sewer line exit the property? At the top of the driveway. Do they have permission from property owners? Attorney Hirsch stated that is a legal question; not for engineering. Attorney Phillips added this issue will not be resolved by this Board. This Board has the right to look at the feasibility of the sewer line. Ownership will be reviewed by the governing body and/or the superior court. If the Board approves this application there is still another layer of approvals to be obtained from the governing body.
- **Mr. Noback** asked why can't you blast for septic systems and how rock hammering differs? Attorney Hirsch referred him to NJDEP. Mr. Vander Veer will also check NJDEP regulations for their rationale.
- **Paul Tomasko, 87 Church Street**, asked if they've established who owns the land they intend to use for the sewer line? Attorney Phillips noted no information has been provided as to the clear title of the off-site properties to be traversed. The question will have to be answered at some point and that's why they asked for notice to be sent to every property owner along the proposed route of the sewer line so they can be informed as they may have to make a decision at some point as to how to respond. Attorney Hirsch advised she has evaluated the question fully and has a definitive position paper but this is not an issue for the Planning Board.

BREAK Ms. Parilla called for a break. [9:03 PM – 9:15 PM]. Noted: Mr. Hubschman left as planned.

Peter Ciliberto acknowledged he remains under oath.

Spring. Mr. Ciliberto referred to Sheet 9 of 11 of the Site Plan set titled “Existing Conditions Plan/Trees to be Removed Plan” submitted previously to the Board.

- The spring is located in the southern corner of the property midway towards Schoolhouse Lane. The plan labels it “abandoned well.” A 6-inch PVC pipe directs the flow of water from the spring to the ditch that runs along the rear property line along Schoolhouse Lane to the west.
- Existing and proposed conditions were reviewed by their hydrologist Tom Dwyer.
- Flow monitoring was performed March 2013 for approximately one month. March is considered one of the seasonal high groundwater times of year. Instantaneous flow rate readings were taken at various times and after rainfall events as shown in Chapter 15 of the Stormwater Management Report. Rates varied from 2,000 to 21,900 gallons per day (gpd) with the peak being an anomaly and the other readings all below 9,000. Average flows are similar to that from a garden hose. If measured as for stormwater flow rates the peak 21,900 gpd would equal 0.034 cubic feet per second (cfs) or only 5.2% of the post development two-year storm rate calculated at 0.648 cfs; a very small or negligible percentage of the stormwater flow. Further it would represent only 2.4% of a ten-year storm or 1.6% of a 100-year storm.
- Flows from the spring are continuous regardless of the weather (rain or no rain).
- The flow from the spring is not considered stormwater runoff from the site. Alpine’s stormwater ordinance and RSIS which sites NJDEP stormwater management rules as the governing regulation all contain the definition of stormwater and stormwater runoff as follows:

“Stormwater means water resulting from precipitation including rain and snow that runs off the lands surface, is transmitted to the subsurface or is captured by separate storm sewers or other sewage or drainage facilities or conveyed by snow removal equipment.”

“Stormwater runoff means water flow on the surface of the ground or in storm sewers resulting from precipitation.”

Neither of these definitions mentions water flow under the ground or coming out of the ground. The definition of stormwater runoff as water resulting from precipitation also reinforces the fact that the underground spring is not stormwater and therefore the flow from the spring is not required to be included in stormwater reduction calculations. However, if they did add the spring flow into the stormwater management calculations, they would still be able to meet the required reductions.

- Post development they propose mimicking the existing condition as shown on the plan Sheet 3 of 11 of the Site Plan set entitled “Grading, Drainage and Utility Plan.” The spring will be under the garage of Unit 5. A six-inch pipe will transmit flow from the spring over a 3.2% slope to the ditch along Schoolhouse Lane at approximately the same location. The pipe capacity is 1.3 cfs or 840,000 gpd which is more than adequate; a factor of 40 times existing spring flow. The spring is at elevation 425.5 feet and the garage floor at 433.17 feet. Cleanouts are provided for maintenance. Their hydrogeologist reviewed the proposed plan.
- After the site is rough graded but before the building is constructed, the spring should be re-evaluated by a hydrogeologist and witnessed by the town engineer to ensure the condition of the spring has not changed as a result of regrading, piping or groundwater conditions. And also, to ensure groundwater conditions permit construction of basements for units # 5 and #7 and to identify any additional construction techniques or structural design requirements deemed necessary to protect the building and its occupants. They will add a note to that effect on the site plan.
- Attorney Hirsch asked if design modifications performed after post-grading conditions might include a gravel filled trench with a perforated pipe to help channel water away from the foundation. Mr. Ciliberto affirmed they may need a secondary method to ensure spring flow is moved away from the foundation.

Response to Questions from the Board

- Pipe detail and what if it breaks? The pipe from the spring is seven feet below the garage floor. PVC pipe is typically durable. They could consider putting a trap in the garage floor to access for maintenance.
- The plan shows the basement floor at 425 feet and the spring at 426 feet; will the pipe be on top of the basement floor? The basement is lower than the spring but the spring and the pipe will be under the garage section which will not have a basement.

- Will the pipe from the spring empty into the same ditch as the five 42-inch pipes from the detention system? Yes, the pipe from the spring will be moved about ten feet to the west where it will empty into the ditch. The detention basin discharges into the ditch at the western edge of the property near the end of Schoolhouse Lane.

Response to Questions from the Board's Special Engineer (Mr. Vander Veer)

- Explain variations in spring flow measurements and the significant deviation. Could groundwater have contributed? Mr. Ciliberto did not know why the first day's reading was so high. He could not find historical weather data; only that there was some snow the week before; being seasonal high-water time perhaps it was snow melt. Groundwater might be included but is not considered stormwater even though it arises from it.
- If the spring is impacted by groundwater would that not be considered stormwater under N.J.A.C. 7:8-1.2's definition of stormwater "*water resulting from precipitation including rain and snow that runs off the land surface, is transmitted to the subsurface where it is captured by storm sewers?*" Mr. Ciliberto disagreed stating it does not say groundwater in the ground is regulated as stormwater.
- Could there be any other explanation for the variation in flow rate other than impact from a high groundwater table exerting pressure on the aquifer? Mr. Ciliberto conceded it was likely related to groundwater conditions. He did not have enough weather data.
- Were measurements taken in the spring or from the pipe? Mr. Ciliberto was not affiliated with the company that did the testing or involved in the 2013 testing and therefore did not know.

Response to Questions from the Public

- **Caroline Park, 30 Schoolhouse Lane** asked why testing was done in March and not during peak rainy season? Rain was gushing out during a recent heavy rainfall. Mr. Ciliberto advised DEP considers March the time of seasonal high groundwater table which typically results more from snow melt than rain. Heavy rains typically run off the surface without seeping into the ground whereas snow melt seeps slowly into the ground.
- **Ted Noback** questioned Mr. Ciliberto's assumptions based on old data over a limited time span with little or no knowledge of the testing parameters. Is it possible that an aquifer spring is giving off water over a much larger area and the pipe is only collecting a small part of the flow? Is there additional flow not coming from the spring? Mr. Ciliberto maintained the pipe is collecting water coming up from the spring. Other underground flow would just be considered groundwater. He deferred to Mr. Vander Veer for historical knowledge re: testing. Mr. Vander Veer only recalled Mr. Hubschman had installed a V-notch weir at a pipe at the roadside ditch. (A weir is a means of measuring water flow). He did not know if the numbers provided reflected measurements at that point or some other point. Mr. Noback noted the spring is underground and up the hill; not at the end of the pipe. Mr. Ciliberto replied, "understood".
- **Richard Incontro** asked Mr. Ciliberto if he had documentation regarding hundred-year storms, historical daily and monthly precipitation data and conversion rates? How many gallons do the detention tanks hold and are they sufficient? Mr. Ciliberto stated he had reviewed the hundred-year storm at a prior hearing where in any given year there is about a 1% chance of a storm with 8.5 inches of rain. He did not have precipitation data or conversion tables relative to acres per square inches of water. He will look up the detention tank capacity and report at the next meeting. Ms. Parilla asked they be prepared for questions. Attorney Hirsch replied, "understood". Mr. Ciliberto stated he does not deal in gallons but in cubic feet adding the detention facility was designed to treat the hundred-year storm and attenuate its flows to less than predevelopment conditions. Yes, a hundred-year storm could happen more than once a year but designs are based on a theoretical percentage or probability.
- **Ted Noback** Mr. Noback advised he wants to be sure NJDEP was informed it was a spring and their positions have been re-evaluated based on the knowledge it is a spring and not an abandoned well. Have they resubmitted their applications to NJDEP to clarify their mistakes labeling the spring as an abandoned well? Can they provide correspondence documenting the correction and NJDEP's acknowledgement of same? Attorney Hirsch deferred to Mr. Peel for testimony regarding all the NJDEP permits and site visits.

Closed to the public for questions.

Response to Questions from the Board

- Is it to be understood from the calculations that it doesn't matter if the spring water were considered stormwater? Mr. Ciliberto affirmed. Although spring flow is not included in drainage calculations, even if they did, with flows based on the worst-case scenario of 21,900 gallons per day, they would still comply with the required stormwater reductions as compared to predevelopment flows because the spring flow is negligible.
- How will the flows from the detention basin impact the little stream running along the back of Borough Hall? Mr. Ciliberto clarified the five 42-inch pipes comprising the detention system store the stormwater runoff which is released through a control structure consisting of one six-inch pipe. The rate of flow for this release must be less than the predevelopment condition: 50% less for a two-year storm, 75% for the ten-year and 80% for a hundred-year storm. All of their flows will be less than the predevelopment condition.

Open to the public for comments.

- **Richard Incontro** was sworn. He wished to submit data to the Board and provided packets consisting of 11 pages; a cover letter with 6 attachments. Mr. Incontro offered the last attachment, Mr. Kibler's letter to the editor, opines the Clean Water Act has been gutted and that water from the Raritan Headwater Association that used to be considered clean water and regulated is now unregulated. He agrees with the author when he states it's cheaper to keep water clean than to clean it after it gets dirty. Attorney Phillips marked the packet **Exhibit O-3**.

The original terra cotta pipe leading from the spring was replaced with 6-inch PVC and Mr. Hubschman stated at prior meeting steel plates were placed on top of the spring for safety. The spring never should have been disturbed and the Board should investigate its history.

- **Caroline Park** was sworn and asked when she can talk about the safety of the community. Ms. Parilla stated right now they are addressing just this testimony and asked her to attend the future hearings for this opportunity.
- **Ted Noback** was sworn. He observed the witness demonstrated no understanding and could provide no testimony regarding how the spring flow data was collected. At least four to six months of additional data should be collected documenting the location of testing and method used for calculations. The Board should require that accurate information be clearly reported and that the appropriate agencies re-evaluated and based their positions on this new information. He may be missing something but every document on file with the town he reviewed refers to an abandoned well or an earlier application referring to an abandoned well. He found nothing that indicates they reapplied to obtain an opinion from the state agencies based on the knowledge there is a spring on the property and septic systems nearby. The Board should insist on that document going to the agency and that the description of the spring be clearly stated in that request.

Closed to the public for comments.

Resolution of Continuance: Upon a motion by Ms. Gerstein, seconded by Ms. Herries and approved by all to continue this matter to the next regular meeting scheduled for Tuesday, February 26, 2020 with no further notice required. In the event of cancellation due to weather the meeting will be automatically carried to March 24, 2020. Applicant agrees to extend the time constraints to render a decision through to that next hearing.

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Joyce Sonpal and seconded by Gayle Gerstein. All were in favor. The meeting adjourned at 9:58 PM.

Respectfully submitted,
Marilyn Hayward
Recording Secretary