

INLAND AND WETLANDS COMMISSION
REGULAR MEETING

July 6, 2011

Commission Chair Mary Davis called this meeting to order at 6:00 P.M. with the following in attendance:

MEMBERS:

Mary Davis, Chair
Joseph Bakstis, Vice Chair, absent
Sally MacKenzie, Secretary
Lars Johnson, Alternate, Absent
Marcia Puc
Alex Olbrys

OTHER:

Keith Rosenfeld, Town Planner, WEO
Sue Goggin, Secretary
Public: 6

1. Commissioner Davis took attendance and noted there was a quorum. She opened the meeting with the Pledge of Allegiance.
2. Executive Session with Borough Attorney. There was no Executive Session.

4. OLD BUSINESS

- A. Commission discussion for activities at 815 Maple Hill Rd., Owner: Matthew and Tracy DeBarber.

Mrs. DeBarber reported that the silt fences are still in place and the area is stabilized with vegetation. Mary asked how everything held up with the rain. Keith said yes, it did hold up. He met with Mr. DeBarber on 6/29 and inspected the water bars, the silt fences and discussed additional plantings, as well as wood chips on the sloping area acting as mulch. Mary asked in regard to revegetation, are the trees still alive? Mrs. DeBarber responded that they are all alive, except for the evergreens. Keith said that the area is ready to be planted, that the stone water bars are in place, filtrating the stream that goes across the property. He said it is a good time to plant, spread the mulch, that the vegetation is filling in nicely. The area is getting stabilized as seen the pictures. Mary asked if there was still a need for the silt fences. Keith said they should stay up for about another month and that it would be good to let the mulch and plantings take hold. Mary told Mrs. DeBarber that they are all set for this month and they will be put on the agenda for next month.

- B. Report from Borough Engineer regarding storm water/drainage issues located within the Union City Road neighborhood.

Keith Rosenfeld reported that the Borough Engineer told him that there is no new information as of yet. Wayne will inform the Commission when work is about to proceed.

5. NEW BUSINESS

- A. Commission discussion/ decision regarding rehabilitation of culvert located at Rubber Avenue Entrance over Long Meadow Pond Brook, (IW # 11-02).
Applicant: Mancinone Realty

Land Surveyor, Terry Myers, explained that over the past 45-60 days they prepared revised plans based on comment from Wayne Zirolli, Borough Engineer and Keith Rosenfeld, Town Planner. Mr. Myers handed out copies of the revised plans. Some of the contributing factors in the failure of the culvert were:

- a. The pitch of the old pipe was upward. The outlet was 1” higher than the inlet.
- b. The culvert base was not installed properly.
- c. A bubble formed and caused undermining which deterred the amount of flow.
- d. Debris pushed down on the top of the culvert, reducing the flow even more.

Mr. Myers proposed the easiest way to construct the new culvert is to place it next to the old one. The channel will be a more direct route than the previous. The old pipe can then be removed without disturbing the existing brook. At the end of the culvert, rip rap and boulders would be installed to prevent erosion. In a report from Roman, Terry objected to his comment regarding the flow of water within the culvert. The old culvert worked for 40 years. Wayne’s report stated that calculations show the culvert would work for 100 years. The contractor, Mr. Pope, told the commission that it will take about 5 weeks for delivery of the pipe and that it cannot be ordered without a permit. Sally asked why the old pipe needs to be removed. Mr. Myers said that it’s shot. He said that the bottom is rusted and right now it’s being undermined. Terry reviewed their calculations. In Roman’s report, it states that in the upstream plaza culvert, they used the same size pipe that is proposed and there is evidence of overtopping and erosion. Mr. Myers suggested that when this culvert blocked it pushed the water back stream to that culvert. A discussion ensued about the amount of water that will flow through the pipe and the velocity of it. Mary asked about Roman’s suggestion to install a large grouted energy dissipater, which would be used to slow the flow of water. Mary questioned the system they want to put in place and what does it look like? Ned asked about the timing of the pipe and said August would be an ideal time. Terry asked if the commission can hold a special meeting so they don’t have to wait a month. The pipe cannot be ordered until a permit is given. Wayne will be back on the 11th, so maybe a meeting can be scheduled for July 12 to push along this important issue. Mary said she cannot vote on this issue tonight because there are two new commissioners and this is their first time seeing some of this material. Attorney Pat Salvatore said this has been going on since March and his client has

been trying to comply. He has received approval from his client to go ahead with this proposal. This is a tremendous expense to his client and he is not sure that any more will be accomplished by discussions about a larger pipe or a headwall to lower velocity. He said he would like to get approval tonight. Mary said she would have a hard time approving it tonight because there are two new commissioners seeing some of the material for the first time. Mr. Myers said it seems as though the biggest issue here is the headwall and outlook protection. If this is insisted upon it will cost an additional \$50,000- \$60,000. Mrs. Mancinone, the owner of the property, will tell us forget it. He didn't think she could afford the extra cost. Keith asked him to explain the impacts. Mr. Myers said that it is a major undertaking to build a headwall because of the constant flow of water. Their idea is to embed heavy boulders to make the stream flow better and prevent erosion. They would like to get in there in a low flow time like August. Mary said that she wants another report from Wayne, wants Joe here and wants another discussion regarding Roman's report. Ned said that the headwall concerns him because of the permanent disruption to the watercourse. He said that there are ways to accomplish that with natural material, without the concrete. Marcia asked why make changes if the original lasted for 40 years. Did it overflow because there was no headwall? Terry said it was because the culvert got blocked. Ned asked if this occurred over time. Mr. Myers said yes it dropped over time, but this was the crushing blow. There was a discussion over having a special meeting in a week or two. Keith will be in touch with the parties regarding a date for the special meeting within two weeks. Mary said that the commission has no desire to cause undue expense to the property owner.

- B. Commission discussion/decision regarding flooding of property on Rubber Avenue adjacent to Long Meadow Pond Brook, owned by Mrs. Shirley Anderson.

A site walk was done and the minutes are included in the packets. An application was submitted to King's Mark Environmental Review Team to evaluate the Long Meadow Pond Brook. Mary asked about the area around the corner where the stream turns near the high school bridge where it's all silted up. She asked if it is town property. Keith said he will meet with Mr. Stewart and Mr. Zirolli next week.

- C. Additional items require a 2/3 vote.

6. CORRESPONDENCE

None.

7. WEO REPORT

- A. Autohaus (IW #08-08): Keith said that the applicant is progressing with his plans. The cars were in a parking lot where they should be and the debris and auto parts are being placed in a building. He is also going to send him another reminder about the rain garden and the trailers in the back. Ned agreed that it is getting better every day. The original violation was that he was storing material within 100 ft. of a brook. The solution was to build a storage facility in the back and create proper drainage. Mary asked Attorney Fitzpatrick how long the commission has to give him. He thought that they should keep him on the agenda and for Keith to continue taking pictures and giving reports on the progress. Attorney Fitzpatrick explained the regulations on activity near the wetlands to the new commissioners. Marcia stated that she noticed a trailer parked on the side of a strip mall on Rubber Avenue near Paisano's Pizza and Subway. Mary thought Keith may want to drive by and check it out.

 - B. Dmuchowski: Keith said that they cleaned up the area and the water is flowing underneath the garage through the culvert.

 - C. Ponside Condominiums: Keith explained that there is a detention pond that was built that had been flooding. He explained that the water had subsided and the pipe was almost fully exposed. There is no water over Baummer's property. Mary explained that this is an ongoing item to check and keep on the agenda. Mary said that the commission has resolved their problems so they are kept on the agenda monthly.

 - D. Potential Inland Wetland Violations at Mountview Plaza: Follow up to site walk that occurred on June 8 regarding the discovery of debris that appeared to be coming from Mount View Plaza to the brook area towards the rear of the property. Pictures were taken and a letter was sent to the property owner. Keith said they are here to continue the discovery process and hopefully work toward finding a solution. Mary said that while on the site walk, they noticed missing curbing and silt fences (if there were ever any there) and water washing off the whole parking lot. Sand, oil and debris is washing into the brook. It's not being controlled. Sally said there is no erosion control at all. Mary agreed and added that there are no silt fences, no drainage, no catch basins, no nothing. Attorney Pasquale Salvatore said he had just received the Notice of Violation and the photos and he is not prepared to comment. Attorney Salvatore suggested that before having another site walk at the location for this violation, the applicant would like a month to investigate the problem and find a solution. Attorney Fitzpatrick suggested that maybe they could make repairs then do a site walk. Mary told Marcia and Alex that they could do their own site walk. This item was tabled until the August 3rd meeting.
8. The June 1, 2011 Meeting Minutes, June 8, 2011 Site Walk and June 8, 2011 Show Cause Hearing were tabled to the August 3, 2011 meeting.

9. ADMINISTRATIVE BUSINESS: No administrative business.

10. ADJOURNMENT

VOTED: Unanimously on a motion by Sally MacKenzie, seconded by Alex Olbrys
at 7:32 PM.

Respectfully Submitted

Sally MacKenzie, Secretary /sk