VILLAGE OF RIDGEWOOD
PLANNING BOARD
TUESDAY, OCTOBER 6, 2020
COMMENCING AT 7:30 P.M.
Via Zoom US Videoconference

IN THE MATTER OF HOPPER RIDGE CONDOMINIUM ASSOCIATION, INC.; Application for Preliminary and and Final Site Plan, Soil Movement and Variance Approval.	TRANSCRIPT OF PROCEEDING

B E F O R E:
VILLAGE OF RIDGEWOOD PLANNING BOARD
THERE BEING PRESENT:

RICHARD JOEL, CHAIRMAN

SUSAN KNUDSEN, MAYOR (EARLY DEPARTURE)

JAMES VAN GOOR, MEMBER (ABSENT)

DEBBIE PATIRE, MEMBER (ABSENT)

LORRAINE REYNOLDS, MEMBER

FRANCES E. BARTO, MEMBER

MELANIE HOOBAN, MEMBER

ALYSSON WESNER, MEMBER

DIANNE O'BRIEN, MEMBER (RECUSED)

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MARYANN BUCCI-CARTER, P.P.

CHRISTOPHER J. RUTISHAUSER, P.E.

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I N D E X

E X H I B I T S

CHAIRMAN JOEL: Next is Hopper Ridge Condominium Association, application for major preliminary and final site plan, soil movement and variance approval.

This was carried from September 1, 2020, without further notice

MR. MARTIN: I think, Ms. O'Brien, you're recused.

(Whereupon, Ms. O'Brien is recused from this matter.)

MR. RUTHERFORD: Yes.

Good evening, everyone. Just for the purposes of who will be participating, Tibor Latincsics is our Professional Engineer and Professional Planner.

I also arranged Ms. Carucci or her representative to transcribe this evening's meeting.

As well as I know there are likely a number of interested parties. I don't know if it's the board's practice to bring them as participants, or just the witnesses; is that how it works right now?

CHAIRMAN JOEL: I haven't really had many applications, but I guess you can examine your witness, and then when it gets to cross from the

public, we can let people in.

Is that a problem, Chris?

MR. MARTIN: That's exactly how it should be done.

Thank you, yeah.

MR. RUTHERFORD: Okay, that's fine.

Because I expect there -- I don't know, but I believe there are likely a number of interested parties here this evening.

CHAIRMAN JOEL: Okay.

MR. RUTHERFORD: I don't see Mr. Latincsics yet.

Oh, here we are.

CHAIRMAN JOEL: Okay, I see him there.

MR. RUTHERFORD: Okay, Mr. Chairman, then I'll proceed.

For the record, My name is David L. Rutherford. I'm appearing tonight on behalf of the Hopper Ridge Condominium Association, Inc.

The board will recall that we came -- my client came before the board for a concept review a couple of years ago with respect to a project to supplement and repair an existing crib-tie retaining wall on the Hopper Ridge property.

You heard that night, and you'll hear

again tonight probably on a number of occasions, that this is a need, not a want.

The existing railroad-tie retaining walls have reached the end of their useful life and they need to be repaired and supplemented.

And Mr. Latincsics is going to explain to you this evening how that's going to be done.

That having been said, the idea certainly is to create an aesthetically pleasing wall. But these walls are essentially functional. And you'll hear more about that this evening as we proceed.

While there are some variances involved relating to the height of the walls and the proposed development in the riparian zone, I will submit to the board that this is to a large extent an engineering matter and not a planning matter.

Mr. Latincsics will explain to you that the retaining walls will essentially not be visible. I think Ms. Bucci-Carter agrees with this to a large extent. She can certainly speak for herself, please understand.

But they will really not be visible to any extent from beyond the property. They will be visible primarily to the residents and the unit

owners of Hopper Ridge.

So while it certainly does affect the neighborhood to a certain extent, this is kind of a self-contained project that the association must do because these walls have reached the end of their useful life and, as I indicated, need to be repaired and supplemented.

I did file an Affidavit of Service -- or Certification, I should say, of Service and Publication with Ms. Wondergem earlier today.

And recognizing the limitations of the Zoom platform and the hour, my intention this evening is to have Mr. Latincsics qualified as an expert in the field of professional engineering and professional planning and enable him to proceed in narrative format.

I think the board's IT expert earlier spent a fair amount of time with Mr. Latincsics to try to help with the screen sharing, so hopefully we'll be able to present our exhibits in an efficient fashion that will enable the board to really understand what we're trying to explain, and you'll understand the project a lot better.

So unless the board has any further questions of me, I'd like to have Mr. Latincsics

sworn and we'll proceed with testimony.

CHAIRMAN JOEL: Just one final order.

I guess Diane recused, so if she could be removed off the screen just so it doesn't appear that you're still up on, like, the dais.

MS. HOOBAN: We did lose Susan?

She had something to go and take care of so, I guess...

MS. WONDERGEM: So we have five then, right now, correct? Five members? One, two...

MS. HOOBAN: Yeah.

MR. RUTHERFORD: Five members, okay.

We want to proceed, Mr. Chairman, I think for a number of reasons. I won't be surprised if this matter does not conclude this evening.

As I indicated, while it doesn't present tremendously complex planning issues, it is complex from an engineering perspective and I know a number of parties that are interested in it.

So I have arranged for the reporter, as I indicated earlier, and I expect that we'll be able to provide a transcript to the board so that those members who are absent this evening will be able to read the transcript and render themselves eligible.

MR. MARTIN: As well as the recording,

yes.

MR. RUTHERFORD: Yes. That's fine, yes.

But it's easier to read a transcript. I must say, though, listening to a recording can be a bit tedious sometimes.

In any event, so with that having been said, we'll have Mr. Latincsics -- I'm looking for him. There he is. I'm sorry. If he can be sworn, please.

MR. MARTIN: Mr. Latincsics, this is Chris Martin. How are you?

MR. LATINCSICS: Okay.

How are you?

MR. MARTIN: Can you raise your right hand?

Do you swear to tell the truth, the whole truth, and nothing but the truth?

MR. LATINCSICS: I do.

T I B O R L A T I N C S I C S,

29 Church Street, Ramsey, New Jersey, having been duly sworn, testifies as follows:

MR. MARTIN: For the record, give your full name and your business address, please.

MR. LATINCSICS: Tibor Latincsics,

spelled T-i-b-o-r; last name, L-a-t-i-n-c-s-i-c-s. Professional Engineer with the firm of Conklin Associates, 29 Church Street, Ramsey, New Jersey, where I'm located at the moment. Professional Engineer License Number 32444. Professional Planner License Number 3736.

I have provided testimony before the planning board previously and on a routine basis for planning boards throughout northwest Bergen.

MR. MARTIN: And you're a professional engineer, correct.

MR. LATINCSICS: Correct.

MR. MARTIN: And you have a civil engineering background.

MR. LATINCSICS: I have a Bachelor of Science in Forestry from SUNY in Syracuse, a Bachelor's of Science in Civil Engineering from NJIT, where I have and am currently serving as adjunct professor.

MR. MARTIN: You've been involved in projects in terms of design and engineering of foundational and wall-related activities for soils and, you know, to prevent erosion and protection, correct?

MR. LATINCSICS: Yes.

Conklin Associates prepared the eight-sheet plan set before you. That includes the original survey work. We had the soils -- for the soils. And I have the project manager and the project engineer on the development of this project.

MR. MARTIN: And so qualifies tonight as a professional engineer.

Go ahead, Mr. Rutherford.

MR. RUTHERFORD: Yeah, Mr. Martin, thank you for that.

VOIR DIRE EXAMINATION

BY MR. RUTHERFORD:

Q. Mr. Latincsics, you are also a licensed professional planner in the State of New Jersey.

Is that correct?

A. Correct.

License Number 3736.

Q. And you've been qualified in the past before planning and zoning boards in New Jersey as an expert in the field of professional planning?

A. Yes.

Including the Ridgewood Planning Board.

Q. Your voice -- I don't know what the issue is. Your voice -- I don't know if anyone else is experiencing this.

Your voice is, kind of, fading in and out a little bit.

MR. RUTHERFORD: Can everyone else hear Mr. Latincsics?

Thank you.

And I'll ask Mr. Hansen, I just want to make sure my court reporter is also -- she's been logged in so she can transcribe this?

IT MODERATOR: She's able to listen in. I can bring her in as a panelist.

MR. RUTHERFORD: I don't need her as a panelist.

I just want to make sure she can hear us.

MS. REYNOLDS: What's her name?

IT MODERATOR: Reinstein.

MS. REYNOLDS: She just put something on the screen saying she's having trouble hearing.

MR. RUTHERFORD: Oh, I'm sorry, okay.

IT MODERATOR: I think she's having trouble hearing Tibor.

MR. LATINCSICS: What can I do from my end? (Audio Distortion.) Am I allowed to share the screen? (Audio Distortion.)

MR. MARTIN: Tibor, we can't hear you

now.

And I have a threshold question for Mr. Rutherford.

Mr. Rutherford, he's been qualified as a professional engineer.

Do you also want him to be qualified --

MR. RUTHERFORD: Yes.

MR. MARTIN: Based upon your voir dire, he's also qualified as a professional planner.

Now the more troubling issue. The court reporter and audience member and I think the Chair are having trouble hearing him.

MR. LATINCSICS: Is that better now?

IT MODERATOR: Yeah, a little bit better.

If you want to, you can dial in the number that will attach it to your video.

MR. LATINCSICS: That would be on my iPhone.

IT MODERATOR: Yeah.

You can do it from any phone. But if you click down in the left-hand corner by where the microphone is, there's a little up arrow and it says, "Switch to phone audio," and it will give you a phone number and a code to dial in with.

(Whereupon, off-the-record discussion is held.)

DIRECT EXAMINATION

BY MR. RUTHERFORD:

Q. Mr. Latincsics, just a few preliminary questions.

You filed this application on behalf of our client under cover of your letter dated May 21, 2020

Is that correct?

A. Correct.

Q. And you included a number of exhibits in there.

MR. RUTHERFORD: Mr. Martin, does the board consider the application and related materials to be part of the record?

CHAIRMAN JOEL: He stepped away for a second.

MR. RUTHERFORD: Okay. Then we'll circle around, then. We'll come back to that. Let's move forward.

BY MR. RUTHERFORD:

Q. Mr. Latincsics, perhaps you can give the board just for the moment just a very brief overview of this application, and then we'll start

getting into the existing conditions, the description of the property and what's being proposed?

A. Okay. And I would like to share the screen with Plan Sheet Number 1, which I've just opened as a PDF.

Does everybody else have Sheet 1 of 8 in front of them?

(No response.)

MR. LATINCSICS: I will take that as a no.

Does everybody have Sheet 1 of 8 in front of them?

MS. REYNOLDS: Sheet 1 of what?

MR. LATINCSICS: Plan Sheet 1 of 8.

MR. RUTHERFORD: Yeah, the board has it.

MR. LATINCSICS: Who mounted it? I shared it or Dylan shared it?

I'm moving the cursor left to right.

IT MODERATOR: You didn't share it yet. You have to share your screen.

MR. LATINCSICS: Excuse me?

I have to share my screen?

IT MODERATOR: Yeah.

MR. LATINCSICS: I'm hitting Share

Screen, and I go to my PDF.

Am I sharing the screen now?

IT MODERATOR: No. It's not showing up.

MR. LATINCSICS: It's not, okay.

MS. BUCCI-CARTER: You have to hit Share Screen twice.

You hit Share Screen when it's green at the bottom and then you have to hit it again when the small window pops up.

MR. LATINCSICS: Okay, Dylan, can you mount -- can you put up Sheet 1 of 8.

IT MODERATOR: I'm trying to open it. Hold on.

MR. LATINCSICS: I just shared it. Is it...

IT MODERATOR: Sheet 1, okay. I'm going to share mine.

Can everybody see it now?

MR. RUTHERFORD: There we go.

MR. LATINCSICS: Yeah, okay.

I'm moving my cursor back and forth. Everybody can see that?

IT MODERATOR: No, because I'm sharing it.

You're not sharing it.

MR. LATINCSICS: Okay. Well, okay, this is Plan Sheet 1 of 8. And going right into this.

It's 36 Hopper Ridge. The townhouses are located on Lot 3, Block 4104. The overall site is 10.3 acres, at the end of Durar Avenue.

The original Planning Board preliminary approval is dated February 15th, 1983.

The final site plan was approved in post-construction in 1990. It is located in the R-1A Zone.

There is a key map in the upper right-hand corner. If you could pan out, Dylan, in the upper right-hand corner there is a key map showing the proximity of the 10.3-acre site to Prospect Avenue, Cedar Avenue to the north, Irving to the east, and so forth.

A major feature of the site are three on-stream or on-storm sewer detention basins through which a tributary of Ho-Ho-Kus Brook flows.

Dylan, if you could pan out to the body of the plan sheet? And as a practical matter -- and those three detention basins are located generally speaking in the center of the site.

And clustered about the detention basin and taking advantage of the view are the 36 townhouses in clusters of four. There are nine buildings each with four units in them.

These townhouses are held up by landscape tie-crib retaining walls, which I'm tracing.

We have named these detention ponds: The lower detention pond, the middle detention pond, and the upper detention pond.

And these townhouses are perched above these detentions ponds atop dated landscape tie-crib walls.

And I emphasize the term landscape ties. They are not railroad ties, but they are southern yellow pine CCA treated landscaped timbers, not railroad ties.

And they are a crib wall, meaning that -- think of it as Lincoln logs. The wall system actually extends 11 feet behind the face of the wall.

So there are numerous challenges. And, yes, they are past their useful life. And we sent some photographs.

But there are some major challenges to the project. And the replacement is a need, not a

want. They are past their useful life, in some cases rotting, buckling and separating.

The walls are between a rock and a hard place. The rocks are the on-stream or on-storm sewage detention ponds. And behind the wall -- just a few feet behind the wall is the project, Hopper Ridge.

That's this concrete sewer pipe that carries sewage from the various units to the main trunk line which then connects to the 16-inch Ridgewood line that runs through the middle of the site.

So working around the pond and not damaging the concrete sewer pipe is a major challenge. Adding to the challenge is that these in some cases -- for example, if we take 4 Kira Lane, this wall extends -- the wall systems, again think of it as a Lincoln log retaining wall backfilled with crushed stone.

The wall system extends 11 feet behind the wall, behind the face of the wall. In there you have the sewer line. And in some cases the individual patios or decks, as it may be, overlap the wall system.

So these are some major challenges.

Pardon the expression. The gorilla in the room is the access. It's just a very, very difficult location to access in between the townhouse units and the ponds. We have slopes to contend with, the ponds themselves, and working around the units, the sewer line, the patios, the decks, landscaping, et cetera.

Added to this is -- the part of the project that's separate and distinct from the walls is the dredging of the ponds. That's more of a want than a need.

But as a practical matter to construct the walls, there will be some necessary -- by the time one is mobilized, lower the ponds, erosion control measures, access, restoration and all those elements, it is good planning to accommodate for the dredging of the ponds. And the want or the need decreases as you go downstream.

The drainage area to the pond is approximately 67 acres. It is the Ridgewood municipal stormwater system going from Cedar Avenue to the north pond. The north pond traps most of the silt. The upper or the north pond then drains to the middle pond. Less silt is carried over. Then there's a 48-inch culvert on Durar Ave, which then drains to the lower detention pond. And then

ultimately that drains to a tributary of Ho-Ho-Kus Brook.

As a practical matter, these detention ponds are oversized for the actual Hopper Ridge project. They provide what -- I call it a regional benefit for the entire 67 to 70 acres of upslope areas that drain to the three detention ponds.

Then added to these actual physical and engineering challenges are environmental challenges in that there is a riparian zone associated with these three detention ponds, even though they're manmade.

Actually, the original ditch, as indicated on Plan Sheet 1 -- I'm tracing it -- it started from Cedar Avenue, meandered through the site, and drained north to south. That original ditch's remnants are still onsite.

It is now dry and was replaced by the three manmade detention ponds that provided an aesthetic and stormwater management benefit.

That's an overview of the site and the challenges. The repair of the walls is an absolute need. And what is proposed -- and if we can pull up Plan Sheet 2 and get started here.

Or, actually, Dylan, if you don't mind,

if you can mount the photographs, I can walk through the photographs because I think the visual is very important.

MR. MARTIN: Mr. Rutherford, do you want to mark the photographs collectively?

MR. RUTHERFORD: Yes. Thank you, Mr. Martin.

I wanted to move back just a moment ago.

BY MR. RUTHERFORD:

Q. Mr. Latincsics, you were referring in your testimony just a few moments to Sheet 1 of the plan set, correct?

And that's the plan set -- I think you said it consists of eight pages and it was last revised on August 10, 2020?

Is that correct?

A. That is correct.

Sheet 1 of 8 is an Overall Existing Conditions Plan Sheet. And I neglected to mention that the cubital length of those landscaped tie-crib walls is 600 feet long with heights approaching 12.6 feet in selective locations. It's a variable height wall.

And if we could proceed through the

photographs?

MR. RUTHERFORD: So just to go back. Just to keep the record neat, please. Mr. Martin, we'll mark as Exhibit A-1 the plan set, the 8-page plan set revised August 10, 2020, if you please.

(Whereupon, Plan Set, Last Revised August 10, 2020, consisting of eight, is received and marked as Exhibit A-1 for identification.)

MR. RUTHERFORD: And the photographs, we can mark as A-2.

(Whereupon, 28 Photographs are received and marked as Exhibit A-2 for identification.)

BY MR. RUTHERFORD:

Q. Mr. Latincsics, I looked online earlier on the Village website. I think there are 28 photographs.

Am I correct?

A. Yes.

MR. RUTHERFORD: Okay. So, Mr. Martin, then A-2, if you please, will be the plan set. This was filed with the application, 28 photos, as A-2.

MR. MARTIN: Right. A-2 is the photographs, David, and A-1 is the plan set.

MR. RUTHERFORD: That's correct. Thank you.

MR. LATINCSICS: Okay. Is there a way I could scroll through the photographs, or we'll just take these one by one.

MR. RUTHERFORD: If we could figure out how to get you to share your screen we could do that; otherwise, we need Dylan's assistance, I believe.

MR. LATINCSICS: Okay. I hit Share Screen. You cannot -- okay, someone else is sharing.

IT MODERATOR: I can stop sharing. I'll stop sharing and you can share.

There, you can try sharing.

MR. LATINCSICS: Okay.

Now, I'm sharing and I lost the photographs. Let me see if I can pull mine up. Please bear with me. Okay.

Does everybody see the photographs?

IT MODERATOR: No. You have to hit Share again. Share Screen, choose the photographs, and then Share again.

MR. LATINCSICS: Okay, I hit Share Screen.

IT MODERATOR: Yep. And now you'll see a layout of what you can share that's open on your

computer.

Choose the Photograph 1. And then on the bottom right-hand corner hit Share.

MR. LATINCSICS: Okay. The problem is the tool bar for Share disappears on me.

IT MODERATOR: No.

It's part of the window. It's no longer part of the tool bar. It's part of the window. On the right-hand corner of that window it says "Share."

MR. LATINCSICS: In the right view of this window it says Share. It does not.

Yeah, I have Photograph No. 1 up. No one else has that up.

IT MODERATOR: No.

Do you want me to go back to my share?

MR. LATINCSICS: Let me give this one more try here. I thank you for your patience.

MS. REYNOLDS: Can I ask a question of the Chair?

Richard, a resident, I believe, just wrote a message on the screen. He wanted to be able to see the pictures. Are they on the website anywhere?

CHAIRMAN JOEL: Dylan, are those

posted?

IT MODERATOR: They're all posted on the Village website under Planning Applications.

MS. REYNOLDS: Okay.

MS. HOOBAN: They've been there, I guess, what since --

MR. LATINCSICS: Okay, Dylan, if you could please share the photographs.

BY MR. RUTHERFORD:

Q. Mr. Latincsics, maybe what you can do is say what you want to say about each photo, and then Dylan can go to the next one.

A. Okay.

Unfortunately, I'm not seeing the photographs now.

IT MODERATOR: Go to your Zoom window and it should be me sharing the photos.

MR. LATINCSICS: Okay. Sheet Photograph No. 1, does everyone see it.

IT MODERATOR: Yes.

MR. LATINCSICS: Okay. Photograph No. 1, I'm looking directly down Durar Avenue.

We are looking west and east in the photograph. It just indicates Durar Avenue I'm pointing to the low point.

This is the middle detention basin to the north, the lower detention basin to the right. There's a cross culvert here.

Next photograph, please. Number 2.

Again, this is the low point of the roadway. There's a culvert under here connecting the two, the middle and lower detention ponds.

Next. Next photograph, please.

Okay. This is looking across the middle detention pond to the retaining wall obscured with the townhouses perched above the current retaining walls above the middle detention pond.

Next photograph.

Just to get everybody a sense for the site.

Next photograph, please.

Okay. This is looking southerly down the middle detention pond. You can see I'm pointing to the two-tier crib retaining wall. There is the lower tier and the upper tier. These are the stockade fences about the patios or decks to the immediate rear of the townhouse units. And they are as close as 2 or 3 feet to the top of this wall. There is a sewer line right behind this wall.

Next photograph, please.

Again, this is looking at the retaining wall behind Kira Lane, a two-tiered wall, and the slope leading down to the middle detention pond. This is a stockade fence about a patio or a deck to the rear of a townhouse unit.

Next photograph, please.

And, again, this is to give a sense -- a sense of the site.

Again, looking directly down, there is a retaining wall, the lower tier, the upper tier. The sewer line is running right here.

And this is a stockade fence around the patio or deck. And you can start to understand the challenge, because this wall actually extends -- the wall system extends 11 feet behind the face of the lower wall.

Next photograph, please. Thank you for your help here.

Again, more -- now these photographs are actually four years old from when we started this project. One thing is very evident in that the quality of the landscape ties of the lower wall were much better than the upper wall because the upper wall is in much worse condition in terms of deteriorating.

Next photograph, please.

Again, more of the same.

Next photograph. You can see some more deterioration. This is actually four years ago. It's much worse now. Keep going.

Next photograph, please.

This is looking north. It gives you a better sense of the scale of the wall. As you proceed to the north, the wall gets taller. Each of these ties are 5-and-a-half inches. The two ties are roughly a foot. Keep going.

This is an interesting point. This is actually a 24-inch maple growing out of the top of the wall. This is between Units 43 and 47. This wall was finished, I believe, about 1988. So it gives you a sense of how long it takes a 24-inch tree to grow if it gets adequate sunlight.

Next photograph.

And pretty amazing. It's starting to buckle the wall now. It's pretty amazing that it's not buckled the wall.

Photograph No. 11, this is an angle point in the wall as we go from the middle detention pond to the upper detention pond. This is Number 47 Kira Lane. This is sort of ground zero, the most

challenging in terms of the wall height. Right here the wall is 12.6 feet tall. Very challenging to access topography.

Obviously this tree is one of the trees that needs to be cut down. There is no disturbance to the vegetation atop the walls.

I do have some recommendations. For example, this tree is a real safety issue, but that is separate and distinct from the wall construction. Next photograph, please.

This is the outside of the right angle turn where right behind 47 Kira Lane we are transitioning to the upper or the northern detention pond. This is where the walls narrow down directly across from the pool.

Next photograph, please.

Again, this is a very problematic area. And there is a sewer manhole right -- actually, if you go back to that prior photograph, there is a sewer manhole right behind this wall.

There is a sewer line and man -- right back here there is a sewer manhole where the sewer also is running parallel to this wall, makes a turn parallel to this wall, makes another turn. A very sensitive situation.

Next photograph, please.

And this is where the ponds and the walls narrow down. I nicknamed this the Straits of Gibraltar. This is the wall holding up the pool and the common element. This is the wall holding up the Kira Lane units. There is a corrugated metal pipe culvert under this. This is just scrap metal here. But there's actually a corrugated metal culvert under this that is pretty much clogged and needs to be repaired.

Next photograph, please.

This is the wall behind 43 to 49 Kira Lane at the upper detention pond. And you can see that there's a narrow band of land in between the two.

Next photograph, please.

And, again, here the wall is effectively 10- to 12-foot tall, and it terminates as a concrete wall at the north end.

Again, this is just to give a sense of these walls. Again, this is a privacy stockade fence. And you can see the small separation between the privacy fence, which there is a deck right behind. And that sewer line again is running parallel to the top of this wall.

What we are proposing is in the repair and supplement of this wall is, in front of this wall would be a geogrid reinforced split-faced textured concrete modular block wall.

The specific manufacturer is Keystone. This new wall would be 12-foot in front of this wall just inside the water line. And we'll slope -- backfill the area between the walls as a 3-on-1 slope to the new wall.

When we pull up the additional plan sheet we'll provide additional detail.

Next photograph, please.

Again, this is looking again down the face of the wall.

And when the question comes up, why can't we replace the wall in its current location? Imagine you're standing at the base of this wall. We would have to excavate into this embankment.

Behind that embankment is the sewer line, patios, decks, fences. And that would all come tumbling down.

So to repair the wall is a supplemental wall in front, 12 foot in front of the upper wall, to allow -- so that we do not have to excavate into this embankment. You can appreciate the challenges in

that regard.

Next photograph, please.

Again, imagine you're -- and in order to appreciate this, you have to stand down here and look up at the top of this wall. And you have that sense of the condition of this wall. You can see ties are moving. They're buckling. They're deteriorating.

To excavate into this would put the sewer line and all these physical improvements in danger. We do not want this project to morph into a sewer replacement. That is -- that obviously would be a significant challenge.

Next photograph, please.

And this is just looking down through the narrows towards the middle detention pond. Keep going.

Next photograph, please.

But you can see -- again, these photographs are six years old. But you can see the movement in the ties. It is deteriorating.

Photograph number 19 is looking east across the upper detention pond. That is the discharge -- the corrugated metal pipe storm sewer discharge of the municipal storm sewer system into

the upper detention pond. And that vegetation about that is a bamboo grove at that locale.

Next photograph, please.

Photograph Number 20 is a photograph of the two-tiered wall which supports the pool and the clubhouse. And you can understand the challenges of just getting to this location, you know. And we'll discuss the access when we review the plans.

Next photograph, please.

Thank you for patience. If people have seen enough photographs, cut me off. We do have the lower wall, too. More of the same.

Next photograph.

Okay. This is the lower sawtoothed. It's a zigzag pattern which mimics the footprint of the townhouses. And shows the lower detention pond in the foreground.

This is a lower -- the maximal height of this wall is 6 feet. And, however, this slope, this is almost a 50-degree slope. It is difficult to walk here, let alone work to replace these walls.

The lower wall, by nature of its sawtoothed construction, is in better condition than the upper two walls.

Again, we have the same situation of a

sewer line right behind this wall. These stockade fences are the privacy fences for patios and decks. You can see they come up almost right to the wall.

Next photograph, please.

And, again, this is looking northerly. You have a sense of the slope. We have absence of vegetation. Actually, the slope is so steep, precious little grows there. And we will be discussing the tree removal and the supplemental plantings as part of the project.

Next photograph, please.

Again, this is looking at -- looking northerly. And you can see how much more attractive the lower detention pond is, just from a water quality perspective. Due to the silt settling out in the upper detention pond, whatever remains in the middle detention pond, that is all to the benefit of the lower detention pond and ultimately the downstream water courses and the Ho-Ho-Kus Brook to which this system ultimately drains.

Again, you have a sense here. This is a privacy fence. Right behind here is a patio or a deck, and yes, a sewer line.

Next photograph, please.

And, yes, there you go, there is a

sewer manhole. This is actually right in front of the wall where it terminates.

In this case, the sewer line is running underneath the wall. This photograph is four years old, but you can see the condition of that landscape tie.

Next photograph, please.

This is the outlet control structure, which is basically a 2-foot-wide weir. This is the upstream end of the outlet control structure for the lower detention pond.

Next photograph, please.

And that is the outlet end of the detention basin. You can see typically this will flow out under -- only under major a rainfall event.

And, yes, 2018 was our wettest year on record. So it was probably a more contiguous flow during 2018, early 2019.

But on a typical day there is no outflow from these detention ponds. And I believe there's one last photograph.

That is again a view of the outlet control structure. This is the berm. You can see the absence of vegetation.

Dylan, if you could -- if we could go

back to Plan Sheet Number 1, I'll just quickly review, you know, what we've reviewed visually on Plan Sheet Number 1. Okay.

So again starting at the lower detention pond, this is the outlet control structure. This is the outlet control structure. Hopper Ridge owns this wooded area below. This is the sawtoothed lower wall I was referring to. Thankfully there is no wall with this upper unit.

Then we have Durar Avenue, the cross culvert. We have the middle detention pond where we have the wall.

That is that angled corner I was discussing. Directly across is the pool and the clubhouse with -- I'm tracing the wall that is being held up. This wall is a 130 feet long. This is the primary wall. That is 350 feet long.

We have the upper detention pond with a storm sewer discharge from the Village storm sewer system, which runs from Cedar Avenue to -- the storm sewer runs from Cedar Avenue.

There is a silt chamber here to collect the silt. And then it runs to this discharge point, which was in the photograph.

We have the benefit of an access road

here, which I'm tracing. That access road, there is a curb cut, a concrete apron, that leads to an access road which also doubles as emergency access, and yes, a major 16- -- 15-inch concrete sewer line, which is a trunk line for the Village, runs through an easement.

This was the former Hopper Avenue that was vacated as part of the overall project. The private Hopper Ridge storm sewer system ultimately connects to this 15-inch ACP pipe.

So, Dylan, if you could bring up Plan Sheet 2.

And Plan Sheets 2, 3 and 4 focus on portions of the site. This is again Plan Sheet 2. And again, we have our access roadway. And in burnt orange is the proposed wall.

And access to the project will be via Durar Avenue certainly, and the access roadway leading out to Cedar Avenue. And we are clearly -- and I'll be detailing soil movement -- soil movement quantities.

We have a major soil movement application filed. But we identify stockpile areas, whether it's for dredging. The walls are backfilled with crushed stone.

Now, I'll provide a summary of quantity.

But, for example, the replacement wall is 6,200 square feet. That is 160 pallets of concrete block, which vary from 69 to 77 pounds per block. We need a place to put those 160 pallets over a period of time.

One question we anticipate is certainly the period of construction. This is a 3-month project with good weather conditions. And we will need stockpile areas to supply the project.

Dylan, if you could pan out to the overall project, I will identify stockpile areas.

One stockpile, stockyard, stockpiling area I'm tracing, it is the south -- excuse me -- northeast corner of the site at the end of the access road.

There is a wooded area for pachysandra ground cover. We identify a stockpile, stockyard area with a limit of disturbance with erosion control measures. And it's about 2,700 square feet.

And the second stockpile area is immediately adjacent, right at the end of the access roadway of the northern or the upper detention pond.

This is -- if you could pan out. This

is a cross-section detail of the proposed Keystone wall. And I'm pointing to it now.

Dylan, if you could zero in on that?

And I think everybody is familiar with the modular segmental concrete block walls. There's different manufacturers: Keystone, Allan Block, and others. This is technology which really became available in the mid-80s.

I'll tell you, it was unfortunate that landscape ties were utilized for these walls. Nobody has built major retaining walls with landscape ties since the late '80s, early '90s, due to the advent of the modular block walls. They are significantly superior.

Keystone was probably the best known. It's one of the many manufacturers. And the reason we have specified them is that they were only pin system. They patented the pins. The other block manufacturers rely on grooves and other methods to interlock. The pins are still the best.

And probably people are very familiar with what I call the "original Keystone," which is a waffle weave. We see them everywhere. And they have responded to the marketplace, and there's many aesthetic options available now: Beveled edges,

Victorian edges.

In this case, we have specified a standard compact block, wood-faced. It has a textured finish to it. And a blended color, meaning it's a swirled color of brown and gray, and very attractive. Ultimately, I think that's an aesthetic decision on the part of the Homeowners Association. I have recommended the tan, which is very popular due to its -- it's very aesthetic. It's a blend of swirled brown and gray and blends in with the landscape.

A key element with these walls is the geogrid, which is the geogrid deadman. It really is very similar to the Lincoln log crib wall, but it is significant better. That is really the key element of these retaining wall systems with proper backfill and compaction, particularly due to the location of these walls. Yes, there will be heavy equipment here, excavating equipment, skid steerers, to move the pallets.

But ultimately all 6,200 blocks have to be picked up, put in position by hand, and secured. And Chris will certainly advise us. It's all about the quality of the fill and the compaction behind the wall.

The current wall has no fall protection whatsoever. We specify a split-rail fence atop the wall for fall protection, which is a significant improvement. And there will be a 3-on-1 slope, one vertical, 3 horizontal, or basically a 30-degree slope from the new -- from the wall repair, the new wall, to the existing wall, and 12 foot in front of the existing wall system.

Dylan, if you can go to Plan Sheet Number 3, which is similar to Plan Sheet Number 2, but we zero in on the construction site even more.

IT MODERATOR: Okay.

MR. LATINCSICS: Okay, thank you. I'm now tracing -- this is the -- I'm tracing the wall repair. And this wall, this middle wall, is 276 feet long. And you can see it has curves, which are one aesthetic. Two, these wall systems work really well with curves, and they're also structurally more stable with curves. Right-angled curves, right angles, acute angles are always a problem and a challenge.

And, yes, these walls -- I should have mentioned it. I'm sure we have a detail on this plan. The walls have a batter. One inch for every 8 inches of vertical rise, the wall has a back

batter, which again adds to the aesthetic of the wall, particularly with the blended block. A vertical wall always appears as if it's leaning forward no matter. Really it's an optical illusion. These walls have an inherent batter built into the wall system.

So the middle wall is 276 feet long. The upper wall is 174 feet long. The next plan sheet will show the lower wall.

But let me just while we're -- okay. The maximum height of the -- this wall has a maximum height of 10 feet to the immediate rear of these -- of 43 to 49 Kira Lane.

In this location, we are asking for a variance from your wall height ordinance. Let me take a step back.

We are asking for -- I believe this is ultimately classified as amended soil movement -- excuse me -- an amended site plan.

We are amending the original 1983 site plan approval; we're modifying it. And yes, we have a major soil movement application associated with this amended site plan application. And I'll get into soil movement quantities.

But to be clear, the current wall is

12.6 feet tall at its highest in this area. Again, this is our pinch point here, the most -- or the gorilla.

It's the largest, the Strait of Gibraltar. We have the higher wall, the most difficult access with a sewer manhole here and a deck right behind the wall. This is where our most significant challenge is.

The proposed wall -- again this wall goes from the zero height at the end. It transitions up to 12.3 feet here, approximately 10 feet here, and then transitions down to zero here.

BY MR. RUTHERFORD:

Q. Mr. Latincsics, we're not seeing your arrow, I don't think. I'm not seeing it anyway.

A. Okay. I have my arrow pointed at the southern --

Q. Okay, I see it now. Thank you.

Okay, there we are. I see it now. Thank you.

Go back and say that again, please. I don't want to make you repeat but --

IT MODERATOR: That's my arrow that I'm pointing. It's not his.

MR. RUTHERFORD: I'm sorry, okay.

MR. LATINCSICS: Okay.

My arrow is at the south end of the middle detention basin wall. At this point the wall is medium grade, zero height.

If you remember those photographs that we saw, the wall climbs in height.

In this area here, the wall currently is 12.6 feet tall. We are proposing a 12.3-foot-high wall here. I'm asking for a foot variance to -- there's always field conditions and field modifications.

The wall is approximately 10-feet tall here, and then transitions down back to zero where we meet grade in front of the clubhouse.

If I go to the north wall, which is 174 feet long.

And, interestingly, the upper wall on and the lower wall are the same exact length, both 174 feet.

It surprised us so we double-checked it and triple-checked it. This wall is 174 feet, starting at zero, climbing up to 10 feet, and then transitioning to meet back to the concrete retaining wall at the north end of 49 Kira Lane that we're meeting.

But we have wall heights identified here.

Now, an element of this is, yes, we are going to replace this culvert, and we are curving these walls. And if you remember from the prior, there's pretty much that very narrow -- this is all backfilled with crushed stone.

We are backfilling this area and landscaping this area.

And, yes, ultimately this gray shaded area is portions of the existing detention pond that we are filling in to accommodate this wall construction.

There is an obligation to compensate for this area by expanding the pond. That obligation is twofold. DEP has a general policy that you do not fill state open waters. And even though that these are manmade detention ponds, they are classified as state open waters.

And while they're very robustly designed, they provide detention capacity. And that detention capacity is directly related to the surface area of the detention ponds. So there's an obligation to whatever we're filling in expand an equivalent area.

And that is the deep blue shaded area where we are expanding primarily -- proposing to expand the upper detention pond. And there's a number of benefits to that.

Certainly the upper detention pond is the most effective in terms of stormwater detention and collecting the silt and the debris that comes down the municipal system to the benefit of the lower -- the middle and lower detention pond and downstream water courses.

And, yes, the topography is most favorable and the access is most favorable to expand the upper detention pond.

For example, if you're familiar with the site, could we expand the upper detention pond here?

But then this is a fairly steeped -- I'm pointing with my cursor to the lower portion of the middle detention pond. One could legitimately ask, well, why can't we expand the pond here? The answer is, we have this steep slope here, and also now we are building retaining walls to hold up that steep slope, and we have more than enough retaining walls to build.

If we can go to Plan Sheet Number 4,

that we will focus on the lower wall. And I note that it's 9:30.

How much more time do we have?

Okay. I have my cursor pointed at the outlet control structure.

Can everybody see that? I'm wiggling my cursor.

And I'm tracing the proposed location of the Keystone wall. And again, we have our construction detail and cross-section here.

And this wall has its own challenges in that this is a very steep slope to work on. We are indicating a circular access around the townhouse units. And this has been discussed with the Homeowners Association, which is a decision they have to make.

And, basically it's really a time factor. You can understand, you're transporting in crushed stone, concrete block. And yes, there will be a skid steerer. Because once we -- once this base course is placed and we're up three or three courses, the actual wall construction becomes the haul road. We are constructing a level plain here.

So the actual -- which a 12-foot separation is important. And it is -- from the

corner of the sawtoothed wall to the back of the wall is 12 feet.

And what gets interesting here is that we have to take into consideration the batter of the wall. That becomes significant as the walls get taller.

Dylan, if you can pan into the wall? Let me point some things out here. Everybody can see my cursor?

IT MODERATOR: No. Just tell me where to point.

MR. LATINCSICS: Okay. I'm pointing at the outer orange line, okay.

IT MODERATOR: Okay.

MR. LATINCSICS: Do I have the ability to point my cursor?

Can people see my cursor?

IT MODERATOR: No, because you're not sharing; I'm sharing.

MR. LATINCSICS: How about now? Okay. All right.

Do you see this outer drop? Drop your cursor down, down to the outer orange line in front -- okay, that's limit of disturbance. Go one orange line in.

That's the toe of the wall. That's the base of the wall. But we have to take the batter of the wall or the variable height of the wall into consideration.

So the bold line is where the top of the wall lines up when we take the batter of the wall into consideration, which is 12-foot in front of the sawtoothed existing wall on that steep slope. So this is some challenging construction here.

And not to -- it's not really a planning board consideration, but let me just point out for the record.

In this project, what we've done is we've reached out to the manufacturer directly, Keystone. Their corporate offices are in Minnesota. These blocks are actually franchised out on a state level. You pay for the mold and you become an official Keystone distributor.

So we have the benefit of working with the home office. And we asked them for a list of their A list contractors.

If the manufacturer was recommending a contractor and they don't want to have any problems, who would they recommend?

And they provided us a list of four to

five contractors who specialize in such construction. And we have already distributed these plans. Because a wise engineer listens to contractors and we share the experience and we incorporate their comments and design into this application. So there is a lot going on here.

One of the things of this is, if we have a circular access around this wall, it cuts the time in half.

If you're transporting materials in and out, you don't have to back up. We're going to limit the back-up beepers on the skid steers and the equipment. And the project will move more smoothly within that three-month window that we have given ourselves.

Now, just to -- and I note it's 9:35. We have a soil movement application. I'm going to throw out some statistics and numbers. We've had a visual review. We've looked at the plans. I think everybody hopefully has a feel for the site now. Just to put some numbers on the record.

The lower wall is 174 feet long. Maximum height of 8 feet. Your ordinance calls out 4 feet maximum height. If it's taller than 4 feet, you are asked to tier the walls.

We are proposing a single wall because it's a better wall system. Tiered walls typically are problematic. But this wall, the lower wall, has a face footage of 1,700 square feet. The middle wall is 276 feet long, a maximum height of 12.33 feet, a base footage of 2,775 square feet.

The upper wall is also 174 feet, maximum height of 10 feet, and 1,403 square feet. So the total face footage of these walls is 5,878 square feet of wall with 416 cap block, which is 160 pallets of block.

In terms of soil movement -- and there's different types of soil movement associated here. The biggest -- these walls are backfilled with crushed stone, three-quarter-inch clean crushed stone, which is an inherent construction element of these walls, as well as the drainage element.

And the leveling pad to fill the blocks with core. I have an expression: Crushed stone is the duct tape of site engineering.

For our leveling pad, there are 64 cubic yards of crushed stone, 973 cubic yards of crushed stone for drainage behind the walls, another 85 cubic yards of crushed stones to fill the cores of the block wall, so on and so forth. 1,441 cubic

yards of crushed stone, or approximately 80 truck loads, 18 cubic yards per truck, will be imported over a three-month period.

Then there's the select fill soil for the wall repair: 500 cubic yards for the lower wall, about 28 truck loads. The middle wall is 58 cubic yards -- excuse me -- 1,035 cubic yards, or 58 truck loads. The upper wall is 458 cubic yards, or 25 truck loads. A total of, round numbers, 2,000 cubic yards or 110 truck loads of soil being imported over a three-month period.

Then we have the dredging, which is -- there will be obviously a central dredging at the base of the walls to get down to the solid bearing material. And there will be courses of block below grade. A minimum of three course is the block below grade on the top -- if you look at the detail in the lower right-hand corner of the plan sheet, you can see there is a crushed stone leveling pad, three courses of block minimum, crushed stones behind the wall for drainage, et cetera, et cetera.

But then there is a pond dredging and a lot of erosion control measures. The pond will be lower to construct the walls. Mobilization. Stockpile areas.

It would be good planning to dredge these ponds. I can't speak for the Homeowners Association, but I believe ultimately it's going to be a budget and expense decision.

But in terms of soil movement, if the upper pond was dredged just 1 foot, that's 163 cubic yards of material.

But clearly it's going to be at least 2 feet of dredging, 326 cubic yards of material to be dredged. It would be stockpiled onsite, because that is wet material, and it is very difficult to truck wet soil, for any number of reasons.

So it would be stockpiled onsite to allow it to dry out. And I believe the Village has experience in such matters.

The middle pond, if 2 feet was dredged, that's another 542 cubic yards. And the lower pond, which is the largest pond, in least need of dredging, is another 1,000 cubic yards of dredging with a 2-foot dredge. That in round numbers is 1,950 cubic yards of soil movement, or 108 cubic yards. And that material was to be exported. The crushed stone, the select fill behind the walls, the concrete block, that is all import. The dredging would be export.

And, again, these are different steps

in the construction sequence over a three-month period. If you total everything up -- and not -- I don't want to alarm people, but let's just put the number on the record. The crushed stone, the concrete block, select fill, the dredging, if you total all of that up, 5,876 cubic yards of soil movement, or if you extrapolate that to truck load, 326 truckloads of material.

So those are just statistics, which ultimately -- unfortunately for the Homeowners Association, ultimately translates to dollars.

I'm sure everybody is wondering total project cost. This is absolutely north of $450,000.00 worth of construction. And that's without the dredging.

Just the wall construction is north of $450,000.00. And modifications and variations come, it jumps up $50,000.00 to $100,000.00. When you say, well, what happens if I -- you know, we did an alternative analysis. And a large degree of that is just the sheer size and length of the walls and of course the access. You know, there is an industry recognized standard per face foot. But when you have to carry the block in, those industry standards go by the wayside.

The plans do detail tree removal. If we go to the lower Plan Sheet 3, to the left of the title block. I think we have Plan Sheet 4 up.

Can we go to Plan Sheet 3?

IT MODERATOR: Okay.

MR. LATINCSICS: Okay. If you just scroll down there's a tree replacement schedule there. Drop down to the lower margin. Okay, move to the right. Lower right-hand corner. Okay.

Tree removal: 16 trees, which are indicated by the bold red Xs on the plan sheet, 16 trees are being removed. Twenty-six trees are being proposed.

And there's an emphasis on native indigenous riparian zone species, specifically -- I'm looking right at the chart -- October Glories, very popular, very adaptable trees. Actually, there's one Norway spruce that will block the line of sight from neighbors. Black willows, swamp oaks, pin oaks. These are a total of 26 trees.

And this is open to, you know, any input from the Village professionals. You can see I like October Glories, maples. I said 20 of them. We can certainly have a greater variation.

But there are 16 trees to be removed.

There is no tree removal adjacent to any of the townhouse units on top of the wall.

So I note it's 9:45. Going to my transmittal again -- and I think we provide a summary here. I want to finish up with specific approvals being requested.

Specific approvals being requested is an amended site plan approval to repair and supplement the dated landscape tie-crib walls which were originally approved; a major soil movement application, which I summarized the quantities previously.

We are asking for a variance of Section 190-124F3C3.

In short, the ordinance limits walls to 4 foot. If they're taller than 4 foot, they should be tiered, not to exceed 12 feet. The existing wall is 12.6 feet tall. We are asking for the wall to be 12.33. I would ask for a foot variance just for field conditions. I emphasize that is only for a length of 42 feet or 6.7 percent of the 624-foot length of wall.

And that is to be clear. But we are asking for a variance, or a continuation of an existing variance condition.

We are asking for a waiver or variance of the riparian zone standards which prohibits construction in the riparian zone.

But the ordinance has a provision for exceptions if there is undue hardship, and that's certainly the case here.

We have an additional request here. This project, DEP has jurisdiction here. They have jurisdiction over the riparian zone. Which is, if you're looking at Plan Sheet 3 of 8, the riparian zone is that green line identified as "Riparian Zone." And what's interesting from a legal perspective, that is drawn not from the existing edge of the ponds, but where this was in 1983.

So, for example, the DEP riparian zone extends through the middle of Unit 43, whether we like it or not. There's no vegetation in that living room so there's limited jurisdiction.

But the riparian zone is measured -- and we had an extensive pre-application meeting with the DEP and this is an interesting element of this application.

We are asking that the DEP have -- what is the word I'm searching for -- priority. And David will word it better than I. That the DEP's riparian

zone standards supercede the Village's.

It's clear that the Village's ordinance is patterned after the DEP regulations. This project is subject to a DEP permit. And we would ask that, simply put, if we meet DEP standards, that that would be sufficient for the Village. But I will defer to David to word that better than I can.

And we do have two waivers. This is an amended site plan application. There are some cost-generative checklist items that we're asking for a waiver that had nothing to do with this wall project, but to cross our Ts and dotting the Is, we're asking for a waiver of those site plan checklist items; and a catchall, any approvals, waivers or variances the board deems necessary.

And with that, I will stop talking.

MR. RUTHERFORD: Mr. Chairman, I just had a few questions.

Mr. Chairman, first of all, I'll ask how much more time the board feels it can devote to this matter this evening.

CHAIRMAN JOEL: Well, I mean, it depends.

Why don't you go on with your questioning. It might lead to other questions.

MR. RUTHERFORD: That's fine.

What I think I'm probably going to do, Mr. Chairman, is order a transcript of this evening's meeting. That's certainly for the convenience of the board members who were not able to be here tonight. It's also going to be for my use because I will want to review Mr. Latincsics' testimony. There may be a few items I want to supplement and expand on a bit at the next meeting.

But I just had a few questions. Then we're certainly a happy to hear feedback or comments form the board and interested parties.

BY MR. RUTHERFORD:

Q. Mr. Latincsics, just a couple of real quick questions.

First of all, the plan -- and it should be clear by now -- calls for the existing crib walls essentially to be buried, correct?

A. Correct.

Q. Yes.

And that was discussed -- I know we discussed that a few years ago at the concept hearing. There is no concern or issue with that at all in terms of environmental impact or anything else, that's an accepted way of dealing with these

walls

Is that correct?

A. Correct.

These walls have been buried since the day they were built, simply put. That wall extends 11 feet behind the face of the wall. So that wall remains in place.

As a practical matter, the upper levels of the wall, to accommodate grading and just good practice, will be removed.

But portions of that wall will remain buried, yes.

Q. And in general terms there is then -- you testified to this -- a 35 percent slope down from, for lack of a better word, from the point of the existing crib wall to the top of the new Keystone grid wall.

Is that correct?

A. Correct.

Q. Okay. And I think -- what will that do? Or will that create additional a rear yard area for some of these units, or how would you characterize the usability or functionality of the 30 percent slope?

A. There is no utility as a rear yard on

that slope. That is a 1-on-3, 30 degree slope, and there will be a fence. That is not a rear yard area. It is a slope.

For erosion control measures, we have specified crown veg, which is a clover-like ground cover, a low maintenance.

The plans currently call out a split rail fence 3 to 4 feet behind the wall. It can easily be put at the top of the slope, and perhaps should be from a safety perspective.

But this is absolutely not a project to create rear yard area. It is to repair the walls.

Q. What's the life span of the walls that are proposed to be installed?

A. Again, well, they are concrete walls. Absolutely 50 years. Probably 75 to 100 years. And the one item, as we all know with concrete, the one item they're susceptible to is salt. I'm sure Chris knows this from his curbs and sidewalks. I don't if he'll acknowledge.

This is in a protected area. No one is spreading or spraying salt in this location. Yes, we have runoff from the municipal storm sewer system.

But certainly it's diluted by that point in time. And, yes, there can be measures to

increase. For example, there's coatings to put on the wall. It becomes a cost factor.

But as a practical -- at Conklin Associates, we have constructed walls in the late '80s, early '90s, very similar walls. They are as good today as the day they were constructed.

Q. And you have shown cross-sections in your plan, have you not, those plan sheets. I think it's Plan Sheet 6 and perhaps 6 and 7, or 5 and 6

Is that right?

A. Plan Sheet 6 provides cross-sections to all the retaining walls. And also an element and soil movement calculations are also provided with those cross-sections.

Q. Maybe we could look at that just very briefly. I don't want to spend a lot of time on that necessarily. And we're not going to obviously go through each point on it. But maybe you could just run the board very quickly through Sheet 6 so they understand what they're looking at and they can examine that at their leisure at another time.

MR. RUTHERFORD: If we could have Sheet 6, please?

Dylan, could you display Sheet 6, please?

IT MODERATOR: What's that?

MR. RUTHERFORD: If you could just display Sheet 6, please?

IT MODERATOR: Sorry about that. One second.

MR. RUTHERFORD: That's fine.

MR. LATINCSICS: Okay, now this is --

MR. RUTHERFORD: That's not the one.

MR. LATINCSICS: These are cross-sections through the upper three walls. You know, I will acknowledge very -- you know, it's very techie from an engineering perspective.

But the left-hand edge of the cross-section is actually the existing wall. And it shows the 3-on-1 slope transitioning down to -- the right edge of each cross-section is the proposed wall. So you can see the slope from the existing upper wall.

And, for example, if you want to look at some of the detail. If you look at the upper wall, if you look at the left edge of the cross-section, you can actually see the two tiers. There's the upper wall, the bench between the walls, and then the lower wall.

The shaded area is the fill that we are

placing that is held up by the right edge of the cross-section, which is the geogrid-reinforced Keystone wall. It's known as the average end area where we calculate the fill. You can see how the wall height varies.

Now, if the goal was to create a level backyard area, which is not the case, you could see it would have to double the height of these walls, and hence double the cost of the walls. It's very easy to -- for example, if you look at the upper wall, you could see if the goal was to create a level backyard area, it's that much more wall, 12 foot, it would be a 4- to 6-foot more wall across the length of the wall, so on and so forth. But these cross-sections are provided.

And you can see -- and this was a question that's been posed to me. We are not block -- because of that 3-on-1 slope, we are not blocking the line of sight from the back of the Kira Lane townhouse units.

I mean, most of them have 6-foot-high stockage fences, so I'm not sure to what extent a line of sight is a concern.

But if it is a concern, you can see that slope does not block the line of sight down to

the ponds, if that is a concern.

Now, let me -- go ahead.

Q. No, that's all right. Go ahead. I'm sorry.

A. Okay, if I have a spare moment. On the -- circling back on the variance waiver for the riparian zone disturbance under your ordinance.

I'm reading from Section 6 of the ordinance, Exceptions:

"The disturbance of riparian buffer zones shall only be permitted for the following activities."

And then it is different categories.

"Category B: New disturbance necessary to protect the public health, safety or welfare, such but not limited to necessary or linear development or access for utilities where no feasibility alternative exists to such disturbance."

I would submit we meet that standard exactly.

Also, Item D of Section 6:

"New disturbance necessary to prevent extraordinary hardship on the property owner peculiar to the property."

I think we meet that criteria dead-on. So that is in support of the waiver/variance for riparian zone disturbance under the Village ordinance. And I just wanted to add that to clarify that.

BY MR. RUTHERFORD:

Q. And you indicated earlier that a DEP permit is required for this work.

Would it be accurate to say, from an engineering perspective, that the purpose and intent of the DEP in terms of how this plan will be analyzed is essentially consistent with the purpose and objective of the Village ordinance as well, which is to protect the riparian areas.

Is that right?

A. Absolutely.

Q. Okay. And just talk very briefly, if you could, about the construction sequence here, just in terms of what gets done first, what gets done second, what gets done third, what gets done last.

A. Well, I wish a design engineer would have more control over that. Ultimately, that is going to be the contractor's responsibility.

But a proper contractor who fits the scope of this project will have multiple crews.

They are going to need to set up their obviously pre-construction meeting, establish their erosion control measures. We do have the -- we have submitted these plans to the Bergen County Soil Conservation District and have received approvals.

They're going to establish their access points. Certainly Durar Avenue at the south downstream end of the site, that circular around those townhouse units. Establish a proper access out to Cedar Avenue.

In Chris Rutishauser's report, he had indicated that his expectation is proper protection of the Village sewer, and that will be addressed.

The stockpile areas will be established, erosion control measures placed.

While all that is going on, the ponds will be lowered by pumping down the ponds.

And that is detailed on the plans. And we will be utilizing the silt chamber and the storm sewer manholes as pump chambers. And under a normal condition, to be clear, the pumps will be able to keep up with a no-flow or a low-flow. I'm sure we could get 5 inches of the rain the day we start.

To be clear, the pumps at that point, that flow will flow into the ponds as a normal

occurrence.

Then tree removal will follow. And then the dredging of the ponds necessary to set your base course of the crushed stone.

And as a practical matter, the contractor is going to have to be flexible. There are going to be delays so they'll have to be able to shift crews from one task to another.

For example, if there's a delay in block delivery -- who knows why, a tractor trailer accident on 287, there is no delivery today -- he needs to be able to be placing crushed stone on another element of this project.

And once the base course and we're up three courses of block, that's when production picks up. Because we'll have a leveling haul road behind the walls. And we're also compacting that select fill as they're tracking material back and forth. And these walls will rise up.

But, ultimately -- I mean, that's a simplified summary -- but that's going to be the contractor's responsibility.

MR. RUTHERFORD: Okay. And the last question, Mr. Chairman, because I want to leave some time for questions and comments.

BY MR. RUTHERFORD:

Q. Mr. Latincsics, just comment briefly on the visibility of these walls from beyond the confines of the Hopper Ridge complex.

A. Okay.

Simply put, they're in the middle of the site in a ravine. They are not visible from the perimeter of the site, with one exception. A direct neighbor on Cedar Avenue, when the foliage is down, he may be able to see. Which is why we specified a Norway spruce.

If you look at Plan Sheet 3 of 8, we specified a Norway spruce at the north end of the wall to block that line of sight.

But simply put, other than one neighbor, these walls are not visible until you're on top of them.

At the south end, they're totally hidden by the berm around the lower detention pond. They are in the middle of the site in a ravine.

Q. And there are these buildings, two buildings of each of four units on the -- I'm going to say the east side of these ponds as well, correct, between that --

A. Correct.

Q. -- and South Irving Street?

A. Yeah. There's two-and-a-half, correct.

MR. RUTHERFORD: Mr. Chairman, that's all I have, subject to what I said a little bit.

I said I will be providing a transcript and I may well have some more direct testimony.

I'm sure there will be questions also that will require additional testimony from Mr. Latincsics.

But that's all we have for now.

I thank you and the board for your patience. This is a bit tedious, I admit.

But I appreciate the patience of the board.

Thank you.

CHAIRMAN JOEL: Okay. Chris, for housekeeping, should we proceed with cross, or -- I mean, with the hour and stuff, I'm just trying to figure what would be the best flow on it.

MR. MARTIN: Certainly, the best flow would be to adjourn, have cross, board questions, public questions, because, quite frankly, that could go for at least an hour or more.

CHAIRMAN JOEL: Yeah. That was my concern.

If we started to get into it -- you know, I'm sure the board -- it is a very big project, so I anticipate a lot of questions.

And I also saw someone in the chat.

MS. HOOBAN: Yeah.

There are several questions in the Q and A section. I think an (Audio Distortion) I'm not sure which, and a couple of raised hands. I don't know if it's worth trying to get into those now.

CHAIRMAN JOEL: Well, no, we're not going to get into those. I just wanted the people to know that they're able to ask questions of the engineer after the board and the board professional question -- ask questions.

So they'll have their opportunity. So it's not really that they should post anything on the chat or anything. They'll have the opportunity to ask questions.

So I guess for the flow, I didn't want to get into it and then kind of have to stop it and then pick up. It might disjoin. Where it might be better if we stop it now. You can actually review and fill up anything else at the next meeting.

And then we can pick up from there. Then we can get into questions from the board, board

professionals, and then from the public.

MR. RUTHERFORD: I think that makes sense, Mr. Chairman.

As I indicated earlier, I will provide a transcript. I think that will be helpful for all of us to kind of parse through the testimony heard this evening.

CHAIRMAN JOEL: Okay. And there was a lot of exhibits. They are posted on the website. So for anyone that's listening, that they can review those.

I think that would be helpful.

MR. RUTHERFORD: Yes.

Mr. Chairman, we did not post on the website. You know, when this application was filed, there was a multitude of documents and exhibits provided.

They have not all been posted, quite honestly, because we are a little concerned that doing so might be a little bit overwhelming.

I know that -- my understanding is that the Village Hall is now open to the public, if members wish to visit.

And I believe that those are visible now and can be viewed at the Village Hall.

I think probably in the interest of being complete and at the risk of overwhelming the board with documents, I think we will proceed to post and provide to Ms. Wondergem for posting on the Village website the balance of the exhibits that were provided when this application was filed.

We're not going to necessarily refer to all of them. There's the subdivision maps and other historical data that I don't think we're necessarily going to have to deal with, but it might be helpful background information for the board as well as the public.

CHAIRMAN JOEL: Okay. That's a good idea.

Did you want to carry this to the next meeting, the October 20th meeting.

MR. RUTHERFORD: I think that's fine. I'll let our court reporter know right now, if she can start on the transcript, that would be great.

Mr. Latincsics, are you available on the 20th?

MR. LATINCSICS: Yes.

MR. RUTHERFORD: Yes. Okay, then, Mr. Chairman, that will be fine.

I appreciate that we can keep this

moving forward.

MR. MARTIN: And extension with no prejudice to the board, correct.

MR. RUTHERFORD: Oh, absolutely.

An extension of time as needed, Mr. Martin.

Thank you.

MS. HOOBAN: In the light of the fact that we have about 20 or so residents, maybe more, participating or ask -- raising hands and, yes, asking questions, can you just let them know how they may be able to submit questions for the next meeting since they didn't get there tonight, or if they can't attend, maybe we can just let them know.

MR. MARTIN: If I may, Melanie.

That's a good point. I was going to say. At the next meeting the engineer will be recalled. I don't think Mr. Rutherford has nearly as long as he did tonight, if at all. But he might have some.

Then the engineer for the board, the planner, the board members, myself would have a chance to, as the Chair said, cross-examine or ask questions, probative questions as to the testimony.

And then it would be opened up to the

public. At that point, you know, the public can go forward and ask their questions that they have written down or can hold from tonight, that they can pick up from any of the testimony at the next meeting, and then they can go through those before any other witness is called.

So they don't have to wait for any other witness to be called and then have the engineer called back. They can do it right at that meeting at the next meeting.

CHAIRMAN JOEL: And the questions from the public should be geared towards Tibor's testimony and focused on that.

It's not to make statements or anything like that. So make it pointed toward what he testified to.

MR. MARTIN: There will be time to make statements at the end, that's correct.

MS. HOOBAN: Do resident have an ability, since we're doing Zoom or these remote meetings, submit questions, or that's strictly as usual?

MR. MARTIN: It would have to be, like, a regular meeting. Sort of, like yourself, you get to ask the questions at the meeting.

If an individual can't be at the meeting, there's no ability really for them to approach the witness.

MS. HOOBAN: Thank you.

I was more clarifying for some people who posted that specific question in the comments.

CHAIRMAN JOEL: What people can do, if there's a group of people and one person can't make it, if they can provide questions to that person and ask the question from -- you know, from the witness.

MR. MARTIN: As if it was their own question, yes.

CHAIRMAN JOEL: Yeah, okay.

Anything else guys?

(No response.)

CHAIRMAN JOEL: All right. All right, Dave, thank you very much.

MR. RUTHERFORD: Thank you, Mr. Chairman, Members of the Board. I appreciate it. Thank you.

(Whereupon, this matter is continuing at a future date. Time noted: 10:12 p.m.)

C E R T I F I C A T E

I, RONDA L. REINSTEIN, a Certified Court Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S.41:2-2, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date herein before set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

RONDA L. REINSTEIN, CCR No. 30X100217800