



## Environmental Commission Minutes

June 8 2015

Call to Order: Rayna Laiosa, Rosanne Zagatta, Mike Mariani, Robert Meier, Robert Maggio, and Hazel Pinos

Guests: Mary Mahon, Pat MacDonnell, Orrie DuBois, Jack Systma, Ed McGuirk, Barbara McGuirk, and Carol Robertson

- I. Attendance and Acceptance of Environmental Commission Minutes –April 9, 2015, and May 14, 2015  
Motion by: Hazel Pinos, Second by: Mike Mariani
  
- II. Green Team Subcommittee Meeting
  - i. Community Garden 2015 Discussion
    - a. Need to Purchase flags, and extra keys
    - b. 2<sup>nd</sup> Grand Opening Saturday May 30, 2015 at 10:00 am at the Garden
    - c. Community Garden Picnic Days – Hawthorne Ambulance Corp building; Potential Dates Discussed Sunday June 14, 2015
  - ii. **Milkweed Project** - Purchase milkweed plants to be planted at the Hawthorne Library property;
    - i. June 4, 2015 planted Milkweed Plants at Rain Garden – Hawthorne Library
    - ii. Provide your invoices for payment – Barbara McGuirk; Rayna will send PO form to Barbara to complete.
  - iii. **Next Green Team Meeting Monday June 22, 2015**
  
- III. 23<sup>rd</sup> Annual Cel-Earth-Bration – Saturday April 18, 2015 Hawthorne High School 10:00 am to 2:00 pm; Dedicate the 23<sup>rd</sup> Annual in Memory of Pat Hutzelman
  - i. Cel-Earth-Bration 2015 Budget – Please provide submit your invoices for payment to Rayna
    1. Tattoos/Facepainting/Giveaways(prizes) – Rosanne Zagatta \$250; Rayna will send PO for to Rosanne to complete.
    2. Other Expenses
  
- IV. Annual June Environmental Program Monday June 8, 2015 at 7:30 pm – Very successful program
  
- V. Zoning Board of Adjustment Report
  - i. 204 Wagaraw Road, LLC Rivergate of Hawthorne, (Block 12, Lot 8 and Block 13.01, Lot 10) Application seeking preliminary & final site plan approval along with use and bulk variance relief to develop the properties in question for a mixed use development. The Applicant proposes a total of 244 residential units, 6,000 square feet of retail and 4,000 square feet of office space in the B3 Zone
    - i. Monday May 18, 2015 at 7:00 pm – Rivergate’s Planner – Chair, Rayna, attended the meeting and testified (stormwater, rain garden, flooding, etc.) on behalf of the Environmental Commission; Communicated to the Board that the environmental commission will be preparing an

- environmental report on Rivergate to capture/document all of our testimony (February, April, and May mtgs) and be written documentation of our environmental concerns
- ii. Monday June 15, 2015 at 7:00 pm – Continuation of Rivergate’s Planner
  - ii. Chair discussed the Environmental Commission report (highlight the key messages, concerns, and recommendations) regarding the Rivergate Application;
    - i. **Site Remediation** – Merck is the Responsible Party for the cleanup; Site Remediation Reform Act established regulatory and mandatory deadlines for completion of the remediation; Merck received a No Further Action – Unrestricted Use for Soils in 2008; Merck must complete the remedial action for groundwater by October 28, 2018; Commission recommendation- Request written periodic progress reports on the remedial action addressing the groundwater cleanup
    - ii. **Groundwater Remediation** – Latest Remedial Action Protectiveness/Biennial Certification Form dated January 17, 2014; Currently, Merck is treating the groundwater via bioremediation; Vacant property; Vapor intrusion investigation – Not conducted due to no structures within 100 feet of locations in which VOC site contaminants of concern are greater than NJDEP Groundwater Screening Levels; Langan testified in January 2015 – vapor mitigation is recommended for this site to ensure that there is no vapors that enter any living space. Commission recommendation: Applicant must provide written documentation 1) who will conduct the investigation; 2) how the vapor intrusion investigation will be conducted; 3) if applicable, how the remediation is completed to ensure it is protective of the environment and public health prior to the building of residential homes on this site. In addition, Commission is recommending to the Zoning Board that this is be one of the conditions that must be addressed prior to issuing the building permits. Commission raised the vapor intrusion concern at the Planning Board meeting for “Hawthorne Market Place” and it is stated in the Board’s approved resolution dated January 24, 2012.
    - iii. **Stormwater Management Regulatory Framework in New Jersey**; Major Developments and redevelopment proposals for New Jersey Permit Discharge Elimination System permit triggers a **municipal review and approval process for compliance with the Stormwater Management Rules**; Other Four Land Use Regulations (Flood Hazard, Freshwater Wetlands, CAFRA, and Waterfront Act) and Safe Dam Act trigger NJDEP stormwater management review process of developments of a certain threshold and require NJDEP review and approvals for development **in addition to the review and approvals required at the municipal level**. The bottom line the Municipal must review and approve stormwater management plans. In this case, the applicant must get approval from the Municipality and NJDEP (Flood Hazard Permit and Freshwater Wetlands Permit)
    - iv. **Environmental Commission’s Stormwater Testimony/Comments** –
      - A) Documented February 9, 2015, April 20, 2015, and May 18, 2015 stormwater issues/concerns testified by the Chair of the Commission – Post Construction Flows – 2 year storms do not comply with the NJDEP’s post peak runoff required rate reduction; Langan states “de minimis increase in runoff is acceptable to NJDEP” ; Commission state that there are no de minimis requirements in the Stormwater Management Rules; Langan provides two examples of towns, Howell and Wyckoff, that accepted de minimis increase and also NJDEP has

approved de minimis increase in runoff. Commission requests the project's name and date when Howell and Wyckoff granted de minimis increase in post peak runoff rates, as well as copies of the Planning and Zoning Board resolutions and mitigation plans for these projects. In addition, Commission requests copies of NJDEP approval letters for each of these projects that accepted de minimis increase in post peak runoff rates.

B) During the April 30, 2015 conference call between, Langan, Boswell, and Chair of the Environmental Commission, Mr. Gerald Bedrin, developer, raised the question about his previous Hawthorne Market Place application regarding that there were no stormwater management issues raised by the Planning Board or by the Commission. The Commission re-evaluated the stormwater plan for Hawthorne Market Place prepared by Bertin Engineering. Based on Bertin Engineering, the proposed stormwater drainage analysis fully complied with the post construction peak flow reductions and all stormwater regulations.

C) **Non-Structural Stormwater Management Strategies** – Langan interchanged the wording of “proposed infiltration basin and rain garden” at the April 20, 2015 meeting; At the April meeting, the Commission stated that Langan proposed is *not* a Rain Garden and it not Following the Rutgers Rain Garden Manual; On June 9, 2015 Langan submitted revised stormwater plans to addresss the Rain Garden issue and post peak runoff rates; The Commission is in the process of reviewing the plans and will confirm “that this is a real Rain Garden as defined by the Rutgers Rain Garden Manual” and the revised post peak runoff rates. The final report will reflect the Commission’s comments based on the revised plans submitted.

D) **Flood Hazard/Freshwater Wetlands Testimony** – Primary concern of the Commission is the Passaic River flooding, especially in the flood plain; Considering we had Sandy and a tremendous amount of flooding and water and the intensity, how is the system going to work as well with the 100-year flood being flooded in this area? Because will this be able to manage, I mean the wetlands is a nice buffer because of absorption of water, but how do you guys look at in like a Sandy type storm that we had two years ago, with the water coming onto the property and flooding and as well as all the storm water systems getting backed up.” During the April 30, 2015 conference call with Langan and Boswell, Langan agreed to provide the Board and Boswell engineering calculations to address the issue about groundwater and flood waters overflowing the proposed underground detention system in the event of a flood of the Passaic River. At the May 18, 2015 meeting, Langan stated that this issue was addressed in the Revised Stormwater Management Report dated May 6, 2015.

Based on the Commission’s review of the report dated May 6, 2015, the stormwater management report does not address this issue and does not state the depth to the seasonal high water table of the groundwater. However, based on NJDEP’s Flood Hazard Individual permit requirements, the applicant is required to address both the flood and nonflood conditions of a stormwater management basin located within or discharging within a flood hazard. Therefore, the Environmental Commission recommendation: the applicant must provide engineering calculations demonstrating the compliance N.J.A.C. 7:13-11.2 Flood

Hazard Individual Permit - Requirements for Stormwater Management  
for the project.

- VI. Updates on Issues and Commissioners Concerns, Next Steps
  - i. Discussion Changing July Meeting to July 16, 2015 from July 9, 2015 –  
Commissioners agreed to date changed

**Environmental Commission Meeting**  
**July 16, 2015 at 7:30 pm**  
**Municipal Building**