Minutes of the Park Ridge Planning Board
Meeting of March 14, 2012 – 8:00pm

These minutes have not been approved and are subject to change by the public body at its next meeting.

The regular meeting of the Park Ridge Planning Board was called to order by the Vice-Chairman, Peter Von Bradsky, on the above date, time and place.

Chairman called for the Pledge of Allegiance to the Flag.

ROLL CALL: Present: Ms. Eisen, Messrs. Browne, Ludwig, Metzdorf, Mital, O'Donoghue, Von Bradsky, Councilman Misciagna
Absent: Messrs. Mesiano, Schwamb, Mayor Maguire
Also Present: William F. Rupp, Esq., Board Attorney
Eve Mancuso, PE. Board Engineer
PP, Planning Consultant

COMPLIANCE STATEMENT:

The Notice for this meeting required by Section 3(d) of the Open Public Meetings Act has been provided by the adoption of a resolution by the Park Ridge Planning Board on January 11, 2012, setting forth a schedule of regular meetings, by mailing of said schedule to the Record and The Review on January 12, 2012 and by posting of said schedule on the Municipal Bulletin Board and the continuous maintenance thereat and by filing the said schedule in the office of the Borough Clerk.

ANYONE PRESENT WISHING TO BE HEARD: (non-agenda items

There was no one.

PUBLIC HEARING:

MARK PRUSHA SUBDIVISION – 82 Rivervale Road
Lot: 1 Block: 2007

Antimo Del Vecchio, Esq. came forwarding stating he was representing the applicant, Mark Prusha.

DEL VECCHIO: We are here on continued hearings and I think we are at a point this evening where we are going to conclude the last two open issues, that I believe precluded us from finishing the last time we met in January.

When we last left these proceedings there was a question concerning the grades that were out on the property based upon comments from the neighbors and we had offered, and in fact, have submitted the topographic maps for this project dating back to 2007 as well as the current topographic maps for the property, to allow your engineer to review those maps and conduct, if so warranted, a site inspection to ensure that the grades out there have not changed during the pendency of the application.

That was the one issue that I have noted was open...the second issue concerned a request from the board concerning creating a covenant or an easement, if you will, to cover the drainage swale that runs along the north side of proposed Lot 1.01, to provide documentation or some mechanism to ensure that that drainage swale will be maintained as time passes after the subdivision is completed and the initial home built, purchased and occupied.

I think those were the two issues I had in my records that were open for discussion this evening. I will bring to the board's attention one

additional item, which is we had yet another inspection by the DEP that occurred over the last three weeks at the property...the Section Chief for the Enforcement Division, Larry Beyer (?) led that group, Andy Clark, the Section Chief and the Division Chief for this area and one other individual were present. I have spoken to Mr. Beyer subsequent to that inspection and he has confirmed to me that there is nothing on the property that exists today that causes any need for enforcement and that the property is in compliance with the permits that were issued.

So we remain in compliance with our DEP permitting. The permits were previously submitted to the Board for your records and at this point we are prepared to proceed this evening with the two issues. I am happy to address them in any order that the Board wishes.

VON BRADSKY: And basically since this has been going on for so long, it was started last year and went into hibernation for a little while and then started up again two or three meetings ago...it already had a resolution approved and what we are looking at now is this slightly amended Site Plan.

DEL VECCHIO: The subdivision plans have not changed. What we are essentially here on is a public hearing seeking to amend a condition of the original resolution of approval, which the applicant questions and I think we have made those concerns known. I think we have actually addressed what started us back up. I think we have kind of resolved those issues at this point of the hearing and we are left with these last two and if we are able to resolve these last two, and I believe we should be able to this evening, that an amended resolution of approval would need to be crafted by the Board embodying the correction to the original resolution and adding a couple of additional conditions that have arisen based upon our new appearances before this Board.

VON BRADSKY: Well there were two things that concerned me at the last meeting...I know that there was the 2007 plan that we were going to look at...I haven't...

RUPP: Does the applicant tend to introduce this otherwise we can have the engineer speak toward it.

DEL VECCHIO: Mr. Eichenlaub actually testified at a prior hearing that he has looked at the 2007 topographic as well as the current and found them to be consistent. I think, as much as everybody loves Mr. Eichenlaub, they wanted to give your own professional an opportunity to review and verify that. Mr. Eichenlaub still believes what he said the last time but I am happy to put him up and he is available for questioning if the Board wishes.

RUPP: I think we should mark this at least...I guess this will be a Board exhibit...I'm not quite sure what number we are up to.

BEER: We haven't been logging them in that way.

RUPP: So we'll make up a number.

DEL VECCHIO: No objection.

RUPP: Exhibit 1, topographic survey entitled Boundary and Topographic Survey of Block 2007, Lot 1, Borough of Park Ridge, Bergen County, N.J., prepared by James Drum, L.S. dated October 9, 2007, revised October 16, 2009 for Wetlands Delineation.

I believe our engineer has looked at this and maybe would like to comment.

MANCUSO: At the last meeting there was an issue regarding fill that had been placed over the property over the course of the last few years, so what we had requested from Mr. Eichenlaub was to provide a copy of the James Drum survey as just noted, which was used as the basis of his subdivision plan that we have before us.

I would just like to ask for clarification...it is my understanding Mr. Del Vecchio, that you said you had a current topographic survey submitted because I am not in receipt of a current topographic survey. I have the 2007 and I have the proposed plan by Mr. Eichenlaub. I don't have a current topo.

DEL VECCHIO: I think I incorrectly identified the proposed plans as the current topo. That is what I was referencing.

MANCUSO: Ok, then I am in receipt of those two documents. I have taken the 2007 topo and compared it, in terms of elevations of the property, from that existing condition versus what is being proposed on the subdivision plan and as was stated, they are consistent in your elevations. It does not indicate that there is any fill on the property.

As a result, the map that was prepared and approved by the DEP, which is known as Permit Plan, prepared by RL Engineering, does show the wetlands delineation on it and it does have the DEP stamp of approval on it...and again, is consistent with those grades.

What I would propose is, as with every other subdivision and every other development, at the completion of the project and before any Certificate of Occupancy is issued, an As-Built Plan indicating those elevations are submitted...and again, as a final check, as with all properties, we compare their 2007 survey to the proposed subdivision map to the DEP approved permit plan and make sure all those items are consistent and that will confirm that no fill was placed on the property.

VON BRADSKY: So the 2007 survey may not represent what is there right now but if they follow the proposed plan they would get back to that 2007 condition?

MANCUSO: That is what the DEP approved. We don't know what is there today because a current, to-day survey hasn't been submitted. But that is irrelevant because they are required to return to the approved plan.

VON BRADSKY: And in your review of that survey and the proposed survey do you see any sheet-flow water problems that pop out? My concern is for the properties to the west.

MANCUSO: Well, the plan continues to show there was a swale, the grades are essentially traveling to the west towards the wetland area. On the plan stone walls are shown as they were in 2007 and the plan continues to show them on the proposed plan...so it appears that those features haven't been changed. And yes, the general drainage pattern, meaning from east to west is also being maintained and as it travels east from Rivervale Road west towards the wetland area, it continues south as it has in the past.

VON BRADSKY: Thank you. So maybe the 2007 plan issue has been dealt with. More specifically, to get to the point of concern of the neighbors and board members, we had asked board members to go and take a look at the site; I'm not sure who was able to get out there over the

last few weeks...I know I did. I took some views from the street and from the dead-end street, Local Street...one thing that concerned me were pictures that Mr. Forino showed and discussed the problem at his property and I had seen pictures of what seemed to be a berm along the side of his property that may have restricted water from flowing onto the Prusha property and when I looked at that area from Rivervale Rd, it looked like that area had been regarded. I don't see the berm anymore that I had seen in those pictures that were passed around last meeting.

Going over to the Local Street side and looking up towards the east, it doesn't seem to be any inhibition to flow of water that would come from the properties to the north onto the Prusha property and going through this swale and getting into the wetland area.

That was my review of that. What did concern me, though, was areas when I looked from Front Street straight towards south, kind of along the easement and I see what looks like almost a pathway, a road, that seems to have been cut through the woods and bermed up in a way that there was standing water right at the eastern border of Lot 7 and Lot 6. I did have some concern with that water not being able to get from this area across to this drainage pipe. That is why I asked, Eve, if you felt when this is resurrected the way it should be, would that situation get resolved.

MANCUSO: Actually the area you are referring to is the area that was labeled isolated wetlands, so there is water ponding there. When it rises to a certain level it does work its way south back towards the flow.

VON BRADSKY: Which really wasn't that evident to me. I didn't walk back in there but it looked like this hump in this diagonal path was quite high. I couldn't see how water would be able to build up over that to get to the swale on the eastern side. Those were the two issues I saw. I would like to hear from any other board members.

EISEN: It was difficult to tell from the pictures I had but it does look like a roadway or passage from Local Street that goes all the way through and that water that collect to the west behind the brown house.

LUDWIG: I would like to say that I observed pretty much the same thing but again I'm looking at an existing condition and couldn't quite envision what the proposal will look like to deal with that by virtue of the Site Plan you've submitted.

It looks like water to the west is now isolated by virtue of this easement, which looks like it almost has an elevated pathway that goes down the whole length of it, keeping the water pretty much to one side or the other. And that is just as I see it today. I didn't have the new proposal to your Site Plan to see what changes you would do to make that any different that it is today.

DEL VECCHIO: I don't believe we are touching, although I don't have the benefit of seeing exactly where you are pointing to on the map...I was trying to follow along with your narrative. But if you are referring to the area back behind the existing easement that is created along the back of the property, we are generally not touching that area as a result of the current proposal.

The original application, when we had four lots, had work being proposed in that area but because the subdivision was reduced to three lots and because of the wetlands restrictions that are there, there's a buffer area running this way on a dotted line and there is another transition area that runs this way off of the isolated wetlands...we couldn't touch back there if we wanted to. So we are not doing anything, we haven't done anything and we don't propose to do anything is the

answer. And as far as the DEP is concerned, as recent as the last two weeks, we haven't done anything that is outside the approvals authorized by the wetlands permits. So, I think we are pretty clean back there to be honest. I understand your concerns and I think it is an existing condition but we are not changing it and we can't do anything because it is an existing wetlands area.

VON BRADSKY: Well, I don't know...I understand what you are saying but the issue for me and it seems to get brought up time and again by the people who live in the area, that it is not true that nothing has been done to the property in the time frame from 2006/7 to now. So we have a 2007 map, we have a proposed map and we go out there and see what we see and I am in agreement with the neighbors that something has happened, because that view from Local Street straight back shows a definite buildup of new material. You can tell that material has been pushed and has almost made a road straight and more or less parallel to this drainage easement. As a person in the construction business, I don't see how water is going to get from one side of that to the other.

We understand that you have the approvals from DEP and I don't feel that the Board is against putting this thing to bed and getting it done and going ahead and building the houses, it's just that we want to be assured that things are going to work when we are done and I don't know if your engineer can address this somehow or if he wanted to take a look or discuss it anymore but...

DEL VECCHIO: I can let Mr. Eichenlaub testify some more about it but honestly the drainage issue is not an issue that is being reopened in these hearings. It has been approved once, it has been proven once to the satisfaction of this Board by virtue of the original approvals. We were back here to eliminate a condition that the applicant believed didn't fall within the parameters of the hearings. We have since been inspected on at least two occasions by the DEP since this application was reopened...again, with findings that we have done nothing that warrants any enforcement whatsoever or that we are in violation of our permit.

We are not touching the area back there. We are not required to touch the area back there by the DEP. There was an area that was disturbed during the course and that was the area in or about where the proposed driveway and hence, the requirement from the DEP that that area be replanted. We've acknowledged that from the beginning of the application and we know we need to restore that area and we will do that in accordance with those permits but in terms of the back drainage area, that is just how the property is and this application only makes it better not worse, if and when it is constructed.

But, Mr. Eichenlaub, perhaps you can address that real quickly...I remind you that you were previously sworn and qualified and remain under Oath.

Richard Eichenlaub, PE of R&L Engineering came forward.

EICHENLAUB: The area you are talking about is this...in fact, this is one of the reasons that we are back in front of you now. We had received our approvals last year. My client had wanted to fill this isolated wetland area, the Board requested that it not be done...in fact, they didn't want any of this area that we could have provided as lawn area disturbed...we had to go back to DEP with regard to this isolated wetland and it has taken almost six months and I believe it was in December and finalized in January that it was agreed that we would leave this area, located along the westerly side of the property as a natural isolated wetland area...with that DEP signed off on the project.

They requested Mr. Prusha remove the pile of fill material located just to the west of the proposed driveway for the third lot ... Mr. Prusha went back and removed it and in so doing he got stuck in his machine and had to have a tow truck come out to move him out of there. So the disturbance you might have seen in this area here...the area west of the proposed driveway off of Local Street...was disturbed but it was disturbed because Mr. Prusha had removed some material that was deposited there...some fill material that he thought he would be able to use for the creation of this driveway and he had gotten stuck back there and actually had to have a tow truck come twice and move.

The area you are talking about that looks like a driveway or a path into the wooded area is actually the easement and that is where your pipe falls. That is the municipal pipe that runs from the south end of Local back and discharges to the south side of Mr. Prusha's property,..so that was always cleared but in coming out there to remove the stuck vehicle, there was some maneuvering in that area over the easement but DEP was aware of that...they saw that several weeks ago and they had no problem with it.

Again, there is some disturbance back there within the past couple of months but that was at the request of DEP. There has been no clearing, no filling and there is actually about a two foot differential between this wetland area and the drainage easement where it drops off into the swale and runs to the south. In that isolated wetlands you would end up getting at least 2 to 2 ½' of water in that area before it actually filled up enough where it would discharge to the south. That area has not been touched. It has not been touched as long as I have been involved in this project.

VON BRADSKY: And it will flow in that direction once it reaches a certain height?

EICHENLAUB: Once it reaches a certain elevation. The Board was dead set that that not be filled and it has been left as a low area. The properties to the north of us as well as some of the property to the west of us, again there are rocks along the property line and it is elevated and there is a slight berm there but there is some drainage into that area. You can see by the contours there is a 2 to 2 ½' low area that has to fill to an elevation of 2 to 2 ½' before anything will drain to the south.

VON BRADSKY: It is about 130 and has to get up over 131 to start crossing into that.

EICHENLAUB: Yes, actually there is a ridge just to the south of that. The south end of the wetlands has a ridge in this area here so you have contours, a second contour and you have a third contour in here...so it is 2 to 2 ½' basically. That is how deep the water will get before it will actually flow out to the south but even getting to that elevation it is not going to flow back to the west onto our neighbor's property.

VON BRADSKY: I don't think we need to go into the whole playground issue...I thought we had that last resolution with the playground and there was some work there but now it's gone.

EICHENLAUB: There was never any work in that area. We wanted to fill it and under the initial application, when there were four lots, we had gotten that as one of our permits...one of our permits was to allow us to fill that isolated wetland and Mr. Prusha wanted to continue to fill that area even though we went back to three lots. DEP said since you are not doing anything by way of a house in that area, we are not going to give

you that permit. We went back and forth with DEP for several months and then it was just agreed that we would leave it in its natural state.

VON BRADSKY: So it is your professional opinion and testimony that the water will continue to flow into the drainage area from the two lots, 7 and 6 from the west after ponding a little bit in that isolated spot.

EICHENLAUB: When it got up to that depth it would eventually flow to the south but again, if you go out there after a rain, there might be some water in this low area but it percolates out. It is not a swampy area; it doesn't hold water all the time. It eventually percolates out.

VON BRADSKY: Ok, but it had water when I saw it.

EICHENLAUB: Well, it had water when I saw it...I went out after the last meeting to the site but it had been pouring that day.

VON BRADSKY: What about the property along Mr. Forino...there were pictures that were passed around at the last meeting that showed like a built-up section along the fence and going along that fence.

DEL VECCHIO: Since that last meeting, you did go out and inspect (to the engineer) the line along the common boundary with Mr. Forino?

EICHENLAUB: I did.

DEL VECCHIO: And the testimony you are about to give is based on that most recent inspection as well?

EICHENLAUB: That is correct.

After the last meeting, I did go out to the site to review the situation along the northerly property line and, in fact, the day I was out there it was raining quite heavily. The water does run onto Mr. Prusha's property. It actually comes off of Rivervale Road down Mr. Forino's driveway...so the water comes off of Rivervale Road onto Mr. Forino's driveway cutting diagonally cutting across to Mr. Prusha's property and runs off onto his property.

There is no berm right there obstructing or preventing that flow. Actually the contiguous corners of Mr. Forino's property, Lot 7 and Mr. Prusha's property, there are some rocks and stumps of dead trees that were removed...but you can see by the stumps and by the trees that it is not fill, it is natural area.

Now this area along to the east was graded out a number of years ago and there was some fill brought in on Mr. Prusha's property well off the wetland area up front off of Rivervale Road to level it off because it was a steep drop-off off of Rivervale Road. If I am not mistaken, Mr. Prusha did get permits to fill that area from the borough and grade that out.

But the flows are still from the north to the south onto Mr. Prusha's property and they have not been impeded and there is no prevention of that onto Mr. Prusha's property. In fact, you can actually see scour lines where the soil has been washed away where it comes off the pavement onto the soil.

VON BRADSKY: Right and that's the way it looked to me as well. I did see those pictures that showed a berm along the fence, which now appears to be gone...it seems to have been graded relatively recently, there is no growth there so to my looking at it, it would flow as well.

What about the easement question with regard to the swale?

DEL VECCHIO: I have spoken to my client and what we have proposed and agreed to do...I think Mr. Rupp and I have exchanged some language...we are Ok with the language with the one extra precaution and in place of a general reference where the drainage swale exists, that we would provide a very specific metes and bounds description to identify it precisely rather than just by a general recitation. What we propose in terms of the area to describe is...this dotted line that I am pointing to along the middle of the property is the fresh water wetlands transition area line, nothing to the west of that can be disturbed because of the wetlands regulation anyway....so the area that is in need of protection is from the edge of that wetland transition area line forward towards Rivervale Road...and we would propose to provide you with metes and bounds description to cover that grey shaded drainage swale as shown here on the plan.

We will get you an actual metes and bounds for that area and we would agree to include the grey shaded area from the wetlands line to its tip closest to Rivervale Road in a metes and bounds description and include that in a covenant to preserve that area in the future.

RUPP: Just so the Board is aware...I had prepared some language which I reviewed with Mr. Del Vecchio...since I did not have a metes and bounds description of the swale itself...the description that I had prepared referenced the swale as being located within that area within 18' of the northerly property line as shown on the particular map.

Mr. Del Vecchio contacted me and asked if I had any objection to actually having a metes and bounds description and I indicated that the intent was to preserve the swale and if he could provide me with a metes and bounds description of the swale that is the intent and purpose of the deed restriction.

That would, of course, have to be reviewed by our engineer to make sure that it is accurate but other than that, the more general description was only because I didn't have a more precise description.

VON BRADSKY: Those are the questions I had...do any of our professionals have any questions at this time?

MANCUSO: I have nothing more to add, Mr. Chairman.

VON BRADSKY: Anyone from the Board? Anyone from the public?

Charles Forino, 76 Rivervale Road, Park Ridge, NJ came forward.

RUPP: And you understand you are still under Oath.

FORINO: Under Oath and I swear to tell the truth, the whole truth and nothing but the truth. I hope we are going to get to the truth this evening.

How much soil is going to come out of the pond area and the creek area? As was permitted and non-permitted that soil was brought in...it was acknowledged by the DEP, yet no excavators, dump trucks have come yet to bring any soil off the property. That is my first question.

RUPP: The question really has to be asked of the engineer, the attorney is not a witness.

EICHENLAUB: At this time, the only excavation in this area...and this is where I believe everybody indicated there was a pond at one time...and what I am referring to now is the area the State DEP has requested we revegetate and provide for all these plantings we show on our plan.

If you were to go out there, there is a rather mature tree that has been there for decades and the base of that tree is probably 3' above the surrounding grade...so if there was a pond, that pond was at the base of this mound around this tree. Our grades in this area, that is supposed to be restored, those grades are going to have to match the grades that were provided on our plan and approved by DEP.

At this time I can't tell you if....and again, DEP has been out there, there find no problem with it, they find it to be acceptable...now do they know that the grades there are 6" higher, 8" higher, 4" lower? No. But what will be necessary is that all of the grades and topography in this area, that is to be restored, will have to be shot, as Ms. Mancuso said, be provided on an As-Built plan at the time this project is finalized. But at this time we are not going to go out there with excavators and dump trucks and do any work in that area because I can assure you the neighbors would be calling DEP...DEP would be out there and they would hit Mr. Prusha with a significant fine for doing work in that area.

I guess the answer was long-winded but we are not doing any work at this time.

VON BRADSKY: But I think what you are saying is, if in fact there was material brought into that low area by virtue of your plan, it will have to come back out and get to where it was in 2007.

EICHENLAUB: That is correct, absolutely.

FORINO: And there is no fresh set of plans to give us the proper height...that is the question.

VON BRADSKY: I think what he is saying....I don't know when your issues started...

FORINO: A long time ago.

VON BRADSKY: What we have in front of us is 2007, five years ago.

FORINO: I discussed on the phone today, for one hour, me and Mr. Richard Landour(?) about heights of the pond area...you have 132 and he has 2006 and 2007 at 130...there was also a question asked when they were there on Thursday to Mr. Prusha, when they paid him a visit...there were four people there, they were standing ankle-deep in mud and they asked him, *did you put any soil in here?* And he testified and said *no.* That is a lie. I am under Oath and I am telling every single person up there that that was a blatant lie, there was a lot of soil put in and nothing was removed. That is why we do not have a fresh topo map. That is why we have '06, '07, '08 but to get to the bottom of the story, you send an engineer out there now Mr. Prusha will be in a lot of trouble.

I am in a lot of trouble because my house is flooded and the mold grows, that is why I am here.

The second question that came up ... permitted and non-permitted soil that was brought in from Tobar Excavation (?)...where did the soil come from, was the soil contaminated and again when is an excavator going to come and dump trucks and remove all that soil?

I am asking a valid question to the Board and everybody.

LUDWIG: When was this soil brought in? We have a map here from 2007...do you think it was brought in before or after?

FORINO: After. Mr. Prusha owned the property for a very short time and then brought a lot of soil in. The soil was brought in from Rivervale Road, from the gate on Rivervale Road. A large excavator was squeezed through

there off of a lowboy, which I and my neighbors witnessed and then soil was also dumped from Local Street...tandem loads of soil. A tandem truck is 16 to 18 yards of soil...nothing has been removed off the land. I know because he admitted to me on the telephone and I want the Counsel to call tomorrow and talk to Mr. Richard Langbine(?)...he lied before DEP officials.

Why won't they write him a violation? I'm sure I can get to the bottom of that.

LUDWIG: Just so we know what we are talking about. Where do you believe the soil was put?

FORINO: From the pond area, where the dam was and the creek going through because the water flowed through the property. The water doesn't flow through the property anymore and that's why the water table comes up and it doesn't go down. I have 14" of water now...14" of water and I have invited you to my home and take a look in the pit behind my house...that's the water table. I have a 1,000 gallon system in my yard and it will not go down.

LUDWIG: Just to further clarify...you heard testimony there is a 2007 map and there is going to be a Site Plan map and an As-Built map...the testimony is that the 2007 map and the As-Built map are going to be identical.

DEL VECCHIO: that is an accurate recitation of the testimony...the only caveat I would put is there are some places, elsewhere on the property where they are going to be different because they have been designed to be different.

LUDWIG: I don't want to cut your testimony short but I think you are looking for assurances that somehow or other something is going to be addressed here.

FORINO: Yes, I want the pond cleaned out.

LUDWIG: And the way to measure it...we asked for a 2007 map...

FORINO: And I talked to Mr. Langbine and he said that it is 130 for '06 and '07...he said his maps reflected 130 and they are reflecting 132. If you shoot and have an engineer go out there now, I will guarantee it is even higher than 132...all the soil he put in there, has now, with the water started to sag down and sag out. There is a tremendous amount of soil put in there.

RUPP: I'll note that based on the plan that we received, which is the Site Plan with the DEP notations on it and approval, there is an outline which is at 131 presumably in the center of that it is somewhat lower but it doesn't show another topo line inside. But according to this plan, that outline should be at 131 and the interior would be presumably lower. The DEP does agree with that and the interior will be presumably lower than that.

FORINO: Right, the DEP does agree to that and the guy was honest with me on the phone that there is a tremendous amount of fill in the pond area and the creek area that is not letting the water flow through the property, which all of us on the northerly side of this property have water tables that are up and will not recede because they have nowhere to go. Where they went is now blocked.

RUPP: Again, I think what Mr. Ludwig was getting at, is based on the testimony, it is our understanding that that area will be restored as per the disturbed area to be restored...which is what the map says and it will be restored to those topographic elevations, which on quick look seems to be consistent with the 2007 map as well.

FORINO: And my nervousness is this...from the testimony of his counsel, they feel it is fine the way it is. That was from me listening to his counsel at the last meeting.

DEL VECCHIO: Just so we are clear, I never indicated it was fine the way it is, I indicated it was fine as it was approved and permitted, which obviously requires us to do some work to effectuate the terms of the approvals both by the DEP and by this Board.

FORINO: Before I sit down, are there any questions? I will be happy to answer any questions.

VON BRADSKY: Well, address that berm that I was talking about that was along your fence that was in pictures that we saw the last time and now that's gone. Is that recently gone or was that....

FORINO: No, that's been gone for a while. When he first moved in, as I said last time I was here, he got on his machine and he removed it, which undermined my driveway and damaged my driveway. I can't worry about a driveway right now; I really have to worry about my house. He removed it which basically causes him pain because he has more water coming onto his property. He was around the property...he was around every inch of that property with his machine.

The soil was brought in. No soil has been removed from the property.

VON BRADSKY: Thank you....any more questions? There were none.

RUPP: I feel we should close the hearing and the Board can discuss this at its next meeting.

VON BRADSKY: Ok, the hearing is now closed.

RUPP: This is the one where we have some time limit issues. We would normally discuss it when?

BEER: At the next work session...Mr. Del Vecchio has given us until midnight, March 28th.

DEL VECCHIO: Right.

RUPP: And the next work session is in April....I think we are looking for another 30 days .... the actual resolution, assuming the Board grants this will be voted on the meeting thereafter, which would be...

DEL VECCHIO: Given that this application is long in tooth, I would ask that the Board deliberate it before the public hearings at the next public session. The application has been pending for a long time and I don't ascribe any fault to anyone for that it is just the way it came out because of the DEP involvement issues...but it creates a lot of issues and a lot of hardship for Mr. Prusha not to have the matter finalized. We would ask for the Board's courtesies in trying to find time at an appropriate hour, I don't want the Board to ....

BEER: I know the Chairman does not like to have these applications discussed at 10:00pm at night and later. If the Board is willing to meet prior an hour or so earlier at its next meeting, it could be scheduled then.

VON BRADSKY: Is that a full meeting?

BEER: Yes, you have scheduled a public hearing.

MITAL: Do you want a motion that we meet at 7:30pm to discuss the application?

VON BRADSKY; Is the Board in favor of that to try and move this application along a little bit?

Ok, then at 7:30 on the 28th.

BEER: I will advertise for a Special Meeting.

RUPP: Now, having said that, we will not have a resolution prepared that evening for that.

DEL VECCHIO: Well, you and I need to take the next step here on the record, which since the Board has agreed to extend the courtesy and I thank you for that before I lose sight of that and I do recognize the courtesy...the next step is how do we handle the procedural issues that go with it.

Assuming the Board takes an action vote on the 28th, the next question is when do you....you need time to memorialize...

RUPP: My understanding is that the Board, notwithstanding or arguing the legal right to do so, has established a policy in the past not to give approvals and then memorialize it but rather to have the actual resolution being the official action.

So, what I am proposing is that the Board extend the time limit for any prerogative writ action to presumably the April 11th meeting and I would suggest we enlarge that beyond that because....

DEL VECCHIO: I don't want to run out at the middle of night from home to grab a p.w....thank you.

RUPP: Exactly, so I suggest to do it until the end of April but if you want to pick another date between that and the 11th, we don't have a problem on that. It is really more for your benefit than the Board's benefit. And similarly, if there is a time limit on the review of this revision, the Board would want an extension so there is no automatic renewal as well.

I would suggest that those two items be the same date and quite frankly, any time after the 11th, I think would be adequate for the Board.

DEL VECCHIO: I suggest we extend the time the Board may act until Monday, the 16th and then give the applicant a week from that date, if necessary, to file an Action of Prerogative Writ...the 23rd. Hopefully that will not be necessary but if that is acceptable to the Board, that is what the applicant will propose.

BEER: And I can have that in writing?

DEL VECCHIO: Absolutely. Now, if I could have three minutes to sum all this up.

There is a lot of he said, she said in this application and I am sure there is lots of blame to go around everywhere but at the end of day, what is important is putting this property back in the state that is required by

the approvals and the permits. While I appreciate the neighbors' comments, I don't want to get in a debate as to whose numbers are right, what he did or didn't hear from the DEP, where the DEP was referencing the topo numbers that he was reciting here. At the end of the day though, we have a map with the DEP stamp *approved* on it, with a permit that goes along with it.

We are obligated to match what is on those plans, black and white. The Board, Ms. Mancuso, Mr. Eichenlaub and the DEP at the end of the day will all have an opportunity to look at those and say *yes, they did what they were supposed to* or *no, get it right and go back and fix it.* Those are the only two options here. There are no options in between, so what the condition is out there today, I would agree with your engineer and ultimately I understand why the neighbors are concerned about it but ultimately is not meaningful because at the end of the day, what needs to be has already been set by the maps and approvals that have been cast.

What we are here to deal with by virtue of the application that is before you, is to remove a condition that we believe never should have made its way into your original resolution. I think the Board ultimately agreed with us that it should come out during the course of this application. You have raised additional questions for us during the course of this application, rightfully so as a diligent Board..you've asked us to give you the old information so you have a starting point from which to look at the grades and we have done that....you've asked us to give you further security by virtue of a covenant or easement to restrict the drainage swale along the northerly property line, we've done that.

I think we have done everything this Board has asked us to do in the course of this application. I think we did that in the last application when we downsized the subdivision application from its original configuration. We don't want to be at war with our neighbors and we don't want our neighbors to be upset with us. We are trying to do what we are supposed to do and what we are now obligated to do by our DEP permits. We can't do that until we get through this land use process and with your help and with hopefully a favorable vote on the April 11th meeting we can begin to start putting the pieces back to where they need to be and at the end of the day, I have no doubt the microscope will be put on the plans and we will be held to do what we have been promising you we will do and we have every intention of living by the permits that were issued.

So we thank you for your consideration, we thank you for your input during the course of the hearings and we ask for your favorable vote on the amendments that we have sought and we believe have been agreed to during the course of these proceedings.

RUPP: Mr. Del Vecchio, if I can just ask a question...do you have a copy of the original resolution?

DEL VECCHIO: I do and I'll be...

RUPP: I just want to make sure that we understand what conditions and we are all on the same page in terms of what you are seeking here. I want to make sure I have the right conditions.

DEL VECCHIO: I thought I had done a letter outlining it and I can't find it quickly but the resolution is dated 12/15/10...

RUPP: And the conditions that you're seeking the modification on....

DEL VECCHIO: I believe it is G 1 and G 2. G 1 relates to a Conservation Easement over the area that we have indicated is already encumbered by

the DEP easements, wetland restrictions etc. and G 2 was an easement that we think just may have been inappropriately worded.

RUPP: I think it was just the wording.

DEL VECCHIO: I think we were just in lockstep...our concern was just the way it was worded could be interpreted that we were going to be required to maintain the borough's drainage pipe across our property but that wasn't the case. It was merely a request to maintain the culvert or crossing with the pipe under the driveway crossing as opposed to the entire drainage pipe.

RUPP: My notes indicate it used to read *responsible for maintaining and cleaning the drainage structures on the easement...*and my notes indicate that *maintaining any improvements over the drainage easement..*that's what we are talking about, right?

DEL VECCHIO: I believe that is correct.

RUPP: Which would be the culvert under the driveway that we are proposing to construct.

And then Condition 5, *the applicant shall relocate the playground area...* that's been removed?

DEL VECCHIO: That's been removed from the plan.

RUPP: I just wanted to make sure.

DEL VECCHIO: I think we are all on the same page.

RUPP: And relative to the drainage swale easement description...will we have that description before the next meeting or I can word it in terms of receiving it at a later date ...

DEL VECCHIO: We can get it to you but my concern is, unless the Board approves this application that condition doesn't really come into play.

RUPP: I understand. I can word it in such a way as it is envisioned it will be obtained.

DEL VECCHIO: Physically it is possible for us to do it if that is what the Board requests. It is a little bit of the cart before the horse but if that's what the Board wants we will be happy to accommodate them.

RUPP: It will ultimately have to require some contingencies that have to be reviewed.

DEL VECCHIO: The D.A. will cover that.

BEER: The subdivision plat has to be amended to reflect these changes.

DEL VECCHIO: Good evening and thank you for hearing us this evening.

RUPP: Before we actually close the hearing I just want to make two quick announcements...we have two certifications, one from David Mesiano and the other from John O'Donoghue, both Board members indicating they have read the transcripts of the Planning Board meeting held on December 15, 2010 with respect to this application. Those are going to be entered into the record.

BUSINESS & CONDITIONAL USES:

RIDGEMONT SHOPPING CENTER – remediation
169-199 Kinderkamack Road

WHEREAS, PARK RIDGE HYE PARTNERS, (hereinafter referred to as "Applicant"), being the owner of premises known as 169-199 Kinderkamack Road in the Borough of Park Ridge, County of Bergen and State of New jersey, said premises also being known as Lots 1,2, and 3 in Block 1406 as shown on the Tax Assessment Map for the Borough of Park Ridge and commonly known as the Ridgemont Shopping Center, has applied to the PLANNING BOARD of the BOROUGH OF PARK RIDGE (hereinafter the "Board"), seeking Site Plan Approval to permit the construction of an environmental remediation project upon said site and approval of a Soil Removal permit; and

WHEREAS, the subject parcel is located in the Business Zoning District (B-1) as defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, Applicant has submitted various sketches, reports and renderings all of which were marked into evidence at the hearings held in connection with the Application, including the following Exhibits:

A-1 Overall site plan prepared by Lapatka Associates, Inc. dated September 17, 2012

A-2 Traffic Control Plan prepared by Lapatka Associates, Inc. dated September 17, 20122

A-3 Ridgemont Shopping Center, Kinderkamack Road Plan prepared by Lapatka Associates, Inc. dated September 17, 2011

A-4 Soil Moving Volume Calculations for Remediation Activities prepared by Lapatka Associates, Inc. dated November 9, 2011

A-5 Remediation System Layout prepared by TRC Environmental Corp. dated August 1, 2011

A-6 Treatment System Laydown Plan prepared by TRC Environmental Corp. Dated August 1, 2011

A-7 Traffic Control Plan Report prepared by Simoff Engineering Associates dated January 9, 2012

A-8.1 Poster board prepared by Simoff Engineering Associates detailing the construction phases and traffic management

A-8.2 Poster board prepared by Simoff Engineering Associates detailing the construction phases and traffic management

A-9 Application for Approval of Site Plan

A-10 Proof of Publication dated December 9, 2011

A-11 Proof of Mailing

A-12 Notice of Hearing

A-13 Application for Soil Permit

A-14 Soil moving volume calculations prepared by Lapatka Associates, Inc.

A-15 Picture of heat exchanger; and

WHEREAS, the BOARD received reports from its professionals and Borough Agencies including the following Exhibits:

B-1 Fire Agency Plan Review dated December 3, 2011

B-2 Fire Agency Plan Review dated January 24, 2012

B-3 A report from the Borough's Planner, Bridgette Bogart, set forth in a letter to the Board dated December 29, 2011

B-4 Report from Board engineer, Eve Mancuso, set forth in a letter dated January 3, 2012

B-5 Report from Chief Joseph Madden dated January 20, 2012; and

WHEREAS, hearings were held before the PARK RIDGE PLANNING BOARD duly convened on January 25, 2012 and February 8, 2012 upon due notice as required by law; and

WHEREAS, the BOARD has carefully considered the application and all testimony and evidence presented to the BOARD by the Applicant and by residents appearing in connection with the application.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE that the BOARD hereby makes the following findings of fact and conclusions of law:

1. Applicant is the owner of premises located at 169-199 Kinderkamack Road in the Borough of Park Ridge, County of Bergen and State of New Jersey. The site is currently developed with a shopping center and is located in the B-1 Business Zoning District, a zone permitting the shopping center use.

2. Applicant seeks to construct and install an environmental remediation project to clean groundwater contamination upon the site as more specifically shown on the aforementioned Site Plan and Exhibits. The project consists of the installation of underground piping within the existing parking lot and the temporary placement of a trailer containing a compressor and vacuum pump, three filters, a heat exchanger, a 30 foot high exhaust pipe and a 15' x 25' slated chain link enclosure, 7-8 feet high, with sound baffling, as required, located to the rear of the shopping center building.

3. The proposed development complies with all applicable provisions of the Zoning Ordinance and does not require any variances therefrom.

4. Applicant presented the testimony of Andrew Missey, a Licensed Civil Engineer of the State of New Jersey, employed by Lapatka Associates, Inc. Mr. Missey described the following site modifications:

a) The proposed trailer, measuring 7' high by 7' wide by 12' long, would be located in a corner in the rear of the shopping center building located approximately 180 feet from the rear property line, beyond which are located residential premises. He estimated that the residential dwellings were set back an additional 50 feet from the rear property line of the site.

b) The proposed trailer would be located at elevation 180. The Elevation of the rear property line extends between elevati9on 195 and 215.

c) The proposed exhaust pipe would be 30 feet in height so as to be above the building height of the shopping center which is 26 feet.

d) The trailer would be enclosed with a chain link fence with slates inserted.

e) The laying of the underground piping will require trenches to be dug 2 feet wide and 3 feet deep, resulting in the removal of 360 cubic yards of soil. Most of the soil would be used to backfill the trenches.

f) Mr. Missey estimated that twenty (20) working days would be required for construction.

5. Applicant presented the testimony of Mr. Nachman, a certified Professional Geologist, employed by TRC Environmental Corp. Mr. Nachman described the following site modifications with respect to hydrogeology:

a) He had prepared and submitted to and received the approval of the N.J. Department of Environmental Protection for a remediation of groundwater work plan.

b) Monitoring wells had been installed within a former dry cleaning establishment in the shopping center to9 monitor groundwater contamination.
c) The remediation plan called for the installation of underground piping from the trailer located at the rear of the shopping center building to the front parking lot.
d) The remediation process entails the pumping of air which bubbles through the contaminated groundwater and then the collection of the air, containing the volatile contaminates, using a vacuum pump, passing same through three carbon canisters to remove the contaminants and then the dispersal of the clean air through the exhaust pipe.
e) The piping is to be installed underground, backfilled, paved over, and left in the ground.
f) The trailer houses compressors and a vacuum pump. There is also a heat exchanger to reduce the temperature of the expelled air.
g) Once installed the system is designed to operate 24 hours a day/seven days a week.
h) If the system detects fugitive vapors, the system automatically shuts off and requires manual restoration, thus ensuring that the air leaving the exhaust is clean and odorless.
i) The filers will be replaced as necessary.
j) The height of the exhaust pipe of 30 feet was calculated in accordance with N.J.DEP requirements
k) With respect to noise, Mr. Nachman testified that the present ambient sound levels at the rear property line were between 50-60 db during the day and 46 db at night. Without adequate baffling, the proposed equipment would exceed the 50 db limit at the property line. With baffling, the sound level should not exceed the existing 46 db level at the property line and would be imperceptible to the residents. If necessary, additional baffling could be installed to reduce the noise level.
l) He estimated that the remediation proves would take up to 2 ½ years. Upon completion of the remediation, the trailer, exhaust pipe, heat exchanger, filters and fencing would be removed. The underground pipes would remain in place.
m) Although NJ DEP did not mandate the location of the trailer and equipment, he testified that other locations were investigated and that the location in the rear of the shopping center was found to be the best.
n) He testified that the trailer would be enclosed with a slated chain link fence measuring 15 feet by 25 feet, 7 feet high

6. Applicant presented testimony of Anthony Agresti, a certified noise control officer and consulting scientist, employed by TRC Environmental Corp. Mr. Agresti testified as to the remediation equipment and noise levels.

a) Mr. Agresti testified that ambient sound levels were measured at the rear property line which measured 50-60 during the day and 46 db at 3:00am during the month of September 2011. Readings were taken on one day only and no written report was produced.
b) Mr. Agresti testified that the proposed equipment would not exceed 46 db at the property line. He did not produce any written report or calculations to support such opinion. He acknowledges that the adjoining shopping center building would act to reflect the noise.
c) He further testified that in addition to the trailer and the filters, there would also be a heat exchanger, consisting of a fan

measuring 4 feet wide and 5 feet high, which would be placed in a suitable location. Upon further questioning, he indicated that the heat exchanger could be located within the proposed chain link fence enclosure.

d) Although he did not produce any specification sheets, he testified that the noise from the trailer would be 67 db and the noise from the heat exchanger would be 76 db at a distance of seven feet. In response to questioning, he acknowledged that the chain link fence would not provide any appreciable noise attenuation and that additional noise baffling would be required.
e) Once the system was in operation, he testified that the sound level would be field tested and additional noise baffling would be added as necessary.

7. Applicant presented the testimony of Hal Simoff, a Licensed Engineer of the State of New Jersey, who testified as to the traffic impacts of the proposed construction. The proposed traffic control plan set forth six phases of construction in order to minimize disruption and maintain traffic flow within the shopping center. Construction will occur between 7 am and 4 pm on weekdays only. Open trenches will be backfilled each day:

a) Phase I, which would take 5-7 days to complete, would be performed on the north side of the main aisle and would entail cordoning off 12 parking spaces and reducing the aisle width of the eat/west aisle from 3 lanes to 2 lanes o 11' each.
b) Phase II, which would also take 5-7 days to complete, would block the eastbound entrance aisle and would require eastbound traffic to be diverted to a parking aisle to the south. It would also render 12 parking spaces to be unusable.
c) Phases III, IV and V, which would take 2-3 days to complete, would entail construction in the main north/south aisle of the shopping center and would be staged so that traffic flow would be maintained with the use of flaggers and steel plates.
d) Phase VI, which would take 2-3 days to complete, would require the closing of a 15' wide portion of the main north/side aisle, permitting only one-way traffic. Flaggers would be used on both ends to coordinate north/south flow with the traffic entering the shopping center from Kinderkamack Road.

8. The Board received a report from the Fire Prevention Bureau requiring that all fire lanes be repainted after completion of construction, that all fire hydrants be kept clear and that ingress and egress around the entire building be maintained at all times.

9. The Board also received a report from Police Chief Joseph Madden stating that the police department is satisfied that the six phase traffic plan will ensure that traffic flows freely and safely.

10. The Board also received a report from the Board Engineer requesting testimony regarding the anticipated schedule of constructio9n, that the height and type of fence be noted on the plans, testimony describing the process and safety controls in place which ensures that any emissions released are fully treated clean air, testimony regarding the level of noise from the equipment, testimony respecting any odors from the process, the estimated time for the remediation process to be completed and the requirement of a soil moving permit.

11. The Board also received reports from its Planner requesting Testimony detailing the length of construction and the effect on site circulation and parking, testimony detailing current loading and refuse

operations and the impact of the trailer thereon, noise levels from the equipment proposed at the rear residential property line and details of any noise mitigation measures proposed, confirmation that the proposed fence enclosure will exceed the height of the equipment and that it will be fully screened at all times, and testimony detailing the length of time that the proposed system will be in operation and plans for the system when it is no longer required. With respect to zoning, the Planner reported that no variances were required. With respect to traffic circulation, the Planner requested that the applicant provide testimony detailing how traffic circulation would be handled in a dead end parking aisle during Phase I, whether there will be a temporary entrance for the A&P during Phase II, addressi8ng truck circulation to the rear of the shopping center building and that the applicant's traffic expert provide his professional opinion that the plan will appropriately control the site traffic during construction.

12. Applicant also submitted an application for soil moving permit . Applicant's proposal will involve a total soil movement of 360 cubic yards of soil, of which virtually all will be used to backfill the trenches.

13. With respect to the traffic circulation plan, the BOARD finds and concludes that the Applicant has presented sufficient proofs that the plan will appropriately control the site traffic during construction to permit the proposed development subject to the following conditions:

a) 24 hour advance notification to the Police Department prior to commencing any work which will change an traffic pattern
b) Backfilling of all open trenches and the temporary patching thereof will be required at the end of each work day
c) Restriping of all fire lanes, aisle lanes and parking spaces upon completion
d) Temporarily sealing off parking spaces as required to perform construction, eliminate dead end parking aisles, and facilitate traffic circulation
e) All fire hydrants shall remain accessible at all times to emergency personnel, equipment and apparatus during construction'
f) Final repaving of all disturbed areas upon completion of construction

14. With respect to the construction and installation of the trailer, heat exchanger, filters, exhaust pipe and fencing, the BOARD further finds that site plan approval can be granted subject to the following conditions:

a) The location thereof shall not interfere with any doorway, fire exit, or ingress and egress to the adjoining shopping center building
b) The location shall not interfere with access to fire hydrants by emergency personnel, equipment or apparatus
c) The trailer, heat exchanger, exhaust pipe and filters shall all be enclosed within the proposed fencing and shall not interfere with traffic circulation or loading or unloading
d) Subject to the foregoing conditions the proposed size and location of the fence enclosure may be modified upon the prior approval of the Borough Engineer
e) The height of the fence shall not exceed eight (8) feet. To the extent that adequate noise attenuation requires a height in

excess of eight (8) feet, the applicant will be required to submit an application to the Board.

f) Upon completion of remediation as evidenced by approval of the NJ DEP, the trailer, exhaust pipe, heat exchange, filters and fencing shall be removed from the site

g) Until completion of the remediation, the applicant shall furnish to the Board Engineer reports on the progress of the remediation every six months from the date of the completion of the improvements and the commencement of the remediation process, including copies of the monitoring results.

15. With respect to noise, the Board finds that the testimony by the applicant's expert was essentially that of a net opinion without sufficient supporting evidence to substantiate the opinion as to the anticipated noise level. The Board recognizes, however, that the actual noise level and the noise attenuation measures required may not be able to be finally determined until the system is put into operation. Accordingly, the Board finds that site plan approval for the proposed equipment may be granted subject to the following conditions:

a) The noise level emanating from the proposed equipment measured at the rear property line shall not exceed 50 db

b) The applicant shall install such noise baffling or take such noise attenuation measures so as to ensure that the noise level emanating from the proposed equipment as measured at the rear property line does not exceed 50 db

c) If such noise baffling or noise attenuation measures require the increase in the height of the fence enclosure or requires a substantial redesign or relocation of same, the applicant shall resubmit a revised site plan application for the Board's approval. The Board Engineer shall be permitted to approve minor variations in the location of the fence.

d) In the event the noise level exceeds the limit provided herein, the applicant shall turn off the operation of the equipment until the required noise attenuation measur5es are completed to reduce such noise level to the permitted level set forth herein

e) The results of any required noise measurements, taken after all of the equipment is installed and operational, must be submitted to both the Park Ridge Building Department and to the Board Engineer to confirm compliance with the 50 db maximum at the rear property line.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, that the BOARD hereby grants the Applicant's requested Site Plan approval, together with a soil moving permit, all subject to the conditions hereinabove set forth and the following express conditions:

A. The appli8cant shall be required to execute a Developer's Agreement in a form acceptable to the Planning Board and the Mayor and Council of the Borough of Park Ridge, said Agreement to be prepared by the Board's Attorney at Applicant's cost and expense.

B. The applicant shall be required to furnish performance bonds, maintenance guarantees and cash deposits in accordance with the Subdivision and Site Plan Review Ordinance of the Borough of Park Ridge in amounts to be determined in accordance therewith and upon consultation with the Board Engineer

C. All improvements shall be completed in connection herewith shall be in accordance with all development application proceedings and evidence submitted to the Planning Board and

in compliance with the requirements of all Borough Ordinances and other requirements as may be imposed by the Board Engineer. Specifically, the applicant shall comply with the following conditions:

1. With respect to the construction and installation of the trailer, heat exchanger, filters, exhaust pipe and fencing,

a) The location thereof shall not interfere with any doorway, fire exit or ingress and egress to the adjoining shopping center building
b) The location shall not interfere with access to fire hydrants by emergency personnel, equipment or apparatus
c) The trailer, heat exchanger, exhaust pipe and filters shall all be enclosed within the proper fencing and shall not interfere with traffic circulation or loading or unloading
d) Subject to the foregoing conditions the proposed size and location of the proposed fence enclosur5e may be modified upon the prior approval of the Borough Engineer
e) The height of the fence shall not exceed eight (8) feet. To the extent that adequate noise attenuation requires a he3ight in excess of eight (8) feet, the applicant will be required to submit an application therefore to the Board.
f) Upon completion of the remediation as evidenced by approval of the NJDEP, the trailer, exhaust pipe, heat exchange, filters and fencing shall be removed from the site
g) Until completion of the remediation, the applicant shall furnish to the Board Engineer reports on the progress of the remediation every six months from the date of completion of the improvements and the commencement of the remediation process, including copies of the monitoring results.

2. With respect to the traffic circulation plan:

a) 24 hour advance notification to the P:olice Department prior to commencing any work which will change any traffic pattern
b) Backfilling of all open trenches and the temporary patching thereof will be required at the end of each work day
c) Restriping of all fire lanes, aisle lanes and parking spaces upon completion
d) Temporarily sealing off parking spaces as required to perform construction, eliminate3 dead end parking aisles and facilitate traffic circulation
e) All fire hydrants shall remain accessible at all times to emergency personnel, equipment and apparatus during construction
f) Final repaving of all disturbed areas upon completion of construction

3. With respect to noise:

a) The noise level emanating from the proposed equipment measured at the rear property line shall not exceed 50 db
b) The applicant shall install such noise baffling or take such noise attenuation measures so as to ensure that the noise level emanating from the proposed equipment as measured at the rear property line does not exceed 50 db
c) If such noise baffling or noise attenuation measures require the increase in the height of the fence enclosure or requires a substantial redesign or relocation of same, the applicant shall resubmit a revised site plan application for the Board's approval.

The Board Engineer shall be permitted to approve minor variations in the location of the fence.

d) In the event the noise level exceeds the limit provided herein, the applicant shall turn off the operation of the equipment until the required noise attenuation measures are completed to reduce such noise level to the permitted level set forth herein
e) The results of any required noise measurements, taken after all of the equipment is installed and operational, must be submitted to both the Park Ridge Building Department and to the Board Engineer to confirm compliance with the 50 db maximum at the rear property line.

D. Applicant shall be required to pay all professional fees, escrows and bonds in a timely manner. The application shall deposit an additional escrow of $1,500.00 for monitoring of the progress of the remediation by the Board Engineer.

E. Applicant shall complete all improvements in accordance with the aforementioned development application proceedings as well as in compliance with all other application Borough Ordinances.

F. That the Applicant secure all necessary approvals, if not Previously secured, including but not limited to the County of Bergen, the Bergen County Planning Board Approval, the Bergen County Soil Conservation Board Approval and any other required governmental approvals. In the event any agency requires modification to the Site Plan approved herein, Applicant shall be required to return to the BOARD for the approval of such modification.

G. Applicant's receipt of a Soil Movement Permit is specifically subject to the following conditions:

1. The applicant shall not move any soil from the site without first submitting to the Board Engineer and to the Borough Police Chief a written plan detailing the manner in which the soil will be moved to the site, the dates of soil movement, and the routes to be taken by vehicles removing the soil No soil shall be removed from the site unless and until the Applicant receives approval from the Board Engineer and the Police Chief for the Borough of Park Ridge with respect to said plans.
2. Applicant shall also comply with any and all conditions or requirements imposed by the Board Engineer with respect to erosion control, truck cleaning, or any other soil movement requirement she may deem necessary. These requirements may include specific conditions with regard to the maintenance of the vehicle tracking pad on the site and with respect to the cleaning of Borough Streets, if required by the Board Engineer.
3. Applicant shall also move soil from the site in trucks filled to such weight as is deemed appropriate after consultation with the Board Engineer. If the Board Engineer determines that vehicles should not be filled to capacity so as to minimize the possibility of damage to Borough streets, Applicant shall comply with said requests. In the event Applicant causes any damage to the street, Applicant shall provide repairs to same or compensate the Borough for the costs of any repairs.
4. Applicant shall not move more soil from the site than as described during soil movement hearings and as set forth in reports issued to the Board Engineer. In the event Applicant requires the movement of additional soil, Applicant shall return to the BOARD for subsequent hearings.

5. Applicant shall specifically comply with all soil movement and soil control requirements set forth on the plans reviewed by the Board Engineer and described at the aforementioned hearing.
6. Applicant shall pay all required soil moving fees and post any required bonds.

Motion made by Ms. Eisen to accept the resolution of approval.
Second by Mr. Ludwig

RUPP: If I could just make some comments...I did receive some comments from the engineer from the original draft that I prepared from the copy I distributed to you and I've incorporated those...there was also a comment after that revision from our planner dealing with periodic noise testing. That is not in this resolution. My understanding of the periodic reporting was relative to the remediation aspect and not to the noise aspect. The noise was going to be as soon as the items were installed and put into operation. There was then going to be a test to verify but there would not be periodic tests after that and that is not in this resolution. The remediation, however, since the Board want to know when this stuff can be removed is in every six months and there was an issue of how often but based on my notes, it was every six months we would have a status report.

What I've done is I've added the provision about the actual test results so that presumable they measure whether the vapors are still being moved so that is there based on Ms. Mancuso's comments.

AYES: Ms. Eisen, Messrs. Ludwig, Metzdorf, Von Bradsky
ABSTAIN: Messrs. Browne, Mital, O'Donoghue, Councilman Misciagna

SOIL MOVING:

John F. Egan – 172 Spring Valley Road
Lot: 1 Block: 801

WHEREAS, John F. Eagan, owner of premises located at 172 Spring Valley Road, in the Borough of Park Ridge, County of Bergen, and the State of New Jersey, said premises also known as Lot 1 of Block 801 on the Tax Assessment Map for the borough of Park Ridge, has applied to the PLANNING BOARD OF THE BOROUGH OF PARK RIDGE (hereinafter referred to as "BOARD"), seeking a soil moving permit to allow the movement of soil on and from the site pursuant to Chapter 84 of the Code of the Borough of Park Ridge; and

WHEREAS, the Applicant has submitted to the BOARD a survey of the property illustrating the proposed construction of a single family dwelling on the site dated January 10, 2011, prepared by GB Engineering, LLC, Engineers and Surveyors; and

WHEREAS, a public hearing was held in connection with the application before the PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, duly convened on February 22, 2012, upon due notice as required by law; and

WHEREAS, the BOARD has carefully considered the application and all evidence and testimony presented during the hearing held before the BOARD;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, that the BOARD hereby makes the following findings of fact:

1. Applicant proposes to construct a single family dwelling on premises known as 172 Spring Valley Road, in the Borough of Park Ridge. The dwelling will comply with all bulk requirements of the Zoning Ordinance. Applicant, however, requires a soil moving permit since a net of 1,223 cubic yards of soil will be removed from the site.

2. The soil movement calculations had been provided to and reviewed by the Board Engineer/

3. The Board Engineer confirmed that the applicant had provided the required soil moving information and that the calculations submitted were consistent and acceptable.

4. The Board Engineer commented that a Soil Erosion Plan and Sediment Control Plan is required to be prepared for the new single family dwelling as part of the Soil Movement review process with the Planning Board. A Bergen County Soil Conservation District Certification will also be required. The soil erosion control measures shown on the above no9ted plan shall be implemented to insure no adverse impact upon adjoining properties during construction. Additionally, measures shall be taken to prevent racking of soil unto the roads. The measures shall be routinely maintained and remain in place until all disturbed areas are stabilized.

5. The Board Engineer further commented that the plan shall also include the limit of disturbance and specifically noted which trees will remain and which trees will be removed. Trees to remain shall be protected with a construction fence located at the drip line of the tree.

6. Residents in the vicinity commented upon drainage problems in the area and inquired as to whether the proposed construction would adversely impact such drainage problems. The Board Engineer commented that drainage review will be conducted as part of the normal construction permit process and that the applicable regulations require no increase in water runoff.

7. The residents also inqu9ired as to whether any variances were re3q2uired as part of the approval of the proposed single family dwelling. The residents were advised by the BOARD that no variances are required based on the plans submitted but that the only application before the Planning Board at this time was the3 Soil Removal application. There is no application before the Planning Board which either grants the Planning Board jurisdiction to review or requires the approval of the Planning Board for the construction of the proposed single family dwelling.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, by virtue of the foregoing that the BOARD hereby grants Applicant's request for a soil moving permit to permit the movement of soil on and from the site, subject to the following conditions:

A. That the applicant not remove any soil from the site without first submitting to the Board Engineer and to the Borough Police Chief a written plan detailing the manner in which soil will be removed from the site, the destination of <u>all</u> soil to be removed from the site, the dates of removal, the times when soil would be removed from the site and the routes to be taken by vehicles removing the soil. No soil shall be removed from the site unless and until the Applicant receives approval from the Board Engineer and the Police Chief for the Borough of Park Ridge with respect to said plan.

B. Applicant shall also comply with any and all conditions or requirements imposed by the Board Engineer with respect to erosion control, truck cleaning, or any other soil movement requirements the Board Engineer may deem necessary. These requirements may include specific conditions with regard to the maintenance of the vehicle tracking pad or Geomat on the site and with respect to the cleaning of Borough Streets, if required by the Board Engineer. Applicant shall also be required to install silt fences or other erosion control practices, including hay-bales (if so requested by the Board Engineer) to prevent the spillage of soil from the site in the event of severe rainfall.

C. Applicant shall also remove soil from the site in trucks filled to such weight as is deemed appropriate after consultation with the Board Engineer. If the Board Engineer determines that delivery vehicles should not be filled to capacity so as to minimize the possibility of damage to Borough Streets, Applicant shall comply with said requests. In the event Applicant causes any damage to the street, Applicant shall provide repairs to same or compensate the Borough for the costs of any repairs.

D. Applicant shall remove no more sol from the site than described on the plans submitted or during the soil movement hearing. In the event applicant requires the removal of additional soil, Applicant shall return to the BOARD for subsequent hearings.

e. Applicant shall specifically comply with all the comments set forth on the Board Engineer's review of the application as specifically set forth in the findings contained in this resolution.

Motion to offer made by Mr. O'Donoghue.
Second by Mr. Mital

MITAL: I would like to say though, having driven past this location at least 20 to 30 times since then, the testimony we heard that night about the water running off that property and somehow going back uphill into these other houses....I wish I could get those people back here...that was really something else, what they expected from us.

BEER: It was borne of years of frustration of trying to get someone to acknowledge the situation. I believe the Council finally did because drainage was put in on Musso Lane but when that house was built on Musso lane, those residents and several others did get flooded out.

VON BRADSKY: How long ago did they do the remediation?

MANCUSO: About seven years. The house they were referring to was built in about 2004 before the Stormwater Management Ordinances.

AYES: Ms. Eisen, Messrs. O'Donoghue, Mital, Browne, Ludwig, Metzdorf, Von Bradsky
ABSTAIN: Councilman Misciagna

NEW BUSINESS:

Meeting set with Green Team for April 11th.

Board Engineer asked to discuss the Hespe Subdivision, stating that over the course of the past few years the developer has been seeking release of a performance bond. She stated the ordinance requires her holding a substantial amount until acceptance of the improvements after which they go into their maintenance bond.

She said did go through their improvements and found there was residual settlement along the roadway and to date they still have not resolved the issue though they continue to request release of their performance bond.

Ms. Mancuso said she now is requesting that some legal action be taken and calling the bond company to let them know the contractor is not performing and the Borough wants the work done.

Motion made by Mr. Mital that the Mayor and Council be asked to take whatever action is deemed necessary.
Second by Mr. Browne.

Carried unanimously.

REVIEW OF VOUCHERS:

Brooker Engineering
Michael DiBella Subdivision $ 720.00
Motion made by Mr. Mital that the voucher be presented for payment.
Second by Mr. O'Donoghue.

AYES: Ms. Eisen, Messrs. Browne, Ludwig, Metzdorf, Mital, O'Donoghue, Von Bradsky, Councilman Misciagna

ADJOURN;

There being no further business to come before the board a motion was made by Mr. Ludwig that the meeting be adjourned.
Second by Mital.
Carried unanimously.

Respectfully Submitted,
Helyn N. Beer

(9:40pm)