

Minutes of the Park Ridge Planning Board
Meeting of December 5, 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 Chairman, Don Schwamb, 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, Mesiano, Metzdorf, Mital, O'Donoghue, Schwamb, Von Bradsky, Councilman Misciagna, Mayor Maguire

Absent: No one

Also Present: William F. Rupp, Esq., Board Attorney

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 thereof 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 HEARINGS:

P.R.A.H. LLC. – 38 & 40 Park Avenue NBD
Lots: 10 & 11 Block: 1601

Board attorney advised that the application for P.R.A.H., LLC would be carried forward to the January 23, 2013 meeting and that no further Notice would be sent or required.

APPROVAL OF MINUTES:

None

BUSINESS AND CONDITIONAL USES:

(see above)

SOIL MOVING:

WELLSFORD PARK RIDGE, LTD. - 300 Brae Blvd. O&R
Lot: 1 Block: 302

WHEREAS, Wellsford Park Ridge, LTD partnership on behalf of Marriott Hotel Services, Inc., respecting premises located at 300 Brae Blvd, in the Borough of Park Ridge, County of Bergen, and State of New Jersey, said premises also known as Lot 1 of Block 302 on the Tax Assessment Map for the borough of Park Ridge, has applied to the PLANING 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

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WHEREAS, the Applicant has submitted to the BOARD a survey of the property illustrating the proposed removal of accumulated sediment from an unnamed pond along Bear Brook, dated January 2, 2012, prepared by Thomas W. Skrable, P.E. Consulting Engineer; and

WHEREAS, a public hearing was held in connection with the application before the PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, on November 28, 2012; and

WHEREAS, the Board has received and reviewed the Exhibits as set forth on the Schedule of Exhibits annexed hereto and made part hereof.

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. Notice of the application had been provided to property owners within 200 feet of the subject premises within the Borough of Park Ridge. Notice was also provided to the Borough of Montvale. The Applicant did not provide evidence, however, of notice being provided to property owners within 200 feet of the subject property located within the Borough of Montvale. Notice is governed by the provisions of Section 84-10 of Chapter 84 of the Code of the Borough of Park Ridge with respect to applications for permits for soil movement. These notice provisions are not identical to the notice provisions contained in the Municipal Land Use Act for "applications for development." Since the application for a soil movement permit under Chapter 84 of the Code of the Borough of Park Ridge is not an "application for development" as defined under the Municipal Land Use Act under N.J.S.A. 40:55D-3, it is not subject to the notice requirements under the Municipal Land Use Act. Rather an application for a soil movement permit constitutes a matter or class of matters which the governing body has referred to the Planning Board before final action thereon by a municipal body or municipal officer having final authority thereon pursuant to N.J.S.A.40:55d-26. As such, the jurisdictional notice requirements under the Municipal Land Use Act are not applicable. The Applicant has been advised of the issue of a possible deficiency in notice under Section 84-10 of Chapter 84 of the Code of the Borough of Park Ridge but has elected to proceed at its own risk with the application.

2. Applicant proposes to dredge and remove up to 3000 cubic yards of accumulated sediment from an unnamed pond along Bear Brook located within Lot 1 of Block 302 as shown on the Tax Assessment Map of the Borough of Park Ridge and commonly known as 300 Brae Boulevard, in the Borough of Park Ridge, the site of the Marriott Hotel.

3. The Board Engineer was furnished with and completed a review of the Plan entitled NJDEP Flood Control Park Ridge Marriott submitted on behalf of a Soil Movement application prepared by Thomas W. Skrable, P.E., dated 1/02/2012.

4. The Board Engineer commented, by letter dated November 29, 2012, that a Soil Erosion and Sediment Control Plan is required and that a Bergen County Soil Conservation District Certifications will also be required to be obtained. In addition, NJDEP permits are required for the project. The soil erosion control measures shown on the above noted plan shall be implemented to insure no adverse impact upon adjoining properties during construction. Additionally, measures shall be taken to prevent tracking of soil unto the roads. These measures shall be routinely

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maintained and remain in place until all disturbed areas are stabilized. The Plan has noted the intended area of sediment removal and has indicated no vegetation of trees will be removed. Subject to compliance with the above noted items, the Board Engineer had no objection to a soil movement permit being approved by the Board.

5. The Applicant submitted both a DEP Flood Hazard Area Individual Permit - #0247-12-0001.1 FHA 120002, dated June 14, 2012, and a FWGP13 Lake Dredging Permit #0247-12-0001.1 FWW120001, dated November 13, 2012, setting forth various conditions, which permits are annexed hereto and made part hereof.

6. The Applicant's Engineer, Thomas W. Skrable, testified that work would not be commenced until the Spring of 2013. In the event available funding permitted the removal of all 3000 cubic yards of material, the Engineer estimated that 200 truck loads would be required to be removed over a period of 10-15 days. The entire process, including dewatering, removal and restoration would take approximately two months.

7. The Applicant's Engineer further testifies that the Applicant will restore the lawn area used for temporary access, would comply with the Borough's requirements respecting days/hours of operation, and would stipulate to the removal route for the disposal of the soil.

8. The Applicant proposes to drain the pond to reduce the water level sufficiently to permit the accumulated sediment to drain. If the Borough requires, the Applicant agreed to line the dump trucks so as to prevent any water spill upon the public roadways during transport through the Borough.

9. During the process water entering and existing the pond would be pumped and filtered and that a turbidity barrier would be installed as per the DEP permit.

10. The Applicant's Engineer testified that the soil would be tested for contaminants and that the Board's Engineer would be furnished with the test results.

11. The Applicant will notify the Borough as to the disposal location of the Soil removed from the site.

12. As per the DEP permit, the Applicant shall not dredge the pond below the original pond elevations.

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, 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 all 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. The Board prefers that the Applicant remove soil using Brae Boulevard as opposed to Spring Valley Road.

B. Applicant shall also comply with any and all conditions or requirements imposed by the Board Engineer with respect to erosion

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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. The Applicant shall further install linings in the trucks to prevent water or mud leaking onto the public roadways if required by the Board's 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 a 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 soil 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 and specifically set forth in the findings contained in this resolution.

F. Applicant shall comply with the conditions and requirements contained within DEP Flood Hazard Area Individual Permit - #0247-12-0001.1 FHA 120002, dated June 14, 2012, and a FWGP13 Lake Dredging Permit #0247-12-0001.1 FWW 120001, dated November 23, 2012, which permits are annexed hereto and made part hereof.

G. The Applicant will restore the lawn area used for temporary access, would comply with the Borough's requirements respecting days/hours of operation, and would stipulate to the removal route for the disposal of the soil as requested by the Borough.

H. The Applicant shall test the soil which is removed for contaminants and furnish the Board's Engineer with the test results.

I. As per the DEP permit, the Applicant shall not dredge the pond below the original pond elevations.

J. During the drainage, removal and restoration process the Applicant shall insure that water entering and existing the pond will be pumped and filtered and that a turbidity barrier would be installed as per the DEP permit.

Exhibit List

- 1) Application – dated 1/25/2012
- 2) DEP Flood Control maps – dated 10/30/2012
- 3) Proof of Taxes – dated 11/1/2012
- 4) Legal Notice – dated 11/9/2012
- 5) DEP Permit #0247-12-0001.1, dated 11/13/2012, FWGP13 Lake Dredging permit & DEP Permit #0247-12-0001.1 FHA120002, dated June 12, 2012, Flood Hazard Area Individual Permit
- 6) Board Engineer's review – dated 11/19/2012
- 7) Notice of Service – 11/17/2012; 11/19/2012; 11/20/2012

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Offered by Mesiano.
Seconded by Mr. Mital

AYES: Ms. Eisen, Messrs. Browne, Metzdorf, Mital, ODonoghue,
Schwamb, Von Bradsky, Councilman Misciagna, Mayor Maguire
ABSTAIN: Messrs. Ludwig, Mesiano

NEW BUSINESS:

70-72 PARK AVE, LLC - 70-72 Park Avenue NBD
Lots: 1 & 2 Block: 1604

WHEREAS, 70-72 PARK AVENUE, LLC, 70-72 Park Avenue, Park Ridge, New Jersey, known as Lots 1 & 2 in Block 1604 on the Tax Map of the Borough of Park Ridge, was required to post Performance Bonds in the amount of \$162,910.80; and

WHEREAS, the applicant posted a Performance Bond in the amount of \$146,619.72 and a Cash Performance Bond in the amount of \$16,651.08 in December 2010; and

WHEREAS, the required site improvements are in substantial compliance with the approval plans; and

WHEREAS, the Borough Engineer has reviewed the site and has recommended a reduction in the posted bonds; and

WHEREAS, a copy of the Borough Engineer's review, dated November 28, 2012 is attached.

NOW, THEREFORE, BE IT RESOLVED by the **PLANNING BOARD OF THE BOROUGH OF PARK RIDGE** that the Performance Bond be reduced from \$162,910.80 to \$48,873.24 which is the required 30% of the original performance bond amount, which amount will ensure the completion of the remaining items as noted on the engineer's report.

Offered by: Mr. Mital
Seconded by: Mr. Mesiano
AYES: Ms. Eisen, Messrs. Browne, Ludwig, Mesiano, Metzdorf, Mital O'Donoghue, Schwamb, Von Bradsky, Councilman Misciagna, Mayor Maguire.

ADJOURN:

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

Respectfully Submitted,

Helyn N. Beer
Secretary

(8:17pm)