

## BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

### MEETING MINUTES – WEDNESDAY, JULY 8, 2015

Mr. Virgona called the meeting to order at 7:30 p.m. The following statement was read:  
Pursuant to The Open Public Meetings Act P.L. 1975, Chapter 231, proper notice of this meeting has been provided to The Record and The Ridgewood News on December 23, 2014 at which time the date, time, place and purpose of the meeting was set forth and notice was posted on the official bulletin board in the Borough Hall.

#### **PLEDGE OF ALLEGIANCE**

**Present:** Mr. Virgona, Mr. Polizzi, Mayor Minichetti, Councilman DeBerardine, Mr. Preusch, Mr. Bakal, Mr. Stutman, Mr. Jacobs, Mr. Donato

**Absent:** Mr. Richardi (Recused), Mr. Wortmann, Ms. Rosenthal

**Also Present:** Mark Madaio, Esq., Planning Board Attorney  
Eileen Boland, P.E., Boswell Engineering, Planning Board Engineer  
Kevin Boswell, P.E., Boswell Engineering, Borough Engineer  
Joseph H. Burgis, P.P., Burgis Associates, Borough Planner

**APPROVAL OF MINUTES:** A motion by Mr. Stutman to adopt the minutes of the June 10, 2015 meeting as amended seconded by Mr. Bakal was unanimously approved by all Members present.

A motion to adopt the minutes of the June 25, 2015 meeting by Councilman DeBerardine seconded by Mr. Jacobs was unanimously approved by all Members present.

#### **PUBLIC HEARING**

*(Continuation of the June 10, 2015 Public Hearing)*

1. Application of **Apple Ridge USR, LLC**  
**Pleasant Brook Estates – Carlough Road – Block 401 – Lots 2 & 4**  
(Preliminary & Final Major Subdivision w Variances, Soil Moving Permit;  
Site Remediation Soil Moving Permit/44 *Single Family Residential Lots*)

Kevin Moore, Esq., representing the applicant advised that in response to comments of Board Members and the public regarding the site remediation soil moving, testimony would be provided by a licensed site remediation specialist.

Kenneth Paul, LSRP, PWS, CEP, ECOL Sciences duly sworn by Mr. Madaio described existing site conditions and the results of investigations of the property that were conducted following the NJDEP guidelines. Following guidance of the APGC, samples were taken at 3 ft. depths from (26) locations of the 113 acre property for the purpose of better understanding any environmental issue and what remedial action would be necessary. Based upon reviewing the results of test samples taken, (10) contained arsenic and (1) had lead levels slightly above compared to NJDEP standards.

Mr. Paul described the proposed remediation process of blending 1-3 acres of soil per day using small scale equipment to dilute the arsenic levels by mixing the contaminated surface with cleaner soil from underneath. Compliance testing is then performed and if the samples do not meet the criteria additional blending will be conducted and repeated until the levels are below the DEP standards before moving on to the next location. Mr. Paul testified a representative from his office, OSHA trained, will be on site when the blending operation is conducted, taking compliance samples and monitoring air samples.

Mr. Paul testified the plan is to start on the northern end of the property blend 1- 2 acres, move back to the east, then down to the west and back. As compliance sample results are not available for (3) days, the area blended will not be touched. At the completion of the entire process a report will be prepared.

Mr. Vigona opened the Hearing to Members of the public regarding Mr. Paul's testimony. No one appeared to provide comment.

Discussion followed regarding the status of the preliminary assessment report and the remedial action work plan. Mr. Boswell requested a record of each test performed and their results be forwarded to the Board Clerk.

In response to Mr. Boswell, Mr. Paul testified his company has had the experience of performing soil remediation of at least (6) other sites. Addressing the impact upon trees located in the perimeters of the site and on adjacent properties, Mr. Paul testified the soil will be blended to the property line possibly by hand, to ensure survivability beyond the boundaries.

Mr. Paul testified that he had met with state officials who found the proposed remedial strategy acceptable for soil with historical pesticide contamination.

Mr. Paul reiterated the soil samples are submitted to a NJ certified laboratory with the results presented in the remedial action report at the conclusion of the remediation. Discussion followed.

Board Members requested copies of each laboratory report on a daily basis that will indicate if the remediated area is above or below acceptable levels for arsenic and lead.

Jonathan Grebow, property owner duly sworn by Mr. Madaio agreed to provide daily reports after receiving assurance no additional charges would be incurred for the Borough Engineer to review the results.

In response to comments from the Board regarding the potential for contaminated soil to leave the site during the tree removal process, Mr. Paul testified the dirt in the root balls of the trees will be removed and blended; no soil is being removed from the site.

A Board Member requested active testing of the catch basins to make sure there is no contamination. Mr. Paul testified it is a better approach to assume it is contaminated and remediate.

Further discussion followed. Mr. Paul advised he will consult with the SWPP engineer regarding a more proactive plan regarding the sediment and runoff.

Mr. Paul testified that once all the areas have been blended, tested and remediated, they do not go back and test all of the acreage if it has not been subject to a natural event and concentrated in a specific area.

In response to comments from the Board regarding whether site remediation would commence in Upper Saddle River or Mahwah, Mr. Grebow testified the goal is to have (2) crews working in Mahwah and Upper Saddle River at the same time.

A motion by Mr. Preusch seconded by Councilman DeBerardine to open the Hearing to Members of the public regarding testimony provided by Mr. Paul.

*David Schwartz, 20 Sparrowbush Road, Mahwah*, duly sworn by Mr. Madaio, questioned if an existing stock pile of vegetative clippings would be tested and removed. In response, Mr. Paul advised that most likely it would not be mixed in with the soil, but removed separately.

*John Giudice, 22 Ripplewood Drive, Upper Saddle River*, said he hopes developing the site does not add to an existing problem of storm water runoff flooding homes and entering the stream. Mr. Giudice expressed concern remediation would affect his well water. In response, Mr. Paul advised remediation does not affect ground water.

The Board recessed at 9:14 p.m. and reconvened at 9:35 p.m.

In response to additional comments by the Board, Mr. Paul testified results of prior soil blending have always been successful. The applicant has not selected a contractor at this time, but would not hire anyone without experience.

Stanley T. Omland, P.E., remaining under oath, submitted and reviewed **Exhibit A-4: Site Rendering dated June 10, 2015**. Mr. Omland testified the rendering depicts all trees along Carlough Road, the street and proposed lots. The applicant is removing (500) trees and planting (700) trees.

Mr. Omland submitted and reviewed **Exhibit A-5: Existing Drainage Areas, dated July 8, 2015** and **A-6: Proposed Drainage Areas**, dated July 8, 2015, testifying the grading changes provide good results to the neighborhood by shuffling water to the Pleasant Brook.

Mr. Omland submitted and reviewed **Exhibit A-7: Treatment of Landscaping, Screening Plan dated July 8, 2015**, addressing the buffering of properties and respecting the needs and wants of neighbors.

Mr. Omland submitted and reviewed **Exhibit A-8: Carlough Road Sheet 1, dated July 8, 2015**; **Exhibit A-9: Carlough Road Section 2, dated July 8, 2015**; **Exhibit A-10: Carlough Road Section Sheet 3, dated July 8, 2015** depicting cross sections traveling south to north looking into the site from Carlough Road.

Mr. Omland submitted and reviewed **Exhibit A-11: Photo Simulation Existing Lot 1 to Proposed Lot 2.01 dated July 8, 2015** depicting rendering of planting scheme staggered and woven into hillside.

Mr. Omland testified the storm water pollution plan will be prepared with significant oversight by the Bergen County Soil Conservation District and Boswell Engineering.

In response to comments from the Board, Mr. Omland testified the Wetlands Letter of Delineation

has confirmed what is depicted on the plan is correct and the applicant would be receiving a Letter of Interpretation. The truck route selected regarding the tree removal process does not pose any serious issues. The applicant will work with hours related to school traffic, etc.

Joseph Burgis, P.P., Borough Planner, commented on the plan to provide a berm along Carlough Road and the concern that trees will not survive subjected to the movement of soil to create the berm. Mr. Burgis cited a number of existing specimen trees along Carlough Road and suggested an effort be made to save them. Discussion followed.

In response Mr. Omland referencing **Exhibit A-8**, testified there is no ability to save trees along Carlough Road. The applicant will be planting on top of the 15 ft. berm, with a possibility for a fence on top. Mr. Omland advised the applicant would be willing to deed restrict to prevent the fence from being overly high.

In response to additional comments regarding tree and landscaping maintenance, Mr. Omland testified the homes will be of such worth to command irrigation systems. The applicant will work with Mr. Burgis's office to achieve trees that will be deer resistant. Trees will be planted in sections as soon as possible.

Mr. Paul reviewed the fill process during the construction of the berm advising residents will still be able to use Carlough Road for recreation, seeing no impact to bicyclists, pedestrians or the motoring public.

Mr. Boswell commented a temporary buffer should be installed while the work is in progress.

A motion by Mr. Preusch seconded by Councilman DeBerardine. to open the Hearing to Members of the public.

*Guy Tufo, 140 Carlough Road, Upper Saddle River*, questioned curbing along Carlough Road. In response, Mr. Omland testified there will no widening of Carlough Road.

*John Giudice, 22 Ripplewood Road, Upper Saddle River*, questioned why (44) homes are proposed in Upper Saddle River and only (34) homes in Mahwah. In response, Mr. Omland testified the number of homes is a function of the land; Mahwah has environmental impediments that affect the number of lots.

*Suzanne Livathares, 159 Carlough Road, Upper Saddle River*, duly sworn by Mr. Madaio, expressed concern regarding the survivability of trees planted along the proposed berm on Carlough Road. In response, Mr. Omland testified in advance of lot development the trees will be irrigated by water truck initially, and replaced if necessary. When the high caliber homes are sold, they will have irrigation systems and may have bonding or deed restrictions.

With no further comments from the Board or public, Mr. Virgona closed that portion of the meeting.

Mr. Moore confirmed he has concluded the soil moving remediation portion of the application.

Mr. Virgona announced the next meeting for this application is Wednesday, August 12, 2015 at 7:30 p.m.

**ADJOURNMENT**

A motion to adjourn by Mr. Preusch seconded by Councilman DeBerardine was unanimously approved by all Members present. Meeting adjourned at 10:34 p.m.

Respectfully submitted,

Linda Marmora  
Clerk