

BOROUGH OF UPPER SADDLE RIVER PLANNING BOARD

MEETING MINUTES – WEDNESDAY, AUGUST 12, 2015

Mr. Polizzi called the meeting to order at 7:31 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. Polizzi, Councilman DeBerardine, Mr. Preusch, Mr. Stutman, Mr. Wortmann, Mr. Jacobs, Mr. Donato

Absent: Mr. Virgona, Mayor Minichetti, Mr. Bakal, Mr. Richardi (recused), Ms. Rosenthal

Also Present: Mark Madaio, Planning Board Attorney
Eileen Boland, P.E., Boswell Engineering, Planning Board Engineer
Kevin Boswell, P.E., Boswell Engineering, Borough Engineer
Edward Snieckus, P.P.; L.A., Burgis Associates, Borough Planner

APPROVAL OF MINUTES: A motion by Councilman DeBerardine to adopt the minutes of the July 8, 2015 meeting seconded by Mr. Preusch was unanimously approved by all Members present.

PUBLIC ANNOUNCEMENT:

Mr. Madaio announced notice had been provided that the July 23, 2015 Planning Board Meeting was canceled; all applications and business scheduled on the Agenda have been carried to the next Regular Meeting, Thursday, August 27, 2015 at 7:30 p.m. The application of Blake Gardens, 62 Sparrowbush Road, Block 502 – Lot 1.01 has been carried to the Thursday, September 24, 2015 meeting at 7:30 p.m. without further noticing required.

PUBLIC HEARING

(Continuation of the July 8, 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 testimony would commence regarding the Subdivision portion of the application.

Mr. Stutman provided comments pertaining to the soil remediation plan testified to at the July 8, 2015 meeting. Mr. Omland advised the SWPPP document is more administrative and goes to federal compliance.

In response to Mr. Stutman's comments regarding the testing of soil swept onto streets, streams and catch basins during large storm events, Mr. Paul, LRSP, ECOLSciences, remaining under oath, testified before water gets to the catch basins, mechanisms will be in place to keep the soil where it is, the basin sediment soil will settle. Mr. Paul testified the developer is obligated to keep the contaminated soil on their property. Discussion followed.

Mr. Boswell clarified the developer is bound and required to take appropriate action to test and remediate any offsite conditions found to be in excess of the acceptable levels for arsenic and lead.

Board Members questioned if security would be provided to prevent unauthorized people from being on the site and exposed to contaminated soil. Mr. Paul testified when the remediation of each small area is completed, the human health risk drops.

Mr. Boswell clarified that site security is a major concern at all times, required by OSHA and will be included in the Developer's Agreement.

In response to comments regarding the control of noise emanating from the site, Mr. Omland testified the applicant is bound to comply with the municipal ordinance and also to meet OSHA standards.

Mr. Omland, commenced testimony regarding the Subdivision of Block 401, Lots 2 & 4. Referencing *Exhibit A-1 and A-3*: Mr. Omland reviewed the plan to subdivide the site that has been cleared, graded and set following the Plans dated March 19, 2015. The applicant is requesting approval to create (44) lots to construct single family homes and (1) utility lot, with a single access Boulevard off Carlough Road opposite Ripplewood Road allowing up to 500 daily trips or 50 Lots on its access. The proposed public road would consist of (2) 18 ft. pavement lanes with a 10 ft. center island; without any interconnecting roads to Mahwah. The applicant is providing Belgian block curbing but not sidewalks, needing a diminimus exception from RSIS. Mr. Omland testified from a safety concern excellent site distance is provided at the proposed Boulevard, exceeding site distance both north and south.

In response to the Board's comments, Mr. Omland testified grading will vary as you move along Carlough Road, at some locations the slope will be (7) ft. high and some will be (15) ft. high with plantings installed from the curb line to the top of the slope. Discussion followed regarding location of future fencing installation on top of the slope.

Ed Snieckus, P.P, L.A., Burgis Associates, duly sworn by Mr. Madaio, reviewed his Memo regarding the proposed landscaping dated August 12, 2015.

Discussion followed regarding Borough Ordinance which limits the height of a fence to (3) ft. in the front yard.

Mr. Snieckus stated he would support a (4) ft. high fence if there were to be a pool. A Board Member suggested restriction be imposed either by deed or included in the Developers Agreement in order to provide a uniform aesthetically appealing fence along Carlough Road. Mr. Boswell recommended the developer of record should be responsible for putting in the fencing.

Mr. Omland testified (22) homes are proposed on the southern cul-de-sac and (23) homes on the northern cul-de-sac, each complying with the bulk standards for lot area, width, circle tangent, side, rear, front yard setbacks and height, except for (6) lots requiring variances for lot width at street frontage identified as Lots 2.11; 2.14; and 2.15 on the southern bulb; and Lots 2.33; 2.34; and 2.36 on the northern bulb.

Mr. Omland reviewed the variances associated with the proposed pump station located on Lot 2.45: lot frontage, width, area and setbacks to the pump station building, lot building coverage and impervious coverage. Mr. Omland testified this is a Lot for utility purpose and has been placed in a location with minimal impact on the surrounding public.

Mr. Omland reviewed the variances for the proposed (5) ft. landscape buffers as provided in *Exhibit A-3*. The applicant is requesting variance relief from the (10) ft. requirement in order to achieve side entry garages, if not granted, the garages become front entry and would be less appealing.

Mr. Omland reviewed *Exhibit A-12; Typical Lot Plan dated June 10, 2015*, demonstrating each proposed Lot can support a home with driveways, pool and decking. Mr. Omland testified the coverage is less than what is permitted by Ordinance, but allows for future home improvement.

Mr. Omland reviewed the proposed (4) ft. high retaining walls proposed along the stormwater management basin vs. the (3) ft. permitted by Ordinance.

Mr. Omland reviewed the proposed utilities servicing the development: An onsite sanitary sewer pump station is proposed to tie into the existing sanitary manhole located on proposed Lot 2.35, adjacent to Janice Road in Mahwah. All utilities will be located underground.

In response to comments from the Board, Mr. Omland testified the pump station is maintained by Upper Saddle River.

In response to additional comments, Mr. Omland testified the stormwater management has to comply with the NJDEP. The water will be captured, held and released slower than what exists today. Roof leaders and footing drains go into the storm sewer and then into the catch basin.

In response to comments regarding the concern for runoff from the Boulevard onto Ripple wood Road, Mr. Omland testified there is much less runoff in the post development; drainage is funneling at the bottom of the streets to capture water into catch basins.

Mr. Boswell referring to *Exhibit A-3, Page 2* clarified (4) catch basins are proposed on the Plan to capture water before it reaches Carlough Road.

The Board recessed at 9:19 p.m. and reconvened at 9:34 p.m.

Mr. Omland reviewed the Landscaping Plan as provided on *Exhibits A-3 and A-7*, testifying to the (179) trees proposed along Carlough Road, (156) trees proposed along the stream corridor, and (2,000) shrubs subject to review by the DEP. The applicant has also agreed to plant (6) trees per lot as depicted on *Exhibit A-12*, not including the proposed (743) street trees. In addition each home will have its own tree and landscaping plan.

Mr. Omland testified additional trees have been added to the northerly property line providing some buffering and will added to the revised plans when submitted.

Mr. Omland testified lighting is proposed for safety at the intersection and at the end of each cul-de-sac.

In response to comments from the Board, Mr. Omland testified lighting is installed by the Developer and the monthly bill paid by the Borough.

Mr. Omland reviewed Phase I and II of the proposed construction and requested approval for a sales Model.

Mr. Omland advised this concludes his testimony regarding the proposed Subdivision. The Soil Moving Permit for the Subdivision is to finalize the basin depicted on *Exhibit A-3* and to spread soil from the basement excavations. The trucking routes are internal, with hours as Ordinance permits. No other variance relief is required.

Mr. Boswell provided comments regarding the soil testing; cul-de-sac; Fire and Police Dept. reports; side entry garages; utility lot; site distances; roadway specifications; sanitary sewer system; stormwater management system; Ripplewood Road drainage; water system; and the (3) phases of soil remediation.

In response to comments from the Board, Mr. Boswell advised the applicant will be required to gut and revamp the existing pump station on Janice Court in Mahwah. Maintenance would be provided by the Northwest Bergen Utilities Authority through a contract with the Borough of Upper Saddle River.

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

Suzanne Livathares, 159 Carlough Road, Upper Saddle River expressed her concern that everyone would be breathing in dust, lead and arsenic during soil remediation. In response, Mr. Paul advised when the dust meters reach a certain level the operation would stop and the soil wet down.

Ms. Livathares expressed her concern that turning of the soil to blend, would compromise the root systems of the existing tall hedges on her property. Any proposed planting would be staggered and allow deer to enter her backyard and not afford the privacy now enjoyed. In response, Mr. Paul stated after more testing it may not be necessary to blend as close to the property lines.

In response to Mr. Snieckus, Mr. Omland said he would look at the possibility to hand cut the soil around the shrubs rather than using machinery. Mr. Omland testified he would try to preserve off site vegetation and would get back with more information at the next meeting.

John Giudice, 22 Ripplewood Drive, Upper Saddle River, expressed concern regarding arsenic contamination filtering into the waterways. In response Mr. Paul testified any significant runoff that would cause problems, will be cleaned up. The arsenic and lead does not dissolve and is not carried in to the stormwater system.

Mr. Giudice expressed a concern for pedestrian safety along Carlough Road, and asked if the applicant has considered installing a walkway. In response Mr. Omland testified it was a consensus of the settlement agreement the applicant will not provide sidewalks for their project. .

With no further comments from the public, Mr. Polizzi closed that portion of the Hearing.

Eric Keller, P.E., Omland Engineering, duly sworn by Mr. Madaio, reviewed the Traffic Engineering Evaluation Report dated February 12, 2015. Mr. Keller testified the Report was prepared following standard process: conducting traffic counts at (4) intersections to measure peak period traffic volumes with counts taken May 2014 between the hours of 7 am – 9 am and; 4 pm– 6 pm. The evaluation report also included background growth and anticipated traffic data from when the subdivision project in both Upper Saddle River and Mahwah is completed in 2017. After analyzing and evaluating the collected data, the Report concludes that the proposed redevelopment of the site would have a negligible impact on traffic conditions during peak commuter traffic hours.

In response to comments from the Board, Mr. Keller testified there will be additional traffic from Mahwah impacting Upper Saddle River. Mr. Keller further testified much of the traffic is heading east and west on Lake Street, but the turning movement is very light, with most traffic turning onto Meadowbrook to Crescent Avenue to Lake Street and onto Route 17.

In response to comments from the Board regarding the estimated time delay for southbound traffic turning left from Lake Street onto Carlough Road, Mr. Keller testified a count was conducted during the peak hours from 7 am to 9 am and 4 to 6 pm. Mr. Keller testified turning can be an issue at the location of Lake Street and Carlough Road, but the counts indicated traffic has found a better route avoiding that intersection.

A Board Member questioned if the study accounted for the construction trucks having a significant impact upon ability for people to get to work and school in this area. Discussion followed. Mr. Keller testified he has never conducted a construction traffic study as it is short lived and all the activity is not taking place at one time.

Mr. Madaio advised Municipal Ordinance governs when work can be conducted and when trucks can enter and leave the roadway.

Mr. Boswell clarified construction traffic control is typically coordinated between his office and the Upper Saddle River Police Department.

In response to additional comments from the Board, Mr. Keller testified the proposed access Boulevard across from Ripple Road is midpoint to the site, a more efficient and appropriate good design for the site.

A motion by Mr. Preusch to open the Hearing to Members of the public for questions regarding Mr. Keller's testimony seconded by Councilman DeBerardine.

John Giudice, 22 Ripplewood Drive, questioned if accident history on the roads was reviewed. In response, Mr. Keller advised the Police Department is providing a report.

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

Mr. Polizzi announced the next Public Hearing for this application is a Special Meeting scheduled to be held Monday, August 17, 2015 at 7:30 p.m.

ADJOURNMENT

A motion to adjourn by Mr. Wortmann seconded by Councilman DeBerardine was unanimously approved by all Members present. Meeting adjourned at 10:45 p.m.

Respectfully submitted,

Linda Marmora
Clerk