

Public Statement Concerning Orchard Ridge (former Apple Ridge Golf Course)  
Borough of Upper Saddle River  
Township of Mahwah  
August 1, 2019

My name is Mike Kelly. I am a licensed professional engineer, planner and Vice President at Boswell Engineering. I am also the current president of the NJ State Board of Professional Engineers and Land Surveyors. I am attending tonight's meeting on behalf of Kevin Boswell and I'd like to read a statement regarding a project known as Orchard Ridge which occupies the former Apple Ridge Golf Course. This project is currently under construction by Toll Brothers who purchased the project from a prior owner who secure all approvals prior to closing.

Prior to being a golf course, the 110 acre property was an apple orchard which utilized pesticides. In order to repurpose this site for residential use, it was necessary to remediate the property from these pesticides. Environmental studies were performed by a Licensed Site Remediation Professional (LSRP) who determined lead and arsenic existed onsite above allowable concentrations. The LSRP prepared the requisite studies and received authorization from the NJDEP to utilize a method known as soil blending to remediate the site. Municipalities do not have jurisdiction over remediation activities. It is directly overseen by the project LSRP and the NJDEP. The NJDEP conducted a comprehensive review of the reports and activities before concluding the remediation was successfully completed on December 22, 2017.

The remediation activities involved extensive site clearing, grubbing and soil disturbance. Shortly after the start of construction activities in early 2018, there were several incidents of soil and sediment leaving the site in an uncontrolled manner. In January, 2018, a Stop Work Order was issued by Upper Saddle River after unacceptable levels of sediment migrated onto nearby properties and into the Pleasant Brook.

The Borough immediately conferred with the NJDEP to determine if this sediment constituted a health concern relating to the remediated arsenic and lead. The Borough received multiple written assurances that the remediation was successfully completed and any remaining concerns were of a land use nature. Upper Saddle River also initiated testing of the waterways within the Borough. The test results were shared with the NJDEP who confirmed their prior position. The results, and the NJDEP's findings, are posted on the Borough's website.

The environmental permits granted for this project not only require controls to be installed that are shown on the approved plans, they also require the developer to confer with regulatory agencies throughout the construction phase and institute additional measures pursuant to the NJDEP Best Management Practices regulations. Representatives from both municipalities and the developer conferred with the Bergen County Soil Conservation District, USDA and NJDEP on multiple occasions and conducted numerous site inspections. They recommended, and the developer installed, many additional soil erosion measures to address the soil erosion concerns noted at the site.

The 2018 Stop Work Order was reduced in scope and, ultimately, rescinded as the additional site controls took effect.

One major element of the Land Use approvals involves the restoration of the Pleasant Brook, which runs the length of the property. The NJDEP required the removal of multiple dams and the planting of wetland vegetation to improve the habitat onsite. The disturbance of the streambed is another activity affecting the quality of water exiting the property. Half of this work was completed in 2018 and the remainder will be complete within the next 30-60 days.

On July 12, 2019, there was a thunderstorm which resulted in runoff leaving the site in an uncontrolled manner. A primary cause was noted to be straw and other stabilization measures clogging the storm drain system. A meeting was held to address these deficiencies and institute additional measures and operational controls to address these issues. The storm system operated without incident during a thunderstorm shortly thereafter. Another storm occurred on 7/22/19 which resulted in additional discharges of muddy water from the site.

Upper Saddle River issued a Stop Work Order the following day for violations of the Developers Agreement with the Borough. The Borough of Upper Saddle River also requested the Township of Mahwah to also issue a Stop Work Order since the flows from Mahwah affect the downstream properties in Upper Saddle River. Mahwah immediately complied.

The Borough of Upper Saddle River held another meeting with the developer on 7/24/19. The Borough of Mahwah was invited and was in attendance. The developer was directed to provide and initiate a Corrective Action Plan to ensure future problems would not occur. The developer submitted a detailed proposal of additional measures and has since completed the majority of the items noted. Representatives from both towns, NJDEP, USDA and BCSCD conducted another site inspection on 7/30/19 to assess the overall site and recently installed measures. The Stop Work Orders currently remain in effect. There is another meeting scheduled with multiple representatives from these agencies on 8/2/19.

Both towns and our office remain fully committed to insuring the developer installs the appropriate safeguards to comply with all land use approvals granted for this project.