

RIVERALE PLANNING BOARD

July 26, 2007

The Regular meeting of the Riverdale Planning Board opened on the above date at 7:30 p.m. Chairman Steven Loesner read the sunshine law

ROLL CALL: Present: Mayor William Budesheim
Councilman Joseph Falkoski
Bradley Clinton
Al Heimall
Glenn Venza
Michael Reilly (Alt. No 2)
Vice-Chairman Brendan Magennis
Chairman Steven Loesner

Absent: George Lang
Vincent Pellegrini

Also present is John Barbarula Esquire, Board Attorney, Paul Darmofalski P E , Board Engineer and Sean Moronski, Board Planner

APPROVAL OF MINUTES:

June 28, 2007

Thereupon Vice-Chairman Brendan Magennis set forth the motion seconded by Al Heimall to approve the June 28th minutes as submitted.

ROLL CALL: Ayes: Magennis, Heimall, Budesheim, Venza, Clinton,
Loesner
Nays: None
Abstain: Falkoski, Reilly
(6 Ayes – 0 Nays – 2 Abstain – Motion Carried)

APPROVAL OF BILLS:

Thereupon Al Heimall set forth the motion seconded by Glenn Venza to approve payment of four bills totaling \$4,075.00 as per the list on the agenda

ROLL CALL: Ayes: Heimall, Venza, Budesheim, Falkoski, Clinton,
Reilly, Magennis, Loesner
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

RESOLUTION:

1. Application No. MSP01232007 / Riverdale Square / Route 23 North / Block 40
Lots 4.03, 4.04 and 4.05

Glenn Venza asked if the wording on number 5 is correct. According to the minutes the motion was made that it would be understood that if the rear of the property becomes available for the connecting road the owners will agree to comply. In the resolution it states they will diligently study the feasibility. The Board Secretary stated that Attorney Clemack inserted paragraph 8 which states that all comments and testimony made that evening by the applicant and all witnesses will be incorporated in the Resolution.

Thereupon Glenn Venza set forth the motion seconded by Al Heimall to approve the Resolution as submitted

ROLL CALL: Ayes: Venza, Heimall, Budesheim, Clinton,
Magennis, Loesner

Nays: None
Abstain: Falkoski, Reilly
(6 Ayes – 0 Nays – 2 Abstain – Motion Carried)

APPLICATION TO BE DEEMED COMPLETE OR INCOMPLETE:

1. Application No. SP06142007 / RER Supply LLC / 4 South Corporate Drive / Block 30 Lot 1.03

Thereupon Vice-Chairman Brendan Magennis set forth the motion seconded by Al Heimall to deem this application complete as per Paul Darmofalski's letter dated July 16, 2007 recommending completeness.

ALL IN FAVOR

The hearing date is set for August 23, 2007.

BIO-FILTER & DETENTION POND SYSTEM:

Attorney John Barbarula stated that back in the mid 80's there was litigation involving the Borough and the Quarry. At that time there was an order issued by Judge Stanton where the Board keeps continuing jurisdiction over the site plan of the quarry. Over the years the quarry has come back a number of times. The original retention pond and bio-filter was in the approval back in 1983-84 and this is part of the continuing situation. This plan has been approved by Paul Darmofalski.

Paul Darmofalski stated that as per his letter to the board, he had three comments. The original retention pond was shown on the reclamation plan approved by the board in 1992. They have appeared before this board four times since he has been the board's engineer. Number one, the comparison between the approved pond and the proposed pond it is noted that an additional basin has been added. This basin is 26' deep and will contain approximately 15 acre foot of storage. Tilcon should explain this enlarged basin. Number two, Tilcon should install a safety fence on top of the basin due to this being a safety hazard, and number three, Tilcon should provide testimony to the board concerning the reclamation of this area when quarrying is completed at this site. The board should be aware that the quarry has to appear before the Mayor and Council for a renewal of their license every other year.

The attorney for the quarry, John Marmora came forward with three witnesses. John Barbarula swore in the witnesses, Steve O'Reilly the environmental engineer for Tilcon, Anthony Jones, the operations manager of the facility, and Tony LaNeve the supervisor of the violations department for this facility.

Attorney Marmora stated that the comments offered by Mr. Darmofalski and attorney Barbarula are pretty comprehensive and he would like to answer the questions that were raised. If there are any questions, his witnesses would be called at that time. Mr. Marmora stated that this pond was supposed to have been constructed a while ago, and in fact it was. What they are doing is reconstructing a basin in the exact location where the prior was. The depth is to prevent the filling as it happened the last time. The sediment will build on the bottom and eventually come to a level. When we do the reclamation we will confer with Mr. Darmofalski as to the level the Borough wants. This provides for better water quality and we can run our pumps from the top and let the sediment fill on the bottom. We use the water for dust control, cleaning and it reduces the amount of water we use for the quarry and for some reason it was not on the plan that the township had. We do have to come back every two years for permitting with the township and every three years before sediment control with the County. When they went back for the sediment control in the fall of 2006, the County ordered the quarry to put the pond back. Mr. Darmofalski pointed out that was on the plan that the town had on record. Once the County included that as part of their approval, we then began the process of constructing it, however Mr. Darmofalski pointed out that the County is one part; however the town

has to be aware of the process as well. As far as the other comments, the fence, the quarry is willing to do that and will install a safety fence. Number three, the impact of this on the reclamation plan and it is in the exact location where the bio-filter and detention pond systems were to be built pursuant to the reclamation plan. The reclamation plan essentially provides for the site to be domed with all the water draining out.

The Mayor asked why the current system is inadequate. Mr. Jones stated that there is not enough clean water to keep the filters running and the dust control system running. The retention pond will give them adequate clean water. The Mayor asked how big is the current pond? Mr. Jones stated there are actually two at this time 200' x 50' and he was not sure how big the other was. Mr. Darmofalski stated that the town has had some problems with the muddy water flowing across Hamburg Turnpike when there is a downpour such as late in 2006. Mr. Darmofalski stated that the new pond will be a step in the right direction. The Mayor asked how long the new pond will keep the quarry running and when will this pond require replacement. Mr. Jones stated that this pond should keep the quarry running many years and through the reclamation. Mr. Jones stated that this is a requirement for the County in order for them to operate.

The Mayor asked Mr. Jones what happened today when everyone was asked to leave Wal-Mart because of possible flying rocks from a blast. Mr. Jones stated it was merely a precaution, he had never been in charge of the type of blast the quarry and it was fairly close. He stated that he goes far and beyond the safety precautions. He stated that it may not have been done properly and there was not enough notification, however these procedures will be reviewed and this will not happen again. Mr. Jones stated they did not blast within the 150' no blasting zone.

The Planner Ms. Holmqvist asked if there would be any change in the setbacks as a result of the pond. Mr. Jones stated there would not. Ms. Holmqvist asked if they would be removing any of the vegetation along the Hamburg Turnpike retention pond. Mr. Jones stated they would not.

After discussion, Chairman Loesner opened this application to the public. No one from the public came forward; thereupon Glenn Venza set forth the motion seconded by Bradley Clinton to close the public portion of the application.

Thereupon Al Heimall set forth the motion seconded by Bradley Clinton to approve the bio-filter and detention pond system as submitted.

ROLL CALL:
Ayes: Heimall, Clinton, Budesheim, Falkoski,
Venza, Reilly, Magennis, Loesner
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

SITE PLAN APPLICATIONS:

1. Application No. MSD10122006 / Castle Rock Estates / Skyview Terrace Cul-De-Sac / Block 11 Lot 9

This application has been transcribed and a copy of the transcription has been attached hereto and made a part of the minutes.

CHAIRMAN LOESNER ASKED FOR A MOTION TO EXTEND THE MEETING UNTIL 11:00 P.M. THEREUPON GLENN VENZA SET FORTH THE MOTION SECONDED BY AL HEIMALL TO EXTEND THE MEETING UNTIL 11:00 P.M.

ALL IN FAVOR

Thereupon Mayor William Budesheim set forth the motion to deny this application based on the comments the Councilman and Chairman just made. Mayor Budesheim stated that primarily it is the steep slope ordinance that was adopted for a reason. Rock Creek and Enclave probably would not have been built if this ordinance had been adopted at that time. But the reason why we adopted this ordinance is because we see the effects that development had in these environmentally sensitive areas. When the Enclave was being built and the people moved in they had severe water problems and that is a relatively flat area and he was told by the developer and by their engineer that nobody can predict where water is going to go. There was a lot of remediation that had to be done because of that and nobody could forecast that problem. This is a high elevation and the surrounding properties, and nobody can predict where the water is going, therefore these properties would be the recipient of it. We are in the Highlands Planning Area and not in the Highlands Preservation Area and it has been our policy that on the undeveloped land, we treat it as if it were in the Preservation Area. We have little land left and part of the ambience and the quality of life issues is to protect our open space. We are not denying the use of this property to the applicant. He has one lot and he can build one house. No one is saying he can't and I don't think the residents would be opposed to that either. The variances for the frontage as our planner has stated would require two more variances, and as it is a means of last resort, the blasting would be a problem. Glenn Venza seconded the motion noting all of the reasons the Mayor, Councilman and Chairman stated.

ROLL CALL: Ayes: Budesheim, Venza, Falkoski, Heimall (comment – we are not a policing board and we cannot justify the fact that you might have to blast) Clinton (comment – mainly due to the steep slope ordinance, Reilly (comment – as per all the other comments made), Magennis (comment – steep slope variance, not a good idea due to the new ordinance and what could potentially happen, he would like to see the applicant come back with a plan that would not compromise the steep slope ordinance, and as far as the other engineering testimony this should not be a reason not to pursue development. There is a lot of potential for development without the variances), Loesner (comment – for all the reasons stated earlier)

Nays: None
(8 Ayes – 0 Nays – Motion approved)
APPLICATION IS DENIED

DURING THE CASTLE ROCK APPLICATION - Application No. ASP1122006 / Peter Camamis / 79 Newark Pompton Turnpike / Block 26 Lot 21.01

Chairman Loesner stated that the Castle Rock application presently before the board will not leave enough time for this application to be heard tonight. Chairman Loesner stated that if anyone is here for this application, it will be heard on August 2, 2007 at 7:30 p.m. and there would be no new notices.

ADJOURNMENT:

Thereupon Glenn Venza set forth the motion seconded by Bradley Clinton to adjourn the meeting.

ALL IN FAVOR

Meeting adjourned at 10:55 p.m.
Respectfully submitted by:

Linda Roetman
Board Secretary