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VILLAGE OF RIDGEWOOD
PLANNING BOARD
TUESDAY, DECEMBER 1, 2020
COMMENCING AT 7:46 P.M.
VIA ZOOM US VIDEOCONFERENCE

.....
IN THE MATTER OF : TRANSCRIPT OF
HOPPER RIDGE CONDOMINIUM : PROCEEDING
ASSOCIATION, INC. :
Application for Preliminary and :
Final Site Plan, Soil Movement :
and Variance Approval :
.....

B E F O R E:
VILLAGE OF RIDGEWOOD PLANNING BOARD
THERE BEING PRESENT:

- RICHARD JOEL, CHAIRMAN
- SUSAN KNUDSEN, MAYOR
- LORRAINE REYNOLDS, COUNCILWOMAN
- JAMES VAN GOOR, FIRE CHIEF
- DEBBIE PATIRE, MEMBER
- FRANCES E. BARTO, MEMBER
- MELANIE HOOBAN, MEMBER
- ALYSSON WESNER, MEMBER
- DARLENE JOHNSON, MEMBER
- IGOR LYUBARSKIY, MEMBER
- DIANNE O'BRIEN, MEMBER (ABSENT)

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A L S O P R E S E N T :

JANE WONDERGEM, LAND USE SECRETARY
PETER VAN DEN KOOY, P.P., CME ASSOCIATES
MARYANN BUCCI-CARTER, P.P., VILLAGE PLANNER
CHRIS RUTISHAUSER, P.E., VILLAGE ENGINEER
DYLAN HANSEN, IT MODERATOR

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1 CHAIRMAN JOEL: Our next item on the
2 agenda will be Hopper Ridge Condominium Association,
3 Block 4104, Lot 3 - Application for Major Preliminary
4 and Final Site Plan, Soil Movement and variance
5 approval.

6 This is continued from November 3, 2020
7 without further notice and without prejudice to the
8 board. The attorney on this would be David
9 Rutherford.

10 Good evening, David.

11 How are you?

12 MR. RUTHERFORD: Good evening,

13 Mr. Chairman.

14 Good. I'm fine. Thank you.

15 How are you?

16 CHAIRMAN JOEL: Good.

17 All right. I hope you had a great

18 Thanksgiving.

19 It's back to work, right?

20 MR. RUTHERFORD: Yes, for sure.

21 CHAIRMAN JOEL: All right. We had
22 hearings on October 6th and November 3rd on this
23 matter and you had your engineer Tibor Latincsics
24 testify, and at the November 3rd we had a direct and
25 cross and we were done with that.

1 Were you going to proceed with another
2 witness?

3 MR. RUTHERFORD: No, Mr. Chairman, I
4 think where we left off, and I provided the
5 transcripts of both of the meetings for the board and
6 the board professionals, I think we may have been
7 finished with board questions of Mr. Latincsics, but
8 we had not yet had questions from the board's
9 professionals and we had not yet had questions from
10 the public.

11 CHAIRMAN JOEL: Okay.

12 MR. RUTHERFORD: So I anticipated
13 proceeding that way this evening.

14 Then, Mr. Chairman, at the moment I
15 really don't anticipate any other witnesses, although
16 I do expect that as a result of the questions this
17 evening from the board and its professionals and the
18 public, that we are probably going to need some time
19 to circle around and respond, because I have a
20 feeling I know what some of the concerns may be, but
21 I certainly don't know them, I haven't heard them
22 yet. So that was that.

23 And the other thing I was going to ask,
24 Mr. Chairman, this evening, I don't know if the board
25 would be prepared to do this or not, but after the

1 board professionals have questioned Mr. Latincsics
2 and before the public, I thought perhaps a few words
3 from Mr. Rutishauser with respect to he might be able
4 to set a little bit of context for this application
5 that might be of assistance to the public in
6 questioning Mr. Latincsics, but I'll leave that to
7 the board and your counsel to determine how you want
8 to do that.

9 But I think for the moment, I don't
10 have any further direct testimony of Mr. Latincsics.

11 The board, its professionals, and the
12 public have been extremely patient, and I expect a
13 number of questions for him and I want to get to
14 that.

15 So I thought the best way to proceed
16 this evening would be to finish up with any further
17 board questions of Mr. Latincsics, any further
18 questions from the board's professionals, perhaps a
19 few words from Mr. Rutishauser, and then
20 Mr. Latincsics is prepared to answer any questions
21 any interested parties may have.

22 CHAIRMAN JOEL: Okay. All right. So,
23 board members, does anyone else have any more
24 questions of the engineer?

25 MAYOR KNUDSEN: I do.

1 CHAIRMAN JOEL: Mayor, sure.

2 MR. RUTHERFORD: Mr. Latincsics is
3 here, and, Mr. Hansen, I believe Kim Furbacher, our
4 reporter, has she been promoted?

5 MR. HANSEN: I'll promote her now.

6 MR. RUTHERFORD: Thank you. Thank you.

7 She might have a question if she can't
8 hear someone or understand someone, so thank you.

9 Mr. Latincsics is here too. I haven't
10 seen him yet, but I think he's here.

11 MR. HANSEN: He's the one who is screen
12 sharing.

13 MR. LATINCSICS: And to confirm, is my
14 video working?

15 MR. HANSEN: Yes, it is.

16 MR. LATINCSICS: Okay. Thank you.

17 MR. MARTIN: Chairman, I guess the
18 first questions will be from the Mayor tonight, but
19 if any other board members have any questions of him,
20 my suggestion is, I would actually suggest that we
21 swear in the board professionals and they can ask
22 questions, but sometimes that evolves into their own
23 opinions, and then, of course, the public can have
24 their questions.

25 CHAIRMAN JOEL: Okay.

1 MR. RUTHERFORD: Thank you, Mr. Martin.
2 That's fine.

3 MAYOR KNUDSEN: So I'm good?

4 MR. MARTIN: Yes.

5 **T I B O R L A T I N C S I C S , P . E . , P . P . ,**

6 29 Church Street, Ramsey, New Jersey, having been
7 previously sworn, continues as follows:

8 MAYOR KNUDSEN: Great. Thanks.

9 Tibor, how are you today?

10 MR. LATINCSICS: Okay.

11 MAYOR KNUDSEN: Great.

12 I have a couple of questions; one is
13 not so specific to your plan, but it goes back to
14 1982, 1983, 1989, and 1990.

15 I observed in some of the documents
16 that there was a deviation from the type of timber
17 wall that was originally proposed, to a gravity-type
18 timber wall on the crimp retaining wall, which was
19 structural.

20 There was a stability opinion letter
21 that was issued on 12/6/89. I wanted to know if you
22 were familiar with that or maybe David could answer,
23 if anyone has access to that stability opinion
24 letter, that should have been submitted by, I guess,
25 a structural engineer or architect, someone, and if

1 you could explain that to us.

2 MR. LATINCSICS: I'm aware of those
3 sequence of documents. I've seen some of them.

4 It is 1989, '90. That's 30 years ago.

5 But in short, I believe the situation
6 was that the original plan specified railroad ties,
7 which is a generic term, and railroad ties are
8 typically 6-inches by 8-inches, and when the walls
9 were ultimately constructed, landscape ties were
10 utilized, pressure treated southern yellow pine
11 landscape ties.

12 And as you note, I have referred to
13 them as landscape ties or I have tried to. In many
14 cases, people use the generic term "railroad ties"
15 but there's a distinction; railroad ties being
16 creosote treated and larger, and landscape ties is
17 what we are all familiar with from Home Depot and
18 local lumberyards.

19 So it appears that a question arose
20 that due to the substitution of the smaller dimension
21 and lighter-weight landscaping ties, were the walls
22 that were constructed sufficient for their intended
23 purpose.

24 MAYOR KNUDSEN: Right.

25 So then the question is, and I see

1 because it says a deviation has a gravity-type
2 timber, but there was a stability opinion letter that
3 was issued on, it appears to be 12/6/89, and I'm
4 interested in having a review of that letter, if
5 somebody has access to it.

6 MR. LATINCSICS: I do not have that at
7 my fingertips to share and I would have to go into
8 the file. I think we would all have to go into the
9 file. I think that the stability now, since it was
10 performed, and I would think clearly certificate of
11 occupancies were issued. I believe the matter was
12 addressed, but I do not have that specific
13 information at my fingertips.

14 MAYOR KNUDSEN: I only ask because I
15 think it's relevant to this entire conversation about
16 what happened, you know, what happens now with the
17 railroad ties.

18 I think we had that little back and
19 forth about oxygen deprivation and whether or not
20 they would break apart.

21 So for a number of reasons, I'd like to
22 have access to that letter, and I think it's probably
23 helpful for the board to review as well that
24 stability opinion letter. I think it's important
25 that we understand, because we have a lot of

1 information here, and it's a really big project and
2 obviously what appears a necessary project, so I
3 think it's important that we have that.

4 The other question that I had, and I
5 don't know if you can answer now or something you'll
6 have to go back and look at, you know, many of the
7 issues that are of concern are the access route into
8 that location, and I'm just wondering, is there a
9 temporary road that could be configured that would
10 give access to that space? I haven't walked it for a
11 while, so I don't recall how that might work.

12 But I'm just wondering, have you
13 reviewed that as an access option rather than coming
14 through that right-of-way access point, whether or
15 not a temporary road construction, which is often
16 done in these big projects, whether or not that's
17 something that's doable.

18 MR. LATINCSICS: Can you clarify that
19 that's a question to me? Tibor speaking.

20 MAYOR KNUDSEN: Yes.

21 MR. LATINCSICS: If you can clarify, a
22 temporary road from where to where?

23 MAYOR KNUDSEN: Well, a temporary
24 access road that would allow access to the back, to
25 the project area, the staging area, rather than using

1 the proposed route.

2 MR. LATINCSICS: Okay.

3 There is -- and I wouldn't call it
4 "temporary," there's currently a roadway, and I can
5 call up the photographs providing the access, and it
6 is the intent to utilize that roadway as it has been
7 over the decades for other purposes on a routine
8 basis by landscapers, it's my understanding when the
9 village previously dredged the north upper pond, that
10 was what it was used for.

11 You are asking could we build a
12 temporary road from another access point?

13 MAYOR KNUDSEN: Yes.

14 What are the alternatives to that
15 approach?

16 Are there any alternatives to that?

17 MR. LATINCSICS: Yes.

18 One alternative would be from the
19 interior, but if you're familiar with the topography,
20 there's a very large topographic hump, which is
21 problematic for loaded trucks. That is an
22 alternative.

23 Certainly at the south end, an
24 alternative from the interior access would be coming
25 in from Hopper Avenue, which is a public

1 right-of-way. That would entail a temporary stream
2 crossing of the watercourse, which I'm pointing at.
3 So that is an alternative.

4 But, again, that would be a temporary
5 stream crossing, which we try to stay away from for
6 all sorts of good reasons.

7 Another access would be, there is the
8 sewer line, which I'm tracing, the trunk sewer line,
9 15-inch ACP pipe.

10 Many would say that clearing and
11 grading would have a benefit to the village for
12 routine maintenance, but our perspective is, if it's
13 utilized what is in place and what is readily
14 available, which is coming at the south end from
15 Daniel Court, a circular motion around these units
16 and the access from Cedar Avenue.

17 I know you didn't ask this question,
18 but I will add, taking the opportunity, there was a
19 concern on noise and backup beepers.

20 We are configuring the plans so that
21 there's a circular motion for all phases of
22 construction, which would reduce, in theory, by a
23 factor of 2 or 50 percent the utilization of backup
24 beepers, which are prudent and required, but we are
25 making sure we are having circular access around for

1 all the phases of construction.

2 But getting back to your question, yes,
3 there's alternatives, but if there are, we are trying
4 to work with the readily available alternatives.

5 MAYOR KNUDSEN: And just, again, going
6 back to now your circular to reduce the -- they're
7 actually called emergency reverse -- what are they
8 called, the beepers? There must be a technical term
9 for them that I don't know. Maybe the chief knows.
10 I don't know.

11 Does anybody know the technical term
12 for the backup beepers?

13 MS. HOOBAN: Aren't they called backup
14 beepers.

15 MAYOR KNUDSEN: If you think that's the
16 technical term, we'll go with it.

17 MR. MARTIN: Commercial vehicle warning
18 devices.

19 MAYOR KNUDSEN: Anyway, have you given
20 that document to us?

21 Do we have that proposal for the
22 circular path to avoid that beeping.

23 MR. LATINCSICS: The best example is
24 plan sheet 4 of 8 on everybody's screen.

25 I just shared plan sheet 4 of 8.

1 MAYOR KNUDSEN: Okay.

2 MR. LATINCSICS: Does everybody see
3 that?

4 MS. HOOBAN: Is it very tiny? I'm not
5 sure if this bookmark section is closed over here,
6 maybe it might be a little bigger. I don't know if
7 it's tiny for everybody. I don't have a big screen.

8 MR. LATINCSICS: It's full size on my
9 screen.

10 MS. HOOBAN: Your bookmark section over
11 to the left side of your screen is open.

12 MR. LATINCSICS: Yes, it is. Let me
13 close it.

14 MS. HOOBAN: That helped a little.
15 Thank you.

16 MR. LATINCSICS: Thank you for that
17 assistance.

18 For example, this is plan sheet 4 of 8,
19 which is at the south or lower pond off Daniel Court.
20 Our primary access road, our temporary construction
21 road is along the south side of the building.

22 And then material will come in via the
23 south side, behind a wall, and exit on the north side
24 of this cluster of four units.

25 Now, there is private landscaping here

1 that is going to be disturbed and, I presume, in the
2 future restored. I use the term "private" because
3 that was installed by a unit owner as opposed to the
4 association.

5 But you could see this circular motion,
6 it's just very practical. We do not have that extent
7 of detail at the north end, but we will address that.

8 MAYOR KNUDSEN: So I don't know if
9 anybody has questions right now, I might have a few
10 more after.

11 CHAIRMAN JOEL: Is there any way to
12 have some of the construction vehicles go through
13 Durar Avenue to kind of spread out the load in the
14 area?

15 MR. LATINCSICS: Well, as a practical
16 matter, they shall, yes. The short answer is yes.

17 For example, at the south end of the
18 site, the primary access will be via Durar, not
19 Hopper Avenue, for example.

20 CHAIRMAN JOEL: And will that just
21 serve that southern part or will it also be able to
22 service some of the northern parts there?

23 MR. LATINCSICS: Yes, as a practical
24 matter, for example, where the wall comes around to
25 -- let me.

1 For example, this portion of the wall
2 adjacent to the pool, one could anticipate as a
3 practical matter some of the material will be coming
4 in via Durar, yes.

5 CHAIRMAN JOEL: Can you say for a
6 percentage the vehicles, like say there's 100 percent
7 of the vehicles, what percentage are going to come
8 through Daniel Court, and which through Durar, and
9 which ones through Cedar Avenue?

10 MR. LATINCSICS: Okay.

11 Again, I'm the design engineer, not the
12 general contractor.

13 CHAIRMAN JOEL: Okay.

14 MR. LATINCSICS: And if we break it
15 down, for example, the southern wall, it's basically
16 about 30 percent of the project.

17 So 30 percent will certainly come via
18 Durar. I would anticipate certainly another 10
19 percent Durar.

20 And, again, the circular motion we're
21 talking about in the middle wall is from Durar and in
22 a clockwise manner exiting by the pool house at the
23 north pond, off the access road you have circulation
24 all around the north pond.

25 Setting that culvert, and this was a

1 question by I believe a resident at the last meeting,
2 yes, the replacement reinforced concrete pipe will be
3 set early in the construction sequence at this pitch
4 point to accommodate the circular motion about the
5 middle wall and the north wall.

6 But getting back to your question, I
7 would expect 30 percent of the material via Durar for
8 the southern wall. Certainly 10 percent for this
9 middle wall. And the remaining 60 percent or so via
10 the Cedar Avenue access.

11 CHAIRMAN JOEL: Okay.

12 Any other questions for Tibor?

13 MR. MARTIN: This is sheet 4 of 8? Is
14 that correct, Tibor?

15 MR. LATINCSICS: On the screen now is 3
16 of 8.

17 MR. MARTIN: And then 4 of 8 is what
18 you addressed with the Mayor, correct?

19 MR. LATINCSICS: Correct.

20 MR. MARTIN: Thank you.

21 CHAIRMAN JOEL: Okay. If there's no
22 other questions, I'll have our professionals ask
23 questions.

24 MR. MARTIN: Mr. Rutishauser, are you
25 there?

1 MR. RUTISHAUSER: Yes, I am.

2 MR. MARTIN: Raise your right hand.

3 Do you swear to tell the truth, the
4 whole truth and nothing but the truth, so help you
5 God?

6 MR. RUTISHAUSER: Yes, I do.

7 **C H R I S T O P H E R R U T I S H A U S E R, P.E.**

8 having been duly sworn, testifies as follows:

9 MR. MARTIN: And, again,
10 Mr. Rutherford, you stipulate to the village
11 engineer's professional engineering capacity?

12 MR. RUTHERFORD: Yes, I do.
13 Absolutely.

14 MR. MARTIN: Okay. You're sworn and
15 qualified.

16 You can obviously ask questions first,
17 Chris, but if you're giving any statements, you're
18 covered now.

19 MR. RUTISHAUSER: Okay. Just a couple
20 of questions for Tibor.

21 With those alternative routes that you
22 just illustrated for the board members, would those
23 be the usual tandem tri-axle size vehicles or would
24 it necessitate a smaller vehicle?

25 MR. LATINCSICS: Preferably tandem,

1 particularly for the crushed stone and the select
2 fill that needs to be imported.

3 And, of course, there will be flatbeds
4 for the block delivery, which carries 16 to 18
5 pallets per truck.

6 MR. RUTISHAUSER: Okay. So we're
7 dealing with trucks around 72,000 pounds gross
8 vehicle weight, correct?

9 MR. LATINCSICS: Yes.

10 MR. RUTISHAUSER: Okay. Thank you.

11 And the circular motion, were you able
12 to see if you can get a circular motion utilizing the
13 access roadway off of Hopper Avenue?

14 MR. LATINCSICS: Yes, we could.

15 We would still have to build a haul
16 road. Let me pull that plan up.

17 MR. RUTISHAUSER: Yes, I don't recall
18 if there was another -- at the proposed stockpile.

19 MR. LATINCSICS: Well, the problem is
20 that, you know, it's circular from a remote here.
21 You know, it's a closed circle.

22 If you enter from Hopper Avenue, exited
23 by either leg, then you basically have to drive
24 totally around, leave the site, drive around the
25 block to get back to Hopper Avenue. It would be very

1 inefficient.

2 MR. RUTISHAUSER: Okay. All right.

3 Nothing further at this time.

4 Thank you.

5 CHAIRMAN JOEL: Maryann?

6 MR. MARTIN: Ms. Bucci-Carter, are you
7 there?

8 MS. BUCCI-CARTER: Yes.

9 MR. MARTIN: Can you raise your right
10 hand.

11 Do you swear to tell the truth, the
12 whole truth, and nothing but the truth so help you
13 God?

14 MS. BUCCI-CARTER: I do.

15 **M A R Y A N N B U C C I - C A R T E R, P.P.,**

16 having been duly sworn, testifies as follows:

17 MR. MARTIN: Mr. Rutherford, do you
18 stipulate as to the village planner's credentials as
19 a professional planner in the State of New Jersey?

20 (No response.)

21 MR. MARTIN: Mr. Rutherford?

22 (No response.)

23 MR. MARTIN: David?

24 CHAIRMAN JOEL: It looks like he froze
25 up.

1 COUNCILWOMAN REYNOLDS: Yes.

2 MR. MARTIN: Let's just wait a quick
3 second for him.

4 MR. RUTHERFORD: Sorry, Mr. Chairman.
5 Yes, I do, Mr. Martin.

6 Thank you.

7 CHAIRMAN JOEL: And you can ask any
8 questions you would like of Tibor, Maryann.

9 MS. BUCCI-CARTER: My questions are
10 going to be minor, because most of this application
11 is really logistics and engineering, since a lot of
12 what's going to be actually visible is internal to
13 the project.

14 So one of the things that I pointed out
15 in my review and I'll raise again is that the
16 landscaping component is really going to hinge on
17 field discoveries or field changes or things that
18 happen during construction.

19 So one of the things that I asked for
20 is to have that provided for internal review at the
21 end of the project to be sure that what's expected
22 will be there or if there was any unusual
23 construction change, we'd be able to review it.

24 The other question is, even the look of
25 the project and how the landscaping is internally,

1 even though it is an engineering function, it's still
2 visually attractive.

3 My question to Mr. Tibor and to the
4 attorney is if there's any objection to using a
5 landscape architect for this when the time comes for
6 the final landscaping plan?

7 MR. LATINCSICS: I do not have any
8 objection.

9 I would only ask, could that be
10 expanded, does it have to be a licensed landscape
11 architect or a competent landscape designer.

12 MS. BUCCI-CARTER: I think a licensed
13 landscape architect for a project of this size and
14 scope would be appropriate.

15 MR. RUTHERFORD: Yes, I'll speak with
16 my client.

17 I understand the concern for sure.
18 Before I can commit, I should probably speak with my
19 client, but I understand that.

20 We'll take that seriously.

21 Thank you.

22 MS. BUCCI-CARTER: Thank you.

23 That's my only question.

24 CHAIRMAN JOEL: Okay. All right. So I
25 guess the public can ask questions now of Tibor, of

1 the engineer.

2 So if anyone wants to ask questions,
3 they could raise their hand, Dylan will let them in
4 sequentially, and you'll state your name and address
5 and then direct your questions to Tibor from his
6 testimony.

7 This isn't public comment, it's mainly
8 to ask him questions regarding his testimony and
9 anything relevant towards this application.

10 MAYOR KNUDSEN: Can I just ask a
11 question first?

12 I'm sorry, I was trying to interject,
13 but I guess you didn't hear me.

14 CHAIRMAN JOEL: So sorry about that.

15 MAYOR KNUDSEN: That's all right. No
16 worries.

17 I just wanted to ask Chris a question,
18 actually our engineer, Chris Rutishauser.

19 Chris, just so everyone understands,
20 could you just describe a tandem tri-axle so that
21 everybody understands exactly what that is?

22 MR. RUTISHAUSER: A tandem and
23 tri-axles are two classes of dump trucks. They're
24 the heaviest types of dump trucks.

25 A tri-axle has a gross vehicle weight

1 generally of 80,000 pounds, that's the chassis, the
2 truck, itself, and whatever payload it's carrying. A
3 tandem is generally registered up to 70 or 72,000
4 pounds.

5 Now, the tandem is two rear axles, one
6 front axle. A tri-axle has three rear axles, one
7 front axle.

8 The tri-axle usually has the third axle
9 usually can be raised and lowered, depending if the
10 truck is carrying a load or not. When the third axle
11 is down on the tri-axle, their turning radius is very
12 much constrained. They need a much larger turning
13 radius to make maneuvers and so forth.

14 MS. HOOBAN: And that weight is with
15 the load on top of it, whatever the load may be.

16 And I forget what I was going to ask.
17 Never mind.

18 Thank you.

19 MR. RUTISHAUSER: You are correct, it
20 is complete. The 80,000 and 72,000, it's the full
21 truck, chassis, body, engine, whatever, plus whatever
22 load it is transporting.

23 MS. HOOBAN: Are they going to be doing
24 -- I'm guessing that what we're carrying in and out
25 of here is relatively heavy, so is it likely that it

1 would be more truck trips because it's a heavier
2 weight per load or is this something that with that
3 size truck they should be able to get away with less
4 trips with this amount of material?

5 MR. RUTISHAUSER: Those trucks are the
6 most efficient ones for transporting the material.
7 The driver has to be careful to make sure that they
8 are not overloaded, because an overloaded ticket is
9 very expensive.

10 And there are scales out, portable
11 scales, law enforcement uses them periodically to
12 make sure such truckers are running legal.

13 MAYOR KNUDSEN: Okay. And then just to
14 get on that turning radius. So you're comfortable
15 that there's no issue with any of that on a turning
16 radius?

17 MR. RUTISHAUSER: That's why I asked
18 Tibor earlier this evening if he felt that he might
19 need a smaller truck because the turning radius might
20 be tight, but he feels he can use the tandems, maybe
21 tri-axles, get the maximum amount of load out on each
22 cycle trip.

23 MAYOR KNUDSEN: So is that something
24 that we should establish before?

25 Because on a maximum load, if the

1 turning radius is appropriate and it works, then we
2 have less loads going in and out.

3 But if it turns out that that doesn't
4 work and there's not enough space there, then that
5 means there are more trucks with more loads going in
6 and out, because that means we have to revert to the
7 smaller vehicle, correct.

8 MR. RUTISHAUSER: Again, if the turning
9 radius doesn't work and also it depends on the
10 contractor. The contractor may elect -- he may only
11 have a certain size truck in his fleet. He may not
12 have the largest capacity trucks, he may use a
13 smaller one, he may use a single axle.

14 Again that's usually called means and
15 methods for the contractor.

16 But to your point, you are correct,
17 that would result in more actual numbers of loads in
18 and out but of smaller vehicles.

19 MAYOR KNUDSEN: So what I'm asking then
20 is, notwithstanding the contractor, whatever vehicles
21 they have accessible, wouldn't it be important to
22 establish that there's enough, sufficient space there
23 for that turning radius in the event that -- because
24 that would be really the most efficient and least
25 burdensome to the neighbors as this project moved

1 forward, because that's just less truck, it's just a
2 more efficient process.

3 So before moving forward, wouldn't it
4 be like important to establish that, that the space
5 is there and that the turning radius is doable.

6 MR. RUTISHAUSER: That would be up to
7 the applicant's engineer to confirm.

8 MAYOR KNUDSEN: No, I'm asking.

9 But I guess it's kind of a rhetorical
10 question, so I guess I would be interested in
11 knowing, having that information and seeing that as a
12 diagram to understand that that works, that the
13 largest truck, because that shortens the duration of
14 the project.

15 It's less impact to the neighborhood.
16 It's less trips. It's just more efficient.

17 MR. LATINCSICS: Let me jump in here.
18 Tibor speaking.

19 Again, to give a practical, there is no
20 problem maneuvering large trucks on this site.

21 This site was setup for access by fire
22 trucks. It says very clearly.

23 But let me give you an example. For
24 example, delivery to the south end of the site, what
25 I fully expect the competent truck driver to do is

1 pull down Durar, front into Kira Lane, and backup
2 Daniel Court and drop his load of crushed stone or
3 select fill ultimately to be transported to the wall
4 site by skid-steerers. That is what is going to
5 happen.

6 There is no problem maneuvering tandems
7 or tri-axles on this site. This site was setup for
8 fire trucks, and there is not a problem. It is
9 presuming competent truck drivers, and certainly
10 anybody delivering quarry material is one.

11 The block delivery, which will be a
12 large truck with 16 to 18 pallets of block material,
13 again, I fully anticipate, for example, at the south
14 end of the site for them to front into Kira Lane and
15 backup Daniel Court to unload so they do not have to
16 turn around at the end of the cul-de-sac.

17 Moving vans come into the site, I'm
18 presuming, on a periodic basis. No different.

19 MAYOR KNUDSEN: Okay.

20 CHAIRMAN JOEL: All right. So I guess
21 we're moving into cross by the public.

22 Dylan, was there anybody that raised
23 their hand to ask questions?

24 MR. HANSEN: We do. We have two.

25 I'll bring in the first person.

1 CHAIRMAN JOEL: Sure.

2 MR. HANSEN: It's showing up as
3 Horbatt. I am bringing him in right now.

4 All right. He's currently mute and his
5 video is off.

6 MR. HORBATT: Can you hear me now?

7 MR. HANSEN: Yes, we can hear you.

8 MR. HORBATT: We're the owners of 388
9 Cedar Avenue, which includes the vacated paper street
10 that is no longer a street and no longer meant to be
11 access other than for absolute emergency purposes.

12 He said he would not put a 80,000-pound
13 fire engine down that lane, okay.

14 MR. MARTIN: Mr. Horbatt, can you just
15 give us your first name.

16 I got your last.

17 MR. HORBATT: Robert and Eleanor
18 Horbatt.

19 There's a deed of easement that was
20 prepared by the Village of Ridgewood that
21 specifically states that it would be used for
22 maintenance and repair in the event of emergency, and
23 it further says that no nuisance shall be created by
24 any act that will be detrimental to the said land or
25 to any property adjoining the land.

1 Furthermore, you're talking 60 percent
2 of 325 loads of just stone, plus all the other
3 materials that would have to come through that
4 they're trying to say should come through that access
5 off Cedar Avenue.

6 CHAIRMAN JOEL: Robert, you're going to
7 frame as a question to the engineer, you may want to
8 just say are you aware of the easement and have him
9 answer your question.

10 There will be a public comment part of
11 the presentation where you can make public comment,
12 but just phrase your statements as questions to the
13 engineer.

14 MS. HOOBAN: Could we just let the
15 public know, for people who are new for the meeting,
16 just how this works, not to pose questions in the
17 Q&A. Maybe just a quick mention.

18 I know we've done it a million times,
19 but maybe just quickly.

20 CHAIRMAN JOEL: Okay.

21 All questioning will be done when
22 you're let in to present your questions to the
23 engineer. You shouldn't be posting any questions on
24 the chat or anything like that.

25 MS. HOOBAN: It won't be responded to.

1 CHAIRMAN JOEL: No, that's not part of
2 the hearing record.

3 So whatever is testified to here
4 through the video and the audio will be part of the
5 record.

6 So if you have any questions, you raise
7 your hand and eventually Dylan will let you in and
8 then you'll be able to present your questions, and,
9 in this case, Tibor Latincsics is the witness and
10 that's who you're going to ask questions of. Ask
11 questions that are relevant to what his testimony
12 was.

13 So, Robert, you had certain statements
14 and they can be framed into questions, ask him and
15 get at the information that you want.

16 MR. MARTIN: I want to emphasize, the
17 question and answer section of this Zoom proceeding
18 will not be addressed.

19 So any questions in there will not be
20 responded to. It has to be done when you're admitted
21 either by phone or by Zoom connection.

22 Go ahead, Robert.

23 MR. HORBATT: Tibor, if you look at the
24 photo that you have of the easement from Cedar
25 Avenue, you will see a large tree on the right-hand

1 side.

2 There is no way, in my opinion, that
3 you can have trucks access that right-of-way without
4 actually going on the actual property. It's not wide
5 enough, No. 1.

6 No. 2, you mentioned the stream off
7 Hopper Avenue. My understanding is that stream is 99
8 percent dry and could be used as an access, and you
9 have stated that you could use access from Durar and
10 that end of the property. You're going to have a
11 12-foot-wide space between the old wall and the new
12 wall, which gives you plenty of room to run trucks.
13 Now, that might be a little more expensive, but why
14 should all the neighborhood have problems, when you
15 could access everything through Hopper.

16 MS. HORBATT: And the sewer line.

17 MR. HORBATT: And the other problem is
18 the sewer line. There's a lot of concern about that
19 sewer line, and if that sewer line breaks with all
20 the heavy weight that it was never designed for, that
21 could be a catastrophe. The EPA, everybody would be
22 involved in that. And what assurance can be given
23 that we would not be harmed with that?

24 CHAIRMAN JOEL: Okay. Tibor, can you
25 respond, there was many layers to it, but to the best

1 that you can.

2 MR. LATINCSICS: Okay. If you don't
3 mind, if you could repeat specific questions and I
4 will answer.

5 MR. HORBATT: The first question would
6 be: Hopper Avenue, you said there's a stream that
7 you would have to overcome. My understanding is that
8 stream is 99 percent dry.

9 MR. LATINCSICS: Yes, it is.

10 I'm sure it was flowing yesterday, but
11 during periods of low rainfall, there is no discharge
12 from these detention basins. I remember in the last
13 --

14 MR. HORBATT: Is it in your testimony
15 --

16 MR. LATINCSICS: Nevertheless, it is a
17 regulated resource, so if one was to cross it, no
18 question a temporary culvert would be required with
19 the attendant DEP permits.

20 Did I answer your question?

21 MR. HORBATT: Thank you.

22 And in your previous testimony a couple
23 of meetings ago, you had indicated that it would be
24 possible to do this project through the Hopper Ridge
25 community. It would be more expensive, but it could

1 be done.

2 MR. LATINCSICS: Yes.

3 MR. HORBATT: And that would be done
4 without using the access from Cedar Avenue.

5 MR. LATINCSICS: Yes, there are
6 alternatives, yes. Typically more expensive. And
7 there is an obligation on all parties to do things in
8 a cost effective manner.

9 MR. HORBATT: Hopper Ridge is the only
10 benefit of this project. Why should anybody else
11 have problems and inconveniences and costs to make it
12 more convenient for Hopper Ridge?

13 MR. LATINCSICS: Okay. I disagree with
14 the statement of "problems."

15 I have up on the screen, I believe that
16 is planning sheet 3 of 8, sheet numbers, but this
17 access point, to my understanding, has been used for
18 decades.

19 I'm pointing to a photograph of it.
20 There is a curb cut with a concrete apron, and then
21 the photographs of the access roadway, which has been
22 used for similar work in the past, specifically the
23 prior cleaning and dredging of the pond by the
24 municipality.

25 MR. HORBATT: That isn't true.

1 MR. LATINCSICS: To my understanding
2 that is the intent of this access roadway.

3 MR. HORBATT: They never used the
4 access when they constructed the condos, and it has
5 not been used for the dredging.

6 And if you look at that tree in that
7 picture on the right-hand side that is in part of the
8 right-of-way, that you cannot put trucks through
9 there without going on the actual property. It's
10 impossible.

11 MR. LATINCSICS: Okay. On plan sheet
12 3, the access roadway is detailed. I'm tracing the
13 travel way. The tree that Mr. Horbatt referred to is
14 located here, and it's very clear that the travel way
15 goes around the tree. We have --

16 MS. HORBATT: Tell him we own to the
17 middle there.

18 MR. LATINCSICS: We have walked this
19 property with truck drivers and confirmed that it is
20 suitable for access and maneuvering.

21 MR. HORBATT: Are you familiar with
22 what the term of an easement is and to be used only
23 for emergency and not to create any problems? This
24 is from the Village of Ridgewood. This was prepared
25 by the Village of Ridgewood and it was signed by the

1 attorney.

2 MS. HORBATT: Anthony Speranza.

3 MR. HORBATT: Anthony Speranza, and it
4 says no nuisance and no act of any detrimental should
5 be made to the land of that property.

6 MR. RUTHERFORD: Mr. Chairman, I'm
7 going to interrupt here just for a legal objection.

8 I think the adjudication and
9 interpretation of easement agreements is something
10 that's clearly beyond the jurisdiction of the board.

11 Mr. Horbatt is referring to easement
12 agreements that appear of record that grant certain
13 rights to the village and also grant certain rights
14 to Hopper Ridge, and, from our perspective, the terms
15 of that easement does give Hopper Ridge the right to
16 access that easement for this particular project.
17 That's our position.

18 It is our hope to work something out
19 with Mr. and Mrs. Horbatt in a mutually agreeable way
20 that would enable us to use that easement, but I
21 think that the board really doesn't have the
22 jurisdiction to make any determination as to the
23 validity interpretation, the effect, rights and
24 liabilities of parties, et cetera.

25 So any further questioning of

1 Mr. Latincsics on this issue is really pretty much
2 irrelevant to the issues before the board.

3 MS. HOOBAN: I have a question of this
4 for either Chris or Mr. Rutherford, whether or not we
5 would interpret the language in that easement
6 agreement, were we presented with any documentation
7 about it existing in our records? Because it's been
8 going on for so long, I'm sorry, I don't recall, so
9 I'm just wondering were we or should we have or would
10 it behoove it to be notified of it?

11 MR. RUTHERFORD: I don't consider --

12 MR. MARTIN: Dave, if I may.

13 Melanie, if they're relying upon an
14 easement, it has to be a valid easement.

15 And if not a valid easement, then they
16 can't use it in terms of their ingress and egress.
17 So it's up to the applicant to represent to the board
18 that the easement is valid, it's sufficient for the
19 purposes that they're desirous to use it for.

20 The interpretation of it is, looking
21 for that in terms of the board, because if the board
22 is going to allow soil movement, there has to be
23 ingress and egress, simple as that.

24 MS. HOOBAN: Okay. I have a question.

25 MAYOR KNUDSEN: I have just gone

1 through every file I received, and I do not see an
2 easement agreement.

3 MS. HOOBAN: That was my question, is,
4 did we receive it?

5 MAYOR KNUDSEN: I don't see it in my
6 records, and I would like a copy of it.

7 Can we be supplied a copy of the
8 easement agreement?

9 MR. MARTIN: Mr. Rutherford, if you are
10 going to use the easement, please supply a copy of
11 the agreement representing that it's satisfactory for
12 the purposes that you need to use it for.

13 MAYOR KNUDSEN: Please confirm that we
14 have not received it, correct?

15 MR. RUTHERFORD: You have not. You
16 have not.

17 You have not, and primarily for the
18 reason I just expressed, that I think, with all due
19 respect certainly, the board lacks jurisdiction to
20 interpret the easement or anything else, but I'm very
21 happy to provide it. They are of record and it
22 creates an easement, I think it's 7-and-a-half feet
23 on each side of the centerline, vacating Hopper
24 Avenue.

25 So it runs across Lot 1, which is

1 Mr. and Mrs. Horbatt's property, and Lot 13, which is
2 the property of the Olcotts.

3 Mr. Martin, I'm happy to provide that.
4 I have obtained a report of title for each of those
5 properties, which I'm happy to provide.

6 MR. HORBATT: The other problem is the
7 weight on the sewer line.

8 There's been some very serious concerns
9 about putting over 300 trucks across that sewer line,
10 and if that sewer line is broken, that's a
11 catastrophic problem.

12 And they said, well, we'll put some
13 stone over it, it should be fine, but that doesn't
14 give any guarantee that that amount of equipment
15 going across that will not create a problem.

16 MR. LATINCSICS: First, okay, I'm not
17 sure where the number 300 trucks came from.

18 Typically we are anticipating with the
19 overall project about 171 truckloads.

20 MR. HORBATT: You had stated 325 loads
21 of stone, that would be in addition to all the
22 tractor-trailers that have to bring in the fill dirt
23 and then also the concrete for the walls. So it's
24 more than 325 trucks in total.

25 MS. HORBATT: And you stated that.

1 MR. HORBATT: You stated that in your
2 testimony.

3 MR. LATINCSICS: Okay. I would have to
4 double check that number based on my further
5 analysis.

6 I believe it's about 171 trucks.

7 MS. HORBATT: That's not what you said.

8 MR. HORBATT: That's not what you said.

9 MR. LATINCSICS: Okay.

10 MR. RUTHERFORD: I will check the
11 transcript, Mr. Chairman, and we'll find out what
12 Mr. Latincsics said.

13 CHAIRMAN JOEL: Okay. Sure.

14 MR. RUTHERFORD: And I think also we're
15 talking about a lot of things here, we're talking
16 about stone, we're talking about fill, we're talking
17 about pallets of material. We're talking about a lot
18 of things.

19 So we'll provide what he said.

20 MS. HORBATT: And they're all heavy
21 trucks, even 100 of them.

22 MR. HORBATT: Yes.

23 CHAIRMAN JOEL: Did you want Tibor to
24 express his opinion on the weight on the sewer line?

25 MR. LATINCSICS: The required cover on

1 piping, be it sewer, storm/sewers, et cetera, is
2 typically a minimum of 2 feet, which is provided in
3 this case.

4 That being said, if the sewer line was
5 damaged inadvertently, that would be Hopper Ridge's
6 obligation to repair it.

7 The sewer line is actually not under
8 the access road for half the distance. I'm
9 referring, this is the access roadway shaded in gray.
10 The sanitary sewer actually comes at, you know, a
11 peculiar route to this first manhole, and then it is
12 under the access roadway, just to be clear.

13 But the sewer line, which was under the
14 former Hopper Avenue, was designed for a public
15 roadway.

16 Now, Hopper Avenue ultimately was not
17 constructed as a through road, but it has more than
18 2 feet of cover, which is the minimum required for
19 proper protection of piping.

20 MR. HORBATT: Hopper Avenue wasn't
21 designed to be a through street with 80,000-pound
22 trucks going back and forth all day.

23 I would like the village engineer, who
24 has mentioned some concerns about the sewer line, I'd
25 like his comments about that.

1 MR. RUTISHAUSER: The cover on the
2 sewer line, as Tibor said, is 2 feet. That is
3 usually adequate.

4 Given the load's proposed to be over
5 it, we will be monitoring it carefully.

6 If that line was in the street, the
7 streets would be designed for holding the 72- to
8 80,000-pound-vehicle weight. A fire truck weighs
9 close to that much.

10 Moving vans and other trucks that
11 service our residents have weights in that range all
12 that time.

13 MR. HORBATT: But not 300 trucks going
14 through a street like that at any given time. I
15 mean, that's completely beyond what the normal scope
16 of a moving van or even a fire truck going through
17 there on occasion, not 300 trucks coming through.

18 MR. RUTHERFORD: Mr. Chairman, I do
19 object to the continuing reference to 300 trucks.

20 I'm not sure that's what Mr. Latincsics
21 said, No. 1.

22 No. 2, he revised it this evening.

23 And, No. 3, he said that the truckload
24 is spread around three different entry points.

25 So just for the record, that's just my

1 comment on the record.

2 CHAIRMAN JOEL: Okay. All right.

3 Chris, did you have anything else to
4 add on that?

5 MR. RUTISHAUSER: The kind of
6 truckloads, the truck quantities being discussed are
7 commonly seen in the village.

8 Our police department does a lot of
9 traffic data counting, and the vehicle counts they
10 get on a lot of our roads, unless you're familiar
11 with it, can be astonishing, but it is spread out
12 over a period of time.

13 The trucks that are coming in here are
14 not going to be all at once, there will be a couple
15 an hour. They have to get loaded. They have to
16 unload. And that's something that we can also put
17 into the major soil permit, put language in it that
18 says no more than one or two trucks can be waiting to
19 be unloaded in this particular area given the
20 residential neighborhood.

21 CHAIRMAN JOEL: Okay.

22 MR. HORBATT: I'd like to ask the fire
23 chief if he would bring a truck down a dirt road like
24 that, 80,000-pound fire truck.

25 MR. MARTIN: The questions are to

1 Tibor.

2 The board doesn't have to address the
3 question.

4 CHIEF VAN GOOR: Don't address that?

5 MR. MARTIN: This is not the comment
6 section, this is questions of a witness. You're not
7 the witness.

8 Mr. Van Goor, I am directing you not to
9 answer that.

10 MR. HORBATT: Okay.

11 Tibor, I would just like to summarize.
12 You had indicated that this project could be done
13 without using the easement of Cedar Avenue. It might
14 be a little more expensive, and the only benefit is
15 the people of Hopper Ridge, not all the neighbors and
16 everybody else who would be inconvenienced and
17 potential problems from it.

18 So if it costs a little more, but you
19 can do it that way, you indicated it could be done.

20 MR. LATINCSICS: Okay. The answer
21 would have to be yes, there are alternatives. It is
22 not a small increase in expense and there are
23 benefits to the greater community.

24 Not just Hopper Ridge is benefitting
25 from this project, these walls are integral detention

1 basins.

2 For example, if we could fill these
3 detention basins and have graded slopes, the walls
4 would not be required. These detention basins
5 provide stormwater management benefits and water
6 quality benefits to the Village of Ridgewood and the
7 Ho-Ho-Kus Brook watershed, which is integral to the
8 town's master plan and stormwater management plan.

9 So it is not just Hopper Ridge that is
10 benefitting from this project, to be clear. There
11 are approximately 62 acres draining to these
12 detention basins. Hopper Ridge in its entirety is
13 only 10.3 acres. These detention basins provide a
14 benefit to the greater community.

15 CHAIRMAN JOEL: Any further questions,
16 Robert?

17 MR. HORBATT: The fact still remains,
18 there's a potential problem. Our property is lower
19 than the sewer line. If the sewer line breaks, it's
20 going to go right into our property.

21 And, again, if the project could be
22 done without using that, you stated that.

23 CHAIRMAN JOEL: Okay.

24 MR. HORBATT: My concern is not your
25 cost, my concern is the safety and having problems

1 with --

2 MS. HORBATT: The sewer line.

3 CHAIRMAN JOEL: Okay. All right. Does
4 that finish your questions, Robert?

5 MR. HORBATT: Thank you.

6 We will submit in writing at the
7 appropriate time and when it's time for public
8 comments.

9 CHAIRMAN JOEL: Okay. You don't submit
10 in writing, you give testimony, if you're going to
11 give public testimony or public comments on the
12 hearing date.

13 MR. HORBATT: That's fine.

14 Thank you very much.

15 CHAIRMAN JOEL: Okay. Thank you,
16 Robert.

17 Is there another person from the public
18 to ask questions?

19 MR. HANSEN: Yes, we do. Hold on one
20 second, I'll bring them in.

21 All right. Next person is Thomas
22 Olsen. I'm bringing him in right now.

23 MR. HANSEN: Mr. Olsen, please unmute.

24 MR. OLSEN: Hello.

25 MR. HANSEN: There you go.

1 COURT REPORTER: Please state and spell
2 your name.

3 MR. OLSEN: Thomas Olsen, T-H-O-M-A-S
4 O-L-S-E-N.

5 CHAIRMAN JOEL: Your address, please.

6 MR. OLSEN: 380 Cedar Avenue.

7 CHAIRMAN JOEL: Okay.

8 MR. OLSEN: I'm just on the other side
9 of the Olcotts. They're on the other side of the
10 easement from Mr. Horbatt.

11 CHAIRMAN JOEL: Okay. You can ask
12 questions of Tibor Latincsics.

13 MR. OLSEN: Okay.

14 I have a feeling some of my questions
15 cannot be answered, probably better questions for the
16 general contractor.

17 Will there be heavy equipment or trucks
18 parked or stored on Cedar Avenue either during the
19 day or perhaps even overnight?

20 MR. LATINCSICS: There will be no
21 parking overnight, certainly, or long-term parking on
22 Cedar Avenue.

23 That being said, if a truck has to wait
24 to make the turn into the access road, it will be
25 there for a short period of time, but they'll be no

1 storage on Cedar Avenue.

2 MR. OLSEN: The construction crews,
3 will any of them be parking on Cedar Avenue their
4 personal cars?

5 MR. LATINCSICS: No.

6 MR. OLSEN: Cedar Avenue was just paved
7 last summer.

8 Do you anticipate any damage from these
9 X number of 80,000-pound trucks driving over it.

10 Based on what the town engineer said,
11 it seems like the roads are capable of handling that,
12 but, again, this is quite a few trucks, we're in
13 disagreement for the number, but I also do remember
14 you saying in the neighborhood of 325 truckloads,
15 just for the record.

16 What is it going to --

17 MR. LATINCSICS: These are roadway
18 legal trucks.

19 As a matter of fact, they are weighed
20 before they leave the quarry, and it's normal and
21 customary truck traffic.

22 MR. OLSEN: At a previous meeting, you
23 mentioned I believe that the middle pond and the
24 northern pond would be drained prior to construction
25 and there's going to be pumps running.

1 I assume those pumps will be running 24
2 hours a day.

3 Is that correct?

4 MR. LATINCSICS: Yes.

5 MR. OLSEN: Any idea on how loud those
6 pumps will be?

7 MR. LATINCSICS: I do not have a
8 decibel rating, and the ones running overnight would
9 be electric pumps, which are certainly quieter, but I
10 do not have a decibel rating for those ones. I can
11 provide that information.

12 MR. OLSEN: Also at a previous meeting
13 you mentioned the dredge material that you referred
14 to as "wet stockpile" will be stored until dry and
15 then removed.

16 Where is the storage of that going to
17 take place?

18 MR. LATINCSICS: I expect
19 Mr. Rutherford will speak to this. The dredging of
20 the ponds is being removed from the project primarily
21 due to economic reasons; however, if the Bergen
22 County Mosquito Commission or the village decides to
23 participate in that opportunity, we would like to be
24 able to have the permits in hand if that opportunity
25 presents, itself.

1 something you may not be aware of. Based on the
2 slide that you have up right now, sheet 2, if you
3 look just to the north of the north pond, there's a
4 small wooded strip -- exactly right there, right
5 where you had it -- that entire strip right there,
6 I'm just going to say those three trees, the
7 predominantly three trees right there you have
8 marked, and significantly into Olcotts' backyard and
9 into my backyard, the north pond actually extends
10 well into our properties with every major rainstorm.
11 Yesterday's rain, I would say that that wooded
12 section probably had 2 feet of water.

13 That happens with every major
14 rainstorm. Most of the time, it's gone in two to
15 three hours. I believe with one of the recent
16 hurricanes, it was there for three or four days.

17 So I am actually disappointed to hear
18 that you're no longer going to dredge that pond,
19 because that flooding has gotten worse over the 22
20 years that I have lived here.

21 MR. LATINCSICS: Let me answer your
22 question here.

23 I am very familiar with that situation.

24 As a matter of fact, there was
25 significant rainfall we had yesterday.

1 MR. OLSEN: Yes, it was.

2 MR. LATINCSICS: And I have not had a
3 chance to look up the total rainfall, but certainly
4 it's significant.

5 And, in fact, I asked the association
6 if they could run out and take some photographs, but
7 I'm familiar with the circumstance. And one of the
8 reasons is, looking at the Olcott backyard and yours
9 -- I'm tracing the location of the original stream.
10 That is that blue line. I'm tracing with my cursor.
11 And when the Olcotts' home, I'm presuming when it was
12 constructed, the stream was relocated to what was
13 then the Hopper Avenue right-of-way. They filled the
14 front portion of the property, but they did not fill
15 the entire area.

16 I am now pointing at the original site
17 plan for Hopper Ridge and it shows the topography in
18 that area, and I'm tracing these contour lines.
19 There's a bowl there, and I am tracing these
20 contours. And, in fact, these are photographs of
21 that exact area.

22 MR. OLSEN: Yes.

23 MR. LATINCSICS: This is the Olcotts'
24 home.

25 MR. OLSEN: Yes, it is.

1 MR. LATINCSICS: That's the Olcotts'
2 home. The property line is pretty much right through
3 the middle of this oak tree. You can see where their
4 trampoline is.

5 MR. OLSEN: Yes.

6 MR. LATINCSICS: This is that low tract
7 area, which I expect there was water sitting there
8 yesterday.

9 MR. OLSEN: Yes.

10 MR. LATINCSICS: And if you look at
11 that middle photograph, you can even see it by eye,
12 the topography rises up. This is that stockade
13 fence, which is 40 feet in from the property line.
14 This low area, the lower area where water is ponding
15 is primarily on Hopper Ridge.

16 MR. OLSEN: Yes.

17 MR. LATINCSICS: And then the
18 topography rises up to where the ponds are.

19 The answer here is cooperation.
20 Really, what the Olcotts should do or what is needed
21 here is an inlet. And, yes, that's on Hopper Ridge's
22 property or they could put it right on the edge of
23 their property line, and there's two options. They
24 could connect that inlet to the town's storm/sewer
25 line or the town's silt chamber.

1 The only problem with that is, if the
2 silt chamber ever got clogged, which is part of its
3 function, it collects silt, if that got clogged, the
4 60 acres would then short circuit and drain into the
5 Olcotts' backyard and there would be, you know, a
6 northern pond.

7 MR. OLSEN: Yes.

8 MR. LATINCSICS: The other alternative
9 is to construct an inlet in this lower area and talk
10 to Hopper Ridge, would they grant an easement to
11 connect to this pond.

12 MR. OLSEN: Uh-huh.

13 MR. LATINCSICS: Yet another easement,
14 what I'm indicating, this whole corner, everybody has
15 a common interest here, everybody is joined at the
16 hip due to the natural topography and access.

17 So from an engineering perspective,
18 everyone should work together.

19 MR. OLSEN: Okay. That's all I have.

20 Thank you.

21 CHAIRMAN JOEL: Okay.

22 Thank you, Mr. Olsen.

23 Is there anyone else from the public
24 that would like to ask questions, please raise their
25 hand and Dylan will let you in?

1 MS. HOOBAN: I don't know if this helps
2 at all, Tibor or Mr. Rutherford, I believe when you
3 were discussing at our last meeting, I think it was
4 10/6 or one of the last meetings, I think when you
5 were adding up the total of the crushed stone, the
6 concrete block, select fill, dredging, totaled 5,876
7 cubic yards of soil movement, or, in your words:

8 "If you extrapolate that to truckloads,
9 326 truckloads of material."

10 MR. LATINCSICS: Okay.

11 MS. HOOBAN: But at many other points
12 you commented that it was 110 truckloads of soil
13 imported over a three-month period.

14 So I went back and reread through, but
15 I believe that was everything totaled with the
16 dredging after the drying and the removal. I'm
17 quoting you, so that may be where that got confused.

18 MR. LATINCSICS: Okay. Well, since
19 that time, I double checked some numbers, scrutinized
20 matters, presuming full truckloads of block, there
21 would be 11 truckloads of concrete block.

22 There would be 39 truckloads of crushed
23 stone. More select fill.

24 So, basically, 171 trucks over 63
25 working days.

1 MS. HOOBAN: Those are the items that
2 are used to create the new wall?

3 MR. LATINCSICS: Yes.

4 So, basically, five to eight trucks a
5 day is what we anticipate.

6 MS. HOOBAN: Can you tell me those
7 numbers again? I'm sorry.

8 I just want to compare them with what
9 you have here. So if you wouldn't mind giving us
10 those numbers one more time.

11 MR. LATINCSICS: Okay.

12 For the concrete block, presuming full
13 truckloads, is 11 truckloads of concrete block.

14 These are presuming 18 cubic yard
15 trucks.

16 For the crushed stone, it would be 39
17 truckloads.

18 For the select fill and topsoil, 121
19 trucks.

20 So, basically, the total is, if you
21 totaled it all up, it's 171 truckloads over 63
22 working days, that's presuming a three-month
23 construction period, including half days on Saturday.

24 As a practical matter, certainly a
25 minimum of two to three truckloads a day, some days

1 there might be five to eight.

2 And, you know, on such walls, when you
3 have good access, a capable crew can lay about 500
4 square feet a day.

5 With this site, it will average
6 probably about 100 square feet a day; you know, some
7 days you will do more, some days you will do less
8 depending on the access to where you're working.
9 That gives you an indication of the difficulty of
10 this access.

11 This will proceed at 20 percent the
12 rate of a typical project that has good access. The
13 access here is just very difficult.

14 MR. MARTIN: Tibor, this is Chris
15 Martin. There is now exporting that you considered
16 in the trucks, exporting soil, the wet soil from the
17 site, anything like that?

18 MR. LATINCSICS: Okay. That is where
19 the disparity in the numbers is coming.

20 MR. MARTIN: That's what I thought.

21 MR. LATINCSICS: The prior testimony,
22 and I would have to check the transcripts, was
23 including the export of the pond dredging.

24 Due to the practical considerations and
25 certainly the financial considerations, primarily

1 with disposing of that dredged material, unless the
2 Bergen County Mosquito Commission and the village
3 wish to join the project.

4 Hopper Ridge does not have the
5 resources to dredge these ponds.

6 So, yes, half the truck, the prior
7 testimony I suspect, half the truckloads were
8 material leaving the site. That is not the case,
9 with the project being scaled back.

10 That being said, if that opportunity
11 presents, itself, we want to have approvals and
12 permits in place.

13 MAYOR KNUDSEN: I have another question
14 actually, too.

15 Mr. Olsen asked a couple of questions
16 pertaining to the pumps, and we understand the pumps
17 need to run all day and night. You stated that the
18 pumps running during the night would be different
19 than those during the day, and indicated that the
20 pumps running during the evening would be electric.

21 So my question is, what kind of pumps
22 are running during the day, and then what is the
23 decibel level of each?

24 MR. LATINCSICS: Okay.

25 I do not have information on the

1 decibel level.

2 There's a manhole here, and all the
3 drainage for the 60 acres goes through the silt
4 chamber, goes through this manhole.

5 So the intent is to use that manhole as
6 a pump chamber, it's ideal. So the pumps running
7 overnight is going to be underground in that manhole
8 chamber. It's going to be barely audible, but we
9 will investigate that.

10 That being said, in the morning, if the
11 water level needs to be lowered, the contractor may
12 fire up a larger pump, probably driven off a
13 generator, and that will be the normal and customary
14 noise from that work.

15 MS. HOOBAN: So it's loud. It's loud.

16 A generator running on the street to
17 run pumps of that nature, that would be relatively
18 loud, but you're saying at least it would be during
19 the day.

20 MR. LATINCSICS: Correct.

21 Understood, it's going to be a normal
22 construction site. If a neighbor was framing a house
23 and the framer was working off a generator, it's
24 going to be no different.

25 MAYOR KNUDSEN: Okay. So, Tibor, let

1 me just ask a couple more questions.

2 The generator that's running during the
3 day, how long would that generator run, for how many
4 hours in the day and how many days?

5 MR. LATINCSICS: Well, you know,
6 there's many variables here.

7 For example, the best example is
8 yesterday's weather with that rainfall. The pumps
9 would not be able to keep up.

10 MAYOR KNUDSEN: I don't want to go into
11 the anomaly of yesterday's rainfall, that was, you
12 know, a highly unusual event, albeit my street floods
13 so I appreciate Mr. Olsen's pain, but just on a
14 regular day, let's just say from eight -- how many
15 hours a day does the generator -- I have to tell you
16 that a normal and customary construction site doesn't
17 have a generator running all day.

18 MS. HOOBAN: Or night.

19 MAYOR KNUDSEN: It doesn't have a
20 generator running all day, so I'm interested in
21 knowing how long all day, and then what is the
22 typical decibel level of a generator?

23 MR. LATINCSICS: I do not have that
24 information available. The plan is to lower these
25 ponds well in advance of the construction and keep

1 that water level down with the small electric pumps.

2 MAYOR KNUDSEN: I think we need to have
3 a level of specificity with the best and worst case
4 scenarios, in fairness to the folks, because this is
5 not a typical construction site. It's not. It's a
6 highly unusual project. I think we would all agree
7 with that.

8 And so I think that in fairness to the
9 folks, we need to have some specificity to that
10 generator operating and pump operating, and
11 presumably a generator is operating and that has
12 noise and then the pump has noise, I don't know
13 actually. So if we can get some more details on
14 that, it would be helpful.

15 And then I also just wanted to go back
16 to a comment you made during Mr. Olsen's questions.
17 You stated that the number of trucks was normal and
18 customary truck traffic.

19 Do you believe that that's -- I'm just
20 asking because that statement, I wrote it down
21 because it was such an odd statement, do you believe
22 that what's being proposed here is normal and
23 customary truck traffic?

24 MR. LATINCSICS: Absolutely.

25 We prepare soil movement applications

1 on a routine basis in the office, appear before
2 multiple towns. A typical single-family home
3 construction in Bergen County certainly moves 2,000
4 cubic yards of soil.

5 MAYOR KNUDSEN: And how many trucks
6 would that be?

7 MR. LATINCSICS: If again presuming 18,
8 that's 111 trucks. That is normal and customary. It
9 goes on every day in Bergen County.

10 MAYOR KNUDSEN: Okay.

11 CHAIRMAN JOEL: Just to piggyback on
12 Susan, is there any kind of noise mitigation that can
13 be done for generators?

14 You indicated that the one pump would
15 be in the sewer there, but is there any kind of
16 enclosure that they have for generator type pumps.

17 MR. LATINCSICS: Well, the generator
18 gives off fumes, so you try not to enclose it, but
19 that can be investigated, and positioning the
20 generator, at a certain point in time you don't want
21 your extension cord to be too long because it's
22 dropping power, but that could be investigated.

23 Dare I say something as simple as
24 putting it inside the silt chamber, which is also
25 below grade.

1 MAYOR KNUDSEN: Okay.

2 CHAIRMAN JOEL: Are there any people
3 from the public that want to ask questions of the
4 engineer?

5 MR. HANSEN: Yes, I have two more.

6 The next one is Roman. I'm bringing
7 him in.

8 Roman, can you hear us?

9 MR. SHAPIRO: Yes.

10 MR. HANSEN: Please state your name and
11 address?

12 MR. SHAPIRO: My name is Roman Shapiro,
13 the address is 366 Cedar Avenue, S-H-A-P-I-R-O.

14 CHAIRMAN JOEL: Okay. Roman, you can
15 ask questions of Tibor Latincsics.

16 MR. SHAPIRO: I just have a couple
17 quick questions.

18 So if you decide not to use Cedar
19 Avenue for access, how much more incrementally
20 expensive would the project be?

21 MR. LATINCSICS: Again, I am the design
22 engineer, not the contractor.

23 MR. SHAPIRO: Just a ballpark estimate.

24 MR. LATINCSICS: I would say about
25 \$150,000.00.

1 MR. SHAPIRO: How many units are in the
2 Hopper Ridge?

3 MR. LATINCSICS: I believe it's 32.

4 MR. RUTHERFORD: I think it's 36,
5 Mr. Chairman, 36 units and about 100 residents of the
6 Village of Ridgewood live at Hopper Ridge.

7 MR. SHAPIRO: A lot of numbers were
8 stated about the trucks.

9 In terms of just Cedar Avenue, how many
10 trucks in your estimation will go through on a
11 working day.

12 MR. LATINCSICS: Certainly a minimum of
13 three, but it could be as much as five to eight as a
14 practical matter, once production picks up.

15 MR. SHAPIRO: And this is just Cedar
16 specific?

17 MR. LATINCSICS: Well, again, it
18 depends on how the project is sequenced.

19 But, for example, if they're working
20 just at the north pond -- for example, if you're
21 laying 100 square feet of block a day, ultimately
22 that's 44 cubic yards of material, be it block,
23 crushed stone or soil, which is 2-and-a-half trucks,
24 realistically three trucks, but there's going to be
25 other material coming and going.

1 So one can anticipate a minimum of
2 three, but five to eight trucks in a work area. And
3 everybody would like this project to proceed as
4 expeditiously as possible. Free market, three months
5 is the target. That's presuming multiple crews. So
6 that's to say that there could be a crew at the south
7 end and a crew at the north middle and then you're
8 supplying, so that's certainly going to be eight
9 trucks a day. This is normal and customary for
10 construction.

11 MR. SHAPIRO: All right. So this is
12 eight trucks a day for the duration, you're saying,
13 and you said 62, I think, working days?

14 So that's already like 500. I mean, is
15 my math completely off.

16 MR. LATINCSICS: No, no, it's going to
17 vary.

18 Some days, it's going to be two trucks.

19 MR. SHAPIRO: So like the average we're
20 talking about three or four, four trucks a day?

21 MR. LATINCSICS: Yes, but if there's
22 two crews working, which will be to everybody's
23 benefit, because the overall project is going to go
24 quicker, there's going to be trucks supplying the
25 south end and trucks supplying the north end.

1 So it's going to be certainly a minimum
2 of three trucks a day, but there certainly should be
3 provisions for more than that. Five to eight is
4 reasonable.

5 For example, if your most productive is
6 the first three hours of the day, you want your
7 crushed stone that you're going to be using on
8 Tuesday morning delivered to the end of Durar Avenue
9 or the end of Daniel Court at 4:30 on Monday
10 afternoon, so on Tuesday morning you can have maximum
11 --

12 MR. SHAPIRO: Okay.

13 I think I get the idea. I don't want
14 to take up more of your time. But you're saying it's
15 basically three to eight a day, so would it be fair
16 to say that the average would be five.

17 MR. LATINCSICS: Yes.

18 MR. SHAPIRO: It would be five a day,
19 more on certain days, more or less, you know, less on
20 other days. So five a day, and you said 63 days, so
21 we're looking at 300 trucks basically?

22 MR. LATINCSICS: Right.

23 Again, it's going to vary. It's 171
24 trucks, presuming fully loaded trucks for the
25 material.

1 MR. SHAPIRO: Okay.

2 And then the last question, what is
3 your intended hours of operation for this project?
4 What are you proposing in terms of the hours?

5 MR. LATINCSICS: Okay. I defer to
6 Chris. The ordinance, I believe it's 7 to 5?

7 MR. RUTISHAUSER: Yes.

8 MR. RUTHERFORD: And a half day on
9 Saturday.

10 MR. LATINCSICS: Normal working hours.

11 MAYOR KNUDSEN: I didn't hear what
12 David said. I'm sorry.

13 MR. RUTHERFORD: I believe it's also a
14 half a day on Saturday.

15 MS. HOOBAN: I think it's 9:00 a.m. or
16 9:30 a.m. on Saturdays until one.

17 MR. RUTHERFORD: I believe you're
18 correct, yes.

19 COUNCILWOMAN REYNOLDS: I thought on
20 weekdays it 7:30, not 7:00.

21 MS. HOOBAN: I think it's 7:30.

22 MR. SHAPIRO: May I ask, I guess this
23 is for the planning board as well, does the board
24 have any control over it or it just goes by
25 ordinance?

1 MR. MARTIN: Well, the answer is they
2 have to file the ordinance, so the board would
3 require them to file the ordinance.

4 If there's an exception to be made and
5 the applicant would stipulate to it, the board can
6 make some suggestions in that regard.

7 MR. SHAPIRO: When you say
8 "suggestions," you mean more hours or less hours?

9 MR. MARTIN: No, we don't mean 5:00
10 a.m., I would imagine.

11 So I would say the board might make
12 some other suggestions as to the beginning time.

13 MR. SHAPIRO: Okay. Thank you.

14 I have nothing further.

15 CHAIRMAN JOEL: Thank you, Mr. Shapiro.

16 Is there anyone else from the public
17 that wants to ask questions?

18 MR. HANSEN: Yes, I have one more.

19 Let me get him back to an attendee, and
20 then I'll bring in the last one. Kimberly Wong. I'm
21 promoting her right now.

22 Kimberly, are you here?

23 Can you hear us?

24 MS. WONG: Yes, I can.

25 I'm here with my husband.

1 MR. HANSEN: Please state your name and
2 address?

3 MS. WONG: Kimberly and Alex Wong,
4 W-O-N-G, 272 South Irving Street.

5 CHAIRMAN JOEL: Okay. You can ask
6 questions of the engineer, and they should only come
7 from one person at a time.

8 MS. WONG: Okay.

9 One question I have is, he keeps on
10 referencing the construction team and I'm curious as
11 to how, like the construction crew, team, the company
12 was vetted and how they were chosen? And he's saying
13 that this is like a really, you know, difficult
14 project, so I'm just wondering what their background
15 and experience is regarding a project of this scale.

16 MR. RUTHERFORD: I can answer that,
17 Mr. Chairman.

18 While contractors have been contacted
19 to gauge their interest, and, as Ms. Wong indicates,
20 their ability to do the job, no contractor has yet
21 been chosen.

22 I think it's clear from Mr. Latinicsics'
23 testimony tonight that there are lots of variables
24 here.

25 It's a complicated project, and there's

1 lots of different ways that it could be approached,
2 so the answer to that is no.

3 Most respectfully, I don't really think
4 the board has any authority over who we choose. And
5 I will say by a follow-up to what Mr. Shapiro said
6 just a moment ago, there are a host of regulations
7 that are going to govern the manner in which this
8 project is done, not including the village noise
9 ordinance, the village ordinance with respect to
10 hours of operation for commercial activities, the
11 state noise standards, as well as the village
12 council's ability to craft a very specific and
13 carefully conditioned soil movement permit.

14 So the board and members of the public
15 I think very legitimately can rely upon a number of
16 those items to ensure that this project is
17 constructed in an orderly fashion, so as to minimize
18 the impact upon the village and the neighborhood in
19 general.

20 MR. MARTIN: Kimberly, the board
21 attorney.

22 There is a developer's agreement that,
23 if this is approved, I would put together, and it
24 would have to be satisfactory to the village and the
25 board, and Mr. Rutherford would have input on that.

1 But those things include insurance,
2 performance bonds, things to make sure that whoever
3 does the project does it properly or there are
4 abilities to make whole, if there's any problems with
5 the project.

6 MR. RUTHERFORD: And, Mr. Chairman,
7 please be certain, I was not looking to foreclose the
8 question from Ms. Wong, I wasn't, but I just wanted
9 to give a little background there.

10 That's all.

11 CHAIRMAN JOEL: That was fair. It was
12 appropriate.

13 Kimberly, do you have other questions
14 of the engineer?

15 MR. WONG: Sure.

16 This is actually her husband.

17 I know you mentioned three months, but
18 is there, like, a longer term? I know a lot of
19 construction could obviously last longer and I'm
20 trying to figure out if it could it extend to six
21 months, and also what time of year are you
22 considering doing this?

23 Is it going to be during the summer
24 months, spring months, fall months?

25 I was just trying to figure out,

1 because, obviously, we have very young children that
2 go up against the back of this construction site and
3 with us and dust, everything else, and I just want to
4 see about that, and like timeframe, as well as
5 pollution, how you're going to minimize that as well?

6 MR. MARTIN: Well, just for the record,
7 you're Alex, correct?

8 MR. WONG: Yes.

9 MR. MARTIN: Thank you.

10 Go ahead.

11 MR. RUTHERFORD: Okay.

12 MR. LATINCSICS: Well, yes, the target
13 is three months. That is presuming Saturday. And
14 yes, clearly weather could impact that. There are
15 many variables here and I can't speak for the
16 association, but I believe springtime, early spring
17 is the target to initiate this project so it does not
18 drag into the mid to late summer months.

19 MR. WONG: And then the follow-up
20 question was, pollution, have you studied that with
21 the trucks and everything?

22 I understand you're saying that it's
23 normal course of construction business in, I think
24 you quoted Bergen County. This is going to be very
25 concentrated in that area, obviously, right, so,

1 what, three, eight --

2 MR. LATINCSICS: I think people are
3 losing sight of the fact, this is a 10-acre site,
4 10.3-acre site.

5 We built similar walls on much smaller
6 properties, so "concentrated" is a bad term. This is
7 a large site. These walls are in the middle of the
8 site, distant from neighboring properties. They're
9 down in a natural ravine topography. I mean, these
10 are all positive factors.

11 In many cases, these walls are totally
12 hidden. Obviously there will be dust control as part
13 of typical compaction; you lightly moisten the soil.
14 The erosion control measures are --

15 MS. HOOBAN: How do you lightly moisten
16 the soil where you will be? I'm sorry to interrupt
17 you, I wanted to take that note down.

18 Where you are in the ravine, what truck
19 or hose or hose equipment will you be using to
20 moisten the soil?

21 MR. LATINCSICS: A garden hose. You
22 just lightly spray the soil and you can't --

23 MS. HOOBAN: You bring a garden hose
24 down into the ravine that you're telling this
25 gentleman is far removed from the site, so how are

1 you hooking up a garden hose?

2 MR. LATINCSICS: We are directly
3 adjacent to these, in some cases, a few feet from
4 these units.

5 MS. HOOBAN: So I'm saying, that was my
6 question.

7 So you're saying you will use a garden
8 hose attached to somebody's unit, anybody's, just
9 whoever is closest to where you are, a garden hose.

10 MR. LATINCSICS: That simple.

11 MS. HOOBAN: Got it. Okay.

12 MR. LATINCSICS: Erosion control and
13 dust control is specified normal and customary.

14 Did I answer your question?

15 MR. WONG: I'm more concerned about the
16 control of the trucks as well going through that
17 path, through Cedar.

18 So I understand inside, I guess, the
19 pond, itself, or whatever you want to call those or
20 ravines you were mentioning --

21 MR. LATINCSICS: I cannot comment on
22 the trucks that some third party is supplying, but
23 I'm presuming these are roadway legal inspected
24 trucks, no different than all the other trucks that
25 pass through Ridgewood.

1 MR. WONG: And the materials in the
2 truck?

3 MR. LATINCSICS: Yes.

4 No different than a moving van. If
5 there was people moving out of Hopper Ridge or --

6 MR. WONG: I'm not talking about the
7 trucks. I understand that. I'm just talking about
8 the materials in the trucks. So it's going to be
9 dirt --

10 MR. LATINCSICS: It's going to be --

11 MR. WONG: -- dust, everything in there,
12 is that going to be covered while it's moving?

13 MR. LATINCSICS: Absolutely.

14 That's a requirement, that all trucks
15 have a cover on them. The concrete block actually
16 arrives wrapped in plastic. The pallets are wrapped
17 in plastic. The crushed stone is actually washed
18 before it leaves the quarry. The truck is absolutely
19 covered. And the same with the select fill. That is
20 a basic requirement.

21 MR. WONG: And in terms of the noise
22 you were mentioning, I know the pumps, we addressed
23 that, is there going to be drilling, like hammering
24 or what, like jackhammering or anything like that or
25 it's really just heavy machinery?

1 MR. LATINCSICS: No jackhammering.
2 There will be skid-steerers and compacting equipment,
3 laboratory plate compactors.

4 MR. WONG: A question just generally,
5 has anybody hired their own lawyers from each of
6 these houses?

7 I'm just curious.

8 MR. LATINCSICS: Their own what?

9 MR. WONG: Their own counsel or
10 lawyers, like if I can get my own lawyer to review
11 everything and to ask questions, has anybody in a
12 household done that, just curious?

13 MR. LATINCSICS: That's not an
14 engineering question, I would defer --

15 MR. WONG: I'm not asking you, I'm just
16 asking the board.

17 CHAIRMAN JOEL: Yes, that's a legal
18 question. You're free to consult an attorney, if you
19 want.

20 Chris, do you have anything to add to
21 that?

22 MR. MARTIN: No one has filed any kind
23 of appearance on behalf of any resident, except the
24 applicant on behalf of the association.

25 MAYOR KNUDSEN: I have a question of

1 Tibor.

2 You said that it was roughly a
3 three-month project, 63 days, if I recall, two and a
4 half months. That's if there were two crews working
5 at each end of the project.

6 Is that what I understood you to say?

7 MR. LATINCSICS: Okay. Again, that's a
8 means and methods question.

9 We have previewed this project with a
10 list of contractors, and, again, in round numbers,
11 there's 6,000 face feet of wall.

12 In a normal project, it's 500 feet a
13 day. This project, as little as 100 square feet a
14 day. Production will increase as the walls rise up
15 and access is improved, but three months is the
16 target.

17 MAYOR KNUDSEN: No, maybe my question
18 wasn't clear. Apologies.

19 My question is, you stated that it's, I
20 believe you said 63 days or three months with two
21 crews, one on each end.

22 MR. LATINCSICS: I said there may be
23 two crews.

24 MAYOR KNUDSEN: That's fine. That's
25 fair. You say there may be two crews. Just bear

1 with me.

2 With two crews is obviously a shorter
3 duration, so because you said it, I kind of just had
4 made a note. What is the anticipated -- I mean two
5 crews work differently together, you know, they each
6 take up a piece of the project and maybe one follows
7 the other along. I don't speculate how that may
8 happen, but the question is, if the contractor
9 doesn't have two crews, what does that, in your
10 estimation, add to the timeline of the project?

11 And I ask because you said it. That's
12 the only reason I ask.

13 MR. LATINCSICS: Okay. I think
14 statements are being taken out of context. I pointed
15 out that when we were discussing truck traffic, if
16 there were two crews working at extreme ends of the
17 project, and that is very practical, because, you
18 know, they're separate walls, you're going to have
19 more truck traffic on any given day. We have vetted
20 contractors.

21 This office and Hopper Ridge is being
22 very careful to hire capable, competent contractors
23 who have the manpower and the equipment for this
24 project. Hopper Ridge does not want it to drag on
25 and on. That vetting process, and I think I

1 previously gave testimony, in addition to our
2 experience with similar projects throughout Bergen
3 County, we went directly to the manufacturer of
4 Keystone block and asked them for their A list of
5 contractors for a project of this nature.

6 They provided us four of their A list
7 contract -- or their A list, not their contractors,
8 but contractors who purchase the block from Keystone
9 and construct similar projects.

10 I believe we reached out to three more
11 contractors.

12 And in doing so, I also asked for input
13 from contractors of matters that should be
14 incorporated into this project in the planning so we
15 don't have a problem.

16 Nobody wants to hear you should have,
17 would have, could have, the day after you started.
18 So great care is being taken in that regard. It is
19 not going to be a small scale contractor, and it's
20 not going to be a small scale landscaper building a
21 wall of this size.

22 MS. HOOBAN: You actually specifically
23 said virtually those exact words in some other
24 testimony about their A list, their four to five
25 list, their list of four to five A list contractors

1 who specialize in such construction. You distributed
2 plans to them, you're listening to them, the
3 experience, you're incorporating their comments into
4 the application, but everywhere else it states that
5 this is a full three month project, and I feel like I
6 guess this is the first time I'm hearing that it's a
7 two-month or a 63-day project, but a full three
8 months.

9 MR. LATINCSICS: No, three months is
10 the target.

11 MS. HOOBAN: Okay.

12 MR. LATINCSICS: Okay. But this
13 approval should not -- if we have a week of weather
14 like yesterday, Hopper Ridge is going to lose a week.

15 MS. HOOBAN: And I remember you saying
16 that as well in previous testimony, absolutely very
17 clearly made that clear.

18 MR. LATINCSICS: Yes.

19 MS. HOOBAN: That that is possible.

20 Go ahead. I'm sorry.

21 MR. LATINCSICS: Three months is the
22 target. And I think I gave previous testimony --
23 COVID is working against us. The exodus of New York
24 City is real. Excavators are in extreme demand right
25 now. For people who aren't familiar with septic

1 systems, to get a septic contractor today, an
2 excavator, their lead time is 12 to 16 weeks from
3 now. That's the reality, the current new norm. So
4 there's variables here. Pardon me if I'm repeating
5 myself. Three months is the target.

6 Could it absolutely go four months with
7 bad whatever, whatever? We all know there is a
8 supply chain problem in plywood now. I have checked
9 with Keystone, is there a supply chain problem with
10 Keystone block? Right now there is not.

11 Hopefully that will be the same
12 situation in the spring.

13 MAYOR KNUDSEN: Tibor, I just want to
14 ask for the record, I didn't think I took your
15 comment or statement out of context, I just was
16 asking a question if you, you know, in a best or
17 worst case scenario. That's all.

18 I'm just trying to understand. When
19 Alex asked a question about the length, the duration,
20 and the pollution, and I appreciate, I know that the
21 stone and the soil and the dust is mitigated through
22 hosing it down, but in terms of pollution, pollution
23 doesn't always happen just from stone dust, as he
24 pointed out, it's truck pollution, it's noise
25 pollution, it's lots of pollution. You know, it's

1 variable. So I was only asking a question. I don't
2 think I took anything out of context, I was just
3 trying to understand the best and worst case
4 scenario, so we'll leave it at that.

5 Thank you.

6 CHAIRMAN JOEL: Alex, do you have
7 anymore questions? Is he still there?

8 MR. WONG: No, we're okay.

9 MS. WONG: Thank you.

10 CHAIRMAN JOEL: Okay. Anyone else from
11 the public to ask questions?

12 MR. HANSEN: Yes, we have Mr. Horbatt.

13 CHAIRMAN JOEL: Okay.

14 MR. HANSEN: He's coming in right now.

15 MR. HORBATT: I have a follow-up
16 question for Tibor.

17 CHAIRMAN JOEL: Sure.

18 MR. HORBATT: He had stated in previous
19 meetings that there would be 12 feet between the old
20 wall and the new wall, and now he states it to be
21 about 6,000 linear feet of wall.

22 And he said to complete the project,
23 that they have to backfill with stone and then dirt
24 on top of the stone, it's 12-foot wide, 6,000-feet
25 long.

1 Can you tell me how many loads of
2 stone? He said 36 loads, 325 loads of stone.

3 Can he clarify that?

4 MR. LATINCSICS: Okay. The crushed
5 stone behind the walls is 39 loads of stone, and the
6 select fill behind the walls is 31, 121 truckloads.
7 And if people bear with me, I'm going to see if I
8 have some good pictures on a similar wall. I think a
9 picture is worth a thousand words.

10 MR. RUTHERFORD: I'm going to
11 interrupt. I believe that the question had to do
12 with 6,000 -- if I heard the question correctly --
13 6,000 linear feet.

14 MR. LATINCSICS: Yes.

15 MR. RUTHERFORD: I don't think your
16 testimony was 6,000 linear feet.

17 MR. LATINCSICS: No, it's 6,000 square
18 feet of wall.

19 MR. RUTHERFORD: That's what I thought.
20 Where you get the 63 days, correct?

21 MR. LATINCSICS: Yes, yes.

22 The length of the walls is 624 feet in
23 total. The total square footage of the wall is
24 5,878, called it 6,000 square feet of wall face, and
25 there's 12 feet between the existing wall and the new

1 wall.

2 MR. HORBATT: So how many square feet
3 of fill is there to fill in, and it's 6-feet high, 12
4 feet in width by 624 linear feet long?

5 MR. LATINCSICS: Okay. The actual
6 quantity, bear with me here.

7 It's 1,993 cubic yards of fill behind
8 the walls. And maybe this will help. This is a very
9 similar wall under -- this is a wall that we
10 designed, it happens to be in Saddle River,
11 articulated modular concrete block wall. This
12 happens to be Liberty block, not Keystone, but
13 extremely similar. This is the geogrid behind the
14 wall, and you can see that there is crushed stone
15 behind the wall.

16 I don't know if this is helpful for
17 people. This is a wall rising up. Again, in this
18 case it is being backfilled with crushed stone.
19 Ultimately there was a zero edge swimming pool built
20 on this wall. This is the geogrid behind the wall,
21 which is a key element of these walls. The hollow
22 core block is ultimately filled with concrete.

23 This is a compactor, which is
24 compacting the soil. You can see the wall is rising
25 up. The crushed stone behind the wall for drainage

1 purposes. This vertical piping is Sonotubes for the
2 future fence posts. This is actually a drain here.
3 You can see block is being laid out. In this case,
4 we had very good access, so heavy equipment had no
5 problems.

6 Okay. Now here is -- you can see why
7 the 12-foot we're talking about. Here is the wall,
8 backfilled with crushed stone, a minimum of 1 foot of
9 crushed stone behind the wall. You cannot drive
10 heavy equipment or vibratory compactors.

11 In this case, it will be a much smaller
12 compactor, but this select fill here is being
13 compacted.

14 The previous slides, the geogrid, which
15 are effectively dead men, are extending into the soil
16 and the soil is being compacted.

17 Is this helpful for people?

18 Here is the face of the wall. In this
19 case there was extensive drainage at the base of the
20 wall. And there's a finished wall. And this is a
21 very similar, this is a blended block, and you can
22 see there's a swirl texture, and this is the block
23 that we're specifying here. I think it's attractive.
24 It's a split-face block, a textured block. And I'm
25 not sure if you can see it, but there's a swirl of

1 gray and brown in the block, which is very aesthetic,
2 and this is what the finished product will be, very
3 similar in this case.

4 MR. MARTIN: Tibor, how many photos did
5 you just show?

6 MR. LATINCSICS: I believe that was
7 six.

8 MR. MARTIN: And, Mr. Rutherford, let's
9 just mark these collectively.

10 What are we up to?

11 MR. LATINCSICS: Yes, six photographs.

12 MR. RUTHERFORD: I'm sorry, Mr. Martin,
13 I just didn't hear you there. I'm sorry.

14 MR. MARTIN: Yes, let's mark this
15 collectively, the six photographs. What exhibit are
16 we up to?

17 MR. RUTHERFORD: That's a good
18 question. I don't know. I'm sorry. I don't know.
19 A-1 would be with this evening's date, is that okay?
20 I'll look at the transcripts and I'll provide it.

21 MR. MARTIN: Well, whatever it is, it
22 will be exhibit and then 1 through 6, okay?

23 (Whereupon, Six photographs are marked
24 as Exhibits A-52 through A-57 in evidence.)

25 MR. RUTHERFORD: That's fine. I'll get

1 the transcript and I'll get you the proper number.

2 MAYOR KNUDSEN: Is anyone else getting
3 like that feedback?

4 MR. RUTHERFORD: Yes, I did a moment
5 ago. That's why I couldn't hear Mr. Martin.

6 MAYOR KNUDSEN: I know it. It's like
7 really annoying.

8 CHAIRMAN JOEL: Robert, do you have
9 other questions for Tibor?

10 MR. HORBATT: How many cubic yards per
11 truck and how many cubic yards does it take to
12 backfill those?

13 MR. LATINCSICS: My calculations are
14 based on 18 cubic yards per truck, and the soil such
15 as this, exactly what we have here, is 1,993 cubic
16 yards, which is approximately 110 truckloads.

17 MR. HORBATT: So that's more than 39?

18 MR. RUTHERFORD: That's right.

19 MR. HORBATT: Previously you had said
20 --

21 MR. MARTIN: No, 39 loads of stone and
22 I have 121 select fill loads.

23 MR. RUTHERFORD: That's correct, fill
24 and topsoil, 121. That's correct.

25 MR. HORBATT: If you go back to the

1 records from the November meeting, it's 326 --

2 MR. LATINCSICS: That's when we were
3 also incorporating the dredging of the ponds. The
4 total truck traffic anticipated is, when we add up
5 the block, the crushed stone and the backfill --
6 block, crushed stone, backfill, approximately 171
7 truckloads.

8 MR. HORBATT: And you also stated that
9 you use a garden hose to water down, to keep the dust
10 down. How are you going to do that if in fact you
11 use all the way out to Cedar Avenue, you're not going
12 to run a garden hose out to Cedar Avenue and that's a
13 dirt road. I mean, if you put stone on it, you're
14 still going to have the dust and the dirt is going to
15 be terrible.

16 MR. LATINCSICS: Okay. When I was
17 talking about keeping, I was referring to the dust
18 with this material right behind the walls. Okay.
19 For the Cedar Avenue, no question the contractor will
20 have a water truck, and if the access needs to be
21 sprayed down, that will be performed. That can
22 certainly be a condition of approval.

23 MR. MARTIN: Mr. Rutherford, I just
24 want to make sure the record is clear.

25 Importing 39 truckloads of stone, 121

1 truckloads of select fill, that would leave 11
2 truckloads of block. Is that accurate, Tibor, or
3 not?

4 MR. LATINCSICS: Yes.

5 MR. RUTHERFORD: Yes.

6 MR. LATINCSICS: Yes, yes, and that's
7 presuming full truckloads. You know, people need to
8 be reasonable. If there's a half a truckload of
9 block coming one day, there's going to be an extra
10 truck trip the next day.

11 MR. MARTIN: And just one follow-up
12 question along the lines of Mr. Horbatt. I think you
13 clarified the record nicely in terms of you're not
14 going to have exporting dredging.

15 However, some of the minimal dredging
16 that is necessary for construction, is that going to
17 be kept on-site.

18 MR. LATINCSICS: The intent is to
19 utilize that on-site, if possible and practical.

20 That should not be limited that if
21 there is good reason to export it, export should be
22 permitted in the approval. This is normal and
23 customary construction.

24 MR. MARTIN: So we would need to know
25 what an estimate of that is, if that was to be

1 included.

2 If not, that will not be in my
3 resolution.

4 MR. LATINCSICS: I can provide that.

5 MR. MARTIN: Thank you.

6 MR. LATINCSICS: We have -- give me a
7 moment.

8 If, and I'm using the word striping, if
9 we're striping the muck from the pond bottom in the
10 area of the wall construction and if all of that was
11 exported, it would be approximately 12 truckloads of
12 material.

13 There's a great benefit to drying it on
14 site, because the volume reduces significantly when
15 you dry it on site. And, yes, nobody wants to truck
16 wet slop, because it seeps out the tailgate and makes
17 a mess of the town roads. So it's prudent to dry it
18 on site, and if it was to be exported, in its wet
19 condition it would be approximately 12 truckloads.

20 It is our goal to utilize that on site
21 for restoration and erosion control purposes.

22 MR. MARTIN: So to be fair, the focus
23 would be not to have any truckloads exporting but
24 your estimate, if needed and to factor into this
25 application, would be if needed a maximum of 12

1 truckloads as you described?

2 MR. LATINCSICS: Yes.

3 MR. MARTIN: Okay. Thank you.

4 MR. HORBATT: How long would it take to
5 dry and what is the odor of the material when it's
6 drying sitting there?

7 MR. LATINCSICS: Well, as a practical
8 matter, longer is better. We would seek the full
9 three months. And when it first comes out of the
10 pond, one can anticipate some odor. I cannot give
11 any technical information on odor. But that is a
12 practical matter.

13 MS. HORBATT: Would you like to live
14 next to it for three months?

15 MR. LATINCSICS: Actually, I do.

16 I live in a lake community and we have
17 a major lake lowering periodically, and I value the
18 benefits to that lake lowering, you know, because
19 it's good for the lake. So I do.

20 MS. HORBATT: Well, the neighbors
21 wouldn't be benefitting from the smell of it, I'll
22 tell you.

23 CHAIRMAN JOEL: Okay. Any further
24 questions, Robert?

25 MR. HORBATT: Well, I think lowering

1 the level of a lake is a lot different than dredging
2 out a pond and putting the waste that comes out of
3 the muck out of the pond, piling it up and leaving it
4 there for three months, it's a big difference.

5 MR. LATINCSICS: It is very impractical
6 to truck the material when it comes directly out of
7 the pond. It is normal and customary to stockpile it
8 on site, allow it to dry, and hopefully the goal is
9 to utilize it on site. And that would reduce the
10 truck traffic.

11 MR. HORBATT: The whole neighborhood
12 will be affected with this material and everything
13 else that's going on, and there's no benefit to
14 anybody in that neighborhood other than the Hopper
15 Ridge community.

16 MR. RUTHERFORD: Mr. Chairman, I'm
17 going to interject once again.

18 You know, I've heard that several times
19 this evening, and I indicated earlier there are 36
20 families who live in Hopper Ridge, 100 residents of
21 the Village of Ridgewood. They have the same
22 interest in ensuring that this project is done as
23 expeditiously, as efficiently, and with the least
24 amount of disruption to the neighborhood as anyone
25 does. This is going to place it on their property

1 and have as much concern about this as anyone.

2 And I understand the concerns of the
3 interested parties. I understand that and respect
4 that. This is a big project, and we understand that.
5 But I think we need to keep this in context here.

6 If anyone wants to get this project
7 done quickly and efficiently, it's Hopper Ridge.

8 MR. HORBATT: That's fine, but let them
9 do it on their own property.

10 MR. MARTIN: You can make comments at
11 the end and Mr. Rutherford can make his summation at
12 the end. I apologize for not limiting this earlier,
13 but again your questions probative of the witness.
14 Once you're done, that's fine with the questions of
15 this witness, you can ask other questions of other
16 witnesses, and when you want to make your position
17 statement, you can make that at the end and
18 Mr. Rutherford can make his as well.

19 MR. HORBATT: Thank you very much.

20 CHAIRMAN JOEL: Okay. Is there anyone
21 else from the public to ask questions, Dylan?

22 MR. HANSEN: I'm showing no other hands
23 raised.

24 MS. HOOBAN: Can I ask you one quick
25 question of Tibor.

1 I had gone back over some of my notes
2 while you were discussing the timeline and the
3 targeted timeline, and I notice that on our -- I
4 think it was the November 3rd meeting, and I'm sorry
5 I didn't ask this a little bit sooner but I just
6 found the note, you had said that three months was
7 the targeted timeline presuming three crews for the
8 three walls at 7:00 a.m. to 5:00 p.m. I think at that
9 point you were still factoring in on seven days a
10 week, and we had had some conversation about how this
11 needed to be attractive to contractors because it's
12 not an attractive project and whatnot. And I don't
13 actually know that we ever came back, circled back
14 around to -- I understand three months is a targeted
15 timeline, but in your testimony it was three months
16 as a targeted timeline, 7 to 5 seven days a week with
17 three crews.

18 And I don't know if -- Susan had asked
19 a couple of questions a few minutes ago, and I think
20 we were talking about a crew at each end, so only two
21 crews. And I know you're talking about different
22 things at different times here, but has the timeline
23 been re-factored? And I can go back to the specific
24 time and wording, but has it been recalculated with
25 our village ordinances and our time breakdowns? And

1 while it was three months as a target then, does the
2 target change to something closer, something
3 different if we're talking about adhering to the
4 village ordinances and not as many crews able to get
5 in there?

6 And I can go back to the specific
7 testimony, it was November 3rd, if you need me to.

8 COUNCILWOMAN REYNOLDS: I don't think
9 they ever said seven days a week, I thought it was
10 six days a week.

11 MS. HOOBAN: Well, originally they said
12 seven and you, I believe, reminded them that on
13 Saturday it was 9 to 1.

14 And then I think it was me that said
15 that there was nothing allowed or maybe it was you on
16 Sunday.

17 And I think Mr. Latincsics had said it
18 impacts the contractor and it's a very difficult
19 project, it's not attractive to and they want to make
20 it attractive to contractors. Our ordinances would
21 limit which contractors would be open an receptive to
22 this job.

23 And I think we got sort of backlogged
24 in that conversation. I think what it was is Tibor
25 had said something about the lines and the contractor

1 will not want to show up for half a day on Saturday.

2 COUNCILWOMAN REYNOLDS: Right. Yeah.

3 MS. HOOBAN: Right.

4 So I don't actually think we ever
5 circled back around. Yeah, in fact I see here we
6 didn't. Literally one of the next sentences was "So
7 moving on."

8 But, I mean, I think it impacted -- how
9 this was impacting the contractor and what we were
10 shooting for was a timeline of three months, but that
11 was 7 to 5 I think seven days a week. I'm not sure.

12 MR. LATINCSICS: No, the premise was
13 always six days a week. We've learned that Saturday
14 afternoon is not permitted under the ordinance. The
15 target, and this is an educated statement in that we
16 have discussed this with capable, competent
17 contractors, is three months.

18 Now, could it longer?

19 And as Mr. Rutherford is certainly in
20 Hopper Ridge's interest for them to move as quickly
21 as possible.

22 That being said, if we have a week of
23 solid rain, we will lose a week.

24 MS. HOOBAN: What does the week of
25 solid rain do to the drying out dredged material that

1 we were just discussing that does have to get
2 dredged?

3 If you have materials sitting there
4 drying and we have a week of solid rain, are you back
5 at square one with that drying process or are we just
6 delayed equally at either end of that.

7 MR. LATINCSICS: Okay. To properly
8 compact soil, it has to be within a proper range of
9 moisture content.

10 But, you know, if we had rainfalls like
11 yesterday, yesterday was not a working day, so they
12 will lose time.

13 Now, there are challenges here. The
14 contractor -- I'm a little concerned where this goes
15 to, if after three months a wall is not finished a
16 permit is revoked. That is unreasonable. The target
17 is three months, but there needs to be accommodations
18 for the variables.

19 COUNCILWOMAN REYNOLDS: What I think
20 everybody is getting at is because -- I mean, you did
21 say -- when it was going to be six days a week, you
22 did say, I have in my notes that it was three crews
23 as well.

24 So now it doesn't seem like any company
25 is going to have three crews. It seems that it has

1 to be longer than three months, if you're going to
2 have --

3 MR. LATINCSICS: I think the board
4 resolution should -- I'll defer to the attorneys -- I
5 don't think the resolution can put a time limit on
6 it.

7 COUNCILWOMAN REYNOLDS: No, I don't
8 think so either, but --

9 MR. LATINCSICS: There are homes that
10 go for construction for years.

11 Sometimes unfortunate. But I'm a
12 little puzzled.

13 MS. HOOBAN: No, I wasn't asking about
14 putting an end date on it, I think we're just trying
15 to get a realistic expectation --

16 COUNCILWOMAN REYNOLDS: Exactly.

17 MS. HOOBAN: -- of the length of the
18 project because when we started talking, I'm sorry I
19 did go back and check, you're right you were saying
20 six days a week, 7 to 5, and we discussed 7:30 to 5
21 and then only 9 to 1 on Saturdays. And you had said
22 it would be advantageous to the HOA to keep
23 contractors working the entire Saturday and we said
24 that that's not within our ordinances. I just think
25 we're trying to get -- we never circled back around

1 to a recalculation of what it means if we only have
2 two crews working certain limited time frames. So I
3 think that's what we're trying. No one is putting an
4 end cap, I don't think, we're just trying to get
5 better --

6 MR. MARTIN: Ms. Hooban and
7 Committeewoman Reynolds, good questions in terms of
8 the minimum crews. I mean, Tibor would you say that
9 it would be fair to put in a resolution a minimum of
10 two crews?

11 MR. LATINCSICS: I --

12 MAYOR KNUDSEN: Do you mind if I just
13 jump in?

14 I don't think that our intent is to
15 hold the applicant or leave him to the mercy of
16 contractors, if you will.

17 I mean, I wouldn't want to be in that
18 situation, and, you know, there's no telling what
19 happens with a contractor, especially in COVID-19, in
20 today's environment.

21 I was only asking that question from my
22 perspective to ascertain a best case and worst case
23 scenario so the people in the neighborhood can better
24 understand, you know, Tibor, the worst thing that
25 happens is somebody says, yeah, our timeline is six,

1 two months or three months, and then five months down
2 the road everyone is upset. So if the best case is
3 three months and the worst case is five to six
4 months, that's all I'm asking, because I don't want
5 this to be surprise anyone. I want everyone to have
6 a realistic expectation about what may or may not
7 happen. I didn't mean to get into the weeds, and I'm
8 not suggesting that any approvals would be revoked
9 based on the availability of contractors. I mean,
10 obviously that's not something we would want to do to
11 an applicant. And as Mr. Rutherford has repeatedly
12 pointed out, these are not just Ridgewood residents,
13 they're our neighbors. I mean, they're a part of our
14 community, so we're not looking to hurt anyone. I
15 think we're just looking to establish a best case --

16 MS. HOOBAN: Of possibilities.

17 MAYOR KNUDSEN: -- scenario.

18 MS. HOOBAN: What could happen if there
19 was one crew, what could happen if there was three
20 crews, and you were so good at calculating those the
21 first time.

22 So it just seems like if we're changing
23 a few of these things that are sort of big, key
24 factors and maybe we could say to people target three
25 months, you know, hope for the best, expect the worst

1 sort of a situation, but maybe a better timetable,
2 like Susan is saying.

3 MR. LATINCSICS: Okay.

4 MR. MARTIN: One thing, Mr. Rutherford,
5 now that we're talking about time, I think you can
6 agree with me that these conversations don't affect
7 the required time to commence construction, correct?

8 MR. RUTHERFORD: Yes.

9 I mean, again, there's a whole host of
10 regulations that deal with, you know, the expiration
11 of permits and all those kinds of things.

12 But I understand and I hear the board's
13 concern, and I think what we can also do -- and,
14 yeah, I mean, we're going to start as soon as we
15 reasonably can for sure, and I know the idea is to
16 try to get this done in the early spring, as
17 Mr. Latincsics had mentioned.

18 But I think we can, prior to the next
19 meeting, give the board a better idea of the best and
20 worst case scenarios for duration of construction,
21 perhaps linking that to some objective criteria. You
22 know, like Mr. Latincsics, for example, said earlier
23 this evening, a contractor can in a situation lay
24 100-square foot a day. Okay, so we're talking about
25 6,000 square feet, that's 60 days.

1 So I think we can kind of come up with
2 something that might give the board a little better
3 comfort level based on those objective parameters,
4 how much can be done each day, how many crews, those
5 kinds of things. You know, how many crews in and of
6 itself doesn't mean too much unless you say well, is
7 it two guys on a crew, five persons on a crew, what
8 is it.

9 So I think we can come up with some
10 objective criteria that can give the board a little
11 better idea of what to expect.

12 MS. HOOBAN: That's perfect. I think
13 that's exactly, at least what I was trying to get at.

14 CHAIRMAN JOEL: Is there anyone else
15 from the public that has questions?

16 Did anyone else raise their hand,
17 Dylan?

18 MR. HANSEN: No, not during that period
19 of time.

20 COUNCILWOMAN REYNOLDS: Tibor, I just
21 had one quick question on the emergency access road
22 from Cedar.

23 How wide is that?

24 MR. LATINCSICS: The easement, itself,
25 is 15-feet wide and the actual travel way, it's

1 variable but it's varies from 9- to 12-feet wide.
2 The easement, itself, is 15-feet wide, which is the
3 same as a travel lane on a public roadway.

4 COUNCILWOMAN REYNOLDS: Can you go back
5 to those pictures one more time just of the access
6 road?

7 MR. LATINCSICS: Yes.

8 MR. MARTIN: Tibor, while you're doing
9 that, I just want to clarify and write this down, you
10 say it varies 9 feet to 12 feet, but the easement is
11 15 feet?

12 MR. LATINCSICS: The easement is 15
13 feet.

14 MR. MARTIN: But the actual road,
15 physical passageway is 9 to 12, correct?

16 MR. LATINCSICS: Yes.

17 MR. MARTIN: Thank you.

18 MR. RUTHERFORD: One further note on
19 that and I hate to interrupt, but as you can see also
20 from the plan, the travel way is not in all respects
21 coincident with the easement as well.

22 So just so the board is aware of that.
23 The travel way, you'll see, falls outside of the
24 easement, certainly when it accesses from Cedar, I
25 think primarily due to those trees that

1 Mr. Latincsics mentioned earlier. To be clear on the
2 record, that's all, that's the only reason I say
3 that.

4 MR. LATINCSICS: Photograph No. 40 is
5 the concrete curb cut and apron leading, I'm pointing
6 to the twin sycamore tree where actually the travel
7 way narrows down.

8 COUNCILWOMAN REYNOLDS: Right.

9 So when a truck comes in through that
10 and they have to avoid the sycamore tree, are there
11 going to be driving on, I think it's Mr. Horbatt's
12 property.

13 MR. LATINCSICS: Yes -- let me just
14 check. The easement overlaps -- yes, the easement
15 overlaps Mr. Horbatt's property.

16 COUNCILWOMAN REYNOLDS: Okay. And that
17 fence is Mr. Horbatt's fence?

18 MR. LATINCSICS: Yes.

19 COUNCILWOMAN REYNOLDS: Okay. And then
20 the fence on the other side, that cedar fence, is
21 that --

22 MR. LATINCSICS: This fence here is
23 Hopper Ridge's fence. That's the gate.

24 COUNCILWOMAN REYNOLDS: Okay.

25 MR. LATINCSICS: That's photograph

1 no. 43. This is actually -- let me the double check
2 my notes, but the easement is, I believe,
3 coincidental with the 15-foot-wide sanitary sewer
4 easement.

5 So this manhole is the centerline of
6 the 15-foot easement, and clearly a smart truck
7 driver is going to straddle the manhole and not drive
8 over the pipe. That's just as a practical matter.
9 This structure here is the silt chamber. But these
10 are photographs. That's the gate for the access
11 easement.

12 COUNCILWOMAN REYNOLDS: Keep it on that
13 photograph for a second.

14 So as the truck goes through, you see
15 the tree straight ahead?

16 MR. LATINCSICS: Yes.

17 COUNCILWOMAN REYNOLDS: Is there enough
18 space between that tree and the fence on the left for
19 the trucks to get through?

20 MR. LATINCSICS: Actually, I
21 specifically showed that to the one construction
22 super with that specific question, and the answer was
23 yes.

24 There we go, that's a better picture.

25 COUNCILWOMAN REYNOLDS: Yeah, that

1 looks like more room. Okay.

2 MR. LATINCSICS: There's plenty of room
3 here for a truck to --

4 COUNCILWOMAN REYNOLDS: And, again,
5 that's Mr. Horbatt's fence?

6 MR. LATINCSICS: Yes, and this is
7 looking out, this is looking from -- well into the
8 property looking out towards Cedar Avenue.

9 The green chain-link-fence vinyl coated
10 is Mr. Horbatt's fence. The cedar fence is the
11 Hopper Ridge's fence. And that's looking out towards
12 Cedar Avenue.

13 COUNCILWOMAN REYNOLDS: Is there any
14 plans to take down that cedar fence during this?

15 MR. LATINCSICS: Yes, portions of that
16 cedar fence will come down for access purposes, that
17 circular motion we were discussing. That's
18 photograph no. 48. You can see there's plenty of
19 room here for the maneuvering of trucks.

20 Oh, by the way, this is, how did I --
21 in fact, this is what I was referring to, the eroded
22 areas, this entire bank here is in poor condition and
23 is an ideal place to put some of that pond skimming,
24 and this is the stockpile area. This area
25 legitimately will need to be re-top soiled. This is

1 the exact area where we will be looking to dry out
2 any material removed from the ponds and the exact
3 area that we'll use to utilize that same material.

4 COUNCILWOMAN REYNOLDS: And if you
5 don't dredge the ponds, what are some of the negative
6 consequences that would occur?

7 MR. LATINCSICS: Well, the ponds will
8 slowly revert to a wetland condition, as they slowly
9 silt in over a period of time. The north upper pond
10 will become more of an emergent wetland than the
11 pond. That's going to silt in over time.

12 COUNCILWOMAN REYNOLDS: And the benefit
13 of dredging it is what?

14 MR. LATINCSICS: It remains a pond.

15 COUNCILWOMAN REYNOLDS: Okay.

16 MS. HOOBAN: How long would that
17 approximately take -- I'm sorry, Lorraine.

18 COUNCILWOMAN REYNOLDS: That's okay.

19 MS. HOOBAN: How long would it take for
20 it to silt in over time? Is that 20, 30 years, is
21 that five years? I mean, if that's not something you
22 can give.

23 MR. LATINCSICS: Okay.

24 Again, many variables there. It's my
25 understanding the pond was dredged once before to

1 maintain its condition. Everything that enters the
2 municipal storm sewer system in the 60 upstream acres
3 ultimately, if it's not trapped by the silt chamber,
4 is passed into the pond. Over time, it will fill in
5 and revert and go to an emergent wetland.

6 MS. HOOBAN: I totally heard you say
7 that a minute ago, but I was just wondering if there
8 was any guesstimate or guess on how long. This pond
9 has been there about 30 years, is that --

10 MR. LATINCSICS: Yes.

11 MS. HOOBAN: So it was dredged once in
12 30 years. It hasn't silted in yet and it didn't silt
13 in before that dredging, so can we presume --

14 MR. LATINCSICS: I cannot give an
15 opinion.

16 MS. HOOBAN: Okay. Thank you.

17 I appreciate that.

18 CHIEF VAN GOOR: Talking about the
19 ponds, you have to expand the ponds? So how deep
20 were you expanding?

21 MR. LATINCSICS: Okay. Yes, that will
22 be export.

23 The current plans are to I believe
24 three feet deep, just to have a reasonable body of
25 water. We are considering, and that would be a

1 discussion with DEP, to reduce that to perhaps as
2 little as 6 inches. It will be an emergent wetland,
3 but we're going too discuss that with DEP. Let me --
4 that is, I seem to remember -- bear with me while I
5 check some numbers here to refresh myself. That was
6 a specific number of the pond excavation, and I have
7 to check my notes here. Please bear with me.

8 MR. MARTIN: Mr. Tibor, take your time.
9 I got a question, David. You said some of the travel
10 way is outside of the easement. Do you mean that
11 some of the travel way is on the Hopper Ridge
12 property? Is that what you meant?

13 MR. RUTHERFORD: Well, Mr. -- I was --
14 yes, it's on the Horbatt property, Mr. Horbatt's
15 property.

16 MR. MARTIN: But as part of the
17 easement?

18 MR. RUTHERFORD: I think it goes --
19 Mr. Latincsics can specifically answer the question.
20 I believe that the roadway at a certain point falls
21 outside of the easement.

22 Correct, Mr. Latincsics?

23 MR. LATINCSICS: Yes.

24 Let me pull up that plan.

25 MR. MARTIN: Would you need a license

1 for that, David?

2 MR. RUTHERFORD: Well, I don't know.
3 That's a good real property law question. I don't
4 know. It's been that way.

5 MR. LATINCSICS: Okay, I'm going to
6 zero in on that very specific area.

7 MR. RUTHERFORD: Mr. Latincsics' plan,
8 I think has a highlighted version --

9 MR. LATINCSICS: This is it, a
10 highlighted version. Okay.

11 The green, this is the 15-foot-wide
12 sanitary sewer easement, which I believe is
13 coincidental with the access easement, and I'm
14 tracing the western side of it and the eastern side
15 of it.

16 MR. RUTHERFORD: That's right.

17 MR. LATINCSICS: To be verified, the
18 property line I believe is right down the middle of
19 that 15-foot-wide easement property line, to be
20 verified by survey. I have not surveyed the Olcott
21 or Horbatt properties.

22 And then there's yet another easement.
23 There is a drainage easement, a 10-foot wide drainage
24 easement, which is offset from the sanitary sewer
25 easement.

1 And this is the drainage line that runs
2 in that easement from the municipal drainage system
3 to the silt chamber to the pond. Highlighted in
4 yellow is the sanitary sewer, which is on the Olcott
5 property outside the easement and running at this
6 peculiar angle. And I would ask Chris to, you know,
7 he may have different notes to verify this, but this
8 is the sanitary sewers in the street, and we are
9 presuming that that line runs to this next manhole.
10 And then the gray shaded area is the travel way of
11 the easement because of this large double sycamore,
12 which I'm tracing with my pointer, everybody drove
13 around the sycamore tree.

14 So the travel way, which is somewhat of
15 a prescriptive easement, is outside the deeded
16 easement, but by the time it enters the Hopper Ridge
17 property, itself, is within the easement. I'm
18 tracing the Horbatt fence, that's the chain-link
19 fence. That's in all the various photographs.

20 So a lot of information here. This is
21 the curb cut for the access easement, which does not
22 necessarily line-up with the deeded easement, all
23 because of the sycamore tree.

24 MR. MARTIN: There will be no
25 disturbance of the chain-link fence, is that fair to

1 say?

2 MR. LATINCSICS: Correct. Yes.

3 MR. MARTIN: And do you anticipate,
4 following a successful completion of this project,
5 that the easement travel way will return to its
6 normal state or there would be a betterment?

7 MR. LATINCSICS: I anticipate a
8 betterment.

9 At a minimum, return to its existing
10 state. I expect the contractor -- we specified the
11 beginning of this easement, we put down a wheel
12 blanket of crushed stone for all sorts of good
13 reasons, erosion control, dust control, to protect
14 the travel way, to protect the sycamore tree, a
15 100-foot long wheel blanket here.

16 MR. MARTIN: And you heard
17 Ms. Bucci-Carter's comment about a landscape
18 architect. That would factor in for the entire
19 project, including this, yes?

20 MR. LATINCSICS: I would defer to
21 Mr. Rutherford in that matter.

22 MR. RUTHERFORD: Yeah, I'll talk with
23 him.

24 Yes, I think we understand the need for
25 landscaping, Mr. Martin, for sure.

1 MR. LATINCSICS: I do have one item to
2 add to that.

3 We specify replacement plantings. And
4 to refresh the memory, I think the tree removal is
5 16, with 26 trees to be planted. And these are
6 riparian zone trees. We require a permit from DEP
7 for riparian vegetation disturbance. The village
8 also has a riparian zone ordinance, which I will
9 defer to Chris, Chris Rutishauser, but to a large
10 extent is patterned after the DEP standards, which is
11 where they originated.

12 The DEP is going to have a lot to say
13 about the riparian zone plantings. There's going to
14 be a preference for native indigenous riparian
15 species, which is what we specify.

16 I would suggest that the DEP be the
17 lead review agency and their permit requirements be
18 the -- I'm struggling for the right word here -- the
19 lead agency. I would prefer not to have a situation
20 where we're serving two masters. If DEP would like
21 swamp oak and the landscape architect may have
22 another preference.

23 One of our requests with this
24 application is that the DEP be the lead agency in the
25 review of the riparian zone disturbance and the

1 riparian zone plantings, which is pretty much all our
2 planting. So how that gets integrated with the role
3 of the landscape architect, I defer to others, but I
4 bring that to everybody's attention.

5 MR. MARTIN: I suggest, Chair, that
6 Maryann chime in on that.

7 CHAIRMAN JOEL: Maryann?

8 MS. BUCCI-CARTER: I mean, I would work
9 with Chris on that for sure, but at this point, I
10 mean, the DEP will be reviewing these plans
11 regardless, whether the landscaping is done by an
12 engineer or landscaping is done by a landscape
13 architect.

14 So I don't think having a landscape
15 architect be involved and do the designs does not
16 change the protocol and jurisdiction on any of this.
17 So I don't think that's something to be concerned
18 about. If it does --

19 MR. MARTIN: The areas that would be
20 DEP jurisdictional, for lack of a better term, the
21 landscape architect would need to use that as the
22 standard in that area.

23 MS. BUCCI-CARTER: Yes, and the
24 landscape architect doing the design would need to
25 follow all the regulations and the local ordinance

1 and the DEP regs that are in place. So I don't see
2 that it's an issue.

3 MAYOR KNUDSEN: So I had to two
4 questions. I'm sorry.

5 CHAIRMAN JOEL: Go ahead.

6 MAYOR KNUDSEN: So I just wanted to go
7 back, I don't know, it's probably not a question
8 Tibor can answer but it's something that's worth
9 exploring.

10 On that is potentially silted up and
11 becoming an emergent wetlands, can we determine the
12 percentage that it's currently silted up?

13 Is that the term you used? Because I
14 think the question is to dredge or not to dredge and
15 whether or not we allow it to continue, and maybe
16 Chris can answer, how do we determine what percentage
17 and how much time before it becomes, you know, a
18 wetland.

19 And then the next question is, that
20 extended pond area that you just said about going
21 only 6 inches, that will be troubling to me because
22 that's like standing water. And so I just wanted to
23 -- that would to me create a 6-inch emergent wetland,
24 would create standing water that would be for me in
25 my mind anyway a mosquito control issue because the

1 deeper the water, the less by nature you have more
2 movement, maybe you have fish or something, I don't
3 know, but it just would seem to me that that is a
4 potential for breeding for mosquitos and other issue.
5 So I don't know, is that something we should be
6 examining very closely, Chris, anyone? I don't know.

7 CHIEF VAN GOOR: Does it have the
8 vehicle to be able to maintain the amount of water
9 that it was first designed to hold?

10 MR. LATINCSICS: Okay. I think the
11 original developer had aesthetic consideration with
12 these ponds, but their stormwater management purposes
13 that there is stormwater storage above the normal
14 water surface of these ponds, which is ultimately
15 controlled by the outlet control structure in the
16 lower southern pond. Yesterday, it was functioning.
17 There is no regulatory obligation to maintain a
18 volume to these ponds.

19 Now, interesting enough, when you build
20 detention basins today, DEP actually encourages them
21 to be planted wetlands on the bottom of a detention
22 basin as an environmental element. You know, we know
23 from the Wetlands Protection Act that wetlands are
24 viewed as a positive by the DEP. So we're going to
25 discuss this. Again, this goes too the truck

1 traffic, which, you know, there's always a give and a
2 take here. A 3-foot excavation of this pond
3 expansion would be 322 cubic yards or 18 truckloads
4 export.

5 If some of that can be utilized on
6 site, that would reduce that export, but, and, again,
7 utilized on site selectively such as, you know, areas
8 that are eroded on site, landscaping purposes, et
9 cetera.

10 But this is why we originally looked
11 into dredging the pond. And as we have investigated,
12 disposal of that material is very expensive, unless
13 there's participation with the Bergen County Mosquito
14 Commission and the village.

15 MS. HOOBAN: Can I just ask when was
16 that all the way ruled out? At our last meeting we
17 were still factoring that all the way, and you just
18 answering a question to the resident about the
19 truckloads is when I and a couple other board members
20 first became aware the dredging of the ponds is out
21 of the discussion.

22 MAYOR KNUDSEN: I don't want to lose
23 sight of my question and have my question kind of be
24 taken to a different place than it was intended to be
25 taken. So I wouldn't talking about truckloads or

1 trips or anything else. What I was asking was
2 whether or not we can establish the percentage of
3 silt or whatever it is, muck, silt, that would become
4 a wetland, what percentage is the pond currently, I
5 think the word was silted, what percentage of it is
6 currently silted and whether or not it is pennywise
7 pound foolish to not dredge.

8 And the second question was whether or
9 not a shallow depth to another pond -- and, again,
10 you into, it's fine to say, well, it's less
11 truckloads and the DEP. Our intent is to have the
12 best outcome for everyone, not just the Hopper Ridge
13 residents, but, as you pointed out, for everyone,
14 including the entire village, the residents.

15 So my two questions were: Can we
16 establish the percentage of silting that's occurred
17 in that pond that now a decision is being made not to
18 dredge? I'd like to understand that.

19 And No. 2 is whether or not a shallow
20 pond at that 6 inches as an emergent wetland, whether
21 or not that poses health risks to neighbors in terms
22 of sitting water? Because in my mind, and I'm not an
23 expert, in my mind, the greater the depth, the less
24 likely it is to just be stagnant sitting water.
25 That's my question. And I guess the question could

1 go to Chris or to somebody else. That's my question.
2 It wasn't about how many trucks or trips or anything
3 else, it was two questions.

4 MR. LATINCSICS: Okay. I can certainly
5 answer the first part of that question.

6 Everybody has on the screen, this is a
7 survey of the existing pond, and this is the extent
8 of the pond today. The southern and western edges
9 are riprap banks. And there is not an emergent
10 wetland condition along the perimeter now; however,
11 this pond is taking the brunt of the silt that passes
12 beyond the silt chamber and is the first pond and
13 there's a choke point here so it all settles out.
14 This pond is functioning as it was intended, as a
15 silt trap. But knowing, and there's a gentleman in
16 the association who maintains the fountains in these
17 ponds, if the depth of this pond is significantly
18 less than the middle pond and more than the --
19 significantly less than the lower pond -- I think
20 this is, I believe, only 2 feet of water in this pond
21 before you get to the silt.

22 And over time, because it's getting the
23 runoff from 60 acres, it will fill in over time.
24 Knowing that, could these be an emergent -- this pond
25 has been cleaned once already, it's 30 years old now,

1 I can certainly think 15 to 30 years from now it will
2 be an emergent wetland.

3 MAYOR KNUDSEN: So the next question
4 is, does a more shallow pond, the six-inch that
5 you're now suggesting, is that a potential for
6 stagnant water that poses other health risks? And
7 that question I guess would be Chris, I don't know.

8 MR. RUTISHAUSER: I can answer that,
9 the shallower the water, the warmer the water. The
10 shallower the water, the more conducive it is to
11 mosquito breeding.

12 Mosquito breeding here is also affected
13 by the runoff that passes through it, because that
14 disturbs the water. If it's always stagnant and
15 doesn't have an inflow and outflow as these ponds do,
16 you can have a greater propensity for mosquito
17 production and populations. So I hope that answers
18 the question.

19 MAYOR KNUDSEN: Unless of course you
20 have stagnant water with a particularly dry season,
21 you could wind up with a problem.

22 MR. RUTISHAUSER: Yes, if we had a
23 summer that had several months of very, very dry
24 weather, you probably would see the bottom of that
25 pond very quickly.

1 MAYOR KNUDSEN: And then subsequently
2 you would see the mosquitos and the health
3 detriments?

4 I'm asking that for a reason, because I
5 don't imagine that that 6-inch depth is -- I think
6 that that again, do it as proposed is appropriate
7 even if it means a couple of extra truck trips. I
8 mean, just an opinion. I don't see that we want to
9 see like either stagnant water or a mud pit.

10 MR. RUTISHAUSER: You're absolutely
11 correct. This is very much a similar situation to
12 what the village did with Kings Pond, where we
13 dredged that and the water quality has gotten
14 significantly better. We do have a greater volume of
15 flow through Kings Pond.

16 MAYOR KNUDSEN: Uh-huh.

17 MR. RUTISHAUSER: As a side note from
18 Kings Pond, there were comments made about the
19 dredging material being odiferous. I don't recall us
20 getting very many, if any complaints at all. When we
21 stockpiled the dredge spoil and it had to be water
22 before we trucked it away that it was stinky.

23 Again, it depends on the organic
24 matter. If it's mostly silt, it's less odiferous.

25 CHIEF VAN GOOR: I was just going to

1 say, when it was built, was it built to hold a
2 certain amount of water?

3 MR. RUTISHAUSER: It was designed for a
4 certain quantity of water by the outlook control
5 structure that Tibor mentioned. That governs the
6 levels of water. The level of water it holds over
7 time has diminished by the inflow of sediment that
8 has filled the bottom up, reduced the quantity of
9 water that it contains.

10 CHIEF VAN GOOR: But now they're
11 expanding it, should it be dug back down to the --

12 MAYOR KNUDSEN: Right.

13 CHIEF VAN GOOR: They're making it
14 smaller.

15 MR. RUTISHAUSER: A deeper pond is
16 better than a shallower pond, because it just keeps
17 the water cooler. Colder water is better for pond
18 health.

19 MR. LATINCSICS: This is the final site
20 plan for the pond. I don't think it calls out a
21 depth. That is the original approved site plan. It
22 does not indicate a depth.

23 CHIEF VAN GOOR: What about the other
24 ponds too, because you're doing the same thing to the
25 other? By moving the wall, you have to make them

1 bigger, so you're going to take them to the same
2 depth?

3 MR. LATINCSICS: Okay. The pond
4 expansion is not a depth question, it's a surface
5 area question.

6 MAYOR KNUDSEN: I think, Tibor, as
7 you're doing that, I just want to say that while it
8 doesn't call out a depth, there is a depth. There
9 was a depth established, right? Is that a fair
10 statement.

11 MR. LATINCSICS: I'm not sure if I
12 understand.

13 MAYOR KNUDSEN: What you're saying,
14 you're saying the original site plan doesn't call out
15 a depth.

16 MR. LATINCSICS: Yes.

17 MAYOR KNUDSEN: Right, but --

18 MR. LATINCSICS: Clearly --

19 MAYOR KNUDSEN: By virtue of its
20 existence.

21 MR. LATINCSICS: Yes, clearly the pond
22 --

23 MAYOR KNUDSEN: Even through it doesn't
24 call out a depth, a depth was established because now
25 it exists.

1 MR. LATINCSICS: Yes, yes.

2 MAYOR KNUDSEN: Is that fair?

3 MR. LATINCSICS: Yes.

4 MAYOR KNUDSEN: Okay. Good.

5 MR. LATINCSICS: The gray shaded areas
6 are that portions of the ponds that are being filled
7 to accommodate the wall construction. And as a
8 practical matter, in the State of New Jersey you
9 cannot have a loss of regulated open waters. So the
10 area that is being filled to accommodate the wall
11 construction, including the lower wall, we are
12 expanding the pond in round numbers, I believe it's
13 2,900 square feet, 2,900 square feet. That is that
14 deep blue shaded area in the upper pond. And part of
15 our thought process for that, yes, there's many
16 benefits to expanding the north pond, it's the
17 smallest pond, it's where the silt naturally
18 collects, has good access. All those factors were
19 taken into consideration in the expansion of the
20 north pond.

21 But, ultimately, it is a surface
22 requirement, not a depth requirement.

23 CHIEF VAN GOOR: It's not a gallonage
24 requirement?

25 MR. LATINCSICS: No.

1 CHIEF VAN GOOR: The lower pond is
2 deeper than the upper pond, so if you take 10 feet
3 away from the lower pond and add 10 feet to the upper
4 pond --

5 MR. LATINCSICS: The stormwater storage
6 is that which is above the normal water surface area.
7 The air space above the normal water surface is what
8 was used yesterday for runoff storage.

9 So the requirement and the obligation
10 is to maintain that same surface area of pond
11 available for stormwater storage.

12 CHIEF VAN GOOR: What's considered a
13 pond; 6 inches deep?

14 MR. LATINCSICS: Okay. The generically
15 called detention ponds, detention basins, actually
16 it's called a basin on the approved plan, but I'm not
17 going to -- it is a legitimate question and we will
18 discuss that with DEP.

19 CHIEF VAN GOOR: So DEP would regulate
20 the size, the depth?

21 MR. LATINCSICS: Yes.

22 CHIEF VAN GOOR: Everything?

23 MAYOR KNUDSEN: We could also establish
24 the depth, we have that right as well, don't we?

25 CHIEF VAN GOOR: Can we stipulate that

1 it has to be dredged or it has to be certain depth?

2 MAYOR KNUDSEN: Right.

3 I mean, why would we -- the DEP might
4 have a depth and we might have a depth as well. I
5 mean, nothing prevents us from saying that, you know,
6 a 6-inch depth isn't, you know, what's appropriate
7 and establish our own depth. No.

8 MR. RUTHERFORD: I'm going to suggest
9 there may well be some preemption issue here, but I
10 won't comment on that right now. That comes to mind.

11 MAYOR KNUDSEN: A comment without a
12 comment, right, Dave?

13 MR. RUTHERFORD: I guess so. I saw an
14 issue at least. I didn't know the answer, but I saw
15 the issue. There you go.

16 MR. MARTIN: Then, David -- I mean,
17 Chris and Tibor and Maryann, David might add, how
18 long must pass in time for a pond to dry up and it's
19 not considered directly caused by the construction
20 and therefore losing the entire surface? I don't
21 know the answer to that.

22 MR. RUTHERFORD: Yes, I don't know
23 either. I don't know, as you ask me that question,
24 I'm sorry.

25 MS. HOOBAN: I guess that comes back to

1 the question of when did it come off the table as
2 part of the plan and like who made that overall
3 decision?

4 MR. RUTHERFORD: I can say that the
5 dredging came off the plan simply because the Hopper
6 Ridge has no ability or resources to do that.

7 MS. HOOBAN: Right, I think all along
8 it had been a question that the village might have to
9 chip in, but did the village or Hopper Ridge or you
10 guys ever have that discussion?

11 MR. RUTHERFORD: No, there's been no
12 discussion with the village about that.

13 And as you're all well aware,
14 certainly, you know, this pond is an important part
15 of the village's stormwater management system.

16 MS. HOOBAN: Yes.

17 MR. RUTHERFORD: Collecting some 62
18 acres, as it did yesterday.

19 So, yes, no, there's been no discussion
20 there.

21 The reason the dredging came off the
22 table is that Hopper Ridge, you know, clearly does
23 have unlimited funds and there's no funds available
24 for that.

25 MS. HOOBAN: Thank you. Thank you. I

1 had been curious about that as that got discussed.

2 Thank you.

3 CHAIRMAN JOEL: Does anyone from the
4 public, we'll come back to them a third time just to
5 see if anyone else has questions in the public. You
6 can just raise your hand and then Dylan will let you
7 in.

8 MR. HANSEN: Anyone?

9 I'm not seeing any hand raised -- oh,
10 we got one. We got one.

11 CHAIRMAN JOEL: Okay.

12 MR. HANSEN: All right. Mr. Horbatt.
13 I'm going to bring him in right now.

14 MR. HORBATT: Tibor showed a picture of
15 that tree close to Cedar Avenue and our property.
16 I'd like to see that again. It was the curved line
17 that would require them to actually drive on our
18 private property, and it may sound like this is fine,
19 that that's acceptable, but it's not acceptable.

20 And they claim that that had been used
21 before. They used that easement when they
22 constructed Hopper Ridge and they never used it any
23 time since then.

24 But you can clearly see the line around
25 that tree in that they would have to encroach on our

1 private property.

2 CHAIRMAN JOEL: Do you have any other
3 questions for Tibor?

4 More of a question format.

5 MR. HORBATT: I'd like just Tibor to
6 confirm that.

7 CHAIRMAN JOEL: Okay, Tibor.

8 MR. LATINCSICS: The travel way of the
9 access route where it leads the municipal roadway and
10 the curb cut to service that travel way, it is
11 outside the 15-foot easement because of the sycamore
12 tree. Yes, that --

13 MR. HORBATT: Which means it is on our
14 private property.

15 MR. LATINCSICS: Which means that
16 travel way is on your property, yes.

17 MR. HORBATT: But that was never used
18 previously to this, but you're assuming that it's
19 okay to use it now.

20 MS. HORBATT: It is over our property.

21 MR. LATINCSICS: Okay.

22 Clearly I don't live next to the
23 easement, it is my understanding that this access
24 easement has been utilized on a routine basis by the
25 public, landscapers, the village for maintenance

1 purposes, et cetera.

2 MR. HORBATT: That is not accurate.

3 CHAIRMAN JOEL: Point of order. Just
4 you asked the question, he's going to give his
5 answer. You don't enter into a dialogue. You're
6 going to have public testimony and public comment
7 within this application, so you can voice, you know,
8 certain sentiments at that time.

9 MR. HORBATT: Thank you.

10 CHAIRMAN JOEL: But your point is being
11 conveyed, you know, that it's your property and you
12 don't want someone going on it and he acknowledged
13 that, you know, it goes on your property.

14 MR. HORBATT: Thank you.

15 CHAIRMAN JOEL: Any other question for
16 Tibor?

17 Robert?

18 MR. HORBATT: No, I said thank you very
19 much.

20 No further questions.

21 CHAIRMAN JOEL: Okay. All right.

22 Anyone else in the public to ask
23 questions?

24 MR. HANSEN: I am not showing any other
25 hand raised.

1 CHAIRMAN JOEL: Okay. Dave, did you
2 have any other witnesses?

3 MR. RUTHERFORD: Not this evening,
4 Mr. Chairman.

5 CHAIRMAN JOEL: All right. Should we
6 break it off at this point, I guess?

7 MR. RUTHERFORD: Yes. We have some
8 work too do, Mr. Chairman, to address the concerns
9 raised by the board this evening. I won't go through
10 them now. I've made some notes.

11 I will be providing a transcript as
12 well. So we'll do our best to respond to those prior
13 to the next meeting and we'll try to do that
14 expeditiously with some redirect from Mr. Latincsics,
15 and then I guess it would be time for them to hear
16 from the public as well at in next meeting I would
17 anticipate.

18 CHAIRMAN JOEL: Okay. Were you
19 carrying this over to the 15th or did you want to --

20 MR. RUTHERFORD: No, I don't think the
21 15th is time enough. That's only two weeks.

22 CHAIRMAN JOEL: Yes. So I guess our
23 next one would be January 5th or 19th.

24 MR. RUTHERFORD: I think January 5th
25 would be okay, Mr. Chairman.

1 CHAIRMAN JOEL: Jane, do we have
2 anything on for that date?

3 MR. LATINCSICS: That is a Tuesday, no,
4 January 5th -- that's the first Tuesday of the month?

5 MR. MARTIN: That's correct.

6 MR. LATINCSICS: I may have a conflict
7 that evening.

8 MR. MARTIN: What about the 19th?

9 MR. LATINCSICS: Okay. As we're all
10 juggling schedules, what's wrong with December 15th?

11 MR. MARTIN: Another application,
12 Tibor.

13 MR. LATINCSICS: Okay. Well, actually
14 is my testimony complete?

15 MR. RUTHERFORD: No, I think we're
16 going to need a little bit more from you.

17 Why don't we -- I just don't think the
18 15th -- I know the board has another application, but
19 also it takes a little time, you know. I need to get
20 the transcript and we need to respond in an orderly
21 way. I don't want to drag this out. I certainly
22 know that my client is anxious to get this done.
23 Maybe we could carry it to the fifth and we'll just
24 see how it works out for Mr. Latincsics with respect
25 to his conflict.

1 MR. LATINCSICS: Yes, I have to juggle
2 another planning board meeting that evening which we
3 carried because of tonight, so I ask for any
4 cooperation and curtesies in that regard.

5 CHAIRMAN JOEL: Well, we'll carry it to
6 January 5th and we'll see how it goes. Dave, I guess
7 you can let us know if there's a conflict for Tibor
8 and you need to push it back, but we'll just put it
9 for January 5th --

10 MR. RUTHERFORD: That's fine.

11 CHAIRMAN JOEL: -- 2021 without further
12 notice and without prejudice to the board.

13 MR. RUTHERFORD: That's fine. Maybe we
14 can somehow coordinate his appearance as well. And I
15 appreciate that's difficult to do.

16 CHAIRMAN JOEL: Okay. All right.

17 MR. RUTHERFORD: All right. And with
18 no prejudice, obviously, an extension of time through
19 January 5, 2021.

20 CHAIRMAN JOEL: Okay.

21 MR. LATINCSICS: Actually the Zoom
22 meetings may make it possible to do two planning
23 board meetings in one evening.

24 CHAIRMAN JOEL: All right. So thanks,
25 Dave, for the presentation and I guess we'll see you

1 back on this one January 5th, hopefully.

2 MR. RUTHERFORD: Thank you all for your
3 time this evening. Thank you.

4 CHAIRMAN JOEL: Okay. Thank you.

5 MR. MARTIN: Thank you, Tibor.

6 MR. LATINCSICS: Thank you.

7 MAYOR KNUDSEN: Good night.

8 (Whereupon, this matter is continuing
9 at a future. Time noted: 10:46 p.m.)

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