

HOPPER RIDGE  
Summary Resolution

RIDGEWOOD PLANNING BOARD  
FINAL SITE PLAN APPROVAL RESOLUTION

BE IT RESOLVED, by this Planning Board of the Village of Ridgewood that the application of HOPPER RIDGE, INC. for final site plan approval as to improvements accomplished on a parcel of property which contains approximately 10.2 acres and which consists of fifteen lots (or portions thereof) located to the east of Prospect Street and Durar Avenue, which application was considered by this Planning Board at its public meeting held on December 19, 1989, is hereby GRANTED in accordance with the terms, findings and determinations set forth at length in a certain written decision resolution bearing this date, the terms of which are hereby approved and adopted by reference and are hereby made a part of the official minutes of this meeting of this Planning Board held on this 16th day of January, 1990, which resolution provides that said site plan approval is subject to the following six conditions:

1. With respect to the deviation referred to in paragraph 5, subparagraph B of the findings of fact of said resolution, which deviation concerns the installation by applicant of "gravity" type timber crib retaining walls, applicant shall deliver to the Department of Public Works of the Village the structural stability opinion letter dated December 6, 1989 (or an appropriate revision thereof) bearing the seal of the signatory consulting engineer.
2. With respect to the deviation referred to in paragraph 5, subparagraph C of the findings of fact of said resolution, which deviation concerns applicant's failure to grade an onsite swale improvement in the east meadow area of the premises, in accordance with an offer and agreement made by applicant during the course of the public meeting, applicant, at its own cost and expense, will install a grate field drain which will act as a dry well for drainage purposes in said east meadow area.

3. With respect to the deviation referred to in paragraph 5, subparagraph D of the findings of fact of said resolution, which deviation concerns applicant's failure to install an onsite retaining wall which was intended to stabilize the slope adjacent to the northwest corner of building number 9 on the premises, in accordance with another offer and agreement made by applicant during the course of the public hearing, applicant, at its own cost and expense, will construct and install two small wooden retaining walls at a location to be determined by the Department of Public Works of the Village in the vicinity of the said northwest corner of building number 9.
- 1 4. With respect to the deviation referred to at paragraph 5, subparagraph E of the findings of fact of said resolution, which deviation concerns applicant's failure to install onsite rip-rap improvements, in accordance with another offer and agreement made by applicant during the course of the public meeting, applicant, at its own cost and expense, will install appropriate soil control and stabilization measures and rip-rap installations at the down stream end of the detention basin ponds at locations and in quantities, dimensions, lengths and depths reasonably satisfactory to the Department of Public Works of the Village and will also obtain "certification" with respect to said appropriate soil control and stabilization measures and rip-rap installations from the Bergen County Soil Conservation District.
5. With respect to the deviation referred to in paragraph 5, subparagraph F of the findings of fact of said resolution, which deviation concerns the location of and access to manholes, in accordance with another offer and agreement made by applicant during the course of the public meeting, applicant, at its own cost and expense, will determine, to the satisfaction of the Department of Public Works of the Village, the location of three manholes (bearing numbers 112, 112A and 116A, respectively, on the final site plan drawing) and bring the elevations of each of the manhole covers to a level no deeper than two feet below the surface; to an extent to be determined to be reasonably appropriate by the Department of Public Works of the Village, applicant shall also appropriately grade and landscape all disturbed surface areas and shall supply said Department with written engineering information with respect to the invert elevation of each of said three manholes.

6. Lastly, applicant, at its own cost and expense, will undertake dredging operations in the north detention basin pond area and will remove siltation and debris therefrom to a depth which will result in the fish in said pond area not being adversely affected by oxygen depletion due to shallow depths, said dredging operations to be accomplished to the reasonable satisfaction of the Department of Health Services of the Bergen County Division of Environmental Protection; in addition, applicant will regrade the shelf area at the west end of the crib retaining walls referred to in condition 1 hereof, said regrading to be accomplished to the reasonable satisfaction of the Department of Public Works of the Village; however, in the event the Bergen County Mosquito Commission undertakes said dredging and regrading operations, applicant will be excused from complying with this condition.

The time and manner of entry onto the premises in question by applicant's employees, agents and contractors, as well as by applicant's equipment, for the purposes of complying with the foregoing conditions shall be subject to the prior written approval of the Hopper Ridge Homeowner's Association, Inc.; in the event the Hopper Ridge Homeowner's Association, Inc. refuses or for any reason fails to grant to applicant, in a timely manner, a reasonable and appropriate written right of entry instrument for the purposes of permitting applicant to comply with any of the foregoing conditions and as a result thereof applicant is unable to comply with any of such conditions in a timely manner, then this Planning Board, upon receipt of written notification of such fact, shall consider waiving the requirement that applicant comply with the particular condition or conditions, as the case may be.

Applicant shall comply with all of the foregoing six conditions to the reasonable satisfaction of the Department of Public Works of the Village no later than Friday, June 1, 1990 and on or before such date, the Department shall issue and deliver a written report (or a series of written reports, as appropriate) with respect thereto to this Planning Board.

M.J.D.

Official Public Monthly Meeting:  
January 9, 1989

RIDGEWOOD PLANNING BOARD

and thereafter applicant constructed on the premises in question nine buildings which contain thirty-six attached, single family residences, as permitted conditional uses, streets known as Durar Avenue, Kyra Lane and Daniel Court, respectively, utility improvements, two detention basin ponds, a pool and pool house, sanitary sewer improvements, storm drain improvements, water main improvements, paving improvements, landscaping improvements, retaining walls, fencing and other improvements as shown on the site plan drawing hereinafter referred to.

3. Pending applicant obtaining final site plan approval with respect to said improvements, temporary certificates of occupancy were issued by the Building Department of the Village with respect to all thirty-six attached single family residences located on the premises in question.

4. In accordance with the conditions set forth in said two preliminary site plan approval resolutions, applicant paid a cash deposit to the Village of Ridgewood and submitted to this Planning Board various documents relating to deeds of easement, the creation of a homeowner's association, a master deed, etc.

5. However, during the course of the installation of onsite improvements on the premises, applicant deviated from the installation of said onsite improvements as the same were depicted on the drawings which were the subject of the said preliminary site plan approval granted by this Planning Board (and which were the subject of the terms of the said developer's agreement) in the following respects:

- A. Applicant did not install an onsite internal service sidewalk improvement in the vicinity of the swimming pool as provided for in the drawings which were the subject of preliminary site plan approval; applicant alleges that the installation of said onsite internal service sidewalk improvement was omitted because it would have been located adjacent to a bank, the slope of which was difficult to stabilize.

- B. Applicant did not construct and install the onsite timber railroad tie retaining wall improvement as provided for in the drawings which were the subject of preliminary site plan approval; instead, applicant installed "gravity" type timber crib retaining walls higher and heavier than the timber railroad tie retaining wall improvement originally provided for with a lesser setback than originally provided for; applicant alleges that onsite field conditions dictated the installation of the retaining walls as accomplished.
- C. Applicant did not grade an onsite swale improvement in the east meadow area of the premises as provided for in the drawings which were the subject of preliminary site plan approval; applicant alleges that said omission was the result of applicant's attempts to save trees in the said east meadow area and that onsite field conditions dictated the grading work which was accomplished in the area.
- D. Applicant did not construct and install an onsite retaining wall improvement which was intended to stabilize the slope adjacent to the northwest corner of building number 9 as provided for in the drawings which were the subject of preliminary site plan approval; applicant alleges that onsite field conditions dictated grading the slope without the retaining wall as said grading was accomplished in the area.
- E. Applicant did not install onsite rip-rap improvements at the downstream end of the detention structure as provided for in the drawings which were the subject of preliminary site plan approval; applicant alleges that onsite field conditions dictated the location and extent of rip-rap installation as accomplished on the premises.
- F. Three manholes are alleged by applicant to have been installed by it but are covered because grading in the vicinity thereof is higher than the grading provided for in the drawings which were the subject of preliminary site plan approval.
- G. Applicant alleges that dredging operations were performed in accordance with the requirements of and with the approval of the Department of Public Works of the Village but the adequacy of said dredging, particularly with respect to the north detention basin pond, is an issue on which this Planning Board heard conflicting testimony and received conflicting proofs.

BE IT FURTHER RESOLVED, that this Planning Board does hereby make the following determinations:

DETERMINATION A: The foregoing findings of fact are made a part hereof as if set forth at length herein in full.

DETERMINATION B: With the exception of the improvements referred to at length in paragraph 5, subparagraphs A through G of the findings of fact hereof, applicant has substantially and acceptably complied with the various conditions set forth in the aforementioned preliminary site plan approval resolutions passed by this Planning Board on February 15th, 1983 and on November 16th, 1983 and has complied with the terms of the aforementioned developer's agreement.

DETERMINATION C: With respect to the deviation referred to in paragraph 5, subparagraph A of the findings of fact of this resolution which concerns applicant not installing an onsite internal service sidewalk improvement, it is the opinion and determination of this Planning Board that applicant's failure to install said improvement is an acceptable deviation since the installation of said onsite internal service sidewalk improvement would be impractical, would not promote safety or other public interests and would create additional impervious coverage on the premises.

DETERMINATION D: With respect to the deviation referred to in paragraph 5, subparagraph B of the findings of fact of this resolution which concerns applicant not installing the onsite timber railroad tie retaining wall improvement, it is the opinion and determination of this Planning Board that the "gravity" type timber crib retaining walls installed by applicant are structurally superior to the onsite timber railroad retaining wall improvement provided for in the preliminary site plan drawings and that the said installed retaining walls will last as long as (and possibly last longer than) the wall provided for in the said drawings.

DETERMINATION E: Providing the applicant complies, in a timely manner, with the six conditions hereinafter set forth, applicant will have fulfilled the requirements for final site plan approval as provided for under the applicable provisions of the Village Code.

Therefore, this Planning Board does hereby GRANT applicant's application for final site plan approval of a certain site plan drawing prepared by Andrew Marshall, Jr., P.E. & L.S., entitled "Hopper Ridge Townhouses, Client Hopper Ridge, Inc." dated August 21, 1986 and revised to June 10, 1987, subject, however, to applicant complying with the following six conditions:

1. With respect to the deviation referred to in paragraph 5, subparagraph B of the findings of fact of this resolution, which deviation concerns the installation by applicant of "gravity" type timber crib retaining walls, applicant shall deliver to the Department of Public Works of the Village the structural stability opinion letter dated December 6, 1989 (or an appropriate revision thereof) bearing the seal of the signatory consulting engineer.
2. With respect to the deviation referred to in paragraph 5, subparagraph C of the findings of fact of this resolution, which deviation concerns applicant's failure to grade an onsite swale improvement in the east meadow area of the premises, in accordance with an offer and agreement made by applicant during the course of the public meeting, applicant, at its own cost and expense, will install a grate field drain which will act as a dry well for drainage purposes in said east meadow area.
3. With respect to the deviation referred to in paragraph 5, subparagraph D of the findings of fact of this resolution, which deviation concerns applicant's failure to install an onsite retaining wall which was intended to stabilize the slope adjacent to the northwest corner of building number 9 on the premises, in accordance with another offer and agreement made by applicant during the course of the public hearing, applicant, at its own cost and expense, will construct and install two small wooden retaining walls at a location to be determined by the Department of Public Works of the Village in the vicinity of the said northwest corner of building number 9.



4. With respect to the deviation referred to at paragraph 5, subparagraph E of the findings of fact of this resolution, which deviation concerns applicant's failure to install onsite rip-rap improvements, in accordance with another offer and agreement made by applicant during the course of the public meeting, applicant, at its own cost and expense, will install appropriate soil control and stabilization measures and rip-rap installations at the down stream end of the detention basin ponds at locations and in quantities, dimensions, lengths and depths reasonably satisfactory to the Department of Public Works of the Village and will also obtain "certification" with respect to said appropriate soil control and stabilization measures and rip-rap installations from the Bergen County Soil Conservation District.
5. With respect to the deviation referred to in paragraph 5, subparagraph F of the findings of fact of this resolution, which deviation concerns the location of and access to manholes, in accordance with another offer and agreement made by applicant during the course of the public meeting, applicant, at its own cost and expense, will determine, to the satisfaction of the Department of Public Works of the Village, the location of three manholes (bearing numbers 112, 112A and 116A, respectively, on the final site plan drawing) and bring the elevations of each of the manhole covers to a level no deeper than two feet below the surface; to an extent to be determined to be reasonably appropriate by the Department of Public Works of the Village, applicant shall also appropriately grade and landscape all disturbed surface areas and shall supply said Department with written engineering information with respect to the invert elevation of each of said three manholes.
6. Lastly, applicant, at its own cost and expense, will undertake dredging operations in the north detention basin pond area and will remove siltation and debris therefrom to a depth which will result in the fish in said pond area not being adversely affected by oxygen depletion due to shallow depths, said dredging operations to be accomplished to the reasonable satisfaction of the Department of Health Services of the Bergen County Division of Environmental Protection; in addition, applicant will regrade the shelf area at the west end of the crib retaining walls referred to in condition 1 hereof, said regrading to be accomplished to the reasonable satisfaction of the Department of Public Works of the Village; however, in the event the Bergen County Mosquito Commission undertakes said dredging and regrading operations, applicant will be excused from complying with this condition.

The time and manner of entry onto the premises in question by applicant's employees, agents and contractors, as well as by applicant's equipment, for the purposes of complying with the foregoing conditions shall be subject to the prior written approval of the Hopper Ridge Homeowner's Association, Inc.; in the event the Hopper Ridge Homeowner's Association, Inc. refuses or for any reason fails to grant to applicant, in a timely manner, a reasonable and appropriate written right of entry instrument for the purposes of permitting applicant to comply with any of the foregoing conditions and as a result thereof applicant is unable to comply with any of such conditions in a timely manner, then this Planning Board, upon receipt of written notification of such fact, shall consider waiving the requirement that applicant comply with the particular condition or conditions, as the case may be.



Applicant shall comply with all of the foregoing six conditions to the reasonable satisfaction of the Department of Public Works of the Village no later than Friday, June 1, 1990 and on or before such date, the Department shall issue and deliver a written report (or a series of written reports, as appropriate) with respect thereto to this Planning Board.

M.J.D.

	Moved	Seconded	Yes	No	Abstain	Absent
Quentin Wiest II			✓			✓
William J. Cooke, Jr.			✓			
Bruce Healy			✓			
Jerome Solomon				✓		
Arthur Krubel						
Lolly Durgin		✓	✓			✓
Rhoda Schermer			✓			
Kevin Sheehy			✓			
Robert Hutton	✓		✓			
Robert Snyder			✓			

I hereby certify that this resolution consisting of six pages was duly adopted by majority vote of the members of the Planning Board of the Village of Ridgewood, a quorum of the membership being present, at the official public meeting of said Planning Board held on the 16th day of January, 1990.

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WILLIAM J. COOKE, JR., Secretary,  
Planning Board of the Village of Ridgewood

Official Public Monthly Meeting:

January 16, 1990