



BOROUGH OF RIVERDALE NEW JERSEY



Resolution No: 138-2016

Date of Adoption: November 23, 2016

TITLE:

RESOLUTION AMENDING RESOLUTION 76-2015 GRANTING A QUARRY LICENSE TO TILCON NEW YORK, INC. FOR THE YEARS 2015- 2020

WHEREAS, Chapter 132 of the Revised General Ordinances of the Borough of Riverdale require that a person conducting the business of quarrying within the Borough of Riverdale first obtain a license in accordance with regulations set forth in Chapter 132; and

WHEREAS, prior to the approval of any license application a plan for reclamation of the site must be submitted to the Mayor and Council for its review and approval; and

WHEREAS, Tilcon New York, Inc., the owner of a quarry located in the Borough of Riverdale known as the "Riverdale Quarry" submitted an application for license renewal for the years 2015 and 2020 together with all fees required under the Ordinance; and

WHEREAS, Tilcon New York, Inc. previous submitted a reclamation plan with its previous application for approval which still remains in full force and effect; and

WHEREAS, Tilcon New York, Inc. has previously posted a bond in the amount of \$2,100,000 which continues to be in force and effect; and

WHEREAS, the Mayor and Council conducted several public hearings and found that the application for license renewal submitted by Tilcon New York, Inc. meets the requirements set forth in Chapter 132 of the Revised General Ordinances of the Borough of Riverdale; and

WHEREAS, the Mayor and Council of the Borough of Riverdale find that the reclamation plan submitted by Tilcon New York, Inc. continues to meets the requirements of Chapter 132 and should continue in full force and effect except that portion of the Reclamation Plan that states that "surface grading throughout the site will be accomplished in a manner to provide a general finished grade of approximately 1%" which has been determined by Judgment of the Superior Court dated November 14, 2016 in a matter captioned "Riverdale Quarry, LLC v. Borough Council of the Borough of Riverdale and Tilcon New York, LLC" and filed under Docket Number MRS-L-155-16 to be in violation of Borough Ordinance 132-6; and

WHEREAS, Tilcon New York, Inc. has agreed to work with the Borough to create improved means of communication with the public regarding quarry activities during this licensing period.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

1. The application for a quarry license submitted by Tilcon New York, Inc. for the years 2015 through 2020 is hereby granted.
2. The reclamation plan previously submitted by Tilcon New York, Inc. for the Riverdale Quarry containing the following documents is hereby recognized to be in full force and effect:



BOROUGH OF RIVERDALE NEW JERSEY



The narrative titled "Reclamation Plan Report for Riverdale Quarry" prepared by Schommer Engineering, Inc consisting of 3 sheets:

Drawing Q-1 Existing Conditions scale 1"=100', dated 6/20/08

Drawing Q-2 Proposed Reclamation Plan scale 1"=100', dated 6/20/08

Drawing Q-3 Profiles, details & notes various scales, dated 6/20/08

except that portion of the Reclamation Plan that states that "surface grading throughout the site will be accomplished in a manner to provide a general finished grade of approximately 1%" which is amended to 3% pursuant to a Judgment of the Superior Court dated November 14, 2016 in a matter captioned "Riverdale Quarry, LLC v. Borough Council of the Borough of Riverdale and Tilcon New York, LLC" and filed under Docket Number MRS-L-155-16.

3. The approval is subject to the following conditions:
 - A. The Applicant shall advise the Borough Engineer on an ongoing basis, in writing, of the name and contact information of an individual for emergency notification. The Applicant shall be responsible to advise the Borough Engineer as soon as is practicable of any change on the emergency contact designee.
 - B. The Applicant shall maintain the emergency access road to the Walmart site in a reasonably passable condition and shall include the design of a permanent service road as part of reclamation plan.
 - C. The amount of RAP remaining on the site will gradually be reduced to a level of approximately 100,000 cy.
 - D. The Applicant will provide quarterly reports to the Borough showing all blasting events and results. An additional monitor will be placed close to or on Matthews Avenue.
 - E. The Applicant will supply the Borough with all soil and water tests taken at the quarry.
 - F. The Applicant shall pay all fees due and owing under the ordinance including fees for night operation of asphalt plant.
 - G. The Applicant shall deposit the license fee as required by Borough ordinance.
 - H. The Applicant shall control the migration of dust from the site and shall implement such dust control measures as may be necessary to do so.
 - I. Paterson Hamburg Turnpike (from the quarry to Ringwood Avenue) and the Newark Pompton Turnpike will be cleaned by Applicant's street sweeper the full lengths of both streets as needed.
 - J. The Applicant shall prevent trucks from leaving site with loose gravel that may spill onto a roadway.



BOROUGH OF RIVERDALE NEW JERSEY



4. The license hereby granted shall expire December 31, 2020. The Applicant shall, however, make annual progress reports to the Borough on or before December 31 of each year indicating the status of reclamation activities and advising the Borough of dust and noise mitigation activities.

Adopted:

Abubakar Jalloh, Borough Clerk

Paul M. Carelli, Mayor

RECORD OF COUNCIL VOTE

Motion - by Councilman: _____ Second - by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Astarita						Pellegrini				
Revis						Desai				
Clinton						Oswald				

A.J. Jalloh, Borough Clerk

Paul M. Carelli, Mayor

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.