



BOROUGH OF RIVERDALE NEW JERSEY



Resolution No: 152-2016

Date of Adoption: December 28, 2016

TITLE:

**RESOLUTION AMENDING RESOLUTION 138-2016 WHICH AMENDED 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 operator 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. previously submitted a reclamation plan with its 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. met the requirements set forth in Chapter 132 of the Revised General Ordinances of the Borough of Riverdale; and

WHEREAS, the Reclamation Plan as approved stated that "surface grading throughout the site will be accomplished in a manner to provide a general finished grade of approximately 1%"; and

WHEREAS, it was 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 that the Reclamation Plan as approved failed to technically comply with the requirements of Chapter 132 as related to grading and Ordered the resolution approving the License to be amended to conform to the requirements of Chapter 132; and

WHEREAS, by Resolution 138-2016 the Mayor and Council of the Borough of Riverdale found that the reclamation plan submitted by Tilcon New York, Inc. continued to meet the requirements of Chapter 132 and should continue in full force and effect, except that portion of the Reclamation Plan that stated that "surface grading throughout the site will be accomplished in a manner to provide a general finished grade of approximately 1%" as ordered by the Court; and

WHEREAS, subsequent to the judgment of the Court and adoption of Resolution 138-2016, the Borough Council amended Chapter 132-6 to expressly provide that within the reclamation plan "the grade elevation produced shall be a minimum of a 1% slope commencing from the base grade elevation of 237 feet at Paterson Hamburg Turnpike to the premises' interior"; and



BOROUGH OF RIVERDALE NEW JERSEY



WHEREAS, the original reclamation plan submitted with the application and previously approved by Resolution 76-2015 and unchanged from the previous license term is now expressly compliant with Chapter 132-6; and

WHEREAS, the Borough Council previously heard testimony regarding the reclamation plan and specifically the grade elevation, including the opinion of the Borough Engineer, and approved the 1% grade elevation which has been included in the approved reclamation plan for more than six years and relied upon by the applicant; and

WHEREAS, the Borough Council finds that it is appropriate to amend Resolution 138-2016 to reapprove the Reclamation Plan as originally submitted with the 2015 application and approved by the Council.

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 reaffirmed as originally granted by Resolution 76-2015.
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:

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

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.



BOROUGH OF RIVERDALE NEW JERSEY



- 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.
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.

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.