

Mayor Sheinfield called the meeting to order with the Pledge of Allegiance and read the Open Public Meeting Statement.

This is a Special Meeting of the Hillsdale Borough Council on this 15<sup>th</sup> day of November, 2024. Notice of the time and place of this meeting has been provided to The Ridgewood News and The Bergen Record; a copy was posted on the bulletin board outside of the meeting room and provided to any interested parties.

Please silence all cell phones. Please wait to be recognized by the Mayor during the Public Hearing and the Public Comment part of the meeting. You will need to state your name and town of residence for the record.

Borough Clerk Kohan took the Roll Call:

Council President Escobar absent, Council Members Colletti, Fox absent, Osso, Ruocco, Trochimiuk absent, Mayor Sheinfield (Borough Administrator Mike Ghassali, Borough Clerk Denise Kohan, Borough Attorney Mark Madaio)

This meeting is being held solely on the Zoom Platform.

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## **PUBLIC COMMENT**

Mayor Sheinfield opened the Public Comment portion of the meeting, but seeing no one wishing to address the Mayor and Council, he closed this portion of the meeting.

## **RESOLUTIONS:(Consent Agenda):**

[24300](#)

Resolution Authorizing the Award of a Non-Fair and Open Contract – Quarterly Air Monitoring and Slam Bar Testing with Reporting at the Hillsdale Centennial Recreation Field with the Environmental Group/Environmental Investigations, LLC

**WHEREAS**, the Borough of Hillsdale desires to hire The Environmental Group/Environmental Investigations, LLC (“TEG”), with offices at 530 Chestnut Ridge Road, Woodcliff Lake, New Jersey and 805 Third Avenue, 10<sup>th</sup> Floor, New York, New York, pursuant to a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

**WHEREAS**, the Borough of Hillsdale desires TEG to provide quarterly air monitoring at the Hillsdale Centennial Recreation Field which was formally the Hillsdale Borough Sanitary Landfill; and,

**WHEREAS**, TEG will complete the following tasks, Initial Site Reconnaissance which TEG will mobilize a qualified team including a Principal Consultant, Senior Technician and Field Technician as necessary to review the current fitness of the site features to be sampled (air monitoring and slam bar points) and to assess current

safety and logistical considerations. TEG anticipates this task shall be a quarterly event and will cost \$5590.00 per quarter. Quarterly Vent Testing and Reporting which TEG will utilize EPA test methodologies, and each quarter provide a report of their findings to the Borough which will be kept on file at Borough Hall. TEG anticipates this task shall cost the Borough \$6,575.00 per quarter.

**WHEREAS**, the TEG shall complete and submit a report indicating their findings and TEG has completed and submitted a Business Entity Disclosure Certification which certifies that TEG has not made any reportable contributions to a political or candidate committee in the Borough of Hillsdale in the previous one year, and that the contract will prohibit TEG from making any reportable contributions through the term of the contract, and

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hillsdale authorizes the Borough to enter into a contract with TEG as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value will be placed on file with this resolution.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the Borough Clerk, Chief Financial Officer and Borough Planning Board Chairman and Secretary.

This Resolution shall take effect immediately.

Motion Ruocco Second Osso

Ayes: Councilmember Colletti, Osso, Ruocco

The administrator added that this work is required by the DEP until we are in compliance.

Nays: none

Absent: Escobar, Fox, Trochimiuk

Mayor Sheinfield looked for a motion to suspend Article 4 Section 9 of the By Laws of the Borough of Hillsdale Council for Ordinance 24-17.

Motion Osso Second Colletti

All in favor: Ruocco, Colletti, Osso

In light of Council President Escobar joining the meeting at 11:36 am, the Borough Attorney asked to retake the role call in suspending the By Laws for Ordinance 24-17 so that we would have a super majority.

Motion: Osso Second: Colletti

Ayes: Escobar, Osso, Ruocco, Colletti

Nays: None

Absent: Fox, Trochimiuk

### **ORDINANCES:**

#### **[24-17 \(Introduction\)](#)**

#### **An Ordinance Amending Chapter 310, To Create Part 9 “Protection of Critical Slope Areas” of the Borough Code**

**WHEREAS**, it is desirous of the Borough of Hillsdale (hereinafter the “Borough”) and the Planning Board of the Borough (hereinafter the “Board”) to Chapter 310 of the Borough Code titled “Land Use” to include a new Part about the Protection of Critical Slope Areas within the Borough; and

**WHEREAS**, the purpose of this new article is to preserve the critical slope areas within the Borough

in order to provide the necessary regulations to minimize the adverse impacts commonly associated with disturbances of steeply sloped areas; and

**WHEREAS**, the Governing Body of the Borough of Hillsdale believes that it is in the best interest of the Borough to revise these provisions in the Ordinance to include this new article as such regulation promotes the public health, safety, and welfare of the Borough.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Hillsdale, County of Bergen, State of New Jersey, as follows:

Chapter 310, Land Use, Part 9 “Protection of Critical Slope Areas” of the Borough Code shall hereby read as follows in its entirety:

## **Article XXXV Protection of Critical Slope Areas**

### **§ 310-173. Purpose.**

The purpose of this article is to preserve the critical slope areas in the Borough of Hillsdale. These regulations are necessary to minimize the adverse impacts commonly associated with disturbance of steeply sloped areas, which are defined for the purposes of this chapter as a slope of minimally 15%. Development on grades of 15% or greater generally requires additional safeguards against erosion, and other conditions such as siltation, surface water runoff and pollution of potable water supplies. The most appropriate method of alleviating such conditions is through the regulation of disturbance to soil and vegetation in critical slope areas. Such regulation promotes the public health, safety and welfare of Hillsdale.

### **§310-174. Definitions.**

The following definitions are applicable to this article:

#### **CRITICAL SLOPE AREA**

Land where the grade is 15% or greater.

#### **DISTURBANCE**

Any alteration or change to the natural terrain (including soil and vegetation). This term includes any activity involving grading or filling of a site, but does not include restoration or stabilization of an existing condition.

#### **EMBANKMENT**

An elevated deposit of soil, rock or other materials either constructed or natural.

#### **GRADE**

The percent of rise or descent of a sloping surface. For example, a grade of 15% corresponds to a fifteen-foot vertical change in elevation for ever 100 feet of horizontal distance. (Refer to accompanying slope diagram for further clarification.)

#### **GROUND COVER**

Grasses or other vegetation used in the stabilization of soils.

#### **RETAINING WALL**

A structure constructed and erected between the lands of different elevations to protect structures and/or

to prevent erosion, and which is minimally four feet in height.

**SLOPE**

The deviation of a surface from the horizontal, usually expressed in percent.

**§310-175. Steep Slope Identification and Review Criteria.**

All applications for Minor and Major Subdivision or Site Plan Approval, or for a Permit for Construction, grading or clearing of any lot, except as otherwise provided in the definition of “disturbance: herein or exempted in this chapter, shall be evaluated for the presence of critical slope areas.

- A. Slope categories. The applicant shall prepare and submit a slope analysis for the entire site (including proposed roadways and common areas), and each proposed or existing lot. The property shall be evaluated to determine the presence of critical slope areas in the following categories:

<b>Slope Category</b>	<b>Percent Grade</b>
1	15 to 19.99%
2	20 to 24.99%
3	25% or greater

- B. Slope analysis. The slope categories shall be identified on a plan drawn at a scale as required by the Borough’s Site Plan or Subdivision Submission requirements. It shall show the existing and proposed topographic contours at two-foot intervals and delineate the categories of critical slope areas as shown in Table 1 above. Existing contours shall be shown for a minimum distance of 25 feet beyond the property boundaries.
- C. Additional information required. The analysis provided by the applicant shall contain the following additional information:
  - a. It shall delineate and quantify those areas proposed for disturbance. The applicant shall provide a table showing the calculation of disturbed area in square feet and as a percent of the lot area for each proposed lot.
  - b. It shall identify soil types present on the property, with specific reference to highly erodible soils as identified by the United States Department of Agriculture Spill Conservation Service.
  - c. Details on how the proposed construction will minimize adverse impacts upon the existing natural features of the lot shall be provided.
  - d. Plans and specifications for any retaining walls, steps fences or other protective structures shall be provided.

**§ 310-176. Regulations for Development in Steep Slope Areas.**

- A. Maximum disturbed area.
  - a. No buildings, improvements or structures, including roads, driveways or parking areas shall be constructed, nor shall any displacement of soil or removal of vegetation occur within critical slope areas, except in accordance with the following schedule provided below in Table 2:

**Table 2**  
**Permitted Levels of Disturbance in Critical Slope Areas**

<b>Slope Category</b>	<b>Percent Grade</b>	<b>Maximum Disturbed Area</b>
1	15 to 19.99%	50% of area in Slope Category 1
2	20 to 24.99%	45% of area in Slope Category 2
3	25% or greater	35% of area in Slope Category 3

b. For a subdivision proposal, calculation of the disturbed area is based on each individual lot, not the entire tract as a whole. Common areas are also subject to the maximum disturbed area. Roadways are exempt from the above limits of disturbed area, but are subject to the maximum permitted grade provisions of the Residential Site Improvement Standards.

B. Variance required. Disturbance of steep slopes in an amount greater than indicated Subsection A above shall require a variance.

C. Exceptions. Irrespective of the above regulations, an applicant may regrade a steep sloped area, provided that in no event shall the applicant disturb or regrade more than 500 square feet of the tract to be developed. The Planning Board or Zoning Board of Adjustment may permit the disturbance and development of small isolated pockets of steep slopes, provided that the disturbance does not exceed 500 square feet.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

This Ordinance shall take effect upon passage and publication as provided by Law.

BE IT RESOLVED, that Ordinance No. 24-17 does now pass a first reading and that said Ordinance be further considered for final passage at a Meeting of the Mayor and Council in the Municipal Building, 380 Hillsdale Avenue, Hillsdale, New Jersey, on December 10, 2024 and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Ridgewood News once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Motion Osso Second Colletti

Ayes: Council President Escobar, Councilmember Osso, Ruocco, Colletti

Nays: none

Absent: Fox, Trochimiuk

**COUNCIL COMMENTARIES:**

Mayor Sheinfield looked for any council commentary. Seeing none, he closed this portion of this meeting.

Motion to adjourn Ruocco Second Escobar

All in favor: Councilmember Osso, Ruocco, Colletti, Council President Escobar

Absent: Fox, Trochimiuk

Denise Kohan, Municipal Clerk

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Approved as Presented