

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, December 14, 2016 @ 7:30 P.M.
Borough Hall - 100 Church Street**

CALL TO ORDER/ PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting on Wednesday, December 14, 2016 at 7:30 P.M. in the Alpine Borough Hall. The Public Announcement was read and the Pledge of Allegiance recited.

In accordance with the provisions of the New Jersey Open Public Meetings Law, the notice of this Regular Meeting held Wednesday, December 14, 2016 has met the requirements of the law by being published in The Record as part of the Annual Notice, posted on the bulletin board of the lobby in the Borough Hall and a copy filed in the office of the Borough Clerk. This meeting was recorded in its entirety.

ROLL CALL

Paul Tomasko, Mayor	Present	Vicki Frankel, Council President	Present
Michael Cacouris, Councilman	Present	Gayle Gerstein, Councilwoman	Present
John Halbreich, Councilman	Present	Laurence Shaddek, Councilman	Present
Arthur Frankel, Councilman	Present		

Staff Present on Dais: Borough Attorney Russ Huntington, Borough Engineer Gary Vander Veer, Municipal Clerk Stephanie Wehmann

PUBLIC COMMENTS No comments.

REPORT OF THE FINANCE COMMITTEE A copy of the monthly Finance Report including the First Quarter Statement of Revenues and Expenditures is on file in the Borough Clerk's office.

Bank Of New Jersey Current Operating Acct	\$3,094,921.67
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Resolution #209:12'2016: Approval of Bills and Claims

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Gerstein at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 14, 2016 to approve the bills and claims, a copy of which are appended.

Vote: Ayes: Cacouris, V. Frankel, Gerstein, Halbreich, A. Frankel, Shaddek

MOTION APPROVED

Resolution #210:12'2016: Return of Bonds and/or Escrow

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Gerstein at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 14, 2016 to approve the return of the following bonds and escrow subject to review and approval by the Borough Engineer.

<u>Name</u>	<u>Block/Lot</u>	<u>Type</u>	<u>Amount</u>
Schonberg, Stephen & Hirsch, Toby	78/2	Sewer Connection Escrow	\$2,500.00
TOTAL:			\$25,00.00

Vote: Ayes: Cacouris, V. Frankel, Gerstein, Halbreich, A. Frankel, Shaddek

MOTION APPROVED

Resolution #211:12'2016: Authorizing Transfer #2 of 2016 Budget Appropriations

OFFERED BY: Councilman Cacouris **SECONDED BY:** Councilwoman Frankel at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 14, 2016

WHEREAS Title 40A:4-58 of the New Jersey Statutes provides that should it become necessary during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated

therefore, and there shall be an excess in any appropriation over and above the amount claimed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by Resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Alpine, the Borough Treasurer be and is hereby authorized to make the following transfers in the 2016 Budget Appropriations.

<u>Description</u>	<u>Account Code</u>	<u>FROM</u>	<u>TO</u>
Legal Services	6-01-20-155-020	\$1,999.67	
Suez Water (Hydrant Service)	6-01-25-265-038		\$1,999.67
Police Dept. Acquisition of Vehicles	6-01-25-240-046	\$2,000.00	
Police Department O/E	6-01-25-240-020		\$2,000.00
Celebration of Public Events	6-01-30-420-020	\$6,000.00	
Alpine Swim Club Committee O/E	6-01-28-371-000		\$6,000.00
	TOTAL	\$9,999.67	\$9,999.67

Vote: Ayes: Cacouris, V. Frankel, Gerstein, Halbreich, A. Frankel, Shadek

MOTION APPROVED

Tax Assessor's Report. Mayor Tomasko commended the new tax assessor, William Yirce, Jr., for his performance which was quickly up to speed. Councilman Cacouris noted it has been a seamless transition. Report on file in the Borough Clerk's Office.

MAYOR'S REPORT Mayor Tomasko reported on the following:

- Attended Bergen County League of Municipalities meeting yesterday and learned NJ State's new bail reform will result in increased costs to municipalities. The reforms are on track to be begin in the next couple of weeks. The Association of Counties has filed suit that this is an unfunded mandate. Another venue would be the Local Mandates Council headed by the Lt. Governor.
- The Alpine Swim Club is looking into ways to make it financially viable including possible partnerships.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

Building Department Councilman Halbreich read the report's main statistics:

Highlights: 52 scheduled inspections, 1 fence permit, 2 tree permits, and 2 zoning review applications. Frank Rickenbaugh took over Property Maintenance and has been doing a great job. The rest of the report is on file.

Department of Public Works Councilman Frankel advised Frank Rickenbaugh has taken over and has been doing a good job. His report is on file.

Fire Department Councilwoman Gerstein reported Santa will be at the fire house on Saturday and all statistics are on file.

Police Department Councilwoman Frankel reported 26 summonses issued and 7 motor vehicle accidents with 4 injuries. The rest of the report is on file.

Resolution #212:12'2016: Accepting the Reports of the Standing Committees

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 14, 2016 to accept the reports of the Standing Committees.

Vote: Ayes: Cacouris, V. Frankel, Gerstein, Halbreich, A. Frankel, Shadek

MOTION ADOPTED

BOARD OF EDUCATION LIAISON'S REPORT Councilman Shadek advised the School concert is this Thursday at 7 PM.

BOROUGH ATTORNEY'S REPORT Attorney Huntington will make a recommendation for the Historic Preservation Ordinance later in the meeting.

BOROUGH ENGINEER'S REPORT Mr. Vander Veer distributed his report and highlighted:

- 2016 DOT Municipal Aid. They are looking to bid early next year and have started compiling bid documents. Costs for entirety of roads exceeds the grant amount so either he will have to reduce work or the governing body will need to provide additional funding.
- 2017 DOT Municipal Aid application is due February 3, 2016 and he will provide recommendations as well as for 2017 Road Improvement Program and 2017 Capital Improvement Projects. He will provide before the end of this year for consideration in the 2017 budget. Mayor Tomasko solicited consensus from Council to provide for additional funding for the 2016 DOT Municipal Aid project estimated at \$25,000.00.

UNFINISHED BUSINESS

ORDINANCE 765: CREATING AN HISTORIC PRESERVATION COMMISSION

Attorney Huntington wished to clarify an ambiguity in the ordinance by adding the word "advisory" to H(6) as is already referenced in earlier sections and removing references to §125 in the sections of H where they occur as these were drafting errors. These changes are not substantial and do not require re-advertisement.

PUBLIC HEARING: Opened to the public for comments and being none closed.

Resolution #213:12'2016: Adoption Ordinance 765 Creating an Historic Preservation Commission

OFFERED BY: SECONDED BY:

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 14, 2016

BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine in the County of Bergen and State of New Jersey, that an Ordinance entitled:

"AN ORDINANCE ESTABLISHING CHAPTER 35 ARTICLE IV § 35-36 CREATING AN HISTORIC PRESERVATION COMMISSION FOR THE BOROUGH OF ALPINE"

After public hearing was amended as follows:

Section 35-36 H(6) to read "Hear and decide advisory applications for certificates of appropriateness." and all references to §125 et. seq. be deleted.

Which amendments do not substantially alter or change the intent and purpose of said Ordinance and as amended does hereby pass its second and final reading and is hereby adopted and Notice of same be published according to law.

Discussion: Per memo of the Planning Board dated 11/23/2016 the Board unanimously agreed that the ordinance would not be inconsistent with the Borough Master Plan.

Vote: Ayes: Cacouris, V. Frankel, Gerstein, Halbreich, A. Frankel, Shadek

MOTION ADOPTED

{Ordinance Appended in Full to These Minutes}

ORDINANCE 766: AMENDING ORDINANCE 757 SALARIES

PUBLIC HEARING: Opened to the public for comments and being none closed.

Resolution #214:12'2016: Adoption Ordinance 766 Amending Ordinance 757 Salaries

OFFERED BY: Councilwoman Gerstein **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 14, 2016

BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine in the County of Bergen and State of New Jersey, that an Ordinance entitled:

“AN ORDINANCE AMENDING ORDINANCE NO. 757 PROVIDING FOR THE SALARIES, WAGES OR COMPENSATION OF OFFICERS, EMPLOYEES, OFFICIALS OF THE BOROUGH OF ALPINE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY.”

does hereby pass its second and final reading and is hereby adopted and Notice of same be published according to law.

Vote: Ayes: Cacouris, V. Frankel, Gerstein, Halbreich, A. Frankel, Shadek

MOTION ADOPTED

{Ordinance Appended in Full to These Minutes}

NEW BUSINESS

A. CONSENT AGENDA RESOLUTIONS Resolutions #215:12'2016 - #2:12'2016

1. Resolution #215:12'2016: Approval of Minutes Regular Meeting November 21, 2016

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, December 14, 2016 to approve the minutes of the Regular Meeting November 21, 2016.

Vote: Ayes: Shadek, Cacouris, V. Frankel, Gerstein, A. Frankel, Halbreich

MOTION ADOPTED

2. Resolution #216:12'2016: Endorse Planning Bd. Approval Soil Moving Permit Alpine Elite LTD Block 22 Lot 12 – 23 Stone Tower Drive

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein

at a regular meeting of the Mayor and Council of the Borough of Alpine, held on December 14, 2016

WHEREAS, Borough Ordinance 183-3D(5) lays down the procedure for review of an application for a soil movement permit in compliance with N.J.S.A. 40:20D-26b; and

WHEREAS, a soil movement application for Alpine Elite LTD Block 22 Lot 12 – 23 Stone Tower Drive was reviewed by the Alpine Planning Board at a public hearing held on September 27, 2016; and

WHEREAS, the Alpine Planning Board laid down their written recommendation to the Mayor and Council with respect to this application in a resolution approved at their regular meeting held on November 22, 2016 (copy attached hereto); and

WHEREAS, the Mayor and Council has examined the application and the recommendations of the Planning Board and have considered the results of the public hearing before the Planning Board;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Alpine find that the proposed soil movement will not create conditions inimical to the public health, welfare and safety, nor create any drainage, soil erosion or other conditions of danger and

BE IT FURTHER RESOLVED that the Mayor and Council hereby approve said application subject to all conditions as laid out in the Planning Board's resolution of November 22, 2016.

Vote: Ayes: Shadek, Cacouris, V. Frankel, Gerstein, A. Frankel, Halbreich

MOTION ADOPTED

{Planning Board Resolution Appended in Full to These Minutes}

3. Resolution #217:12'2016: Award of Bids and Authorization to Re:Advertise & Receive Bids for Sale Vehicle(s) No Longer Needed for Public Use

OFFERED BY: Councilwoman Frankel

SECONDED BY: Councilwoman Gerstein

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, December 14, 2016

WHEREAS, the Mayor and Council of the Borough of Alpine authorized the advertisement for sale by sealed bids of a Borough vehicle no longer needed for public use; and

WHEREAS, the following vehicles were advertised for sale in the Bergen Record and the Jersey Journal on November 29, 2016

Veh #	Dept	#	Year	Make	Model	VIN or Description	Mileage	Minimum Bid
1	FD	1	2008	Ford	Expedition	1FMFK16578LA47402	121,928	\$5,000; as is
2	FD	1	1992	MAC	Pumper	1M2K194CONM003037	14,920	\$8,000; as is
3	PD	1	2010	Ford	Crown Victoria	2FABP7BV6AX117127	78,013	None; as is
4	PD	1	2004	Ford	Explorer	1FMZU73K64UA41793	115,080	None; as is
5	Health	1	2007	Ford	Crown Victoria	2FAHP71W57X128956	69,011	\$2,500; as is

AND WHEREAS, as advertised sealed bids were received and opened on Friday, December 9, 2016 at 11:00 AM at the Borough Hall Council Chambers at which time the results were read publicly by the Borough Clerk as follows:

Vehicle

Vehicle # Bidders	#1 2008 Ford	#2 1992 Mac	#3 2010 Ford	#4 2004 Ford	#5 2007 Ford
Robert Nuñez, Jersey City, NJ		\$16,000.00			
Jersey One Auto Sales, Inc., Jersey City, NJ			\$1,861.00	\$261.00	
Liberty Motors, Jersey City, NJ			\$1,627.99	\$813.99	

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine that the following bids received be accepted:

Vehicle/Equipment	Winning Bidder	Amount of Bid
#2 1992 Mac	Robert Nuñez, Jersey City, NJ	\$16,000.00
#3 2010 Ford	Jersey One, Jersey City, NJ	\$1,861.00
#4 2004 Ford	Liberty Motors, Jersey City, NJ	\$813.99

BE IT FURTHER RESOLVED, by the Mayor and Council that as the following vehicles received no bids, it is hereby authorized to re-advertise for bids for the sale of vehicles as revised below.

Veh #	Dept	#	Year	Make	Model	VIN or Description	Mileage	Minimum Bid
1	FD	1	2008	Ford	Expedition	1FMFK16578LA47402	121,928	\$3,000; as is
5	Health	1	2007	Ford	Crown Victoria	2FAHP71W57X128956	69,011	\$1,500; as is

Vote: Ayes: Shadek, Cacouris, V. Frankel, Gerstein, A. Frankel, Halbreich

MOTION ADOPTED

End of Consent Agenda

COMMUNICATIONS: WRITTEN AND ORAL

Mayor circulated draft newsletter for review.

Resolution#218:12'2016: Executive Session A Resolution providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, October 26, 2016

WHEREAS, the Mayor and Council of the Borough of Alpine is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Mayor and Council of the Borough of Alpine to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b subsection designated below:

(b)(5) 1 Contractual Matter

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, October 26, 2016, that an Executive Session closed to the public shall be held for the discussion of matters relating to the specific items designated above; and

BE IT FURTHER RESOLVED, that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

Vote: Ayes: Cacouris, V. Frankel, Gerstein, Halbreich, A. Frankel, Shadek

MOTION ADOPTED

Mayor and Council convened the Executive Session at 7:45 PM and adjourned back to Regular Session at 7:58 PM.

Resolution #219:12'2014: Authorizing Collective Bargaining Agreement between the Borough of Alpine and Alpine PBA Local # 399

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein at the regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, December 14, 2016

BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a Three Year agreement between the Borough of Alpine and Alpine PBA Local 399 for the period January 1, 2017 through December 31, 2019 as reviewed in detail in Executive Session and

BE IT FURTHER RESOLVED that the Borough Clerk is directed to file with the NJ Public Employment Relations Commission a copy of the executed contract along with certification and summary as required pursuant to N.J.S.A. 34:13A-8.2 et seq.

Vote: Ayes: Cacouris, V. Frankel, Gerstein, Halbreich, , Shadek Abstain" A. Frankel

MOTION ADOPTED

ADJOURNMENT

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday, December 14, 2016 at 7:58 PM.

Respectfully submitted,

Stephanie Wehmann
Municipal Clerk

ORDINANCE NO. 765
AN ORDINANCE ESTABLISHING CHAPTER 35 ARTICLE IV § 35-
36 CREATING AN HISTORIC PRESERVATION COMMISSION
FOR THE BOROUGH OF ALPINE

BE IT ORDAINED by the Mayor and Council of the Borough of Alpine that:

- A. There is hereby created in and for the Borough of Alpine a commission as provided for in N.J.S.A. 40:55D-107 to be known as the “Historic Preservation Commission of the Borough of Alpine”.
- B. The powers of the Historic Preservation Commission shall be performed by the Planning Board pursuant to N.J.S.A. 40:55D-25.
 - i. At least one (1) member of the Planning Board shall meet the requirement of a Class A Member and one (1) shall meet the requirements of a Class B Member and the remaining members can be Class C Member.
 - a. Class A: a person who is knowledgeable in building design and construction or architectural history.
 - b. Class B: a person who is knowledgeable or with a demonstrated interest in local history.
 - c. Class C: any citizen of the Borough who holds no other municipal office, position or employment other than membership on Planning Board or the Zoning Board of Adjustment.
- C. The Commission shall elect from its membership a Chairman and a Vice Chairman.
- D. The Commission shall create rules and procedures for the transaction of its business, subject to the following regulations:
 - (1) The Commission’s members, including the Chairman or, in his absence, the Vice Chairman, but not less than a majority of the full authorized membership, may grant or deny a certificate of appropriateness.
 - (2) The Commission shall appoint a Secretary, who need not be a member of the Commission. The Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be public records.
 - (3) All meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).
- E. The Commission members shall serve without compensation but shall be reimbursed for expenses incurred in the performance of official business.
- F. Within the limits of funds appropriated for the performance of its work, grants and gifts, the Commission may obtain the services of qualified persons to direct, advise and assist the Commission and may obtain the equipment, supplies and other material necessary to its effective operation.
- G. The Commission is empowered to seek advisory opinions and technical assistance from all municipal employees on any matter within the Commission’s jurisdiction. The Commission shall obtain its legal counsel from the Borough Attorney or such other attorney so designated by the Mayor, with the advice and consent of the Council, at a rate of compensation to be determined and approved by the governing body. Expenditure pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Commission’s use.
- H. Powers and Duties. The Commission shall:

- (1) Prepare and adopt a Landmarks Designation List and Landmarks Map.
- (2) Make recommendations to the Planning Board on the Historic Preservation Plan Element of the Master Plan and on the implications for preservation of historic sites of any Master Plan elements.
- (3) Advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program.
- (4) Advise the Planning Board and Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110.
- (5) Provide written reports, pursuant to N.J.S.A. 40:55D-111, on the application of the Zoning Ordinance provisions concerning historic preservation.
- (6) Hear and decide advisory applications for certificates of appropriateness.
- (7) Amend, from time to time, as circumstances warrant, the Landmarks Designation List and Landmarks Map-
- (8) Collect and disseminate material on the importance of historic preservation and techniques for achieving the same.
- (9) Advise all municipal agencies regarding goals and techniques of historic preservation.
- (10) Adopt and promulgate such regulations and procedures not inconsistent with this chapter as are necessary and proper for the effective and efficient performance of the duties herein assigned.

Except as provided for herein, all other provisions of the Ordinance shall remain in full force and effect.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED: October 26, 2016

ADOPTED: December 14, 2016

**BOROUGH OF ALPINE
ORDINANCE NO. 766**

“AN ORDINANCE AMENDING ORDINANCE NO. 757 PROVIDING FOR THE SALARIES, WAGES OR COMPENSATION OF OFFICERS, EMPLOYEES, OFFICIALS OF THE BOROUGH OF ALPINE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY.”

BE IT ORDAINED, by the Mayor and Council of the Borough of Alpine as follows:

Section 1. That the respective salary, wage or compensation of the following office(s) officer(s), employee(s), or official(s) of the Borough of Alpine be hereby fixed at the following rate: The responsibilities encompassed by the Financial Officer also include the duties of Treasurer, Tax Collector, Tax Search Officer, Planning Board Secretary and Municipal Alliance Coordinator at a yearly salary of \$90,991.00.

Section 2. That the fees for the position of Substitute Health Officer be hereby fixed as follows:

Plan Review	\$50.00 per review	up to 7 = \$350.00
Inspections	\$50.00 per location	up to 10=\$500.00
Administration	\$50.00 per hour	up to 10=\$500.00

Section 2. That all ordinances or parts or ordinances inconsistent with this Ordinance be and the same are hereby repealed.

Section 3. That this Ordinance shall be effective retroactive to January 1, 2016 as of the date of adoption of this Ordinance.

INTRODUCED: November 21, 2016

ADOPTED: December 14, 2016

RESOLUTION

**ALPINE PLANNING BOARD
IN THE MATTER OF THE APPLICATION OF
ALPINE ELITE DEVELOPMENT LTD
FOR SOIL MOVEMENT PERMIT WITH WAIVERS RELATED TO SWIMMING
POOL PERIPHERAL WALLS BLOCK 22, LOT 12
23 STONE TOWER DRIVE**

BE IT RESOLVED, by the Planning Board of the Borough of Alpine that the following Procedural History, Findings of Fact and Conclusions of Law are hereby adopted in reference to this matter.

PROCEDURAL HISTORY

An application was made before the Alpine Planning Board by Alpine Elite Development, LTD ("Applicant") for a soil movement permit with requested waivers for more than 30% of pool coping above permitted height above original grade with portions in excess of five feet above original grade. The property is located on Stone Tower Drive. The lot is identified on the Borough Tax Maps as Block 22, Lot 12 ("Property"). The application was made pursuant to the Municipal Land Use Law and the ordinances of the Borough of Alpine.

The application was deemed to be substantially complete by the Borough Engineer and was referred to the Planning Board for its agenda for September 27, 2016.

Proof of compliance with the notice requirements of the Borough soil movement ordinance was provided to the satisfaction of the Board Secretary.

The application was heard by the Planning Board on September 27, 2016. The Application was presented by Matthew Capizzi, Esq.. At the meeting Douglas Doublette, P.E. testified with regard to plans prepared by McNally Engineering, L.L.C.

FINDINGS OF FACT

1. The Board considered the following materials:

A plan entitled "Site Plan, Alpine Elite Development L.L.C. (sic), Block 22-Lot 12, 23 Stone Tower Drive, Borough of Alpine, Bergen County New Jersey", prepared by McNally Engineering, L.L.C. dated April 8, 2016 and last revised on August 30, 2016.

Application and Check list for Soil Movement undated.

Application for Zoning Review dated August 19, 2016 filed by Alpine Elite Development LTD.

Document entitled "Storm Drainage Report for Alpine Elite Development LLC (sic) Lot 12, Block 22" prepared by McNally Engineering, L.L.C. dated May 14, 2016.

Document entitled "Retaining Wall Stability Calculations for Alpine Elite Development, LLC (sic), Lot 12 Block 22" prepared by McNally Engineering, L.L.C. dated May 14, 2016.

Reports prepared by Gary Vander Veer, P.E. dated August 25, 2016, September 7, 2016 and September 9, 2016.

Architectural Plans consisting of seven sheets (1-1, A-1, A-2, A-3, A-4, A-6 and A-7) prepared by Zampolin & Associates, dated August 2, 2016 revised to September 1, 2016

2. The application was for the movement of 3,264 cubic yards of soil (868 cubic yards to be imported) with requested waivers from the provision of the ordinance with regard to the placement of pool coping more than five feet above original grade and more than 30% of the pool coping more than three feet above original grade.
3. Douglas Donohue, P.E. a licensed professional engineer in New Jersey was accepted by the Board in his capacity as a professional engineer. The witness described the lot as irregular in shape, on a curve in the road and containing a 1970's house with pool all of which will be removed. Using Sheet 1 of the plans on file dated April 8, 2016 and revised to August 30, 2016, the witness described the soil movement proposal, the nature of the development on site, and the need for the requested waivers. Those related to the pool are to allow a better height relationship between the pool and the first floor of the dwelling. There is no impact on neighboring properties. The pool could be lowered to avoid the waivers but there would then have to be a series of steps down from the house to the pool. Since the additional fill will be retained by a wall a substantial distance from any property line the witness felt there was no impact on adjoining property. The property in general slopes from the front to the rear. The witness also offered Exhibit A-1 being a Google earth photo showing the present property.
4. After discussion with the Applicant's counsel, it was agreed that this was to be a seven, not eight bedroom home and certain revisions would be made to the architectural plans as noted below. The Board concludes that the requested waivers are appropriate and will have little or no impact on any adjacent properties and represent a better alternative for development.

CONCLUSIONS

Upon hearing the testimony produced on behalf of the Applicant and studying the exhibits, and with the Applicant's consent to the proposed conditions, the Planning Board unanimously voted to approve the soil movement permit application with the waivers subject to Mayor and Council approval, and also subject to the following:

- A. Compliance with the list of Required Revisions/Supplements set forth in the engineering reports of Gary Vander Veer, P.E. dated August 25, 2016, September 7, 2016 and September 9, 2016, copies of which is annexed hereto and incorporated by reference.
- B. Submission of acceptable proof of liability insurance coverage held by or for the benefit of the Borough as an additional named insured in minimum amount of one million dollars, combined single limit and submission of a performance guarantee and revegetation guaranty in the amounts determined by the Borough Engineer.
- C. This Board approval incorporates the plan described in findings of fact J and last revised on August 30, 2016.

Any deviations from the elevations or contours indicated thereon shall be referred by the Applicant to the Borough Engineer, who may approve such modification or refer the Applicant back to the Planning Board for review.

- D. The architect, to the satisfaction of the Board Engineer, shall demonstrate the area of the attic which is seven feet or more in height. If this area does not meet ordinance standards for a half story, this approval shall be void and the Applicant will need to apply to the Zoning Board of Adjustment. The architect shall also revise the plans to confirm that this is a seven bedroom home and not eight bedrooms as shown in the Code Analysis on sheet T-1 of the plans.
- E. The Applicant will remove the fence which encroaches onto adjoining property.
- F. In the event that the Borough Engineer determines that any deviations from the approved plan are major, the Engineer shall notify the Applicant that the approval is void and the Applicant must return to the Planning Board for additional review.
- G. Soil is not to be moved from or to the site during those hours that children are going to, or coming from school, before the hour of 8 a.m. or on Sundays or holidays.
- H. The Applicant will be required to publish a brief notice of the decision in the official newspaper of the Borough in the time and manner provided by law and provide proof of publication to the Board Secretary.
- I. The Applicant is required to obtain all other government approvals including the Environmental Commission and County Soil Conservation District.
- J. The Applicant shall be required to apply for any required Tree Removal Permit.

The Board has resolved that a copy of this Resolution shall be provided to the Applicant, the Construction Code Official of the Borough of Alpine, the Secretary of the Planning Board, and the Borough Clerk.

This Resolution constitutes a Resolution of Memorialization of the action taken by the Planning Board of the Borough of Alpine on September 27, 2016 adopted on ~~October 25, 2016~~.

November 22, 2016.
/s/

Catherine Parilla
CATHERINE PARILLA
CHAIR,
ALPINE PLANNING BOARD

Marilyn Hayward
MARILYN HAYWARD
RECORDING SECRETARY,
ALPINE PLANNING BOARD

Dated 11/22/16