

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

February 25, 2020

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, February 25, 2020 at 7:34 P.M. Catherine Parilla read the announcement in accordance with the requirements of the Sunshine Law:

In accordance with the provisions of the New Jersey Open Public Meetings Act, the notice of this regular meeting held Tuesday, February 25, 2020 at 7:30 P.M. has met the requirements of the law by publication in The Record and posted on the bulletin board of the lobby in the Borough Hall and filed in the office of the Borough Clerk.

ROLL CALL:

Members Present: Carol Cochi, Gayle Gerstein, Elizabeth Herries, Lorraine Mattes, Catherine McGuire, Catherine Parilla, Joyce Sonpal, Mayor Paul Tomasko
Members Absent: David Kupferschmid,
Staff Present: Michael Kates, Board Attorney, Perry Frenzel, Borough Engineer
Nancy Wehmann for Marilyn Hayward, Board & Recording Secretary

SWEARING IN OF 2020 OFFICIALS: David Kupferschmid was not present and will be sworn in at a later date.

APPROVAL OF MINUTES OF JANUARY 28, 2020 REGULAR MEETING:

Upon a motion by Ms. Herries, seconded by Ms. Gerstein to approve the minutes of the January 28, 2020 Planning Board Regular Meeting as corrected changing Ms. Sonpal’s vote on December minutes from Aye to Abstain; she was not present in December. Eligible members voted as follows:

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. Mattes, Ms. McGuire, Ms. Parilla, Ms. Sonpal, Mayor Tomasko

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS: None

MEMORIALIZATIONS: None

COMMUNICATIONS: So noted for the record.

Azzolina & Feury Letter January 15, 2020 re: Their Block 50 Lot 1.01 3 Deerhill Road

Azzolina & Feury Letter January 22, 2020 re: Proposed Residence Block 81.04 Lot 18.04 12 Margo Way

Azzolina & Feury Letter January 22, 2020 re: Proposed Residence Block 50 Lot 1.02 385 Hillside Avenue

BILLS AND CLAIMS: A motion to approve the below referenced bills was made by Ms. Herries, seconded by Ms. Gerstein and approved by all.

Michael Kates, Esq.	\$ 635.00	3 Deerhill Road (50/1.01)	Escrow
Azzolina & Feury Eng., Inc.	\$ 3,198.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
John C. Phillips, Esq.	\$ 2,340.00	Alpine Three (43/6.01,6.02,6.03) Dec	Escrow
	\$ 1,620.00	Alpine Three (43/6.01,6.02,6.03) Jan	Escrow
Burgis Associates	\$ 665.00	Alpine Three (43/6.01,6.02,6.03) Nov	Escrow
	\$ 562.50	Alpine Three (43/6.01,6.02,6.03) Dec	Escrow
	\$ 2,560.50	Alpine Housing Plan	COAH
Huntington Bailey	\$ 3,333.51	Special Counsel	COAH
Clarke Caton Hintz	\$ 1,719.48	Court Appointed Master Jan	COAH
	\$ 69.00	Court Appointed Master Dec	COAH
North Jersey Media Group	\$ 14.00	Public Notice Prof Service Apptmts	Budget

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: Met February 20. Two speakers: 1) Freeholder Ortiz re: Census 2020 and 2) Startup company representative to provide luxury bus service by app in competition with NJ Transit.

Board of Health: Met February 11. Report on file. Regional Environmental Health Specialist attended.

Environmental Commission: Preparing for Arbor Day in April. Will be inspecting properties listed under communications.

Building Department: Report on file.

NJ Transit Update: No report.

COAH Update: Borough's immunity from builder remedy lawsuits continues to be extended.

CONTINUED & AMENDED APPLICATION:

[Prior hearings October 22, November 26 and December 19, 2019, January 28, 2020]

- **Amended Preliminary and Final Site Plan and Soil Moving: Alpine Three, LLC; Closter Dock Road, Block 43 Lots 6.01, 6.02 & 6.03**

Application for Extension of Preliminary Site Plan Approval submitted October 30, 2019 for consideration in conjunction with pending application

Application for Soil Moving with Waivers: Alpine Three, LLC Closter Dock Road Block 43 Lots 6.01, 6.02 & 6.03 (onsite) submitted in December for consideration in conjunction with pending application

Stenographer present at the request of the applicant and transcript to be provided. Mayor Tomasko recused.

Guliet D. Hirsch, Esq. appeared on behalf of the Applicant, Alpine Three, LLC along with applicant's Environmental Consultant, John Peel, PP of PK Environmental POB 1066, 205 Main Street, Chatham, NJ 07928, Engineers Michael J. Hubschman, PE, PP of Hubschman Engineering, P.A. and Peter A. Ciliberto, Jr., P.E. of Najarian Associates.

Also present for the Board: Special Counsel John Phillips, Planner David Novak from Burgis Associates, and Special Engineer Gary Vander Veer.

Members of the public who spoke to the application: Ted Noback, Richard Incontro, JohnMcCaffrey, Caroline Park, and Matthew G. Capizzi, Esq. 11 Hillside Ave., 2nd Floor, Tenafly, NJ 07670 appeared on behalf of Victoria Zoellner and Gordon Uehling, owners of Block 55, Lot 4 and Block 55 Lot 8.

Exhibits marked during the course of these proceedings:

A – 23 Letter from Guliet D. Hirsch dated February 19, 2020 Re: Alpine Three Site Plan Application – Question Concerning Regulation of Blasting for Construction Purposes

O – 4 Copy of set of Plans prepared by Michael J. Hubschman, PE, PP of Hubschman Engineering consisting of 11 pages. Creation and revision dates vary by page. Cover page created January 15, 2001. Latest revision date on the Existing Conditions sheet is January 10, 2003.

Attorney Phillips reviewed the following for the record:

- Assurance from Board members present that they read transcripts of any missed meetings. Board members affirmed.
- Matter regarding retaining Ecolsciences, Inc. as a Board expert held to end of this evening's hearing.
- Letter received from Guliet Hirsch dated February 19, 2020 re: blasting marked A-23 as noted above. A copy will be provided to Mr. Capizzi.

Attorney Hirsch reviewed:

- Letter from Perry Frenzel of Azzolina & Feury dated February 24, 2020 with attached memorandum from Gary Vander Veer dated February 11, 2020 reviewing stormwater management received at start of meeting. Additional time needed for review and response. Letter also distributed to Board and Mr. Capizzi at the start of the meeting.
- Request Board enforce civility during public question and comment sessions. Acknowledged Board's attempts at last meeting but noted transcript revealed multiple interruptions. Chairwoman Parilla asked audience to so abide.

Attorney Hirsch presented Mr. Peel for testimony. Mr. Hubschman and Mr. Ciliberto available for public questions.

John Peel was sworn, testified to his credentials¹ and accepted as an expert witness in environmental science.

Attorney Hirsch distributed copies of Applicants most recent NJDEP Letter of Interpretation (LOI), General Permit (GP) and Flood Hazard Area (FHA) letters (previously submitted with application) for reference during Mr. Peel's testimony as he had prepared and submitted the corresponding applications.

- **Flood Hazard Area (FHA) Applicability Determination – (FHA AD)** Letter from NJDEP to Mr. Peel dated April 18, 2017 (notated 7b). NJDEP found applicant met the conditions of NJAC 7:13-2.1(c)4 for a project that preceded the current (2007) NJDEP Flood Hazard regulations. Project is exempt from FHA rules. A FHA Permit is not required. Under the Flood Hazard rules streams and creeks are regulated if they exceed 50 acres of drainage area. The gravel ditch along Schoolhouse Lane is about 9 acres and considered a minor drainage area with no flood plain or riparian zone. If a riparian zone did exist for this or the creek paralleling Borough property it would not be regulated. This project is exempt. They don't need to show a riparian zone or watercourses. This is consistent with the LOI that concluded there are no State Open Waters on this property including the gravel ditch.
- **Letter of Interpretation (LOI) Line Verification – Reissuance** - Letter from NJDEP to Mr. Peel dated August 22, 2007 (notated 7e). The letter re-iterates there were hydrologically isolated onsite wetlands but no state open waters on the property. A prior LOI dated September 2000 preceded this letter. They are virtually identical.
- **Authorization for Freshwater Wetlands Statewide General Permit, Water Quality Certification and Waiver of Transition Area for Access** - Letter from NJDEP to Mr. Peel dated September 5, 2008 (notated 7f). Statewide General Permit #6 is an authorization by NJDEP to disturb all isolated onsite wetlands identified in the LOI for the proposed seven-unit townhouse project development plan prepared by Hubschman Engineering. Isolated wetlands are not regulated as severely as non-isolated or hydrologically connected wetlands and they allow permits to disturb them.

Mr. Peel noted he has submitted two LOI applications and two GP applications. Each time required notice was provided to neighbors within two hundred feet and the Borough who had opportunity to direct comments to NJDEP. NJDEP told him of the numerous comments submitted but he did actually not see them.

- **Reliance** - Letter from Mr. Peel to Attorney Hirsch dated June 15, 2018 (notated 7h): Re: NJDEP Freshwater Wetlands Letter of Interpretation (LOI) and General Permit #6. Mr. Peel explained if activities are undertaken under the confines of NJDEP permits and approvals NJDEP allows the applicant to rely upon them for the term of the entire project even if the permits technically expire. This is called a Reliance Argument or Reliance Discussion. Their General Permit was issued in 2008 and extended to June 30, 2017 under the Permit extension Act. Prior to that date he inspected the property. He found intensive hydrological modification of the site from soil testing and attempts to install septic systems and encapsulation of the well which he interpreted as evidence of project commencement. There was nothing left to be concerned about from a wetlands perspective. NJDEP enforcement responded to complaints, inspected and found no violations or issues with riparian zones or wetlands.

NJDEP Inspections. Mr. Peel offered there have been multiple (10-15) site inspections by NJDEP over the years. In 2000 John Hanf of NJDEP Division of Land Use Regulation inspected twice for the LOI approval and once for the GP review. In 2005 Andrew Clark inspected twice for the LOI re-issuance and twice in 2008 for the GP re-review. In 2007 Larry Byer, Director of the Division of Watershed Management inspected with Section Chief Terry Pilawski and NJDEP geologist Keith Howell. Mr. Peel was present at all inspections. NJDEP subsequently inspected for the 2017 FHA AD and NJDEP Enforcement also inspected during this timeframe. This small 1.1. acre site was easily scoured by NJDEP in light of numerous comments from the municipality and objectors. Attorney Hirsch asked if NJDEP officials were aware of the spring or its remnants. Mr. Peel stated they were. They visited the site on numerous occasions through probably every season and could observe the flow. Despite being mislabeled as an abandoned well NJDEP was contacted by numerous residents that it was a spring or well and they were well aware of this feature.

¹ Professional planner in NJ since 1983. 25 years in the business and 35 years in the industry. Responsible for environmental assessments. Retained by Alpine Three since 1999 on this case. Accepted before various Boards, bodies and Superior Court. 35 years of wetlands analyses, numerous applications with NJDEP and the US Army Corp of Engineers, Phase I Assessments, Site Remediation, Flood Hazard Area Assessments, and Land Use Permitting.

Response to Questions from the Board

- Attorney Phillips, to preface a question, read excerpts from the April 18, 2017 letter pg. 2:

“Based on a field visit an off-site unnamed tributary has a 300-foot riparian zone that encroaches on the applicant’s property. However, based on municipal approval as per NJAC 7:13-2.1(c)4 ...of the regulations, the project is exempt...”

subsection (c): *“...each distinct construction activity in a project such as each building, road or utility crossing is considered a distinct regulated activity...”*

(c)4 for exemptions: *“...the regulated activity is part of a project that was subject to neither the requirements of this chapter nor other administrative code sections prior to November 5, 2007 and one of the following applies: the regulated activity is authorized under a valid municipal approval issued prior to November 5, 2007 which enables commencement of construction of the regulated activity on the specific lot or easement.”*

What was the valid municipal approval issued to this site prior to November 2007? Mr. Peel claimed the preliminary site plan approval remanded to the Board by Judge Jonathan Harris. Attorney Phillips countered was a conditional approval. Applicant had to return for NJDEP Wastewater and Stormwater approvals therefore no buildable approval existed in 2007. Mr. Peel maintained work on the project had commenced by 2017. Attorney Hirsch added NJDEP was provided with Judge Harris’s court orders and ruled the project exempt from FHA regulations including riparian requirements. Attorney Phillips questioned NJDEP’s right to overrule a conditional approval. Attorney Hirsch stated they didn’t overrule but determined a conditional approval was sufficient. The Borough could have commented during the process or appealed on a timely basis.

- Ms. Herries asked how permits could still be valid based when site conditions have changed so dramatically. Mr. Peel repeated his testimony that permits were valid through June 30, 2017 by which time work had already commenced on the property. At this time there are no isolated wetlands left on the property. A subsequent DEP enforcement site inspection found no violation. If required they would get a reliance letter.

Response to Questions from the Public

- **Attorney Capizzi** Mr. Peel explained Judge Harris’s September 29, 2003 Order for Remand concerned Preliminary Site Plan Approval for 7 townhouses with a force main. The site was intensely hydrologically modified by work performed through the years including approximately a hundred soil borings and more recently septic work which, although not part of Judge Harris’s decision, was honored by NJDEP. State Open Waters are addressed by the LOIs. Attorney Capizzi did not feel the 2007 letter clearly stated non-existence of State Open Waters. Mr. Peel acknowledged the spring was labeled as an abandoned well on the map submitted with the application but mislabeling could not have resulted in an incorrect determination as NJDEP had received numerous public objector comments about a spring, the mapping provided the location and they had physically inspected the site numerous times. He conceded he has no field notes or written documentation that NJDEP knew it was a spring; just the LOIs and his recollection. Mr. Peel could not speculate if development would impact groundwater and deferred questions on spring flow to the other engineers. He did not recall being consulted during Alpine Three’s 2014 appeal but had reviewed the May 24, 2014 Cosgrove report and disagreed with Mr. Cosgrove’s assertion of the existence of a State Open Water based on an old Bergen County Soil Survey, a black line stream depiction. They disagreed with that mapping but did not file an application with NJDEP to obtain a final determination to resolve the discrepancy between soil maps and that is now irrelevant as they did obtain the FHA Applicability Determination. Attorney Capizzi showed him a set of plans prepared by Hubschman Engineering with Cover Sheet created January 15, 2001, last revised January 10, 2002 consisting of 11 pages marked **Exhibit O-4**. The Existing Conditions Plan last revised January 10, 2003 in this set depicts a “concrete lid” and no piping. The original clay pipe was replaced with PVC sometime in the 2000’s and always ran underground releasing into the manmade gravel ditch along Schoolhouse Lane to a ditch behind Borough Hall eventually draining into a C-1 Stream. The pipe was always underground and not on the surface, not easily seen and not a surface water feature or wetland; a permit is not required to disturb it. Mr. Peel stated this was the plan reviewed by NJDEP for the FHAAD. Attorney Capizzi will provide a copy of Exhibit O-4 to the Board and Mr. Peel will provide copies of the NJDEP applications to Attorney Capizzi.

- **Ted Noback, 57 Schoolhouse Lane** Mr. Peel did not inform NJDEP in writing that the feature is a spring and not an abandoned well but stated they had the applications and discussed on site. He did not discuss with NJDEP the possibility of on-site blasting or how that might impact waterflows and downhill properties and their septic systems. He has no knowledge of what is in the Applicant's deed. Attorney Phillips advised Mr. Noback any knowledge he has regarding a deed must wait for his testimony under public comments. Questions on how the spring was labeled an "abandoned well" on the plans deferred to Mr. Hubschman.
- **Richard Incontro, 36 Schoolhouse Lane** Mr. Peel prepared the NJDEP application and the only map used was supplied by Mr. Hubschman. He has no knowledge of the deed, vacations of Schoolhouse Lane or a lawsuit McCaffrey, Shaw v. Alpine Three contesting the deed. He only heard about a "spring." He didn't believe the perimeter of the isolated wetlands included the spring. NJDEP personnel told him public objector comments indicated there was a spring on the property. NJDEP decided the spring was not a regulated feature. He stated Mr. Incontro was one of those objectors. Mr. Incontro stated the Cosgrove Report found the application and permit only addressed the wetlands but said nothing about the spring. Mr. Peel responded they have the permits and asked Mr. Incontro what NJDEP told him. Mr. Incontro replied he "got the run around."
- **John McCaffrey, owner adjoining lot.** Mr. Peel has not seen the 1892 Thomas R. DuBois map of the original subdivision with the spring and its tributaries that Mr. McCaffrey stated feeds one of the last native trout streams in northern Bergen County. He has reviewed Bergen County Soil Survey and the USGS maps stating neither depicts a stream. Mr. McCaffrey questioned him on the Cosgrove report pg. 29 "*I should also note that if the channel is deemed a regulated water, stormwater management regulations require a three-hundred-foot special water resource detection area*" which would include the spring. Mr. Peel advised Mr. Cosgrove's opinion that there is a special water resource protection area (SWRPA) is now irrelevant under their FHA AD. Mr. Peel did not believe water flow data from the spring was submitted to NJDEP Division of Land Use Regulation but someone else may have submitted to Division of Watershed Management. He repeated testimony that he is not familiar with Applicant's deed and permission was not needed to pipe an unregulated feature (the spring). Blasting could result in bedrock fractures and hydrological modifications and it's possible the stream could disappear but that's all speculation. Mr. McCaffrey asserted he has private rights to the spring and does not want it touched. Attorney Hirsch objected. Attorney Phillips affirmed reminding Mr. McCaffrey that is not a planning board issue but between him and the property owner.

The meeting was closed for public questions.

- Ms. Parilla asked if the LOI signed by Andrew Clark was a form letter with boilerplate language or specific to this application where it says, "*It should be noted that this determination of wetland classification is based on the best information presently available to the Department.*" and "*The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department....*" Is it Mr. Peel's testimony that having visited the property he addressed any modifications or changes or something different than what was in the application and he's not limited to the information supplied by the applicant? Mr. Peel stated yes and that the language is specific to the application. This was a reissuance of a prior LOI subsequent to public objection, numerous comments and their own independent onsite reviews. Ms. Parilla noted the letter does not mention onsite review; just information currently available. Consequently, the public's concern is how accurate was the information that NJDEP had to rely on for their determinations? Mr. Peel responded NJDEP performed their own site-specific analysis for each of the four applications.

Attorney Hirsch reviewed prior public comments with Mr. Peel who affirmed NJDEP would review wetlands and state open waters for each LOI. NJDEP regulates wetlands, state open waters and wetland transition areas. If there are no waters, there's no waters. If there are isolated wetlands many times they are deemed ordinary like this one and no buffers are required.

- Ms. Parilla questioned consequences if additional information was not provided? Mr. Peel repeated the public notice affords neighbors and municipal agencies to respond. The NJDEP considers comments and often takes them into account.

- Ms. Parilla asked if NJDEP would want to know information such as a deed that goes back years. Mr. Peel replied they might consider it. As a public agency they'll review what you submit to them while noting this land has been intensively modified since 1990.
- Gary Vander Veer asked if the LOI language quoted by Ms. Parilla is typical of every LOI and Mr. Peel conceded it is fairly boilerplate and appears in each letter. Mr. Vander Veer noted the spring is shown on maps dating back into the 1890's. Was it flowing on the surface then? Mr. Peel acknowledged it was possible. He did not know when it was piped. His first observation in 1999 was of a concrete block or brick lined subsurface well or spring with a subsurface pipe sticking out of it. The map provided to him didn't show the pipe and various alliterations of this application always referred to the feature as an abandoned well. Mr. Vander Veer noted an older Planning Board application by the applicant and Mr. Hubschman in the mid to late 1980s for a different type of development called it a spring. Did Mr. Peel's office request the change for NJDEP purposes or was it the engineer? Do we have any idea how that language change occurred? Mr. Peel did not know. He deferred to Mr. Hubschman.

Re-opened to the public for questions

- **Ted Noback** recalled testimony that blasting could possibly make the stream 'disappear.' Could the stream 'reappear' on downhill properties impacting their septic systems and does it make sense to get accurate measurements of the spring's water flow? Attorney Hirsch objected. Mr. Peel cannot answer the question without speculation. Ms. Parilla asked Mr. Peel to explain what he meant by saying the spring could "disappear." Mr. Peel said "it's gone". Water is transmitted in the Palisades in fractures in the bedrock. It's too complex to understand for this meeting. It's speculative. Speaking from his expertise a stream can disappear, over geological time it happens all the time.
- **Attorney Capizzi** noted here, concerns on the effect of potential blasting on the spring relates to earthwork, not passage of time. Who on the Applicant's team can answer these questions? Mr. Peel did not know. He primarily collaborated with Mr. Hubschman regarding stormwater management and these questions are beyond his expertise. His opinion right now is that no portions of the property are regulated by NJDEP and no permits are needed. Attorney Phillips clarified this applies only to Land Use; they still need Treatment Works Approval. Mr. Peel affirmed other approvals might be required but he thinks they're covered as far as Wetland and Flood Hazard regulations.
- **Mr. Incontro - Mr. Peel** is familiar with NJAC 7:7a Freshwater Wetlands Protection Act (FWPA) rules but did not have it memorized to answer if "all springs are waters of the state." He repeated he is not familiar with the deed but added under Division of Watershed Management, the State Historic Preservation Office (SHPO) reviewed an archeological and architectural report prepared by Richard Grubb & Associates to address historical conditions of the property which utilized old deeds so NJDEP signed off on that as well. Mr. Incontro cited FWPA "waters of the state means the ocean and its estuaries, all of its springs, etc. and *"all waters which are currently used, were used in the past or may be susceptible to use in interstate or foreign commerce including all waters that are subject to the ebb and flow of the tide"* and subsection 3: "vii. *Which are used to irrigate crops for interstate commerce"* to ask if it was reasonable that Mr. McCaffrey sued for his rights to the spring because he wants to use the spring water to irrigate crops sold in interstate commerce? Mr. Peel stated he did not know. Attorney Phillips deferred testimony to the public comments portion of the hearing.
- **John McCaffrey** denied receiving public notice for any of the NJDEP applications and asked for documentary proof. Attorney Hirsch refused noting NJDEP would not have issued approvals without adequate proof of required notices.

Attorney Hirsch advised Mr. Peel would return at the next meeting for questions on the NJDEP applications (1 FHA, 2 LOI and 2 GP#6) which they will provide to Attorney Capizzi but not for another round of questions that go too far afield.

BREAK: The Board recessed from 9:13 – 9:23 PM

Michael Hubschman, PE PP, applicant's engineer remains under oath. Attorney Hirsch addressed questions regarding blasting. Mr. Hubschman has evaluated this further. The site has an extensive soil boring history and he will resubmit cross sections from the soil moving application with the rock profiles to show most of the footings are above and only some of the footings are one to two feet below rock. As you have to drill four feet to blast one foot it's likely they will just

drill and hammer. Attorney Phillips asked if that includes the sewer pump vault. Mr. Hubschman stated he's just referring to the soil moving cross sections.

Attorney Hirsch recalled a question about the sewer pump wet well capacity. Mr. Hubschman stated there are 487 gallons of storage total. The pump turns on whenever capacity reaches 287 gallons to push it down the force main. NJDEP requires a maximum of ten minutes detention time. A waiver may be needed to exceed that; they don't want to provide less storage.

Response to Questions from the Board

- Ms. Parilla and Ms. Mattes pursued Mr. Hubschman's knowledge of the spring. He recalled a square concrete lid and they didn't see or show pipes back in 2002 or 2003. Mr. Vander Veer had advised them the lid was cracked (perhaps by a backhoe). They opened it up to reveal a cinderblock or concrete block square with a clay pipe. He does not know who later replaced the clay pipe with PVC; perhaps the owner. He couldn't be sure if the PVC pipe there now goes into the square or into a section of clay pipe that still remains connected to the square but knows they replaced the lid with a 30-inch manhole for safety. The hole was about three to five feet deep and the pipe is below ground about halfway down that distance. Water comes up and drains out of the pipe. He didn't prepare the NJDEP applications but gave Mr. Peel whatever the plan was of that date.
- Attorney Phillips questioned elevation of the pipe relative to the unit built over it. Mr. Hubschman stated they propose to mimic existing conditions so the pipe will be around the same elevation located under the garage floor. The pipe will be a little above the cellar elevation. They have not yet detailed this out but will likely create a manhole in the garage floor. The pipe would come out to the west and under the driveways designed to withstand traffic. It will be piped to the ditch as it is now. This flow is not part of the stormwater management system.

Response to Questions from the Public

- Attorney Capizzi pursued knowledge of the spring and pipe. Mr. Hubschman recalled Frank Mauro re-concreted the outside for the manhole. He hasn't looked at it in a few years and repeated he is unsure if some of the clay pipe is still there. He will provide information regarding elevations. He saw the FHA AD tonight but only submitted the plan and did not prepare the application. Attorney Capizzi addressed questions to obtain comparisons on project details and what has changed from prior plans **[Exhibit O-4]**.
 - A note on Sheet 3 Grading, Drainage and Utility Plan says "*all footing drains to bypass the retention recharge system.*" Mr. Hubschman responded there are footing and curtain drains were deleted; that note should have been removed. There are a lot of drainage revisions resulting from Mr. Cosgrove's May 21, 2014 report. 100% of all the impervious coverage: the roadway, roof leaders, etc. will be piped to an underground detention system. Seepage pits are designed for recharge. The detention system will not impact the retaining wall. Stormwater design and calculation questions deferred to Mr. Ciliberto.
 - "*Ditch to remain undisturbed*" is not noted on the current plan set. Mr. Hubschman replied it should be on the current set. Drainage features will be added but the ditch remains the same.
 - Sheet 6 Soil Erosion and Sediment Control Plan proposed a ten-foot-wide easement through Borough of Alpine property for the sewer. This was nixed.
 - Sheet 7 Existing Conditions Plan showed piping. This is an existing 12-inch pipe that runs across a diagonal corner of Schoolhouse Lane from the ditch to the watercourse behind Borough Hall.
 - They moved the road slightly to the east as requested by the Board.
 - The lot is currently improved with a small 700 square foot dwelling.
 - About 100% of the site will be disturbed as shown on the Soil Erosion and Control Plan (1.08 of the 1.1 acres)
 - He does not believe there are steep slopes but will check if they prepared a steep slope analysis to confirm.
 - Questions regarding soil moving deferred to update of soil moving plans with rock elevations. Attorney Capizzi requested he be copied. Attorney Hirsch will provide anything she receives electronically otherwise that is not the applicant's obligation. Resubmittals will be on file with the Board.
- **Caroline Park, Schoolhouse Lane**, questioned what if the volume of water flow from the spring exceeds the capacity of the pipe. Mr. Hubschman explained the structure and how they calculated the water flow. In twenty years it has never overflowed. He does not think they need more accurate readings.

- **Richard Incontro**, questioned Mr. Hubschman's observation that he has never seen the water overflow in twenty years. Have you seen the overflow that occurred when Mr. McCaffrey and I complained to the town when the septic fields were a swimming pool? Mr. Hubschman has never seen the spring overflow into the street.
- **John McCaffrey** In response to questions
 - Mr. Hubschman has been the engineer for this site since 1999 and will use all that test hole data to supply the rock data. He believed the prior engineer was Harry Ralston.
 - His design experience with forced mains includes a two-inch main for an Edgewater project. He is not involved with the Quanta site (12-inch main for 1,919 units). He cannot speculate in response to various hypotheticals regarding peak use or catastrophic system failures. The force main system is designed to be failsafe calling for two pumps with one as backup and a generator. Peak flow calculations based on the National Plumbing Code at 63 gallons per minute from seven units.
 - Why did plans change the depiction of the spring to an abandoned well. Mr. Hubschman responded his information comes from the survey crew. He hasn't given it much thought. Per the Board's request he'll change it back on his next resubmittal.
 - Stormwater design questions deferred to Mr. Ciliberto

Being 10 PM Chairwoman Parilla closed to the public for questions.

Board Expert. Ecolsciences

Attorney Phillips noted the Board has a proposal from Ecolsciences for submission of an application to NJDEP on behalf of the Board and correspondence from Attorney Hirsch regarding same. Citing (Cerebral Palsy Center v. Fair Lawn, 374 N.J. Super. 437 (app. Div. 2005) the Board cannot charge Applicant's escrow. The Borough can appropriate funds. He concurs and recommends the Board retain Ecolsciences to review testimony and documentation, attend meetings and offer testimony but not to prepare a NJDEP application. Attorney Hirsch stated she would have no objection to that approach.

The question of access to the property was raised to which Attorney Hirsch responded, "No, we are not granting access. There is no end to that. Before we know it somebody's digging up the well or the spring, whatever you want to call it, they're doing borings. None of those things. The property may be observed from public right of way or adjacent property." Attorney Phillips advised they can proceed on that basis and if Ecolsciences has an issue they will deal with this at that point.

Resolution Appointing Special Environmental Consultant Upon a motion by Elizabeth Herries, seconded by Catherine McGuire to retain Ecolsciences, Inc. 75 Fleetwood Drive, Suite 250, Rockaway, NJ 07866 subject to an amended proposal removing the application to NJDEP and providing for hearing attendance with review of testimony and documents.

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. Mattes, Ms. McGuire, Ms. Parilla, Ms. Sonpal

Resolution of Continuance: Upon a motion by Ms. Gerstein, seconded by Ms. Herries and approved by all to continue this matter to the next regular meeting scheduled for Tuesday, March 24, 2020 with no further notice required. In the event of cancellation due to weather the meeting will be automatically carried to April 28, 2020. Applicant agrees to extend the time constraints to render a decision through that next hearing.

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Joyce Sonpal and seconded by Gayle Gerstein. All were in favor. The meeting adjourned at 10:05 PM.

Respectfully submitted,
Marilyn Hayward
Recording Secretary