

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

July 26, 2016

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, July 26, 2016 at 7:30 P.M. Chairperson 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, July 26, 2016 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:

Gayle Gerstein	Catherine McGuire
Elizabeth Herries	Catherine Parilla
Joyce Sonpal	Carol Cochi
Mayor Paul Tomasko	

Members Absent: Jeff Fromm, David Kupferschmid, Lorraine Mattes

Staff Present:

John Phillips, Board Attorney
Gary Vander Veer, Borough Engineer
Marilyn Hayward, Recording Secretary

APPROVAL OF MINUTES OF JUNE 28, 2016 REGULAR MEETING: A motion to approve the minutes of the June 28, 2016 Regular Planning Board meeting was made by Mayor Tomasko, seconded by Gayle Gerstein, and carried by those eligible to vote.

MEMORIALIZATION OF RESOLUTIONS:

- Soil Moving Permit Application: Shabetayev; Block 74 Lot 10; 36 Dogwood Lane:** A motion to approve the resolution was made by Joyce Sonpal, seconded by Gayle Gerstein and carried by those eligible to vote.
- Soil Moving Permit Application: Low; Block 73 Lot 10; 6 Birch Road:** A motion to approve the resolution was made by Gayle Gerstein, seconded by Joyce Sonpal and carried by those eligible to vote.

OPEN TO PUBLIC (NON-AGENDA ITEMS): John McCaffrey stated that he is a resident and owner of Alpine Gardens on Closter Dock Road. He is here in regard to the Alpine Three property, which is in close proximity to one of his parcels. Mr. McCaffrey began by referencing the spring on the Alpine Three property. Attorney Phillips cautioned the board that generally non-agenda items address issues not before the board or likely to come before the board. Alpine Three has been before the board on a number of occasions; we have a Settlement Agreement with regard to the development of the property. The septic system is being installed pursuant to borough ordinances and is not subject to approval by the Planning Board. He feels that it would be improper to get into details with regard to any other aspect that may come before us on site plan development. Any issues with regard to the septic system should be addressed to the Board of Health. Some comments could impact the Board's decision down the road, and the Applicant is not here to hear or respond to those comments. The spring has been determined by the courts to be a spring and the Applicant will have to deal with that when the site plan is before the board. Mr. Phillips recommended that the Chairperson move on with the agenda since nothing can be done until the application is before the board.

Mr. McCaffrey continued with comments regarding property not owned by Alpine Three. He stated that in 1987 the borough vacated the spring on Schoolhouse Lane. More recently the borough purchased property on Closter Dock Road through a condemnation procedure. The rights to the spring are inherent with that piece of property. Mr. Phillips advised that this board has no jurisdiction over that property and it is not an issue for this board to deal with.

There were no additional comments from members of the public.

CONTINUED APPLICATIONS:

Soil Moving Permit Application: Garabet; Block 47 Lot 1; 987 Closter Dock Road (Carried from June 28).

The applicants' attorney, Scott R. Lippert of Pashman Stein Walder Hayden, Court Plaza South, 21 Main Street, Suite 200, Hackensack, NJ 07601-7054 stated that this matter is continued from the June meeting. Subsequent to that meeting they met with the Borough Engineer at the site to address the issues raised at the hearing; particularly the manner in which stormwater would be handled and the driveway on East Main Street. The Applicant's Engineer Douglas Doolittle, will testify regarding those issues.

Douglas Doolittle, P.E., L.S., P.P. McNally Engineering, LLC 169 Ramapo Valley Road, Oakland, NJ 07436 was sworn and accepted at the last hearing. Mr. Doolittle referenced his Plot Plan dated 2-28-2016 last revised 7-11-2016 per the field meeting.

Mr. Doolittle acknowledged that the plans have been revised to reflect changes to the stormwater detention system and the extension of the driveway at East Main Street. With regard to the stormwater system, Mr. Doolittle stated that they have eliminated any connection to the municipal system and connected to the four proposed pits located opposite East Main Street. They will have a carrier line down to the drainage system toward Closter Dock Road, where they will install four pits instead of only two as originally proposed. This will keep the runoff on site and going into the detention system. The drainage pipe size will be increased to eight inch at the Borough Engineer's recommendation. Mr. Doolittle testified that this will accomplish the objective and will comply with all applicable laws with regard to stormwater.

Regarding the proposed driveway extension to East Main Street, Mr. Doolittle testified that it will extend about 105 feet to the existing pavement on East Main Street. It will be fifteen feet wide and three inches thick over the existing gravel. It will benefit the borough by helping the drainage in that area and snowplowing will be easier. It will also benefit the neighboring property. Ms. Gerstein asked if a fire engine will be able to get into the driveway and turn around. Mr. Doolittle responded that fifteen foot width is ample and they have the ability to exit through the other driveway on Closter Dock Road. Ms. Herries asked if we received any input from the DPW regarding the proposed driveway. Engineer Vander Veer responded that he spoke with the DPW Superintendent who felt that it would be a benefit by making it easier to plow. Mr. Vander had no further issues.

Attorney Phillips asked if there is an overflow for the four pits by Closter Dock Road. Mr. Doolittle answered that there is an open grate on top which would serve as an overflow.

Mayor Tomasko asked if the area of disturbance is greater than one acre, therefore to be considered a major development for stormwater purposes. Mr. Vander Veer replied that the plan indicates that it is .98 acre.

Mayor Tomasko commented that it appears that the applicant is eager to proceed; however, it should be noted that the reason the process took as long as it did was that it is an historic property and has wetlands to deal with, which took quite a bit of time at the DEP. Additionally, the plan is for impervious coverage and footprint to be just about at the maximum allowed, so no further improvements such as a pool or any other accessory structures are possible without a variance. The property is oversized but even getting two septic fields installed was difficult due to the amount of rock on the site. There were no further comments or questions.

Attorney Phillips stated that a motion to approve would be subject to Engineer Vander Veer's various comment letters and upgrading the pipe to eight inches. A motion to accept was made by Ms. McGuire, seconded by Ms. Herries and carried unanimously.

Mr. Lippert asked if obtaining the tree removal permit could be expedited. Ms. Parilla responded that the Chair of the Environmental Commission is not in attendance this evening, but someone will contact her tomorrow to see if that can be arranged.

NEW APPLICATION:

Soil Moving Permit Application: LaBarbiera; Block 81.03 Lot 1; 24 Cambridge Way: The applicant was represented by his attorney, David Watkins, 285 Closter Dock Road, Closter, NJ. Mr. Watkins stated that this is an application for Soil Movement with three minor waivers related to the pool.

The applicant’s engineer, Douglas Doolittle, P.E., L.S., P.P. McNally Engineering, LLC 169 Ramapo Valley Road, Oakland, NJ 07436 was sworn by Attorney Phillips and accepted as an expert witness. Mr. Doolittle described the existing conditions. The structure has been removed and the septic systems have been constructed. A few trees have been removed for the new septic system. They are here for soil moving in excess of 1,000 cubic yards. Additionally, they are proposing a pool coping elevation of more than three feet above grade for 100% of the perimeter where 30% is permitted, and one corner of the pool is more than five feet above original ground elevation where five feet is the maximum permitted. They are doing this for aesthetics and safety reasons, eliminating additional steps from the house to the pool area.

Mr. Doolittle went through the comments in Engineer Vander Veer’s review letter dated July 7, 2016. Regarding General/Zoning comments, Item 4, Mr. Doolittle testified that they have obtained the DEP permits necessary to mitigate the 300 foot waiver and the ability to encroach within the 300 foot riparian buffer with the rear yard amenities. Mr. Doolittle acknowledged that this is considered a major development for stormwater runoff purposes and they have provided for water quality treatment as well as detention. Mayor Tomasko asked if the borough has been given a copy of the DEP permit. Mr. Doolittle replied that he will make it available.

Soil movement activity is as follows:

Volume of cut	2,227 cubic yards
Volume of fill	1,532 cubic yards
Volume to be imported	0
Volume to be exported	695 cubic yards
Total volume to be moved	2,227 cubic yards

There are requesting a waiver relating to drainage. Because the property slopes from east to west they had to put the septics in the lower area and wanted to put the detention system below that. It is near the street with easy access for maintenance.

Mr. Vander Veer verified that he has visited the site and the septics have been installed in accordance with the approved plans.

Mr. Vander Veer advised that a Maintenance Plan and Deed Restriction must be provided to ensure that the Stormwater Management System is maintained as required. Ms. McGuire asked how we oversee the Maintenance Plan. Mr. Vander Veer replied that the deed restriction informs the owner and particularly any future owners that the device must be maintained and inspected annually and after major storms. A report should be submitted annually to the borough to confirm that it has been done.

Mayor Tomasko commented that the borough has received a lot of input from neighbors about the amount of rock hammering on the last site that Mr. Watkins represented for the same developer on Allison Road, and he hopes that we don’t receive similar comments or concerns regarding this development. He is encouraged that there are no neighbors here this evening to register comments. As he did last time, he would again encourage the developer to work with the property as it exists and design something that does not require waivers. He is optimistic that they will not experience what they did last time. Mr. Watkins stated that we should call him if there are any issues and he will address them.

Attorney Phillips noted for the record that he had received a phone call from a potential attorney for a potential objector, who then subsequently called to say that there was no objection to this application.

Ms. Sonpal asked how much blasting will be involved in this development. Mr. Doolittle responded that they didn't hit any rock for the septic system and there is quite an excavation there from the old foundations, so he doesn't think they're going to hit much, if any.

There was no further discussion. A motion to approve subject to the conditions noted above was made by Ms. McGuire, seconded by Ms. Gerstein.

Attorney Phillips read the conditions:

1. Provide a copy of the NJDEP Permit
2. Comply with all requirements of Engineer Vander Veer's July 7, 2016 review letter.
3. Provide a Maintenance Plan and Deed Restriction for Stormwater Management System.
4. No soil movement to or from the site during hours when children are going to or coming home from school, before 8 AM, Sundays or holidays.

The motion was carried unanimously.

OPEN TO PUBLIC (NON-AGENDA ITEMS): The meeting was again opened to the public to allow a member of the public to make comments. Richard Incontro of 36 Schoolhouse Lane stated that he has been looking for a Letter of Interpretation from the NJ DEP with regard to the Alpine Three property. He spoke with someone from the DEP and requested a copy of the LOI, which was dated 2007 and had a five year expiration. Mr. Phillips advised Mr. Incontro of the Permit Extension Act, which extends the expiration by statute for certain documents. This is not a decision that the Planning Board can get involved in. Mr. Phillips stated that Mr. Incontro can raise these issues when the applicant comes in with the Site Plan Application. There is nothing before this board to take action on at this time. Mr. Incontro asked if the board has read a copy of the Cosgrove (stormwater expert) report. Ms. Parilla responded that they have read all of the data submitted when the application was before the board. They are working with the applicant who has to meet all of the conditions of the agreement. Ms. Parilla assured Mr. Incontro that the board is aware that there is a spring on the property. Attorney Phillips repeated that this is an inappropriate discussion for this meeting. Ms. Parilla stressed that they are keenly aware of what is going on. Mr. Incontro asked if they are installing a standard septic system. Mr. Vander Veer responded that it is a standard system. The design parameters are spelled out in the state regulations. Ms. Parilla advised that if there are any problems they will have to come back to the board and he can be in the audience to ask questions at that time. Mr. Incontro asked if the pond liner requires a variance. Engineer Vander Veer replied that it is a standard item that is provided on many septic systems.

After further discussion regarding the spring, Attorney Phillips advised that whether it is called a well or spring makes very little difference. We know it is a spring, and the applicant has to take care of the water that comes out of the ground regardless. We will deal with these issues at the appropriate time.

COMMUNICATIONS:

Engineer Vander Veer's letter dated July 13, 2016 regarding Alpine Three, LLC. was distributed prior to the meeting. Mr. Vander Veer reported that they have started the excavation for the testing of the septic systems. Trees have been removed. They have now encountered a lot of very hard rock. The approved plan allowed them to provide some filling in the wetland area according to the wetland permit. He recently visited the site and observed that fill material was placed over the spring. They were directed to remove the soil and mulch that had been placed over the spring two or three years ago. A silt fence must be installed properly so they know the area they are permitted to fill. The spring has been resurrected. There is a concrete structure below ground which has been restored and capped. The pipe has been reconnected and is functioning the way it always has.

BILLS:

Azzolina & Feury	\$ 408.75	Shabetayev - 74/10 (escrow)
John C. Phillips, Esq.	\$ 980.00	Low – 73/10 (escrow)
John C. Phillips, Esq.	\$ 320.00	Shabetayev – 74/10 (escrow)
Clarke Caton	\$ 22.00	Special Master

A motion to approve the above referenced bills made by Mayor Tomasko, seconded by Gayle Gerstein. All were in favor.

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: Mayor Tomasko reported that meetings will resume in September.

Board of Health: The next meeting is September 13th.

Environmental Commission: They have a meeting scheduled for August 25th.

Building Department: Report distributed; no comments.

NJ Transit Update: No update.

COAH: Mayor Tomasko reported that a decision was reached by the appellate court to eliminate the gap as a component of a municipality’s obligations, meaning that they will calculate present and prospective need, not past need.

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Ms. Gerstein and seconded by Ms. McGuire. All were in favor. The meeting adjourned at 8:43 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary