

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

January 25, 2022

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, January 25, 2022 at 7:30 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, January 26, 2021 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, David Kupferschmid, Lorraine Mattes, Catherine Parilla, Joyce Sonpal, Mayor Paul Tomasko
Members Absent: Catherine McGuire
Staff Present: Douglas Bern, Esq. Board Attorney; Perry Frenzel, Borough Engineer
Marilyn Hayward, Board & Recording Secretary

SWEARING IN OF 2022 OFFICIALS: Mayor Tomasko administered the oath of office to Gayle Gerstein, Class III member for a one-year term expiring 12/31/2022.

REORGANIZATION:

Chairperson: Catherine Parilla upon a motion by Ms. Herries, seconded by Ms. Mattes

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

Vice Chairperson: Catherine McGuire upon a motion by Ms. Parilla, seconded by Ms. Sonpal

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

Board Secretary/Recording Secretary: Marilyn Hayward upon a motion by Mayor Tomasko, seconded by Ms. Sonpal

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

PROFESSIONAL SERVICE APPOINTMENTS: Upon a motion by Mr. Kupferschmid, seconded by Ms. Mattes to reappoint the following professionals and to adopt the corresponding Professional Resolutions appended to these minutes for the positions of Board Attorney, Board Engineer, Special Consulting Engineer, Borough Planner and Special Counsel.

Board Attorney: Douglas Bern, Esq. upon a motion by Mayor Tomasko seconded by Ms. Sonpal

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

Board Engineer: Perry Frenzel, P.E. of Azzolina & Feury and

Special Consulting Engineer for Alpine III Matter: Gary Vander Veer, P.E. of Azzolina & Feury upon a motion by Mr. Kupferschmid, seconded by Ms. Mattes

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

Special Counsel for Alpine III Matter: John Phillips, Esq. upon a motion by Ms. Sonpal seconded by Ms. Mattes

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

Borough Planner: Joseph Burgis, P.P. of Burgis Assoc., Inc. upon a motion by Mayor Tomasko seconded by Ms. Sonpal
Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Mr. Kupferschmid, Ms. Mattes, Ms. Parilla, Ms. Sonpal, Mayor Tomasko

APPROVAL OF MINUTES OF DECEMBER 21, 2021 REGULAR MEETING:

Upon a motion by Ms. Gerstein, seconded by Ms. Herries to approve the minutes of the December 21, 2021 Planning Board Regular Meeting eligible members voted as follows:

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Mr. Kupferschmid, Ms. Mattes, Ms. Parilla, Mayor Tomasko

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS: None

CONTINUED HEARING: deferred to after other agenda items.

AMENDED PRELIMINARY AND FINAL SITE PLAN ALPINE THREE LLC, CLOSTER DOCK ROAD BLOCK 43 LOTS 6.01,6.02 & 6.03

COMMUNICATIONS

Notice of DEP Freshwater Wetlands Letter of Interpretation: Line Verification re: Block 39.01 Lot 12.19 – 35 Tamarack Road

200-foot list: Block 75 Lot 13, 30 Overlook Road

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

Clarke, Caton & Hintz	\$ 851.00	Appointed Court Master	COAH
Burgis Associates	\$ 1,237.50	Alpine Housing Plan	COAH
Azzolina & Feury Eng., Inc.	\$ 3,586.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
Azzolina & Feury Eng., Inc.	\$ 5,215.50	Alpine Three (43/6.01,6.02,6.03)	Escrow
Azzolina & Feury Eng., Inc.	\$ 585.00	Alpine Three (43/6.01,6.02, 6.03)	Escrow

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: No meeting.

Board of Health: Next meeting in February.

Environmental Commission: No report.

Building Department: Report on file.

NJ Transit Update: No activity.

COAH Update: Next Case Management Conference is February 23, 2022. Borough granted an extension for temporary immunity from builder’s remedy lawsuits through the end of March.

2022 PLANNING BOARD OPERATING BUDGET: Upon motion of Ms. Gerstein, seconded by Ms. Cochi and approved by all to recommend the same budget.

NEW BUSINESS: PROPOSED MINOR SUBDIVISION BLOCK 81.04 LOTS 19 & 19.01; 11 & 15 Autumn Terrace – Application Withdrawn

CONTINUED HEARING: deferred to after other agenda items.

AMENDED PRELIMINARY AND FINAL SITE PLAN ALPINE THREE LLC, CLOSTER DOCK ROAD BLOCK 43 LOTS 6.01,6.02 & 6.03

Guliet D. Hirsch, Esq. appeared on behalf of the Applicant, Alpine Three, LLC.

The following exhibits were marked during the course of this meeting:

A – 31 Letter from Peter A. Ciliberto, Jr. PE of Najarian Associates to the Board dated January 14, 2022

B-12 List of Potential Conditions with Check list distributed after December meeting

B-13 Borough Engineer Perry Frenzel's letter dated December 14, 2021 which includes Gary Vander Veer's memorandum dated December 9, 2021.

They submitted a revision subsequent to the December 21, 2021 meeting on January 14, 2022. In conformance with the Second Amendment (to the 2000 Settlement Agreement) executed March 25, 2021 and in the record as [A-26] plans provide for a reduction of seven units down to four units laid out as two duplexes on one side of the property and septic systems on the other side of the property as approved by the Board's engineers. Prior testimony presented by their engineer Michael Hubschman and landscape architect Bradley Meumann. Mr. Hubschman returns to review minor revisions in the new plan set and Mr. Peter Ciliberto will brief the Board on the engineers' meeting January 10, 2022.

- Set of plans by Michael Hubschman of Hubschman Engineering last revised January 7, 2022 consisting of 9 sheets.
- Drainage Report prepared by Michael Hubschman of Hubschman Engineering dated January 7, 2022. Revision 6
- Landscape Plan prepared by Bradley Meumann, LLA, PP of Meuman Associated last revised January 11, 2022 consisting of one sheet
- Letter from Peter A. Ciliberto, Jr. PE of Najarian Associates to the Board dated January 14, 2022 responding to engineering review letters – [marked Exhibit A-31]
- Floor Plan prepared by Raymond Virgona, RA last revised December 27, 2021 Revision 2 consisting of one sheet.

Attorney Phillips opened the hearing with the following updates and reminders:

- List of Potential Conditions with Check List was distributed at end of last meeting– [marked Exhibit B-12] Items #20, 26, 29 should be deleted as they have been handled in different fashion. Amendments came out of the engineers meeting whose testimony will follow this evening and resulted in the revised plans. Conditions in B-12 do not reflect changes in the revised plans. Once they return with the approved site plan they will add and/or delete conditions as appropriate and subject to most recent Azzolina & Feury Engineering, Inc. review letter of December 14, 2021 – [marked B-13].

Michael Hubschman, PE, PP remains under oath. He described changes to the revised Site Plan (Sheet 495-41) adding General Notes #24 and #25 regarding footing drains, sump pumps permitted and other minor technical issues addressed per discussion with the engineers. Added a waterproofing note to Unit #5 relative to the adjacent recharge area. In response to neighbor comments, they revised grading next to Mr. McCaffrey's property and lowered the wall from five feet to two feet with a four-foot open fence on top. They will put a masonry façade on the concrete wall facing the neighbors to the rear. They provide a footbridge detail by the staircase and over the ditch in the rear which is allowed by DEP via Permit-by-Rule #23. They deleted the grass swale replacing it with a two-foot-wide river rock swale to pick up drainage on the east and west sides. The grass swale would have been too wide and conflicted with landscape design.

Referring to Details (Sheet 495-44) they upgraded grassy paver detail with manufacturer's data to address concern that it would support a fire truck. Open aluminum fence detail and concrete wall detail enhanced with stone veneer also shown. They corrected parking space sizes.

In response to questions from the Board he clarified the wall to the south will have a stone façade. Side walls which are lower will be an aesthetic keystone. There will be no disturbance to existing trees on the west side. The septic elevations are shown pretty much as final. Mr. Kupferschmid expressed concern if elevations have to be raised further due to concerns expressed by neighbors. Mr. Hubschman assured they did a lot of testing and have a diversion drain on the side to help lower groundwater.

Perry Frenzel, PE advised this a compliant plan that meets use criteria and bulk regulations for this zone. There are no variances required. Parking meets Residential Site Improvement Standards (RSIS) requirements with an accommodation made so that, while not required, should there be a future need for an ADA compliant parking space that has been made on the plan. Waivers have been requested and he recommends they are reasonable and appropriate for the Board to grant.

1. Borough Ordinance 185-3D(2)(d) fill height not to exceed five feet on lots less than two acres. There are areas on the lot where deeper fill is required to create a reasonable steady slope.
2. Borough Ordinance 185-3D(2)(g) retaining walls cannot be any closer than six feet from a property line. Retaining wall on the east is setback about a foot from the property line. The location of the drainage swale and septic systems dictate the wall's location.
3. Borough Ordinance 185-3D(5)(d) soil movement on the property in excess of 1,000 cubic yards requires Board approval in the form of a recommendation to the Mayor and Council for final approval. Mr. Hubschman added net soil moving is 1,776 cubic yards, leaving 790 cubic yards on site and importing about 985 cubic yards. Mr. Frenzel noted this is not an extraordinary amount of soil moving for a lot this size.
4. RSIS states sanitary manholes should be located as close to the center line of a road as possible. That is not possible in this case because you have dual systems (blackwater and graywater) so they cannot be in the same place in the middle of the road.
5. RSIS states no fence shall be closer than ten feet to a road. A split rail fence is set back at least ten feet from Closter Dock Road but is within a couple of feet of the sides of the access driveway through the site. It does not interfere at all with the site triangle.

They reviewed comments from the public and municipal departments which resulted in the addition of

- the veneer to the rear wall
- height reduction of eastern wall
- replacement of the grass swale with river stone which will allow for less velocity and more absorption.
- A permeable pond liner membrane will be installed behind the wall to prevent any water migration from the site toward Mr. McCaffrey's property.
- A manhole will be constructed for access to the spring where it comes out of the ground. This manhole will be located within the garage for Unit #5. He recommends a locking cover be installed on the manhole so no one can gain access. There may be a need on occasion for the municipality to inspect for cleaning and the Developer's Agreement or Homeowner's Association Agreement should grant the municipality that right.
- A new pipe will be installed from the manhole coming out to the access road, turning ninety degrees heading south towards Schoolhouse Lane where it will tie into the existing pipe that discharges into the ditch today. They did not want to disrupt the point of discharge into the ditch which works well today.
- Pedestrian access to Schoolhouse Lane and the Borough parking lot is provided by a stairway through the retaining wall across a prefabricated footbridge over the ditch; there will be no piping of the ditch in that location.
- Location of fire truck turn around was discussed with the fire official who expressed concerns with the stability of grass pavers. The revised plans provide an alternative for stability subject to the fire official's approval. He also asked a fire hydrant be installed on the west side of the access driveway across from the fire apparatus turnaround and that does appear on the revised plans.
- Screening of the generator has been provided for in the plan detail.

Board Engineers Frenzel and Vander Veer met with Applicant's Engineer Mike Hubschman on January 10th. Peter Ciliberto and Jim Norian were also in attendance. They came to general agreement on all of the outstanding relevant items. There are a few very minor details to be worked out but they are not significant and can be resolved without detriment to the project.

There was extensive testing including dye testing of the proposed location for the second septic system field over a considerable period of time and including a review of any cross flow between the spring and the septic system or lateral seepage. Both Mr. Frenzel and Applicant's engineers observed no issues and Mr. Hubschman has certified that the systems meet the design standards of NJDEP and will perform as they should.

Mr. Vander Veer, PE noted his focus was on drainage. Based on the January 10, 2022 meeting the plans will be in compliance with the stormwater management regulations primarily for quality control, quantity control, and groundwater recharge. He quickly reviewed the drainage report today and noted a couple of minor issues that can be addressed without any impact to the design. If anything, the system is overdesigned as they did not change the design from when seven units were proposed.

Attorney Phillips asked if RSIS governs the access driveway as a fire road. Mr. Frenzel thinks that's questionable and has no issue with it. Attorney Phillips reminded the Board of his previous guidance and applicable law regarding technical relief requested for a lot coverage variance and the location of the decks.

Opened to the Board for Questions

Mr. Kupferschmid requested and was provided with clarification regarding the eastern fence. Chairman Parilla recalled the Board was asked to consider obtaining another NJDEP inspection. Mr. Frenzel opined it is the Borough's obligation to protect, interpret and enforce the regulations of the Borough of Alpine. In good conscience as professional engineers they are all aware to the extent they can be of NJDEP regulations. The Applicant is responsible for investigating, applying for and obtaining any relevant NJDEP permits. If, at a future point in the project, there is a change in NJDEP regulation that could potentially impact the project that is the Applicant's responsibility to stay on top of it. Chair Parilla questioned this. Mr. Frenzel clarified it does become the Applicant's responsibility and if something unexpected was found or did arise he would likely be made aware of it. Attorney Phillips opined the only remaining NJDEP involvement is the application to delete the sewerage of this site from the Water Quality Management Plan. Attorney Hirsch acknowledged same.

Attorney Hirsch advised she did not need to present Peter Ciliberto as Mr. Frenzel and Mr. Vander had covered what they wished to present. She is finished with their case unless they have any additional questions.

Mr. Kupferschmid asked the Board to review the landscape plan. Ms. Mattes noted they are removing 44 trees. Attorney Hirsch recalled Mr. Meumann's testimony. They are replacing more trees than the two required. Ms. Mattes asked if the proposed replacement trees are measured correctly per the formula in the Borough's tree ordinance and questioned the need to remove trees in the buffer zone. Mr. Hubschman and Attorney Hirsch explained the slightest disturbance will disturb the roots and the trees would die within a couple of years. It's better to remove and replant healthy replacements. Mr. Hubschman agreed to review proposed removal of tree #21. Mr. Kupferschmid offered the absorption ability of the plantings especially on the south west side is important. Attorney Hirsch offered that is one purpose but not the main purpose and the landscaping is fairly maxed out. If the Board desires more they could add a condition for the Board's engineer to review the landscaping for any spots that he feels need supplementation.

Mayor Tomasko stated neighbor Ted Noback could not be here tonight but asked the Mayor to convey his request for clear mark out of trees to be removed on the eastern property line and that they be the last to be removed if at all possible. Attorney Hirsch advised if at all possible is key relative to project timelines.

Opened to the Public for Questions and Comments. Persons making comments must be sworn.

Caroline Park, Schoolhouse Lane, expressed concern with security on Schoolhouse Lane requesting lighting. Mr. Hubschman noted there is lighting at the end of the road and Ms. Park could install more lights on her property. They will install pocket lights in the staircase and they could install a light on the footbridge. Mr. Frenzel noted lights up and down the street and she could work with Mr. Hubschman to see if removing the back shield on the light by the stairway to permit light to spread over Schoolhouse Lane is too much or an acceptable solution. She would like more light at the southwest corner to prevent loitering. Mr. Kupferschmid noted the area will be more lit after construction than it is now. Ms. Park asked if garbage removal would be by dumpster? Mr. Hubschman stated no but by individual trash cans stored in the garages and put out on the access driveway.

Richard Incontro, Schoolhouse Lane, questioned if it wouldn't be better to have a motion sensor light rather than one that's on constantly. Mr. Incontro asked why they need only ten feet of setback from Schoolhouse Lane since they reduced the number of units to four; why do they get that variance. Mr. Hubschman stated it complies; that is their design. The Board noted there is no variance; it is their property. Mr. Incontro was sworn did not believe the Applicant will be proactive with NJDEP as they misrepresented the initial application. The Board reminded Mr. Incontro he has repeated these statements at prior meetings and the Board is well aware the spring was labeled as a well on the initial Letter of Interpretation and the isolated wetlands were legally dealt with. Mr. Kupferschmid explained the Board has already taken the position that the Applicant is responsible to comply with NJDEP and has stated they will do so. If Mr. Incontro feels there is an issue, he can contact NJDEP and if he's right they will deal with it.

Being no further comments or questions the public comment portion was closed.

The Board deliberated using Attorney Phillips memorandum marked [B-12] as a guide making particular reference to:

- Items #20, 26, 29 removed.
- Item # 31 revise date of Engineer Frenzel's letter
- Item #36 The site shall be monitored for a period of one year to ensure that all stormwater facilities and spring diversion are functioning as designed and approved. Attorney Hirsch clarified this is in addition to and concurrent with compliance with the perpetual maintenance of the onsite stormwater operations.
- Item #43 and 44 amended or deleted with replacement of sod in swales to river rock.
- Item # 4 can be amended to include access to the spring and the locking manhole cover.
- Applicant will have to have the Water Quality Management Plan amended to remove off-site sewer service.
- Any soil imported to the site shall be certified clean pursuant to NJDEP direct contact standards.
- The discussed review of the back shield on the light for Schoolhouse Lane
- Delay removal trees of along the eastern property line as late as possible.
- Landscaping installation to be reviewed by the Environmental Commission and the Board Engineer
- Item #23 amended to remove "footing drains."
- Attorney Phillips will include comments on ADA parking
- Item # 15 Attorney Phillips will review standard language regarding liability insurance.
- Item #10 Mr. Frenzel will provide language to include requirement for as-built fanning surveys to make sure the house complies with the height ordinance.

Attorney Phillips noted this has been a complex and lengthy hearing and they were likely to miss some conditions during tonight's review. He will circulate a draft resolution and asked the Board to closely review and advise of their comments or any additional conditions. Any approval this evening will be subject to the conditions in the memorandum [B-12] and as any conditions discussed this evening or that may be reflected from prior hearings prior to adoption of final memorialization. He has reviewed [B-12] with Attorney Hirsch and will provide her and the Board with the any drafts of the final resolution to ensure they remain in agreement.

Chair Parilla questioned process of homeowners' association. Attorney Phillips advised a Developers Agreement will require establishment of a Homeowners Association Agreement to be reviewed by Planning Board and Municipal Attorneys. The Homeowners Association must be established prior to the sale of any units and buyers must agree to abide by the terms. The three lots will be merged into one. The owner will make a declaration by deed and as buyers get title the divided interest of the common elements is established. There are rules and regulations how an unsold unit has to contribute to the common use elements. Attorney Hirsch noted the project is too small to require DCA review but the documents are designed as if they would. The Developers Agreement with the Borough will handle obligations and recourse. If owners fail the town has a right under certain circumstances to have work performed and charge back to the owner as a lien on taxes. Although the interior drive is private it will be subject to Title 31 motor vehicle laws. The town will not be responsible for plowing or repairs.

Attorney Phillips reminded the Board they previously voted at the December 21, 2022 meeting to formally deny Applicant's prior request for an extension of the prior 2003 (or 2005?) preliminary plan which included a sewer connection so that is out of the way.

A motion to approve would be subject to conditions as discussed and any additional that may be reasonable and appropriate on review. Additional relief to include the lot coverage variance to the extent that it may be needed because the ordinance was mis-drafted; the exact location to the extent a variance might be needed but it is, in fact, a law of the case situation for the combined retaining wall and fence, location of fence to the north as may or may not require relief as it may or may not apply to an interior road, and the five waivers as laid out by Mr. Frenzel. Attorney Hirsch noted they seek preliminary and final site plan approval.

Resolution: Upon a motion by Ms. Herries, seconded by Ms. Gerstein for preliminary and final site plan approval subject to the conditions to be outlined in the final resolution for memorialization.

Discussion: Mayor Tomasko noted the Board is unfamiliar with the process of homeowners' association because until now Alpine has been single-family housing. The Applicant brought a builder's remedy lawsuit against the town in January 1995 settled in 2000. His main problem was the mile-long sewer proposal which has now been removed and the Applicant has

showed a good faith reasonable effort for a project more in keeping with the neighborhood and our town and he can now support the application in its current form. Chair Parilla added the due diligence of the Board has been amazing keeping the community and public comments in mind to reach an agreement we can all live with. Ms. Cochi expressed concern with precedent. Mayor Tomasko noted affordable housing laws have not changed and Fair Share Housing laws remain in effect. Mr. Kupferschmid is happy with the redesign. Chair Parilla agreed the Applicant came forward with a reasonable sized project for the property.

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Mr. Kupferschmid, Ms. Mattes, Ms. Parilla, Mayor Tomasko. Ms. Sonpal did not attend the December meeting and was therefore not eligible to vote.

Attorney Hirsch thanked the Board and their consultants. She believes it will be a wonderful project.

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Mr. Kupferschmid and seconded by Ms. Gerstein. All were in favor. The meeting adjourned at 9:16 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary