

**ALPINE MAYOR AND COUNCIL  
REGULAR MEETING  
Wednesday, December 19, 2018 @ 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 19, 2018 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 19, 2018 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 @7:31PM	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, Paul Azzolina for Borough Engineer Perry Frenzel, Deputy Borough Clerk Nancy Wehmann

**PRESENTATION** Frank Rickenbaugh Retirement effective December 31, 2018.

Mayor Tomasko presented a plaque reading:

*“Presented to Frank Rickenbaugh with sincere appreciation for twenty-seven years of dedicated employment and service to the Public Works and Building Departments of the Borough of Alpine, New Jersey 1991-2018 Presented December 19, 2018 By Mayor Paul H. Tomasko and the Alpine Council”*

Each member of Council offered words of commendation and congratulations. Lorraine Mattes and Marlyn Friedberg spoke from the audience. Alden Blackwell and Catherine Booth presented a “Stop Work Order” poster signed by co-workers. Frank wished to thank the Mayor and Council, co-workers and residents. The Mayor asked all present to remain for a reception directly following this meeting.

**PUBLIC COMMENTS** None

**REPORT OF THE FINANCE COMMITTEE** Councilman Cacouris highlighted the report.

<b>Bank Of New Jersey Current Operating Acct</b>	<b>\$3,050,731.55</b>
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**Resolution #192: 12’2018: Approval of Bills and Claims**

**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 19, 2018 to approve the bills and claims, a copy of which are appended.

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

**Resolution #193:12'2018: Return of Bonds and Escrow**

**OFFERED BY:** Councilman Cacouris **SECONDED BY:** Councilwoman Frankel

at the regular meeting of the Alpine Mayor and Council held on Wednesday, December 19, 2018 to approve the return of the following bonds and escrow subject to review and approval by the Borough Engineer.

<u>Block/Lot</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
81.04/18.04	Margo Way Estates	Tree Bond	\$20,202.25
		Engineering Escrow	\$2,947.25
			<b>\$23,149.50</b>

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

**Tax Assessor's Report.** Report on file.

**MAYOR'S REPORT** The Mayor reported on the following:

- Sad passing of longtime resident Angelo Ponte.
- Attended 4<sup>th</sup> Quarter Safety Committee meeting chaired by Municipal Clerk Wehmann. Police Chief Belcolle also attended.

**REPORTS OF THE STANDING COMMITTEES**

**Administration Department** No report.

**Building Department** Councilman Halbreich reported 32 scheduled inspections, 4 tree permits, 1 soil moving application, and 3 zoning review applications. Balance of report is on file.

**Department of Public Works** Councilman Frankel advised the report is on file. Mayor Tomasko noted curbside recycling will change to dual stream in January with co-mingled cans, plastic and glass picked up on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday and paper and cardboard picked up on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday. Information and details have been distributed to all households and posted in the lobby and Borough website.

**Fire Department** Councilwoman Gerstein advised statistics are available for review.

**Police Department** Councilwoman Frankel reported 31 summonses were issued in November, 5 motor vehicle accidents with 6 injuries. The rest of the report is on file.

**Resolution #194:12'2018: 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 19, 2018 to accept the reports of the Standing Committees.

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

**BOARD OF EDUCATION LIAISON'S REPORT** Councilman Shadek noted the winter concert was last week. Mayor Tomasko stated it showcased the talents of each student and was well attended.

**BOROUGH ATTORNEY'S REPORT** No report.

**BOROUGH ENGINEER'S REPORT** Mr. Azzolina read the report a copy of which is on file. They are reviewing projects for the 2019 road improvement list and Mayor Tomasko noted they will want to add the school entry to the list.

**UNFINISHED BUSINESS** - none

**NEW BUSINESS**

**CONSENT AGENDA RESOLUTIONS** Resolutions #195:12'2018 - #196:12'2018

**1. Resolution #195:12'2018: Approval of Minutes Regular Meeting November 28, 2018**

**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 19, 2018 to approve the minutes of the Regular Meeting November 28, 2018.

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

**2. Resolution #196:12'2018: Endorse Planning Board Approval Soil Moving BDA Alpine Block 49.02 Lot 10 80 Church Street**

**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 19, 2018

**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 BDA Alpine, LLC; Block 49.02 Lot 10 80 Church Street was reviewed by the Alpine Planning Board at public hearings held on August 28, 2018 and September 25, 2018; 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 December 18, 2018 (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 December 18, 2018.

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

***End of Consent Agenda***

**COMMUNCIATIONS: WRITTEN AND ORAL** Mayor Tomasko distributed the draft quarterly newsletter for Council review.

**ADJOURNMENT**

**OFFERED BY:** Councilman Shadek **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 19, 2018 at 7:46 P.M.

Respectfully submitted,

Stephanie Wehmann, Municipal Clerk

**RESOLUTION ALPINE PLANNING BOARD  
IN THE MATTER OF THE APPLICATION OF  
375 HILLSIDE, LLC  
FORMAJOR SUBDIVISION WITH VARIANCES  
BLOCK 50, LOTS 1 AND 3  
375 HILLSIDE AVENUE**

**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 referenceto this matter.

*PROCEDURAL HISTORY*

An application was made before the Alpine Planning Board by 375 Hillside, LLC ("Applicant") for Preliminary Major Subdivision of lands lying in Alpine and Demarest. The application proposed creating five building lots but due to the presence of the municipal boundary between Demarest and Alpine, there will be a total of seven tax lots. Proposed Lots 1.01 (No. 5) in Demarest and Lot 1.01 in Alpine (No. 3) would have frontage on Deerhill Road and that would be the point of access to those lots. Proposed Lot 29.02 (Demarest) would be combined with proposed Lot 3.01 (Alpine) to form one building lot to be known as 375 Hillside Avenue and it would have frontage and access to Hillside Avenue. Proposed Lot 1.02 (Alpine) would be entirely within Alpine and would have access to Hillside Avenue. Proposed Lot 1.02 (Demarest) would be combined with proposed Lot 1.03 (Alpine) to form one building lot to be known as 279 Hillside Avenue and access would be to Hillside Avenue. Due to the presence of the municipal boundary proposed Lot 3.01 will have only 8,925 sq. feet while 40,000 sq. feet are required in Alpine.. However, when joined with Lot 29.02 in Demarest as proposed, the lot area will exceed 53,000 sq. feet. Proposed Lot 1.03 in Alpine will be only 3,665 sq. feet and will be used only for the driveway to the lot in Demarest to which it will be joined forming a building lot of almost 64,000 sq. feet. In addition, the portion of the lot in Alpine is only 30 feet wide at the setback line where 120 feet are required and frontage is only 35.89 feet where 96 feet are required. The subdivision was classified as a major subdivision. The Applicant will need subdivision approval from the Borough of Demarest and will need to submit individual lot site plans for the development of the finally approved lots in Alpine. The application was made pursuant to the Municipal Land Use Law and the ordinances of the Borough of Alpine. Notice was provided in accordance with law.

The application was deemed to be substantially complete by the Borough Engineer and was referred to the Planning Board for its agenda for September 25, 2018.

The application was heard by the Planning Board on September 25, 2018. The Application was presented by David Watkins, Esq.. Robert J. Mueller, P.E. testified on behalf of the Applicant.

Prior to any testimony, David Steinhagen, Esq. representing a neighboring property owner and Mr. Watkins advised the Board that their respective clients had agreed upon a stipulation to be attached to any approval by the Planning Board precluding any future access from the lands before the Board to Academy Lane. The terms of this stipulation are provided below.

*FINDINGS OF FACT*

1. The Board considered the following materials:

A plan entitled "Proposed Subdivision No. 375 Hillside Avenue Borough of Demarest Lots 1 and 29.01 Block 120.01 Borough of Alpine Lots 1 and 32 Block 50" prepared by Hubschman Engineering, P.A. dated May 16, 2018.

Development Application (signed immediately prior to the hearing) received August 10, 2018.

Drainage Report prepared by Michael Hubschman, P.C. May 31, 2018.

Reports prepared by Perry E. Frenzel, P.ER. P.P. dated July 2, 2018 and September 4, 2018.

2. As noted above, the application proposed to create five building lots (seven tax lots due to the municipal boundary) which would include variances for the lot areas of two lots in Alpine and variances for lot frontage and lot width at the setback line for the land in Alpine to be used as the access to the building lot in Demarest. All five of the building lots to be created would exceed the minimum lot size required in Alpine. The Applicant is aware that the action of the Board is subject to an identical lot configuration being approved in Demarest

3. Robert Mueller, a licensed professional engineer in New Jersey was accepted by the Board in his capacity as a professional engineer. Using a copy of the subdivision plan the witness described the proposed subdivision and requested variances. All five proposed lots will be sewered by either Demarest or Cresskill and there will be no septic. He also described the reasons for the use of the small Aline parcel for access to the larger lot in Demarest.

4. The counsel for the Applicant acknowledged that there will be no further subdivision permitted and that the lots are to be described by and outbounds metes and bounds description as uniting the Alpine and Demarest portions of the approved building lots.

5. As noted above, the Applicant and the Academy Lane Estates Community Association requested that the Board include the terms of their stipulation regarding non-access to Academy Lane in any approval. That stipulation is acceptable to the Board and is included in the conditions of approval set forth below. However, it is to be noted that such stipulation is not

binding upon any governmental agency which might have jurisdiction in the future but is an agreement binding between the relevant property owners.

6. The Board carefully reviewed the requested relief and is satisfied that the lot area issues are adequately addressed by the combination of land areas between the two municipalities and that the presence of seven tax lots for five building lots is not a significant issue. The Board is also satisfied that the use of a small lot in Alpine for access to the large lot in Demarest represents a better planning alternative than attempting to adjust lot lines and building areas to artificially reduce the requested relief. To the public there will be no obvious "flag" lot qualities to this parcel and the relief requested can be granted without detriment to the zone plan or zoning ordinance and without substantial detriment to the public good.

8. No members of the public appeared in connection with the application.

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 voted to approve the application with the requested variances subject to the following:

- A. Compliance with the list of Required Revisions/Supplements of Perry Frenzel, P.E. P.P. dated September 4, 2018 a copy of which is annexed hereto and incorporated by reference.
- B. Submission of an application for Final Major Subdivision approval after preliminary approval in Demarest.
- C. Approval or waiver from the NJDEP with regard to the riparian zone on the property.
- D. Those building lots lying within both municipalities shall be described with a full outbounds metes and bounds description and those lots, once created, shall not be further subdivided.
- E. Applicant shall obtain written approval for the use of sewer lines in Cresskill and/or Demarest for all lots created.
- F. Individual site plans shall be submitted for the two building lots in Alpine prior to any construction.
- G. Applicant shall secure all required approvals of other governmental agencies including but not limited to the Borough of Demarest and Bergen County.
- H. Applicant shall secure agreement from the Fire Departments of Alpine and Demarest with regard to service to the lots in Demarest with access through Alpine.
- I. As stipulated by the Applicant: Based upon the deeds and other instruments of record that created Academy Lane and the Academy Estates subdivision, no ingress to, or egress from the subject property to Academy Lane, including vehicular access, is permitted.  
The Applicant shall revise Page 2 of its subdivision plat to add a general note that states,

**"No lot created in this subdivision shall be permitted to utilize Academy Lane for ingress or egress."**

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 25, 2018 adopted December 18, 2018.

CATHERINE PARILLA,  
BOARD CHAIR

MARILYN HAYWARD  
PLANNING BOARD SECRETARY