

**ALPINE MAYOR AND COUNCIL
REGULAR MEETING
Wednesday, July 27, 2016 @ 7:30 P.M.
Borough Hall - 100 Church Street**

CALL TO ORDER/ PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE

The Mayor and Council, Borough of Alpine, convened for this Regular Meeting on Wednesday, July 27, 2016 at 7:30 P.M. in the Alpine Borough Hall. The Public Announcement was read and the Pledge of Allegiance recited.

In accordance with the provisions of the New Jersey Open Public Meetings Law, the notice of this Regular Meeting held Wednesday, July 27, 2016 has met the requirements of the law by being published in The Record as part of the Annual Notice, posted on the bulletin board of the lobby in the Borough Hall and a copy filed in the office of the Borough Clerk. This meeting was recorded in its entirety.

ROLL CALL

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

Staff Present on Dais: Attorney Dermot J. Doyle for Borough Attorney Russ Huntington, Borough Engineer Gary Vander Veer, Municipal Clerk Stephanie Wehmann

PUBLIC COMMENTS

Richard Incontro, 36 Schoolhouse Lane, distributed a memorandum to Mayor and Council dated July 27, 2016 regarding Norian/Haralabotos property on Closter Dock Road to ask if January 26, 2016 Planning Board minutes coincided with the December 30, 2015 newsletter. Councilman Cacouris responded they are not comparable documents. Newsletters are for informational purposes as a public courtesy to provide a broad overview of current issues. Planning Board meetings are open to the public and minutes available from the Borough offices and website.

Mr. Incontro believes that despite the town's vacation of rights to the spring in 1987, the Borough's 2007 purchase of the corner property at Closter Dock Road and Church Street conferred new deeded rights of access to the DuBois spring for taxpayers. At last night's Planning Board meeting, Attorney Phillips advised it is the Borough's option whether or not to exercise those rights. Mr. Incontro feels the town should go after the spring to save money by using the water for the corner property lawn and so he can use it to water his garden. Mr. Cacouris asked Mr. Incontro if he had any information on the cost or practicality of doing so; he did not. The Mayor reminded that just like all other residents for the past 50-100 years, the Borough obtains its water through Suez (formerly United) Water Company and that Mr. Incontro has been repeatedly advised he is free to pursue his private rights of access. Mr. Incontro noted the police warned him about trespassing and someone should educate them on property rights regarding the spring and Schoolhouse Lane; who can he talk to about this? Council President /Police Commissioner Frankel advised he can write to her with specific concerns. Mr. Incontro stated he doesn't understand how all the federal, state and local officials let the DuBois spring get lost on a map. They've wasted a lot of time and money on this issue for the last 30 years because somebody said the DuBois spring is an abandoned well.

John McCaffrey, 203 Hickory Lane, Closter, NJ stated he's paid taxes on several parcels for 40 years and his life has been centered around Closter and Alpine. He spoke on several issues.

Noting the State legislature now precludes municipalities from prohibiting proliferation of the honeybee; Mr. McCaffrey asked the Borough to dismantle Alpine's ordinance.

He commended Mr. Incontro for raising some important issues and opined the Borough's acquisition of property with Green Acres funds confers rights to the spring and roadway unequivocally forever and ever in perpetuity. The governing body took a sacred oath to uphold the law including the Clean Water Act which they must not abandon; it is something that is going to be questioned. He asked if the municipality has an insurance policy and what the limit on lawsuits is. Attorney Doyle advised the OPRA procedure should be used to request that type of information. Mr. McCaffrey recalled he'd been told at three Mayor and Council meetings to go to the Planning Board regarding the spring and he went last night. Mayor Tomasko explained the Planning Board will consider the [Norian/Haralabotos] site plan review application in due course and that will be the time for him to have his questions or comments addressed. Mr. McCaffrey petitioned the Council to examine what Mr. Incontro has investigated.

Attorney Doyle reminded this section of the meeting is for the public to comment or express their opinion on any subject and not a question and answer session particularly concerning legal matters that may be part of ongoing litigation or negotiation. He advised the Mayor and Council they should refrain from further responses.

Mr. McCaffrey asked when he is going to get his money back regarding his Closter Dock Road property [#1010] stating he has repeatedly asked for inspections. Mr. Doyle reminded per court order the escrow is to remain in place pending a number of subsequent developments and applications including a lien for payment placed by Mr. McCaffrey's former attorney.

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

Bank Of New Jersey Current Operating Acct \$2,143,577.17

Resolution #137:7'2016: 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, July 27, 2016 to approve the bills and claims, a copy of which are appended.

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

MOTION CARRIED

Resolution #138:7'2016: 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, July 27, 2016 to approve the return of the following bonds and escrow subject to review and approval by the Borough Engineer.

<u>Name</u>	<u>Block/Lot</u>	<u>Type</u>	<u>Amount</u>
Topalian, Mrs. A.	71/19	Driveway Escrow	\$193.50
Synapps Media, LLC		Film Permit Escrow	4,310.80
Alpine Elite Development (J. LaBarbiera)	74/10	Soil Moving Escrow	5,726.25
Kim, Mrs. J.	79.02/1	Driveway Escrow	111.75
Brown, Mr. & Mrs. David	72/14.03	Re-vegetation Bond	8,000.00
		Performance Bond	9,732.50
		Soil/Engineering Escrow	435.75
			\$18,168.25
Alpine 906, LLC	90/6	Tree Bond	\$3,300.00
		TOTAL	\$31,809.55

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

MOTION CARRIED

Resolution #139:7'2016: 2016 Group Affidavit

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, July 27, 2016

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: General Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: 'General Comments – Recommendations' as evidenced by the group affidavit form of the governing body attached hereto, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provision of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Alpine, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

MOTION CARRIED

Tax Assessor's Report. Report on file in the Borough Clerk's Office.

MAYOR'S REPORT The Mayor reported on the following:

- The Mayor led a moment of silence in memory of Glen Parsells who passed away last week having served the Borough long and well as our Insurance Risk Manager.
- Walk with the Mayor last Saturday fell on a 90 degree day and no one came.
- Reception for new residents was cancelled due to lack of interest; only one response.
- A number of families joined the Swim Club; he encourages everyone's support.
- The Borough received a NJ DOT grant for \$155,000 to repave two roads. There is no immediate impact from the Governor's Executive hold Order as work is planned for next year. It is hoped the Transportation Trust Fund crises will be resolved by then.

- He is pleased to note that in the 25 years he has served they have had two occasions when overall property taxes were flat but this is the first year our tax rate has actually gone down. The overall tax rate is a product of municipal, school and county taxes.

REPORTS OF THE STANDING COMMITTEES

Administration Department No report.

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

Highlights: 60 scheduled inspections, 8 tree permits, 2 soil moving applications, and 4 zoning review applications. The rest of the report is on file.

Department of Public Works Councilman Frankel noted the report is on file.

Fire Department Councilwoman Gerstein put forth resolutions for two new firefighters.

Resolution #140:7'2016: New Firefighter August J. Venturini

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, July 27, 2016 to approve the application for **August J. Venturini** for Membership in the Alpine Volunteer Fire Department.

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

MOTION CARRIED

Resolution #141:7'2016: New Firefighter Jeremy A. Aibel

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, July 27, 2016 to approve the application for **Jeremy A. Aibel** for Membership in the Alpine Volunteer Fire Department.

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

MOTION CARRIED

Police Department Councilwoman Frankel reported 48 summonses issued and 7 motor vehicle accidents with 2 minor injuries.

Resolution #142:7'2016: Accepting the Reports of the Standing Committees

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, July 27, 2016 to accept the reports of the Standing Committees.

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

MOTION CARRIED

BOARD OF EDUCATION LIAISON'S REPORT No report.

BOROUGH ATTORNEY'S REPORT No report.

BOROUGH ENGINEER'S REPORT Engineer Vander Veer provided his report and a copy is on file.

- Alpine School Field Enhancement project – lighting is complete but the remainder of the project must be placed on hold until the Alpine School septic system design has been completed to avoid conflicts. Mr. Vander Veer recommended the County be contacted to request an extension of the grant deadline.

NEW BUSINESS

A. CONSENT AGENDA RESOLUTIONS Resolutions #143:7'2016 - #148:7'2016

1. Approval of Minutes

a. Resolution #143:7'2016: Minutes of Regular Meeting June 22, 2016

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilman Frankel
at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, July 27, 2016 to approve the minutes of the Regular Meeting June 22, 2016.

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

b. Resolution #144:7'2016: Minutes of Executive Session Meeting June 22, 2016

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilman Frankel
at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, July 27, 2016 to approve the minutes of the Executive Session June 22, 2016

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

**2. Resolution #145:7'2016: Endorse Planning Board Approval Soil Moving Permit:
Montammy Golf Club Block 11 Lot 2 – 7 Montammy Way**

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilman Frankel
at a regular meeting of the Mayor and Council of the Borough of Alpine, held on July 27, 2016

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

WHEREAS, a soil movement application for Montammy Golf Club Block 11 Lot 2, 7 Montammy Way was reviewed by the Alpine Planning Board at a public hearing held on May 24, 2016; and

WHEREAS, the Alpine Planning Board laid down their written recommendation to the Mayor and Council with respect to this application in a resolution approved at their regular meeting held on June 28, 2016 (copy attached hereto); and

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

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

BE IT FURTHER RESOLVED that the Mayor and Council hereby approve said application subject to all conditions as laid out in the Planning Board's resolution of June 28, 2016.

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

{Planning Board Resolution Appended}

**3. Resolution #146:7'2016: Endorse Planning Board Approval Soil Moving Permit:
Melinda & Russell Low Block 73 Lot 10 – 6 Birch Road**

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilman Frankel
at the regular meeting of the Mayor and Council of the Borough of Alpine held
on Wednesday, July 27, 2016

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

WHEREAS, a soil movement application for Melissa and Russell Low 6 Birch Road Block 73
Lot 10 was reviewed by the Alpine Planning Board at public hearings held on May 24, 2016
and June 28, 2016; and

WHEREAS, the Alpine Planning Board laid down their written recommendation to the
Mayor and Council with respect to this application in a resolution approved at their regular
meeting held on July 26, 2016 (copy attached hereto); and

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

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

BE IT FURTHER RESOLVED that the Mayor and Council hereby approve said application
subject to all conditions as laid out in the Planning Board's resolution of July 26, 2016.

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

MOTION CARRIED

{Planning Board Resolution Appended}

**4. Resolution #147:7'2016: Endorse Planning Board Approval Soil Moving Permit:
Liza Shabetayev Block 74 Lot 10 – 36 Dogwood Lane**

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilman Frankel
at a regular meeting of the Mayor and Council of the Borough of Alpine, held on July 27, 2016

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

WHEREAS, a soil movement application for Liza Shabetayev 36 Dogwood Lane Block 74
Lot 10 was reviewed by the Alpine Planning Board at a public hearing held on June 28, 2016;
and

WHEREAS, the Alpine Planning Board laid down their written recommendation to the
Mayor and Council with respect to this application in a resolution approved at their regular
meeting held on July 26, 2016 (copy attached hereto); and

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

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

BE IT FURTHER RESOLVED that the Mayor and Council hereby approve said application
subject to all conditions as laid out in the Planning Board's resolution of July 26, 2016.

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

MOTION CARRIED

{Planning Board Resolution Appended}

5. Resolution #148:7'2016: Award of Quote – Computers Administrative Department

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, July 27, 2016

WHEREAS, a need has been identified to purchase two computers for the Administration Department

WHEREAS, the Borough of Alpine solicited and received quotes for this service, one from Dell for \$3,638.18 and one from Palisades Sales Corporation for \$2,754.00; and

WHEREAS, these quotes were reviewed, and a recommendation made by the Borough Clerk that the bid be awarded to Palisades Sales Corporation of Old Tappan, NJ as the lowest responsible quote totaling \$2,754.00; and

WHEREAS, funds for this purpose have been provided for in the following accounts:

C-04-55-968-201 Capital Fund Ordinance #759

and this vendors Business Registration Certificate and Affirmation of Compliance with Ordinance 725 is on file.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Alpine hereby award the quote to purchase and install computers for the Administrative Department to Palisades Sales Corporation of Old Tappan, NJ for \$2,754.00. The Chief Financial Officer has provided the Certification of Availability of Funds.

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

MOTION CARRIED

End of Consent Agenda

COMMUNICATIONS: WRITTEN AND ORAL

Mayor Tomasko passed out a memo from the Planning Board dated July 27, 2016 recommending the Mayor and Council move forward on a Historic Preservation Ordinance for consideration by Council.

EXECUTIVE SESSION: Resolution#149:7'2016: Executive Session A Resolution providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, July 27, 2016

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

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

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

(b)(7) Matter Relating to Litigation, Negotiation and/or Attorney-Client Privilege
- Contractual Matter

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Alpine, assembled in public session on Wednesday, July 27, 2016, that an Executive Session closed to the public shall be held for the discussion of matters relating to the specific items designated above; and

These minutes have been approved by the Mayor and Council.

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

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

MOTION CARRIED

Executive Session convened at 8:07 PM and re-convened in open public session at 8:23 PM and immediately adjourned.

ADJOURNMENT

OFFERED BY: Councilwoman Frankel **SECONDED BY:** Councilwoman Gerstein
and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday July 27, 2016 at 8:24PM.

Respectfully submitted,

Stephanie Wehmann
Municipal Clerk

**RESOLUTION
ALPINE PLANNING BOARD
IN THE MATTER OF THE APPLICATION OF
MONTAMMY GOLF CLUB
FOR SITE PLAN APPROVAL WITH BULK VARIANCES AND SOIL MOVEMENT PERMIT
BLOCK 11, LOT 2
7 MONTAMMY WAY**

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

PROCEDURAL HISTORY

An application was made before the Alpine Planning Board by Montammy Golf Club ("Applicant") for site plan approval with bulk variances and a soil movement permit in connection with proposed renovations in the clubhouse area. The application also included a request for waiver of certain details in connection with the proposed site plan. The Applicant sought variances for accessory building height, and the size and number of parking stalls. 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 May 24, 2016.

The application was heard by the Planning Board on May 24, 2016. No members of the public appeared in opposition at the hearing. The Application was presented by Allen M. Bell, Esq. As noted below, testimony was presented from the Club President, a professional engineer, a professional planner and an architect.

FINDINGS OF FACT

1. The Board considered the following materials:
A plan entitled "Preliminary and Final Site Plan, Montammy Golf Building Block 11, Lot 2 Borough of Alpine, Bergen County New Jersey" dated March 24, 2016, revised to May 4, 2016 consisting of 6 sheets and prepared by McGowan Engineering.
Development Application dated April 8, 2016.
Zoning Officer's denial letter dated March 31, 2016.
Check list for Determination of Completeness for Review of Soil Movement Permit application, dated April 11, 2016.
Stormwater Management Report prepared by McGowan Engineering dated March 24, 2016.
Soil Movement Calculation Plan prepared by McGowan Engineering consisting of 4 sheets dated May 4, 2016.
Letter dated May 4, 2016 from McGowan Engineering including the requested detail waivers.
Set of 6 photographs of existing conditions.
Location and Topographic Survey prepared by First Sight Surveying LLC dated January 19, 2016, revised to January 28, 2016.
Architectural Plans prepared by James G. Rogers Architects, dated March 24, 2016 consisting of 8 pages.
Reports prepared by Gary Vander Veer, P.E. dated April 27, 2016 and May 17, 2016.
2. The attorney for the Applicant described the application in general. The Club is proposing to upgrade certain facilities, re-align some secondary access, and add to the existing clubhouse. These changes are all to upgrade the club for existing members and are not proposed in connection with any membership expansion. This application follows one approved several years ago which improved the area to the east of this proposed work. The Applicant is requesting a

soil movement permit and will need variances for the height of the accessory building, and the size and number of parking stalls.

- 3. Scott Tesser, the Club President testified in connection with the application. He stated that the Club currently has approximately 240 golf members and a total of 430 members for all facilities. The existing number of parking stalls is more than adequate and the requested size is currently in use and was previously approved by this Planning Board. He indicated that the proposed work is intended to have the Club keep up with similar facilities in the area and to ensure continued viability for years to come.
- 4. Michael McGowan, a licensed professional engineer in the State of New Jersey testified in support of the application. Referring to sheets in the submitted plans he described the property in general and the existing improvements. Of the 135 ½ acres of the entire site, less than two acres will be disturbed by this project. The witness agreed that all of the recommendations and requirements in Gary Vander Veer's May 17, 2016 letter would be complied with. The proposal is to add to the clubhouse and patio, remove the maintenance building and replace it with the pro shop and training facilities and landscape around the cart storage building. Under current parking standards they should have 540 spaces but currently have 247 and will have 261. The spaces are currently 9 x 18 and function well. The accessory building will have a calculated height of 20.2 feet where 15 is permitted. This proposed development is located more than 800 feet from any existing neighboring residence. In connection with the development a total of 1,097 cubic yards of soil will be moved. No waivers are sought with regard to soil movement.
- 5. Christopher McCagg, a professional architect testified as to the proposed structures and additions. These are intended to update and modernize the facilities. The requested height variance is necessary to help match existing structures on site and due to the need for certain clearances to allow for emergency access to the rear of the clubhouse. In aid of his testimony, the witness offered A-1, a series of photos and renderings. The top three showed existing conditions and the other four were renderings of the proposed work.
- 6. Peter D. Steck, a Professional Planner licensed in the State of New Jersey completed the testimony for the Applicant. Mr. Steck presented testimony regarding the several purposes of the Municipal Land Use Law which are met by the proposed project including the variances requested, provided detail testimony regarding the positive and negative criteria for the variances and explained the lack of any detriment to the zone plan, zoning ordinance and the public good. In fact, the proposed project will assist the club in remaining viable and maintaining its membership thereby keeping the property in its current use which is called out in the Borough's Master Plan as a valuable asset to the community. The witness also offered a four-page exhibit (A-2) and used this to support his testimony. On page 1 there is a detail of the area to be involved in the project and an aerial view of the entire property and relevant zoning. It was noted that the area of development is so far removed from surrounding uses that it will not be seen. The existing entry road is a private road and is 36 feet wide allowing for parking on both sides should the need arise.
- 7. The Board does not believe that there is any basis not to grant the requested bulk variances. There will be no impact on any neighboring property given the location of the accessory building and the number of parking stalls and their size have shown to be adequate from experience. If for any reason additional parking is required for an event, the private road will be more than adequate. The requested variances can be granted without substantial detriment to the public good and without significantly impairing the zone plan or zoning ordinance. The Board also concludes that the requested soil movement permit should be recommended to the governing body.
- 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 set forth in the engineering report of Gary Vander Veer, P.E. dated May 17, 2016 a copy of which is annexed hereto and incorporated by reference.
- B. Submission of acceptable proof of liability insurance coverage held by or for the benefit of the Borough as an additional named insured in the minimum amount of one million dollars, combined single limit and submission of a performance guarantee and revegetation guaranty in the amounts determined by the Borough Engineer.
- C. This Board approval incorporates the plan entitled "Preliminary and Final Site Plan, Montammy Golf Building Block 11, Lot 2 Borough of Alpine, Bergen County New Jersey" dated March 24, 2016, revised to May 4, 2016 consisting of 6 sheets and prepared by McGowan Engineering. Any deviations from the elevations or contours indicated thereon shall be referred by the Applicant to the Borough Engineer, who may approve such modification or refer the Applicant back to the Planning Board for review.
- D. In the event that the Borough Engineer determines that any deviations from the approved plan are major, the Engineer shall notify the Applicant that the approval is void and the Applicant must return to the Planning Board for additional review.
- E. The Applicant will be required to publish a brief notice of the decision in the official newspaper of the Borough in the time and manner provided by law and provide proof of publication to the Board Secretary.
- I. The Applicant is required to obtain all other government approvals including the Environmental Commission and County Soil Conservation District.

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 May 24, 2016 adopted on June 28, 2016.

CATHERINE PARILLA
CHAIR,
ALPINE PLANNING BOARD
Dated July 26, 2016

MARILYN HAYWARD
RECORDING SECRETARY,
ALPINE PLANNING BOARD

These minutes have been approved by the Mayor and Council.

**RESOLUTION
ALPINE PLANNING BOARD
IN THE MATTER OF THE APPLICATION OF
MELISSA AND RUSSELL LOW
FOR SOIL MOVEMENT PERMIT WITH WAIVERS
BLOCK 73, LOT 10
6 BIRCH ROAD**

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

PROCEDURAL HISTORY

An application was made before the Alpine Planning Board by Melissa and Russell Low ("Applicant") for a soil movement permit with requested waivers as described below. The property is located on Birch Road. The lot is identified on the Borough Tax Maps as Block 73, Lot 10 ("Property"). The application was made pursuant to the Municipal Land Use Law and the ordinances of the Borough of Alpine.

The application was deemed to be substantially complete by the Borough Engineer and was referred to the Planning Board for its agenda for May 24, 2016.

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

The hearing on the application was begun on May 24, 2016 and continued until the June 28, 2016 meeting. The Application was presented by Matthew Capizzi, Esq. At the meeting Michael Hubschman, PE testified with regard to the plans prepared by his office.

FINDINGS OF FACT

1. The Board considered the following materials:
A plan entitled "Site Plan/Septic System Plan, Proposed Single Family Dwelling No. 6 Birch Road" prepared by Hubschman Engineering, P.A. dated September 15, 2015. The plans initially considered by the Board were revised to March 1, 2016. The plans upon which the Board acted were revised to June 15, 2016. (rev. 7).
Application and Checklist for Soil Movement, initially undated with a resubmission form dated June 16, 2016.
Application for Zoning Review dated January 25, 2016.
Document entitled "Drainage Report" prepared by Michael J. Hubschman, P.C. dated September 15, 2015 with a revision dated June 6, 2016 as considered by the Board.
Document entitled "Retaining Wall Design Report" prepared by Hubschman Engineering, P. C. dated November 9, 2015.
Document entitled "Soil Moving Report" prepared by Hubschman Engineering, P.C. dated September 15, 2015 and finally revised to June 6, 2016.
Plan entitled "Soil Moving Cross Sections" prepared by Hubschman Engineering, P.A. dated November 3, 2015 and finally revised to June 6, 2016.
Plan entitled "landscape plan" (sic) prepared by Meumann Associates dated March 22, 2016 revised to June 16, 2016.
Plan entitled "Plans and Elevations" prepared by James Paragano Architect LLC dated January 15, 2016 revised to February 3, 2016.
Set of eight site photos dated January 15, 2016.
Reports prepared by Gary Vander Veer, P.E. dated January 29, 2016, February 26, 2016, March 3, 2016, March 10, 2016, and June 22, 2016.
2. As finally considered by the Board the application was for the movement of 1,882 cubic yards of soil.
3. Prior to the commencement of the hearing on May 24, 2016 the objection of a neighboring property owner to the jurisdiction of the Board was raised and considered. Upon the advice of the Board attorney, the Board determined that it had jurisdiction over the application despite the possible need for a variance from a steep slope ordinance provision since the Board was acting in its advisory capacity upon a matter referred to the Board by the governing body and not upon a strict land use development application. The attorney representing the neighboring property owner subsequently withdrew the objection when the parties reached agreement on a revised plan.
4. At the initial hearing Michael J. Hubschman, P.E. a licensed professional engineer in New Jersey was accepted by the Board in his capacity as a professional engineer and testified with regard to the plans as revised to May 10, 2016. Using a rendered copy of sheet 1 of the plans submitted (Exhibit A-1), and making additional reference to sheet three of the plan as submitted but without rendering, the witness described the severe slope of the property from elevation 446 to 414, and the fact that the dwelling would be removed in its entirety, that the garage had already been removed and that the septic system was in place. He noted the steep slopes in two corners of the property and that the present drainage flowed to the rear and then across the objecting neighbor's property. Twenty-three percent of the property is in steep slope and combining that with the septic area accounts for almost 46 per cent of the entire lot.
5. Mr. Hubschmann indicated that they are requesting an incursion into the steep slope area near the driveway to allow for a retaining wall to lessen the need to regrade. He also described the proposed drainage system which had been discussed with the neighboring property owner. After some discussion with the Board it was apparent that several other requests for waivers from ordinance provisions could be removed by minor redesign of the plans. After listing a series of possible revisions to the plans to be considered by the Applicant, the hearing was adjourned to June 28.
6. At the continued hearing, Mr. Hubschmann used Exhibit A-2, a rendered copy of sheet 1 of 3 of the plans as revised to June 15, 2016, to explain the plan changes. He indicated that all of the items which the Board had been prepared to add as conditions of approval as discussed at the prior hearing had been addressed. He also indicated several other changes which had been discussed with the neighboring property owner. The changes included the following: pushed the pool to the south, added drains and increased pipe sizes, added a trench drain, moved the wall to ten feet off the property line, moved the fence to ten feet off the property line (on top of the wall) and installed a manhole. As result of the proposed plan revisions the soil movement was reduced to a cut of 1,694 cubic yards, fill of 1,882 cubic yards and an

These minutes have been approved by the Mayor and Council.

import of 188 cubic yards. The plans also confirmed that there would be no more than five bedrooms allowed. (The maid's bedroom previously shown has been removed and marked as children's art room. This area shall not be converted to a bedroom.)

- 7. Bradley Meumann, a licensed professional landscape architect testified regarding the June 16, 2016 landscape plan. He noted the trees which had been added to satisfy concerns of the neighbor and generally described the proposed plantings using Exhibit A-3, a rendered copy of the landscape plan as of June 16, 2016. Some of the originally proposed plantings will be upsized to comply with the ordinance. The trees will be moved off of the proposed drain line area and several other revisions will be made. He referred to Exhibits A-4 (a plan revised to June 27, 2016) and A-5 (an enlarged portion of Exhibit A-4) to demonstrate these changes.
- 8. Counsel for the neighboring property owner confirmed that the changes were acceptable to the neighbor.

CONCLUSIONS

Upon hearing the testimony produced on behalf of the Applicant and studying the exhibits, the Planning Board unanimously voted to approve the soil movement permit application with the requested relief for steep slope intrusion adjacent to the driveway to avoid additional grading subject to Mayor and Council approval, and also subject to the following:

- A. Compliance with the list of Required Revisions/Supplements set forth in the engineering reports of Gary Vander Veer, P.E. dated June 22, 2016 copies of which are annexed hereto and incorporated by reference.
 - B. Submission of acceptable proof of liability insurance coverage held by or for the benefit of the Borough as an additional named insured in minimum amount of one million dollars, combined single limit and submission of a performance guarantee and revegetation guaranty in the amounts determined by the Borough Engineer.
 - C. This Board approval incorporates the plans referenced under Finding of Fact 1 above as revised to June 15, 2016. Any deviations from the elevations or contours indicated thereon shall be referred by the Applicant to the Borough Engineer, who may approve such modification or refer the Applicant back to the Planning Board for review.
 - D. In the event that the Borough Engineer determines that any deviations from the approved plan are major, the Engineer shall notify the Applicant that the approval is void and the Applicant must return to the Planning Board for additional review.
 - E. The "maid's bedroom" shall not be included on any future plans and the area now designated as children's art room shall not be converted to a bedroom.
 - F. The Borough Engineer shall confirm that the final landscape plan and soil movement plan are consistent in detail and both shall be revised if necessary to make them conform to each other.
 - G. After field inspection, any lower branches on the trees within or adjacent to the right of way between the driveway on Allison Road and the intersection of Birch Road and Allison Road which obstruct the sight line shall be removed.
 - H. Soil is not to be moved from or to the site during those hours that children are going to, or coming from school, before the hour of 8 a.m. or on Sundays or holidays.
 - I. The Applicant will be required to publish a brief notice of the decision in the official newspaper of the Borough in the time and manner provided by law and provide proof of publication to the Board Secretary.
 - J. The Applicant is required to obtain all other government approvals including the Environmental Commission and County Soil Conservation District.
 - K. The Applicant shall be required to apply for any required Tree Removal Permit.
- The Board has resolved that a copy of this Resolution shall be provided to the Applicant, the Construction Code Official of the Borough of Alpine, the Secretary of the Planning Board, and the Borough Clerk.

This Resolution constitutes a Resolution of Memorialization of the action taken by the Planning Board of the Borough of Alpine on June 28, 2016 adopted on July 26, 2016.

CATHERINE PARILLA
CHAIR,
ALPINE PLANNING BOARD

MARILYN HAYWARD
RECORDING SECRETARY,
ALPINE PLANNING BOARD

Dated: July 26, 2016

**RESOLUTION
ALPINE PLANNING BOARD
IN THE MATTER OF THE APPLICATION OF
LIZA SHABETAYEV
FOR SOIL MOVEMENT PERMIT WITH WAIVERS
BLOCK 74, LOT 10
36 DOGWOOD LANE**

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

PROCEDURAL HISTORY

An application was made before the Alpine Planning Board by Liza Shabetayev ("Applicant") for a soil movement permit with requested waivers for placement of fill more than five feet above existing grade and encroachment into the tree buffer. The property is located on Dogwood Lane. The lot is identified on the Borough Tax Maps as Block 74, Lot 10 ("Property"). The application was made pursuant to the Municipal Land Use Law and the ordinances of the Borough of Alpine.

The application was deemed to be substantially complete by the Borough Engineer and was referred to the Planning Board for its agenda for June 28, 2016.

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

These minutes have been approved by the Mayor and Council.

The hearing on the application was begun on June 28, 2016. The Application was presented by Matthew Capizzi, Esq. At the meeting Douglas Doolittle, P.E. testified with regard to the plans prepared by his office.

FINDINGS OF FACT

1. The Board considered the following materials:
 A plan entitled "Site Plan Shabetayev, Block 74 Lot 10, 36 Dogwood Lane, Borough of Alpine, Bergen County, New Jersey" prepared by McNally Engineering, L.L.C. dated March 28, 2016. The plans considered by the Board included a notation that they were revised to April 29, 2016 but at the hearing it was established that no changes had been made to the original submission.
 Application and Checklist for Soil Movement, dated June 14, 2016.
 Document entitled "Storm Drainage Report" prepared by Matthew A. Greco, P.E. dated March 28, 2016.
 Document entitled "Retaining Wall and Stability Calculations" prepared by Matthew A. Greco, P.E. dated March 21, 2016.
 Reports prepared by Gary Vander Veer, P.E. dated April 29, 2016 and June 27, 2016.
2. As finally considered by the Board the application was for the movement of 2,038 cubic yards of soil.
3. At the hearing Douglas Doolittle, P.E. a licensed professional engineer in New Jersey was accepted by the Board in his capacity as a professional engineer and testified with regard to the plans. He confirmed that there were no revisions made after the initial date on the plan set and the revision date was added in error. Using the submitted plans, the witness described the property in general as about one and one half acres with severe environmental constraints. The original dwelling, septic and drive have been removed and will be rebuilt in the area of prior disturbance. The increase in grade will level the area between the new septic and the proposed dwelling. The Applicant is requesting a waiver for construction in the buffer area so that the new driveway can be located where the old drive existed. There is no new encroachment into the buffer. The proposed development conforms to all provisions of the Zoning Ordinance and the Applicant recognizes that portions of the in-place interceptor drain (making the septic field functional) may have to be repaired or moved to insure functionality during and after the remaining disturbance on the site. The Applicant agreed that same would occur under the supervision of the Borough Engineer.
4. No objectors appeared in connection with the application.

CONCLUSIONS

Upon hearing the testimony produced on behalf of the Applicant and studying the exhibits, the Planning Board unanimously voted to approve the soil movement permit application with the requested relief for placement of fill over five feet and for the intrusion into the tree buffer subject to Mayor and Council approval, and also subject to the following:

- A. Compliance with the list of Required Revisions/Supplements set forth in the engineering reports of Gary Vander Veer, P.E. dated April 29, 2016 and June 27, 2016 copies of which are annexed hereto and incorporated by reference.
- B. The plans shall be revised to correct the Zoning Schedule.
- C. The existing wetlands permit shall be transferred to the current owner.
- D. If additional trees are to be removed a proper permit shall be obtained prior to removal.
- E. Submission of acceptable proof of liability insurance coverage held by or for the benefit of the Borough as an additional named insured in minimum amount of one million dollars, combined single limit and submission of a performance guarantee and revegetation guaranty in the amounts determined by the Borough Engineer.
- F. This Board approval incorporates the plans referenced under Finding of Fact 1 above as revised pursuant to these conditions.
 Any deviations from the elevations or contours indicated thereon shall be referred by the Applicant to the Borough Engineer, who may approve such modification or refer the Applicant back to the Planning Board for review. Any revisions to the interceptor drain shall be subject to approval by the Borough Engineer.
- G. In the event that the Borough Engineer determines that any deviations from the approved plan are major, the Engineer shall notify the Applicant that the approval is void and the Applicant must return to the Planning Board for additional review.
- H. Soil is not to be moved from or to the site during those hours that children are going to, or coming from school, before the hour of 8 a.m. or on Sundays or holidays.
- I. The Applicant will be required to publish a brief notice of the decision in the official newspaper of the Borough in the time and manner provided by law and provide proof of publication to the Board Secretary.
- J. The Applicant is required to obtain all other government approvals including the Environmental Commission and County Soil Conservation District.

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 June 28, 2016 adopted on July 26, 2016.

CATHERINE PARILLA
CHAIR,
ALPINE PLANNING BOARD

MARILYN HAYWARD
RECORDING SECRETARY,
ALPINE PLANNING BOARD

Dated July 26, 2016