

**ALPINE MAYOR AND COUNCIL  
REGULAR MEETING  
Wednesday, September 28, 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, September 28, 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, September 28, 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	@7:36pm	Gayle Gerstein, Councilwoman	Absent
John Halbreich, Councilman	Present	Laurence Shadek, Councilman	Present
Arthur Frankel, Councilman	Present		

**Staff Present on Dais:** Borough Attorney Russ Huntington, Borough Engineer Gary Vander Veer, Municipal Clerk Stephanie Wehmann

**PUBLIC COMMENTS** - None

**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.

<b>Bank Of New Jersey Current Operating Acct</b>	<b>\$4,568,093.49</b>
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**Resolution #166:9'2016: Approval of Bills and Claims**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilman Shadek at the regular meeting of the Alpine Mayor and Council held on Wednesday, September 28, 2016 to approve the bills and claims, a copy of which are appended.

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

**MOTION ADOPTED**

**Resolution #167:9'2016: Return of Bonds and Escrow**

**OFFERED BY:** Councilwoman Frankel **SECONDED BY:** Councilman Shadek at the regular meeting of the Alpine Mayor and Council held on Wednesday, September 28, 2016 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>
30/4	Steinberg, Andrew	Planning Bd. Escrow	\$498.50
74/10	Shabetayev, Liza	Planning Bd. Escrow	\$1,254.24
73/10	Low, Russell & Melinda	Planning Bd. Escrow	\$320.80
		<b>TOTAL</b>	<b>2,073.54</b>

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

**MOTION APPROVED**

**Resolution #168:9'2016: Change Title and Text: Public Health S/W to Engineering Services O/E**

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, September 28, 2016

**WHEREAS**, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality.

**NOW THEREFORE, BE IT RESOLVED** that in accordance with the provisions of N.J.S. 40A:4-85, the Mayor and Council of the Borough of Alpine, County of Bergen, and State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year 2016:

*An appropriation in the amount provided for in the budget entitled:*

*Public Health Services Salaries & Wages*

*Be reduced by the sum of \$16,500.*

*and an appropriation provided for in the budget entitled:*

*Engineering Services O/E*

*Be increased by the like sum of \$16,500.*

**BE IT FURTHER RESOLVED**, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Borough of Alpine for the reasons hereinafter set forth:

*During the absence of the Health Officer due to illness, the Borough Engineer has performed the duties of that position. Compensation for these additional services were not provided for in the Engineering Services budget appropriation.*

**BE IT FURTHER RESOLVED**, that the Borough Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

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

**MOTION ADOPTED**

**Resolution #169:9'2016: Ch. 159 Insert Special Item of Revenue – Municipal Alliance Grant**

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

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and,

**WHEREAS**, said director may also approve the insertion of an item of appropriation for equal amounts, and,

**WHEREAS**, the Borough of Alpine received approval from the Governor's Council on Alcoholism and Drug Abuse for the Municipal Alliance Grant for the fiscal year July 1, 2016-June 30, 2017; and,

**WHEREAS**, the Borough of Alpine is desirous to anticipate and appropriate such monies;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor & Council of the Borough of Alpine, Bergen County, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an additional item of revenue in the budget for 2016-2017 in the sum of \$9,520.00 which item is now available as a revenue pursuant to the provision of statute, and,

**BE IT FURTHER RESOLVED**, that the like sum of \$9,520.00 be and the same is hereby appropriated under the caption of:

**Operations Excluded from Caps**

Municipal Alliance Grant : \$9,520.00

**BE IT FINALLY RESOLVED**, that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services and the Borough Treasurer.

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

**MOTION ADOPTED**

**Resolution #170:9'2016: Change Title and Text: Police Dept. Other Exp. to Municipal Alliance Grant**

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

**WHEREAS**, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality.

**NOW THEREFORE, BE IT RESOLVED** that in accordance with the provisions of N.J.S. 40A:4-85, the Mayor and Council of the Borough of Alpine, County of Bergen, and State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year 2016:

*That the appropriation provided for in the approved budget entitled:*

*Public Safety*

*Police Dept. Other Expenses*

*Be reduced by the sum of \$1,190*

*And an appropriation in the amount of \$1,190 be added to the budget entitled:*

*Public and Private Programs Offset by Revenues*

*Excluded from Caps*

*Municipal Alliance Program – Matching Funds*

**BE IT FURTHER RESOLVED**, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Borough of Alpine for the reasons hereinafter set forth:

The Governor's Council on Alcoholism and Drug Abuse has awarded the Borough a grant for the budget period July 1, 2016 through June 30, 2017. The amount of grant and the related match requirement were not included in the adopted 2016 budget. In order to accept the Municipal Alliance Grant, legal provision for the required match must be made. The above correction will provide for the said legal provision for calendar year 2016.

**BE IT FURTHER RESOLVED**, that the Borough Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

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

**MOTION ADOPTED**

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

**MAYOR'S REPORT** No report

**REPORTS OF THE STANDING COMMITTEES**

**Administration Department** No report.

**Building Department** Councilman Halbreich read the report's main statistics:

Highlights: 75 scheduled inspections, 10 tree permits, 6 zoning review applications, and 1 sign permit. The rest of the report is on file.

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

**Fire Department** Mayor Tomasko advised the Alpine Fire Department Wetdown to welcome the new fire truck was held last Saturday, a beautiful day and a memorable and festive occasion.

**Police Department** Councilwoman Frankel reported 30 summonses issued, 7 motor vehicle accidents with 5 injuries. The rest of the report is on file.

**Resolution #171:9'2016: Accepting the Reports of the Standing Committees**

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, September 28, 2016 to accept the reports of the Standing Committees.

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

**MOTION ADOPTED**

**BOARD OF EDUCATION LIAISON'S REPORT** Councilman Shadek advised last night was Kindergarten Back To School Night and tonight is Back To School Night for the upper grades. Chief School Business Administrator Daniel Hauser provided him with a tour of the renovations which looks terrific. Mayor Tomasko noted a Bergen County Utilities Authority Environmental Challenge Grant has been awarded to Miss Melissa Heidelberg, Alpine Kid's Care Advisor at the Alpine Elementary School.

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

**BOROUGH ENGINEER'S REPORT** Engineer Vander Veer advised report provides capital improvement project updates; no action required. A copy is on file.

*Councilman Cacouris arrived.*

**OLD BUSINESS**

**Ordinance 763: AN ORDINANCE TO AMEND: CHAPTER 185 ENTITLED `SOIL FILL AND SOIL REMOVAL`"**

**Public Hearing:** Opened to the public for comments *and being none closed.*

**Resolution #172:9'2016: Adoption of Ordinance 763**

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

at the regular meeting of the Alpine Mayor and Council held on Wednesday, September 28, 2016

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Alpine in the County of Bergen and State of New Jersey, that an Ordinance entitled:

**AN ORDINANCE TO AMEND: CHAPTER 185 ENTITLED `SOIL FILL AND SOIL REMOVAL`"**

does hereby pass its second and final reading and is hereby adopted and Notice of same be published according to law.

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

**MOTION ADOPTED**

*{Ordinance 763 appended to these minutes in its entirety.}*

**NEW BUSINESS**

**A. CONSENT AGENDA RESOLUTIONS** Resolutions #173:9'2016 - #177:9'2016

**1. Resolution #173:9'2016: Approval of Minutes Regular Meeting August 24, 2016**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, September 28, 2016 to approve the minutes of the Regular Meeting August 24, 2016.

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

**MOTION ADOPTED**

**2. Resolution #174:9'2016: Formalize Hire 2<sup>nd</sup> School Crossing Guard for 2016 – 2017 School Year**

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, September 28, 2016

**WHEREAS**, the Borough of Alpine Police Department has a need to hire school crossing guards for the 2016-2017 term; and

**WHEREAS**, at a meeting held on Wednesday, August 24, 2016, the Mayor and Council authorized the hiring of Patrick O'Donovan and a second person yet to be determined to perform the duties of School Crossing Guard for the Police Department for the 2016 – 2017 School Year at a rate per the Salary Ordinance.

**WHEREAS**, the Alpine Police Chief recommends hiring Carol J. Parrino to fill the second position of School Crossing Guard for the 2016-2017 School Year subject to medical and criminal background clearance; and

**WHEREAS**, it is understood by all parties that these positions are considered seasonal, part time work at hourly salaries not to exceed what is provided for in the Salary Ordinance of the Borough of Alpine.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine that Carol J. Parrino be hired and retroactively confirmed to perform the duties of School Crossing Guard for the Police Department during the school year from September 2016 – June 2017 at a rate per the Salary Ordinance.

**BE IT FURTHER RESOLVED**, that this hire shall be given a copy of the Employee Handbook and requisite training as determined and provided for by the Alpine Police Department; and

A copy of this resolution shall be provided to Ms. Parrino, the Police Chief, the Treasurer and retained in the office of the Borough Clerk/Personnel Administrator.

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

**MOTION ADOPTED**

**3. Resolution #175:9'2016: Introduction Ordinance 764 Amend Ordinance 757 Salaries**

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

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, September 28, 2016,

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Alpine, in the County of Bergen and State of New Jersey, that an Ordinance entitled:

**“AN ORDINANCE AMENDING ORDINANCE NO. 757 PROVIDING FOR THE SALARIES, WAGES OR COMPENSATION OF OFFICERS, EMPLOYEES, OFFICIALS OF THE BOROUGH OF ALPINE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY.”**

pass on first reading and remain on file with the Clerk for public inspection until public hearing thereon and further consideration thereof, which hearing shall be held in the Council Chambers, Alpine Municipal Building, Church Street, Alpine, New Jersey on Wednesday, October 26, 2016 at 7:30 p.m. prevailing time or as soon thereafter as the matter can be heard, at which time and place all persons interested in said Ordinance will be heard

The Borough Clerk is hereby directed to publish said Ordinance in full or by title, together with the Notice of Hearing thereon in the Record according to law.

**BE IT FURTHER RESOLVED**, that a copy of said Ordinance shall be posted on the bulletin board in the lobby of the Borough Hall and copies shall be made available to the members of the public who shall request the same.

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

**MOTION ADOPTED**

**4. Resolution #176:9'2016: Endorse Planning Board Approval Soil Moving Permit: Garabet Block 47 Lot 1 – 987 Closter Dock Road**

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, September 28, 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 Leon Garabet 987 Closter Dock Road Block 47 Lot 1 was reviewed by the Alpine Planning Board at public hearings held on June 28, 2016 and July 26, 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 September 27, 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 September 27, 2016.

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

**MOTION ADOPTED**

**5. Resolution #177:9'2016: Endorse Planning Board Approval Soil Moving Permit: LaBarbiera Block 81.03 Lot 1 – 24 Cambridge Way**

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

At this meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, September 28, 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 LaBarbiera Cambridge 24 Cambridge Block 81.03 Lot 1 was reviewed by the Alpine Planning Board at a public hearing held on July 26, 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 September 27, 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 September 27, 2016.

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

**MOTION ADOPTED**

*End of Consent Agenda*

**COMMUNICATIONS: WRITTEN AND ORAL**

**ADJOURNMENT**

**OFFERED BY:** Councilman Shadek **SECONDED BY:** Councilwoman Frankel and approved by all to adjourn the regular meeting of the Mayor and Council of the Borough of Alpine, held on Wednesday September 28, 2016 at 7:38 PM.

Respectfully submitted,

Stephanie Wehmann  
Municipal Clerk

**BOROUGH OF ALPINE**  
**ORDINANCE NO. 763**

**"AN ORDINANCE TO AMEND: CHAPTER 185 ENTITLED  
"SOIL FILL AND SOIL REMOVAL"**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Alpine, in the County of Bergen that "The Revised General Ordinances of the Borough of Alpine, 1970" be revised by the amendment of: Chapter 185 entitled "Soil Fill and Soil Removal"; as follows:

**Section 1.** Amend Chapter 185-4(J) (1) and subsections (a) and (b) to read as follows:

(1) The requirements of § 185-3A, C, D(1)(d)[3], D(2) and D(4) shall not apply to the following exempt operations **unless as excepted below:**

(a) Excavations for building foundations or swimming pools for detached single-family homes for which a building permit has been issued by the Construction Official **except that the fee provisions of § 185-3 D(4) will apply as for non-exempt applications.**

(b) Excavations for the installation of septic tanks or sanitary disposal systems for which all applicable permits have been issued by the Borough Department of Health **except that the fee provisions of § 185-3 D(4) will apply as for non-exempt applications.**

**Section 2.** Amend Schedule A entitled "Soil Movement Fee Schedule" as follows:

I (B) Exempt Applications. **Delete "\$25.00" and substitute "\$150.00".**

Add I(C) **Soil Moving Application in Conjunction with Septic System Site Plan for Review for septic tank/septic installation \$250.00**

Add II(F) **For all applications for a Soil Moving Application in Conjunction with a Septic System Site Plan for Review for septic tank/septic installation \$3,000.00.**

**Section 3.** Should any section, paragraph, sentence, clause or phrase of this Chapter be declared unconstitutional or invalid for any reason, the remaining portions thereof shall not be affected thereby and shall remain in full force and effect, and to this and the provisions of this Chapter are hereby declared to be severable.

**Section 4.** This Chapter shall take effect immediately upon adoption and publication as provided by law.

**ADOPTED:** September 28, 2016

**RESOLUTION**

**ALPINE PLANNING BOARD  
IN THE MATTER OF THE APPLICATION OF  
LEON GARABET  
FOR SOIL MOVEMENT PERMIT WITH WAIVERS  
BLOCK 47, LOT 1  
987 CLOSTER DOCK 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 Leon Garabet (“Applicant”) for a soil movement permit with a requested waiver for creation of side slopes in excess of 4:1 in connection with the creation of a rockery slope area along the easterly side of the site and a small area adjacent to the driveway to East Main Street. The property is located on Closter Dock Road and is within the Alpine Historic District. The lot is identified on the Borough Tax Maps as Block 47, Lot 1 (“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. After testimony was offered and in response to questions from the Board, the matter was carried to the July 26 meeting, no further notice required.

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

The Application was presented by Scott R. Lippert, 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 “Plot Plan, Garabet, Block 47-Lot 1, 987 Closter Dock Road, Borough of Alpine, Bergen County, New Jersey” prepared by McNally Engineering LLC dated February 22, 2016. The plans initially considered by the Board were revised to May 31, 2016. The plans upon which the Board acted were revised to July 11, 2016.

Application and Checklist for Soil Movement, initially dated March 7, 2016 with a resubmission form May 9, 2016.

Document entitled "Storm Drainage Report for Garabet" prepared by McNally Engineering LLC dated February 22, 2016 with a revision dated March 17, 2016 as considered by the Board.

Reports prepared by Gary Vander Veer, P.E. dated March 15, 2016, March 28, 2016, May 18, 2016, June 13, 2016, and July 19, 2016.

2. As finally considered by the Board the application was for the movement of 1,929 cubic yards of soil with an import of 265 cubic yards..
3. At the initial 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 as revised to May 31, 2016. Using a copy of sheet 1 of the plans submitted the witness described the property and the proposed development. The property is in the R-2B zone district which requires a 10,000 square foot minimum and the lot itself is in excess of 53,000 square feet. The proposal meets all bulk standards in the ordinance. All structures will be removed and a new single family dwelling will be constructed. The existing septic will be used for grey water and a new black water system has been installed. Seepage pits are proposed for roof runoff and drainage and a connection to an existing municipal drain system in East Main Street was proposed. The witness described the proposed soil movement and noted the waiver request for side slopes which is requested to reduce the total grading on site. Approximately 27 trees were removed or proposed for removal. The Applicant was proposing a connection to the unimproved right of way for East Main Street as a secondary access.
4. At the conclusion of Mr. Doolittle's testimony, the Board raised concerns regarding the proposed driveway connection to East Main Street and the drainage connection to the municipal system. As a result of the need for additional information on both issues, the hearing was carried until the July meeting.
5. On July 26, 2016, Mr. Doolittle introduced a further revision of the plans (July 11, 2016), which addressed the open concerns. The plans show the nature of the connection to East Main Street (a fifteen foot wide three inch thick pavement course from the driveway to the existing East Main Street pavement, and a revision to the proposed drainage to keep all drainage on site and into seepage pits. Both of the proposed changes were satisfactory to the Board Engineer.
6. No member of the public appeared in opposition to 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 excessive side slopes 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 March 15, 2016, March 28, 2016, May 18, 2016,

June 13, 2016, and July 19, 2016 to the extent that plan revisions have not already addressed such items.

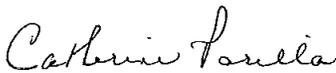
- B. Further revision of the plans to upgrade the onsite drainage pipes from 6 inch to 8 inch.
- C. Submission of acceptable proof of liability insurance coverage held by or for the benefit of the Borough as an additional named insured in minimum amount of one million dollars, combined single limit and submission of a performance guarantee and revegetation guaranty in the amounts determined by the Borough Engineer.
- D. This Board approval incorporates the plans referenced under Finding of Fact 1 above as revised to July 11, 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.

- E. 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.
- F. 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.
- G. 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.
- H. The Applicant is required to obtain all other government approvals including the Environmental Commission and County Soil Conservation District.
- I. 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 July 26, 2016, adopted on September 27, 2016.

  
 CATHERINE PARILLA  
 CHAIR,  
 ALPINE PLANNING BOARD

9/27/2016

  
 MARILYN HAYWARD  
 RECORDING SECRETARY,  
 ALPINE PLANNING BOARD

**RESOLUTION**

**ALPINE PLANNING BOARD  
IN THE MATTER OF THE APPLICATION OF  
JOSEPH LABARBIERA  
FOR SOIL MOVEMENT PERMIT WITH WAIVERS  
BLOCK 81.03, LOT 1  
24 CAMBRIDGE 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 Joseph LaBarbiera (“Applicant”) for a soil movement permit with a requested waivers for placement of fill to a depth in excess of five feet, more than 30% of pool coping above permitted height above original grade, and incursion into the tree buffer. The property is located on Cambridge Way. The lot is identified on the Borough Tax Maps as Block 81.03, Lot 1 (“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 July 26, 2016.

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

The application was heard by the Planning Board on July 26, 2016. The Application was presented by David Watkins, Esq.. At the meeting Douglas Doolittle, P.E. testified with regard to plans prepared by McNally Engineering, L.L.C.

**FINDINGS OF FACT**

1. The Board considered the following materials:

A plan entitled “Site Plan, LaBarbiera Cambridge, Block 81.03-Lot 1, 24 Cambridge Way, Borough of Alpine, Bergen County New Jersey”, prepared by McNally Engineering, L.L.C. dated October 28, 2015 and last revised on June 15, 2016.

Application and Check list for Soil Movement undated.

Document entitled “Storm Drainage Report for LaBarbiera Lot 1- Block 83.01” prepared by McNally Engineering, L.L.C. dated March 28, 2016 and revised to June 15, 2016.

Document entitled “Retaining Wall Stability Calculations for LaBarbiera, Lot 1—Block 83.01” prepared by McNally Engineering, L.L.C. dated June 15, 2016.

Report prepared by Gary Vander Veer, P.E. dated July 7, 2016;

2. The application was for the movement of 2,227 cubic yards of soil with requested waivers from the provision of the ordinance with regard to the placement of fill more than five feet above existing grade, more than 30% of the pool coping more than three feet above original grade, and incursion into the tree buffer.
3. Douglas Doolittle, P.E. a licensed professional engineer in New Jersey was accepted by the Board in his capacity as a professional engineer. Using Sheet 1 of the plans on file, the witness described the soil movement proposed, the nature of the development on site, and the need for the requested waivers. Those related to the pool are to allow a better height relationship between the pool and the first floor of the dwelling. There is no impact on neighboring properties. The waiver from the tree buffer requirement relates to the seepage pits in the northwest corner of the site. This is the low point of the site and the location is also dictated by the location of the septic field. Since this location is also adjacent to the right of way there is little or no impact on the neighboring property. There will be 695 cubic yards of soil removed from the site.
4. The Board concludes that the requested waivers are appropriate and will have little or no impact on any adjacent properties and represent a better alternative for development.

#### 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 unanimously voted to approve the soil movement permit application with the waivers 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 report of Gary Vander Veer, P.E. dated July 7, 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 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 described in Findings of Fact 1 and last revised on June 15, 2016.

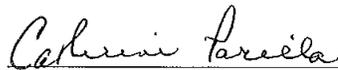
Any deviations from the elevations or contours indicated thereon shall be referred by the Applicant to the Borough Engineer, who may approve such modification or refer the Applicant back to the Planning Board for review.

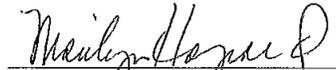
- D. In the event that the Borough Engineer determines that any deviations from the approved plan are major, the Engineer shall notify the Applicant that the approval is void and the Applicant must return to the Planning Board for additional review.

- E. 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.
- F. 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.
- G. The Applicant is required to obtain all other government approvals including the Environmental Commission and County Soil Conservation District.
- H. 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 July 26, 2016 adopted on September 27, 2016.

  
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CATHERINE PARILLA  
CHAIR,  
ALPINE PLANNING BOARD

  
\_\_\_\_\_  
MARILYN HAYWARD  
RECORDING SECRETARY,  
ALPINE PLANNING BOARD

Dated 9/27/2016