

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

December 18, 2012

CALL TO ORDER/PUBLIC ANNOUNCEMENT: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, December 18, 2012 at 7:30 P.M. Chairperson Catherine Parilla read the announcement in accordance with the requirements of the Sunshine Law:

In accordance with the provisions of the New Jersey Open Public Meetings Act, the notice of this regular meeting held Tuesday, December 18, 2012 at 7:30 P.M. has met the requirements of the law by publication in The Record and posted on the bulletin board of the lobby in the Borough Hall and filed in the office of the Borough Clerk.

ROLL CALL:

Members Present:	Catherine Parilla	Jeffrey Fromm
	Catherine McGuire (arrived after roll call)	William Robinson
	Gayle Gerstein	Martin Cybul, Alt. II
	Paul Tomasko	

Members Absent:	Lorraine Mattes
	Ralph Mattes
	David Andrews
	David Kupferschmid, Alt. I

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

APPROVAL OF MINUTES OF OCTOBER 23, 2012 REGULAR MEETING: Lorraine Mattes contacted the board secretary prior to the meeting with a correction in the Committee Reports section on page 4; line 3 of the Environmental Committee comments should be changed from *board approvals* to *all borough approvals*. A motion to accept the minutes with this change was made by Gayle Gerstein and seconded by Mayor Tomasko. All were in favor.

OPEN TO PUBLIC (NON-AGENDA ITEMS): There were no comments from members of the public in attendance.

RESOLUTIONS:

Soil Moving Permit Application: Kwon, David & Mindy; Block 22 Lot 20, 48 Rio Vista Dr: A motion to accept the resolution was made by Gayle Gerstein, seconded by Mayor Tomasko and carried by all members eligible to vote.

NEW APPLICATIONS:

Application for Amended Preliminary & Final Site Plan and Soil Moving Permit Approval: Alpine Three, L.L.C., Block 43 Lots 6.01, 6.02, 6.03:

Board Attorney John Phillips announced that the applicants and their professionals were out of the room discussing some issues with the plans that may result in the application being carried to the January meeting. The site is on Closter Dock Road and the applicant is proposing to run a private sewer line down Closter Dock Road to Church Street to Hillside Avenue to Wilson Drive. Although the law is not clear on the noticing requirements in this instance, this board requested

that notice be provided to all residents within 200 feet of the proposed sewer line in order to give these property owners an opportunity to participate in the hearings. That is why many residents who do not reside within 200 feet of the property itself received notice. There is also a question as to whether or not the application will require permission from property owners along the sewer line. In many older communities, the property line runs to the middle of the road. Public access cannot be denied, but it does not necessarily mean that private entities are permitted to install a private utility under the road. That is a legal question that will be addressed at a later date.

Attorney Phillips reported that an issue was raised by our Borough Engineer when it became apparent that the architectural plans do not match 100% to the site plan drawings. There are some issues created by some items on the architectural plans that may give rise to additional variances. If the applicants wish to proceed with the architectural plans as is, they will have to re-notice and advise the public of the variances requested. It is possible that the applicant will ask that the hearing be carried to January in order to revise the architectural plan to match the site plan and eliminate the need for variances.

Chairperson Parilla asked the members of the public in attendance if there were any procedural questions with regard to Attorney Phillips' comments on the notices. Richard Incontro, who resides at 36 Schoolhouse Lane, asked if the applicant was given permission for the sewer line on easements or if they are running the line down the middle of the street. Engineer Vander Veer responded that the line is within the right-of-way and meanders from side to side. Attorney Phillips advised that any details should be addressed during the public hearing.

Mark Wellington, who resides at 954 Closter Dock Road, asked how long this matter has been going on, and why the issue of whether the line will go down the middle of the road or if easements are needed had not been looked at years ago. Attorney Phillips responded that this question was raised by the court when the matter was tried in 2003 and is up to the applicants to decide which avenue they will pursue.

Attorney Lloyd Tubman of Archer & Grenier appeared on behalf of the applicants. Attorney Tubman stated that when she arrived this evening Attorney Phillips informed her that Engineer Vander Veer has pointed out inconsistencies between the architectural and civil engineering drawings; in particular, projections such as bay windows which may give rise to variances for which they did not give public notice. Because this arose late and there are questions about compliance, she requests that the board adjourn the hearing to the January 22nd meeting. Attorney Phillips stated that it would be appropriate, but the board should motion to adjourn to January 22nd with no further notice required, or February 26th if there is a weather related cancellation in January. Attorney Tubman stated that they will consent to any extension necessary for the board to act.

Mayor Tomasko stated for the record that he is an owner of property along the proposed sewer line. He has received notice of this hearing and must therefore recuse himself. However, he has been assured that he has the right to express himself in regard to this application as a private citizen of this town.

Chairperson Parilla asked the board if they were in favor of adjourning the hearing until January 22nd, or until February 26th in case of inclement weather. All were in favor. No further notice is required.

Mark Wellington asked if he could ask the applicant a few questions this evening so that they will have answers in advance of the January hearing. Attorney Phillips advised that since the hearing is adjourned it would not be appropriate at this time.

Richard Incontro commented that the notice is unclear with regard to prior approvals and the route of the proposed sewer line, and the public should be re-noticed. Attorney Phillips responded that the notice is sufficient from a legal standpoint.

Ian Greenway of 10 Haring Lane had a question of an engineering nature. Attorney Phillips explained that the applicants will present their case first, their witnesses will provide testimony and the public can ask questions. When the applicants have finished presenting their case, the public may comment under oath.

Mark Wellington asked if Health Officer Bill Galdi has approved the sewer line. Attorney Phillips responded that he is not sure if the Health Official or the Construction Code official has jurisdiction. These questions can be dealt with at the public hearing.

There were no further questions from the public.

COMMUNICATIONS:

- Notice of Certification of Soil Erosion & Sediment Control Plan re: Minnetian; Block 72 Lot 26. Duly noted; no comments.
- A & F 11/16 review letter re: Sispa, LLC; Block 55 Lot 24.01. Duly noted; no comments.
- A & F 11/16 review letter re: Zahedi; Block 39.01 Lot 9.06. Duly noted; no comments.

BILLS:

Sills Cummis	\$560.00	Kwon Soil Moving
Sills Cummis	\$260.00	Alpine Three
Sills Cummis	\$120.00	COAH
Sills Cummis	\$200.00	Appearance – Oct.
Sills Cummis	\$180.00	Kwon Soil Moving

A motion to approve the above referenced bills was made by Catherine McGuire and seconded by Gayle Gerstein. All were in favor.

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: The Mayor reported that a meeting was held last week, honoring the President of Rockland Electric who is being promoted and transferred to the parent company. The Mayor commented that he appreciated the job Rockland Electric did in restoring power to the borough following hurricane Sandy.

Board of Health: No meeting.

Environmental Commission: No meeting, but an inspection is scheduled for Thursday morning.

Building Department: The reports were distributed. There were no comments.

NJ Transit Update: The Mayor commented that there was a tremendous loss of rolling stock from the storm.

COAH Update: The Mayor reported that the Governor has put up two potential appointments to the State Supreme Court, which has a bearing on what the court’s position would be on Affordable Housing.

Chairperson Parilla suggested that in light of the comment from a member of the public about the Alpine Three public notice raising confusion, the borough may wish to provide some clarification the in the form of a newsletter. Attorney Phillips stated that it would not be inappropriate to do so.

ADJOURNMENT:

A motion to adjourn the regular Planning Board meeting was made by Catherine McGuire and seconded by Gayle Gerstein. All were in favor. The meeting adjourned at 8:01 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary

