

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

December 22, 2014

CALL TO ORDER/PUBLIC ANNOUNCEMENT: The Planning Board, Borough of Alpine, convened in regular session on Monday, December 22, 2014 at 7:30 P.M. Catherine Parilla read the announcement in accordance with the requirements of the Sunshine Law:

In accordance with the provisions of the New Jersey Open Public Meetings Act, the notice of this regular meeting held Monday, December 22, 2014 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:	Gayle Gerstein	Ralph Mattes
	David Kupferschmid, Alt. I	Catherine Parilla
	Catherine McGuire (arrived after roll call)	Mayor Paul Tomasko
	Lorraine Mattes	

Members Absent:	David Andrews	Martin Cybul, Alt. II
	Jeff Fromm	

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

APPROVAL OF MINUTES OF MAY 27, 2014 REGULAR MEETING:

A motion to approve the minutes of the May 27, 2014 Regular Planning Board meeting was made by Mrs. Gerstein, seconded by Ms. Mattes and carried by those eligible to vote.

RESOLUTION FOR CONTINUATION OF SERVICES OF JOHN PHILLIPS, ESQ.

A motion to accept the resolution was made by Mayor Tomasko, seconded by Gayle Gerstein and carried unanimously.

NEW APPLICATION: Request for Soil Moving Permit Application Approval: LaBarbiera, Block 76 Lot 2, 32 Allison Road, Alpine, NJ. Proof of publication and notices pursuant to statute were reviewed by Attorney Phillips and found to be adequate and in compliance with the requirements of the law.

The applicant was represented by David Watkins, Esq. Mr. Watkins stated that this application is for soil moving and no variances are requested. The volume of soil to be moved is 2,709 cubic yards.

Mr. Watkins called Perry Frenzel, P.E. to testify with regard to the plans prepared by McNally Engineering, L.L.C. Mr. Frenzel was sworn by Attorney Phillips and accepted as an expert witness by the Board.

Mr. Frenzel identified his exhibit as the Site Plan submitted to the Board, dated 3/21/14 and last revised 11/20/14. Mr. Frenzel stated that the applicant proposes to construct a two-story residential dwelling with a footprint of approximately 3,600 sq. ft. along with other improvements to the site. Two separate fields and septic tanks have been installed on the site and a significant amount of drainage improvements will be installed to protect the adjoining properties. Mr. Frenzel confirmed the volumes of soil movement as depicted on the plan.

Mr. Mattes noted that the site plan indicates that a waiver is requested. Mr. Watkins clarified that no variances are requested; however, a waiver is requested for placement of fill more than 5 feet above original grade. Mr. Frenzel stated

that the septic systems had to be set at a certain elevation due to subsurface conditions, so the house needs to be set higher to allow for gravitational flow from the house to the septic fields.

Mr. Mattes asked how much fill was brought in for the septic fields. Mr. Frenzel stated that there will be a total of just under 2,100 cu. yds. of fill brought in. He would estimate that approximately 500 cu. yds. have been brought in so far.

Ms. Mattes asked what the dark area on the southwest corner of the property is. Mr. Frenzel replied that it is rock.

Mr. Mattes noted that there is quite a bit of standing water on southeastern corner of the property and asked how it will be handled in terms of runoff. Mr. Frenzel stated that a perimeter drain will pick up any water in that area. All trenches will be piped to the municipal system on Allison Road. Any water runoff from the pool surface will be collected and piped into seepage pits.

Ms. Mattes noted that the plan indicates that a number of trees on the southwest corner are to be taken down. Mr. Frenzel stated that this is due to grading. Ms. Parilla asked if the grading will affect the roof height. Mr. Watkins responded that it will not, and that they are not seeking any variances.

Mr. Vander Veer stated that his biggest concern was the standing water issue on the property, and that if this condition continues during construction adjustments must be made to address it. Mr. Watkins stated that he has no objection to that, and they will work with Mr. Vander Veer as always.

Ms. Mattes noted that the neighboring property to the west is lower than the subject property. Mr. Frenzel replied that the interceptor trench will catch any water from running onto that property.

Mr. Mattes presented four photos that he took at the site on December 20th and stated that they were true and accurate depictions of what existed on that date. The photos were marked as Exhibits B-1 through B-4. Mr. Watkins stated that the proposed improvements will improve the existing conditions, and reiterated that they will work with Mr. Vander Veer to address any drainage issues.

Mr. Watkins stated that five bedrooms are proposed on this site.

Mr. Kupferschmid commented that historically there has been quite a bit of water draining from that property onto the intersection of Birch and Allison. There was a drainpipe coming off the property to the street, and asked what plans there are to capture that water. Mr. Vander Veer responded that when the builder created the temporary diversion plan that seemed to dry up, and that some of the water draining from the site will be captured by the trench drain.

Mr. Kupferschmid asked if there is a way to capture the water runoff along the front of the property, which was a pre-existing condition. Mr. Watkins commented that this was pre-existing, and that they will comply with Mr. Vander Veer's drainage requirements.

Mayor Tomasko asked if the grade will be raised five feet across the entire property. Mr. Frenzel replied that it is only an isolated area behind the house and a small area in front.

Mr. Mattes noted that in Mr. Vander Veer's December 10th review letter he mentioned that the trees to be removed will be replaced with forty-seven trees, along with a landscape plan, and asked if this can be made a condition of approval. Mr. Watkins stated that he has no objection to this condition. Ms. Mattes requested that a landscape plan be provided in a timely manner.

There were no further questions and no members of the public in attendance for this matter.

Attorney Phillips outlined conditions for the Board's consideration:

1. Subject to the conditions stated in Borough Engineer's December 10, 2014 review letter.
2. Subject to adjustments to drainage requirements if necessary during construction.

3. Drains along driveway to direct water to the borough system.
4. Landscape plan to be provided prior to any planting.

Mr. Kupferschmid asked if the drainage directed to the borough system will be surface or subsurface. Mr. Vander Veer replied that there will not be any surface drainage.

Chairperson Parilla asked for a motion for purposes of discussion. A motion was made by Ms. Gerstein and seconded by Ms. McGuire. The motion was to approve the Soil Moving Permit Application conditioned upon compliance with all the required revisions as indicated above by Attorney Phillips. There was no further discussion. The motion was carried unanimously.

NEW APPLICATION: Request for Soil Moving Permit Application Approval: Tal, Block 81.01 Lot 6. Proof of publication and notices pursuant to statute were reviewed by Attorney Phillips and found to be adequate and in compliance with the requirements of the law.

Attorney Phillips remarked that this is a corner lot which technically has two front yards. The applicant has the right to designate Canterbury Court as the front yard under the ordinance. The yard opposite should be a rear as opposed to a side yard. This does not impact the setbacks. Before the meeting Attorney Phillips had a discussion with Mr. Watkins and Engineer Vander Veer regarding the other front yard, which faces Anderson Ave. It has been the borough practice that the since the applicant has the right to choose the front yard, the yard opposite the other front yard becomes a side yard. Therefore, no variances are required.

The applicant was represented by David Watkins, Esq. Mr. Watkins stated that this is a request for soil movement of 9,033 cubic yards with waivers for placement of fill more than five feet above existing grade, cut in excess of five feet, slopes in excess of 4:1 and for the height of the pool wall above original grade. No variances are requested.

Mr. Watkins called Perry Frenzel, P.E. to testify with regard to the plans prepared by McNally Engineering, L.L.C. Mr. Frenzel was sworn by Attorney Phillips and accepted as an expert witness by the Board. The exhibit was identified as the Site Plan submitted to the Board, dated 5/23/13 and last revised 10/16/14. Mr. Frenzel stated that he has reviewed Engineer Vander Veer's letter dated November 17, 2014. He testified that the waiver requested with regard to the pool height will eliminate the need for steps down from the house to the pool area, for safety reasons.

Since the site has a significant slope from the northeast to southwest, the proposal is to make a substantial cut in the high portion of the property to allow for a more level recreation area and to improve drainage flow, which would be very rapid from a steep slope. They propose to construct a rock wall along two sides of the property with grades in excess of the 4:1 permitted by the ordinance, in order to stabilize the area behind the property to prevent erosion onto this site and to allow them to change the grade. Mr. Frenzel verified that fifty-four trees will be removed and ninety-eight replacement trees will be planted.

Mayor Tomasko asked for clarification with regard to the grading for the pool. Mr. Frenzel stated that the reason for having the patio flush with the floor of the house is to avoid the need for steps from the house to the pool, for safety reasons.

Ms. Mattes asked where most of the cut and fill will take place. Mr. Frenzel referred to the area on the plan where the rockery will be constructed.

Mr. Kupferschmid commented that the plan shows the patio back draining toward the house, and suggested that one step down to the patio may facilitate drainage into the yard. Mr. Frenzel commented that they want to get the water off the patio area as quickly as possible to prevent slipping. Mr. Vender Veer commented that he sees no issue with drainage as proposed on the plan, provided that the patio material directs the water to the drains.

Mr. Watkins stated that they will address all of the conditions of Mr. Vander Veer's letter dated November 17, 2014.

Mr. Vander Veer commented that there are no septic systems required for the site. The Closter sanitary sewer system was previously extended to provide service. Mr. Watkins agreed to obtain any required approvals.

Ms. Mattes asked if any of the grading could be adjusted so that some of the trees can be saved. Mr. Watkins commented that most of the grading is for the pool. Mr. Frenzel remarked that the grading was designed so that you wouldn't see three elevated stories sticking out of the ground from the street view.

Attorney Phillips suggested moving the retaining walls back into the property to reduce the number of trees to be removed. Mr. Frenzel agreed. Additionally, he agreed that all trees to remain will be protected during soil movement.

There were no further questions and no members of the public in attendance for this matter. Attorney Phillips outlined conditions for the Board's consideration:

1. Subject to the conditions of Engineer Vander Veer's letter dated November 17, 2014.
2. After construction verification of positive drainage from the pool patio.
3. All approvals from the Borough of Closter with regard to the sewer connection.
4. Move the retaining walls along Anderson Ave. back into the property to save trees.

A motion to approve subject to the conditions noted above was made by Catherine McGuire and seconded by Gayle Gerstein. Mayor Tomasko commented that he was originally concerned with the volume of soil to be moved, but the knowledge that most of the soil will remain onsite has alleviated his concern. A vote was taken. The motion was carried unanimously.

RESOLUTION FOR RETURN OF ESCROW: A motion to accept was made by Mayor Tomasko and seconded by Catherine McGuire. All were in favor.

COMMUNICATIONS: Duly noted; no comments.

BILLS:

Sills Cummis	\$ 200.00	NY SMSA (escrow)
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A motion to approve the bill was made by Mrs. McGuire and seconded by Mayor Tomasko. All were in favor.

REVIEW OF TENTATIVE 2015 MEETING DATES:

The 2015 meeting dates were approved as follows: Jan. 27, Feb. 24, Mar. 24, April 28, May 26, June 23, July 28, Aug. 25, Sept. 29 (5th Tues.), Oct. 27, Nov. 24, Dec. 15.

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: Mayor Tomasko commented that there were several meetings but nothing of significance to report.

Board of Health: No comments.

Environmental Commission: Mrs. Mattes reported that it has been quiet except for the Tree City and Growth Award applications for next year, which have been filed. Mayor Tomasko thanked Ms. Mattes for the work she has been doing in those two regards.

Building Department: The reports were distributed. Ms. McGuire commented that there is tremendous amount of follow-up involved, and commended them for the work they are doing. Mayor Tomasko commented that much construction is being done without having an experienced general contractor. He remarked that there was a serious fire at a Tenafly residence recently, resulting from work being done without permits and by people who were not qualified. Getting the work done

properly and obtaining the required permits will allow for peace of mind and will make the process easier when it's time to sell.

NJ Transit Update: The Mayor reported that the light rail is now planned to end in Englewood, but where the funding will come from is uncertain.

COAH Update: The Mayor reported that COAH proposed rules about two months ago but they failed to pass by the COAH Board. Fair Share Housing has sued to get things in motion. The rules proposed about 40,000 units over the next several years; Fair Share Housing is proposing a 200,000 unit obligation.

EXECUTIVE SESSION:

A motion to enter into an executive session at 8:26 PM 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. 10:4-6, et seq. for the purpose of discussing a matter relating to litigation concerning Alpine III vs. The Alpine Planning Board as permitted under N.J.S.A. 10:4-12.b.7. was made by Gayle Gerstein and seconded by Catherine McGuire. An Executive Session closed to the public shall be held for the discussion of matters relating to the specific item designated above. It is further noted 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. All were in favor.

The Planning Board reconvened in regular session at 8:41 PM.

OTHER MATTERS: Ms. Mattes commented that the digital sign in front of Holy Angels Academy is very distracting and asked that we adjust our sign ordinance so that those signs will not be permitted in our borough. Attorney Phillips will look at our ordinance and advise us at the next meeting.

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Mrs. Gerstein and seconded by Mrs. Mattes. All were in favor. The meeting adjourned at 8:44 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary