

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

February 26, 2013

CALL TO ORDER/PUBLIC ANNOUNCEMENT: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, February 26, 2013 at 7:32 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, February 26, 2013 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:	Chairperson Catherine Parilla Jeff Fromm William Robinson David Kupferschmid, Atl. I	Vice-Chair Catherine McGuire Gayle Gerstein Mayor Paul Tomasko
Members Absent:	David Andrews Lorraine Mattes	Martin Cybul, Alt. II Ralph Mattes
Staff Present:	John Phillips, Board Attorney Marilyn Hayward, Recording Secretary	Gary Vander Veer, Borough Engineer Robert Kasuba, Special COAH Counsel

APPROVAL OF MINUTES OF JANUARY 22, 2013 REGULAR MEETING: A motion to approve the minutes of the January 22, 2013 Regular Planning Board meeting was made by Gayle Gerstein, seconded by Catherine McGuire and carried by those eligible to vote. Mayor Tomasko abstained.

OPEN TO PUBLIC (NON-AGENDA ITEMS): No comments.

Chairperson Parilla announced that the meeting will end promptly at 10 P.M. for reasons unrelated to the application.

CONTINUED APPLICATIONS: Amended Preliminary & Final Site Plan and Soil Moving Permit Approval: Alpine Three, L.L.C., Block 43 Lots 6.01, 6.02, 6.03 (Carried from January 22, 2013).

Chairperson Parilla avowed she listened to the tape of the January 22, 2013 hearing, will sign the affidavit certifying to same and is thus eligible to participate and discuss this matter this evening. Mr. Kupferschmid was advised he will need to listen to the January meeting tape to be eligible to vote; however, Attorney Phillips later recognized Mr. Kupferschmid's attendance at the January meeting.

Chairperson Parilla noted Bill Robinson completed mandatory training and will be eligible to vote. As per the prior meeting Mayor Tomasko recused. During the course of the hearings and without objection, William Galdi, Alpine Health Officer and Charles Hoffmann, Fireman and past Fire Chief were sworn to ask questions and provide input.

Although typically presented during public comment the Board Chairperson received four documents reviewed with Attorney Phillips which he feels should logically be entered at this time. Three are public documents and the fourth familiar to the applicant. Ms. Tubman voiced no objection and was provided with copies as was the Board Secretary for distribution to Board members. **Exhibits** were marked:

- B – 1 Copy of February 11, 1892 map of the Thomas R. DuBois property: Dedication of the Road and Spring
- B – 2 Alpine Ordinance No. 382 that vacated the spring
- B – 3 Alpine Ordinance No. 385 that vacated Schoolhouse Lane

B – 4 Letter dated August 31, 2006 from the DEP addressed to Mr. Norian at Alpine Three regarding this site copied at the time to a list of people including the Alpine Mayor, Borough Clerk, Borough Engineer, former Board Attorney Tom Hall, Ms. Tubman, and Mr. Hubschman.

Applicant's **Exhibits** marked during the course of these proceedings:

- A – 6 Cover letter with attachments to Marilyn Hayward dated January 24, 2013 listing 12 documents that was distributed to Board members.
- A – 7 Engineering plans prepared by Michael Hubschman, PE, PP dated 7-13-1999 latest revision 2-13-2013 with colored renderings of selected sheets.

Appearing for the Applicant is Lloyd H. Tubman, Esq. of Archer & Greiner, PC, Plaza One, 1 State Route 12, Suite 201, Flemington, NJ 08822 along with witnesses:

- 1) Michael Hubschman, PE, PP, Hubschman Engineering, 263 A. S. Washington Avenue, Bergenfield, NJ,
- 2) Raymond Virgona, of Virgona & Virgona Architects/Planners 115 River Road #1031 Edgewater, NJ
- 3) Louis Luglio, PE, L2Group, LLC, 160 Hillcrest Avenue, Leona, NJ 07605 (Traffic Engineer)

Ms. Tubman reviewed the three issues to be addressed this evening:

1. Stormwater Management. DEP's Bureau of Watershed Planning no longer reviews Wastewater Management Plans. Applicant referred back to Planning Board for review of stormwater management.
2. Architectural Elevations (Building Height). The DEP State Historic Preservation Office review requested elevation changes to render the appearance of the buildings more consistent with the historic architecture of the district. Mr. Virgona will clarify calculation of the building heights.
3. Traffic. Their traffic engineer will address safe ingress/egress; report filed with the Board Secretary more than ten days ago.

Applicant's Engineer Michael Hubschman, sworn at the prior meeting, was asked to testify to his plan revisions. Attorney Phillips advised these revised plans were only delivered to the Mr. Vander Veer late on Friday prior to Monday holiday and the Board has not received his review letter. Mr. Hubschman testified after meeting on site with Mr. Vander Veer he revised the plans [**Exhibit A-7**] as he will describe.

Building Height.

To address questions raised at the prior meeting, he used the Borough's ordinance to re-calculate the building height from existing or proposed grade, whichever is lower, at the corners and entrances of the building. Sheet 2 Site Plan of A-7 depicts elevations used for the three buildings. He took the average of the existing grade around the building to the midpoint of the highest roof reminding one building actually has three different roofs. He opined his measurements are very conservative:

Left building (Units 2, 4 and 6)	= 33.68 feet
Front right Building (Units 1 and 3)	= 29.90 feet
Rear right Building (United 5 and 7)	= 29.60 feet

Guest Parking

Per Sheet 2 added Site Plan General Note 18 requesting an RSIS waiver for 3 parking spaces; 3.5 are required as 0.5 guest parking spaces are required per unit x seven units. They are proposing an accessible spot in the front and two in the rear. He has not yet submitted this request to DCA believing the parking issue a *de minimus* waiver that the Board could grant.

Retaining Wall

Mr. Vander Veer noted a revision adding a new retaining wall on the south side of the building in the northeast corner (Unit 3). Mr. Hubschman replied this was to alleviate a soil moving waiver for 4:1 slope. Mr. Vander Veer advised this change creates a 2-3 foot drop where the only other access is the garage; they'll need a safety railing. Mr. Hubschman affirmed and noted he is also trying to adjust grades over the drainage system to eliminate the soil moving waiver to fill more than five feet above grade.

Sanitary Sewer Force Main

Per Sheet 2 Site Plan added General Note 19 requesting an RSIS waiver from the stipulation that a sewer force main must be within five feet of the centerline of the street. As the County asked them to keep it out of the right of way it would not be within five feet of the center line. He has not yet submitted this request to DCA. Ms. Tubman stated as an offsite condition this would be brought before the Borough Council and if they prefer to have the line closer to the shoulder she believes the Council has to apply to DCA for the waiver. If denied then they have to put the line down the center of the street. Mr. Vander Veer will review the procedure. He did not feel it was mandatory the Council make the application; the applicant can do it and they should do so as soon as possible.

Responding to a report note of Mr. Vander Veer, Mr. Hubschman added details for the duplex pump system and valve chamber located (two circles) at the south end of the driveway. A report goes with that.

Stormwater Management

Per Sheet 3 Grading and Drainage Plan, responding to Mr. Vander Veer's question whether storm filters were in line he revised this to a bypass chamber. It is now an offline system, changed from a catch basin type to a catch basin into a manhole to separate the flow. Other minor revisions are for Mr. Vander Veer's review and comment.

Per Sheet 4 Stormwater Detail Plan adds a storm gate manhole to control a one-year storm and details the different storm filters configuration. The drainage report has been updated to include buoyancy calculations made using the groundwater at grade, a worst case scenario, yielding very conservative results to demonstrate the pipes will not float. Mr. Vander Veer has not yet reviewed the report and asked if it's possible for groundwater to rise over the pipe to the level of the proposed finished grade. Mr. Hubschman replied no as it will drain out below that elevation.

Infiltration Structures Attorney Phillips asked if there were any infiltration structures on site. Mr. Hubschman advised they propose shallow pits for recharge. While giving time to Mr. Hubschman to review the 2006 DEP letter [**Exhibit B-4**] Ms. Tubman noted a paragraph that references "no infiltration structures" on the site is taken from a letter disapproving a septic system, now a dead issue, and has nothing to do with stormwater management or basic stormwater infiltration. She acknowledged content that "there could not be a septic subsurface disposal field on this property because of a spring" while pointing out the DEP Letters of Interpretation "did not find any regulated feature" and provided them with an approval conditioned upon the Planning Board's review of the stormwater management design. At the time of the Settlement Agreement the Judge said it was fairly contemplated this development would have to be served by a sewer line. Attorney Phillips acknowledged but noted the fact that an onsite review determined the seasonally adjusted high water table was at the ground surface and it is therefore appropriate to ask how any infiltration proposed on site will be affected by the basic ground surface water table. Ms. Tubman maintained Larry Byer, then Director of Watershed Management, came on site with his auger and determined that there was no surface water but only an isolated wetland pocket, the same finding by the DEP site visit that resulted in the 2000 Letter of Interpretation. Mr. Hubschman added they have a General Permit 6 to fill that 3,390 square foot area as shown on Sheet 7. They typically do this by digging down 2-3 feet until they hit a force material, remove the material and then fill the hole. This project requires excavating 7-8 feet for the buildings.

Offsite calculations. They surveyed the offsite pit, went down about 130 feet through the property and calculated the capacity at about 20 cubic feet per second. Mr. Hubschman will submit the calculations.

Groundwater conditions Questioning the proposed easterly curtain drains bypassing the underground detention facility, Mr. Vander Veer asked where they will direct water if they encounter water table within the basements. Mr. Hubschman stated the footing drain will bypass the system. Mr. Vander Veer questioned if intercepting groundwater in pipe results in fast tracking it to the ditch rather than a slow release. Mr. Hubschman responded yes but it is a 4-6 inch footing drain and that is never taken into consideration. Trying to ascertain what is on the site now, it has been observed there is a PVC pipe discharging into the ditch along Schoolhouse Lane. Mr. Hubschman was advised by the owner there was an old Orangeburg pipe there. The end was crushed and replaced with a section of PVC. He thinks it seems to drain from the spring/well water feature artificially lowering the water table in that area. Chairwoman Parilla

asked if that pipe weren't there, would the larger part of the property be underwater. Mr. Vander Veer offered the water may rise high in the well/spring and could potentially saturate the area. Typically the DEP does not want a feature to be drained if it is to remain. They have approval to disturb a wetland, but what if this feature is to be preserved and is being drained by curtain drains or something to that effect; he is not sure if that applies in this particular case.

Test Pit Data Attorney Phillips requested a listing of all test pit data for the site. Mr. Hubschman offered Sheet 7 Existing Conditions Plan lists most. Studies date back to the 1980's and some data may be on an old report by a former engineer, Harry Ralston. Mr. Phillips asked him to provide same to the Board. Chairwoman Parilla seeks data on depth to water. Mr. Hubschman recalled the older data revealed lower water. They've probably disturbed the whole site noting there's been 30-40 test pits dug over the years.

Spring/Abandoned Well While disagreement remains as to whether this water entity on the property is properly classified as a natural spring or abandoned well, the Board pointed out that whatever this historically annotated, anecdotally referenced and currently observed water feature is, it gives off a flow of water. They want to know the output, if it is included in the drainage calculations and its impact on the stormwater management system both onsite and offsite. Mr. Hubschman stated he did not include the flow in his calculations which he terms a "negligible trickle" flowing at about 2-3 cubic feet per second. The proposed drains will lower groundwater levels picking up all the water and draining it to the southwest corner. He did not feel they would find too much water when hammering or blasting for the basements nor did he anticipate a need to raise the buildings as the basement is elevation 424 feet and the low point at the corner is 420-421 feet; they have positive drainage.

Mr. Kupferschmid expressed concerns relative to the test pit data questioning how the natural water that is there won't find its way into the basements. Mr. Hubschman again reviewed the function of the proposed curtain drains that will pipe the water to the ditch. Asked by Attorney Phillips, Mr. Hubschman pointed out the location of the well/spring near Unit 5, west of the proposed curtain drain. Noting that the well/spring is to the left and lower than the curtain drain, Attorney Phillips opined any water coming out of the spring would not be picked up by the curtain drain. Mr. Hubschman maintained flow is from east to west and they'll pick up water before it even gets to the spring whose flow appears to be more of a seepage through the rock along the contour. Upon further questioning from Mr. Vander Veer, Mr. Hubschman confirmed he is assuming the spring is fed by the groundwater that travels from east to west and a rock feature causes it to emerge where it does. Mr. Vander Veer asked what if that water feature is actually something deeper below the rock level they propose to place the curtain drain on. Mr. Hubschman conceded it could be an artesian condition. Chairwoman Parilla relayed a question that concerns the Board is what will happen if they blast for the basements and the site fills up with water. Mr. Hubschman maintained all water will be piped to the low point of the site; a drain to daylight.

The Board asked if there was a process they could use to analyze the spring's output. Neither the Applicant's nor Board's engineer knew of a specific procedure to accomplish this and referring back to prior testimony about the Orangeburg and PVC piping, it was acknowledged that while flow from that pipe could be easily measured, they are not really sure what water that pipe is actually capturing. Mr. Fromm opined use of the term "well" appears to be inaccurate as he's never heard of water bubbling up out of a well. Chairwoman Parilla noted clearly it is important that they have the calculations for the spring's flow. Ms McGuire also expressed concerns with changes that could come about once they blast for the basements. Mr. Galdi suggested digging a pit next to the spring to collect the water and then removing the water via a metered pump to obtain the design flow. Mr. Hubschman will look into it and consult an expert. Ms. Tubman advised they hear the question loud and clear and will find a way to measure it.

The meeting was opened to the public for questions regarding Mr. Hubschman's testimony.

Re: Stormwater Management

Richard Incontro, Schoolhouse Lane asked what term they used on the plan submitted to DEP for the LOI to describe the spot the spring emanates from. Mr. Hubschman replied "abandoned well." Ms. Tubman confirmed that plan submitted to DEP was Mr. Hubschman's "Existing Conditions Plan" dated 6-7-2000 no revision. Mr. Incontro questioned if that spot was ever brought to the attention of the DEP inspector who reviewed the site for the wetlands determination

and where on that plan does it show the 20 foot access easement vacated by Ordinance 382. Attorney Phillips clarified Ordinance 382 vacated a fifteen foot wide strip running from the road in a northerly direction to the location of the spring/well. Mr. Hubschman acknowledged he does not show that on the plan. Mr. Incontro asked if he recalled the court case Alpine vs. Shaw and McCaffrey wherein they argued about the spring. Attorney Tubman replied she has a copy of that decision which said if Alpine chose to do so it could vacate the “spring” as mentioned in quotation marks.

John McCaffrey, Closter Dock Road, adjacent property owner to the west, asked if calculations for the annual volume of water from the spring were taken into consideration for the runoff. Mr. Hubschman replied no. Mr. McCaffrey voiced concern with the volume of water directed to the southwest corner abutting his property to ask why it wasn't being dispersed differently rather than concentrated to one spot. Mr. Hubschman explained all the water goes there now flowing to the ditch and in drainage design you try to keep the same amount of water going to the same location. Mr. McCaffrey asked about offsite improvements and if the existing concrete reinforced pipe that runs under Schoolhouse Lane would be upsized to accommodate the increased volume of water. Mr. Hubschman replied the pipe has sufficient capacity and he will submit drainage ditch calculations to Mr. Vander Veer. They can revise the pitch if need be. Mr. McCaffrey again asked if his calculations include the spring water. Mr. Hubschman maintained that is just a trickle while acknowledging it has never been measured nor to his knowledge has the water been tested.

Re: Sanitary Sewer Line

William Galdi, Alpine Health Officer, questioned Mr. Hubschman regarding the pumps which Mr. Hubschman described as single grinder, not dual speed, pumps. Mr. Galdi stated they should be dual pumps with a recycling setting. Mr. Hubschman stated they do alternate. Mr. Galdi added they require indicator lights and signals to monitor function. Mr. Hubschman advised they will and a central service will monitor them.

Sanitary Sewage Pump Specifications In response to follow-up questions from Mr. Vander Veer, Mr. Hubschman advised he has not yet researched if an approval is required from the Board of Public Utilities or other agency responsible for monitoring the on call system requirements and who will be responsible for utility mark outs when needed. He will apply for the RSIS sanitary sewer offsite condition. He will also submit to Mr. Vander Veer the revised sanitary sewage pump specifications as noted on the Sheet 11 although his intent was to just submit to DEP as part of their Treatment Works Application as they have jurisdiction. Mr. Vander Veer explained he wants to check compliance with design requirements that indicates how the pumps will satisfactorily address the discharge of wastewater through the 2 inch force main.

Deed Restrictions Mr. Vander Veer recalled a question arose at the last meeting as to how the proposed deed restrictions that preclude anyone else from tying into the proposed line would be reconciled with the Individual Wastewater System Standards that deny a septic system permit to anyone within 100 feet of a sanitary sewer line. Is the deed restriction going to be truly enforceable? Ms. Tubman maintained both DEP and the Borough require the deed restriction and in her opinion the regulation would not apply to a private sewer line. Mr. Vander Veer noted the standard does not differentiate between private or public. Ms. Tubman agreed as she's reviewed other contexts where there was no capacity in the plant and DEP nevertheless disallowed septic systems but in this case the DEP itself is requiring no further tie-ins. Secondly, the wastewater management plan is specific to this property. Mr. Hubschman seemed to recall a provision excluding pumping such as this force main would require. Mr. Vander Veer's interpretation was that you could not tie in by means of pumping but could do so by gravity feed. Mr. Hubschman opined you have to pump into a force line. Considering all the approvals the applicant is getting, Mr. Vander Veer opined it would not be that difficult for someone else to obtain similar approvals to circumvent the regulation. Ms. Tubman maintained you could not connect unless you're in the sewer service area. Chairwoman Parilla summarized her understanding that someone could hook into this system. The way the law stands, despite the deed restriction, it wouldn't stop someone else from applying if they wanted to do this. Expanding on that premise, Attorney Phillips asked if this could also come to mean that if there's any buildable lot between the subject property and Cresskill that this line passes within 100 feet of, that lot could not get a septic permit under the regulation. Mr. Vander Veer added that would not only apply to new systems but also to repairs or reconstructions if an existing system failed; they would not be able to get a permit. Mr. Galdi stated they have to consider the trench itself and not just the line. What is to keep someone else from using the same trench which lies in the public easement and how many lines could it accommodate? Once you let one individual go through, how do you tell another taxpayer along that run that they can't use that same trench? Attorney Phillips was not sure if the presence of the trench would allow the placement of another line as they wouldn't be considered to be in the sewer service area but agreed there is an issue of

whether or not that becomes a public easement. He recalled Judge Harris sort of noted this in his decision saying we're not going to address it now but it's going to have to be addressed at some point before they finish and is a question they will have to look at.

John McCaffrey asked about generator backup noting power has been out in town for six or seven days. Mr. Hubschman advised a natural gas generator will be located just south of the end of the road as shown on Sheet 3.

Michaele Incontro asked if the proposed generator would also protect the homes or if there will be multiple generators on site. Mr. Hubschman stated the generator described is dedicated only for the sewer pump station.

Paul Tomasko, owner 87 Church Street, recalled earlier inferences that individuals representing the Borough at the time of the Settlement Agreement were aware of the need for a force main. This is not his recollection. He believes correspondence exists between the Borough and Applicant's then attorney, John Stern to the contrary where it was expected both wastewater and stormwater would be handled on site. He asked if the applicant has made any effort to acquire adjacent lands to accommodate septic systems as is the normal fashion most everywhere else in the Borough. Ms. Tubman responded that issue was answered by Judge Harris who found it was within the contemplation of the parties at the time, having received a letter from the Bureau of Nonpoint Source Discharge saying that the subsurface system could not be built on the site, that there would be a sewer alternative septic.

Chairwoman Parilla asked if Judge Harris discussed this in terms of the maximum building for this particular property since while the decision stated the applicant could build a maximum of seven units it did not say he must build seven units. Ms. Tubman reminded that was the basis of the Board's denial and Judge Harris disagreed remanding for approval for seven units. Chairwoman Parilla asked if they could build fewer units accommodated by a septic system. Mr. Galdi responded he was asked that question years ago and while that should be asked of the designing engineer the DEP found this particular site is not suitable for septic systems because of the springs and water on site. He and the Borough Engineer observed a lot of "gallonage" running from the PVC pipe; not a practical means of eliminating the spring. Historically he recalled the septic system used by former property owners constantly overflowed. Through the years there has been a lot of disturbance and piping on the site none of which was done with oversight or approval of the Borough. He does know that there is a lot of water draining into the ditch along Schoolhouse Lane and the applicant's engineer needs to address all sources of water, not just parts. If not, they may be constructing the houses on top of a pool. Mr. Hubschman repeated his claim that all of the groundwater will have drainage to daylight; they will be able to lower it.

Paul Tomasko, 87 Church Street, asked how they will protect the residents along the sanitary sewer line route from any blasting needed to install the trench. Mr. Hubschman noted while they have not done test pits, the trench will be narrow and shallow, about three feet deep. They will likely only need drilling or hammering, not blasting. Mr. Tomasko called this optimistic as it took a PSE&G crew two weeks to install his home's gas line at a depth of 18 inches due to the rock.

Applicant's Architect, Raymond Virgona was called and reminded he is still under oath. Mr. Virgona referred to his exhibited Drawing SK-1 revised February 14, 2013 he states now correspond to Mr. Hubschman's drawings. Building heights are shown as measured from the highest roof midpoint to average grade elevation at corners and entrances using the most conservative approach. They are all below the maximum allowed height of 35 feet.

Left building (Units 2, 4 and 6)	= 33.68 feet
Front right Building (Units 1 and 3)	= 29.94 feet
Rear right Building (United 5 and 7)	= 29.60 feet

Responding to Board questions, Mr. Virgona affirmed measurements were based on existing or proposed grade, whichever is lower. The front yard is the yard facing Closter Dock Road and the rear yard faces Schoolhouse Lane while noting that was vacated and is no longer a street. Using Sheet 2 of **[Exhibit A-7]** Mr. Virgona described locations of the front doors. Entrances for the Type A Units 1, 3, 5 and 7 and the Type B Units 2 and 6 are located on the sides of the buildings and accessed by walkways from the driveway. The entrance for Unit C is adjacent to the garage facing the internal driveway. The two entrances for the rearmost building units face Schoolhouse Lane. They propose split rail fencing along the front in keeping with the historical architecture and solid PVC fencing along the sides and rear of the property. In the rear the fence would rest atop a five foot retaining wall that tapers down to zero around the eastern corner.

Chairwoman Parilla questioned the safety of residents in the rearmost units coming out to a solid fence if they had to evacuate for fire. Attorney Phillips asked if there is any provision in the event of a fire for firemen to have access from Schoolhouse Lane or for residents to evacuate. Ms. Tubman noted the vacation of Schoolhouse Lane preserves rights of access. Mr. Hubschman offered they could extend the walk where it comes back to grade at the eastern corner and install steps. Ms. McGuire noted residents would also want the rear access to get to the Borough Hall for their mail.

The meeting was opened to the public for questions of the architect.

Richard Incontro, received affirmation that sidewalks and decks were included in impervious coverage but Attorney Phillips reminded in this zone there is no limit on impervious coverage, just building coverage. Ms. Tubman reminded their variance request for lot coverage results from the inadvertent adoption of an ordinance contrary to the Settlement Agreement which specified building coverage only and the governing body attempted to correct by adoption of resolution. They've noticed for a variance consistent with the Settlement Agreement.

Fire Safety

Hydrant **Paul Tomasko** questioned safe access in the event of a fire as the nearest hydrant is on the other side of Closter Dock Road. Mr. Hubschman answered they could probably add one on their side wherever the Fire Department wants. The Board asked Mr. Hoffmann for his input. He recommended a hydrant be located on the upper top quarter closest to Closter Dock Road near the driveway; not interiorly. Their truck could come in and drop a hose without blocking the road or access. Proper placement of a fire hydrant so they can get to it and not block other units is the primary concern. Chairwoman Parilla asked if there is a fire hydrant on DuBois and if the fire department would also want access to the rear of the property. Mr. Hoffmann stated yes, if it was a big enough fire they would want to come from every possible direction and pickup multiple hydrants. Ms. Tubman was responsive to the recommendations.

Entrance Access Mr. Hoffman has not reviewed but assumes the driveway entrance design would be wide enough for fire trucks to turn into the property but once in, it's a mess from there; a tight difficult situation.

Sprinkler System Mr. Hoffmann asked if the buildings will have a sprinkler system. Mr. Virgona said it is not required. They are technically single family units separated by a fire wall and they've provided for two-hour fire rated walls that go from the basement all the way through the roof; the attics are separated. The buildings do not exceed the height from grade or maximum square footage criteria that would require them. Chairwoman Parilla asked what a standpipe is. Mr. Hoffmann explained it is a pipe installed to supply water pressure to a fire sprinkler system or internal pre-connected fire hose. If sprinklers are not required they would not require a standpipe.

Functional work area for fire trucks. Chairwoman Parilla questioned recommended distances between a fire truck and the building. Mr. Hoffmann explained they prefer to keep trucks out of the "Collapse Zone," typically a distance equal to the height of the building. For example, if the building is 25-27 feet high you want to keep the fire truck that distance away from the building. This only applies to the structure(s) on fire and if they anticipate a chance the building could burn to the ground. He does not anticipate this being the problem as long as there is proper placement of hydrant(s).

John McCaffrey questioned fence and retaining wall heights. Mr. Hubschman advised the wall is about five feet high with a four foot fence on top. Mr. McCaffrey questioned the appearance of a nine foot wall from his property which he finds objectionable. He questioned the roof height of the southwest unit relative to the existing elevation of his adjacent property. Mr. Virgona stated the building height is well below the maximum.

Richard Incontro asked the distance between the height of the roof and the grade at Schoolhouse Lane. Mr. Virgona again replied he does not have that information but scaling from grade to the roof midpoint plus five feet for the wall he estimated 30-32 feet. The height distance between the Unit A entrance nearest Schoolhouse Lane would be 1-2 feet at the most.

Fencing

Mr. Vander Veer pointed out the plans indicated the fence would be chain link and not PVC. It is also shown at the base of the wall along Schoolhouse Lane rather than on top of it. Mr. Hubschman clarified they propose solid PVC fencing which will run along the top of the wall. Mr. Vander Veer questioned if that's the case, how will they deal with the fence at the southwest corner where the retaining wall does not run up to the property line. The plan shows it running from corner to corner at the base. Mr. Hubschman responded he would look at that again. Mr. Vander Veer observed a solid fence on top of a solid wall will look pretty high. Chairwoman Parilla asked if the proposed complies with the fence ordinance. Mr. Vander Veer and Ms. Tubman will review.

Applicant's Traffic Expert Louis Luglio was sworn and testified that he is a licensed professional engineer in NJ, NY and six other states. He has a B.S. in Civil Engineering and a Masters Degree in Transportation Planning from N.J.I.T. He has been practicing trafficking and transportation planning for the past 24 years. Attorney Phillips is familiar with Mr. Luglio's qualifications.

Ms. Tubman asked Mr. Luglio to testify regarding his studies and conclusions. [His report dated February 13, 2013 was previously submitted to the Board for their review.]

Referring to Mr. Hubschman's plans [A-7] Mr. Luglio stated his study focused on Closter Dock Road, traffic volumes on the roadway in both directions, the proposed access point of vehicles coming on and off the site and how that interaction may or may not have an effect on Closter Dock Road.

- 1) Existing Conditions: Traffic counts were taken for Closter Dock Road, a Bergen County road, along the frontage during the AM peak period 7 AM – 9 AM and extended PM peak period 3 PM - 6 PM on Thursday, January 10 and Tuesday, January 15. They focus on peak hour. During AM peak hour 8-9 AM they counted 1,418 vehicles: 768 westbound and 650 eastbound. At 3 PM the volume was a little less at 1,154 remaining consistent until 6:30 PM when it dropped off considerably.
- 2) Proposed Development: Determination of how many vehicles would be generated to and from the development during the peak hours of activity based on peak hour; the peak 60 minutes during AM and PM. Residential properties are considered low intensity in terms of traffic generation. They calculate the 7 units would yield about 3 vehicles during AM peak hour and 4 vehicles during PM peak hours. This does not include vehicles leaving during off peak hours; they only focus on the peak hour of Closter Dock Road's highest traffic volume.
- 3) Line of Site: Referring to [A-7] Mr. Luglio noted Mr. Hubschman indicates the site distances. Looking right or east as you come out the driveway the site available distance is 480 feet where 445 feet is required based on the Closter Dock Road's posted speed limit of 35 mph. Looking left or west there is 460 feet of site distance where 385 is required. They comply in both directions.
- 4) Stopping Site Distance: or how much room you need if you're traveling on Closter Dock Road and have to safely stop if you see someone pulling out. That requirement is 305 feet and as shown above they have over 400 feet of site distance in both directions.
- 5) Un-signalized Intersection Stop Analysis: how well the intersection operates without a signal. The study shows there is not enough volume to and from the site to have a measurable effect compared to volumes already on Closter Dock Road. Although during on site analysis he observed there will definitely be some queuing or backup extending along the frontage this stoppage is actually beneficial allowing cars to ease out to make the right or left turn. Although their study has to show compliance for the posted 35 mph speed limit the intersection would meet the requirements as set forth by the County and the State for vehicles traveling 40 mph.
- 6) Ingress Analysis: The actual apron on the roadway is 34 feet in width. The opening into the site is 24 feet which is a standard width providing 12 feet for each side. This opens up to 25 feet for the length of the driveway with somewhat of a turnaround at the terminus. Along with residential driveways this should provide enough room for

someone to turn around to exit the property. Ms. Tubman asked if the intersection is virtually identical to turning in and out of Church Street to get to the municipal building. Mr. Luglio replied yes

- 7) Critical Gaps: This is the distance in terms of the time between when a vehicle passing and the next vehicle passing. Based on their volume analysis there is enough critical gap for someone to have a gap in traffic to get out.

He concludes their traffic information from a safety standpoint and from an operational standpoint is that the proposed would meet all the requirements of safety and efficiency getting on and off the site.

Attorney Phillips asked if they analyzed vertical site distances as opposed to just horizontal. Mr. Luglio responded they take that into account with the site distance calculations. Attorney Phillips questioned what happens when traffic backs up eastbound diminishing the line of sight for someone trying to make the left hand turn out of the site. Mr. Luglio noted the driver would likely inch out and while diminished this would not be unlike any other un-signalized intersection.

Attorney Phillips questioned the geometry of the intersection where the street across from the driveway, Main Street, is off center. Mr. Luglio noted only two vehicles came from that street during peak hours. County regulations permit up to a 30 foot offset. They're probably only 8-10 feet off center. Ms. Tubman noted they have obtained a County approval with conditions, none of which have to do with the Main Street alignment.

Ms. Gerstein questioned the impact of construction to traffic on the involved roads. Mr. Luglio acknowledged during construction there will be heavier vehicles traveling on and off the site and they would have flag people to direct traffic. He assumes most construction traffic to the site would be off peak and should not be an issue. Mr. Kupferschmid questioned the impact of construction of the sanitary sewer line on traffic flows. Mr. Luglio acknowledged he did not look at that.

Mr. Fromm questioned what if anything along their frontage could obstruct views. Mr. Luglio noted while currently the site has overgrown landscaping the future landscaping would not include plantings for a good 8-10 feet on either side of the driveway and plantings could not be above three feet high.

Mr. Fromm noted Mr. Luglio's calculations were based on the 35 mph speed limit but in his experience vehicles often exceed the speed limit on Closter Dock Road. Mr. Luglio offered based on his calculations he believed they'd meet the requirements even for someone going 45 mph or 10 mph over the speed limit. If the vehicle gets to 50 mph then the reaction time for either driver might be close but that would be an enforcement issue. Mr. Fromm stated he would like to see the "break even" calculations for the next meeting. Mr. Luglio stated he will calculate the site distance requirements for 40mph, 45 mph and 50mph.

Ms. McGuire lives on Closter Dock Road and questioned Mr. Luglio's finding of zero per cent heavy vehicles. Mr. Luglio understood there is heavy traffic on Closter Dock Road but found it was not significant during the peak hours they looked at. Ms. McGuire was incredulous noting this is a main east-west artery where no trucks are allowed to go up to New York via Route 9W since 1976 and thus use Closter Dock Road. She often waits at least three minutes; she's timed it, to get out of her driveway into the bumper to bumper traffic which includes a lot of 18 wheelers. Mr. Luglio stated even if the heavy vehicle percentage was 5%, it would not factor into the calculation as it relates to the operation or level of service of the intersection.

Ms. McGuire asked Mr. Luglio if he was aware vehicles are always allowed to make a right turn from Route 9W southbound onto Closter Dock Road contributing to a constant flow of traffic. His study does not seem to reflect the road she lives on. Mr. Luglio responded they took video and while you may have 10-15 minutes of constant flow there are still definite gaps during both AM and PM peak times. Ms. McGuire opined they will have traffic backed up to that site; she's waited through three traffic lights to get through and they will basically be waiting on the kindness of strangers to get in or out. Mr. Luglio noted he has seen that as well coming out of Main Street and coming out of Church Street depending on the volume.

Ms. McGuire asked what 95% queue length means. Mr. Luglio replied that refers to the queue in the driveway. They want the queue to develop on site and not negatively impact Closter Dock Road. Ms. McGuire asked what “control delay” means. Mr. Luglio explained this refers to how many seconds a vehicle must wait to make a turn. They look at the average over a 60 minute period and determined 9.2 seconds was the average time it would take for a vehicle to make the left or the right coming out of the site. Ms. McGuire felt that was optimistic.

Mr. Vander Veer asked if the County placed restrictions on left turn movements in or out of the site. Mr. Luglio replied no. Mr. Vander Veer asked if that was unconditional or subject to review. Mr. Luglio replied no, they base it on the load intensity of the land use. He is not aware of any restrictions.

Noting the former comparison to Church Street, Mr. Vander Veer reminded that is a three-leg intersection and this has four legs. Do they foresee any conflicting traffic movements where someone is going east bound making a left turn into Main Street and someone else is going westbound making a left turn into the site? Mr. Luglio offered that’s possible but based on the number of vehicles observed he does not see this as an issue. Mr. Vander Veer questioned the backlog that vehicles making a left hand turn could create. Mr. Luglio opined the wait time would be very minimal; up to three cars might have to stop and wait behind the turning car. Mr. Vander Veer noted he indicated the proposed provides a Level of Service of “A”. Mr. Luglio replied yes as reflected by the potential 9 second delay reminding that is based on an average; the 4-5 vehicles that might leave the site during peak hour versus the remaining part of the hour when no vehicles exit the site allowing for free flow of traffic without interruption on Closter Dock Road.

Noting reference to the Institute of Transportation Engineers, Mr. Fromm asked how the number of cars per unit during the peak period was calculated. He also lives on Closter Dock Road and knows going back and forth with children can generate multiple trips from one household during their peak hour. He would have estimated 20 vehicles coming out of the site in the AM is a more reasonable number than 3-4. Mr. Luglio explained the Institute of Transportation Engineers is a compendium of 50 years worth of data based on all different land uses that serves as the guide for requirements for both the county and the state. His study calculates what would be average on an average day. Some days would be more or less. He often gets this question but 20 vehicles would be a little high; however, even if they used a factor of 10-15, his analysis would not change very much. The 9 second delay might increase to 15 seconds and Level of Service may go down to a “B” but it this would still be considered acceptable. Mr. Fromm asked if the manual is based on national data or data specific to Bergen County. Mr. Luglio responded it is national data factoring in a premise that 95% of occupants drive with no real public transportation in the area. He might discount the numbers if this was Fort Lee but that is not the case.

The meeting was opened to the public for questions of the traffic expert.

Michaele Incontro questioned the line of site data which Mr. Luglio reviewed. Mr. Incontro questioned if he had factored in the bright sunlight that morning eastbound traffic contends with making it very difficult to see. Mr. Luglio agreed in the sense that you could have a backup that comes and goes during peak hour and with the sun the 480 feet might be restricted down to about half of that or even more depending on the queue.

Paul Tomasko questioned the accuracy of the study regarding backups which are often twice as far down Closter Dock Road. Mr. Luglio acknowledged backups can reach far west of Church Street but maintained that is not stopped traffic but rather stop and go at 5 – 10 mph. He only observed an actual stopped condition as far as Main Street or perhaps a little past where the proposed driveway would go. The volumes do indicate that while the road is not at capacity, it is getting close to capacity. In consideration that the ever increasing traffic on Closter Dock Road is one of the major challenges facing the Borough, Mr. Tomasko asked the Chair if the Board considered hiring an independent traffic expert to represent the Borough’s interests and analyze whatever relevant data the Board considers appropriate. Mr. Fromm noted Closter Dock Road is already a terrible road to drive on to question whether a reportedly *de minimus* increase is not really quite significant. Attorney Phillips recalled the North Bergen White Castle application where the judge ruled that one car was one car too many. Mr. Fromm said that’s the question he is asking. Being the Board’s consensus that was a good suggestion, Chairwoman Parilla advised Ms. Tubman the Board will solicit their own expert opinion for the next meeting.

Ms. Tubman wished to note the question before them is whether or not there is safe ingress or egress from the site, not whether there are too many cars on the County road. They have the County's approval which she does not believe includes any traffic restrictions but only usual provisions such as a right of way contribution.

Chairwoman Parilla advised this hearing will be carried as there is more information needed from the applicant.

- 1) Stormwater Management
 - a. Applicant to consult with the Health Officer and Board Engineer to determine a realistic means of measuring water coming off the property. Board Engineer to assess validity of
 - i. Calculations for output from the spring for inclusion in the stormwater management plan
 - ii. Offsite calculations – what is going off the property
 - b. Applicant's Engineer to provide all test hole data for the site.
- 2) Rear Access and Fencing
 - a. Applicant's Engineer to review egress/ingress for the southeast corner.
 - b. Applicant's Engineer to review placement of the rear fence corner to corner at base or on top of retaining wall and accurately show height and material to be used (chain-link or PVC).
 - c. Applicant and Board Engineer to review height of the fence atop of the wall for compliance with the fence ordinance.
- 3) Sanitary Sewer Line
 - a. Board Engineer to review procedure and who requests DCA waiver of sanitary sewer line location within five feet of center line; Applicant or Governing Body.
 - b. Applicant's Engineer to determine if an approval is required from the Board of Public Utilities or other agency responsible for monitoring the on call system requirements and who will be responsible for utility mark outs when needed.
 - c. Applicant's Engineer to provide Board Engineer with sanitary sewer pump specifications.
 - d. Applicant's Engineer to provide more definitive data as to whether blasting will be required along the entire length of the proposed sanitary sewer line.*
- 4) Fire Safety
 - a. Applicant's Engineer to locate a hydrant on the upper top quarter closest to Closter Dock Road near the driveway to be reviewed by the Fire Department.
- 5) Traffic Analysis
 - a. Applicant's Traffic Engineer to provide site distance requirements for 40mph, 45 mph and 50mph.
 - b. Impact construction of the sanitary sewer line will have on traffic flows.
 - c. Board to retain a traffic expert for an independent traffic analysis including Closter Dock Road capacity issues.

* Mr. Fromm's request for a more definitive answer regarding blasting led to a discussion of procedure. Ms. Tubman felt the route and road opening was a question for the Mayor and Council. Chairwoman Parilla stated the Board would certainly like an answer considering the presence of solid rock is obvious. Mr. Fromm recalled in a letter from the Borough of Cresskill to the WQM Program Docket a condition relating to the sewer stating that Alpine Three has complete right to excavate and questioned if the Applicant does it or would the Borough do it at the applicant's expense; would a private company have the right to excavate in the roads. Attorney Phillips explained any approval by the Planning Board would have to be conditioned upon requirement of a formal agreement between the Borough of Cresskill and the Borough of Alpine. Questions remain as to whether the public right of way really is a public right of way. How the roads were dedicated may be a factor. Does the Borough have the right to grant anyone permission to place a sewer in the public right of way. These are all related questions and legal issues that have yet to be resolved.

Date of Continued Hearing

It was noted that the next meeting date March 26, 2013 as noticed in the Annual Notice of Meetings actually conflicts with the Passover holiday.

Upon a motion by Ms. McGuire seconded by Ms. Gerstein and approved by all those eligible to vote the next meeting date is changed to Tuesday, March 19, 2013 at 7:30 PM. If that meeting must be cancelled for reasons such as inclement

weather or the absence of a quorum this matter will be carried to the next regularly scheduled meeting which is Tuesday, April 23, 2013 at 7:30 p.m.

Attorney Phillips noted no further public notice is required.

COMMUNICATIONS: Are on file with the Planning Board Secretary; no comments.

BILLS:

Sills Cummis	\$ 200.00	Appearances - January
Sills Cummis	\$1,728.00	COAH
Sills Cummis	\$ 680.00	Alpine Three
Sills Cummis	\$ 498.90	COAH
Sills Cummis	\$ 880.00	Alpine Three
Bisgaier Hoff	\$2,262.00	Alpine Three
Azzolina & Feury	\$2,655.75	Alpine Three

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

COMMITTEE REPORTS:

- Northern Valley Mayors & Planners Assoc
- Board of Health
- Environmental Commission
- Building Department
- NJ Transit Update
- COAH Update

Due to time constraints Chairwoman Parilla asked for a pass on the committee reports and asked for an adjournment.

ADJOURNMENT:

A motion to adjourn the regular Planning Board meeting was made by Gayle Gerstein and seconded by Catherine McGuire. All were in favor. The meeting adjourned at 10:09 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary