

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

March 19, 2013

CALL TO ORDER/PUBLIC ANNOUNCEMENT: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, March 19, 2013 at 7:31 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, March 19, 2013 at 7:31 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	Vice-Chair Catherine McGuire
	Jeff Fromm	Gayle Gerstein
	Lorraine Mattes	Ralph Mattes
	Mayor Paul Tomasko	Martin Cybul, Alt. II

Members Absent:	David Andrews	William Robinson
	David Kupferschmid, Atl. I	

Staff Present:	John Phillips, Board Attorney	Gary Vander Veer, Borough Engineer
	Marilyn Hayward, Recording Secretary	Rob Kasuba, Special COAH Counsel

APPROVAL OF MINUTES OF FEBRUARY 26, 2013 REGULAR MEETING: A motion to approve the minutes of the February 26, 2013 Regular Planning Board meeting was made by Catherine McGuire, seconded by Gayle Gerstein and carried by those eligible to vote. Mayor Tomasko abstained as the bulk of the minutes concerned a matter he had recused from. Having not attended Martin Cybul, Lorraine Mattes and Ralph Mattes did not vote.

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

Chairperson Parilla announced that the meeting will end promptly at 10:00 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 February 26, 2013).

For the record Attorney Phillips noted Ralph Mattes, Lorraine Mattes and Martin Cybul read transcripts of missed meeting(s) and either have or will sign affidavits attesting to same. As per the prior hearings Mayor Tomasko recused.

Attorney Phillips marked the following Board exhibit:

B-5 Deed dated Sept. 29, 1986 between Elise Hille and Tenants in Common George Haralabatos, Edward G. Norian, and Ronald V. Kendarian T/A Alpine Three for the subject lots.

Also marked during the course of tonight’s hearing:

Board’s Exhibits:

B-6 Myhren Plan [Topographic Survey of subject lots dated 7-25-1986 last revised 9-3-1986 prepared by Ernest M. Myhren, PE, LS 265 Atlantic St., Oradell, NJ]

Applicant's Exhibits:

- A – 8 Composite Map of Soil Test Holes revised through 12-13-2012 [prepared by Michael Hubschman, PE, PP]
A – 9 Excerpt from Residential Site Improvement Standards §5:21-6.1 and 6.2 Subchapter 6. Sanitary Sewers (Supp. date 5-16-11; pp 21-53 to 23.54.1)

Authorization to Retain Traffic Consultant for Board. Attorney Phillips reviewed receipt of The RBA Group's proposal for services as the Board's traffic consultant on this matter. Estimated cost \$3,500-\$6,000 to be paid from Applicant's escrow is reasonable. Ms. Tubman voiced no objections and stated they wish to proceed. Attorney Phillips recommends authorizing the contract. Mr. Mattes asked if the study would include a survey of accidents and truck / car differential counts. Attorney Phillips offered yes if the traffic expert feels relevant to the investigation.

Motion Upon motion by Catherine McGuire, seconded by Gayle Gerstein to accept the proposal for traffic consultant services by Gordon Meth, PE, PP, PTOE, PTO of The RBA Group, 7 Campus Drive, Ste.300, Parsippany, NJ 07054-4495; carried by all those eligible to vote.

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 witness Michael Hubschman, PE, PP, Hubschman Engineering, 263 A. S. Washington Avenue, Bergenfield, NJ.

Ms. Tubman reviewed the three issues before the board:

1. Stormwater Management. Compliance with new regulations.
2. Architectural Elevations. Modifications required by DEP SHPO for consistency within historic district.
3. Sanitary Sewer Line. Relocation of Point of Exit and Delineation.

Ms. Tubman advised architectural testimony was completed at the last meeting. Issues raised about the sewer line running through public roads are for the governing body to address; not this board. Tonight they will respond to Mr. Vander Veer's latest review letter [dated 3-7-2013].

Applicant's Engineer Michael Hubschman remains under oath from the prior hearings. Responding to Mr. Vander Veer's March 7, 2013 letter Mr. Hubschman addressed specific items and skipped others he felt were just informational. As he only received the letter last week and was off a few days he hasn't yet submitted written responses.

Spring/Abandoned Well: (Item IV.8.): Last month the Board requested more information on impact from this water source. Mr. Hubschman stated that they purchased a well weir to measure flow and installed it in the six inch pipe that comes out to the rear ditch. They also uncovered the well by removing the old rusting steel cover and the concrete cover installed about ten years ago for safety. Flow measured over 7-10 days varied from 3,000 – 21,800 gallons per day, the most being after a heavy rain. This equates to .034 cfs (cubic feet per second) or about 4% of the flow based on that maximum. Mr. Hubschman still maintains this is negligible. He did not check the ground water levels in the standpipes during this time period.

Responding to the Board's questions Mr. Hubschman noted this water is currently piped to the gravel ditch under Schoolhouse Lane. From there it travels through a small 12" conduit pipe to the opposite side ditch that flows behind the Borough Hall. The pipe under the road looks like it may be broken. There are currently two sources of water flowing into the ditch from stormwater runoff and the pipe. He affirmed a secondary ditch goes up to the north/northwest and picks up flow off of the property. The well water bypasses the proposed detention system. The site is considered Urban Area I which has no or limited recharge requirements however they provide two areas on site from roof leaders to a very shallow seepage pit on the west side and on the south. These have to be two feet above ground water and if they encounter a higher water table during construction they will revise the locations. Existing flow is to the ditch and that's where it will go after construction; there will not be flow onto adjoining properties. Requirement used to be no increased runoff. They are now required to mitigate 50% of existing runoff for a two year, 75% for a ten year and 80% for a hundred year storm.

Test hole data: Per the Board's request Mr. Hubschman provided two documents to show all test hole data: Mr. Myhren's 1986 Topographic Survey plan marked [B-6] and Mr. Hubschman's Composite Map marked [A-8]¹ noting the latter includes the former's test hole data. Mr. Hubschman opined Mr. Myhren's plan which the Board found confusing was a design proposal to pipe the ditch as additional pipes shown are not found on site. It does accurately show the spring/well and the one 12 inch drain that he and Mr. Vander Veer observed. The entire site is pretty much disturbed with all the test pits dug over the years. He noted most of the Myhren test pit data reveals dry conditions except for the southwest corner.

Waivers: (Item II.4)

- a. Fill more than five feet above existing grade. They seek one soil moving waiver for an area of detention piping slightly more than 5 feet but he will work on the grades to try and bring this down in his next revision.
- b. Slopes greater than 4:1. There are none. He left the notation on the plan in error and will remove.
- c. RSIS guest parking. [see item II.8 below]
- d. RSIS placement of sanitary line not fully in compliance with NJAC 5:21-6. Mr. Hubschman read the note from page A-7 of his plans (marked at prior hearing): "*Applicant requesting waiver of RSIS Standard NJAC 5:21-46.2(c) if applicable except where otherwise specified by the municipality or utility authority sanitary sewer manholes when located within a municipal right of way shall be at or near the center line of the paved cart-way but at a five foot minimum from the edge of pavement. Sanitary sewer lines shall be a minimum of ten feet from the right of way.*" Ms. Tubman maintains this is the function of the governing body. While Attorney Phillips agreed ultimately the decision lies with the Governing Body, Alpine has no sewer policy because it does not have sewers. Therefore due to the Planning Board's involvement in planning and site plan issues it is appropriate for this Board to make recommendations to the Governing Body based on the testimony which they may or may not then accept. Ms. Tubman agreed. Mr. Vander Veer noted Mr. Hubschman had cited NJAC 5:21-46.2c on the plan. He will correct. Ms. Tubman provided the current code section, NJAC 5:21-6.2(c), marked **Exhibit A-9**.

Fence: (Item II.5) They propose the split rail fence in front but changed the surrounding fence to black or green vinyl. It will still be placed on top of the retaining wall. Mr. Vander Veer will review with the Zoning Officer for compliance as the four foot fence atop the five foot retaining wall is still high.

(Item 6) states "*no fence, wall, retaining wall,.....shall be located closer than ten feet to a curb line or edge of a paved roadway.*" Mr. Hubschman does not feel this applies. Schoolhouse Lane is not paved. The wall is ten feet off the property line. Responding to the Board's questions Mr. Hubschman acknowledged he measured from the center of the gravel road or really to the center of the right of way as the road is a little further south. Mr. Vander Veer maintained the intention is to keep ten feet from the traveled way for safety purposes and this is a traveled way even if it is not paved. Mr. Hubschman stated there is no access provided to Schoolhouse Lane but they could put a gate on the east side where the grade is level to allow residents to walk around and for emergency access. The wall slopes down from five feet at the west corner to grade at the east.

Fire Safety: Current **Fire Chief, John Veras**, was sworn, has reviewed the plans and was asked to comment.

Center Staircase Access Schoolhouse Lane. The Fire Department would want access from Schoolhouse Lane as fires can happen on any side and you want access from every side. For purposes of egress fighting fires they would prefer incorporation of a staircase in the middle of the retaining wall with a gate on top. This would be more practical for both firefighting and resident access to Schoolhouse Lane. A center staircase would allow easier access to buildings on either side, not just one end. Mr. Hubschman did not feel it would be a problem to design a center stairway.

Location of the fire hydrant. Should be on the west side of the common drive entrance on Closter Dock Road.

Site access via Closter Dock Road. As for access to the site, they probably would not commit apparatus into that lane due to the risk of "flapjacking." The space is narrow and with the type of lightweight construction proposed for these buildings fire will compromise them in 7-11 minutes. When a building collapses there's a 50-60% shot it could fall on the truck. For this reason, they would likely keep trucks out on Closter Dock Road or Schoolhouse Lane.

¹ Part of original submission but remarked here for easy reference.

Guest Parking: (Item II.8) Mr. Hubschman maintains the standard allows him to round down and provide just three spots; a handicapped van accessible spot in front and two spots in the rear. Each unit has two garages and two driveway spots for guest parking. Mr. Vander Veer requires a plan note be added indicating private driveways will be used for guest parking and **no parking is permitted within the common driveway serving the site**. “No Parking” signs must also be posted along that roadway to clearly differentiate between the private and common driveway(s). Ms. Tubman acknowledged this was a condition of the prior approval.

Sanitary sewer line utility mark outs: (Item III.6.) Mr. Hubschman explained that they register with the One Call System who provides notification to the utilities to provide the mark outs. The owner of the sanitary sewer line has to then provide a service to do the actual mark outs. Mr. Mattes requested clarification of who the “owner” would be. Ms. Tubman answered as part of its conditional approval the County agreed to accept a Homeowner’s Association as owner. She does not believe this would require the Homeowner’s Association to join the Bergen County Utilities Authority.

Stormwater management regulations: (Item IV.7) Mr. Vander Veer noted regulations reference not reducing time of concentration or changing drainage runoff patterns. This application proposes both. Mr. Hubschman will address in his drainage report. It would be impossible to develop the property without increasing time of concentration and they will look at that. Existing TOC is 12 minutes, RSIS allows 10 and the proposed is 5 so while they’re at a detriment it’s not that big a change taking into account the lag in the system. Regarding diversion they are channeling water into the ditch area where it goes now. Mr. Vander Veer noted there is a change. Water currently sheet flows into the ditch across the whole length of the rear of the property. They propose intercepting everything with one point discharge to the southwest corner. Mr. Hubschman disagrees with that analysis. It was unclear from the plan where the pipe for the spring/well discharges. Mr. Hubschman will add it to the plan. There are actually two six inch pipes together. The one on the right is cemented shut and the one on the left is where the weir is. There is also the twelve inch reinforced concrete pipe that goes across the road. The Board questioned whether the one point discharge would go into the ditch or directly into the road conduit. Mr. Hubschman responded they are installing a manhole at the end of the existing pipe.

Mr. Cybul questioned drainage along Closter Dock Road, specifically placement of a manhole over an existing catch basin to be eliminated and shifting the catch basin over. Based on the road’s topography won’t that create a problem at the entrance? Mr. Hubschman explained they will curb around the catch basin and the entrance is humped a little bit to prevent the water from coming into it. The County curb line is shown as a dash line on the plan; this is the standard design required by the County. Mr. Cybul asked if water could pond in that area. Mr. Hubschman replied it is steep, dropping almost four feet in less than a hundred feet but it could pitch normally; a bad pitch is $> \frac{1}{2} \%$ or 1% and this is about 3-4%.

Sanitary sewer line crossing other utilities: Mr. Cybul noted it is difficult to tell from the plan where the line would cross a culvert, gas or water line. Could there be a conflict between what they propose and what exists? Mr. Hubschman stated they’ve submitted other detail profiles. Mr. Cybul asked if they include the elevations and how they’ll deal with potential obstructions without inferring with the existing lines. Mr. Hubschman replied they do show crossings and Mr. Vander Veer detected others they will have to include. They’ll have to dig test pits for some to ensure they’ll have three feet of cover for the force main. This is shallow but they’re trying to just do the minimum required to lessen rock being an issue. This minimum depth is required to prevent freezing. Gas mains are usually 2-3 feet down and water mains 3-4 feet. Utility records give you location but not depth. Installation should take 2-3 months. They do not anticipate a crossing they cannot circumvent; they can re-route over or under home service connections. Chairwoman Parilla asked if this would disrupt service to effected homeowners. Mr. Hubschman affirmed adding some blasting may be required in addition to drilling and hammering to install the sanitary sewer line.

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

Mark Wellington asked why they shouldn’t have to include the 20,000+ gallons of water measured by the weir towards their retention responsibilities. Mr. Hubschman explained those calculations apply to stormwater, not water from other sources. Mr. Wellington asked if directing all the water to one spot wouldn’t result in erosion from fire hose force water shooting out. They will also rip rap the ditch. Mr. Hubschman replied that with the retention system they will release less than what exists now. The water comes out from a six inch orifice and does not release all at once. Mr. Wellington asked if the sewer line would go over the catch basins installed on Church Street and Mr. Hubschman stated it could.

Hal Shaw recalled the vacating litigation 20 years ago that referred to the DuBois **Spring**. Why is it being called a well? A well is something stationary and if they're going to call it a well producing 3,000 gallons a day they should at least call it an artesian well. It's also shown on the map as the DuBois **Spring** and shouldn't they get back to calling it a **spring** because that's what it is. Mr. Hubschman stated he was not familiar with the distinction between a well and a spring. Mr. Vander Veer offered a well is thought of as something handmade, constructed and fitted with a pump where a spring is more naturally occurring like at this site where water bubbles up and is captured by a pipe that drains to the ditch at the side of the road. Chairwoman Parilla noted spring is the term on the 1896 deed. Mr. Shaw recalled a clay pipe that brought the water down to Schoolhouse Lane; it still bubbled after being "vacated." Chairwoman Parilla asked when the clay pipe was placed there. Mr. Hubschman's response was they found the clay pipe while doing the test pits. It was damaged and they replaced that section with PVC, the surviving portion goes back about ten feet.

Being no further questions the public portion was closed.

Ms. Tubman advised she has no further witnesses. They had only these three limited topics. They will wait to recall their traffic expert, Mr. Luglio since the Board is hiring their own expert. She recalled he was asked to analyze what would happen if people were speeding on Closter Dock Road even though that is beyond their control.

Attorney Phillips offered as time permits and there are no further questions at this time they could open the matter to the public for comments with the understanding that the Applicant and the Board will have some additional testimony at the next meeting and the public will also have an opportunity for question and comment on that testimony as well.

Public Comments

John McCaffrey was sworn. He owns the property directly to the west. He is concerned with the appearance of the poured concrete retaining wall as viewed from his property and Schoolhouse Lane. It will be five feet high where it abuts his corner. Do they intend to apply a stone fascia? Mr. Hubschman stated not at this point. Ms. Tubman stated they hear the comment and will respond next month. Mr. McCaffrey noted the southwest corner is already wet and is concerned with an increase in the subterranean water table potentially damaging the septic systems and plantings on his property.

Mark Wellington was sworn. He lives on the southwest corner of Closter Dock Road and Church Street. Mr. Wellington recalled when he replaced his water line several years ago the pit excavated was full of water. He had asked them to continue it another 4-5 feet to a storm drain but they didn't and now he has water that squirts into the plastic pipe from his pipe that goes to the street because the water has no place to go. When they backfill the sewer line with gravel will that allow all the groundwater to flow through the trench all the way to Cresskill or will it backup and give him more water. Will they have to blast? He recalled they had to blast to install the telephone pole on the southeast corner. It could get pretty tricky for people like him when they start digging around.

John McCaffrey asked if the residents could start a class action lawsuit for permission to tap into the line or use the same trench. The Board reminded this matter results from a COAH action involving a court order and settlement agreement conditioned upon the line being private with no connections permitted. Use of the trench is a question yet to be answered. There are a lot of steps involved, the first being the governing body; it would not likely be received favorably. Ms. Tubman added properties would have to be included in a wastewater management plan surface area.

Being no further comments the public portion closed.

Mr. Mattes questioned if past testimony hadn't indicated they would not need to blast for the sanitary sewer line but all agreed this has been mentioned as a possibility at prior meetings. Attorney Phillips recalled discussion that compliance with state regulations pertaining to blasting would have to be a condition of any approval. Mr. Mattes recommended a pre-blasting survey. Attorney Phillips will so recommend noting it is a reasonable condition that protects everybody; there is a whole series of details accompanying that condition that he has used in other applications.

Mr. Mattes questioned status of an interlocal agreement between Cresskill and Alpine. Attorney Phillips stated that would also be a condition of approval. Cresskill has a settlement agreement with the applicant that requires this, too. Mr. Mattes

asked if that agreement could put to rest concerns regarding future sewer lines by having Cresskill state they will not accept any future connections. Attorney Phillips noted while the governing body would be the one to impose such a condition the Planning Board can make that a recommendation.

Being no further business that can be accomplished at this hearing they recapped outstanding issues:

- 1) Traffic report from Board's consultant
- 2) Mr. Hubschman to re-submit reports and minor plan revisions as discussed and noted pertaining to Mr. Vander Veer's letter of March 7, 2013.
- 3) Reconciliation of architectural and engineering drawings. Mr. Cybul noted some discrepancies remain regarding the retaining walls near the driveways, location of stairs, etc. and he can not determine which is accurate. Ms. Tubman thought this had been done but will make sure the plans conform.

Ms. Tubman agreed to extend the time for hearings on this matter through to the next meeting scheduled for Tuesday, April 23rd or the next regularly scheduled meeting thereafter as required for inclement weather or other practical reason.

Date of Continued Hearing

Upon a motion by Ms. McGuire seconded by Ms. Gerstein and approved by all those eligible to vote to continue this matter to the next regular meeting date Tuesday, April 23, 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 following meeting which is Tuesday, May 21, 2013 at 7:30 p.m.

Attorney Phillips noted no further public notice is required.

COMMUNICATIONS: None

BILLS: None

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc. Mayor Tomasko advised they met last month and heard from the Verizon representative for this area.

Board of Health Mayor Tomasko advised the Board is focused on enacting legislation to regulate a food operation at the gas station following the Board of Adjustment's approval of a limited use variance subject to Board of Health compliance. This is the same tenant who leased the former corner gas station. Ms. McGuire recalled neighbors supported that convenience store.

Environmental Commission Ms. Mattes reported review of two properties, one on 9W where permission was granted to remove 29 storm damaged trees and one on Rio Vista where many trees will be removed for new construction.

Building Department Proposed generator ordinance. Chairwoman Parilla circulated information from the zoning officer for review. Mayor Tomasko recommended they wait for the Zoning Board of Adjustment's input as they are also working on recommended language for the regulation of generators.

NJ Transit Update No report.

COAH Update Special COAH Counsel Rob Kasuba was present. There has really been no change. Litigation is pending before the Supreme Court on the validity of Round Three regulations. Also pending is deliberation on whether the Governor has authority to abolish COAH and shift functions to the DCA. It is believed decisions will be forthcoming later this year. The Borough's petition for substantial certification is still pending before COAH and no action has been taken. Activity will likely pick up once a decision is rendered by the Supreme Court. Chairwoman Parilla questioned the status of

the Governor's attempt to seize funds. Mr. Kasuba advised the League of Municipalities in rare accord with the Fair Share Housing Center had successfully halted the move.

ADJOURNMENT:

A motion to adjourn the regular Planning Board meeting was made by Mayor Tomasko and seconded by Gayle Gerstein. All were in favor. The meeting adjourned at 9:13PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary