

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

March 25, 2014

CALL TO ORDER/PUBLIC ANNOUNCEMENT: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, March 25, 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 Tuesday, March 25, 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:	Jeff Fromm	Gayle Gerstein	Lorraine Mattes
	Ralph Mattes	Catherine Parilla	William Robinson
	Mayor Paul Tomasko	David Kupferschmid, Atl. I	

Members Absent:	Catherine McGuire	David Andrews	Martin Cybul, Alt. II
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Staff Present:	John Phillips, Board Attorney
	Gary Vander Veer, Borough Engineer
	Nancy Wehmann for Marilyn Hayward, Recording Secretary

SWEARING IN OF 2014 OFFICIALS: David Kupferschmid was administered the oath by Attorney Phillips prior to the meeting. His term as Alternate I is for two years expiring December 31, 2015.

APPROVAL OF MINUTES OF FEBRUARY 25, 2014 REGULAR MEETING:

A motion to approve the minutes of the February 25, 2014 Regular Planning Board meeting was made by Mrs. Gerstein, seconded by Ms. Mattes and carried by those eligible to vote. Mr. Fromm and Mr. Kupferschmid abstained.

APPROVAL OF MINUTES OF FEBRUARY 25, 2014 EXECUTIVE SESSION: A motion to approve the minutes of the February 25, 2014 Planning Board Executive Session was made by Mrs. Gerstein, seconded by Mr. Robinson and carried by those eligible to vote. Mr. Fromm and Mr. Kupferschmid abstained.

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

NEW APPLICATION: Request for Soil Moving Permit Application Approval: Rosenberg, Block 30 Lot 11, 52 Robin Lane, Alpine, NJ Attorney Phillips reviewed the jurisdictional proofs of publication and notice. They are fine. Appearing on behalf of the applicant is Matthew G. Capizzi, Esq. of Capizzi Law Offices 111 Hillside Ave., 2nd Fl. Tenafly, NJ 07670.

Mr. Capizzi explained they are applying for soil moving permit approval. The site includes an existing house with a pool and patio in the left rear yard. They propose to remove and replace the pool and patio and reconfigure the existing driveway in the front yard. Under existing permits, the front of the site has already been heavily disturbed with installation of a new septic system, several small additions to the house and some other driveway work. This application addressed proposed oval expansion of the front driveway, and one waiver from the soil moving ordinance but no variances.

Mr. Capizzi called the Applicant's engineer, Michael Hubschman, P.E., P.P. of Hubschman Engineering, P.A., 263A Washington Avenue, Bergenfield, NJ 07621. Mr. Hubschman was sworn by Attorney Phillips and has been previously accepted as an expert witness by this Board.

Attorney Phillips marked Mr. Hubschman's exhibit as A – 1 consisting of plans previously submitted to the Board:

- Colored rendering of the Site Plan/Septic System Plan May 14, 2012 and last revised (#8) February 6, 2014
- Soil Erosion & Sediment Control Plan May 14, 2012 and last revised (#6) February 6, 2014
- Existing Conditions Plan May 14, 2012 and last revised (#2) January 9, 2013

Mr. Hubschman described existing conditions. There was a rambling ranch type dwelling with circular drive and a small septic system in front. The project began in 2012. Mrs. Rosenberg hired Architect Jordan Rosenberg (no relation) to design small additions. New septic systems were installed 2012-2013. No Board approval was required at that time.

Additional site work is now proposed to remove the 20-30 year old pool and cabana located about seven feet above the level of the home's rear walkout. Mrs. Rosenberg wants the new pool level with the walkout so they propose to cut out that area and construct a retaining wall. The volume of cut is 1,524 cubic yards, fill 53 cubic yards, import 0, export 1,471 cubic yards for a total of 1,524 cubic yards. Test pits in the rear show 8 – 10 feet to rock so no blasting will be required.

Mr. Hubschman stated that he received Engineer Vander Veer's review letter dated February 25, 2014 and will comply with all of the required items.

Their drainage plan provides for the addition of a seepage pit and some catch basins along the rear of the pool. Two seepage pits are already installed. Additional drainage structures will be constructed to pick up the roof leaders. They will comply with the Borough Engineer's comments relative to overflow and pavement / catch basin repairs. His initial drainage report did not account for the whole site. He has submitted a revised drainage report to the Borough Engineer to demonstrate that the 3 seepage pits will be sufficient for the proposed where the improved coverage goes from 16,044 square feet (23.25%) to 17,248 square feet (25%); only a 1,200 square foot increase.

In addition they designed a wider oval expanse in the front driveway as the owner desired a wider driveway so a car could pass by one parked on the circular drive. Due to the proximity to the septic fields, five feet at the nearest end, they've designed two tiered four foot rockery slope walls for stabilization. These require a waiver from the soil moving ordinance for a 1:1 slope which exceeds the 4:1 horizontal:vertical slope permitted by ordinance. The usual soil erosion and sediment control measures will be utilized. They will provide construction detail for the decorative guard rail.

The application involves extensive tree removal and replacement. There was varying discussion and some confusion about the exact number of trees that had been removed or were slated to be removed which impacts the determination for replacements required. Mr. Hubschman initially believed the revised plans would bring the number of replacement trees up to 58 from 38. They will submit a Landscape Plan.

Mr. Vander Veer questioned an existing seepage pit at the front of the house slated for removal. Mr. Hubschman noted per discussion with Health Officer Galdi the prior septic system dated back to the 1960's and included several gray water seepage pits. Mr. Vander Veer noted this will need to be verified. He will perform site inspections but removal of any part of the septic system falls under the purview of the Health Officer. Mr. Hubschman will have to further verify the drainage plan and septic plans are separate and distinct. Mr. Vander Veer noted the requirement is not zero runoff but they have to reduce the amount of stormwater runoff that currently exists.

Mrs. Mattes questioned the tree removal. The proposed would remove seven additional trees. Ms. Mattes noted the Environmental Commission visited the site and provided a photo depicting a beautiful 75 foot tall cedar tree located in the southwest corner adjacent to the house that was not marked on any plans nor marked for removal for their site inspection. It is now apparent it will have to be removed for the new patio. An additional photo depicts the heavily wooded area in the rear of the property. Attorney Phillips marked the photos B-1 and B-2 respectively. The Environmental Commission is concerned about the impact of the extensive disturbance, a cut of nine feet, on those trees slated to remain. Mr. Hubschman acknowledged it will be dramatic, but they are trying to save all the trees in the back. He offered to have an arborist on site during excavation and noted the sandy soil should mean those trees have deep, rather than surface, roots. Discussion ensued as to the correct number of replacement trees. Mrs. Mattes referred to Mr. Vander Veer's letter of December 31, 2012 which required 74 replacement trees. Attorney Phillips asked if any other trees are not shown on the plan. They have to be sure if there are anymore. Mrs. Mattes noted on their first visit for the front yard they observed all of the trees had been removed but some were supposed to have remained even after installation of the new septic.

Attorney Phillips noted they have to be clear on the number of trees being removed in order to determine the replacement figures. Mr. Hubschman responded that they have to be twenty feet from the septic fields but he will advise the Landscape Planner to add trees to the front. Ms. Mattes emphasized the Environmental Commission's goal of maintaining the tree buffers on the sides, rear and at least some of the front for privacy on either side of any property. Mrs. Mattes read the December 31, 2012 letter: "*The plan shows additional tree removal along the southerly and easterly side of the existing residence. This tree removal is not associated with the septic system construction nor is it associated with the building addition.*" Mr. Vander Veer offered clarification for Mr. Hubschman that while his letter of December 21, 2012 indicated 38 trees needed to be replaced, his subsequent letter of December 31, 2012 upped that to 74 after review of an amended plan proposing the additional tree removal. The proposed requires 20 more trees to replace seven trees being removed and brings the total replacement trees up to 94 but this does not include replacement for the cedar tree that wasn't shown. Attorney Capizzi advised they retained a landscape architect and he stipulated they will amend and submit a fully fledged plan that will show trees removed, the replacement ratio, and identification replacements including details as to size, scale and species to comply with the required mitigation per Borough Ordinance. Mrs. Mattes reminded the plan should reflect a combination of deciduous and evergreens. If they can't fit all the trees on their property the Ordinance provides that they can be planted elsewhere in town.

Mayor Tomasko noted the Borough received lots of inquiries from this neighborhood regarding massive disruption and tree removal as well as the length of time this project is taking. He questioned if all this disruption was for the addition of the seventh bedroom. Mr. Hubschman maintained the existing septic system was old, built in 1965, and did not meet new requirements. There was only one 1200 square foot field, ten feet from the road and the gray water system was composed of several gray water seepage pits. The upgrade would require 1,800 and 2,000 square foot fields based on six bedrooms. Attorney Capizzi noted, practically speaking, someone investing significant funds in a total renovation would upgrade the septic systems to current code and those codes have changed dramatically over the last 40 years requiring more site disturbance. Mayor Tomasko asked if Mr. Hubschman advises owners at the outset of planning as to the extent of impact on a neighborhood and cost to the owner. Mr. Hubschman replied they prepare plans in accordance with the codes and ordinances. They address tree buffers but unfortunately septic do take up a lot of room and disturbance because sewers are not available. No engineer would certify that a forty year old septic system is adequate. Mr. Mattes asked if the applicant is aware they have reached maximum improved coverage. Mr. Hubschman stated she was.

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:

- Subject to the Borough Engineer's review of the drainage plan including but not limited to verification of the storm drains and verification regarding the old grey water seepage pits
- Subject to verification of the number of trees to be removed and to be added in compliance with the ordinance along with submission of a new landscape plan to the satisfaction of the Borough Engineer and Environmental Commission
- Subject to the Borough Engineer's letter of February 25, 2014

Chairperson Parilla asked if there is anything the Board can do to set an end date for the work. Attorney Phillips explained permits are covered by State regulations and with no offsite improvements they have no authority to enter into a developer's agreement.

Mr. Kupferschmid emphasized the need to verify the drainage plan with particular regard to the roof leaders and the grey water seepage pits. Mr. Vander Veer and Mrs. Mattes noted the cedar tree [B-1] has to be calculated with the replacement plan. If it is 18" this will require an additional four replacement trees.

Chairperson Parilla asked for a motion for purposes of discussion. A motion was made by Mr. Robinson and seconded by Mr. Kupferschmid. The motion was to approve the Soil Moving Permit Application conditioned upon compliance with all the required revisions as indicated above by Attorney Phillips.

Discussion: Mayor Tomasko noted the concerns expressed by neighbors relative to the massive amount of trees removed in the front and for how long it has remained virtually an open pit. He questioned need and found disturbing Mrs. Mattes's observation that more trees than expected were removed in the front yard. Mr. Kupferschmid agreed but offered at this

stage it would be better to move forward noting the required tree replacement. Chairwoman Parilla noted the Board often faces this issue where people move to Alpine because it is so bucolic and has wonderful trees and then they cut them all down. Mr. Mattes voiced skepticism regarding the ability to provide more than 94 replacement trees. Attorney Capizzi was unaware of any communication between the applicant and the building department or of any violation notices but sympathizes with the concerns of the Board and the neighbors. He will discuss with the homeowner getting the site stabilized in a timely fashion and recommend planting be done in stages, first completing the driveway and re-vegetating those areas in front not needed for access to the rear and hopefully planting the rear by fall. Chairwoman Parilla and Mayor Tomasko both expressed their appreciation to Attorney Capizzi towards that end.

The vote was taken with all members present voting in favor of the application except for Mr. Mattes who voted no.

COMMUNICATIONS: None.

<u>BILLS:</u>	Sills Cummis	\$1,375.34	Alpine III Litigation Feb
	Sills Cummis	\$ 200.00	February meeting

A motion to approve the bills was made by Mrs. Gerstein and seconded by Mayor Tomasko. All were in favor.

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: Mayor Tomasko advised there is a meeting this Thursday. The new president of Rockland Electric will be introduced and say a few words. He invited anyone interested to accompany him.

Board of Health: No meeting.

Environmental Commission: Mrs. Mattes reported plans are being made for Arbor Day celebration, giving out seedlings and reaching out to the school for participation. They've researched Mile-A-Minute vine, an invasive plant, and plan to provide information on the website, in poster form in the Borough Hall lobby and in the quarterly newsletter. They want to get the word out. The plant is best eradicated by removal before it gets fruit on it. Mr. Fromm reminded they could also arrange to have a video played on the school's kiosk in the lobby.

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

NJ Transit Update: No report

COAH Update: Attorney Phillips updated that the recent Supreme Court ruling gives COAH until November to finally adopt or re-adopt what will basically be the first and second round methodology. This timetable includes time to propose the rules and required comment periods. A brief discussion followed. COAH will come up with specific obligations. Attorney Phillips noted at this point in time Alpine has done all they can. They have plans but need to wait and see if it will still comply with the new regulations to be adopted this fall.

Mrs. Mattes suggestion that excess replacement trees (per the tree ordinance) could be well used at the Borough's COAH site met with approval. Mayor Tomasko questioned the historic cemetery and Mrs. Mattes advised they are replacing three trees there before Memorial Day.

Alpine Three Litigation: Attorney Phillips reported he sent the Board copies of all the papers filed with regard to the stormwater expert, Mr. Cosgrove. Mr. Cosgrove performed a site visit today and communicated with both sides via e-mail to ask if anyone considered the Category I designation of the stream downstream from the ditch. Attorney Phillips responded he did not believe they'd obtained a DEP determination; our engineer had raised that question. Mr. Cosgrove noted he saw that in the transcript but had wondered if anything was done subsequently. We have no knowledge of anything being done. Mr. Norian is responsible for the stormwater expert's bills. It is noted his bill included a charge for research in regard to springs and impact on stormwater.

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 8:29 PM.

Respectfully submitted,

Nancy Wehmann for
Marilyn Hayward, Recording Secretary