

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

July 24, 2018

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, July 24, 2018 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, July 24, 2018 at 7:30 P.M. has met the requirements of the law by publication in The Record, being 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: Carol Cochi, Gayle Gerstein, Elizabeth Herries, Lorraine Mattes, Catherine McGuire, Catherine Parilla, Mayor Paul Tomasko
Members Absent: David Kupferschmid, Joyce Sonpal, Alt I Jeff Fromm
Staff Present: John Phillips, Board Attorney; Perry Frenzel, Borough Engineer
Marilyn Hayward, Recording Secretary

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS

Mayor Tomasko thanked members who joined and support the Alpine Swim & Racquet Club. The town strives to keep this wonderful facility going so residents have an alternative to building back yard pools.

RESOLUTION APPOINTING BOROUGH ENGINEER

Upon a motion by Mayor Tomasko, seconded by Councilwoman Gerstein at this regular meeting of the Planning Board of the Borough of Alpine held on Tuesday, July 24, 2018

WHEREAS, by Resolution dated January 23, 2018 and pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) the Borough of Alpine entered into a Professional Services Agreement with Azzolina & Feury Engineering, Inc. of Paramus, NJ for services as the Borough Engineer and

WHEREAS, these services have been provided for by Mr. Vander Veer who is retired after 29+ years of service on **May 24, 2018** and there is a need to assign his replacement; and

WHEREAS, all other requisite documents and stipulations as noted in the January 23, 2018 Resolution are still applicable and remain in full force and effect;

NOW, THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Alpine approve Perry E. Frenzel, PE, of the firm Azzolina & Feury for the position of Borough Engineer retroactive to May 25, 2018.

Vote: Ayes: Carol Cochi, Gayle Gerstein, Elizabeth Herries, Catherine McGuire, Lorraine Mattes, Catherine Parilla, Mayor Tomasko

Attorney Phillips administered the oath of office to Perry Frenzel.

APPROVAL OF MINUTES OF APRIL 24, 2018 REGULAR MEETING:

Upon a motion by Carol Cochi, seconded by Gayle Gerstein to approve the minutes of the April 24, 2018 to approve the minutes of the regular meeting of the Planning Board held April 24, 2018.

Vote: Ayes: Carol Cochi, Gayle Gerstein, Elizabeth Herries, Lorraine Mattes, Catherine Parilla, Mayor Paul Tomasko

Abstain: Catherine McGuire

MEMORIALIZATION: SOIL MOVING – CRESPO, Carlos Block 49 Lot 2 – 477 Hillside Avenue

Upon a motion by Gayle Gerstein seconded by Mayor Tomasko to adopt a resolution memorializing action taken by the Planning Board of the Borough of Alpine on April 24, 2018 a copy of which is appended to these minutes.

Eligible members voted as follows: **Vote: Ayes:** Carol Cochi, Gayle Gerstein, Elizabeth Herries, Lorraine Mattes, Catherine Parilla, Mayor Paul Tomasko **Abstain:** Catherine McGuire

NEW APPLICATION: SOIL MOVING w/variance ASULIN BLOCK 39.02 LOT 16.06, 22 CHURCH STREET

Matthew G. Capizzi, Esq. 11 Hillside Ave., 2nd Fl., Tenafly, NJ 07670 appeared on behalf and with Applicant Dr. and Mrs. Yitzhack Asulin along with applicant's engineer, Andrea Piazza of Piazza Engineering, 11-15 River Road, Fair Lawn, NJ 07410 and landscape architect, Brad Meumann of Meumann Associates, 7 Ledgerrock Court, Morris Plains, NJ 07950.

Mr. Capizzi explained this application is for a major soil moving permit relative to the construction of a new single-family home with a pool and cabana. They also seek a waiver from the soil moving ordinance and steep slope variances for ancillary structures due to the topography which rises up sharply from front to rear and left to right.

Andrea Piazza, PE was sworn, testified to her credentials¹ and qualified to provide expert testimony in the field of engineering. Ms. Piazza referred to her plans on exhibit and identical to those submitted to the Board consisting of 6 pages numbered Sheet C-1 through C-6 dated June 19, 2018 plus Sheet SV-1 Topographic Survey dated December 16, 2017. She described existing conditions per the topographic survey consisting of an existing dwelling with a covered porch and driveway access along the north (left) property line of the property to sideloading garages. This drive currently encroaches into the tree buffer and neighbor's property. There are two septic systems in front. The rear of the property has a retaining wall with some additional walks and improvements beyond which the rear yard is densely wooded. The property rises about 40 feet from elevation 283 feet at Church Street to the 321 feet at the right rear corner. These slopes rise fairly evenly along the left two thirds of the property but the rise is steeper on the right one third.

Ms. Piazza next described the proposal as depicted on Sheet C-1 :Site Plan, Details and Notes." They propose demolition of all existing improvements with construction of a new single-family dwelling and amenities. The septic systems with tanks were reconstructed in the front yard and are shown in their as-built locations. The driveway will be reconstructed outside of the fifteen-foot tree buffer to improve that condition. The property meets Church Street at an angle so they propose curving the driveway in from the left side and across the front of the house to access the garages on the opposite or right side. A soil moving waiver is needed for fill in the area to the right of the dwelling in order to raise the grades to create a functional driveway slope. A tiered retaining wall is proposed at that location in order to meet existing grade at the tree buffer. The proposed respects the existing tree buffer, a natural wooded area, on the right side. They also propose a relatively small terrace at the back of the property with a lawn area, pool and cabana further to the rear. Additional retaining walls are proposed along the sides and rear of the property to ensure respect of the tree buffer. Steep slopes 15-24.9% are shown on the plans forming a large area in the right rear corner with a smaller section at the left rear corner. They were able to keep the wall out of the steep slopes on the left side but need to disturb the slopes on the right side for a series of retaining walls around the rear and side in order to meet existing grade and provide a relatively low slope lawn area. A generator in the right rear steep slope area which otherwise meets setback requirements. Retaining walls comply with height and setback requirements.

Stormwater management details are shown on Sheet C-2 consisting of two sets of seepage pits to handle runoff: one 5-pit set to the left for the roof and driveway (SP1-SP5) and the second 6-pit set (SP6-SP11) in the rear behind the garage. They provided a stormwater management analysis and the proposed will reduce the volume and rate of runoff for the 2, 10 and 100-year storm events as required. As the impervious surface is less than a quarter acre, State stormwater management regulations do not require they install a water quality treatment device. Nonetheless one is provided for on the plan and they would like a determination if Alpine requires. They analyzed runoff from the roof to ensure the first system is not inundated while the other is half full. Retaining wall stability calculations for the walls already constructed to support the septic systems have been reviewed and approved by the Borough Engineer. Additional stability calculations will be provided for the rest of the proposed retaining walls.

¹ Ms. Piazza is a licensed professional engineer, B.S. & M.S. Civil Engineering from Newark College of Engineering / NJ Institute of Technology. Licensed in NJ since 1991. Owner of Piazza Engineering since 1996 which firm has appeared on behalf of over 40 applications in the Borough including appearances before the Alpine Zoning Board.

Ms. Parilla requested clarification of grades and questioned constructing the driveway over the septic system pipes. Ms. Piazza noted they worked with the architect and landscape architect to meet existing grades at the sides of the property which necessitated the tiered retaining walls on the right side that range in height from 2-3 feet for the top wall and 5-6 feet for the bottom wall not exceeding eight feet. Having septic pipes run under the driveway is fairly standard and they will be strong enough.

Ms. Mattes questioned the front elevation grades which appear high. Ms. Piazza explained the grade of a septic disposal system can't vary more than nine inches from one side to the other. This means a minimum cover of 9 inches but not more than 18 inches which presents a challenge on a steep lot. To accomplish this they had to raise the grade on the right front about three feet and the right rear about 1.25 inches; an average of 15 inches.

Mayor Tomasko questioned maxing the property out noting no future development can occur without a variance. He questioned if a smaller home would have eliminated the need for the extended driveway. While noting the engineer does not determine architecture, Ms. Piazza offered the driveway design was to address the steepness of the property and respect the tree buffer.

Mayor Tomasko noted the pool is located in an area where five properties come together. He questioned whether leaving more woods wouldn't afford more privacy and buffer area. Attorney Capizzi offered the scale of the house and amenities are a product of a big happy family and their landscape architect will address tree mitigation and overall landscaping. They chose the pool location to stay out of steep slopes. The Board questioned why the pool couldn't be moved closer to the house. Ms. Piazza advised they explored several sets of plans with all the experts weighing in and this seemed to be the best use based on topography and alignment. She does not get involved in aesthetics but rather function and code compliance. Bringing the house closer to the pool is not an engineering question as it conforms. Attorney Capizzi pointed out the pool location does not trigger the need for any waivers.

Ms. Mattes noted 91 trees absorb a lot of water. That number is slated for removal and the impact on neighboring lots will be 'in the face' especially combined with the number and height of walls resulting from the changes in grade. Attorney Capizzi noted the landscape architect will describe their plan as it is not their intention to leave an open site.

The Board questioned coverages. Ms. Piazza noted these are detailed under C-1 Notes 8 and 9. The lot is slightly undersized being 64,743 square feet where 65,430 square feet is required; technically an existing nonconformity. Building coverage is 8.8% where 9% is maximum and improved coverage is 24.95% where 25% is maximum. She is aware anything else would require a variance and does not believe any additional improvements are contemplated.

Attorney Phillips asked how close the generator would be to neighboring properties. SV-1 provides a partial view of structures on neighboring properties to the right and left but she was unsure relative to dwellings to the rear. Ms. McGuire questioned the far distance from the house. Ms. Piazza noted the generator conforms to setback requirements and the plan note stated the generator is subject to the noise ordinance and must be buffered and screened to minimize views from adjacent properties and the public right of way.

Ms. Cochi requested clarification regarding the rear retaining walls. Ms. Piazza informed the wall by the generator starts out at about a foot high and increases to a maximum height of four feet for the first wall and then the tier behind it rises from one foot to a maximum height of five feet. About a third of the way across the property another wall starts, again at about one foot high with a maximum height of 3.2 feet in the back-left corner with only two tiers. The neighbor won't see these walls but only what's planted above them. They are cutting into the slope for the pool which will be slightly lower than existing grade. The retaining walls are needed to step up to the existing grade in the rear. Ms. Parilla noted the number of steps on either side of the pool. The pool is lower than existing grade but higher than the lawn. The lawn area is about elevation 304 and they are bringing it down to elevation 302. Attorney Capizzi reminded the pool complies and the areas for which they need the waivers are a small area for the driveway, a retaining wall in the rear that's about a foot high and an underground seepage pit area.

Bradley Meumann was sworn and provided his credentials as a NJ licensed landscape architect. He's worked on many projects and appeared before boards numerous times in Alpine. The following exhibits were marked:

A-1 Tree Replacement Plan dated July 20, 2018

A-2 Front Wall dated July 20, 2018

The latter provides the Board with a visual of the front street scape as requested by the Borough Engineer. This wall was constructed to support the septic systems. The house and front wall will be made of the same granite of a type similar to that used for the Frick estate. The height varies but averages six feet with pillars interspersed. A hedge will be planted on top and street trees in front to soften the views for passersby. For tree replacement they provide 55 trees where 51 is the calculation required and they intend additional landscaping with trees and shrubs. Mr. Meumann reviewed the number and types of trees as noted on his exhibits. They intend to preserve existing trees in the tree buffer which is heavily wooded.

Ms. Mattes questioned preservation of trees outside of the buffer. She noted existing trees have not been identified by species on the plan. Mr. Meumann stated unfortunately they would not survive the regrading and welling is not usually successful. Their goal was to stay out of the tree buffer while having a functional lawn. The applicant wished the pool to be in a separate area and not directly behind the house. This generated the step-up design versus flattening the yard right at the rear of the house. The pool is four feet higher and the cabana is pushed back into the hill. Plantings on top will further buffer views from the adjacent properties which would look down and over this area.

In response to questions Mr. Meumann stated the generator location is proposed on top of the first low wall.

The Board deferred to Mr. Frenzel for comments. Mr. Frenzel noted while initially concerned with the proposal to cut into the slope for the pool/cabana area it is quite a bit below the line of sight and should work to mitigate noise from what is typically an active area. The applicant's have made a conscious effort to vary the tiered walls keeping heights to a minimum and blend with the topography. The front wall along Church Street varies from three feet to six feet following the contour of the street and is permissible. It was clarified for the Board that rules governing retaining walls are different from those regulating fences. The proposed stone veneer is preferable to a solid wall as the latter tends to settle over time. Mr. Frenzel noted the Borough promotes water quality and therefore he prefers they do install the water quality treatment device as noted on the plan. The lot size is only 600 square feet smaller than what is required in this zone and the requested waivers are relatively minor. He did note it will be difficult for the applicant to do anything else on the property relative to the maxed out coverages but such a proposal would likely require tearing out of seepage pits, walls and driveways which would likely discourage such plans a cost prohibitive.

Chairwoman Parilla called for a motion and Attorney Phillips reviewed conditions.

Upon a motion by Mayor Tomasko, seconded by Councilwoman Gerstein to approve the application subject to compliance with the recommendations and requirements listed in the Borough Engineer's review letter, standard soil movement time restrictions and provision of the water quality treatment device.

Discussion: Ms. McGuire stated although compliant she did not like the location of the generator so close to the neighbors. Ms. Parilla asked if the applicant would consider revising and after consultation, Attorney Capizzi stated they would shift the generator closer to the garage.

Vote: Ayes: Carol Cochi, Councilwoman Gerstein, Elizabeth Herries, Catherine McGuire, Lorraine Mattes, Catherine Parilla, Mayor Tomasko

<u>BILLS:</u>	<i>Clarke, Caton, Hintz</i>	\$ 209.00	<i>COAH Court Appointed Special Master (Trust)</i>
	<i>Clarke, Caton, Hintz</i>	\$ 66.00	<i>COAH Court Appointed Special Master (Trust)</i>
	<i>Burgis Associates</i>	\$ 205.00	<i>COAH Vacant Land Analysis (Trust)</i>
	<i>Burgis Associates</i>	\$ 1,136.25	<i>COAH Vacant Land Analysis (Trust)</i>
	<i>Huntington Bailey, LLP</i>	\$ 795.00	<i>Special Legal Counsel COAH (Trust)</i>
	<i>LaBarbiera</i>	\$ 1,563.50	<i>Return of Escrow (Trust)</i>
	<i>35 Warren</i>	\$ 1,211.35	<i>Return of Escrow (Trust)</i>
	<i>Low, Russell & Melinda</i>	\$ 1,504.78	<i>Return of Escrow (Trust)</i>

A motion to approve the above referenced bills and return of escrow was made by Councilwoman Gerstein and seconded by Catherine McGuire. All in favor.

COMMUNICATIONS: Correspondence listed for the record with comments as provided:

- Board of Chosen Freeholders re: Notice of Updated Subdivision and Site Plan Standards
Mayor Tomasko clarified these apply for applications to the County Planning Board.
- Borough of Rockleigh re: Notice of Ordinance Amending Chapter XXXI "Site Plan Review"
Mayor Tomasko explained municipalities are required to notice adjoining municipalities for these types of ordinances.

Ms. Herries questioned how Alpine's requirements compare to Rockleigh relative to the appearance of stalled development sites in town. Attorney Phillips noted MLUL sets criteria for extensions and some municipalities set expiration dates for variances and waivers but suggested that concern would best be addressed by property maintenance.

- Borough of Demarest re: Notice of Ordinance Amending Chapter 175-22 & 27 Swimming Pools The Board felt the ordinance definitions for impervious surfaces did not make sense.
- Borough of Demarest re: Notice of Public Hearing Planning Board Preliminary and Final Major Subdivision F.E. Alpine, Block 119 Lots 1.05,1.06,1.07 & Block 120 Lots 1.03 and 1.04 in Demarest and Block 55 Lots 25,01, 26 & 30 in Alpine
Mayor Tomasko explained this concerns the Demarest portion of the Frick estates. They are seeking four more lots.
- Bergen County Dept Planning & Engineering: re: Major Subdivision
- Bergen County Dept of Planning & Economic Development re: Proposed Subdivision Alpine Block 50 Lot 1 & 3; Demarest Block 120.01 Lots 1 & 29.
The above two letters have to do with the Ryan / Kurtz property and an endeavor to develop single family homes.
- Azzolina & Feury re: NJDEP Freshwater Wetlands Permit Application Block 39 Lot 8 – 24 Robin Lane
- McNally Engineering LLC re: Public Notice Application DEP Flood Hazard Area Individual Permit 28 Ellens Way Block 49.02 Lot 17.
- McNally Engineering LLC re: Public Notice Application DEP Flood Hazard Area Individual Permit 22 Ellens Way Block 49.02 Lot 16
- McNally Engineering LLC re: Public Notice Application DEP Flood Hazard Area Individual Permit 16 Marie Major Drive Block 79 Lot 1
- Bergen County Dept of Planning & Economic Development re: Conditional Approval 6/26/12 Alpine Three, LLC Block 43 Lots 6.01, 6.02 and 6.03
- Archer & Greiner re: Pit bailing Test – Alpine Three LLC Block 43 Lots 6.01, 6.02 and 6.03 Ms. Parilla noted former Borough Engineer Vander Veer had recommended the Borough hire their own expert to interpret applicant's report and test results. Attorney Phillips spoke with Applicant's Attorney Guliet Hirsch who reminded Board of Health, not Planning Board has jurisdiction over the septic system. Attorney Phillips agreed but Planning Board retains jurisdiction regarding water issues and may retain their own expert if they wish to do so. Mr. Frenzel advised Board of Health has a tentative hearing scheduled for this matter and he's begun a preliminary search for an expert consultant. Mr. Frenzel explained the pit bailing test is a difficult test to comprehend. It's designed to show that there can be movement through what appears to be massive rock via very, very minor cracks and fissures. The concern is what happens if conditions result in silt plugging those minor fissures? Secondary concerns are the freshwater spring on the property and if the rock can't take the water fast enough, with the property built on a slope, and water tries to leach out horizontally all the way in the back of the property. This was observed by the former Borough engineer during prior testing. They reviewed the pit bailing test strictly from their engineering viewpoints, not from the hydrogeologist's complicated calculations and it just didn't seem to meet the criteria for how quickly the water should drop. The hydrogeologist has a different opinion because he uses a different methodology and that's what's going back and forth at present. Ms. Parilla noted the questioned is what will they do if the system fails?

- Superior Court of NJ Law Division: BC re: COAH Civil Action order extension Mayor Tomasko noted the current extension is to the end of August.

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: No meeting.

Board of Health: Report available for review. Next regular meeting is in September. Ms. Parilla asked if the Planning Board should have a representative attend. Attorney Phillips attendance by 5 or more members would create an issue. Mayor Tomasko advised he attends all meetings. The Board questioned Planning Board's procedures regarding the Alpine Three. Attorney Phillips noted the Board of Health will approve or deny the septic systems and Planning Board will be bound by that decision. Planning Board has jurisdiction to review water on the property. Mayor Tomasko noted their application for Preliminary and Final Site Plan Approval has been submitted to the Planning Board and is currently under review. Attorney Phillips noted an error on the submitted plan which labels a feature 'abandoned well' as the Board already determined that is a spring. Attorney Phillips assured members who have not heard this matter before that they are eligible and can ask any questions.

Environmental Commission: Lorraine Mattes advised they had to return to 24 Cambridge Way for the third time for requests for tree removal. There are new rule changes and licensure requirements for tree experts. Ken Barber of Ken's Tree Care will be speaking to the Environmental Commission at their August meeting on this topic if anyone is interested.

Building Department: Report is on file. Ms. Parilla wished to raise a concern regarding a property under renovation on Old Dock Road. Permits were only for interior renovations but most of the house was demolished. They were given a Stop Work Order and chose to go to the Bergen County Construction Board of Appeals to resolve. The CBA reduced the fines and applicant subsequently submitted plans for reconstruction that were approved by the Building Department. Can the BC CBA override municipal ordinances and procedures if there is question whether they have enlarged the original footprint which now seems to extend into the driveway? Attorney Phillips recalled a case where a steel structure was built exceeding height and the end result was that they had to tear out the steel out. He noted it depends on the violation. If they build measurably outside of what was approved, the County won't reverse that. It was noted problems occur when applicants are more aggressive, try to circumvent rules and/or serve as their own general contractors without adequate experience. This places greater onus on the Building Department staff to education and inspect but is not new.

NJ Transit Update: No report.

COAH Update: The Borough continues to work with the Court Appointed Master. Temporary immunity is valid through August

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Mrs. Gerstein and seconded by Ms. McGuire. All were in favor. The meeting adjourned at 9:08 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary