## ALPINE PLANNING BOARD

Alpine Borough Hall 100 Church Street Alpine, New Jersey 07620

### **MINUTES**

February 23, 2016

<u>CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE:</u> The Planning Board, Borough of Alpine, convened in regular session on Tuesday, February 23, 2016 at 7:30 P.M. Vice-Chair Catherine McGuire 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 23, 2016 at 7:30 P.M. has met the requirements of the law by publication in The Record and posted on the bulletin board of the lobby in the Borough Hall and filed in the office of the Borough Clerk.

## **ROLL CALL:**

Members Present: Gayle Gerstein Lorraine Mattes

Elizabeth Herries Joyce Sonpal

David Kupferschmid Mayor Paul Tomasko

Catherine McGuire

Members Absent: Catherine Parilla, Jeff Fromm, Ralph Mattes

Staff Present: John Phillips, Board Attorney

Gary Vander Veer, Borough Engineer Marilyn Hayward, Recording Secretary

<u>APPROVAL OF MINUTES OF JANUARY 26, 2016 REGULAR MEETING</u>: A motion to approve the minutes of the January 26, 2016 Regular Planning Board meeting was made by Mayor Tomasko, seconded by Joyce Sonpal and carried by those eligible to vote.

**OPEN TO PUBLIC (NON-AGENDA ITEMS)**: There were no comments from members of the public.

**NEW APPLICATION:** Soil Moving Permit Application - Steinberg; Block 30 Lot 4; 4 Highwood Place.

Matthew Capizzi, Esq., 11 Hillside Ave., Tenafly, NJ appeared on behalf of the Applicant, Andrew Steinberg, along with the Applicant's Engineer, Douglas Doolittle, PE, PP, of McNally Engineering, LLC, 169 Ramapo Valley Road, Oakland, NJ 07436. Mr. Capizzi stated that this is a soil moving application for 4 Highwood Place, a site that was developed around 1968. They are proposing to bring the septic system up to today's standards by creating a typical grey and black water field. It is an awkwardly shaped piece of property on a cul-de-sac at the end of Highwood Place, with sharp changes in topography throughout the site. There are only two level areas; the pool and outdoor terrace. Everything else slopes from the street toward the rear of the property. Their goal is to create two fields in the rear of the site that will require a variance to exceed the maximum steep slope. Disturbance of existing slope areas which exceed 35% is not permitted; they are proposing to extend the existing slope outward toward the rear of the property line to create the grey and black water fields. The rear of the site is wooded and the neighboring properties are about 400 to 500 feet away from the site. Given the extensive separation, the proposed rockery will not be visible to the neighboring properties.

Mr. Doolittle was sworn and accepted as an expert witness. Mr. Doolittle stated that the Septic System Plot Plan presented this evening was the same plan submitted to the Board. The plan was prepared by McNally Engineering, LLC, dated 10/31/14 and last revised 1/15/16. An Aerial Exhibit Plan dated 2/22/16 was marked as Exhibit A-1. Mr. Doolittle stated that the property is located at the south-east end of a cul-de-sac. The property is approximately 1.6 acres and is irregular in nature with an existing one-family residence, circular driveway and pool. It is a very steep, difficult property with a lot of rock. Mr. Doolittle referred to the Steep Slope Analysis Plan which was submitted to the board, dated 11/10/15. The plan

depicts the topography changes on the property. The black water system is depicted on the right side on the plan. They are trying to build an area to construct the septic system to today's standards which will accommodate a seven bedroom home and create space for a yard. There are man-made slopes created when the original home was built that precede our existing steep slope ordinance. The area where the fields are proposed is about 50 to 60 feet wide. A rockery is proposed, where rocks are installed one foot horizontally and one foot vertically, with dirt in between so landscaping grows. It is not considered a retaining wall. Five trees will be removed for the septic system; an additional eight to be removed for the rockery. Mr. Doolittle referred to the Aerial Exhibit (A-1) and stated that the area is heavily wooded and well screened. Mr. Doolittle stated that there are hardships due to the irregular shape of the property and difficult topography, and the septic systems needing to be brought up to today's standards. Mayor Tomasko asked why the septic fields have to be upgraded. Mr. Doolittle responded that it is for future expansion of this dwelling. Mayor Tomasko asked if this would be necessary had they not wished to expand. Mr. Doolittle remarked that the septic system is original and marginally at the end of its lifeline. Mayor Tomasko remarked that it would not be needed this fast if the number of bedrooms were not being expanded. Mr. Doolittle stated that is correct. Mr. Capizzi asked what the difference would be in the size of the fields if there were fewer bedrooms. Mr. Doolittle replied that you would need about 2,150 square feet for a four-bedroom house. They are at 3,390 square feet now. Mr. Capizzi stated that they have to replace the fields regardless. They are at the end of their useful lives. Mr. Doolittle added that it is currently a pit system; they would have to change to a field system based on the health codes.

Mr. Capizzi remarked that he walked the property recently and it is a difficult property and dangerous to walk on in the rear yard. Mayor Tomasko commented that it is a unique piece of property with challenges but he has yet to hear that they rise to the level of justifying a variance. In response to Ms. Mattes' question, Mr. Doolittle stated that the rockery wall varies from about 50 feet to about 200 feet long. The height varies from about 26 feet down to about 12 feet. Mr. Doolittle noted that it is not a vertical wall; it tapers at a 45 degree angle. Soil moving calculations are as follows:

Volume of cut:

Volume of fill: 5,928 cubic yards Volume to be imported: 5,928 cubic yards

Volume to be exported: 0

Total volume of soil to be moved: 5,928 cubic yards

Waivers from the soil moving ordinance are requested for creation of slopes in excess of 4:1 (1:1 is proposed) and placement of fill in excess of five feet (26 feet is proposed).

Attorney Phillips remarked that the site has a conforming house with conforming septics and setbacks so they are not coming to the board with a clean slate. Mr. Capizzi responded that it is an improved site but the health code has changed and if someone is willing to modernize the site and do something beneficial from an environmental standpoint and create a recreational area, it should be encouraged.

Mr. Kupferschmid commented that he sees no effort in this application to work with the land. The unique topography in Alpine is part of its character. When he designed his house he had to figure out where to put the house because of the steep slope in the front. He understands that they want a flat backyard, but if you stagger or change the elevations to work with the land, it's a more responsive development.

Mr. Capizzi asked for a short recess at 8:04 PM. The hearing resumed at 8:12 PM.

Mr. Doolittle stated that the homeowner's intent is to preserve the property, maintain the home, the circular driveway and the pool. He is doing the minimal amount of disturbance with the least impact on the neighborhood. They discussed the possibility of lowering the fields but they would need to build a retaining wall or an additional rockery. They are looking for some direction from the board. Mr. Kupferschmid suggested working with the topography to avoid having a twenty foot wall and reduce the amount of fill.

Mr. Capizzi asked for additional comments so that they can address the board's concerns. Mayor Tomasko commented that eliminating the pool on the site would add recreational space, and the municipal swim club and recreational field are a

short walk away. Ms. Mattes added that our town has created these ordinances because we cherish our natural environment and that's why people who come here love it.

Mr. Capizzi asked what the impact of the wall is. Mayor Tomasko asked what the impact would be on drainage. Mr. Doolittle responded that it would have a positive effect. Mr. Kupferschmid commented that working with the natural topography protects the topography; a rockery still doesn't look natural no matter how you dress it up. Mr. Capizzi commented that the rockery would not be noticed.

Mr. Capizzi stated that they would take the board's comments under advisement and requested to carry the application. Mayor Tomasko asked Engineer Vander Veer if he has ever seen a property with twenty feet of fill in his experience with the town. Mr. Vander Veer responded that he has not.

Mr. Capizzi announced that the property owner, Andrew Steinberg, would like to make a few comments. Mr. Steinberg was sworn and stated that he is a former resident who grew up in Alpine and always dreamed of coming back here. He had an opportunity to purchase this property which he knew was unique. When he met with the health department he was told that the existing septic system was not up to code and was a failing system. He wants to improve the safety of the outdoor area so his family can enjoy the property. He is not sure yet what they are doing with the house. It is possible that they will try to preserve what's existing, but the existing house doesn't really fit with their lifestyle. It has many levels that can be a hazard for their children. They would like to maintain the topography but they want a safe back yard. The first thing they want to address is the septic system and the safety issue. The board welcomed Mr. Steinberg back to Alpine.

Mr. Phillips asked Mr. Doolittle to correct the date on the title block on the plan, and to give Mr. Vander Veer the steep slope calculations and percentages.

**Upon a motion** by Ms. Gerstein, seconded by Ms. Sonpal, the matter was carried to the next regular meeting on March 22<sup>nd</sup>. No further notice is required. The motion was carried unanimously.

#### **COMMUNICATIONS:** None.

<b>BILLS</b> :	Bisgaier Hoff, LLC	\$1,507.82	Affordable Housing Advice & Litigation
	Clarke, Caton, Hintz	\$4,252.94	Court Appointed Special Master (Jan. services)
	Clarke, Caton, Hintz	\$ 690.25	Court Appointed Special Master (Dec. services)
	Burgis Associates	\$ 323.75	Housing Plan 2015
	Cliffs Investment Group, LLC	\$1,388.87	Return unused escrow – 72/9
	John C. Phillips, Esq.	\$ 200.00	January meeting attendance

A motion to approve the above referenced bills was made by Gayle Gerstein and seconded by Elizabeth Herries. All were in favor.

# **COMMITTEE REPORTS:**

Northern Valley Mayors & Planners Assoc.: The Mayor announced that the presenter at the next meeting will be the Bergen County Sherriff, and extended the invitation to any board members interested in attending.

Board of Health: A routine meeting was held on February 9<sup>th</sup>.

Environmental Commission: No report.

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

NJ Transit Update: No report.

<u>COAH Update:</u> Mayor Tomasko commented that our plan, like many other towns, is in the courts and being handled by a court appointed Master.

<u>ADJOURNMENT:</u> A motion to adjourn the regular Planning Board meeting was made by Ms. Gerstein and seconded by Ms. Herries. All were in favor. The meeting adjourned at 8:37 PM.

Respectfully submitted,

Marilyn Hayward Recording Secretary