

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620
MAY 21, 2024

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, May 21, 2024, 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, May 21, 2024 at 7:30 P.M. has met the requirements of the law by publication in The Record and was 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: George Abad, Jr., Carol Cochi, Gayle Gerstein, Elizabeth Herries, Catherine McGuire, Catherine Parilla, Joyce Sonpal, Mayor Paul Tomasko (Sandra Nudelman to be appointed)
Members Absent: Brandt Cybul, Lorraine Mattes
Staff Present: Douglas Bern, Esq. Board Attorney; Perry Frenzel, Borough Engineer
Marilyn Hayward, Board & Recording Secretary
Marti Francis, Board Secretary (to be appointed)

SWEARING IN OF 2024 OFFICIAL: Mayor Tomasko administered the oath of office to Sandra Nudelman, Alternate II member.

APPOINTMENT OF MARTHA FRANCIS AS PLANNING BOARD SECRETARY, EFFECTIVE MAY 1, 2024:

Upon a motion by Mayor Tomasko, seconded by Mr. Abad to appoint Martha Francis Board and Recording Secretary effective May 1, 2024, eligible members voted as follows:

Ayes: Mr. Abad, Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. McGuire, Ms. Nudelman, Ms. Parilla, Ms. Sonpal, Mayor Tomasko.

APPROVAL OF MINUTES OF MARCH 26, 2024, REGULAR MEETING:

Upon a motion by Ms. Herries, seconded by Ms. Gerstein to approve the minutes of the March 26, 2024, Planning Board Regular Meeting, eligible members voted as follows:

Ayes: Mr. Abad, Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. McGuire, Ms. Nudelman, Ms. Parilla, Ms. Sonpal Mayor Tomasko.

Upon a motion by Mayor Tomasko to move Item 8, Reformation of Resolution for FE Alpine Amended Preliminary and Final Major Subdivision, to after the hearings on the Agenda, the Board agreed with the motion.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS: There were no comments from the public.

Ms. Parilla stated that the Board would hear the Soil Movement Application prior to the continuance of the Nela subdivision application.

HEARING: DE LA CRUZ, 35 TAMARACK ROAD, BLOCK 39.01 Lot 12.1 SOIL MOVEMENT APPLICATION, ENGINEERING REVIEW, SOIL EROSION AND SEDIMENT CONTROL PLAN, DRAINAGE REPORT, RETAINING WALL CALCULATIONS, SOIL MOVING REPORT, SITE

PLAN Matthew G. Capizzi, Esq., Capizzi Law Office, 205 Fairview Ave., Westwood, NJ appeared on behalf of the Applicant. He stated that the planned single-family home at 35 Tamarack is fully conforming to the applicable R-AA zoning requirements and that the soil movement permit application before the Board does not require any waivers from the soil movement ordinance. Michael Hubschman is the civil engineer and has prepared the site plan.

These minutes were approved by the Alpine Planning Board at a regular meeting on June 25, 2024

Michael Hubschman (263 S. Washington Avenue, Bergenfield), Engineer for the Applicant was sworn in and accepted. The colorized site plan, which is the same as the plan the Board received except that it is colorized, was marked A-1. He stated that there is a dwelling on the property in approximately the location that the proposed dwelling will be. He also said that there is a swimming pool in the rear that is planned for removal. The Cresskill Brook runs across the north of the property. There are also a drainage easement and a sanitary sewer running across the property. All NJDEP approvals have been received for the wetland and riparian areas. A single-family home with circular drive in the front, drive on the east, garage in the back, and a walkout basement are proposed. The property slopes about 20 feet. The pool and cabana are at the lower level. The proposed house meets all requirements. There will be a couple of retaining walls. The proposed drainage runs to the rear. Surface runoff will go toward the brook. The sanitary sewer has, according to the Board Engineer's letter, a broken connection. This will be reviewed with the Board Engineer and will be fixed. The house will be part of the Cresskill sewer service area and no septic will be required. The application proposes cutting 3098 yards, for the foundation and pool, mostly in the rear, and filling 556 yards for the removal of the existing pool. Moving the pool from the brook area is a positive in the eyes of the NJDEP. The plan is to export 2542 cubic yards. The application conforms to the Alpine soil movement ordinance. The walls and swale are designed to conform. All required DEP permits have been obtained. The Engineer has reviewed the Board Engineer's letter of April 3, 2024, and does not take exception to any of its contents. A tree removal permit will be obtained for the trees that are to be removed, which are mostly decorative.

The Board Engineer stated that it is a fairly straightforward soil movement application but that there are points that he wants to discuss with Mr. Hubschman, such as overflow provisions and capacities for seepage pits. They will not interfere with the decision tonight.

Ms. Herries spoke about the impact during construction of drainage and asked when seepage pits could be put in. Mr. Hubschman said that there is a soil erosion control plan that includes a silt fence directing the water and that the seepage pits are usually put in fairly early, when the excavation is done. He also said that the water flows toward the brook. He offered that if a berm were needed it could be added. Ms. Herries asked whether the neighbors would be more impacted by water due to the construction and was told that they would not be, especially as the tree cover was not being disturbed.

Mayor Tomasko pointed out that the neighbor on the right of the property was in attendance and asked what precautions were being taken to protect his property. Mr. Hubschman spoke about the tree buffer and sediment fence that would be in place during construction and said that the proposed driveway had curbing. The Mayor asked how many seepage pits there would be and was told that two were planned on the left part of the property. There are catch basins proposed for the right part of the property.

The meeting was opened to the public for questions of the applicant's Engineer. Dr. Steven Laifer (39 Tamarack Road, to the right of the applicant's property) asked about the drainage capacities. He stated that his lot is the lowest on the road and that the sewer is at the edge of his property. He asked the Board to be as careful as possible. He cited a report from Rutgers and spoke about hurricane Ida. Mr. Capizzi asked whether an additional seepage pit could be added. Mr. Hubschman said that the current plans allowed for more than enough capacity but agreed to add another seepage pit. Ms. Parilla asked whether it could be added during construction. The capacity of the seepage pits was discussed. Dr. Laifer voiced concern that what is good today might not be in 10 years and asked the Board to look toward the future as rainfalls are becoming more and more severe.

The Board Engineer felt that the addition of the third seepage pit would probably suffice but said that he wanted to review the plans with Mr. Hubschman. Ms. Parilla asked whether the pit would be in the general area of the broken connection.

The meeting was closed to the public. Ms. Parilla referred to the Board Engineer's comments about requiring an annual seepage pit inspection. There was discussion about how this homeowner responsibility would be handled. The Board Engineer suggested that it could become an amendment to the stormwater ordinance.

These minutes were approved by the Alpine Planning Board at a regular meeting on June 25, 2024

Upon motion by Ms. McGuire to approve the application for Soil Movement pursuant to the provisions of the Board Engineer's review and continuing discussions with the applicant's Engineer, with respect specifically to the location and number of seepage pits on the right side of the property, second Ms. Sonpal. Eligible members voted as follows: Ayes: Mr. Abad, Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. McGuire, Ms. Nudelman, Ms. Parilla, Ms. Sonpal, Mayor Tomasko.

HEARING: CONTINUATION of NELA, 990-994 CLOSTER DOCK ROAD, BLOCK 43 LOTS 7 & 8, SUBDIVISION AND SITE PLAN WITH VARIANCES/WAIVERS Discussion about whether the application could be bifurcated and address the subdivision and then the variances. If the Board separated the two, it would not be able to hear the variances. The variances would then go to the Zoning Board. The application will go ahead as presented.

Matthew G. Capizzi, Esq., (Capizzi Law Office, 205 Fairview Ave., Westwood, NJ) appeared on behalf of the Applicant, along with Douglas W. Doolittle, P.E., P.L.S., P.P., Stanley J. Kufel, Jr., Registered Architect, Christopher Karach, Landscape Architect, and Catherine Gregory, Planner. The project was brought before the Board in March and then carried to May to allow for some housekeeping. The application is to reorient the lot lines of the two lots from Closter Dock to DuBois and to improve the building lots with two new family homes. Mr. Capizzi stated that redrawing the lot lines would not trigger any variances to be required and that according to state statute if no variances were required, the Board was obligated to grant the application of that component. Also, he stated that the revisions made to the plans eliminated the need for impervious coverage variances.

Mr. Capizzi stated that, for the lot on the corner of Closter Dock and Du Bois, the window well was eliminated, and the driveway and patio were reduced to eliminate the impervious coverage variance. There are now three seepage pits on that site. A berm is being added along Closter Dock Road, and there will be one on the subdivision line between the two lots during construction. Curbs along Closter Dock Road that have fallen into disrepair will be restored.

For the interior lot on DuBois (not considered a corner lot because Schoolhouse Lane is not a public right of way), the egress window has been eliminated, the landscaping plan was updated, a significant portion of the driveway that was previously planned has been eliminated; legal research has revealed that the applicant has access along Schoolhouse Lane even though the public portion has been vacated. The application is relying on Schoolhouse Lane to get access to the side-loading garage. Thus, the macadam is not needed in that area, which reduces the impervious coverage. There is an additional seepage pit, and new curbing is added. In large part, the setback variances remain the same. The building coverage remains the same.

Douglas W. Doolittle, P.E., P.L.S., P.P. (McNally, Doolittle Engineering, LLC 169 Ramapo Valley Road, Oakland, NJ 07436) was sworn in, although he had been qualified in March. He proceeded to review the site plan to illustrate the changes made. He explained that the berm will direct the water into the catch basin in front of the neighboring property. He said that the berm will go in at the beginning of construction and remain throughout. He confirmed that the asphalt curbs will be fixed or replaced. He also said that the replaced curbs will help direct water into the catch basin. He said that he had no issues with the Board Engineer's comments.

The Board Engineer said that there is evidence that a volume of water runs down Closter Dock Road and then across these properties. He said that he had discussions with the Applicant's Engineer and with the owner of the adjacent property about mitigating the problem. He said that the owner of the adjacent property, Mr. Norian, did not have a problem with the new construction directing water to the catch basin on the edge of his property.

Mayor Tomasko asked what size building envelope would be left if the setbacks were strictly applied and when Mr. Doolittle responded said that it was significantly smaller than what was being planned. The Board Engineer stated that there was not sufficient information up front to precisely locate where the septic should go. The number of test pits more than doubled or tripled what would be usual. He said he is confident that they have the locations now.

Ms. Parilla asked whether a septic was raised, and the matter was discussed.

Ms. Herries wondered whether permission was required to put curbing on the County Road. Mr. Doolittle stated that conditional approval had been secured and that only a road-opening permit still had to be requested.

Mr. Doolittle stated that they had to give the County a road-opening easement for about 15 feet. There was a discussion about the effect if the road were widened. It would make the structure closer to the road, but the septic would not be affected.

Ms. McGuire stated that curbs do not last on Closter Dock Road. The Engineer stated that concrete curbs were more stable. The Applicant's Engineer stated that the berm will help.

Ms. Herries asked for clarification on the use of the vacated street. Discussion ensued involving the use of the term vacated and who would be responsible for plowing (Mr. Capizzi stated that there were no easements in place and spoke about another case in which a road was vacated but no easements put in place). Mr. Capizzi said that there are three properties using that lane for access. Everyone south of the Applicant's property relies on the Applicant's property for access. The Board Engineer has not found anything formal concerning arrangements for this vacation. Discussion of whether this will be a problem for the properties to the south. Mr. Capizzi said that he has reviewed the title and there are no easements on the chain of title. Mr. Capizzi said that the property is being laid out to maintain access for those who currently use Schoolhouse Lane; he had no issue recording a deed restriction stating that the portion of Schoolhouse Lane as it pertains to their property remain a free accessway. The Board attorney agreed that the details should be included in the resolution.

The meeting was opened to the public for questions.

Michael J. Coskey (Greenbaum Law, 331 Newman Springs Road, River Centre Building 1, Suite 122, Red Bank, NJ 07701) spoke on behalf of Ted Noback. He asked if the Engineer knew how the owner came into possession of the portion of Schoolhouse Lane. The Engineer said that he did not and imagined that it was in a real estate transaction. Mr. Coskey asked whether it was a public road at the time. The Engineer said that he did not know. Mr. Coskey said that there was concern with notice and authorization if the applicant does not in fact own the property. Mr. Capizzi cited the legal description of the property and stressed that the Applicant owns it. The Engineer confirmed that he prepared the site plan and the survey from the legal description. He then verbally described the property and the former Schoolhouse Lane. Ms. Parilla asked whether the portion of Schoolhouse Lane on the other side of Du Bois was involved and was told that it is not. The ordinance of vacation for the portion of Schoolhouse Lane was marked as Exhibit A-5. The copy presented was not signed but was dated November 24, 1986. Mr. Coskey asked what material was used on this portion of Schoolhouse Lane. It is gravel and is included in the impervious coverage.

Richard Incontro asked when the new plans were delivered to Town Hall and was told that they were delivered on May 10. He asked what hours the plans were accessible to view. The hours of availability are 9:00 to 4:30. He stated that he works 9:30-4:00 and suggested that it was difficult to be at the Borough Hall to view them. He also asked why the applicants had to make these changes instead of building one home and why the portion of Schoolhouse Lane was vacated. The professionals were not able to say why for certain.

Ms. Nudelman asked about the road widening easement. She stated that practically the neighbors would see a 20-foot setback rather than the 30-foot setback depicted on the plans. The application is not asking for a side yard setback variance.

Ms. Parilla asked how much over the allowed coverage the proposed houses were. She was told that the house was 4% (600 or 700 square feet) over. She asked if she were correct in saying that if the houses were smaller no variances would be needed. The Engineer said that as the Planner would testify, smaller houses would not be consistent with the neighborhood. Mr. Capizzi agreed, as the footprint would be about 1100 square feet. Discussion. Mr. Capizzi stated that the neighborhood had many nonconformities because the lots are too small. He cited an example.

The hearing was closed to the public for questions.

Mr. Capizzi called Stanley J. Kufel, Jr., Registered Architect, (S.J. Kufel Associates, 337 Demarest Ave., Oradell, NJ). Mr. Kufel was sworn in and confirmed that the only change he had made was the elimination of the proposed window wells in each basement. Ms. Parilla asked whether he had been advised that he might have to modify the homes, and he stated that he had not been asked to do so. The Board had no further questions for Mr. Kufel, and the hearing was opened to the public for questions.

Mr. Capizzi called Christopher Karach, Landscape Architect (39 Lucille Avenue, Dumont, NJ). He gave his credentials and was sworn in. Mr. Karach confirmed that his license is in good standing and described the landscape plan. It was prepared 4-6-2024 and revised 5-6-2024; it is the same as the plan the Board has except that it has been colorized. The plan was marked A-6. Mr. Karach explained that the concept was to create screening using ornamental, deer resistant plant materials as well as street trees. He stated that the chosen trees are on the approved tree list. He described the plantings around the retaining wall on lot 8.01, as well as how the landscaping would break up the two properties. He stated that the new planting would help with the berm stabilization and water absorption.

Ms. McGuire asked whether he had luck with arbor vitae. He said that he did generally but that they sometimes needed spraying.

Ms. Parilla asked for the distance between the house and property line and was told 30 feet for one and 35 for the other.

Ms. Parilla asked about the retaining wall and was told it will be 2 ½ feet and would be constructed of fieldstone. Mr. Doolittle said that the plans for the retaining wall were consistent with those approved for the townhouses. Ms. Nudelman asked whether the wall would be safe if a car were to slide into it. Discussion. Mr. Doolittle stated that the wall acts as a guardrail.

Mr. Incontro asked whether there would be a gutter on Schoolhouse Lane and was told that the Engineer was not anticipating changing any grading on that road. Mr. Incontro asked about the plantings at the retaining wall. It seems that they will be planted in Schoolhouse Lane, thus reducing it somewhat.

The meeting was closed to the public. Mr. Capizzi asked for a brief recess, which was granted at 9:08 pm, upon a motion by Ms. Sonpal and second by Ms. Gerstein with all in favor, but he was reminded that the meeting ends at 10:00 and that there were other items in the agenda. When the meeting re-opened at 9:18 pm, upon a motion by Ms. Herries seconded by Ms. Cochi with all in favor, Mr. Capizzi asked that the hearing be carried to June 25 in order for the Planning testimony to be conducted in one sitting. Ms. Parilla asked that the architect be recalled.

Mr. Kufel came forward; Ms. Parilla asked whether he was asked to downsize the homes and was told that he wasn't really asked to do so. He said that downsizing would greatly affect the size of the bedrooms. He said that there was no office planned for either house. A board member suggested downsizing a little bit to eliminate some of the variances. Mr. Kufel said that he would discuss this with the client. Upon a motion by Mayor Tomasko that the hearing be carried to June 25 with no further notice (as long as variances were not increased), second Ms. Herries. All in favor. Carried. Mr. Capizzi granted an extension of time to June 26.

REFORMATION OF RESOLUTION FOR FE ALPINE AMENDED PRELIMINARY AND FINAL MAJOR SUBDIVISION, BLOCK 55 LOTS 22-25

Upon a motion by Mayor Tomasko to approve the matter, second Ms. Herries. The meeting was opened for Board discussion and then closed. The Board Attorney explained that the matter in question was in the original resolution and that it is timely for it now to be eliminated. Eligible members voted as follows:

Ayes: Mr. Abad, Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. McGuire, Ms. Nudelman, Ms. Sonpal, Mayor Tomasko.
Nays: Ms. Parilla

Carried.

RETURN OF ESCROW:

McCormack	\$67.36	Block 49/Lots 2.01 and 26
18 Autumn Terrace LLC	\$1,148.19	Block 81.04/Lot 17
GRF Realty LLC	\$1,741.44	Block 39.02/16.07
Barine Tee	\$932.55	Block 31/Lot 4
San Moritz Development	\$563.42	Block 21/Lot 12
Philip Reicherz	\$502.44	Block 51/Lot 4

Upon a motion by Mayor Tomasko to approve the return of escrow, second Ms. Sonpal, eligible members voted as follows:

Ayes: Mr. Abad, Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. McGuire, Ms. Nudelman, Ms. Parilla, Ms. Sonpal Mayor Tomasko.

Carried.

COMMUNICATIONS:

Notice of Bergen County Soil Erosion & Sediment Control Plan Certification re: 47 Church Street, Block 54 Lot 1; 379 Anderson Avenue, Block 78 Lot 1

Notice of Freshwater Wetlands Application re: 40 Dogwood Lane, Block 74 Lot 9

Notice of Bergen County Dept. of Planning Conditional Approval re: Nela Minor Subdivision, Block 43 Lots 7 & 8
Request for NJDEP Flood Hazard Area Individual Permit

Certification of Soil Erosion and Sediment Control Plan for 27 Warren, Block 72, Lot 23

These minutes were approved by the Alpine Planning Board at a regular meeting on June 25, 2024

Mayor Tomasko stated that when there is intrusion into wetlands, the DEP should be advised that the Alpine Planning Board does not accept such action. The Board Engineer was asked to follow through with that communication.

BILLS AND CLAIMS:

Azzolina & Feury	\$448.00	36 Buckingham Drive (81.04/3)
Azzolina & Feury	\$1,312.00	994 Closter Dock Road (43/7 & 8)
Douglas M. Bern, Esq.	\$420.00	FE Alpine/Sylco
Douglas M. Bern, Esq.	\$187.50	General Services
Douglas M. Bern, Esq.	\$625.00	36 Buckingham Drive (81.04/3)
Douglas M. Bern, Esq.	\$481.25	FE Alpine/Sylco
Douglas M. Bern, Esq.	\$302.20	11 Autumn Terrace (81.04/19)
Douglas M. Bern, Esq.	\$118.75	36 Buckingham Drive (81.04/3)
Douglas M. Bern, Esq.	\$362.50	990-994 Closter Dock Road (43/7)
Douglas M. Bern, Esq.	\$375.00	General Services
Douglas M. Bern, Esq.	\$250.00	Audit Letter
Douglas M. Bern, Esq.	\$1,163.75	FE Alpine/Sylco
Burgis Associates	\$2,185.00	Housing Plan
Clarke Caton Hintz	\$28,318.46	Court Master
Clarke Caton Hintz	\$163.00	Court Master
New Jersey Planning Officials	\$210.00	New Member Mandatory Training

Upon a motion by Ms. Sonpal to approve the bills as read by Ms. Parilla, second Ms. Gerstein, eligible members voted as follows:

Ayes: Mr. Abad, Ms. Cochi, Ms. Gerstein, Ms. Herries, Ms. McGuire, Ms. Nudelman, Ms. Parilla, Ms. Sonpal Mayor Tomasko.

Carried.

COMMITTEE REPORTS:

Bergen County League of Municipalities: There was a breakfast last week, and the speaker was Jack Citarelli, who spoke in a way that would make most of the towns in attendance pleased.

Board of Health: The last meeting was cancelled due to lack of business.

Environmental Commission: The Arbor Day observance was impressive. A three-foot tree that had started as a seedling was planted on the corner of Closter Dock Road and Church Street.

Building Department: Report on file.

NJ Transit Update: No update.

COAH Update: No update.

ADJOURNMENT: Upon a motion by Ms. Cochi, second Ms. Herries. All in favor. The meeting was adjourned at 9:40 pm.

Respectfully submitted,

Martha Francis
Recording Secretary