

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

August 25, 2015

CALL TO ORDER/PUBLIC ANNOUNCEMENT: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, August 25, 2015 at 7:30 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, August 25, 2015 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:	Catherine Parilla Ralph Mattes Lorraine Mattes	Catherine McGuire Gayle Gerstein Mayor Paul Tomasko
Members Absent:	David Andrews Jeff Fromm	David Kupferschmid
Staff Present:	John Phillips, Board Attorney Gary Vander Veer, Borough Engineer Marilyn Hayward, Recording Secretary	

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF JULY 28, 2015 REGULAR MEETING: A motion to approve the minutes of the July 28, 2015 Regular Planning Board meeting was made by Lorraine Mattes, seconded by Paul Tomasko and carried by those eligible to vote.

APPROVAL OF MINUTES OF JULY 28, 2015 EXECUTIVE SESSION: A motion to approve the minutes of the July 28, 2015 Executive Session was made by Paul Tomasko, seconded by Ralph Mattes and carried by those eligible to vote.

MEMORIALIZATION OF RESOLUTION: BAROT SOIL MOVING - BLOCK 21 LOT 3; 10 RIO VISTA DR.: A motion to accept the resolution was made by Mayor Tomasko, seconded by Gayle Gerstein and carried by those eligible to vote.

OPEN TO PUBLIC (NON-AGENDA ITEMS): There were no members of the public in attendance.

NEW APPLICATION:

MAJOR SUBDIVISION: WARREN HOLDINGS, LLC; BLOCK 72 LOTS 25 & 26; 35 & 39 WARREN LANE:

Attorney Phillips stated that he reviewed the public notice and found a technical issue, being that they left out the portion of the sentence stating that the existing buildings are being removed. They properly listed the variances requested and in his opinion the omission would not void the notice and we can proceed.

Jaclyn D'Arminio, Esq., Law Offices of Elliot W. Urdang, 16 Engle St., Tenafly, NJ appeared on behalf of the Applicant, Warren Holdings, LLC, along with the Applicant's Engineer, Michael Hubschman, Hubschman Engineering, P.A., 263A S. Washington Ave., Bergenfield, NJ 07621. Also in attendance was Aram Minnetian, father of Christopher Minnetian, the owner of Warren Holdings, LLC. Attorney D'Arminio stated that the application requests relocation of the lot line between lots 25 & 26, resulting in the relocation of an existing garage and the wooded area in the rear portion of lot 25 to lot 26. All structures on lot 25 (proposed lot 25.01) will be removed. The structure on lot 26 (proposed lot 26.01), owned by Christopher and Anna Minnetian, the sole owners of Warren Holdings, LLC, will remain.

Mr. Hubschman was sworn by Attorney Phillips and accepted as an expert witness. Mr. Hubschman presented a rendered copy of Sheet 1 of 1 entitled 'Preliminary Plat – Major Subdivision Plan' dated June 1, 2015 and last revised July 8, 2015, which was marked as Exhibit A-1.

Attorney D'Arminio asked Mr. Hubschman to describe the two existing lots and point out where the current lot lines are. Mr. Hubschman indicated that the lots are located on the westerly side of Warren Lane. Lot 26, on the northerly side of the two lots, had an irregular jog along the property line to accommodate an existing garage on adjacent lot 25. A side yard setback variance was granted when lot 26 was developed in 2013 due to the irregular shape of the property. They propose to move the lot line about 36 feet over so that the garage will become part of lot 26. Existing lot 25 is slightly over three acres, and the site extends westerly toward Berkery Place. Existing lot 26 is approximately one acre. The proposed subdivision line would move the rear portion of lot 25 to lot 26. Mr. Minnetian will renovate the garage and maintain the rear yard as open space. Both lots would comply with zoning requirements. Variances would be required for linear feet of garage doors, side yard setback for accessory structure and accessory structure located on side of house (detached garage). The entire site is within the riparian zone as the Demarest Brook runs across both lots.

Mr. Mattes asked why the detached garage will be retained. Mr. Hubschman replied that it will be utilized to store a car. Attorney Phillips noted that the original proposal was for two fairly regular rectangular lots but was modified to relocate the rear property to lot 26 and asked why it was revised. Mr. Hubschman replied that originally they proposed to subdivide and keep the rear portion as part of lot 25, and then re-subdivide. However, Mr. Minnetian always wanted to keep that piece for the family as open space. Ms. Gerstein asked if that portion could be developed. Mr. Hubschman stated that it is very restricted by the stream. The lot has ten feet of frontage on Berkery Place. At this time there are no plans to develop that lot. There are restrictions due to the stream, but it is usable as recreational space.

Mayor Tomasko asked if the applicants would be willing to sign a deed restriction since it was stated by Mr. Hubschman that the family wants to keep the rear property as open space. Attorney D'Arminio stated that she had been informed by her clients that they would not be willing to sign a deed restriction. The plan at this time is to keep the property as open space; going forward that plan may change.

Attorney Phillips questioned that from a planning standpoint, if the board approved the lot and the applicants decide that they want to develop the rear lot, do they have a hardship argument before the board of adjustment because the planning board allowed that land to be attached in an odd shape. Mr. Hubschman replied that it would be a self-created hardship.

Ms. Mattes pointed out the restrictions in the conservation easement for lot 26 and commented that they would also apply to lot 25 since the riparian issues and stream also go through lot 25.

Attorney Phillips noted that the layout of this proposal seems to violate the design sections of the borough subdivision ordinance and asked Mr. Hubschman to address these issues; specifically:

1. "Lot lines, other than street frontages, should be straight lines or follow topographic features." Mr. Hubschman replied that they are trying to follow the existing stream feature. They are removing a jog and removing an existing non-conforming condition. The back parcel is not proposed to be developed at this time. They could never get a driveway approved for a flag lot like that. It would be a self-created hardship.
2. "Side lot lines should be at right angles to straight streets and radial to curved streets". Mr. Hubschman replied that they are.
3. "Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots". Here they are talking about the configuration of the two lots. Mr. Hubschman replied that they will probably be coming back for soil moving on the proposed lot 25.01, but nothing is proposed on the rear lot. Attorney D'Arminio added that any development on the rear lot would have to go before the NJDEP and back to one of the boards.

Ms. Parilla asked if they can move the property line to the left so that the existing garage conforms. They would have to move it an additional ten feet. Attorney D'Arminio asked Mr. Hubschman what would be gained by moving the lot line. Mr. Hubschman replied that they would lose more frontage on proposed lot 25.01. Ms. D'Arminio asked for a few minutes to speak with her client by phone. A short recess was taken at 8:06 PM. The meeting resumed at 8:11 PM. Mr. Hubschman stated that he spoke with Chris Minnetian who suggested moving the lot line 5.58 feet to the left to allow frontage of 150 feet for proposed lot 25.01. This would increase the side yard setback to about 16 feet where 20 feet is required.

Attorney Phillips asked if this application were to be approved, would the applicant have any objection to recording the resolution of approval so that the subsequent property owner would be on notice. Ms. D'Arminio stated that she had no objection as long as it is not set up as a deed restriction.

In response to a question by Mr. Mattes, Attorney Phillips advised that the Conservation Restriction Easement will continue to remain in the chain of title.

Ms. Parilla asked for a motion. Ms. McGuire asked if we can base our decision on what we project may happen in the future. Attorney Phillips noted that the applicant's witness has indicated that this would be a self-created hardship, and advised that you cannot deny the application based on provisions in the master plan.

A motion to deny was made by Ralph Mattes, seconded by Lorraine Mattes. Ms. Parilla stated that what we have offered is about the most we can extend ourselves. Ms. McGuire agreed that we are doing what we can to protect ourselves. Ms. Gerstein agreed. Mayor Tomasko stated that he is not at the point of denial although he appreciates Mr. Mattes' position and the efforts made in reviewing the plans in advance of the hearing.

Ms. Mattes commented that the borough has set up rules and regulations because we felt they were important in maintaining the look of the town. Then we get something like this which deviates from what we believe in, and if we say it's a 'special situation' and pass it, the more special situations that get by the board, the more there will be in front of us. We are asking for more challenges.

Ms. Gerstein asked if a deed restriction would be the only thing we would accept. Ms. Mattes said yes. Mayor Tomasko stated that would be ideal, but he doesn't see that much impact from moving the rear portion from one lot to the other lot. He would like to see a deed restriction but the applicants have already indicated that they are not amenable to that.

Attorney D’Arminio stated that the application is conforming, the variances requested are minor, and whether that rear lot is part of lot 25 or lot 26, any application would have to obtain NJDEP and board approval. She asked for a brief recess to speak with her client at 8:32 PM.

The meeting resumed at 8:33 PM. Ms. D’Arminio requested that the matter be carried to the next hearing date of September 29th in order to allow her client some time to review the plan again. All were in favor. No further notice required.

COMMUNICATIONS: Duly noted; no comments.

BILLS:

John Phillips, Esq.	\$ 200.00	July Meeting Attendance
John Phillips, Esq.	280.00	Barot – 21/3
John Phillips, Esq.	840.00	Alpine Three, LLC

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

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: No meeting.

Board of Health: Next meeting is September 8th.

Environmental Commission: Ms. Mattes reported that they have four sites to visit this week; three for additional tree removal and one for bond return.

NJ Transit Update: No report.

Building Department: Mayor Tomasko reported that a discussion of noise is on the Mayor & Council’s August 26th agenda, prompted by complaints about rock hammering. The Planning Board may be asked to look closely at the days, hours and level of noise for this type of activity. Mr. Mattes asked that the Board Secretary distribute the pertinent ordinance for the board’s review.

COAH Update: Mayor Tomasko reported that the Borough has been granted temporary immunity from Mt. Laurel litigation until November 8th. The Borough must adopt a revised Third Round Housing Element and Fair Share Plan by that date.

In regard to the Alpine Three matter, the applicant will be meeting with the Board of Health to review the septic design.

OTHER MATTERS: Mayor Tomasko reported that a resolution is on tomorrow night’s Mayor & Council agenda endorsing and urging passage of State legislation to protect the view shed of the Hudson Palisades.

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 8:39 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary