

## **ALPINE PLANNING BOARD**

Alpine Borough Hall  
100 Church Street  
Alpine, New Jersey 07620

### **MINUTES**

March 28, 2017

**CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE:** The Planning Board, Borough of Alpine, convened in regular session on Tuesday, March 28, 2017 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 28, 2017 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, Elizabeth Herries, Catherine McGuire, Lorraine Mattes, Catherine Parilla, Mayor Paul Tomasko

Members Absent: Carol Cochi, David Kupferschmid, Joyce Sonpal, Alt I Jeff Fromm

Staff Present: John Phillips, Board Attorney  
Gary Vander Veer, Borough Engineer  
Marilyn Hayward, Recording Secretary

### **APPROVAL OF MINUTES OF JANUARY 24, 2017 REGULAR MEETING:**

Upon a motion by Mayor Tomasko, seconded by Gayle Gerstein to approve the minutes of the January 24, 2017 Planning Board Regular Meeting. Eligible members voted as follows:

Vote: Ayes: Gayle Gerstein, Catherine McGuire, Lorraine Mattes, Catherine Parilla, Mayor Paul Tomasko  
Abstain: Elizabeth Herries

### **OPEN TO PUBLIC (NON-AGENDA ITEMS):**

Chairwoman Parilla opened to the public for non-agenda items. No one from the audience spoke.

Mayor Tomasko advised of the following:

The Bergen County Parks Master Plan is being developed. All are encouraged to take the online survey regarding use of County parkland. Details and instructions will be included in the Borough newsletter going out this week or next.

The Maritime Association requested permission from the Coast Guard to moor oil barges in the middle of the Hudson River as far south as the middle of Alpine. The Mayor will present a resolution to Council to weigh in on this matter. The Palisades Interstate Parkway Commission, Palisades Park Conservancy and many towns bordering the river have already communicated their formal objections.

Chairwoman Parilla closed the public comment portion.

### **COMMUNICATIONS:**

**March 2, 2017 BER-L-6286-15 Order Granting Extension of Temporary Immunity Against Exclusionary Zoning Actions** through May 31, 2017. Mayor Tomasko advised they've been trying to schedule a meeting with the Court Appointed Master whose Trenton office has been swamped but are hoping to schedule a visit for May.

**February 10, 2017 cc of Azzolina & Feury letter to Board of Health Re: Alpine Three Block 43 Lots 6.01,6.02,6.03, 982 Closter Dock Road** Deferred for later discussion.

**February 13, 2017 cc of Azzolina & Feury letter to Construction Official Re: LaBarbiera Block 76 Lot 2, 32 Allison Road** Mr. Vander Veer explained he had received an as-built survey; they are not going to be encroaching into the tree buffer but may need to return to the Board on another matter.

**BILLS:**

John Phillips	\$ 200.00	Meeting attendance
North Jersey Media Group	\$ 29.70	Public Notice – Award of Professional Service Agreements
Clarke, Caton, Hintz	\$1,375.63	COAH Court Appointed Special Master

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

**COMMITTEE REPORTS:**

Northern Valley Mayors & Planners Assoc.: The Mayor advised the Bergen County Sheriff’s Department made a presentation at last month’s meeting which included their canine team.

Board of Health: The Mayor advised the Board of Health met on February 7<sup>th</sup>. In the next newsletter they will pay tribute to Bill Galdi who worked for the Borough for decades and has now officially retired.

Environmental Commission: Ms. Mattes advised the Environmental Commission ordered seedlings and is preparing for Arbor Day.

Building Department: Reports were distributed. Mayor Tomasko advised the Building Department has collected a large number of fees so far this year indicative of the amount of building activity in town. One major project is a rebuild of the Montammy Golf Club clubhouse and associated facilities.

NJ Transit Update: Cathy McGuire received an e-mail update, the first in about five years, and as reported in the Record representing a tiny step forward for Bergen Hudson Light Rail as funding is still an issue. The original plan was to bring it up to Closter or at least the Tenafly/Cresskill border but now the terminus is planned for Englewood Hospital because Tenafly, as expressed by a nonbinding referendum, wants no part of it. It’s been very successful in Jersey City and Bayonne with more people using the train than was anticipated and they’ve noted surrounding property values actually increased. Public hearings will be held at The Crowne Plaza in Englewood on April 24, 2017, from 3-5 PM and 7-9 PM. Cathy McGuire plans to attend the earlier session.

COAH Update: Noted earlier under correspondence.

**Alpine Three Update.** Mr. Vander Veer advised they are supposed to restart the water test on the second field tomorrow. The first test on that field didn’t work. They removed the garage and added fill to solidify the embankment. Snow and freezing weather conditions added further delays. The test will take a couple of weeks to see where the water surface stabilizes.

**Instructional Session.** Deferred to a future meeting when more new members can be present.

**Recess 7:45-7:48 PM** for benefit of applicant of scheduled hearing.

**HEARING: Soil Moving Permit Application: Perez, Ramon & Mirna Block 59 Lot 3, 822 Closter Dock Road**

Matthew Capizzi, Esq. Capizzi Law Offices, 11 Hillside Ave., Second Floor, Tenafly, NJ 07670 appeared on behalf of Applicants Mr. & Mrs. Perez of 822 Closter Dock Road. Mr. & Mrs. Perez were in attendance as well. Mr. Capizzi thanked the Board for allowing time for them to meet with neighbors just prior to this hearing.

The application deals with a major soil moving permit and two waivers. One waiver is from the tree ordinance to remove a single tree needed for construction of a two-foot retaining wall along Closter Dock Road in the front of the house. The second waiver is from the soil moving ordinance to construct a rockery along the driveway side of the property.

Attorney Phillips noted he reviewed the affidavit of service and an online copy of the notice in the Bergen Record. Mr. Capizzi will supply a hard copy. All appears in order.

Douglas W. Doolittle, PE, LS, PP of McNally Engineering, LLC, 169 Ramapo Valley Road, Oakland, NJ 07436 was sworn and having appeared before the board on numerous occasions deemed qualified.

Mr. Doolittle identified his exhibit as Plot Plan: Perez Block 59 Lot 3, 822 Closter Dock Road, dated 2/24/2016 last revised 5/21/2016 as provided to members. Mr. Doolittle described the subject property located on the south side of Closter Dock Road opposite Litchfield Way. The property is one acre, generally square in shape and slopes diagonally down about 20 feet from the northeast to southeast corners. The existing 5 bedroom dwelling is basically located within the footprint of the proposed 6 bedroom dwelling with a side-loading basement garage and driveway along the westerly property line. There is an existing pool. The property is somewhat wooded. About 20 trees will be removed, most of which were already removed for the septic system.

Two waivers are needed for the driveway. A waiver is needed to permit a 1:1 slope versus the required 1:4 to construct a rockery deemed more aesthetic than a two-foot retaining wall for which they would not need relief. A proposed decorative wall along Closter Dock Road having a maximum height of two feet, five-foot setback from the right of way and ten-foot setback from pavement requires removal of one tree within the west side tree buffer.

Soil moving consists of a cut of 70 cubic yards (cy) and import of 1,817 cy for total for a total volume of 1,887 cy. filling around the dwelling and driveway. Soil erosion and sediment control measures will consist of a complete silt fence around the property, wheel pad, topsoil stockpile area and inclusion of Bergen County Soil Conservation notes and details. BCSC approval will be obtained.

Drainage plan consists of a series of four seepage pits just to the southwest of the driveway turnaround and a strip drain at Closter Dock Road to collect and redirect water pitching toward the street back to the seepage pit system. Mr. Vander Veer approved the plan and they'll comply with the revisions or recommendations in his June 9, 2016 letter.

Chairwoman Parilla opened the meeting for questions of the engineer.

Mayor Tomasko questioned applicant's redevelopment to the maximum bulk requirements, leaving the pre-existing nonconforming pool rather than bringing it into compliance and increase in the height of the house. Mr. Capizzi and Mr. Doolittle confirmed building coverage increases from 5.38% existing to 9% proposed, the pool remains and the height increases from approximately 20 feet for one-story to 32 feet for the new two-story home. The Board noted this is almost double in size. Mayor Tomasko asked if the applicants plan to live there. Mr. Capizzi advised they live there now and intend to remain. Except for the pool the house complies with bulk requirements which do not impact the waivers sought. It was clarified the soil movement which brought in about five feet of fill for the septic systems doesn't impact the proposed height of the home which is calculated from original, not filled, grade. Mrs. Mattes observed there is fill around trees which will likely die and Mr. Doolittle explained they're slated for removal as shown on the plan. Fill is predominantly in the front yard, under the driveway and to raise the grade up to the pool in the backyard. Mr. Capizzi acknowledged applicants are aware by submitting a plan utilizing maximum bulk requirements there is no more room for expansion without need for a variance.

Mr. Vander Veer advised items in his June 9, 2016 letter have not yet been addressed noting Mr. Doolittle testified they intend to address those items. His primary concern is the drainage system and the four proposed seepage pits designed to receive runoff from the roof and driveway drains. He suggests they dig test holes before ordering materials to assess for subsurface conditions such as rock and groundwater that could present a problem. Mr. Vander Veer noted the amount of fill complies with the ordinance. He permitted storage of soil removed for the septic systems on the westerly side of the

property subject to proper soil erosion control measures and they were subsequently put on notice after an extended period of inactivity that these measures needed to be maintained.

**George Leventis**, 45 Brenner Place, immediate uphill neighbor to the east was sworn wishing to preface questions with comments. He stated he had been away and only recently learned of the proposed redevelopment thus did not have an opportunity to meet with his neighbors until this evening. He agreed a rockery sounds more aesthetic than a retaining wall but expressed concerns with the orientation and size and of the proposed larger taller house as it would impact his views and might reverberate noise off the rear wall back into his yard. He currently only sees a sliver of the existing home's roof and has beautiful views of the valley and sunsets from his patio. Without seeing a 3-D plan he is concerned that view will be totally blocked by the house and chimney with the orientation as angled on the property. He offered that the pre-existing locations of the pool and septic systems are driving the unorthodox orientation of the house. He wished an opportunity to sit down with the neighbors and potentially come up with some minor modifications such as a tree buffer. Attorney Capizzi felt they could work out particulars in a brief recess and / or make certain stipulations regarding revegetation of the property line.

Attorney Capizzi further responded that although the neighbor may have enjoyed a one-story view and the prior owner chose a smaller scale development, purchasers can expect to build a house consistent with bulk and height requirements and the proposed complies. Expectations relative to vista, open space and setbacks are provided for in the bulk requirements. Re-orienting the house would create more disturbance, cut and fill and removal of trees thus the proposed has the planning benefit of conserving natural resources. The pool is a legal nonconforming structure. They are scaling down the patio and are open to provision of appropriate screening between the common property lines to maintain privacy. It was clarified the pool is an existing nonconformity being located partially in the side yard relative to the angled orientation of the house and not due to the setback which complies at 35 feet where 20 feet is required. They would have to relocate the pool further south behind the house to bring it into compliance.

Discussion followed on what type of vegetative buffer would be appropriate to offer both a visual screen and acoustical advantage. Mr. Capizzi proposed 6-8' tall arborvitae planted ten feet apart in two rows staggered appearing as five feet apart. It was offered that deer like arborvitae, they grow slowly and a broader coverage might be preferable. The plantings could be a mixture of white pines and arborvitae. Mr. Leventis felt he could discuss the particulars with his neighbors as it would be to their mutual benefit to coordinate plantings along that part of the property. Attorney Phillips advised the Board they could condition any approval on submission of a landscape plan satisfactory to the Board prior to the next meeting.

Mr. Leventis reminded that was not his only concern and that the locations of the pool and the septic fields drove the orientation of the house on an angle. Chairwoman Parilla explained they cannot dictate how someone constructs their home when the plans comply with the codes and regulations. Attorney Phillips added unless the location of a nonconforming structure such as the pool creates the need for variance relief, by law you can't force them to remove it. Mr. Leventis pointed out they are taking down the old house and the orientation of the new house is driving the soil movement; a domino effect created by the location of the pool and septic. He also felt the construction of the septic fields over a year ago without notifying anyone of the additional redevelopment was unorthodox leaving no opportunity to review the plan as a whole. Attorney Phillips clarified the amount of soil requires a permit, not a waiver as they comply within the fill limits. The waivers are for slope and removal of one tree for the driveway which is not necessarily driven by the location of the house. They wouldn't need the waiver for the rockery if they put in a retaining wall but everyone agreed a rockery is more aesthetic. Attorney Phillips noted the procedure is not unorthodox for Alpine where it is required that septic systems be installed prior to applying to the Planning Board. Chairwoman Parilla stated they had heard and understood his comments and hoped he would be able to work out something with the applicant regarding a tree buffer. However, she explained the Board can't tell the applicants that aesthetically they would prefer them to move or redesign their house unless there was a variance or other issue, as they have stayed within the guidelines and the plan complies with the requirements. Likewise, the Board cannot tell someone where to put their septic systems and if he wanted to be included that is totally up to his neighbors. Mayor Tomasko added the house right now is just a plan and having heard Mr. Leventis's concerns the neighbors might consider scaling down the development but that would be up to them, not the Board. Mr. Leventis stated he wouldn't ask them to do that but would have liked an opportunity to discuss the plans with them before the eleventh hour. Mr. Capizzi stated use of the term eleventh hour was a misstatement as the application was noticed twice and plans have been on file with the town for over two months, and that he never turns away a neighbor that

wishes to discuss an application and always invites them to his office to meet with his clients if it appears that will be productive. While the plan is on paper considerable time has been invested and they wish to see it developed.

Chairwoman Parilla asked if anyone else wished to comment.

**Michael Cacouris**, 11 Forest Street, was sworn noting he has served on the Board of Adjustment and Council and humbly submits to the Planning Board that all variances should be granted or considered on the basis of something extraordinary or exigent in terms of the applicant's situation and he hasn't heard that here. Mayor Tomasko clarified this is not a variance situation but a waiver, the lowest level of relief.

The hearing was closed to public discussion. Mr. Phillips asked if Mr. Capizzi wished to carry and he advised he preferred the Board take a vote at this time.

**Resolution:** Upon a motion by Ms. McGuire to approve. Attorney Phillips added subject to the usual conditions of compliance with the Borough Engineer's review letter, limitations regarding soil movement during school hours and discussion with the neighbor regarding a buffer between the properties. Motion was seconded by Ms. Herries.

*Discussion.* Ms. McGuire and Ms. Herries felt the applicants are doing what they're entitled to do on their property. People may have some reservations such as moving the pool but they aren't required to do that. Ms. Mattes felt they should have a landscape plan prior to the next meeting as suggested by Attorney Phillips. Chairwoman Parilla stated she'd rather let them make that decision themselves as it doesn't necessarily affect the Board as concerns this application. They will have to comply with Environmental Commission and code requirements. Ms. Herries agreed she was not sure if the landscaping was germane to the application before them. Chairwoman Parilla added she assumes the applicants have heard the concerns of their neighbors during the lengthy discussion and while she hopes they can work out something amicably the Board is not in a position to impose on what they ultimately choose to do.

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

MOTION APPROVED

**ADJOURNMENT:** A motion to adjourn the regular Planning Board meeting was made by Ms. McGuire and seconded by Ms. Mattes. All were in favor. The meeting adjourned at 8:46 PM.

Respectfully submitted,

Marilyn Hayward  
Recording Secretary