

**ALPINE PLANNING BOARD**

Alpine Borough Hall  
100 Church Street  
Alpine, New Jersey 07620

**MINUTES**

April 26, 2022

*Note: Due to technical issues, the recording of this meeting was delayed until 7:36 PM.*

**CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE:** The Planning Board, Borough of Alpine, convened in regular session on Tuesday, April 26, 2022 at 7:30 P.M. Vice-Chair Catherine McGuire read the announcement in accordance with the requirements of the Sunshine Law

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In accordance with the provisions of the New Jersey Open Public Meetings Act, the notice of this regular meeting held Tuesday, April 26, 2022 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: Carol Cochi, Gayle Gerstein, Elizabeth Herries, David Kupferschmid, Lorraine Mattes, Catherine McGuire, Joyce Sonpal, Mayor Paul Tomasko  
Members Absent: Catherine Parilla  
Staff Present: Douglas Bern, Esq., Board Attorney; Perry Frenzel, Borough Engineer; Marilyn Hayward, Board & Recording Secretary

Mayor Tomasko introduced new Planning Board member Brandt Cybul, whose appointment as Alternate Member I will be affirmed at the April 27<sup>th</sup> Mayor & Council meeting. Mr. Cybul will be sworn in at the next regular Planning Board meeting.

**APPROVAL OF MINUTES OF FEBRUARY 22, 2022 REGULAR MEETING:**

Upon a motion by Ms. Gerstein, seconded by Ms. Herries to approve the minutes of the February 22, 2022 Planning Board Regular Meeting eligible members voted as follows:

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Mr. Kupferschmid, Ms. Mattes, Ms. McGuire, Ms. Sonpal, Mayor Tomasko.

**OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:** None

**RESOLUTION - RETURN OF ESCROW:**

A motion to approve the return of unused escrow balances on the accounts listed below was made by Mayor Tomasko, seconded by Ms. Gerstein and approved by all members in attendance.

<u>Name</u>	<u>Block/Lot</u>	<u>Balance</u>
Canfield Enterprises	81.04/19 & 19.01	\$1,053.50
Ko, Daniel	81.06/18	\$ 515.75
50 Allison Road Corp.	79.03/1	\$ 666.88
Thomas Agrachov	81.04/7	\$ 66.26

**HEARING: Soil Moving – 8 Stone Tower Drive Alpine, LLC; Block 21 Lot 12, 8 Stone Tower Drive, Alpine, NJ.**

Attorney Matthew Capizzi, 11 Hillside Ave., 2<sup>nd</sup> floor, Tenafly, NJ appeared on behalf of the applicant for Mark D. Madaio, Esq., the attorney of record who was unable to attend. Applicant’s engineer, Michael J. Hubschman, PE, PP of Hubschman Engineering, P.A., 263A S. Washington Avenue, Bergenfield, NJ 07621 was sworn and qualified as an expert

witness. He referred to the Site Plan dated February 7, 2022 to describe the proposal to construct a new single-family dwelling, driveway, pool and ancillary improvements on the subject site.

The lot is relatively flat; there are no retaining walls proposed. All of the soil moving is for excavation of the foundation. A recharge system is proposed in the rear of the site to collect and manage anticipated runoff from the pool and patio areas. A separate detention system will provide stormwater storage for runoff from the roof and pavement areas. They are at the top of the watershed, which is a positive. Volume of soil to be excavated is approximately 4,042 cubic yards, of which 1,782 will be exported. The rear of site is to remain at grade. The house will be raised about one foot to limit rock excavation. Building coverage is at 7% where 9% is allowed; improved lot coverage is at 23% where 25% is allowed.

Mr. Capizzi asked Mr. Hubschman if he had reviewed the Borough Engineer's March 31, 2022 letter. Mr. Hubschman stated that he had and will comply. Ms. Mattes noted that the lot is the flattest she has seen in Alpine, and she was surprised at the amount of soil moving. The Mayor asked if a good bit of the soil moving is for the basketball court. Mr. Hubschman stated that is some of it but the detention system is about 6,000 cubic feet, so they are moving about 400 to 500 yards of soil for that. They will be blasting for the basketball court excavation. Attorney Bern asked what precautions will be taken for excavation. Mr. Hubschman stated that everything is documented in the report.

Ms. Cochi asked if the basement is completely underground. Mr. Hubschman replied that there is a window well but it is underground, about two feet above grade. Ms. Mattes asked if soil moving would be required if they weren't doing a basketball court. Mr. Hubschman stated it would, just for the basement.

Mayor Tomasko stated he has no issues with this application but he would like to hear our Engineer's comments. Perry Frenzel, P.E., P.P. of Azzolina & Feury Engineering, Inc. was sworn and stated for the record that he is the Board Engineer and commented that the site is almost completely flat. No soil will be imported to the site. In his experience, he has found the proposed detention system to be preferable to a seepage pit system which would have to be shallow. The seasonal changing of the water table can impact the seepage pits. This system is a series of solid 48-inch diameter pipes which discharge at a very slow rate into a connection to the municipal collection system. There are a number of trees to be removed on the site. A tree removal permit must be issued prior to removal of any trees.

Mr. Kupferschmid commented that he was pleased that they were not trying to maximize the size of the house and they are not removing a great amount of soil in his opinion.

Ms. Mattes asked if the trees nearby will be protected. Mr. Hubschman stated that a tree removal and replacement plan will be filed. Ms. Mattes noticed that on the northern side there is a line of evergreen trees and asked if some trees could be planted in the tree buffer area to provide some seclusion to the property. Ms. Gerstein agreed that this provision should be added.

A motion to approve was made by Mayor Tomasko, seconded by Ms. Gerstein.

**Vote: Ayes:** Ms. Cochi, Ms. Gerstein, Ms. Herries, Mr. Kupferschmid, Ms. Mattes, Ms. McGuire, Ms. Sonpal, Mayor Tomasko

**MOTION APPROVED**

#### **COMMUNICATIONS:**

- Notice of Certification of Soil Erosion and Sediment Control Plan: Block 21 Lot 12, 8 Stone Tower Drive (Included with application packet above).
- Notice of Certification of Soil Erosion and Sediment Control Plan: Block 20 Lot 8, 19 Rio Vista Drive (Demolition only). Duly noted; no comments
- Notice of Certification of Soil Erosion and Sediment Control Plan: Block 81.06 Lot 29, 24 Schaeffer Road (Demolition Plan). Duly noted; no comments
- Notice of Application for NJDEP Flood Hazard Area Verification and Individual Permit: Block 51 Lot 4, 1 Duck Pond Road.
- 200 ft. list: Block 90 Lot 6, 92 Ruckman Road. Mayor Tomasko commented that this property was recently sold. A request by the new owners for installation of a pool, patio and covered terrace in the side yard has been referred to the Board of Adjustment.

**BILLS AND CLAIMS:** A motion to approve the bills referenced below was made by Ms. Sonpal, seconded by Ms. Gerstein and carried by all members present.

Azzolina & Feury	\$4,965.00	Alpine Three
Azzolina & Feury	\$2,260.00	Alpine Three
John C. Phillips, Esq.	\$3,060.00	Alpine Three
John C. Phillips, Esq.	\$1,260.00	Alpine Three
Burgis Associates, Inc.	\$4,710.00	Housing Plan 2015 – Jan.
Burgis Associates, Inc.	\$1,513.75	Housing Plan 2015 – Feb.
Bern Root, LLC	\$ 187.50	Feb. Meeting Attendance
Clarke Caton Hintz	\$1,782.50	Court Appointed Master – Feb.
Clarke Caton Hintz	\$2,396.15	Court Appointed Master – March
North Jersey Media Group	\$ 14.40	Notice of Decision – Alpine Three
Ko, Daniel	\$ 515.75	Return of Escrow
Canfield Enterprises	\$1,053.50	Return of Escrow
Agrachov, Thomas	\$ 66.26	Return of Escrow
50 Allison Rd Corp c/o LaBarbiera	\$ 666.88	Return of Escrow

**COMMITTEE REPORTS:**

Northern Valley Mayors & Planners Assoc.: Mayor Tomasko reported that there will be a meeting in Northvale this Thursday. Since they haven’t met in about two years they will need to elect new leadership. If anyone would like to attend please let him know.

Board of Health: Next meeting is May 10<sup>th</sup>.

Environmental Commission: Ms. Mattes reported that this Friday is the 150<sup>th</sup> anniversary of Arbor Day. Since they haven’t been able to get seedlings, they have decided to plant a red oak tree, which is the New Jersey state tree, at the school. There will be a tree planting ceremony at the school at 1 PM on Friday. Ms. Mattes thanked DPW Superintendent Greg Zaremba and his staff for their great cooperation. Mayor Tomasko added that under Ms. Mattes’ leadership and her committee’s inspiration we have all of these beautiful posters hanging in the lobby.

Building Dept: Report on file.

NJ Transit Update: Ms. McGuire commented the light rail being extended to Englewood Hospital would make so much sense. Mayor Tomasko commented that the emphasis now is on the tunnels, which has eclipsed the light rail attempts.

COAH Update: Matters relating to affordable housing will be discussed in Executive Session.

**Resolution: Executive Session A Resolution providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.**

**OFFERED BY:** Ms. Gerstein **SECONDED BY:** Ms. Cochi

at a regular meeting of the Planning Board of the Borough of Alpine held on Tuesday, April 26, 2022

**WHEREAS,** the Planning Board of the Borough of Alpine is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

**WHEREAS,** the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS,** it is necessary for the Planning Board of the Borough of Alpine to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b subsection designated below:

**(b)(8) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Affordable Housing**

**NOW, THEREFORE, BE IT RESOLVED,** by the Planning Board of the Borough of Alpine, assembled in public session on Tuesday, April 26, 2022, that an Executive Session closed to the public shall be held for the discussion of matters relating to the specific items designated above; and

**BE IT FURTHER RESOLVED,** that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Planning Board that the public interest will no longer be served by such confidentiality.

**Vote: Ayes:** Ms. Cochi, Ms. Gerstein, Ms. Herries, Mr. Kupferschmid, Ms. Mattes, Ms. McGuire, Ms. Sonpal, Mayor Tomasko

**MOTION APPROVED**

The Board entered into Executive Session at 8:01 PM and returned to Open Public Session at 8:08 PM.

**OTHER MATTERS:** Ms. McGuire commented on the lengthy road closure in Demarest due to the collapse a portion of County Road during Tropical Storm Ida. Mayor Tomasko remarked that they are having trouble getting bridge parts, and they are dealing with two separate and distinct bureaucracies; the County and the NJDEP.

Mr. Kupferschmid commented on a personal experience. A neighbor removed most of the brush and many of the smaller trees in the buffer zone and in DEP wetlands. He questioned enforcement procedures. Mayor Tomasko asked Mr. Kupferschmid if he reported this issue when it was happening. Mr. Kupferschmid responded that he did not because he assumed that they had permission. He asked what the mechanism is to step in and force them to stop or remediate. Mayor Tomasko mentioned the steps to take in this kind of situation. First, ask the neighbor what they are doing. If you choose not to have a discussion with the neighbor, ask the building department to look into it. If they can't resolve it they will refer it to the Borough Engineer. If it is not within his power, he will refer it to the necessary people at the State level. The Mayor stressed that we can't be in all places at all times and the best thing to do is report any issues in a timely manner.

Engineer Frenzel reported that he was aware of this matter and that there are serious DEP restrictions on this property. When the property was transferred he doesn't know if the new owners were aware of the restrictions. His interaction with the DEP so far has been disappointing. He wrote a letter to the homeowners and advised them to retain a wetlands expert and deal with the issue of soil moving. The letter went out last week and they have thirty days to comply.

The Board affirmed that it is concerned about this matter and supports the Borough Engineer's efforts.

**ADJOURNMENT:** A motion to adjourn the regular Planning Board meeting was made by Ms. McGuire and seconded by Ms. Gerstein. All were in favor. The meeting adjourned at 8:25 PM.

Respectfully submitted,

Marilyn Hayward  
Recording Secretary