

**ALPINE PLANNING BOARD**

Alpine Borough Hall  
100 Church Street  
Alpine, New Jersey 07620

**MINUTES**

February 22, 2022

**CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE:** The Planning Board, Borough of Alpine, convened in regular session on Tuesday, February 22, 2022 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, February 22, 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, Catherine Parilla, Catherine McGuire, Joyce Sonpal, Mayor Paul Tomasko

Members Absent: Lorraine Mattes

Staff Present: Douglas Bern, Esq., Board Attorney; John Phillips, Special Counsel, Perry Frenzel, Borough Engineer; Marilyn Hayward, Board & Recording Secretary

**APPROVAL OF MINUTES OF DECEMBER 21, 2021 REGULAR MEETING:**

Upon a motion by Ms. Herries, seconded by Ms. Sonpal to approve the minutes of the January 25, 2022 Planning Board Regular Meeting eligible members voted as follows:

Vote: Ayes: Ms. Cochi, Ms. Gerstein, Ms. Herries, Mr. Kupferschmid, Ms. Parilla, Ms. Sonpal, Mayor Tomasko. Ms. McGuire did not attend the January 25<sup>th</sup> meeting and was therefore not eligible to vote.

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

**MEMORIALIZATION OF RESOLUTION: EXTENSION OF THE 2005 COURT ORDERED PRELIMINARY SITE PLAN APPROVAL WITH CONDITIONS WITH FINAL APPROVAL OF SUCH PLANS, AND AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH VARIANCE AND WAIVERS AND FOR SOIL MOVEMENT PERMIT WITH WAIVERS: ALPINE THREE LLC, 982 CLOSTER DOCK ROAD, BLOCK 43 LOTS 6.01, 6.02 & 6.03:** The Applicant's Attorney, Guliet Hirsch, was in attendance. Attorney Phillips noted that the Board has a 'corrected correction' Memo dated Feb. 21 containing one additional change as requested by Ms. Herries with regard to maintenance of liability insurance in connection with soil moving operations, to include the Borough as additional insured. Attorney Phillips noted that the Borough ordinance presently only requires that the applicant and the property owner be named as insured, and suggested that the ordinance be updated to include the Borough.

Ms. Parilla asked Engineer Frenzel if he will be involved in monitoring how the spring will be captured during construction. Mr. Frenzel responded that he will be working with the Applicant's Engineer to monitor through construction. There will be an improved structure beneath the garage floor with an access manhole cover. The stream will come up out of the ground and through the manhole structure it will be channeled into a pipe connected to the existing discharge pipe that goes into the ditch today, so it will not be functionally much different from what is there now. It will be improved; the pipe has to be rerouted because it would go through the foundation which is not desirable, so it will be rerouted to make sure there are more points for access. Attorney Phillips added that there will be an easement granting the legal right to access the manhole structure if there is an issue.

Mayor Tomasko commented that the body of work in the preparation of the Resolution by Attorney Phillips is a remarkable compilation and he could find nothing out of keeping with his recollection.

Attorney Bern asked Mr. Phillips if he will be preparing the Developers' Agreement and reviewing the Homeowners' Association documents. Mr. Phillips replied that he was not planning to but he will defer to the Board. Mr. Bern added

that typically they may have maintenance requirements such as clean-up, filters, drains, etc. and since his knowledge on this project is so extensive, he thinks Mr. Phillips should be involved. Ms. Parilla suggested that Attorney Bern prepare the documents in consultation with Attorney Phillips. Mr. Phillips indicated that he would be amenable to that.

Ms. Hirsch commented that the Developers Agreement is typically drafted by the Developer. Some towns will give you a standard form and the developer would craft the details. The bond estimates would be prepared by the Borough Engineer. It was agreed that Ms. Hirsch will contact Mr. Bern to request a copy of a standard agreement.

Mr. Kupferschmid referred to page 25, Section e. of the resolution and asked what happens if there is a problem with the septic during construction requiring additional fill. Mayor Tomasko questioned if this is something we can get into a detailed discussion about at this point. Our obligation is to review the resolution and act on it or not. The applicant is represented here tonight. Mr. Kupferschmid asked if the language would cause an issue. Mr. Phillips replied that Mr. Frenzel has the discretion to make minor engineering changes. He thinks the town is well covered. Mr. Kupferschmid questioned Section 31 on page 31. Mr. Phillips stated that was at the suggestion of the Applicant’s engineer. If there is a minor issue, Engineer Frenzel can approve; if there are any major issues it comes back to the board.

Upon a motion by Ms. Herries, seconded by Mayor Tomasko to accept the Resolution

**Vote: Ayes:** Ms. Cochi, Ms. Gerstein, Ms. Herries, Mr. Kupferschmid, Ms. Parilla, Mayor Tomasko

**Abstain:** Ms. McGuire (absent Jan. 25<sup>th</sup>), Ms. Sonpal (absent Dec. 21).

**MOTION APPROVED**

Attorney Hirsch thanked the board and commended the consultants and particularly Mr. Phillips who did an incredible job on the resolution, which covered so much ground and was very readable, and who has always conducted himself with so much grace before this board. Hopefully the board members will see the project and be happy that they had something to do with it.

**COMMUNICATIONS:**

- Letter of withdrawal of pending application for soil moving permit re: Block 39.01 Lot 12.19, 35 Tamarack Road.
- Notice of Certification of Soil Erosion and Sediment Control Plan: Block 90 Lot 9; 92 Ruckman Road
- Notice of Certification of Soil Erosion and Sediment Control Plan: Block 75 Lot 19, 33 Overlook Road.

Duly noted; no comments.

**BILLS AND CLAIMS:** A motion to approve the below referenced bills was made by Ms. Gerstein, seconded by Ms. McGuire and approved by all.

Clarke, Caton & Hintz	\$ 621.00	Court Appointed Master	COAH
Clarke, Caton & Hintz	\$ 1,851.50	Court Appointed Master	COAH
Burgis Associates	\$ 1,275.00	Alpine Housing Plan	COAH
Azzolina & Feury Eng., Inc.	\$ 585.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
Azzolina & Feury Eng., Inc.	\$ 5,215.50	Alpine Three (43/6.01,6.02,6.03)	Escrow
John Phillips, Esq.	\$ 4,240.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
North Jersey Media	\$ 9.12	Notice of Decision – 79.03/1	Escrow
North Jersey Media	\$ 8.74	Notice of Decision – 81.04/7	Escrow

**COMMITTEE REPORTS:**

Northern Valley Mayors & Planners Assoc.: No meeting. Mayor Tomasko commented that, to put this organization into context, it is a subgroup of the NJ League of Municipalities This group hasn’t met for nearly 2 years due to COVID, but the Bergen County League met right through, either in person or by Zoom. At the last meeting there was a presentation in depth by the DEP. They want to be incorporated in the flood hazard review in the master plans. From now on the board is going to be dealing more intensely with the effects of climate change, whether it be in every application or at least the master plan and re-examination reports.

**Board of Health:** Report distributed. Elizabeth Herries noted that a lot of the project dates on the report, as well as the property maintenance reports, are very old, indicating that projects are dragging on for long periods of time, and property maintenance issues are remaining unresolved. Some of these issues are attributable to the shortages of building supplies. Concerns can be brought up to Mayor & Council.

**Environmental Commission:** Mayor Tomasko reported that they will be meeting next Thursday. For the first time in recent memory they will not be doing a site visit, but will be working on a pre-inspection checklist. Ms. Parilla noted that they have been very busy lately. There has been a tremendous amount of construction activity in the town.

**Building Department:** Report distributed.

**NJ Transit Update:** Ms. McGuire commented that the money and will are there, but they have to get things together, and that the tunnels are desperately needed.

**Annual Report of the Board of Adjustment:** Duly noted.

**COAH Update:** Borough granted an extension for temporary immunity from builder's remedy lawsuits through the end of March. Other matters should be addressed in Executive Session, possibly at the next meeting.

Mayor Tomasko announced that an e-mail was sent to board members this morning inviting comments from anyone who wished to recognize the job that John Phillips has done for us. Ms. Parilla began by thanking Mr. Phillips for guiding the board through the court situation. His advice was to be thorough and specific and to ask questions, which was tremendous advice. She thanked him for the additional time he gave the board. Mr. Phillips commented that he didn't feel that it was fair to ask anyone else to pick up the file and start from the beginning. He added that it has been a pleasure since September, 2004 when he started here and that it has been a wonderful board to work with. They have listened well to all of his advice and did a wonderful job in providing him with the information needed to defend the board.

Ms. McGuire added her thanks for guiding the board through this process, and added that the resolution and the engineering reports were terrific. Ms. Gerstein, Mr. Kupferschmid, Ms. Cochi, Ms. Herries, Ms. Sonpal and Ms. Hayward expressed their gratitude, Mr. Frenzel added that he came into this after his predecessor, Gary Vander Veer was involved for over 20 years. Mr. Phillips and Mr. Vander Veer were able to guide him through it.

Mayor Tomasko summed it up by stating that in addition to guiding us through a multiplicity of matters and applications, Mr. Phillips stayed with us and helped us through arguably the most challenging application we've had in the last 40 years. It is his pleasure to read the words on a plaque that will be sent to him:

*Presented to John Phillips, Esq., a true friend of the Alpine Planning Board, whose expert legal advice and extraordinary dedication have been invaluable and most appreciated over the course of 16 years of service as Planning Board Attorney. By Planning Board Chair Catherine Parilla and Mayor Paul Tomasko, on behalf of the Alpine Planning Board and the citizens of Alpine, February 22, 2022.*

**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 8:06 PM.

Respectfully submitted,

Marilyn Hayward  
Recording Secretary