

ALPINE PLANNING BOARD
Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

PB MEETING MINUTES
September 27, 2022

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE:

The Planning Board, Borough of Alpine, convened in regular session on Tuesday, September 27, 2022 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, September 27, 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: George Abad Jr., Carol Cochi, Gayle Gerstein, Elizabeth Herries, Catherine McGuire, Catherine Parilla, Joyce Sonpal, Mayor Paul Tomasko, Brandt Cybul, Alt. I

Members Absent: Lorraine Mattes

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

SWEARING IN OF NEW PLANNING BOARD MEMBER:

George Abad, Jr. was sworn in by Mayor Tomasko. (Class IV member, term exp. 12/31/23)

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS: None

APPROVAL OF MINUTES OF AUGUST 23, 2022 REGULAR MEETING:

Upon a motion by Ms. Gerstein, seconded by Ms. Herries to approve the minutes of the August 23, 2022 Planning Board Regular Meeting. Eligible members voted as follows:

Vote: Ayes: Mr. Abad, Mr. Cybul, Ms. Gerstein, Ms. Herries, Ms. McGuire, Ms. Mattes, Ms. Parilla, Ms. Sonpal, Mayor Tomasko.

Abstain: Ms. Cochi

APPROVAL OF MINUTES OF AUGUST 23, 2022 EXECUTIVE SESSION:

Upon a motion by Ms. Herries, seconded by Ms. Gerstein to approve the minutes of the August 23, 2022 Planning Board Executive Session. Eligible members voted as follows:

Vote: Ayes: Mr. Abad, Mr. Cybul, Ms. Gerstein, Ms. Herries, Ms. McGuire, Ms. Parilla, Ms. Sonpal, Mayor Tomasko.

Abstain: Ms. Cochi **Absent:** Ms. Mattes

MOTION APPROVED

MEMORIALIZATION OF RESOLUTION: Soil Moving – Block 20 Lot 8, 19 Rio Vista Drive.

Ms. Herries commented that the waiver for the retaining wall height, although referenced in Section 3 of Page 2, should additionally be referenced in the Procedural History section of the Resolution. Ms. Herries also noted that on the second line of paragraph four of Procedural History, the word “Applicant” should be changed to “Application”. Attorney Bern agreed to make the changes as recommended. Upon a motion by Mayor Tomasko, seconded by Ms. Gerstein, to adopt the resolution with proposed revisions, memorializing action taken by the Planning Board of the Borough of Alpine on August 23, 2022. Eligible members voted as follows:

Vote: Ayes: Mr. Abad, Mr. Cybul, Ms. Gerstein, Ms. Herries, Ms. McGuire, Ms. Parilla, Ms. Sonpal, Mayor Tomasko.

Abstain: Ms. Cochi

Absent: Ms. Mattes

MOTION APPROVED

HEARING: SOIL MOVING-CHO/KIM, 509 HILLSIDE AVE., BLOCK 49 LOT 12:

Matthew G. Capizzi, Esq., Capizzi Law office, 11 Hillside Avenue, 2nd Fl., Tenafly, NJ 07670 appeared on behalf of Applicants, along with Douglas W. Doolittle, P.E., P.L.S., P.P., McNally, Doolittle Engineering, LLC 169 Ramapo Valley

Road, Oakland, NJ 07436, who was sworn and qualified to provide expert testimony in the field of engineering. The property owner, Mr. Cho, was also in attendance.

- Mr. Capizzi stated this is a soil moving application for a single waiver removing soil in excess of 1,000 cubic yards and change in grade of 6 feet.
- Mr. Doolittle described the property and referred to drawing titled, "Site Plan, Soil Erosion and Sediment Control Plan" dated 1/4/2022, and last revised 3/16/2022, which depicts a proposed redevelopment of the site of a single-family dwelling located on the north side of Hillside Avenue from Route 9W and is isolated as it is the 2nd house in from the west.
- The property is located on the north side of Hillside Avenue from Route 9W and being the 2nd house in from the west it is isolated at the back of the house and well inside the rear setback line. The property is just over one acre, rectangular in shape and drops down about 6 feet from Hillside Avenue but the rest of the property is generally flat. There is an existing pool in the back which is to remain. The side of the property on the north is extremely high and no proposed work in the tree buffer. The requested waiver is for the terrace in back, in order to avoid having a series of steps going in and out of the house. No waivers are requested for the tree buffer. They are eliminating a non-conformance for the side yard of the existing structure.
- A series of drainage inlets and five 1,000-gallon seepage pits will be installed to collect and manage the increased runoff. Drainage calculations submitted to the Borough Engineer were reviewed and approved. Approximately 1,400 cubic yards of soil will be imported to the site. Total soil moving volume is 1,549 cubic yards. The grade was raised slightly for the septic due to rock at about 3-1/2 feet. Mayor Tomasko asked if it would have been necessary to raise the grading for a four-bedroom house rather than the proposed eight bedrooms. Mr. Doolittle replied that it would have because they need to be eight feet above the rock.
- Ms. McGuire asked about the existing shed. Mr. Doolittle stated that it will remain and will be used for storage.
- Mr. Nicholas Canelos, 42 Glen Goin Drive: Greeted Mr. Cho and stated he has an interest in this development as an adjacent property owner. Mr. Canelos expressed that his main is water and noted that the septic systems require pumping to push the water up. He described that the mound in the backyard is significantly higher than the backyard lot adjacent to it and inquired about the 10-foot tree buffer setback. He asked if retaining walls will be install in the rear of the property, to which Mr. Doolittle replied that no retaining walls are proposed in the rear yard; only a 4-foot high wall along the edge of the driveway on the north side. Mr. Canelos inquired about where the leaders were connected to understand where the water run off would occur from the roof of the house.
- Mr. Doolittle described where the water is picked up along the edge of the driveway on the south-east side. There is a series of five 1,000-gallon seepage pits to be installed. Mr. Canelos was concerned about the location of the seepage pits and how the water gets to them. Mr. Doolittle explained that they had to match the requirements from the home and from the existing field that was just reconstructed. and the pool which is why they had to be put in the corner. The pipe is 10 inches in diameter and is flat to that the water will drain at a flatter rate.
- Mr. Frenzel stated that one of the requirements for seepage pits, aside from the DEP requirements on setbacks, etc., is that if seepage pits are placed too close to the septic systems there is a chance that water from the seepage pits could compromise the system.
- Mr. Canelos inquired how maintenance of seepage pits is enforced. The Mayor responded that usually an adjacent property owner would be heard from if there is an issue. He also noted that he was glad to see that Mr. Cho, the owner of this property, is in the audience to hear the importance of maintaining stormwater features.
- Ms. Cochi asked if landscaping plans were submitted because it would be nice to see some landscaping be replaced and this could take up some drainage. Mr. Doolittle responded that the landscape plan has not yet been submitted. Mr. Capizzi added that the property will be fully landscaped.
- Mayor Tomasko commented that impervious and building coverage are at the limit and there is no room to do anything further without requesting a variance, and that he hopes that building an eight-bedroom house will not impede his opportunity for resale.

Upon a motion by Mayor Tomasko, seconded by Ms. McGuire to approve the application subject to the conditions specified in Mr. Frenzel's July 12, 2022 review letter (updated September 22, 2022), and all other usual conditions.

Eligible Board Members voted as follows:

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

Absent: Ms. Mattes

MOTION APPROVED

Developer’s Agreement – Alpine Three, LLC; Block 43 Lots 6.01, 6.02 & 6.03:

- Attorney Bern stated that this Developers’ Agreement has been reviewed by John Phillips, who served as Board Attorney for this Application. A Developers Agreement typically serves to protect municipalities and provides certain insurances and guarantees during construction. It talks about follow up inspections that could occur 1-to 2-years after construction to confirm that all conditions were met. This development additionally requires Homeowners’ Association documents which the Municipality typically does not review or approve, but there are certain things in the Developer’s Agreement such as cleaning, maintaining the property, maintaining the drainage that fall on the Homeowners’ Association to follow up on. Developers need to appoint a Superintendent to manage all this and, ensuring agreements and a maintenance manual are in place, and that facilities are maintained; including snow, storage, facilities use, which are accordance with planning board approval, and monitored and approved by the municipality. This Agreement contains an easement agreement, whereby Developers must ensure that the borough has access to the construction; to observe drainage and improvements. Developers are bound by the Master Deed of those rules set by the homeowners’ association and the Developers’ Agreement. The three lots will be consolidated for this development.
- Ms. Herries inquired about the two separate performance bonds and how amounts are determined, continuing obligations during changes in ordinances, and hold harmless agreement if developers are not in compliance and if the borough does not catch that.
- The Borough Engineer responded that they’ve completed the performance bond estimates and calculated the cost of improvements. The developer must deposit the required escrow and professional fees are charged against it. Presumably, inspectors will check every step of construction to ensure compliance; inspections will be conducted and permits will be given or withheld depending on developers’ performance and construction work. Mr. Bern answered that if the town makes the laws more stringent, this agreement would be grandfathered in.
- Ms. Herries stated that construction on Saturdays should not start until 9:00 AM. This agreement suggests construction can start at 7:00AM, 6 days a week and 9:00 AM on Sundays. Mr. Abad suggested not to state a specific time for construction start times and include wording for compliance to Borough ordinance as things could change.
- Standard procedure when developers give up control of the condo, smart homeowners association hires an engineering firm to review the work to see if developers are in compliance or not. Developers are liable to the Homeowners’ Association and if there is a problem after 2 years and they are not fulfilling their obligation to the agreement, the municipality can go after the developers. The operator of the property will always be the Homeowners’ Association.
- Ms. Parilla inquired about time frame when the 4 owners have to come up with incorporating and when the Board can review their documents. The municipality is supposed to review the homeowner association’s documents pursuant to when they’re framing and building before this developers’ agreement. In practice this is not unusual to not have these documents now. As soon as developers sell more than half of the units, there is a turnover procedure. If a developer owns a unit, they maintain a seat or two. The Homeowner Association should have an engineering firm to ensure that their construction is in compliance with all the resolutions and approvals.

With the exception of these fairly straightforward and minor changes, the Board had no additional comments or concerns with regard to the Developers Agreement. The Mayor commented then that at tomorrow’s meeting, the Mayor and Council should be inclined to close this out and move forward with this agreement. Upon a motion by Mayor Tomasko, seconded by Ms. McGuire to approve the agreement for execution by Mayor & Council, subject to the conditions specified by the Borough Engineer and all other usual conditions. All those present were in favor.

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

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

John Phillips, Esq.	\$1,920.00	Alpine Three, LLC
Bern Root LLC	93.75	19 Rio Vista Dr., 20/8
	756.25	19 Rio Vista Dr, 20/8
	312.50	PB gen matters - August
	406.25	PB gen matters - July
Clarke Caton Hintz	1,046.50	Court Appointed Master thru 8/26
	644.00	Court Appointed Master thru 7/29

COMMUNICATIONS:

Notice of Proposed Amendment to Northeast Water Quality Management Plan re: Frick Estates Sect.I, Block 55 Lots 25.01 (portion), 26 (portion) and 30. Environmental Protection Agency. *Ms. McGuire inquired about counts: 74 one-bedrooms, 147 two-bedrooms, 73 three-bedrooms. The Mayor responded that those numbers were put in early on in the process; final numbers have not yet been settled upon.*

Notice of Proposed Amendment to Northeast Water Quality Management Plan re: 4 Deerhill Road; Block 51 Lot 7. *Property owner initially wanted to tie in to the 5 lot sub-division done with Holy Angels in Demarest but that would not be accepted in Alpine.*

Notice of Application for NJDEP Freshwater Wetlands LOI Line Verification, Transition Area Waiver, General Permit 8 & 24 re: 28 Ellens Way; Block 49.02 Lot 17. *It has been several years since planning board approval. All renewals have expired and they will need to come back and reapply.*

Notice of Certification of Soil Erosion & Sediment Control Plan re: 40 Schaffer Road; Block 81.08 Lot 1. *Duly noted, no comments.*

Corrected Certification of Soil Erosion & Sediment Control Plan re: Alpine Three; Block 43 Lots 6.01, 6.02 & 6.03. (To correct Block #). *Duly noted, no comments.*

Attorney John Phillips' letter to Board Members & Staff. *Board members commented that Mr. Phillips' letter was very nice and much appreciated.*

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: Meeting was held on September 13th with speaker Michael Cerra, Executive Director of the State League of Municipalities who spoke on energy transfer receipts, on boost in state aid (\$21K for Alpine) and updates from the League's initiative on affordable housing with hopes for a more unified state-wide approach which is dependent upon Board appointments made by the Governor. In addition, this is a good chance for OPRA reform as it has been a huge burden on municipalities where some towns hire staff just to deal with OPRA requests, and compromises privacy.

Board of Health: Meeting was on September 20th where Dr. Jack Boghossian was sworn in to take the place of Anthony Inguaggiato who will carry on as an Alternate member.

Building Dept: Report for the Board will show there are a lot of construction activity happening in town.

Environmental Commission: Ms. Mattes is absent; more inspections scheduled - report will be provided and on file.

NJ Transit Update: No report.

COAH Update: Discussion deferred to 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. Gerstein

at a regular meeting of the Planning Board of the Borough of Alpine held on Tuesday, August 23, 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, August 23, 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.

Motion: Ms. Gerstein; second: Ms. McGuire

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

Absent: Ms. Mattes

MOTION APPROVED

The Board entered into Executive Session at 8:47 PM and returned to Open Public Session at 8:51 PM.

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Ms. Gerstein and seconded by Ms. McGuire. All were in favor. The meeting adjourned at 8:51 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary