

## **ALPINE PLANNING BOARD**

Alpine Borough Hall  
100 Church Street  
Alpine, New Jersey 07620

### **MINUTES**

January 24, 2023

**CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE:** The Planning Board, Borough of Alpine, convened in regular session on Tuesday, January 24, 2023 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, January 24, 2023 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, Brandt Cybul, Gayle Gerstein, Elizabeth Herries, David Kupferschmid, Lorraine Mattes, Catherine McGuire, Catherine Parilla, Joyce Sonpal, Mayor Paul Tomasko

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

**SWEARING IN OF 2023 OFFICIALS:** Prior to the meeting Paul Tomasko, Class I member, was sworn by Gregg Pastor, Esq. for a four-year term expiring 12/31/26. Mayor Tomasko administered the oath of office to Catherine Parilla and Elizabeth Herries, Class IV members for terms expiring 12/31/26, and Gayle Gerstein, Class III member for a one-year term expiring 12/31/23.

### **REORGANIZATION:**

**ELECTION OF OFFICERS:** Chairperson: Catherine Parilla; Vice Chairperson: Catherine McGuire; Board Secretary/Recording Secretary: Marilyn Hayward upon a motion by Mayor Tomasko, seconded by Gayle Gerstein. All were in favor.

**PROFESSIONAL SERVICE APPOINTMENTS:** Upon a motion by Ms. Gerstein, seconded by Ms. Mattes to reappoint the following professionals and to adopt the corresponding Professional Resolutions appended to these minutes for the positions of Board Attorney, Board Engineer, and Borough Planner. All were in favor.

**Board Attorney:** Douglas Bern, Esq., of Bern Root LLC

**Board Engineer:** Perry Frenzel, P.E. of Azzolina & Feury Engineering

**Borough Planner:** Joseph Burgis, P.P. of Burgis Assoc., Inc.

### **APPROVAL OF MINUTES OF DECEMBER 20, 2022 REGULAR MEETING:**

Upon a motion by Ms. Gerstein, seconded by Mayor Tomasko to approve the minutes of the December 20, 2022 Planning Board Regular Meeting. Eligible members voted as follows:

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

Abstain: Mr. Cybul, Ms. Mattes, Ms. Sonpal.

### **APPROVAL OF MINUTES OF DECEMBER 20, 2022 EXECUTIVE SESSION:**

Upon a motion by Ms. Gerstein, seconded by Mayor Tomasko to approve the minutes of the December 20, 2022 Planning Board Executive Session. Eligible members voted as follows:

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

Abstain: Mr. Cybul, Ms. Mattes, Ms. Sonpal.

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

**HEARINGS:****Soil Moving: 18 Autumn Terrace; Block 81.04 Lot 17:**

Attorney Matthew Capizzi, Esq., 11 Hillside Ave., Tenafly, NJ appeared on behalf of the Applicant, 18 Autumn Terrace, LLC. Applicant seeks a soil moving permit to construct a 4,331 sq. ft. dwelling with attached greenhouse and accessory storage shed and conduct horticultural activities. No variances are required.

Andrea Piazza, P.E. of Piazza Engineering 11-15 River Road, Fair Lawn, NJ. was sworn and testified to her credentials. Ms. Piazza referenced Site Plan Sheet C-1 dated 6-16-22, revised 10-17-22 for driveway alignment, and affirmed that the plan on display was the same plan as was filed with the application. They are proposing a dwelling with driveway access from Autumn Terrace. There are minimal improvements proposed on the property; there is a proposed terrace in the rear with an arbor above. The property is presently vacant except for the septic system disposal beds, which were installed approximately 15 years ago. Ms. Piazza testified that full inspections will be done on the fields and any necessary repairs will be performed but she does not anticipate any major issues since they were never used. In terms of improvements, they are well within the limits of building and lot coverage. The lot is an odd and narrow shape but the architect was able to design the dwelling to meet the setback requirements.

Site Plan Sheet C-2 is the Grading Plan, which shows that the lot is relatively level for about half of the northeast portion of the site, although there is an 84-foot difference in elevation from the northeast to the southeast corner. Ms. Piazza referred to the Steep Slope Plan on Sheet C-5. The property has steep slopes of up to 77% in certain areas, some of which appear to be natural, and some may have been created by the installation of the septic beds. The proposed conditions decrease the slope from the existing and provide some terraced areas which will reduce the rate of stormwater runoff across the site.

Soil moving calculations shown on Sheet C-2 indicate a total of 4,808 cubic yards to be imported to provide proper soil for planting of the trees. In terms of drainage a combination of seepage pits and porous pavers are proposed to capture the increase in stormwater runoff volume. The seepage pits will capture the runoff from the roof and greenhouse. They have exceeded the volume requirements for reduction in the rate of runoff.

Mr. Capizzi asked Ms. Piazza if she's had a chance to review the Landscape Plan prepared by KVR Landscape Design and Construction, dated July 12, 2022 and last revised November 8, 2022 with regard to the plantings proposed for the steeper areas on the property. Ms. Piazza stated that she has reviewed the plan. Mr. Capizzi asked if she had any concern with the stabilization in those areas based on the landscaping and soil erosion and sediment control measures proposed. Ms. Piazza responded that if the plans are followed and implemented in accordance with the extensive planting proposed she is confident that there will be no sediment leaving the site, and no adverse impact to adjacent properties. Once everything is in place and stabilized there will be negative stormwater runoff. During construction everything will be contained in accordance with the Stormwater and Sediment Control Plan. Mr. Capizzi had no further questions.

Mayor Tomasko commented that Ms. Piazza has done a marvelous job in explaining the plan.

Adam Howell, LLA of KVR Landscape Design and Construction was sworn by Attorney Paster and stated his credential as a Licensed Landscape Architect since 2017. Mr. Howell referred to the Tree Removal Plan submitted to the board, entitled Conceptual Layout, Gottlieb Residence, 18 Autumn Terrace, Alpine, NJ, dated July 12, 2022 and last revised November 8, 2022.. They are proposing a formal garden area with flowers and shrubs for the upper area; the middle steep slope area will be an orchard field for apple, cherry and peach trees and the lower area will be designated for vegetable cultivation, with corn, potatoes and additional vegetables. Mr. Capizzi asked for more detail as to how the orchard area will be created. Mr. Howell stated that the grading and the addition of soil, silt, sand and clay will help absorb the water, and the trees themselves will help to stabilize the slopes and reduce runoff downhill. The lower garden area will be designated for vegetable cultivation, including corn, potatoes and additional vegetables. The rockery area further to the south will be planted with shrubs and trees. Mr. Capizzi noted that a neighboring property owner (Lot 14) requested that an evergreen buffer be planted along the common property line. Mr. Howell confirmed that in response to that request they will plant 30 to 35 green giant arborvitae along the shared lot boundary. Ms. Parilla asked how they will keep the deer out. Mr. Howell responded that they have audible devices and fencing to deter the deer.

Borough Engineer Perry Frenzel stated that his concern has to do with the grading and the slopes. The soil moving calculations call for an import of approximately 4,800 cubic yards of soil, which is a lot of soil. He is concerned about the interim conditions and asked if we know what happens at the bottom of the slope, since there is still some drainage that runs in that direction. Mr. Howell stated that it is fairly wooded in that area. Ms. Piazza added that there is a gravel path proposed for the southwest corner of the property at the bottom of the rockery area, so any stormwater will be intercepted in that rockery area. The soil being brought in is a net improvement overall, as the mixture of sand, clay and silt will provide optimal air and water to the roots. The existing soil isn't suitable for the vegetation to grow and properly sustain the trees.

Ms. Mattes asked how all this vegetation will be maintained. Mr. Howell replied that there will be a full-time gardener on the premises.

Mr. Frenzel continued that we are all concerned about the amount of rainfall lately and the erosion it's caused in certain situations. He is concerned about the stability of the slope in the area of the rockery. The substantial amount of plantings as they mature will be helpful, but his concern is soil that can possibly run down the slope. The gravel path would alleviate some of that. He would like to see a berm installed so that water would come down and hit the gravel path and there would be a mound on the other side to contain it. As far as the slope and the amount of soil to be placed there he suggested that a geotechnical engineer review the plan. Ms. Piazza stated that her client retained Johnson Soils Company who performed a geotechnical investigation of the steep slope stability. It was not submitted to the board because it is not required. Copies can be provided to the board if requested. The findings are that the slope is stable, and that is based on the plan submitted this evening. Mr. Frenzel requested that three copies of the report be provided to the borough.

Mr. Frenzel asked Ms. Piazza what her thoughts were about his suggestion of a berm. Ms. Piazza stated that she would prefer to have the slopes as designed without any kind of collection or concentration of runoff because there is a point where the flow is exceeding the capacity of what was designed, and the runoff will just shoot off and go somewhere else. They are proposing a thick layer of really good absorbing soil that will be planted with trees, shrubs and gardens. Her client has gone to great lengths to make sure that this will be beautiful.

In response to concerns expressed by board members regarding the amount of soil to be trucked in, Mr. Frenzel anticipates that the soil movement will be accomplished with approximately 30 truckloads a day and should be completed in 3 to 4 weeks maximum.

Mayor Tomasko commended the property owners, who were in attendance, for the approach they decided on for this site.

Ms. Mattes questioned why the owners chose this site as opposed to a flatter lot. Mr. Capizzi responded that they live next door.

Chairperson Parilla opened the hearing to the public for questions.

Marlyn Friedberg, a resident of 43 Litchfield Way, asked if radon studies had been done on the rock. Alpine has a lot of radon. Ms. Piazza stated that they are not proposing to remove the rock. Mr. Frenzel added that radon can be problematic when it is concentrated in confined spaces. When it hits the atmosphere it is diluted and no longer a threat.

John Kaplan, Esq. of Herold Law Firm, 25 Independence Blvd., Warren, NJ, representing Susan Penn, owner of adjoining property at 18 Buckingham Drive, Block 81.04 Lot 14, inquired about machine traffic and asked how the fill is getting down to the bottom of the slopes. Mr. Howell pointed out the probable location of the paths on the map and stated that they will be 8 feet wide. Mr. Kaplan asked how we know that the septic will function. Mr. Frenzel replied that prior to them being installed there would have to have been test pits excavated to determine if there were any negative impacts. They did not encounter any negative situations.

Upon a motion by Ms. Gerstein, seconded by Mayor Tomasko to approve the application subject to compliance with recommendations and requirements listed in the Borough Engineer's review letter dated August 31, 2022 and updated on November 29, 2022; retesting of soil to be required based upon the manifest for each truck; contractor required to give

inspection reports on silt fencing and soil erosion preventive measures every two weeks. Mr. Frenzel will review the Johnson Controls report and if something comes up, he will report back prior to adoption of resolution.

Ms. Gerstein asked how long construction will take. Mr. Capizzi estimated 18 months to 2 years. Ms. Piazza added that a Construction Sequence is included in Sheet C-4 of the plan.

Mayor Tomasko commented that he was pleased to see that seven 1,290-gallon seepage pits are being installed, and that we have seen soil moving in substantially greater amounts than this for much larger developments. Ms. Parilla added that it is unusual for us to see applications like this.

Ms. Mattes commented that she doesn't understand why they are taking all these native trees down for sunlight yet look at the trees they are putting in.

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

No: Ms. Mattes

#### **Soil Moving: 1 Duck Pond Road; Block 51 Lot 4.**

Attorney Paul Haberman of Mueller Law Group, 19 Engle Street, Tenafly, NJ appeared on behalf of the Applicant, Magnolia Development, LLC. Applicant seeks a soil moving permit for a proposed seven-bedroom single-family dwelling with garage carport, covered porches, rear covered patio, cabana, driveway, and other ancillary items. Movement of 4,499 cubic yards of soil is anticipated for the installation of 4 6ft deep concrete dry wells for gravel.

The Applicant's Engineer, Michael Hubschman of Hubschman Engineering, 263A South Washington Ave, Bergenfield, NJ was sworn in by Attorney Paster. Mr. Hubschman stated that the property is 3.5 acres with the Cresskill Brook running along the northern property line. They have obtained NJDEP permits due to the Cresskill Brook running along the northern property line. They were very limited to tree removal and work within the 300-foot riparian zone. Two septic systems have been installed. They are exporting 3,800 cubic yards of soil for the basement. All runoff runs toward the brook, none to adjoining properties. A total of 45 trees are being removed, all of which are exempt from mitigation. Hundreds of trees will remain on site.

Mr. Frenzel stated that septics are in and that the board has recently approved applications with similar soil moving quantities and footprints. Approval should be subject to conditions of his letter dated January 9, 2023.

Mayor asked if the owner of the property was in attendance. Mr. Haberman replied that he is not.

Ms. Parilla opened the hearing to the public for questions. There were none.

Upon a motion by Ms. Gerstein, seconded by Ms. Gerstein to approve the application subject to compliance with recommendations and requirements listed in the Borough Engineer's review letter dated January 9, 2023.

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

#### **COMMUNICATIONS:**

- Notice of DEP Soil Erosion and Sediment Control Plan Certification re: Block 120 Lot 6; 4 Piermont Rd.
- Notice of Hearing on Open Space and Recreation Element of the Master Plan, Borough of Tenafly.

Duly noted: no comments.

**BILLS AND CLAIMS:** Upon a motion by Mayor Tomasko, seconded by Ms. McGuire to approve the bills listed below. All were in favor.

Bern Root LLC	\$ 437.50	General Services	
Bern Root LLC	\$ 50.00	McCormack Subdivision 49/2.01 & 26	(escrow)
Clarke, Caton & Hintz	\$ 2,507.00	Appointed Court Master	(COAH)
Burgis Associates	\$ 1,782.50	Alpine Housing Plan	(COAH)
Huntington Bailey	\$ 227.50	Alpine Three (43/6.01,6.02,6.03)	(escrow)
NJ Media	\$ 10.80	Notice of Decision 81.01/3	(escrow)

**2023 PLANNING BOARD OPERATING BUDGET:** Upon a motion by Mayor Tomasko, seconded by Ms. Gerstein and approved by all to recommend that the operating budget remain at \$5,000.

**COMMITTEE REPORTS:**

**Bergen County League of Municipalities:** Mayor Tomasko reported that the speaker at their last meeting was Bob Laux, Executive Director of the Bergen County Utilities Authority, who spoke of their efforts to upgrade the facilities in light of the recent storm activity.

**Board of Health:** Next meeting February 14<sup>th</sup>.

**Environmental Commission:** Ms. Mattes report that it has been quiet; most of the activity has been looking at properties with additional trees to be removed.

**Building Department:** Report on file.

**NJ Transit Update:** No activity.

**COAH Update:** Deferred to Executive Session

**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. McGuire, **SECONDED BY:** Mr. Abad

at a regular meeting of the Planning Board of the Borough of Alpine held on Tuesday, January 24, 2023

**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, January 24, 2023, 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:** Mr. Abad, Ms. Cochi, Mr. Cybul, Ms. Gerstein, Ms. Herries, Ms. McGuire, Ms. Mattes, Ms. Parilla, Ms. Sonpal, Mayor Tomasko

**MOTION APPROVED**

The Board entered into Executive Session at 9:06 PM and returned to Open Public Session at 9:26 PM

**ADJOURNMENT:** A motion to adjourn the regular Planning Board meeting was made by Ms. Gerstein and seconded by Mr. Abad. All were in favor. The meeting adjourned at 9:27 PM.

Respectfully submitted,

Marilyn Hayward  
Recording Secretary