

## ALPINE PLANNING BOARD

Alpine Borough Hall  
100 Church Street  
Alpine, New Jersey 07620

### MINUTES

July 20, 2020

**CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE:** The Planning Board, Borough of Alpine, convened in special session on Monday, July 20, 2020 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 and the Governors declaration, the notice of this special meeting held July 20, 2020 has met the requirements of the law by being published in The Record and posted on the bulletin board of the lobby in the Borough Hall and a copy filed in the office of the Borough Clerk.

### **ROLL CALL:**

*Attended by teleconference\**

Members Present: Carol Cochi, Elizabeth Herries, David Kupferschmid\*, Lorraine Mattes, Catherine Parilla, Joyce Sonpal\*, Mayor Paul Tomasko

Members arrived shortly after roll call: Gayle Gerstein\*, Catherine McGuire

Staff Present: Michael Kates, Board Attorney\*, Perry Frenzel, Borough Engineer\*, Joe Burgis, Borough Planner\*, Marilyn Hayward, Board & Recording Secretary

The purpose of this Special Meeting is for a public hearing prior to adoption of an Amendment to the Open Space and Recreation Plan and the periodic Reexamination Report of the Master Plan.

### **Amendment to the Open Space and Recreation Plan**

Mayor Tomasko explained the amendment provides for inclusion of an acquisition of real property at 6 East Main Street to be preserved as open space at a cost below market rate and enhances the Borough's ability to obtain a County open space grant. Chairwoman Parilla questioned the purchase price which Mayor Tomasko advised is well below market rate as negotiated by the Mayor and Council. Property will remain as is for use as public space. Ms. Herries asked effect on tax burden. Mayor Tomasko advised the Borough would no longer receive about \$3,200 based on current assessment. Ms. McGuire offered it is well worth it. They are seeking to recoup partial funding through a grant from County Open Space Trust Fund that Alpine residents also pay into.

Joe Burgis was sworn and in response to questions by Attorney Kates affirmed the criteria necessary to satisfy the objective of recreation and open space as a land use are satisfied by this lot. One purpose of the Municipal Land Use Law is preserving more open space throughout the state. Alpine's 2002 Master Plan as well as the 2010 Re-Examination Report and 2020 proposed Re-Examination Report all identify open space and recreation as a goal of the municipality. When an opportunity arises to acquire open space, they should attempt to do so. The property immediately abuts a similarly sized parcel already owned by the Borough at the corner of Forest Street and East Main Street providing connectivity. The neighborhood urged the Borough to preserve it as open space. Mr. Burgis will file the amendment with the County Planning Board and Office of State Planning after final adoption.

**PUBLIC HEARING:** Chairwoman Parilla opened the meeting to the public and being no public on the phone or in person closed the hearing.

**Resolution:** Upon a motion by Ms. Herries, seconded by Ms. Mattes to adopt the Amendment to the Open Space and Recreation Plan.

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

Mayor Tomasko thanked Nancy Wehmann for her assistance with the application to Bergen County for grant funds.

**Reexamination Report of the Master Plan** Mr. Burgis remains under oath. He reviewed the draft dated July 9, 2020.

Mr. Burgis explained the Municipal Land Use Law requires municipalities throughout the state to adopt a re-examination report at least once every ten years (it used to be six years). Alpine's last re-examination report was adopted in 2010. Any specific recommendations contained must be adopted separately and require amendment to the Land Use Plan Element.

**Section One** The MLUL identifies five essential elements that must be addressed as summarized on page 5 of the draft report.

**Section Two** Identification of problems, objectives and status begin on page 11: Those discussed include:

#1 "Measurement of Building Height" Mr. Frenzel was sworn. He reviewed code sections relative to #1 (height) last amended 2004 (Borough Code 220-2 Definitions HEIGHT OF BUILDING). Mayor Tomasko and Ms. McGuire recalled discussion several years ago determined issue addressed. Concern should be rescinded. No objection to reject and remove from future reports and also deleted from Specific Recommendations Item #4 on page 42.

#2 "Buffer Along Route 9W" Attorney Kates advised on the implications where treating the buffer as a conservation district versus a zoning requirement would result in more aggressive approach impacting private property. No objection to reject this item.

#3 "Visual Impact of Garage Doors" Attorney Kates recalled matters were coming before the Zoning Board for a variance to exceed the number of garage doors. The Board interpreted from an aesthetic viewpoint, particularly on larger lots where there were three garage doors facing the street but the applicant sought two additional garage doors either perpendicular or at a separate location not observable from the street. Variances were being granted finding no violation of the spirit or intent of the limitation of three garage doors as viewed by the street. Due to the frequency of applications and relief granted, recommendations were submitted to the governing body as part of a Zoning Board Annual report<sup>1</sup> but no action has been taken to clarify the ordinance. Mr. Frenzel read the existing ordinance. Borough Code Section 220-15 as amended in 2003 limits # of doors and linear feet permitted by zone but does not specifically address street view. Recommended for further review.

Mr. Burgis highlighted status of some broader concerns as listed on pages 11-15 noting these are the types of issues such as growth pressure that will always be with us. Changes of note include the Borough's adoption in 2016 of a Historic Preservation Ordinance creating a Historic Preservation Commission. Affordable Housing was regulated in 2010 by COAH's growth share methodology which the court subsequently invalidated, retaining jurisdiction. Creation of flag lots is a concern that has diminished since 2002 due to the substantial size of properties in the Borough.

Mayor Tomasko offered edits to page 13 #10 Circulation Deficiencies Line 3, Add "narrow and steep" after "only two", "county" after "east-west" and "as well as neighboring communities" after "community". Line 4 add "and growing" after "by large". Under Comment after line 2 "attention" add "and action, such as by expanding the right-hand turning lane and acquiring properties on or near to Closter Dock Road such as the former gas station at Closter Dock Road and Church Street." Mayor Tomasko explained acquiring properties is a reasonable goal and prevents those properties from contributing to the traffic patterns on those busy roads.

On page 13 #1 Line 4 after "and protect the" add "single-family". An important statement per Board consensus.

On page 14 #4 Comment should read: "The Borough has no sewer infrastructure and much of the community is still served by private septic systems." Alpine does not have its own sewer service; any sewer service infrastructure belongs to neighboring town that provides it.

On page 14 #6 typos remove the (s) in "characterizes", under Comment after "any" delete "no" and under #7 Line 1 of last pp spell check "Borough"

On page 15 #8 Comment add to the end of that sentence: "and also a minimum ten-foot tree buffer around the perimeter of individual properties." Ms. McGuire requested a date check for the 200-foot buffer along 9W.

**Section Three** Significant Changes. 2020 Census data is not yet available. The report points out American Community Survey (ACS) annual estimates do not appear to be accurate based on County data. State level changes noted

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<sup>1</sup> 2008-2009 Annual Report of the Zoning Board

regarding affordable housing, redevelopment (which is not really applicable to Alpine) and replacement of the State Development and Redevelopment Plan with the State Strategic Plan that focuses on four main policies. MLUL changes most familiar to the Planning Board include the addition of a Sustainability Plan or Green Plan Element and amendment of the Time of Decision Rule.

Ms. Herries initiated a discussion regarding concerns with the impact on inconsistent data on how they go forth with decisions and how this appears to the public. Mr. Burgis explained ACS numbers have to be taken with a grain of salt. The survey is only as accurate or complete as responses to the survey. For example, housing units may not reflect where someone's Alpine residence is not their primary home. The 2020 Census data should become public in 2021-2022 and they can adjust data at that time. Attorney Kates noted while they have to get the report done now in order to comply with the statute, the Planning Board should review again when the 2020 census data becomes available. Mr. Burgis offered that is a fairly typical approach. Ms. Herries agreed with that approach but meanwhile asked for more qualifying language under the relevant charts. Mr. Burgis agreed.

Ms. Herries requested review for accuracy of the last line on page 28 (Mr. Burgis agreed) and the data in Table 10 on page 30 that only two homes were issued a Certificate of Occupancy (CCO) in 2018 when there are so many new houses going up. Mr. Burgis stated data came direct from the NJ Department of Community Affairs (NJCA) which is more accurate than the ACS but will review. DCA receives their data from the Alpine Construction office. Mr. Frenzel noted from June – December 2019 there was only one new structure granted a CCO so these numbers may be accurate. Ms. McGuire noted it takes a long time to build houses in Alpine. A number of homes that had been under construction for some time received CCOs in early 2019 but 2018 was pretty quiet for completion of projects.

Board members were surprised by data regarding income levels on page 31 and rentals on page 28 again questioning accuracy as based on ACS estimates.

Ms. McGuire expressed concern with the MLUL amendment eliminating performance guarantees for several types of improvements. This is as of January 2018. He will provide info to Attorney Kates for the board. Mr. Frenzel offered his understanding that performance guarantees can only be required for improvements within the public right-of-way for the benefit of the public and not for onsite construction such as seepage pits, drains, landscaping, etc.

Correction: Page 35 PP 2 Line 1 after "The Borough" add "is".

**Section Four** Specific Recommendations and goals include open space planning including conservation of energy and use of renewable energy sources and sustainable building practices whenever possible. Building height and garage doors were discussed earlier. The Board wants the height requirement to remain the same and not vary by zone therefore this recommendation from the prior Re-examination Report should be formally rescinded.

**Section Five** Redevelopment Plans does not apply as noted previously but commentary must be provided.

**Section Six** "Recommendations Regarding Public Vehicle Infrastructure" does not really apply but needs to be addressed as part of the Re-examination report per last year's MLUL amendment. While more applicable to design of large-scale public parking facilities they are obligated to include a statement. Ms. McGuire offered current trends indicate this could be a future goal for fire and police departments.

**PUBLIC HEARING:** Attorney Kates noted there was no public present for comment.

**Resolution:** Upon a motion by Ms. Sonpal, seconded by Ms. Gerstein to approve the Re-Examination Report subject to changes as noted.

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

**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 8:54 PM.

Respectfully submitted, Marilyn Hayward, Recording Secretary