

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

August 28, 2018

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, August 28, 2018 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, August 28, 2018 at 7:30 P.M. has met the requirements of the law by publication in The Record, being 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, Lorraine Mattes, Catherine McGuire, Catherine Parilla, Mayor Paul Tomasko
Members Absent: David Kupferschmid, Joyce Sonpal, Alt I Jeff Fromm
Staff Present: John Phillips, Board Attorney; Perry Frenzel, Borough Engineer
Marilyn Hayward, Recording Secretary

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS None

APPROVAL OF MINUTES OF JULY 24, 2018 REGULAR MEETING:

Upon a motion by Elizabeth Herries, seconded by Gayle Gerstein to approve the minutes of the regular meeting of the Planning Board held July 24, 2018 after correction to replace "Planning Board" for "Mayor and Council" in engineer's resolution of appointment.

Vote: Ayes: Carol Cochi, Gayle Gerstein, Elizabeth Herries, Lorraine Mattes, Catherine McGuire, Catherine Parilla, Mayor Paul Tomasko

MEMORIALIZATION: SOIL MOVING – ASULIN Block 39.02 Lot 16.06 – 22 Church Street

Upon a motion by Gayle Gerstein seconded by Catherine McGuire to adopt a resolution memorializing action taken by the Planning Board of the Borough of Alpine on July 24, 2018 a copy of which is appended to these minutes.

Eligible members voted as follows:

Vote: Ayes: Carol Cochi, Gayle Gerstein, Elizabeth Herries, Lorraine Mattes, Catherine McGuire, Catherine Parilla, Mayor Paul Tomasko

<u>BILLS:</u>	<i>Burgis Associates</i>	\$ 382.50	<i>COAH Vacant Land Analysis</i>	<i>(Trust)</i>
	<i>Clarke, Caton, Hintz</i>	\$ 399.81	<i>COAH Court Appointed Special Master</i>	<i>(Trust)</i>
	<i>Huntington Bailey, LLP</i>	\$ 465.00	<i>Special Legal Counsel COAH</i>	<i>(Trust)</i>
	<i>John Phillips</i>	\$ 200.00	<i>July Meeting</i>	
	<i>John Phillips</i>	\$ 540.00	<i>Asulin 29.02/16/06 – 22 Church Street</i>	<i>(Trust)</i>

A motion to approve the above referenced bills and return of escrow was made by Gayle Gerstein and seconded by Lorraine Mattes. All in favor.

NEW APPLICATION: SOIL MOVING w/ waivers MEHRAN/BDA BLOCK 49.02 LOT 10, 80 CHURCH STREET

As they live within 200 feet of the subject property, Chairwoman Parilla and Mayor Tomasko recused and stepped down to the audience. Vice Chairwoman Catherine McGuire assumed the chair.

Mark D. Madaio, Esq., 29 Legion Drive, Bergenfield, NJ 07621 appeared on behalf and along with Applicant Anthony Mehran of BDA Alpine, LLC, applicant's engineer, Michael Hubschman, PE, PP of Hubschman Engineering, 263A South Washington Avenue, Bergenfield, NJ 07621.

Peter Lafharis, Esq. appeared on behalf of neighbor, Lela Panagakos of 76 Church Street.

The following were marked during the course of these proceedings:

A-1: Colored rendering of Drawing 3561-1 (Sheet 1 of 3) colorized version of Site Plan prepared by Mr. Hubschman last revised June 19, 2018 per "AF letter dated 6-12-18."

A-2: Five photographs prepared by Mr. Hubschman dated 5-15-18

Attorney Madaio explained the home is being built for Mr. Mehran to live in and not on spec. He provided the secretary with proof of notices. The application is for a soil moving application with three waivers and no variances. Some conditions are pre-existing. The fence on the south side encroaches into the neighbor's yard and will be removed.

Michael Hubschman, PE was sworn as a NJ licensed planner and engineer and his qualifications deemed acceptable. His plan was marked [**A-1 as described above**]. They propose to redevelop the property with a new home. As is typical they require a soil moving permit to move soil in excess of 1,000 cubic yards. Soil moving volumes are cut: 780 cubic yards (c.y.), fill 1,983 c.y., import 1,203 c.y., and export 0 c.y. for a total movement 1,983 c.y. Soil would entail filling in both the front and rear and cutting for the basement. Mr. Hubschman reviewed Mr. Frenzel's letter dated June 12, 2018 and made all requested revisions.

They propose a six-bedroom single-family dwelling on this narrow lot which has a 10% downward slope, about ten to twelve feet, from north (elevation 383 feet) to south (elevation 368 feet). As shown on the key map the property is just a few lots south of the Borough Hall. The existing dwelling is behind the proposed and oriented catty-cornered on the property with a sideloading garage on the south side. The proposed house is only 69 feet wide and would also have a sideloading 3-car garage under the south side to work with the slope and reduce soil moving. The house is too narrow for a 3-car front loading garage. An existing nonconforming driveway runs right along the south property line and they propose to move the first hundred feet out of the ten-foot tree buffer. A waiver is needed for that portion of the driveway to remain in the tree buffer for access to the garages in the same general location as it is now. A second waiver is required for a retaining wall three feet off the property line where six feet is required to allow for a 26-foot turnaround for the garages which is the bare boned minimum. The retaining wall height is five feet maximum for a length of about 40 feet across from the garage. The southerly neighbor would see the wall so they propose a poured concrete wall with a stone veneer and plantings such as arborvitae. A four-foot-high aluminum fence is proposed atop the wall for safety to protect from falls.

The Zoning Officer cited a one foot railroad tie wall is in the north side tree buffer which will be removed. The keymap shows the subject lot is similar in width and depth to surrounding lots. The side yard setbacks for the house will comply. They designed the house to fit the lot where there is no detriment from an engineering viewpoint.

Board Questions:

Mrs. Mattes questioned source of dirt stockpiled on the property. Mr. Hubschman stated it came from installation of the septic systems. She observed the septic systems have been elevated from original grade because there's a drop down to where the trees are now. He acknowledged the south side of the area for the septic system was raised about two feet. Mr. Hubschman stated all trees shown are to remain. Mrs. Mattes observed a 10" ash tree on the north side has been covered with soil and won't survive to ask how they plan to protect the trees in the buffer area. Mr. Hubschman stated they are trying to save all the trees in the ten-foot buffer and just grade down to that line. A small boulder wall is proposed at the ten-foot buffer line to the rear. She asked if they were changing elevations in the front of the property. He responded they will be cutting and filling to create the new center driveway entrance but not by a lot. The proposed creates a safer site distance when looking to the south as you pull out of the driveway. Mrs. Mattes asked about protecting the trees on the neighbor's property in the area where they encroach into the tree buffer. Mr. Hubschman stated they will not be

impacting those trees. He further stipulated all old fencing and railroad ties will be removed and replaced with new fencing properly placed so as not to encroach into the neighbor's yard.

Opened for Public Questions

Peter Lafharis, Esq. 2 University Plaza, Hackensack, NJ appeared on behalf of Mrs. Panagakos, adjacent property to the south. Attorney Lafharis asked what they could do to eliminate encroachment into the ten-foot tree buffer on that side for the driveway garage access. Discussion revealed the house has a 30-foot setback on either side and would need a variance to move it further north. Furthermore, this would be a detriment to that neighbor as the neighbor's house is only ten feet from the property line. The width of the lot is 129 feet and the proposed house is 69 feet. Attorney Lafharis opined when the applicant purchased the property they were familiar or have since become familiar with the local ordinance regarding the ten-foot buffer which exists to protect neighboring property owners. He suggested making the house smaller to comply. Mr. Mehran has worked with his architect for over a year and they do not wish to reduce the width of the house; this is their plan. Attorney Madaio respectfully noted the entire existing driveway is located within the tree buffer and they are proposing to move at least 100 feet of out of the buffer. He opined the neighbor would be afforded the same opportunity to request relief with the same set of proofs and would probably have a pretty reasonable case.

Ms. Herries sought clarity on the comparison of the existing location and orientation of the garages and driveway as this was not shown on the existing conditions plan. Attorney Phillips observed the existing appears as a light gray underlay on the proposed plan [A-1]. Mr. Hubschman noted the corner of the existing garage has a similar side yard setback of 30 feet.

Attorney Lafharis offered his clients are not opposed to the development of the site. They welcome it and their new neighbor but they are concerned about appearance, the benefit of the buffer for the enhancement of their own property, runoff, and preservation of trees. They are observed more runoff since construction began along the rear southerly property line and his client is concerned about runoff from the driveway which will be elevated five feet above what now exists. Attorney Madaio noted they are adding stormwater runoff control measures where none now exist, reducing a prior nonconformity, maintaining a sideloading garage typical for the community and seek only two minor waivers that already exist and they are lessening.

It was noted tree buffers may not have existed when the property was first subdivided or developed. Mrs. Mattes noted there will be impact as they propose removing 48 very mature trees. Attorney Madaio stated can discuss tree replacement, landscaping and plantings. Using five sets of photos marked [A-2] as referenced in the Borough Engineer's review letter and Sheet 2 Soil Erosion and Sediment Control Plan the Board discussed tree removal. Discussion followed particularly regarding tree removal in the front for the proposed driveway. There is no parking on Church Street so they wanted to create a front turnaround and a wider drive. Mr. Hubschman offered to change the grading contours and relocate seepage pits to preserve more of the existing trees. Attorney Phillips noted the Borough Engineer will need to perform a tree removal analysis. Mr. Hubschman will revised the plans with greater specificity regarding the trees.

Catherine Parilla, 10 Ellens Way lives directly behind this property and asked if they were removing the shed which encroaches on her property. Mr. Hubschman stated they are along with the old fencing. She asked them to review the trees in the rear as some are not so healthy. Mrs. Mattes asked dead trees be marked on the revised plan.

Attorney Lafharis questioned the elevation changes for the driveway and garage. Mr. Hubschman responded they are raising it four feet. The neighbor will see a stone veneer on retaining wall about 3 feet off the property line that starts out at a height of about two feet in front rising to five feet by the garages. There is also a two foot boulder wall towards the front of the property that breaks into the buffer where the retaining wall takes over. He may be able to shorten the wall when he revises the grades. They will plant arborvitae to screen and buffer trees along the whole line. There will be seepage pits in the front and rear where nothing now exists.

Paul Tomasko, 87 Church Street wishes Mr. Mehran well in the development of his property. He noted their at maximum building and improved coverages to question if the applicant is aware he will need a variance for anything additional such as a generator pad. Mr. Hubschman stated applicant is aware and they are not proposing one at this point. Mr. Tomasko added the proposed pool takes up a lot of coverage and he recommended he look into the beautiful town pool as a less costly alternative.

Mr. Frenzel elicited from Mr. Hubschman that the stormwater management plan would handle runoff from the driveway where no such controls currently exist and the grading in the front could be altered without disrupting the overall design.

Opened for Public Comments

Attorney Lafharis asked the Board to carefully consider the impact on the tree buffer along the southerly property line opining the nonconforming existing condition shouldn't sway the Board in granting the waiver for new construction which would reduce the tree buffer to three feet simply because the applicant does not want to build a house that's slightly less wide. To grant such a request would set a precedent that's not in the community's best interests.

Attorney Madaio agreed with Attorney Phillips it would be best that they carry the matter to the next meeting in order to review their application and submit revised plans. The Board would also like to see proposed landscaping.

Upon a motion by Mrs. Gerstein, seconded by Mrs. Mattes and approved by all to carry this matter to the next regular meeting scheduled for September 25, 2018 with no further notice required.

COMMUNICATIONS: Correspondence listed for the record with comments as provided:

- Notice of Public Hearing: Borough of Demarest Planning Board re: 375 Hillside, LLC major subdivision – Demarest Block 120.01 Lots 1 & 29.01; Alpine Block 50 Lot 3 Engineer Frenzel
- explained this application involves both towns and will be first heard in Demarest. They have received the application and he is preparing the review letter now and it could possibly be scheduled for the September agenda. Attorney Phillips stated Mr. Frenzel has advised he is also engineer for some work in Demarest and they will discuss with the attorney, David Watkins to determine if they feel there is any conflict.
- 200 foot property lists: Block 22 Lot 7, Block 46 Lot 3, Block 55 Lot 4 Mrs. McGuire and Mrs. Parilla questioned why they were receiving these lists if they were not directly connected to a matter before the Planning Board. Attorney Phillips noted he has advised Mr. Hubschman he should be putting these on their plans. Mayor Tomasko suggested they give them a little bit of a heads up about what may be coming up.

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: No meeting.

Board of Health: Mayor Tomasko advised he attended a Special Meeting for Alpine Three last Thursday to consider whether the blackwater field meets the requirements for the proposed five-unit development encompassing eleven bedrooms. The Board of Health was also represented by Mr. Frenzel and David Lafferty from Russ Huntington's office. Three neighbors attended and expressed concerns regarding the septic systems and the spring. Attorney Phillips noted the Planning Board determined it is a spring as does the court order. If the plans show an abandoned well that will need to be revised. The matter was carried to allow the Board of Health retain their own hydrogeological expert. It was noted Planning Board members can attend such a meeting but not in numbers sufficient for a quorum.

Environmental Commission: They had inspections this week: on Miles Street for removal of 4 trees and 2 small dead trees. Septics are in and there should be no additional tree removal. Ruckman Road needed permission to remove 6 dead trees down. The homes up there are wonderfully treed and landscaped like old Alpine. The inspected a Closter Dock Road

property where most of the trees were removed for the septic and they are only removing a few more which won't be that noticeable.

Building Department: Report of August 16, 2018 on file.

NJ Transit Update: No report.

COAH Update: The Borough continues to work with the Court Appointed Master. Temporary immunity is valid through October 31, 2018. A Case Management Conference will be held shortly before that.

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Gayle Gerstein seconded by Catherine McGuire. All were in favor. The meeting adjourned at 8:50 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary