

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

December 17, 2019

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, December 17, 2019 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, December 17, 2019 at 7:30 P.M. has met the requirements of the law by publication in The Record, posting on the bulletin board of the lobby in the Borough Hall and filing 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: Michael Kates, Board Attorney; Perry Frenzel, Borough Engineer
Marilyn Hayward, Board & Recording Secretary
John Phillips, Esq., Special Counsel regarding the Alpine Three matter
Gary Vander Veer, former Borough Engineer and Consultant re Alpine Three matter
David Novak of Burgis Associates, Inc, Borough Planner

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS: None

APPROVAL OF MINUTES OF NOVEMBER 26, 2019 REGULAR MEETING:

Upon a motion by Ms. Cochi, seconded by Ms. Gerstein, to approve the minutes of the November 26, 2019 Planning Board Regular Meeting as amended by Ms. Herries pg. 8 last pp, 1st line should read "...submission did not include..." Eligible members voted as follows:

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

MEMORIALIZATION - Soil Moving: Hillside 385 LLC/KO Group LLC; 385 Hillside Ave., Block 50 Lot 1.02

Upon a motion by Ms. Gerstein, seconded by Ms. Herries, to adopt a resolution memorializing action taken by the Planning Board of the Borough of Alpine on November 26, 2019 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
MOTION APPROVED

NEW APPLICATION:

- **Soil Moving: Their, Kelly; 3 Deerhill Rd., Block 50 Lot 1.01 (Carried from November 26, 2019 without testimony)**

Jordan Yuelys, Esq. 505 Main Street, Hackensack, NJ appeared on behalf of the Applicant, Kelly Their, 31 Egan Place, Englewood Cliffs, NJ 07632 filling in for Attorney Mark D. Madaio, 29 Legion Drive, Bergenfield, NJ 07621. Also appearing is Applicant's engineer, Michael Hubschman, PE, PP 263A South Washington Avenue, Bergenfield, NJ 07621.

Exhibits marked during the course of these proceedings:

A – 1 Site Plan Drawing No. 3772-1 prepared by Michael Hubschman of Hubschman Engineering dated June 4, 2019 last revised #2 November 7, 2019.

Michael Hubschman was sworn, testified to his credentials and accepted as an expert in his field of engineering. Mr. Hubschman referred to his Site Plan marked [**A-1**]. 3 Deerhill Road is part of the five-lot subdivision that had three lots in

Demarest and two house lots in Alpine. Soil moving calculations are a cut of 1,477 cubic yards, fill 1,920 cubic yards for a net import of 443 cubic yards. The proposed home has a 3,912 square foot footprint. Most of the fill is to level off the backyard. A proposed retaining wall runs along the north/northwest side. The property to the right is in Demarest and also part of this subdivision. Applications to connect into the Demarest sanitary sewer are in progress. Where approval used to be automatic within one hundred feet, now you have to be within the sewer service area. Demarest endorsed Treatment Works Approval and State approval is pending to include this in the sewer service area. They are trying to save trees in front and along the perimeter but are removing some for the house and a portion of the rear yard.

Ms. Parilla questioned the front yard setback. Mr. Hubschman stated the closest projection is 60 feet with the remainder setback about 70-75 feet. The prior existing structure currently being demolished was towards the back corner. Ms. Mattes noted most of the subdivision area was undeveloped and they need to clearly mark lot corners for easier identification. Mr. Hubschman stated they will stake the property, the house footprint and mark the trees for tree removal. Ms. Parilla questioned a wet area on the property. Mr. Hubschman stated that was an old artificial koi pond. Mayor Tomasko asked if Demarest approved the sewer connection. Mr. Hubschman stated yes, they have the treatment works approval but still need to work out the service agreement. Mayor Tomasko noted they seek two waivers from the soil movement ordinance. The volume requested is fairly routine and modest. Can he please explain the fill in excess of five feet above original grade? Mr. Hubschman pointed to an area along the wall noting he will revise the plan to eliminate the second waiver. Mayor Tomasko asked when they expect the NJDEP decision regarding the three-hundred-foot riparian zone. Mr. Hubschman stated they will apply before year's end. It usually takes 90-120 days. Mayor Tomasko asked if they'd obtained a demo permit for the existing house. Mr. Hubschman advised he is not involved with that.

Resolution: Upon a motion by Ms. Herries, seconded by Ms. Gerstein to approve the soil moving application with one waiver for volume.

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

Mayor Tomasko took this opportunity to welcome Ms. Their and her husband back to Alpine.

- **Soil Moving: Rock Solid Builders/Feldman 12 Margo Way, Block 81.04 Lot 18.04.**

Matthew G. Capizzi, Esq., 11 Hillside Avenue, Second Floor, Tenafly, NJ 07670 on behalf of the Applicant Rock Solid Builders, Inc. c/o Vitali Feldman for owner 12 Margo Way, LLC along with Applicant's engineer, Michael Hubschman, PE, PP 263A South Washington Avenue, Bergenfield, NJ 07621. Application is for a major soil moving permit to build a new single-family house. Initially two waivers were requested including fill greater than ten feet above original grade on an isolated portion of the property. A waiver to disturb a portion of the tree buffer has been eliminated.

Marked during the course of these proceedings:

A – 1 Colorized rendering of Site Plan/Septic System Plan Drawing No. 1195-1 dated July 26, 2007 last revision #8 dated November 18, 2019.

Michael Hubschman was sworn, testified to his credentials and accepted as an expert in his field of engineering. Mr. Hubschman noted the plan [A-1] dates back to a prior owner at which time the septic fields were constructed. These were re-dug and re-approved. The lot has been cleared but vacant for the last ten years. The property was previously disturbed back to a fill line as shown. Septic systems were re-installed two or three years ago. A twenty-foot drainage easement runs along the north side of the property to a detention basin to serve this development created in 1989 (John Catsimatidis/Red Apple Development). They worked with the grade to design the house. Front is elevation 436 feet and the rear is elevation 421 feet; a fifteen foot slope. They use steps down from the house to the rear yard. The slope on the left was dictated by the septic system. The ten foot or more fill area is near the upper terrace as shown by the contours running from elevation 423 feet to the upper terrace at 436 feet. Soil moving consists of: cut 1,052 cubic yards, fill 2,863 cubic yards and net import 1,811 cubic yards. The proposed fully conforms to bulk requirements. Everything drains towards the rear and the existing detention pond. Drainage is addressed via seepage pits located around the site. A filter system for driveway runoff is provided as required. Soil erosion and control measures will be in place and a permit will be obtained from Bergen County Soil Conservation District. A contour will be modified eliminating the encroachment into the tree buffer in the southeast corner.

Ms. Mattes asked why the property was clear cut. Mr. Hubschman did not know; the property changed hands and design plans were modified several times. Ms. Mattes questioned the concrete block drive to the detention basin in the tree buffer zone. Mr. Hubschman advised that feature was constructed as part of the original subdivision to provide DPW access to clean the detention basin. They will clear and see what condition it is in. Attorney Capizzi offered work would be the Borough's responsibility. Mr. Hubschman reviewed tree removal. The drainage pipe and easement precludes planting trees on the easement.

Mayor Tomasko questioned the need for excessive fill above grade. Mr. Hubschman stated it is only by the upper terrace where they are thirteen feet above original grade. Elevations were reviewed. The road and septic systems dictated elevations. The front septic system uses a pump system to accommodate the basement. Attorney Capizzi offered the area of fill is centrally located on the lot at the rear of the building and will not impact views from neighboring properties. Ms. Mattes asked if they could see a landscape plan. They don't have one yet but stated there will be extensive landscaping. They can stipulate to plant buffer trees along the northerly side. Review by the Environmental Commission and Borough Engineer is acceptable to the Board.

Mayor Tomasko asked if the home is being built on spec. Attorney Capizzi stated the contractor applied on behalf of the owner who intends to live there. Mayor Tomasko pointed out the property is being built out to the maximum. Any further improvements would require variances which may be hard to come by; this should be made known to the applicant. Ms. Herries added they would also not be receptive to post construction errors. Attorney Capizzi so noted.

Mr. Frenzel offered location and house elevation relative to the street the request for excess fill was not unreasonable. Mr. Frenzel advised the septic fields were installed but not the septic tanks. The applicant will need to update the septic and plumbing permits to install the tanks and connections.

Opened to the public for questions or comments.

Edith Easton, 32 Marie Major Drive, questioned potential drainage problems. She stated when thousands of yards of fill were added to the property behind her the pressure cracked her concrete pool. Mr. Hubschman noted the site was cleared for over ten years. Everything drains to the detention basin exiting through a pipe that crosses her neighbor's lot down to Marie Major Drive. It eventually reaches the Anderson Brook in Closter. Ms. Easton stated water pools in her driveway and there is a big flow of water there. Attorney Capizzi offered her concern is not related to this project but could be investigated by the Borough engineer. They will reduce runoff on their site by 80% as required. Their site is not a major contributor to the detention basin and they will be improving existing conditions. Mr. Frenzel concurred the site improvements should mitigate conditions downstream.

Resolution: Upon a motion by Ms. Herries, seconded by Ms. Gerstein to approve the soil moving application with waiver. **Vote: Ayes:** Carol Cochi, Gayle Gerstein, Elizabeth Herries, Lorraine Mattes, Catherine McGuire, Catherine Parilla, Mayor Paul Tomasko **MOTION APPROVED**

BILLS AND CLAIMS: A motion to approve bills was made by Gayle Gerstein and seconded by Carol Cochi.

John Philips	Alpine Three 43/6.01,6/02,6.03 (escrow)	\$3,060.00
Huntington Bailey	COAH: Oct-Nov	\$3,416.01
Clarke Caton Hintz	Court Master	\$ 655.57
Burgis Associates	Housing Plan 2015	\$ 787.50
Burgis Associates	Alpine Three 43/6.01,6/02,6.03 (escrow)	\$ 840.00
Bisgaier Hoff	Affordable Housing Admin. Services	\$ 814.56
Azzolina & Feury	Hillside 385, LLC 50/1.02 (escrow)	\$1,148.00
Azzolina & Feury	Hillside 385, LLC 50/1.02 (escrow)	\$ 280.00
Azzolina & Feury	Rock Solid Builders 81.04/18.04 (escrow)	\$ 952.00
Azzolina & Feury	Their 50/1.01 (escrow)	\$ 756.00
Azzolina & Feury	Alpine Three 43/6.01,6/02,6.03 (escrow)	\$3,364.00

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

COMMUNICATIONS: Chairman Parilla noted the following:

1. Next regular and reorganization meeting will be January 28, 2020.
2. Board members packets included the recently adopted amendment to the tree ordinance.

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: Mayor Tomasko advised no new business. Holiday meeting scheduled.

Board of Health: Mayor Tomasko advised they met last Tuesday and the Health Department report is on file.

Environmental Commission: No report.

Building Department: On file.

NJ Transit Update: No report.

COAH Update: Case Management Conference last week. Immunity extended to January 31, 2020.

CONTINUED APPLICATION:

- **Amended Preliminary and Final Site Plan and Soil Moving: Alpine Three, LLC; Closter Dock Road, Block 43 Lots 6.01, 6.02 & 6.03 (Continued from November 26, 2019). Application for Extension of Preliminary Site Plan Approval submitted October 30, 2019 for consideration in conjunction with pending application**

Stenographer present at the request of the applicant. Attorney Hirsch to provide a copy of the transcript prior to the next hearing.

Special Counsel John Phillips and former borough engineer Gary Vander Veer present due to their long familiarity with this project. David Novak, PP, AICP from Burgis Associates, 25 Westwood Avenue, Westwood, NJ appeared as planning consultant for the Borough

Mayor Tomasko recused and stepped down to the audience having received notice he owns property within 200 feet of the proposed sanitary sewer line which is part of this application.

Guliet D. Hirsch, Esq. of Archer Attorneys at Law 101 Carnegie Center, Suite 300, Princeton, NJ 08540 appeared on behalf of the Applicant, Alpine Three, LLC along with their landscape architect Bradley Meumann of Meumann Associates to discuss the landscape plan, tree replacement and view of wall and fence combination, and applicant's engineer Michael J. Hubschman of Hubschman Engineering, P.A. 263 A S. Washington Ave., Bergenfield, NJ 07621 to discuss sewer line design and follow-up questions.

Matthew G. Capizzi, Esq. 11 Hillside Ave., 2nd Floor, Tenafly, NJ 07670 appeared on behalf of Victoria Zoellner and Gordon Uehling. owners of Block 55, Lot 4 and Block 55 Lot 8.

Members of the public who spoke to the application: John McCaffrey, Ted Noback, Richard Incontro, Caroline Park

Exhibits marked during the course of these proceedings:

Applicant:

- A – 16 Letter dated November 22, 2019 from Bergen County Department of Planning and Engineering re: Application SP 7356R3 Alpine Three LLC.
- A – 17 Letter dated November 27, 2019 from Cresskill Borough Attorney Christos J. Ditkas
- A – 18 Tree Removal Study dated 12/12/2019 prepared by Meumann Associates
- A – 19 Landscape Exhibit dated 12/17/2019 based on Landscape Plan revision #3 7/2/2019 prepared by Meumann Associates
- A – 20 Landscape Exhibit Fence 1 dated 12/17/2019 based on Landscape Plan revision #3 7/2/2019 prepared by Meumann Associates
- A – 21 Landscape Exhibit Fence 2 dated 12/17/2019 based on Landscape Plan revision #3 7/2/2019 prepared by Meumann Associates
- A – 22 Sketch on white board

Attorney Hirsch marked letters [A-16] Bergen County Planning Board approval and [A-17] Letter from Cresskill's Borough Counsel confirming an initial \$80,000.00 payment as required was received on April 25, 2005. Cresskill Borough affirms the Sewer Agreement is in place, subject to engineering and additional payment conditions noted therein.

Bradley Meumann was sworn, reviewed his credentials¹ and accepted as an expert in landscape architecture. Mr. Meumann referred to [A-18] Tree Removal Study depicting about 35 trees marked for removal and a fifteen-foot structure offset shaded yellow. Per Alpine's Tree Ordinance little tree replacement is required but they intend to replace a lot of trees as shown on [A-19] a colored rendering of the landscape plan submitted to the Board. They are planting 52 conifers and 17 deciduous trees. Evergreens will be a minimum of eight feet tall at planting and should almost double in less than ten years reaching mature heights of 20–30 feet. They are varying and layering small trees, shrubs and evergreens incorporating native plants for visual appeal. Exhibits [A-20] and [A-21] provide views of the wall, fence and buildings as viewed from Schoolhouse Lane as requested by the Board. Renderings were created utilizing scale from the architect's and engineer's plans. The wall has been refined to show decorative use of BELGARD Belair interlocking block with a color range to add texture. They recommend a solid walnut-color cedar-look PVC fence made by Illusions Vinyl Fence with a beautiful wood grain look and texture as shown on [A-21]; not chain link. A row of evergreens will be planted at the base of the wall along Schoolhouse Lane.

Board Questions. The Board asked if they contracted for these materials; they don't want to find out later they used something else. Attorney Hirsch stipulated applicant will use these or equivalent materials subject to the Board. Maintenance is low and will be under the Homeowners Association. Heights of the wall and fence are on the engineer's site plan. They need a waiver for combined height. The coping of the interior side of the wall is at grade for the site. As to deer resistance some of the plantings including Green Giant hold up pretty well. The gravel ditch along Schoolhouse Lane is in front of the row of trees. Tree growth should not impact either feature. The fence will extend along the side lines. A split rail fence is still proposed along Closter Dock Road. The spring is under Unit 5 and not related to plantings.

David Novak of Burgis Associates was sworn and asked if [A-20] top view is taken at eye level. Mr. Meumann stated yes. Do they propose plantings behind the fence? Mr. Meumann stated on the right side; the drainage field on the left only allows for some small shrubs. There might be room to squeeze in a tight row of plantings.

Questions regarding fill and height of Unit #7 as viewed from Schoolhouse Lane deferred to the engineer.

Public Questions.

Richard Incontro, 36 Schoolhouse Lane, asked how many trees will be left on site. Mr. Meumann showed six trees on [A-18]. Trees are exempt from regulations when located within fifteen feet of improvements (building, walkway, drainage facilities, etc.). Will trees impact traffic on Schoolhouse Lane? He understands the property line runs into Schoolhouse Lane but they are not planting on the property line but against the wall and behind the ditch. There is about 7–8 feet there.

Questions on fill, setbacks, wall heights, how spring water will traverse the wall and unit elevations deferred to the engineers.

John McCaffrey, 974 Closter Dock Road, questioned impact to plantings on his side. Mr. Meumann advised they propose a modulated block wall. There won't be excavation. Will they be looking at a monstrous nine-foot high plus wall with towering buildings behind it? Mr. Meumann would not phrase it that way. There is a wall with buildings behind it. Mr. McCaffrey's property is higher so there is not as much of a grade difference. Where is the room for plantings behind the westerly wall which gets closer and closer to the property line? There is room.

Questions on setbacks, wall height, pitch, grading and swales, edge of pavement on Schoolhouse Lane deferred to the engineer.

¹ Bradley Meumann has a degree in landscape architecture from Rutgers University 1983. Certified in 1985 and licensed some years after. Practicing partner about 20 years predominantly northern NJ. Has appeared before this Board and neighboring towns.

Ted Noback, 57 Schoolhouse Lane, questioned use of natural rockeries rather than a horrendous wall. Do they need the proposed wall for fall protection or for screening or do they need it at all.

Attorney Capizzi asked if they are removing all vegetation from the site except for the few trees shown. Mr. Meumann could only speak to trees marked on the plan; most of the site is being regraded. They will not disturb swales. They will not need excavating equipment for the plantings along the wall. It will be done by hand or with a small Bobcat. The ditch will not be disturbed. Attorney Hirsch stipulated installing the wall from inside the property is an acceptable condition.

Questions on drainage deferred to the engineer.

Board Questions. In response: Mr. Meumann has walked the property and is familiar with the ditch. This is not a native forested site. It's ready to be developed. He did not know where the idea for a fence atop the wall came from. The engineer's plan proposed a chain link fence for protection. His landscape plan is sufficient even if they find a tree to remain on Closter Dock Road has to be removed during construction. Ms. Mattes reminded marked trees must be protected. In regard to the 14.8-foot strip along Closter Dock Road reserved by the County in case of future widening, impact would depend on how much of that the County took. Five feet would not impact. If they took all of it there would still be room for planting but it might affect parking. *This was deferred to the engineer.*

Noting the number of questions deferred to the engineer Chairwoman Parilla asked if he should testify. Attorney Hirsch did not object but wanted to be sure everyone was finished with questions of Mr. Meumann. She does not object to bringing a witness back for a major issue but cannot bring witnesses back to every meeting.

Chairwoman Parilla called for a break 9:15 – 9:27PM

Mr. Meumann considered public comments during the break and offered another option. He noted if the issue is a nice fence, they addressed that but if the issue is any fence, they could place a four-foot hedge on the top of the wall and if the Borough deemed there to still be a safety hazard they could install the fence behind the trees. He offered sketches on a white paperboard [A-22]. Mr. Meumann did not feel there was enough room for a rockery along the entire length but possibly at the ends. There could be a hybrid. They'd have to consult with the engineer. A typical rockery is five feet tall and needs eight to ten feet of depth. Setting the fence back behind plantings could be throughout the project.

Ted Noback restated his recommendation for a rockery versus a wall to create a smoother transition and less of an institutional look.

John McCaffrey questioned his (westerly) side. Mr. Meumann noted a rockery could replace where the wall is lower.

Attorney Capizzi requested Mr. Meumann provide a revised plan and return to testify. Attorney Phillips advised if the Board decides it can add the proposal along with submission of a revised plan as a condition.

Questions regarding wall setbacks, heights, and wall/ground stability calculations deferred to the engineers.

Michael Hubschman, opined the only room for a rockery might be a small area by Unit #7. He confirmed they could move the fence and install a hedge except for the staircase where they would need a railing or something. He noted on the west side their property is lower so he won't even see the two-foot wall. Along Schoolhouse Lane the wall rises from three feet to four feet reaching about five feet at the center near the steps. Fill was dictated by the County requirements regarding the grading of the interior road. The road has to be no more than one to five percent for the first fifty feet. The remainder slopes nine percent. They couldn't go from a five percent to a fifteen percent slope. That's why they had to fill about five feet in the rear. The property slopes from elevation 440 feet in the front to 424 feet in the rear; 16 feet. The units step down with this slope.

Attorney Phillips asked Mr. Hubschman to read off elevations for Mr. Incontro. Unit 1 first floor is elevation 444.2 and Unit 7 first floor elevation by Schoolhouse Lane is 432.5; twelve feet lower.

Mr. Hubschman clarified the building with Unit #5 and #7 is on top of the spring. Mr. Noback asked if that building wasn't there would that eliminate need for the wall particularly towards DuBois Avenue. Mr. Hubschman stated yes if that building wasn't there, you'd have enough room to grade it out; but it is there.

Caroline Park, 30 Schoolhouse Lane, asked why anyone would build townhouses when they should be protecting the spring? Attorney Hirsch responded that is not a question for these professionals. Ms. Park asked about the steps to Schoolhouse Lane. Will people have to jump over the ditch? Mr. Hubschman stated yes, it's a few feet wide, they would have to be aware and step over it.

Attorney Hirsch asked if they want to continue with public questions or get to Mr. Hubschman's planned testimony? Ms. Parilla felt they should continue questions.

John McCaffrey questioned the block wall on the west side. Mr. Hubschman explained there is a small keystone wall on the west side which starts out about 25 feet from Closter Dock Road and runs to about the middle of Unit #4. The wall is 1.5–2 feet high and slopes down to nothing. The larger block wall begins at the end of Unit #6. Applicant's property is lower. The building setbacks are 20.2 feet where 20 feet is required in this zone. How do you construct a building on top of a spring? Mr. Hubschman stated the spring will be piped from the back of Unit #5 to the ditch. Mr. McCaffrey questioned whether every plan provided to DEP labeled this feature an abandoned well and did not identify it properly as a spring. Ms. Parilla and Mr. Hubschman noted it has been mandated a spring and he wrote this in on the plan during the first hearing. Attorney Hirsch put forth it's been reviewed by DEP probably ten times. As many times as DEP has been on site, they have never suggested it is a regulated feature such as a state open water or a water regulated under the Flood Hazard Act. These are qualified professionals who could see the feature for themselves and it doesn't matter what it was called on a plan. Mr. Ciliberto will provide detail regarding piping of the spring and Mr. Peel will testify regarding the regulatory program to explain why it is not regulated by DEP. They can also testify regarding validity of the LOI.

Mr. Incontro asked if Alpine can retain their own witnesses. **Mr. McCaffrey** agreed and petitioned the Board to do so. Mr. Frenzel has someone in mind. Attorney Hirsch was assured it is not Mr. Cosgrove who has been advised by counsel it would be a conflict for him to represent either side. Attorney Phillips advised the Board can so proceed.

Resolution: Retention of Board Expert Upon a motion by Mr. Mattes, seconded by Ms. Cochi and approved by all to authorize Mr. Frenzel to retain an expert on the spring and related issues.

Attorney Hirsch asked that the Board expedite their retention process noting this person will be paid from their escrow account and it will not be useful if the person isn't available when their environmental consultant testifies.

Mr. Hubschman continued testimony. The water will be piped or redirected in a fashion to be laid out by the other experts. Ms. Parilla asked if they could just eliminate that building and the disturbance. Mr. Hubschman stated that is not his decision. The spring is slightly above basement level so that unit may not have a basement in order to accommodate the engineering required; they won't know until they excavate. He does not anticipate a problem with volume but once they excavate, the flow of water may shift a bit and they would have to redirect piping. That would be all underground and would not alter the design of the building. Ms. Parilla asked if they were concerned with sinking conditions. Mr. Hubschman replied no as the property is all rock. Blasting will be required for the basements.

Mr. Noback questioned if you start messing around with an underground aquifer couldn't that flow of water impact every house downhill from that property and their septic systems? Attorney Hirsch deferred to Mr. Ciliberto. He will be at next month's meeting.

Mr. Hubschman advised he will submit the soil moving permit application and calculations within the week. He has completed calculations: cut 2,168 cubic yards, fill 2,924 cubic yards, import 756 cubic yards. That includes paving and underlying stone but he subtracted out the volume of the pipes. Ms. Gerstein asked if eliminating one of the townhouses would solve the issue with the spring. Mr. Hubschman offered that is a construction item and has not been identified as a problem. Ms. Mattes asked how deep they need to dig to drain the spring water. Will they have to pump it up? Mr. Hubschman replied the spring is at elevation 426 feet and the garage is at elevation 433 feet.

Attorney Phillips asked clarification of the fence waiver. Are they less than ten feet from the interior road? Mr. Hubschman replied yes they meet the setback for Closter Dock Road but not for the interior road. Attorney Phillips asked if the manhole and sewer main on site are located within the private road? Mr. Hubschman stated yes. Opened again to public questions of Mr. Hubschman.

Meeting Schedule Attorney Capizzi stated he had numerous questions for Mr. Hubschman from prior testimony as well as this evening. He noted the difficulty trying to keep track of provisions for cross examination and who can be asked which questions among the multiple engineers. He asked if the Board could schedule a special meeting or start a little earlier to allow proper questioning when all of the engineers could be available rather than all the deferring. Attorney Hirsch agreed but noted she and her witnesses are bound by the January 28, 2020 meeting date which Attorney Capizzi stated he cannot make. After that date the Board could schedule a special hearing. Chairwoman Parilla noted the Board can defer any new applications until their February meeting. Attorney Hirsch will provide a transcript to Attorney Capizzi and make the witnesses available at the February meeting for his cross examination. All agreed that was a fair compromise and he will reserve his questions. Chairwoman Parilla further advised audience members who cannot attend a meeting to send a representative and/or see the Board Secretary for a copy of the transcript or listen to the tape. Attorney Hirsch offered Mr. Hubschman and Mr. Ciliberto will testify at the next meeting

Upon a motion by Ms. Mattes seconded by Ms. Cochi and approved by all to carry this matter to the next regular meeting January 28, 2020.

Resolution of Continuance: Upon a motion by Ms. Gerstein, seconded by Ms. Herries and approved by all to continue this matter to the next regular meeting scheduled for Tuesday, January 28, 2020 with no further notice required. In the event of cancellation due to weather the meeting will be automatically carried to February 26, 2020. Applicant agrees to extend the time constraints to render a decision through to that next hearing.

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 10:15 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary