

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

December 21, 2021

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, December 21, 2021 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 Law the notice of this regular meeting held Tuesday, December 21, 2021 at 7:30 P.M. has met the requirements of the law by being published as part of the annual meeting notice in The Record posted continuously on the bulletin board of the lobby in the Borough Hall and a copy filed in the office of the Borough Clerk.

ROLL CALL:

Members Present: Carol Cochi, David Kupferschmid, Gayle Gerstein, Elizabeth Herries, Lorraine Mattes, Catherine McGuire, Catherine Parilla, Mayor Paul Tomasko
Members Absent: Joyce Sonpal
Staff Present: Michael Kates, Esq. Board Attorney; Perry Frenzel, Borough Engineer, Marilyn Hayward, Board & Recording Secretary; Special Counsel John Phillips, Esq. and Special Consulting Engineer Gary Vander Veer for Alpine Three Hearing

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS: None

APPROVAL OF MINUTES OF SEPTEMBER 28, 2021 REGULAR MEETING:

Upon a motion by Mayor Tomasko, seconded by Ms. Herries, to approve the minutes of the September 28, 2021 Planning Board Regular Meeting. Eligible members voted as follows:

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

MEMORIALIZATION OF RESOLUTIONS:

Soil Moving: 50 Allison Road Corp; 50 Allison Road Block 79.03, Lot 1 Upon a motion by Ms. McGuire, seconded by Ms. Gerstein to memorialize the resolution for 50 Allison Road Corp; 50 Allison Road Block 79.03 Lot 1 as appended.

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

Soil Moving: Agrachov; 15 Old Quarry Road Block 81.04 Lot 7

Upon a motion by Mr. Kupferschmid, seconded by Ms. Gerstein to memorialize the resolution for Agrachov, 15 Old Quarry Road Block 81.04 Lot 7 as amended by Ms. Herries and Attorney Kates and appended.

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

Continued Hearing: Amended Preliminary and Final Site Plan and Soil Moving with Waivers - Alpine Three, LLC; Block 43 Lots 6.01, 6.02 & 6.03 *The Board will dispense with the rest of the agenda first.*

New Business: Proposed Minor Subdivision Block 81.04 Lots 19 & 19.01; 11 & 15 Autumn Terrace (without public hearing as per Code section 195-5A(2)) *This matter rescheduled to February 22, 2022 at the request of the applicant.*

COMMUNICATIONS Noted as follows without comment.

- Notification of Certification of Soil Erosion and Sediment Control Plans: Block 30 Lot 1; Block 39.01 Lot 16.03; Block 55 Lot 3.03; Block 81.04, Lot 7; Block 79.03 Lot 1
- Notice of NJDEP Freshwater Wetlands General permit & Transition Area Waiver Application: Block 39.01 Lot 12.09
- 200-foot lists: Block 81.01 Lot 3, Block 43 Lot 6.01-6.03; Block 39.01 Lot 16.03; Block 51 Lot 7; Block 39.01 Lot 12.19
- Borough Clerk Memo re: New Stormwater Management Ordinance (Final Draft of Ordinance attached).

- **BILLS AND CLAIMS:** A motion to approve the below referenced bills was made by Ms. Gerstein, seconded by Ms. Cochi and approved by all.

Kates, Nussman, et.al.	\$ 600.00	Meetings	Budget
Kates, Nussman, et.al.	\$ 1,241.00	Agrachov; Block 81.04 Lot 7	Escrow
Kates, Nussman, et.al.	\$ 1,324.00	50 Allison Road Corp; 79.03, Lot 1	Escrow
Azzolina & Feury	\$ 3,546.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
Azzolina & Feury	\$ 117.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
Burgis Associates	\$ 1,050.00	Alpine Housing Plan	COAH
Burgis Associates	\$ 2,952.50	Alpine Housing Plan	COAH
Burgis Associates	\$ 2,062.50	Alpine Housing Plan	COAH
Clarke, Caton & Hintz	\$ 828.00	Appointed Court Master	COAH

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: No meeting

Board of Health: Met December 14, 2021 and copy of Report of the Health Department is provided.

Environmental Commission: No report – meetings and matters routine.

Building Department: Report has been distributed.

Annual Report of the Zoning Board of Adjustment: Report distributed.

NJ Transit Update: Ms. McGuire noted there may be some progress mostly underneath the Hudson.

COAH Update: The Borough continues to receive immunity from Builder’s Remedy lawsuits through the end of January.

Continued Hearing: Amended Preliminary and Final Site Plan and Soil Moving with Waivers - Alpine Three, LLC; Block 43 Lots 6.01, 6.02 & 6.03 *(continued from August 25, 2020)*

Guliet D. Hirsch, Esq. appeared on behalf of the Applicant, Alpine Three, LLC

Attorney Phillips opened the hearing with the following updates and reminders:

- Mayor Tomasko is now eligible to sit and vote for this application subject to certification he read the transcripts or listened to prior meetings. The off-site sanitary sewer line previously proposed near his property has been removed from this amended plan for a four-unit development with onsite septic systems.
- Engineer’s review noted comment on deck setbacks. Prior review of law of case doctrine precludes need for a variance as the Board previously determined no variance was required because the decks are uncovered.
- Applicant again requests two waivers for fencing: 1) too close to the wall and 2) height. The Borough ordinance does not regulate fencing on interior roads nor address combined height. If the Board decides to approve the application, they should either grant those as waivers or condition approval on adjusting the location and height.
- An outstanding question remains regarding the retaining wall finish.
- Applicant previously requested an extension of Preliminary Approval as granted by the Court in 2003 plus final approval which application is technically still pending. As a matter of housekeeping Mr. Phillips recommends the Board deny that request involving that older plan.

Resolution: Upon a motion by Ms. Gerstein, seconded by Ms. McGuire to formally deny Applicant’s prior request for an extension of the prior 2003 (or 2005?) preliminary plan which included a sewer connection and is no longer relevant.

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

- Attorney Phillips has created a list of potential conditions for the Board's consideration. These are not binding but will help refresh everyone's recollection as to issues to be considered. He will be distributed to the Board and Applicant's Counsel after the meeting.
- Attorney Capizzi advised Attorney Phillips his clients are no longer pursuing the matter as objectors.

Witnesses appearing with Attorney Hirsch are Bradley A. Meumann, LLA, PP Meumann Associates, 7 Ledgerrock Court, Morris Plains, NJ 07950 and Michael J. Hubschman, PE, PP of Hubschman Engineering, P.A. Attorney Phillips reminded witnesses they remain under oath.

The following members of the public spoke to the application at this meeting: Richard Incontro, Ted Noback, John McCaffrey

The following exhibits were marked during the course of this meeting:

A – 25 Affidavit of Service and Publication for the December 21, 2021 meeting.

A – 26 Second Amendment to May 24, 2000 Settlement Agreement with 3/23/21 Planning Bd. Revisions

A – 27 Landscape Plan prepared by Bradley A. Meumann, LLA, PP dated May 30, 2018 last revised #5 October 21, 2021 annotated "*revised to coordinate with site plan*" (part of the submitted plan enlarged with color)

A – 28 Site Plan Drawing No. 495-41 prepared by Michael Hubschman, PE, PP dated May 22, 2019 last revised #4 dated October 27, 2021 annotated "*reduced to 4 units*"

A – 29 Borough Engineer's letter dates November 16, 2021

A – 30 Grading, Drainage & utility Plan Drawing No. 495-42 prepared by Michael Hubschman, PE, PP dated May 22, 2019 last revised #4 dated October 27, 2021 annotated "*reduced to 4 units*"

Attorney Hirsch recalled prior witnesses included civil engineer Michael Hubschman, landscape architect Bradley Meumann LLA, PP, civil engineer Peter Ciliberto, environmental specialist John Peel all extensively questioned by the Board and public. They rely on that background. They spent a lot of time dealing with a plan for seven townhouse units with a long offsite sewer line but reached a Settlement Agreement with the Borough [A-26] that provided for this Alternate Development Option and amended plan for four units; essentially two duplexes with septic systems. The previously excavated graywater field near Closter Dock Road has been redesignated as the blackwater field. A new graywater field has been water tested and located as shown on the plan. They intend to continue hearings and, if an approval can be granted with reasonable conditions, they will lock the door on the prior seven-unit townhome with sewer line option and ask DEP to rescind approvals for the sanitary sewer line. This evening Attorney Hirsch intends to call their landscape architect, Mr. Meumann, and engineer, Mr. Hubschman.

Engineers Meeting Attorney Hirsch requests an opportunity for their engineers and the Board engineers to sit down together after this meeting to review and clarify comments (primarily Mr. Vander Veer's memorandum dated December 9, 2021 attached to Mr. Frenzel's letter dated December 14, 2021) to work out and agree to any required plan revisions. These would then be presented to the Board at the next meeting via some brief testimony on stormwater issues so they can move on to the Board's conditions. Attorney Hirsch clarified they are not trying to cut the Board out but to work out the highly technical issues in advance of the next public hearing. The Board has no objection to that process.

Bradley Meumann reviewed his plan [A-27], an enlarged, colored rendering of the detailed planting plan provided to the Board that provides for mixed shade and evergreen plantings along Closter dock Road and mixed plantings, under story shrubs and trees of varying heights along the sides and building. The amended plan eliminates buildings on the west side where the septic fields are now located allowing them to expand the landscape area enhancing visual areas both on and off site. He reviewed the specific plantings designed to create a nice buffer. The lawn spaces for the septic systems will provide some open space. Grass swales are reflected from the engineering plan. Plantings are away from and will not impact the swale. The plant list includes plants native to New Jersey and they propose a good mix of native and hybrid species. The tree protection and removal plans are also depicted along with the replacement notes to comply with the ordinance noting permitted exemptions and offsets.

Opened to the Board for Questions: Mayor Tomasko asked Mr. Frenzel if the proposed satisfies his concerns regarding tree removal and replacement. Mr. Frenzel responded yes. He had reviewed the plan noting plantings at the bottom of the stairway to Schoolhouse Lane were removed as requested due to safety concerns. He asked if Mr. Meumann was

confident selected tree species near the septic systems would not mature to the point where the roots will invade the fields? Mr. Meumann replied yes but based on that question he may move one tree back another five to eight feet.

Opened to the Public for Questions:

Richard Incontro, 36 Schoolhouse Lane, lives across the street. Mr. Incontro questioned the date / accuracy of the tree removal map. Mr. Meumann acknowledged the map is dated as some trees are already down to storms but they continue to show them for purposes of the replacement map / list. Mr. Incontro questioned planting setbacks from Schoolhouse Lane. Mr. Meumann said trees are five to eight feet off the property line to screen the retaining wall. Questions on topography, wetlands and spring deferred to the engineer however Attorney Phillips recalled extensive prior testimony that pursuant to the DEP permit the Applicant disturbed and eliminated the wetlands and none remain on site that are subject to DEP regulations. Ms. Parilla deferred comments to later in the meeting.

Ted Noback, 57 Schoolhouse Lane, asked if they plan to plant trees atop the proposed retaining wall. Mr. Meumann stated they propose eight-foot minimum evergreen trees along the bottom and five-six foot shrubs on top. Spacing is mixed to create an interesting buffer and not just a green wall. Mr. Noback requested clarification on plant species and tree removal. A board member offered him his copy of the plan and Attorney Hirsch assured they could provide electronic copies if desired. Mr. Meumann assured they would only remove trees on their property. Mr. Noback would appreciate if they could stake the property corners so he could get an idea of the trees relative to the property line.

John McCaffrey, 947 Closter Dock Road, owns adjacent property and questioned the wall, swale and plantings. Mr. Meumann offered the swale is about three to four behind the fence which is atop the retaining wall and then there are plantings. Mr. McCaffrey questioned use of pitch pine which he finds prone to needle blight and might not last to ask if they would consider changing to other, including deer resistant, varieties such as green giant or oriental spruce. Mr. Meumann advised he respects Mr. McCaffreys background and agreed they could look at it but noted state pressure for nonstructural strategies weighted towards the use of native plants, like pitch pine. He did not view earlier plans.

Discussion with Attorney Hirsch and Attorney Phillips followed where it was requested the engineers include discussion of native tree species in their talks to determine if an accommodation can be made that would not impact compliance with DEP stormwater regulations relating to use of vulnerable or less hardy native species.

Mr. Meumann was excused and left the meeting.

Michael Hubschman reviewed his credentials. Attorney Hirsch referred to his full 14-sheet site plan set "Amended Preliminary & Final Site Plan: Proposed 4 Townhouses" dated May 22, 2019 last revised October 27, 2021 provided to the boards. Colored renderings of two of these plans were marked [A-28] and [A-30]. The revised plan shows 4 townhouse units on the east side of the lot. Three townhouses on the west side were removed. Shown on that side now are two on-site septic systems. They explored a five-unit plan but the septic systems would be too close together. The inner road and units on the east side remain basically the same as seen on prior plans. The plan asterisks the decks as needing a side yard variance (10.25 feet where 20 feet required) but it is understood from Attorney Phillips that no longer applies. Fire truck turnaround area provided as previously requested. Driveways and turnarounds will be comprised of pervious pavers as a best management practice to enhance runoff. There is a small stairway to the rear so residents can access the Post Office via Schoolhouse which is safer than using Closter Dock Road.

The property is in the COAH-2 zone. The prior 7-unit plan provided 29.9% of building coverage where 30% is the maximum permitted and this plan reduces that to 17.22%. Impervious coverage is also reduced from 25,650 square feet to 18,350 square feet. They provide eighteen parking spaces where ten are required in compliance with RSIS (Residential Site Improvement Standards). Attached single family housing is not required to provide ADA guest parking spaces.

Septic. Elaborating on the septic system, both fields were tested during wet weather conditions; the new grey water field in August of 2021 and what is now the blackwater field in 2019. Attorney Hirsch referenced Mr. Frenzel's acceptance letter dated November 16, 2021 [A-29] provided previously to the Board. Septic tanks are located at the end of the inner road with a pressure dosing system to the fields which is common in Alpine.

Referencing [A-30] Mr. Hubschman described the concrete wall proposed along the western (Mr. McCaffrey's) property line which then wraps around the detention system. The inner road grades down towards the rear to the filter and detention systems finally discharging into an existing ditch on Schoolhouse Lane. While the wall and fencing is required around the detention system and stairway for safety they could explore incorporating some boulder wall along the four feet and lower sections along the western property line and the southeast side that runs along "Unit #7." The grass swale is two feet wide and to accommodate a 100-year storm it is only 0.4 feet deep (about five inches) but picks up sheet flow from the lawn areas and drains everything toward the detention system. There will be no runoff to adjoining properties. Despite reduced impervious coverage the detention system size is unchanged noting the heightened public awareness of recent severe storms.

Questions from the Board. Ms. Gerstein questioned basement bathrooms. Mr. Hubschman believed most units will include a basement bathroom requiring an ejector pump. Ms. Cochi questioned strength of septic tanks and piping located under the road. Mr. Hubschman stated tanks will be traffic rated and pipes will be at least three feet down. Some blasting may be needed for foundations and the drainage pump as demonstrated by the rock profiles. The existing spring located beneath the garage of Unit #5 will be re-piped in a straight line. Garage aprons comply at 18 feet deep plus another foot to the recessed garage door. The two western parking areas should be revised to be symmetrical. Mr. Hubschman affirmed they are limited to two and a half stories maximum. Mr. Kupferschmid requested provision of an attic and basement detail.

Soil Moving Permit Mr. Hubschman continued testimony regarding soil moving. They require approval for 3,808 cubic yards: cut 1,736 cubic yards, fill 2,072 cubic yards using 1,185 cubic yards from the septic and importing 887 cubic yards. They need waivers to 1) fill slightly more than five feet in a few minor areas by the detention basin as detailed under the notes and 2) waiver for the wall less than six feet from the property line along the west.

Stormwater Management / Drainage / Grading Attorney Hirsch took Mr. Hubschman through key points in Mr. Frenzel's December 14, 2021 review letter. Drainage provided is oversized. Mr. Peel advised him they could install a section of pipe in the ditch to create a flat path for the stairway to Schoolhouse Lane addressing Item III.2.. They comply with the rate method for calculating stormwater compliance and he is not concerned with scouring or runoff to neighboring properties as they are greatly reducing the maximum flow rate from the site. Calculations are provided in the Drainage Report. Per Item III.6 Mr. Hubschman confirmed compliance with removal of total suspended solids (TSS) providing 80% TSS reduction on site. However, Mr. Frenzel's letter cites a requirement for 95% and they will work that out in their discussions. He can address the plan details required under Item III.7. For Item III.8. they will correct calculations for the permeable concrete pavers which will not significantly impact drainage calculations. Regarding IV. Fire/Safety Mr. Frenzel consulted with Borough Fire Official, Keith Dalton regarding the driveway and turnaround. Locations are acceptable but he wants further detail on materials to ensure safety and stability of fire equipment parked atop grassy pavers. Mr. Meumann reviewed Item V. Tree Removal. They will review all these items further in the engineer's meeting.

Opened to Questions from the Borough Engineers Mr. Frenzel acknowledged a number of items will be deferred to the engineering meeting for resolution. If it is determined an ADA guest space is required, they have sufficient space to accommodate. Access to the spring and pipe for cleaning or maintenance is an issue to be addressed. Attorney Hirsch requested Mr. Hubschman provide a design detail for this feature for the engineer's meeting. Mr. Vander Veer requested some kind of documentation that piping a section of the ditch for the stairway path is exempted or accepted by DEP. Attorney Hirsch noted Applicant does not intend to return to DEP where an alternative exists that will meet the concerns. Mr. Hubschman offered if they can't install a pipe, they could bridge over it. They request a RSIS waiver from the requirement that a sanitary manhole be located in the center of the street. Having two systems with four manholes they cannot meet this requirement. Mr. Frenzel's review of the topography notes a small steep slope of about 16% in the area of the fire truck pad. As the standard states areas of 15-24.9% may be used for transitional grading and road construction, he would consider the pad in that category and no waiver would be required from the steep slope ordinance. He noted the significant import of soil for the septic systems much of which will be maiden quarried material. However, any additional fill will need to be certified clean in accordance with DEP standards. Mr. Hubschman has no issues with those comments.

Opened to the Public for Questions

Richard Incontro asked the setback of Unit #7. Mr. Hubschman stated 22.9 feet from the property line. He affirmed this setback includes their ten foot of Schoolhouse Lane that was vacated. Attorney Phillips recalled testimony regarding Court decisions vacating Schoolhouse Lane allowing the property to the north side of the center line to go to the Applicant's

property and the property to the south side of the center line to go to the site across the street. All public rights were vacated but none of the property owners on Schoolhouse had a right to encroach upon the old right of way. The property line was established by the court. Mr. Incontro stated they are not allowed to obstruct any part of the right of way to again question setbacks. Mr. Hubschman noted the wall is ten feet from the center line and existing ditch is about four feet in front of the wall. Mr. Incontro asked how they can put a foundation on existing wetlands. Mr. Hubschman stated the isolated wetlands were filled by permit at least ten years ago. Mr. Incontro disagreed and Attorney Phillips referred to Mr. Peel's prior testimony noting Mr. Incontro can make comments under oath at the proper time.

Ted Noback questioned terminology to use for a wall east of his property. Mr. Frenzel offered "dry laid natural rock wall." Mr. Noback asked if, putting the staircase aside, they can't use the same material to build the retaining wall along Schoolhouse Lane? Again, the engineers don't see a concern on the east side of the stairwell but they might need a block wall for the detention system for strength and safety. Attorney Hirsch reminded any of these structures will have to be maintained by a small four member homeowners association and they are not looking to put anything on the site that is structurally questionable. Mr. Kupferschmid offered Mr. Noback's concern is aesthetics rather than structure which can be addressed with a veneer. Attorney Phillips reminded he listed this as an issue to be resolved at the start at the meeting. Mr. Noback felt the last rendering provided was too institutional. He asked for an aesthetic rendering. Mr. Noback questioned plantings and Mr. Frenzel recalled Mr. Meumann's prior testimony.

John McCaffrey asked distance of the graywater field to the spring. Mr. Hubschman advised the septic systems accommodate less than 2,000 gallons a day and require local, not DEP approval. They meet the distance requirements. Mr. McCaffrey asked if they recall failure of a prior system. Mr. Hubschman advised that location, only ten feet from the blackwater field, was abandoned. There is sixty-two feet between the fields now. Mr. McCaffrey asked the finished elevation of the system by Closter Dock Road in relation to his property. Mr. Hubschman advised 440 feet and adjacent is about 436 feet. The wall height is two feet wide and grades up two feet to the top of the field. The wall at the midpoint of the property line is about four feet and four feet through the middle of the greywater field rising to six feet high in the corner. The finished level of the graywater field varies from 432 to 434 feet and the adjacent property at that point is 428 feet. They propose a four-foot fence atop the wall. The wall is proposed right on the property line. Mr. McCaffrey offered that means up to ten feet of wall and fence and referred to Mr. Frenzel's letter to ask if they have to set the wall back six feet. They require a waiver from the soil moving ordinance. Mr. McCaffrey asked the Board not to grant the waiver.

Mr. McCaffrey asked if Mr. Hubschman included calculations of soil imported to the property with prior attempts to install septic systems. Mr. Hubschman maintained cross sections were updated to include soil on site and included in the calculations. Mr. McCaffrey asked if Mr. Hubschman did his calculations based on original topography depicted in the old Myrhen plan. Mr. Hubschman stated no, based on contours existing today. They obtained a soil moving permit for the first set of septic systems but he does not recall the amounts.

Mr. McCaffrey asked if they are amenable to constructing a techno-block type of engineered concrete block with a rubber membrane behind it to stop any leaching instead of poured concrete. Mr. Hubschman noted concrete is preferable relative to maintenance issues.

Mr. McCaffrey asked if the Board would object to getting DEP to review the property one more time rather than relying on the Applicant's witnesses. Ms. Hirsch objected noting Mr. Peel's prior testimony and exhibits adding their DEP applications had provided public notice and the time for appeals has lapsed. Asked if they have a legal LOI now, Attorney Hirsch recalled Mr. Peel's testimony that when the last General Permit was issued the wetlands identified were substantially disturbed and as a result the GP was satisfied and there was no need for a Letter of Interpretation. Attorney Phillips reminded if a property owner fills wetlands within the scope of their GP and/or LOI at that time they are not subject to a fine for filling. There are no longer regulated wetlands on this site based on testimony and documentation. Mr. McCaffrey reminded the plans submitted for those permissions were falsified by labeling the spring as an abandoned well. Attorney Phillips stated that is a separate issue to be dealt with differently. Mr. McCaffrey asked if they can not build over the top of the spring so that is open to air.

Ted Noback asked if the spring has been excavated to determine if that is a single point of water coming out of the ground. Mr. Hubschman offered over the years concrete blocks were replaced. There is a concrete ring there now so it was definitely excavated in the past. Mr. Noback again asked if the water could be coming from many different places. Chair

Parilla recalled Mr. Frenzel raised concerns with the spring's source and advised that will be part of the engineer's discussions. They will inform the Board and public of their discussions at the next public meeting.

Closed for Public Questions and Re-Opened to the Board Mr. Kupferschmid, noting concerns expressed, asked if they can review the east and west walls to see if they could be lowered. Mr. Hubschman acknowledged that since these are pressure dosing systems, they actually may be able to bring them down as the grading requirement is level for five feet and then a one on three slope; he will review. Ms. Herries asked why the walls are on the property line. Mr. Hubschman responded due to the location of the septic systems.

Chair Parilla addressed Mr. Frenzel and Mr. Vander Veer to ask if they had any additional questions and were clear and comfortable with the issues to be addressed in the proposed engineers meeting. They acknowledged they were.

Opened for Public Comments

Richard Incontro stated Mr. Peel provided false plans to DEP by not informing them of the spring and using the term "isolated wetlands." His observations are that you still can't tell what's spring or wetlands during storms and the area is boggy. After construction all the water will come off the neighbor's lot. When it rains now his basement floods because the water table rises and this will only get worse if they put buildings there. The Board hasn't seen what Schoolhouse Lane looks like when it floods and his neighbor has lots of dirt and rocks in his driveway. He feels the survey lines on the plans don't accurately show where Schoolhouse Lane and should be confirmed with reality before any construction. Will the water wash out the wall? He is very emotional and disturbed because the original LOP gave false information.

John McCaffrey is concerned with setbacks and how the new septic system will function when the prior attempt was a catastrophic failure leaching out the sides. How are they going to stop the same thing with this system? Attorney Hirsch reminded the septic were accepted per Mr. Frenzel's letter. Mr. McCaffrey objected to Mr. Hubschman's notation on his plan "formerly (Schoolhouse Lane)." Attorney Phillips explained technically the use of the word "formerly" is correct since the Court vacated all the public rights. They can call it Schoolhouse Lane but it is a private road. Mr. McCaffrey stated it has a sign on it and if you look on any map to this day it shows Schoolhouse Lane as a thoroughfare. Attorney Phillips noted that is often the case with private roads but they are not public streets; they are 'formerly' public streets. Mr. McCaffrey wants the ordinance followed and to not allow walls to be built on the property lines.

Resolution: Upon a motion by Ms. Gerstein, seconded by Ms. McGuire to carry this matter to the next meeting January 25, 2022 and approved by all. No further public notice required.

2022 Planning Board Meeting Dates:

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Mayor Tomasko and seconded by Ms. McGuire. All were in favor. The meeting adjourned at 10:05 P.M.

Respectfully submitted,
Marilyn Hayward
Recording Secretary