

## **ALPINE PLANNING BOARD**

Alpine Borough Hall  
100 Church Street  
Alpine, New Jersey 07620

### **MINUTES**

February 27, 2018

**CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE:** The Planning Board, Borough of Alpine, convened in regular session on Tuesday, February 27, 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, February 27, 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.

**SWEARING IN OF 2018 OFFICIALS:** Attorney Phillips administered the oath of office to Lorraine Mattes, Class II member for a three year term expiring 12/31/2020.

### **ROLL CALL:**

Members Present: Carol Cochi, Gayle Gerstein, Elizabeth Herries, David Kupferschmid, Lorraine Mattes, Catherine McGuire, Catherine Parilla, Joyce Sonpal, Mayor Paul Tomasko

Members Absent: Alt I Jeff Fromm

Staff Present: John Phillips, Board Attorney; Gary Vander Veer, Borough Engineer  
Marilyn Hayward, Recording Secretary

### **APPROVAL OF MINUTES OF JANUARY 23, 2018 REGULAR MEETING:**

Upon a motion by Elizabeth Herries, seconded by Mayor Tomasko, to approve the minutes of the January 23, 2018 Planning Board Regular Meeting. Eligible members voted as follows:

Vote: Ayes: Carol Cochi, Gayle Gerstein, Elizabeth Herries, David Kupferschmid, Cathy McGuire, Catherine Parilla, Joyce Sonpal, Mayor Paul Tomasko

### **PROPOSED REVISION OF PLANNING BOARD BY-LAWS**

Upon a motion by Mayor Tomasko, seconded by Mayor Tomasko, to approve the proposed revision of the Planning Board By-Laws designed to clarify the duties of "Secretary" and "Recording Secretary":

Amend Section 1:2-4 "Recording Secretary" to add "Recording" as the second word in the introductory sentence.

Add Section 1:2-5 "Secretary. The elected Secretary shall perform those duties required by the Municipal Land Use Law"

Vote: Ayes: Carol Cochi, Gayle Gerstein, Elizabeth Herries, David Kupferschmid, Lorraine Mattes, Cathy McGuire, Catherine Parilla, Joyce Sonpal, Mayor Paul Tomasko

### **OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS** No comment.

### **NEW APPLICATION: SOIL MOVING – LABARBIERA, BLOCK 20 LOT 9, 7 HEMLOCK DRIVE**

Matthew G. Capizzi, Esq. 11 Hillside Ave., 2<sup>nd</sup> Fl., Tenafly, NJ 07670 appearing for the applicant Joseph LaBarbiera along with Douglas Doolittle PE, PP of McNally Engineering, LLC, 169 Ramapo Valley Rd., Oakland, NJ 07436 and Landscape Architect, Joshua Hampton of DiTomaso & Hampton Landscape Architects & Contractors, 30 Franklin Ave., Oakland, NJ 07436. No public comments or questions were presented. Mr. Capizzi advised this application is for a major soil moving permit and waivers from the swimming pool ordinance to construct a patio and pool at the rear of a home currently undergoing a renovation reconstruction.

**Mr. Doolittle** was sworn and accepted by the Board. He explained the Zoning Officer's letter dated February 14, 2018 denied the plan for a deficient right side yard setback being 49.7 feet. Mr. Doolittle explained this was a typo and produced a corrected plan denoting the setback at 50.1 feet which complies. This plan was marked **Exhibit A-1** "Foundation Location Plan" dated January 23, 2018. He explained the field work was done January 23<sup>rd</sup> but the plan was not produced until today which is why it was not previously submitted. He further hand corrected the plan submitted with the application "Plot Plan / Soil Erosion & Sediment Control Plan II" dated January 12, 2018 no revisions and marked this as **Exhibit A-2** (noted but not retained).

Mr. Doolittle testified to existing conditions. The home is under renovation and currently in the framing stage. A driveway enters on the east side with legs to a sideloading garage and a circular turnaround in front. The old rear terrace was removed. The property is relatively narrow and somewhat pie shaped tapering towards the rear. It slopes down from east to west. The property to the west is in the Borough of Cresskill. The proposed patio area is about level with the second floor of the homes to the west. They do not need any steep slope variances.

Mr. Doolittle stated they propose a patio and pool with the pool being about 18 inches below the first-floor level. Due to the slope of the property the pool and patio would start out at grade on the east but require them to elevate the grade about six feet as you go west. A retaining wall would be constructed around the western side. The slopes require variances for pool coping greater than three feet above original grade for more than 30%, (they have about 70%) and pool coping greater than five feet above original grade. A chain link perimeter fence is shown along with a silt fence around the entire limit of disturbance. They propose two seepage pits to handle stormwater runoff from the increased impervious coverage. Mr. Vander Veer has reviewed the drainage plan and found it to be acceptable.

Soil moving volumes are: cut 1,210 cubic yards (cy) and fill 1,070 cy, import 0, export 140 cy for a total of 1,210 cy. An additional 60 cy will be removed for the seepage pits. No waivers are required. Erosion control measures provided include the silt fence, access pad and a topsoil stockpile to be located in the rear yard during construction. Mr. Doolittle advised they can comply with all items in Mr. Vander Veer's February 7, 2018 letter.

The hearing opened for questions.

Mr. Vander Veer referred to his February 7, 2018 letter List of Required Revisions/Supplements Item #3 seeking revision of the plan's limit of disturbance at the southerly portion which must be expanded westerly based on the grading shown on the cross sections. Mr. Doolittle acknowledged same. Mr. Vander Veer cautioned if they reduce the cross sections they may introduce some waiver requirements. In addition to the letter, Mr. Vander Veer needs a quantity for the limit of disturbance. The drainage report indicates .46 acres of disturbance. The property is 2 acres. By graphics alone it appears they are disturbing more than half of the property. If the disturbance is over an acre they have a major development for purposes of stormwater management with a host of additional requirements including recharge requirements, provision of a maintenance plan per the new NJS DEP Stormwater Management regulations that took effect January 1, 2018. This will have to be reviewed closely. Mayor Tomasko asked if they need that much disturbance. Mr. Doolittle offered they could tweak it relative to the driveway and the grading in the rear. They didn't want to over exaggerate it for the drainage. The .46 acres for the drainage is merely the portion for the pool, patio and seepage pits. They will refine or make the appropriate adjustments. They understand it behooves them to keep the disturbance under an acre to avoid triggering the more stringent regulations.

Mayor Tomasko asked why they need to remove 37 trees. Mr. Doolittle explained they are trying to create a usable back yard integrated with the pool and patio. The back is quite heavily wooded. Mayor Tomasko asked if the property owner preferred open space to privacy. Mr. Capizzi noted they have a landscape plan that will achieve the required replanting while also providing for privacy. Mr. Vander Veer noted most of the trees to be removed are deciduous and they do not want to see these replaced with just a line of arborvitae along the property line. Mitigation must include trees similar to those being removed. Mrs. Mattes asked if trees outside the limit of disturbance will be impacted. Mr. Doolittle said no. Mrs. Mattes asked the distance from the pool fence to the rear property line and Mr. Doolittle stated about 230 feet at the closest point. Mrs. Mattes noted removal of all those trees will increase the amount of runoff. Mr. Doolittle stated there will be grass. Mrs. Mattes reminded grass is not a tree root.

Ms. Herries requested clarification of the pool grade and height of the westerly retaining wall which Mr. Doolittle demonstrated on the plan. The stone retaining wall would be about six feet high. Mr. Capizzi noted the patio and pool are essentially at the same height as what was there prior.

**Joshua Hampton** was sworn and reviewed his credentials. Mr. Hampton graduated Penn State in 2000 and has worked in the field of landscape architecture since then. He was licensed in NY in 2009 and NJ in 2014. He has testified numerous times before land use boards in Bergen County including Closter, Paramus, Ridgewood, Saddle River and Upper Saddle River. He visited the site, reviewed the engineering plans and review letters re: tree mitigation and prepared a plan entitled "Tree Replacement Plan" dated February 22, 2018 marked as **Exhibit A-3** to provide for tree replacement and screening. He provides for the planting of 78 trees; 36 evergreen trees are proposed with ten 10 to 12-foot Norway spruces along the base of the interlocking block retaining wall for the pool and wrapping around the seepage pits to block views for the westerly Cresskill neighbor. An additional sixteen 8 to 10-foot evergreens continue along the westerly property line and ten along the easterly property line. Remaining trees will be replaced with 4-inch caliper oaks and maples. Trees to be removed include maples, oaks and cherry and his plan tries to keep within the theme of the property. This plan is preliminary and they are open to modification upon review by the Environmental Commission. Mrs. Mattes asked why a beautiful 24" beech tree in the front right of the property is slated for removal. Mr. Doolittle offered they could regrade as necessary and prune and will do everything they can to save that tree. Mrs. Mattes noted every plan shows tree protection detail but she doesn't often see that on site. They have to ensure these details are being carried out on site.

Ms. Herries expressed concern with the height of the retaining wall. Mr. Doolittle assured it would be fenced in compliance with the pool code. The code requires 48 inches. It would likely be wrought iron. Mr. Kupferschmid noted the trees will screen views. Mrs. Cochi asked if additional landscaping with bushes and other plantings will be proposed as that would help with drainage. Mr. Hampton noted he was hired to do an entire landscape plan, this is preliminary just to show the trees.

Attorney Phillips noted conditions as laid out in the below resolution.

**RESOLUTION:** Upon a motion by David Kupferschmid, seconded by Joyce Sonpal, to approve the application for LaBarbiera Block 20 Lot 9, 7 Hemlock Drive subject to conditions including soil movement operations to be scheduled around school hours to ensure safety; satisfying the Borough Engineer's requirements including revision of plans to correct the side yard setback, compliance with the February 7, 2018 letter, revision of the limit of disturbance and compliance with stormwater management regulations. In addition, the Applicant will take measures to preserve the 24" beech tree to the right of the driveway and comply with all reasonable recommendations of the Environmental Commission for the final landscaping plan.

Vote: Ayes: Carol Cochi, Gayle Gerstein, Elizabeth Herries, David Kupferschmid, Lorraine Mattes, Cathy McGuire, Catherine Parilla, Joyce Sonpal, Mayor Paul Tomasko

<b>BILLS:</b>			
	John Phillips, Esq.	\$ 200.00	January meeting
	News Publishing Group	\$ 18.15	Notice of decision re:72/25.02 (escrow)
	Azzolina & Feury	\$ 252.00	Letter to DEP re: Dogwood Lane 74/5
	Clarke, Caton, Hintz	\$ 193.00	COAH Court Appointed Special Master (Trust)
	Clarke, Caton, Hintz	\$ 121.00	COAH Court Appointed Special Master (Trust)
	Burgis Associates	\$ 7,487.50	COAH Vacant Land Analysis (Trust)

A motion to approve the above referenced bills was made by Elizabeth Herries and seconded by Gayle Gerstein. All in favor.

**COMMUNICATIONS:**

Azzolina & Feury Letter to NJDEP re Block 74 Lot 5 Letter sent per the Board's request at the January meeting.

Notice of NJDEP Stipulation of Settlement re F.E. Alpine Mr. Vander Veer explained the letter deals with preliminary DEP approvals for a proposed four-lot subdivision/development in Demarest that would only be accessible through Demarest. The property is part of a heavily encumbered, environmentally sensitive area with wetlands and open watercourses. The property is adjacent to and in some parts overlapping Alpine's border. As no public hearing for development has yet been scheduled it was the Board's consensus not to take a position at this time due to a lack of detail regarding the proposed project.

Notice of Certification of Soil Erosion and Sediment Control Plan re Block 49.02 Lot 10; 80 Church Street  
Mr. Vander Veer noted septic systems are under construction.

Notice of Certification of Soil Erosion and Sediment Control Plan re Block 55 Lot 18; 926 Closter Dock Road  
Duly noted; no comment.

**COMMITTEE REPORTS:**

Northern Valley Mayors & Planners Assoc.: No meeting.

Board of Health: Met February 13<sup>th</sup>. Report is on file.

Environmental Commission: Lorraine Mattes advised preparations for Arbor Day are underway.

Building Department: Report is on file.

NJ Transit Update: No new developments.

COAH Update: The Court Appointed Master toured the borough with the Mayor, Borough Attorney and Borough Planner and then met at Borough Hall to discuss appropriate potential vacant land analysis and durational adjustments and the challenges to construction of high density housing in Alpine which is mostly non-sewered. The Borough Planner has been deeply involved in the Vacant Land Analysis and communication with the Court Appointed Master as they work to determine Alpine's Realistic Development Potential. The Fair Share Housing Alliance is also a party to these determinations. Once the RDP is determined the next step will be to develop a Compliance Plan.

**Stormwater Management Training Video:** Carol Cochi and Catherine Parilla have completed the initial training.

**ENGINEERING TUTORIAL** As requested by the Board Mr. Vander Veer provided a tutorial on what's involved in the engineering review of land use applications that come before them including applicable Borough Ordinances, State Standards and required reviews by other Agencies such as the Bergen County Soil Conservation District and NJ DOT. The Board also discussed strategies for dealing with properties that are unsightly due to neglect, abandonment or delays in construction timelines. Mayor Tomasko noted the process starts with making the Construction office aware. Everyone thanked Mr. Vander Veer for his presentation

**ADJOURNMENT:** A motion to adjourn the regular Planning Board meeting was made by Elizabeth Herries and seconded by David Kupferschmid. All were in favor. The meeting adjourned at 9:09 PM.

Respectfully submitted,

Marilyn Hayward  
Recording Secretary