

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

July 25, 2017

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, July 25, 2017 at 7:30 P.M. Chairperson 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, July 25, 2017 at 7:30 P.M. has met the requirements of the law by publication in The Record and 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, Catherine McGuire, Lorraine Mattes, Catherine Parilla, Mayor Paul Tomasko

Members Absent: David Kupferschmid, Joyce Sonpal, Alt I Jeff Fromm

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

APPROVAL OF MINUTES OF JUNE 27, 2017 REGULAR MEETING:

Upon a motion by Mrs. Gerstein seconded by Mrs. McGuire, to approve the minutes of the June 27, 2017 Planning Board Regular Meeting. Eligible members voted as follows:

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

OPEN TO PUBLIC: NON-AGENDA ITEMS - none

APPLICATIONS

Soil Moving: Crespo; Block 49 Lot 2, 477 Hillside Avenue Correspondence received from Applicant's Attorney dated July 25, 2017 requesting matter be carried to next available meeting. Attorney Phillips recommended the Board adopt a resolution. Upon a motion by Mrs. McGuire, seconded by Mrs. Gerstein and approved by all to carry the matter of Crespo Block 49 Lot 2, 477 Hillside Avenue to the next meeting scheduled for August 22, 2017.

Soil Moving: Grinberg; Block 49.02 Lot 17 - 28 Ellens Way

Matthew G. Capizzi, Esq. 11 Hillside Avenue, 2nd Fl., Tenafly, NJ 07670 appeared on behalf of Applicants, Mr. & Mrs. Grinberg. The application seeks a major soil moving permit with waivers and steep slope variances generated by existing topography. Most of the property has slopes of 15% or greater and no construction could take place without disturbance of these steep slopes. Variances are needed for the retaining walls and drainage improvements and soil moving waivers are needed to create a functional septic system in the rear yard.

Mayor Tomasko pointed out an additional factor is the Applicant's desire to knock down the existing house and totally redevelop the property rather than make do or slightly renovate. Attorney Capizzi respectfully countered that what constitutes a desirable structure differs from one individual to another. They need to demonstrate criteria to justify the relief under the Municipal Land Use Law and topography is such a condition.

Douglas W. Doolittle, PE, LS, PP of McNally Engineering, LLC 169 Ramapo Valley Road Oakland, NJ 07436 was sworn. Attorney Capizzi asked Mr. Doolittle be recognized as an expert in engineering and planning. Attorney Phillips did not recall Mr. Doolittle previously testifying before this Board as a planner.

Mr. Doolittle referred to colored exhibit Drawing No. SL-1 "Steep Slope Analysis Plan prepared by McNally Engineering, LLC dated 3/31/17 (no revisions) previously submitted to the Board to describe existing conditions. The property is located on the south side of Ellens Way sloping down to the rear with some cross pitch from east to west. The property was probably 15% steeper prior to the original construction where they leveled an area for the existing house and pushed the fill out creating steeper slopes at the sides. There's a drop off of 10-15 feet on the west side. A grey water septic system has been reconstructed in the front yard; no tree removal was needed. The blackwater system proposed for the rear yard has not yet been constructed and would require tree removal.

Mayor Tomasko noted the Board's policy is for septic systems to be installed prior to appearing before the Board. Mr. Vander Veer explained construction of the rear septic system requires multiple waivers and steep slope variances as well as NJ DEP approval for tree removal within a riparian zone. Due to the extent of proposed disturbance he recommended the applicant seek Board approval prior to permitting installation of the rear septic system. Functionality of the existing blackwater system in the rear yard is unclear and it would not accommodate the proposed 5-bedroom house.

Mr. Doolittle referred to colored exhibit Drawing No. SP-1 "Site Plan/Septic System Plan" prepared by McNally Engineering, LLC dated 2/1/17 last revised 6/8/17 previously submitted to the Board to describe their proposal. A larger home would be constructed roughly over the existing footprint to include a straight-in garage where no garage currently exists and a circular driveway in front. The rear septic system has to be significantly elevated and requires an extensive retaining wall. The proposed drainage system includes strip drains over the driveway with an inlet by the corner of the house and two seepage pits to the west of the garage to capture roof water.

They need a waiver for 4:1 slopes for the decorative rockery by the driveway needed as the existing slope will be higher relative to changes in floor elevations from the old to the new house. They also require a waiver for fill greater than five feet above original grade and for a 4:1 slope for the rear yard retaining wall. This is a result of grading from the septic field to the retaining wall and then the wall to the existing grade.

Mr. Capizzi asked Mr. Doolittle to address drainage noting they'd met with adjoining neighbors to the rear and to the corner. Mr. Doolittle described a ditch that runs along the rear of the property from east to west which is a DEP regulated feature. They've applied for required permits. Driveway and roof runoff will be contained on site in the seepage pits. The proposed drainage design has been reviewed and approved by the Borough Engineer. After the rear yard is leveled it will absorb more runoff providing less time of concentration and less sheet flow off the property. Mr. Doolittle addressed steep slopes and the impact of construction on stability by noting the rockery, areas of steep slopes, and retaining walls on the plan. The rockery was proposed because they didn't want to create a guardrail effect placing a retaining wall atop the driveway. The proposed plan softens the effect allowing for gentler slopes. The proposed disturbances are necessary for construction but temporary in nature and within the limit of disturbance. All will be stabilized when construction is complete. Mr. Capizzi asked Mr. Doolittle to discuss tree removal and mitigation. Twenty-three trees will be removed. They will be mitigated per the Borough's tree ordinance and they will also comply with any requirements imposed by NJ DEP. Mr. Doolittle provided soil moving quantities: cut 194 cubic yards (cy), fill 1,878 cy, import 1,774 cy, export 0 cy, total moved 1,878 cy. Soil erosion measures will include hay bale protection and a silt fence around the limit of disturbance for the entire duration of the project. They will comply with provisions of Mr. Vander Veer's June 22, 2017 letter. Mr. Capizzi advised they'll have the architect revise plans stipulating there is no bedroom in the basement.

Mr. Vander Veer questioned the DEP application: Mr. Doolittle affirmed the application is currently at NJDEP. They did not have a pre-application meeting. Mr. Vander Veer asked if they had received any feedback regarding the drainage ditch and what limitations that feature might place on the development of the property. Mr. Doolittle feels the disturbance chart submitted will meet their requirements. He did not know the permit deadline. They may need an extension. Mrs. Parilla opined DEP's response could have an impact on the septic field and retaining wall. Mr. Doolittle agreed that's a possibility and Mr. Vander Veer would have to determine if they need to return to the Board.

Mr. Vander Veer noted the plan indicates they will "seal" a drain line in the front which is only 10 feet off the septic field. Mr. Doolittle stated they will either put a liner there or wrap the pipe but is not sure they will need it with the strip drain. Mr. Vander Veer offered it will help capture any overflow from the street before it gets to the house. Mr. Doolittle hopes they will construct a drop curb with a lip to prevent street water from coming in. Mr. Vander Veer noted they will have to

address with the contractor. His concern is with drain water getting into the septic field. They must ensure there's no transfer through use of liners or concrete encased joints. Mr. Doolittle agreed.

Mrs. Mattes observed it appears the whole property will be disturbed and questioned final grades. Mr. Doolittle noted the property slopes about 36 feet from the street to the rear corner. There will be level areas but he reminded they are not starting from a flat grade but rather one where all the slopes are at least 15% or greater. The only level area now is where the existing house is. Mrs. Mattes offered with the trees gone it will look like one flat piece of property. Mr. Doolittle pointed out the limit of disturbance up to the wall is pretty much the edge of the wooded area now. They do not propose removing any more trees or exterior landscaping. The disturbance is internal relative to construction of the home, septic systems and driveway. He is sure the Applicants plan extensive landscaping. Mrs. Mattes lamented no one builds in harmony with nature anymore.

Mrs. Parilla asked if they are using the same foundation. Mr. Doolittle did not know. Mayor Tomasko noted the property has been in an unsightly condition for a long period of time and the owner was recently sent a property maintenance letter. Mr. Capizzi advised they would have someone out there in a few days to clean up the site. Mr. Grinberg was sworn by Attorney Philips to address this issue. Mr. Grinberg apologized noting he thought the time until construction would have been faster; he will take care of it.

Mayor Tomasko questioned an issue regarding potential for another bedroom in the basement. It was noted the plan depicts a room that could be the size of a bedroom with a full bath right outside and a window well for emergency exit indicating the room might easily be converted. Ms. Herries had similar concerns with a first-floor space labeled office and a second-floor space labeled den/guest room. The number of bedrooms impacts the size of the septic system. The state code requires any other room that could be used for a bedroom be included in the septic system calculations. The current plans do not provide sufficient detail to rule out the possibility. Attorney Capizzi stipulated plans will be revised to comply with the Borough codes and they will be governed by the Certificate of Occupancy issued for the house. They are only proposing 5 bedrooms and the property will have to be used in conformance with that restriction. Mr. Grinberg is present and aware he is not permitted to use any other space that's not labeled as a bedroom any other way.

Mr. Vander Veer maintained they will need DEP approval and must provide appropriate documentation including a set of detailed architectural plans for review before a septic permit to install the rear system will be issued.

Mrs. Mattes questioned if corner markers were installed. Mr. Doolittle stated they probably were not set as they did not have a reason to mark them at this point.

Mrs. Parilla opened the meeting to the public for questions of the attorney or the engineer.

Dr. Basil Dalavagas, 21 Ellens Way, questioned current and proposed footprint. Mr. Doolittle stated is 2,074 square feet and proposed is 3,547 square feet. He affirmed they plan to cut down 23 trees. Dr. Dalavagas asked if they feel good about that noting Alpine is Tree City and 23 trees on one acre of property is a lot of trees. Mr. Doolittle explained that is why there will be a plan to mitigate the tree removal per the Borough ordinance.

Irene Jakubowicz, 15 Pike Street lives downhill from the subject property and expressed concern with increased stormwater runoff during and after construction to ask how they plan to deal with it. Mr. Doolittle repeated the drainage provisions noting they were designed according to the State's RSIS (Residential Site Improvement Standards) and were reviewed and approved by the Borough Engineer. Mr. Jakubowicz asked if he guarantees she will not be impacted. Attorney Capizzi clarified her home is not directly behind the subject but a little further to the west. Mrs. Jakubowicz maintained she gets a lot of drainage now. Attorney Capizzi noted there is currently no onsite detention for the subject property and the ditch services the whole neighborhood, not just their property; other properties flow into it. The Board questioned the direction of the ditch / tributary but it was unclear how it flowed through the adjoining properties. Mrs. Parilla offered as there are no drainage improvements at all now, they can only hope the proposed would improve her situation. Mrs. Jakubowicz advised she remains very concerned the construction will turn her backyard into a swamp.

Chairwoman Parilla opened the meeting to the public for comments.

Richard Glazer, 27 Ellens Way, was sworn by Attorney Phillips. He is delighted the project will progress as it really has been a mess for a long time. He has one comment related to their concern regarding the potential for a basement bedroom because of the full bath noting he, too, has a full bath in his basement because he likes to shower after using his gym equipment. He wishes them good luck on their project and is glad that it falls within the 9% building coverage so no variance is required as he saw a previous plan that would have provided for a 4,500-square foot building envelope.

Being no further questions or public comments Mrs. Parilla closed the public session and asked for a motion for purposes of discussion.

Attorney Phillips advised a motion to approve should include the following conditions:

- Compliance with to the Borough Engineer's letters and comments
- The Board's usual condition regarding limitation on trucking of soil during school hours.
- DEP approval must be received prior to installation of the rear septic system. The Borough engineer will ensure the architectural plans are required for review as part of the septic system installation permit application.

Upon a motion by Ms. Herries, seconded by Mrs. McGuire to approve with conditions as noted.

Discussion: Mayor Tomasko expressed concerns with the number of variances and waivers required for this project opining an alternate design could have reduced the number and degree. Mrs. Mattes agreed. Mrs. Parilla asked if there was a particular variance that could be ameliorated. It was noted all five relate to steep slopes because the entire property has steep slopes of 15% or greater. Mrs. Parilla felt it was the nature of the property that drove the variance. Mayor Tomasko countered that the Borough enacted the steep slope ordinance to restrain this kind of building activity and felt they're being asked to ignore that. Attorney Capizzi advised there is no opportunity to avoid seeking relief for this site. They are not dealing with isolated pockets that you can work around. He maintained the principal disturbance within the steep slope is the retaining wall, a relatively narrow structure, most of which will be buffered by the mature landscaping around the perimeter which is not being touched. A portion of the building is also within a 15% steep slope area, the lowest threshold, and the third structure is their need to create a functional septic system. Attorney Capizzi informed the project had taken longer than anticipated as they looked at several different alternatives to try and reduce the degree of waivers, fill and intrusion into the steep slope areas given the difficult nature of this site. They believe the proposed to be their minimalist point.

Ms. Herries questioned site cleanup. Attorney Phillips advised the Board can require the cleanup be completed prior to adoption of their formal resolution which would give them at least 30 days.

Mrs. Mattes and Ms. Herries expressed concern with the control of runoff after the trees are removed but prior to the drainage improvements being installed. Mrs. Parilla stated they will have to mitigate the trees but Mrs. Mattes noted new trees will be smaller and won't be planted until construction is finished. Mr. Doolittle stated they will try and install the drainage improvements as soon as they can to collect as much onsite runoff as they can. They can install storm filters on the seepage pits to capture silt. There will be some runoff but at the end of the day it will be better. Noting it's been 18 months since the first septic system was installed and that continued construction can take another 18 months or more which Mr. Doolittle has little control over, Mrs. Parilla asked if they could attach a condition for this. Attorney Phillips noted the rear septic system is going to be constructed first so the question is if that area is going to be graded and stabilized. Mr. Doolittle stated it has to be. Attorney Phillips offered that means it's not going to take the 18 months that it may take to build the house. The septic has to be done first, it has to be done quickly and it has to be stabilized. Mr. Doolittle agreed the retaining wall and the rear septic field will be all part of one initial installation because they need to contain the field by building the area up from the wall and then sloping into it. That can be stabilized completely below the wall and outer area with silt fences and then the top can also be stabilized from the house side of the field to the rear yard. Attorney Capizzi added they can hydro-seed that area or lay hay bales until such time as they're ready to seed or sod that area.

Mrs. Parilla asked if there is going to be another long pause after the rear field is constructed while the property continues to be an eyesore. Attorney Capizzi asked Mr. Grinberg when he will start once he gets the needed approvals. Mr. Grinberg responded a home in Alpine is their goal and his wife asks him every day why it hasn't happened. He assured they are financially stable and there will be no delay. He apologizes to the neighbors for the delays so far that are due to obtaining

necessary approvals. Mr. Vander Veer advised since the applicant applied for the front yard septic system permit procedures have changed. The Borough now enforces a provision of the Alpine Sanitary Code requiring a \$10,000 bond prior to issuance of the permit. If the applicant is unable to proceed the Borough has this performance guarantee.

Mrs. McGuire offered the Borough will have more of these difficult properties with turn over from older smaller homes on steep properties. Mrs. Parilla opined the larger house is a contributing factor but Mrs. McGuire noted the applicant complies with building coverage and is not as big as it could be. No accessory structures like a pool are proposed and there is likely no room for any. Currently the property is very unattractive. Mrs. Mattes expressed concern with giving approval at this time. If they can't install the septic system they will have removed all the trees for naught. Ms. Parilla reminded they still have to get DEP approval before they can get the septic permit.

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

APPLICATION APPROVED

REQUEST FOR EXTENSION OF SOIL MOVING PERMIT: LOW BLOCK 73 LOT 10 – 6 BIRCH ROAD

The Board received a letter dated July 18, 2017 from Matthew G. Capizzi on behalf of the Low's requesting an extension from the Board's July 26, 2016 resolution. Secretary Hayward indicated Attorney Capizzi had advised it was too late to notice for this meeting and he was under the impression he could request an extension of time to do so. The Board noted this is one of those unfinished properties that has become an eyesore. Mr. Vander Veer has sent out a maintenance notice on this property. It is not known what the reason for delay is. Attorney Capizzi had already left the premises.

Attorney Phillips recalled Attorney Capizzi was notified several months ago of the procedure. "*Permit extension requests must be submitted in writing to the Construction Officer a minimum of 30 calendar days prior to expiration of the permit.*" Thus the request was to be submitted by June 26, 2017 and include the following which the letter does not: "*the extension request must include the reason for the request, the length of the request, indicate the new completion dates specifying day, month and year and indicate the volume of soil remaining to be removed.*" The Board has a right to review and approve in accordance with procedures in the ordinance. "*If the soil moving permit expires prior to the applicant requesting in writing to the Planning Board or Administrative Officer for a formal extension of the permit all soil movement shall cease.*" Per the ordinance Attorney Phillips advised extension is not automatic. Attorney Phillips will call Attorney Capizzi to advise he needs to re-apply for the soil moving permit, be scheduled for a public hearing and will have to remake his case.

REVIEW OF PROPOSED AS-BUILT PROVISIONS

The Board discussed attorney Phillips memorandum re: as-built survey provisions dated July 7, 2017.

The following changes were made:

Page 2 Line 4 add comma after "remain" and delete "require that"

Line 6 after "impose" replace "a restoration fee" with "an assessment" and Line 7 delete "fee" which affords the Board more latitude.

Upon a motion by Ms. McGuire seconded by Ms. Gerstein and approved by all to forward the Board's recommendations to the Governing Body for review. The Board Secretary will convey to the Borough Clerk.

Ms. Mattes questioned enforcement of new procedures. Mayor Tomasko noted the Technical Assistant spends a lot of time educating applicants. Mr. Vander Veer noted once enacted he will include these requirements in his review letters which generally go to the engineer and/or attorney and the owner or applicant – whomever is involved; it is then up to them to inform the builder.

COMMUNICATIONS

Northern Valley Greenway Mayor Tomasko distributed a recent news article that appeared in the Northern Valley Press July 17, 2017. Mayor Tomasko noted it is a good read and indicates support is fairly widespread.

BILLS:

Azzolina & Feury	\$ 327.00	Perez Escrow Block 59 Lot 3 – 822 Closter Dock Road
John Phillips	\$200.00	June Meeting
NJ Media	\$ 18.15	JLB Escrow: Block 76 Lot 2 – 32 Allison Road
Huntington Bailey	\$225.00	COAH Trust: Special Counsel

A motion to approve the above referenced bills was made by Gayle Gerstein and seconded by Catherine McGuire. All were in favor.

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: Mayor Tomasko advised with summer recess there was no meeting.

Board of Health: Mayor Tomasko noted the Board meets quarterly so there was no meeting.

Environmental Commission: Mrs. Mattes reported no meeting.

Building Department: Report distributed without comment.

NJ Transit Update: Mrs. McGuire noted this has been in the paper. The light rail was a surprising success in Hudson County. The issue now is money and we should keep an eye on the Gateway Tunnel funding. The tunnels are a priority following damage from Sandy and 10% of the nation's population relies on them. The new tunnel might have been finished next year if funding had not been curtailed by the current governor.

COAH Update: Mayor Tomasko advised the most recent temporary relief extends through the end of August. Mr. Vander Veer advised water testing for Alpine Three's second septic continues to address concerns with leaching and water level.

Executive Session. Upon a motion by Mayor Tomasko seconded by Mrs. Gerstein to enter into an executive session at 8:51 PM providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. for the purpose of discussing a potential contractual matter as permitted under N.J.S.A. 10:4-12.b.7. was made by Mayor Tomasko and seconded by Mrs. Gerstein. An Executive Session closed to the public shall be held for the discussion of matters relating to the specific item designated above. It is further noted deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality. All were in favor.

The Executive Session concluded at 9:09 PM. The Board returned to open session and immediately moved to adjourn.

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Mrs. Gerstein and seconded by Mrs. McGuire. All were in favor. The meeting adjourned at 9:09 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary