

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

June 22, 2021

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, June 22, 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 Act and the Governors Emergency Declaration, the notice of this regular meeting held Tuesday, June 22, 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, Gayle Gerstein, Elizabeth Herries, David Kupferschmid, Lorraine Mattes, Catherine McGuire, Catherine Parilla, Mayor Paul Tomasko
Members Absent: Joyce Sonpal,
Staff Present: Cara Landolfi for Michael Kates, Board Attorney; Perry Frenzel, Borough Engineer, Marilyn Hayward, Board & Recording Secretary

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS: None

APPROVAL OF MINUTES OF MARCH 23, 2021 REGULAR MEETING:

Upon a motion by Ms. Gerstein, seconded by Ms. Herries, to approve the minutes of the March 23, 2021 Planning Board Regular Meeting. Eligible members voted as follows:

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

Abstain: Mr. Kupferschmid

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 requests adjournment to July 27, 2021.

Upon a motion by Ms. McGuire, seconded by Ms. Herries approving request for adjournment by Alpine Three, LLC to the next regular meeting scheduled for July 27, 2021.

New Hearing: Soil Moving -Ko, Daniel, 27 Schaffer Road, Block 81.06 Lot 18

Attorney Mark D. Madaio, Esq. 29 Legion Drive, Bergenfield, NJ 07621 appeared on behalf of the Applicant, Daniel Ko. Submitted required notices to property owners within 200 feet and the notice of publication in the Record June 10, 2021. Applicant seeks a soil moving permit. No variances are required.

Exhibits prepared by Hubschman Engineering, P.A. marked during the course of these proceedings:

A-1 Engineering plans dated September 29, 2020 last revision # 2 April 23, 2001

A-2 Soil Moving Report dated September 28, 2021

Robert J. Mueller, P.L.S. of Hubschman Engineering, P.A. 263A S. Washington Avenue, Bergenfield, NJ 07621 was sworn, testified to his credentials and referenced plans for redevelopment of the property with a 6-bedroom dwelling, re-constructed septic systems, a pool and patio.

Soil moving is required to fill the lot as test pits detected ground water only four and one-half to five feet beneath the surface in the front where the septic systems are located. That elevation drives the rest of construction. They have to be six feet above the water level for the septic laterals. This required they add fill for the septic systems and the house to achieve positive drainage. Topography is fairly flat from front to back, rising a little on the front right side and there's a big hole where the former owner created some golfing greens. The existing house and pool will be demolished.

Soil moving: Total Cut 1,454 cubic yards, Total Fill 4,845 cubic yards minus 742 cubic yards cut from septic left on site equals 4,103 cubic yards, Import 2,649 cubic yards. They will conform to all soil moving ordinance requirements, as detailed on the plans and comply with any reasonable conditions the Planning Board sets.

About 1,000 cubic yards of fill were added in front for the septic, 550 cubic yards will be needed to elevate the house and the remainder, about 67%, to create a functional rear yard. They can comply with Mr. Frenzel's recommendations per his letter dated June 8, 2021 and agree to revise the plans to recontour the grading and redirect a small retaining wall in the rear to preserve up to 13 trees currently marked for removal on the plan as shown on page 2 of [A-1].

The proposed on-site stormwater management system includes a seepage pit system in the rear and storm filters to improve water quality. There will be no impacts to neighboring properties, septic systems or values. There are no wetlands or other features of concern that would be impacted by this development.

Mr. Frenzel noted corrections to his June 8, 2021 letter deleting the word "neither" Page 3, Item #5, line 6 and #7, line 11 change "any" to "and". Mr. Frenzel noted original septic located in the front yard failed. Test pits were done throughout the property revealing worse groundwater conditions in the rear which would have required more fill and disturbance. Gravity systems are preferred over pump septic systems justifying the location in the front and elevation of the systems and therefore the new house. He feels the proposed represents the best use of the property and appreciates their accommodation of his recommendation to preserve trees. Due to the amount of soil to be imported Mr. Frenzel requests the Board condition approval to require his office's review of the source of fill prior to it being brought to the site and, if indicated, require the necessary environmental documentation and chain of custody records. This is the responsible procedure for managing a large fill operation and Mr. Madaio agreed this was a prudent condition.

Chairperson Parilla opened to the Board for questions.

Ms. Mattes questioned the fill in the rear noting existing conditions of a flat area and a pool. The pool will be removed and the grade raised in keeping with the house to maintain a functional rear yard. The septic is at elevation 496 feet and the house begins at 501 feet with a first-floor elevation of 503 feet. The rear yard will go from 496 feet to 498 feet.

Chairwoman Parilla observed a lot of rock on site and questioned locations of prior septic fields and tanks. Noting existing conditions on page 3 of [A-1] Mr. Mueller offered the prior fields were north of the driveway and the tanks were closer to the house. The old fields were rather shallow and failed over time. Rock had to be excavated and fill brought in to create the new compliant septic systems.

Ms. Cochi asked how much higher the property will be as compared to the neighbors. Mr. Mueller said the same as there will be no fill, grading or trees removed within the twenty-foot tree buffers and less stormwater runoff than there is now.

Mayor Tomasko hates to see this much of an elevation change, but noting test pits in the rear revealed a worse situation he can see the justification and appreciates their willingness to preserve trees. Ms. Mattes received affirmation that preservation of the trees in the rear including a beautiful red maple can be a condition of approval.

Chairperson Parilla opened to the public for questions.

Mei Han spoke on behalf of a friend from 19 Schaffer Road to express concern with the sanitation and safety of locating the septic systems in the front near the street. Mr. Frenzel explained the design meets all NJDEP requirements and locations chosen based on groundwater and rock. They did look at other locations but they were not feasible. The new systems should function better and if well maintained should last longer. The septic systems are partially constructed and the elevation as seen today is very close to what the finished grade will be; it won't stick up like a sore thumb.

Ms. Han asked if the new house elevation will be the same; only three feet difference? Mr. Mueller stated the first-floor elevation of the new house will be three feet higher than the first floor of the existing house. For the sake of the neighbors Mr. Kupferschmid requested clarification comparing the height of the new and old house because this question has come up before and he doesn't want them to be surprised. A brief discussion ensued where it was reminded the house will comply at 35 feet from existing average grade which is 32 feet above the refinished grade. They did not know the height of the existing home but Mr. Frenzel estimated the new home would be about two or three feet higher based on the photos

provided with the application. Noting concerns with height, Ms. Mattes stressed the importance of protecting the tree buffers as a natural barrier.

Being no further comments or questions, Chairwoman Parilla closed the meeting to the public for questions.

Upon a motion by Ms. McGuire, seconded by Mr. Kupferschmid to approve the application subject to the usual and specific conditions of preserving the trees and sourcing the fill subject to Borough Engineer approval as noted during this hearing.

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

MOTION APPROVED

Review of Borough Ordinance #807 introduced on April 28th and scheduled for adoption on June 23rd, for compliance with Master Plan.

The recently enacted “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”) provides for a municipality to prohibit any or all of the six marketplace classes of licensed businesses listed therein by amending their zoning ordinances within 180 days which is August 22, 2021 or relinquish that option for five years. Mayor Tomasko noted at this time there are too many questions regarding cannabis and the Council seeks this ordinance to afford the Borough more time to reflect on the issues while protecting the Borough’s zoning. Ms. McGuire found language, particularly regarding deliveries, to be confusing. It was clarified the ordinance would not apply to the delivery of cannabis items and related supplies by a delivery service but a commercial delivery service could not be based in Alpine.

Attorney Landolfi explained the ordinance is only before the Planning Board to determine if it complies with the Master Plan. The Borough’s current zoning laws preclude commercial/business zones thus uses Classes 2-6 of the Act are already prohibited and no issue under the Master Plan. Furthermore, a Class I use (cultivation) would also be prohibited as while Borough Code 220-5(a)3 permits “agricultural and horticultural uses...incidental to a residence,” the Borough prohibits commercial uses and the likely intent of this section was to enable a resident’s personal garden and did not contemplate use for a commercial cannabis farm. Attorney Kates will elaborate in a clarifying memorandum. Meanwhile, the Board can reasonably construe that the proposed ordinance is in keeping with the Borough’s Zoning Laws and Plan. Conversely, permitting the activities under the Act would not be in compliance.

It was noted there are a few commercial properties remaining in Alpine as prior non-conforming uses, one of which is a nursery. Attorney Landolfi noted any prior non-conforming use is limited and therefore does not conflict with the intent of the Master Plan. Attorney Landolfi further noted that the Planning Board is obligated to make a determination within 35 days of receipt or the Mayor and Council cannot proceed. The Board always retains the ability to offer recommendations for future amendments for the governing body’s consideration.

Resolution: Upon a motion by Ms. McGuire, seconded by Ms. Gerstein that the Alpine Planning Board hereby determines Borough Ordinance #807

“AN ORDINANCE BY THE BOROUGH OF ALPINE IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 220-22 OF THE ALPINE MUNICIPAL CODE ENTITLED “USES PROHIBITED IN ALL ZONES,”

as introduced by the Mayor and Council on April 28th is in compliance with the Master Plan.

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

MOTION APPROVED

COMMUNICATIONS

- Notification of Certification of Soil Erosion and Sediment Control Plans: Block 59 Lot 3, Block 39.01 Lot 9.14, Block 49.02 Lot 21, Block 81.04 Lot 7, Block 20 Lot 8, Block 81.07 Lot 4, Block 77 Lot 2.
- Notification of Freshwater Wetlands Applications: Block 75 Lot 5, Block 51 Lot 7. Mayor Tomasko noted the Borough typically takes the stand against intrusions into wetlands so the question arises if these applications warrant the Board submitting comments to NJDEP. Mr. Frenzel noted these applications meet the criteria for a General Permit or Permit by Rule where NJDEP recognizes certain activities are minor enough in nature to warrant approval almost every time, such as placement of a driveway through a transition area that does not have extraordinary value by General Permit #8. The Board discussed the particular properties with the majority in agreement to direct Mr. Frenzel to correspond to NJDEP advising of the Board’s review consistent with the Board’s position on such applications.
- 200-foot lists: 81.06/18, 47/2, 22/10, 39.01/12.19, 75/13, 81.06/29, 49.01/4, 2406/10 (Closter).

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

Michael Kates, Esq.	\$ 800.00	Meetings (four)	
Azzolina & Feury	\$ 750.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
Azzolina & Feury	\$ 975.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
Azzolina & Feury	\$ 807.00	Alpine Three (43/6.01,6.02,6.03)	Escrow
Burgis Associates	\$ 75.00	Alpine Housing Plan	COAH
Burgis Associates	\$ 2,587.50	Alpine Housing Plan	COAH
Burgis Associates	\$ 112.00	Alpine Housing Plan	COAH
Clarke, Caton & Hintz	\$ 1,843.42	Appointed Court Master	COAH
Clarke, Caton & Hintz	\$ 448.50	Appointed Court Master	COAH
Clarke, Caton & Hintz	\$ 644.00	Appointed Court Master	COAH

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: Mayor Tomasko advised they have not met.

Board of Health: May report included in their packets. The Mayor noted the high level of activity.

Environmental Commission: Ms. Mattes reported more instances of re-visiting sites under development for amended tree removal. The Commission researched the need for a bamboo ordinance and forwarded their information to the Borough Attorney who asked what the EC’s position was. Community opinions are diverse and municipalities that have enacted ordinances have reported challenges with enforcement. No complaints have been received or issues identified. Chair Parilla and Ms. McGuire expressed concern as most homes have septic systems and bamboo is invasive. The Chair requested the EC reach a consensus, if any, and advise the Board of their recommendations at the next meeting.

Building Department: Report on file.

Zoning Board of Adjustment Annual Report: No report.

NJ Transit Update: Ms. McGuire noted Congress is stalled regarding infrastructure. The tunnels are a priority.

COAH Update: The COAH Committee met. The Borough continues to retain immunity.

Resolution: Executive Session A Resolution 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. 10:4-12.

OFFERED BY: Ms. Herries **SECONDED BY:** Ms. McGuire

at a regular meeting of the Planning Board of the Borough of Alpine held on Tuesday, June 22, 2021

WHEREAS, the Planning Board of the Borough of Alpine is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Planning Board of the Borough of Alpine to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b subsection designated below:

(b)(8) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Affordable Housing

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Alpine, assembled in public session on Tuesday, February 23, 2021, that an Executive Session closed to the public shall be held for the discussion of matters relating to the specific items designated above; and

BE IT FURTHER RESOLVED, that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Planning Board that the public interest will no longer be served by such confidentiality.

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

MOTION APPROVED

The Board entered into Executive Session at 8:59 PM and returned to Open Public Session at 9:19 PM

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 9:19 PM.

Respectfully submitted,
Marilyn Hayward
Recording Secretary