

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

April 24, 2018

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, April 24, 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, April 24, 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.

ROLL CALL:

Members Present: Carol Cochi, Gayle Gerstein, Elizabeth Herries, Lorraine Mattes, Catherine Parilla, Mayor Paul Tomasko

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

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

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS

Mayor Tomasko advised David Kupferschmid could not be present but recommends temporary fences installed at construction sites should be located a distance from the street equal to its height and not right at the curb line. Mr. Vander Veer felt this was reasonable in cases where the fence can be moved back to the right of way line while noting in a few cases the limit of disturbance may extend to the curb.

APPROVAL OF MINUTES OF FEBRUARY 27, 2018 REGULAR MEETING:

Upon a motion by Mayor Tomasko, seconded by Gayle Gerstein to approve the minutes of the February 27, 2018.

Discussion: Attorney Phillips stated page 2 pp6 line 11 to be corrected to read ".46 acres" consistent with line 5.

Motion amended to approve as corrected. Eligible members voted as follows:

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

MEMORIALIZATION: SOIL MOVING – LABARBIERA, BLOCK 20 LOT 9, 7 HEMLOCK DRIVE

Upon a motion by Mayor Tomasko seconded by Elizabeth Herries to adopt a resolution memorializing action taken by the Planning Board of the Borough of Alpine on February 27, 2018 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 Parilla, Mayor Paul Tomasko

NEW APPLICATION: SOIL MOVING – CRESPO, BLOCK 49 LOT 2, 477 HILLSIDE AVENUE

Lorraine Mattes recused as she lives near the subject site. Matthew G. Capizzi, Esq. 11 Hillside Ave., 2nd Fl., Tenafly, NJ 07670 appeared on behalf and with Applicant Carlos Crespo along with Douglas Doolittle PE, PP of McNally Engineering, LLC, 169 Ramapo Valley Rd., Oakland, NJ 07436 and Albert Arencibia, RA of CPA Architecture, 5600 J F Kennedy Blvd., Ste 203, West New York, NJ 07093. Neighbor, Dennis McCormack spoke regarding the application.

Attorney Capizzi stated Applicant seeks to redevelop the property with a new single-family dwelling, pool, and cabana. Due to the steep drop off in topography from east to west they require a soil moving permit with waivers and variances for disturbance of steep slopes and cabana height. The plans show the cabana at 19.5 feet where 15 feet is the maximum permitted for an accessory structure. However, they reviewed yesterday and can revise the grading to lower the height to 18 feet.

Mr. Doolittle was sworn and accepted by the Board as an expert in engineering and planning. The following exhibit was marked **Exhibit A-1** "Boundary and Topographic Survey" dated December 12, 2014 last revised December 16, 2014. This plan was not submitted with the application but was their base plan.

Mr. Doolittle testified to existing conditions. The lot is very irregularly shaped and not rectangular with frontage on both Hillside Avenue, a busy thoroughfare, and Pike Street. An existing driveway with retaining walls leads from Hillside Avenue to a house somewhat in ruins. A pre-existing tennis court on the flatter west side of the property has been fairly obliterated by installation of two new septic fields. An existing eight-foot-tall retaining wall basically bisects the lot with about 40% of the property to the west and 60% to the east and an eight to ten-foot drop to a lower wall that runs somewhat along the westerly side of the property. The lot is very steep with a total downward slope from east to west in excess of forty feet. Pretty much the entire site was revegetated and regraded during the original construction. They've tried to stay within these previously disturbed areas. The proposed will decrease improved coverage from the prior nonconforming 40.95% to a conforming 24.53%.

Utilizing the "200'Vicinity Map" last revised February 1, 2018, submitted as part of the application, Mr. Doolittle noted the home to the east is substantially higher and to the west is substantially lower with views only of the rooftops.

Utilizing the "Site Plan" last revised February 1, 2018 as submitted with the application, Mr. Doolittle explained their plan is to eliminate the less safe Hillside Avenue access and front the new home on Pike Street with a circular turnaround drive in front extending to side-loading garages on the west side. The cabana to the east would utilize part of the old house. A pool and patios are also proposed. Rockeries are the aesthetic means by which the property steps up to create functional grades for the home, cabana and pool. The rear portion of the existing home would be removed and the area graded out. Drainage features are proposed to control stormwater runoff from above. The revised grading would reduce the height for the cabana to under 18 feet and reduce soil movement. Although they are lowering the existing roofline by 8.5 feet the slopes expose the cabana's east and west foundation walls triggering the height variance. Mr. Doolittle opined that given the topography and distance between neighboring structures the impact is *de minimus*.

Utilizing the "Steep Slope Analysis Plan" last revised August 3, 2017 as submitted with the application, Mr. Doolittle pointed out the areas of disturbance in all of the steep slope categories needed for construction of the dwelling and driveway. He stated these areas were previously disturbed for original construction and are not wooded. A soil moving permit is needed for cut 3,216 c.y., fill 519 c.y., no import, export 2,697 c.y., total soil 3,216 c.y. along with a waiver for rockeries proposed with a 1:1 slope and fill five feet above original grade. The soil movement should be a little less after revising regrading for the cabana.

Standard soil erosion and sediment control will apply. The proposed will conform to current standards for stormwater management where the existing lot is nonconforming for improved coverage and really had no stormwater controls. Two seepage pits are proposed near Hillside Avenue with drains running up along the east side to pick up runoff from a swale. Additional drains will run across the lower portion of the lot up to a strip drain near Pike Street and an inlet by the garage. Mr. Doolittle stipulated to comply with recommendations in Mr. Vander Veer's March 16, 2018 letter including addressing a concern that drains are too close to the septic field noting the field near Hillside Avenue is most critical as the drain is downhill from that field. The drain is uphill from the other field. Mr. Vander Veer reiterated concerns noting sealing pipe joints will not be enough. Serious barrier protections such as clay barriers and pond liners will need to be installed between drains and fields to prevent septic effluent leaking into the trench.

Mr. Vander Veer asked Mr. Doolittle to depict areas where they are placing more than five feet of fill. Mr. Doolittle pointed out isolated areas by the rockery at the back of the garage and in the area of the front steps. Retaining walls greater than six feet in height pertain to the driveway circle to support the steps and the double tiered wall on the east side of the circle. They also need a waiver to permit the walls to extend into the tree buffer. The plan will be revised to show

the width of garage doors will not exceed 30 linear feet. Mr. Doolittle does not yet know if utilities will be brought in to the site via Pike Street or Hillside Avenue. When determined the plan will be revised accordingly. Mr. Vander Veer noted there are a number of requested revisions and he will need to review the new proposed grading around the cabana. Mr. Doolittle stated they will stay mostly within the existing contours eliminating the retaining wall. The size of the cabana would remain the same.

Attorney Phillips asked Mr. Doolittle to walk the Board through the schematic of the proposed cabana as shown in the architectural plans prepared by Albert Arencibia, RA of CPA Architecture dated February 1, 2018. Mr. Doolittle acknowledged elevations depicted are not consistent with his site plan. The site plan prevails. He referred to the Building Height Calculation (Cabana) on the Site Plan noting the average of existing ground elevations equals 412.05 feet and proposed is 408.43 feet. Measuring to the midpoint of roof at 428.36 feet equals 19.95 feet. They now revise leaving the slab and regrading which would raise the average proposed ground elevation to about 410 feet. This decreases height to about 18 feet. Chairwoman Parilla questioned square footage. Mr. Doolittle stated he is not sure but the foot print is 1,288 square feet and there are two floors. Attorney Capizzi reminded a section of the existing home will be repurposed for the cabana and the roof will be lower than what currently exists. The second floor would be used as a game room. Mr. Vander Veer asked how they can lower the first floor without demolishing the structure. Mr. Doolittle opined portions are salvageable but acknowledged it will likely be 90-95% new construction. Attorney Capizzi stated they can term the cabana new construction.

The Board questioned if they're permitted four garage spaces in this zone as shown on the architectural plan. It was clarified the ordinance provides for three garage doors with a maximum of 30 linear feet. The proposed provides for two fifteen foot doors which would comply.

Albert Arencibia, RA of CPA Architecture was sworn, testified to his qualifications¹ and accepted by the Board. Mr. Arencibia explained while some of the interior may require underpinning they plan to keep 50% of the existing house walls for the cabana. The structure is watertight and preserving at least a portion of it will result in less disturbance. No bedrooms are proposed. They plan a second floor about one third the size of the first floor as an open space game room for the kids. The first floor would be more of an adult space with TV/lounge area, tiki bar, bathroom and sauna. The Board questioned the large size of the proposed cabana being about a third of the size of the proposed dwelling and why they can't keep to the maximum 15 foot height permitted? The footprint of the building is 2,932 s.f. and the cabana is 1,288 s.f. Mr. Arencibia responded that the design ties the heights of the roof lines for the house and cabana together to be more aesthetically pleasing and opined the proposed would not really impact neighbors; rather the higher cabana affords better privacy for both the applicants and the neighbor.

While recognizing the challenges of the property the Board expressed concern with the number of variances and waivers. Attorney Capizzi countered the relief is really minimal based on the topography. Most of the site was previously disturbed and the extreme steep slope (area greater than 35%) they would disturb basically separates two level areas. He referred to Colored Photographs submitted with the application to show they're essentially swapping out the existing large retaining wall for the new home's foundation and just sliding it over a few feet to provide a new access to Pike Street.

The Board noted Mr. Vander Veer's concern with the steep pitch of the driveway from Pike Street to the circular drive. Mr. Doolittle acknowledged the 14% angle on paper but offered it levels off from one side of the circle to the other to create a workable, walkable area. The steep portion is fairly short and the issue will be the angle at curb line to prevent difficulties for low clearance vehicles. They have the same concerns and have discussed this with the applicant. Mr. Vander Veer stated his concern is with the potential for cars bottoming out or getting pinned. Mr. Doolittle noted they are still exploring design options for this access. The Board questioned access by emergency vehicles and were advised they typically have a higher clearance or remain in the street.

The hearing was opened to the public. Dennis McCormack, 481 Hillside Avenue, neighbor to the east, questioned elevations on his side. Mr. Doolittle explained the proposed grading will be very close to existing. An existing one story porch will be replaced with a patio at the same grade. The retaining wall will be removed. The roof peak of the cabana will be about 8.5 feet lower than now exists. Mr. McCormack questioned the trees on that side. Attorney Capizzi

¹ Mr. Arencibia: Graduate 1974 Rutgers University, Urban Planning, 1983 UCLA Masters in Architecture; in practice 30+ years with appearances before multiple Boards in Bergen County.

explained they have not yet proposed landscaping. Mr. McCormack asked about the soil moving and retaining walls on the east side of the circle. Mr. Doolittle explained those walls will be visible from the west side not the east side. His view will be of the top of the wall, grass and the circle; he might be able to see a car parked on the circle.

The Board asked why the cabana would need a rear patio. Mr. Arencibia explained it's just a design feature as that area was already a covered patio. By opening it up but leaving it they will create less disturbance to the site. Mrs. Herries asked if they addressed soil erosion and control measures per Mr. Vander Veer's letter. Attorney Capizzi believed they had but if not, they will attend to it right away.

Attorney Phillips reviewed the requested relief which includes the soil moving permit with waivers for fill greater than five feet (10.2 feet proposed), slopes greater than 4:1 (1:1 for rockery), retaining wall greater than 6 feet and less than 6 feet from the property line (1 foot proposed) along with variances from steep slopes for construction of the new dwelling and driveway and accessory structure height greater than 15 feet (cabana 18 feet). He noted specific and usual conditions to be laid out in the resolution.

The Board persisted in their concerns regarding the overwhelming size of the cabana appearing as two separate houses on the property. Removal of most if not all of the structures on the property provides a virtual clean slate and the cabana height is going one variance too far. Attorney Capizzi requested a brief recess (8:24pm – 8:28 pm) to discuss with the applicant. Upon return Attorney Capizzi stated the plans will be revised to bring the height of the cabana into compliance at fifteen feet eliminating that variance.

RESOLUTION: Upon a motion by Mayor Tomasko, seconded by Mrs. Gerstein, to approve the application for Crespo Block 49 Lot 2 477 Hillside Avenue subject to conditions including satisfying the Borough Engineer's requirements per the March 16, 2018 letter including required provisions to protect the separation and integrity of the septic and drainage systems, reduce cabana height to 15 feet maximum, revise site plan to depict the correct size and/or number of garage doors, add the source of utilities, submit revised grading around the cabana, soil movement operations to be scheduled around school hours to ensure safety; and comply with all reasonable recommendations of the Environmental Commission for a final landscaping plan.

Vote: Ayes: Carol Cochi, Gayle Gerstein, Elizabeth Herries, Catherine Parilla, Mayor Paul Tomasko

<u>BILLS:</u>	<i>John Phillips, Esq.</i>	\$ 200.00	<i>February meeting</i>	
	<i>John Phillips, Esq.</i>	\$ 420.00	<i>LaBarbiera Block 20 Lot 19 Hemlock Drive (Trust)</i>	
	<i>Burgis Associates</i>	\$ 6,562.50	<i>COAH Vacant Land Analysis</i>	<i>(Trust)</i>
	<i>Burgis Associates</i>	\$ 150.00	<i>COAH Vacant Land Analysis</i>	<i>(Trust)</i>
	<i>Huntington Bailey, LLP</i>	\$ 1,035.00	<i>Special Legal Counsel COAH</i>	<i>(Trust)</i>
	<i>Huntington Bailey, LLP</i>	\$ 225.00	<i>Special Legal Counsel COAH</i>	<i>(Trust)</i>
	<i>Clarke, Caton, Hintz</i>	\$ 3,522.04	<i>COAH Court Appointed Special Master</i>	<i>(Trust)</i>
	<i>Azzolina & Feury</i>	\$ 336.00	<i>Planning Board Tutorial</i>	

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

COMMUNICATIONS: Correspondence listed for the record with comments as provided:

Notice NJDEP re: Block 74 Lot 5 Application Withdrawn Mayor Tomasko noted Mr. Vander Veer had written a letter on the Board's behalf expressing their concerns. Mr. Vander Veer's understanding is that the applicant is conferring with NJDEP to determine what the state will accept regarding disturbance of vegetation in the riparian zone. DEP is getting stricter about protection of the entire tree canopy, not just the trees.

Notice of NJDEP Application re: Block 39 Lot 8. Mayor Tomasko noted this is their second attempt to obtain approval for development that the Zoning Board unanimously disapproved a few years ago. Mr. Vander Veer noted their prior permit expired and they are re-applying to renew. The plan accompanying appears essentially the same as the prior denial. The Board requested Mr. Vander Veer provide comment to NJDEP on behalf of the Board.

200 ft. Property Owners List re: Block 49.02 Lot 16, Block 55 Lot 8, Block 73 Lot 10.

Azzolina & Feury letter dated 2/28/18 re: LaBarbiera Block 20 Lot 19.

Notice of NJDEP Final Settlement re: Block 55 Lots 25.01, 26 & 30.

Notice of Certification of Soil Erosion & Sediment Control Plan re Block 54 Lot 12.

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: Meeting scheduled this Thursday. The Mayor invited any interested Board members to attend.

Board of Health: Next meeting is May 8.

Environmental Commission: Lorraine Mattes advised last meeting cancelled due to weather. They will celebrate Arbor Day on Friday, April 28 providing seedlings. Wonderful colorful posters created by the Alpine School children are posted in the lobby and website to highlight this event. Theme this year was "Treasure our Trees."

Building Department: Report is on file.

NJ Transit Update: No report.

COAH Update: The Borough continues to work with the Court Appointed Master and comply with requests for information. A Case Management Conference is scheduled for May 2. Temporary immunity is valid through May 31.

In response to the Borough's requirement to perform additional water testing on the second field, the COAH-1 site elected to perform a pit bailing test permitted under state regulations to determine permeability. Preliminary results from direct read during the one-day test did not meet minimum requirements. They'll have to analyze direct and electronic readings. He has not yet received their final report.

RETIREMENT Mr. Vander Veer advised the Board he is retiring and introduced Perry Frenzel, PE who has joined the firm and will be assuming his duties at the end of May. Mr. Frenzel looks forward to working with Board. He provided some history noting he has been a professional engineer and professional planner for over thirty years with prior service as Planning Board Chair in Wyckoff and Chief Engineer for the Hackensack Meadowlands Commission. The Board looks forward to working with Mr. Frenzel but noted how bittersweet it is to have Gary leaving having worked for the town for over twenty-nine years.

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Mrs. Gerstein and seconded by Mrs. Herries. All were in favor. The meeting adjourned at 8:50 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary