

ALPINE PLANNING BOARD

Alpine Borough Hall
100 Church Street
Alpine, New Jersey 07620

MINUTES

November 28, 2023

CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE: The Planning Board, Borough of Alpine, convened in regular session on Tuesday, November 28, 2023, at 7:30 P.M. Chairperson 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, November 28, 2023 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: George Abad, Carol Cochi, Gayle Gerstein, Elizabeth Herries, Catherine McGuire, Lorraine Mattes, Catherine Parilla, Joyce Sonpal, Mayor Paul Tomasko

Members Absent: Brandt Cybul

Staff Present: Douglas Bern, Esq. Board Attorney; Perry Frenzel, Borough Engineer; Marilyn Hayward, Board & Recording Secretary

APPROVAL OF MINUTES OF OCTOBER 24, 2023, REGULAR MEETING:

Upon a motion by Mayor Tomasko, seconded by Ms. Sonpal to approve the minutes of the October 24, 2023 Planning Board Regular Meeting. Eligible members voted as follows:

Vote: Ayes: Mr. Abad, Ms. Cochi, Mayor Tomasko, Ms. Sonpal

Abstain: Ms. Parilla, Ms. McGuire, Ms. Gerstein, Ms. Herries, Ms. Mattes

Absent: Mr. Cybul

APPROVAL OF MINUTES OF OCTOBER 24, 2023 EXECUTIVE SESSION:

Upon a motion by Ms. Sonpal, seconded by Ms. Cochi to approve the minutes of the October 24, 2023 Planning Board Executive Session. Eligible members voted as follows:

Vote: Ayes: Mr. Abad, Ms. Cochi, Mayor Tomasko, Ms. Sonpal

Abstain: Ms. Parilla, Ms. McGuire, Ms. Gerstein, Ms. Herries, Ms. Mattes

Absent: Mr. Cybul

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS: No comments.

HEARINGS: Soil Moving – 11 Autumn Terrace, LLC, Block 81.04 Lot 19; 11 Autumn Terrace. (Continued from September 26, 2023).

Matthew G. Capizzi, Esq., 205 Fairview Ave., Westwood, NJ 07675 appearing on behalf of the applicant 11 Autumn Terrace LLC, along with Douglas Doolittle PE, PP of McNally Engineering, LLC, 169 Ramapo Valley Rd., Oakland, NJ 07436, who was previously sworn, and Landscape Architect Paul Keyes, HK1a, LLC, 44 Cortland Place, Tenafly, NJ. 07670. Mr. Capizzi stated that this application was before the board on September 26th, at which time some issues were raised which required them to pause and adjourn to address some housekeeping items and to include some modifications to the drainage design resulting from conversations between the applicant's engineer Douglas Doolittle and Borough Engineer Perry Frenzel. Mr. Doolittle stated that the survey is correct as shown on the plan. The tax map shown on the plan had not been updated, but they checked the metes and bounds description on the survey, which matches the county records. The property was subdivided in 1993 into two parcels; one approximately four acres, which is the subject of this hearing. The other portion of approximately two acres is separate and is not owned by this applicant.

An updated 200-foot list with accurate lot numbers was obtained from the Assessor. Copies of Affidavits of Service and Publication are on file.

Mr. Capizzi suggested that Mr. Frenzel speak upon his conversation with Mr. Doolittle and the modifications discussed. Mr. Frenzel stated that there were two items held from the last hearing, The first was that the tax map sent to Mr. Doolittle from Mr. Frenzel's office was the wrong one. The current tax map shows the property was subdivided into two separate lots, so the borough records are correct in that regard. The second issue was the discrepancy with regard to the size of the parcel that is the subject of this hearing. The lines and distances of the subdivision are accurately reflected on the McNally drawing as presented at the September 26th hearing. It is a freestanding lot now known as Block 81.04 Lot 19 and is approximately four acres in size.

Mr. Frenzel stated that they had some time to take another look at the site plan that was submitted. This is a rather large amount of development for the property. The seepage pits are designed to meet the criteria for sizing, etc., but from a practical standpoint they took a look at the 'what if' factor since we have had some crazy rainfalls lately. If we get six or seven inches of rain, what happens with the seepage pits if they become full. What happens with the runoff that is discharged from the seepage pits back into the ground, in what direction does it go and how does it impact the neighboring properties downhill. They will therefore incorporate into the final plan an overflow for the nine seepage pits which will tie into the catch basin on the edge of the town's right-of-way and will flow into the municipal system. They will additionally excavate deeper and, if deemed appropriate based on field conditions, install a curtain drain which will channel into the municipal system as an extra measure of precaution. They would ask that those two features be incorporated into the final plan.

Ms. Parilla commented that she is concerned that we always have the septic completed before an application comes before this board, so this is an unusual set of circumstances. Mr. Frenzel responded that an engineering firm was hired by prospective buyers of the property, who did a series of test pits to see subsurface conditions. That entity decided not to purchase the property. McNally Doolittle Engineering then became involved and rather than rely on the prior engineer's information, they did their own test pits and excavation to determine the suitability of the soil for septic purposes, and to determine where the rock was. The only area suitable for septic placement is the area as proposed on the plan.

Mr. Abad asked what direction the groundwater from the septic system will run to. Mr. Doolittle commented that the curtain drain will be installed as an abundance of caution to avoid any runoff to the adjoining property, particularly the Feinberg property at Block 81.04 Lot 10, which is directly across and downhill from the subject parcel. Mayor Tomasko commented that he appreciated the fact that they took this extra precaution.

Ms. Mattes expressed concern about the septic system being adequate to service twelve bedrooms, which could be twenty-four people. Mr. Frenzel replied that the design criteria is based on the number of bedrooms and has been designed accordingly.

Mayor Tomasko asked for an explanation of the by-pass areas depicted on the plan entitled 'Proposed Drainage Area' PDA-2, dated 6/30/22", and asked if these areas will be impacted by the proposed changes to the plan. Mr. Doolittle replied that the curtain drain would pick up additional runoff in areas that are not a part of the bypass areas on the plan. That will be a field question depending upon what they find.

Attorney Bern asked Mr. Frenzel if he will provide a written report summarizing the proposed changes discussed this evening. Mr. Frenzel responded that he will prepare an outline which can be attached to the resolution if the application is approved.

Mr. Capizzi stated that Mr. Doolittle had completed his presentation at the September 26th hearing and asked if there were any additional questions. Ms. Parilla asked for further explanation of the steep slope area in front of the property. Mr. Doolittle pointed out the steep slope area that is being affected primarily as a result of the existing driveway. The proposed driveway will come in from the high point of Autumn Terrace instead of wrapping all the way around. Mayor Tomasko asked Mr. Doolittle if he is correct in noting that if the proposed driveway will be coming in from the peak of Autumn Terrace, it therefore will not have to travel as far and is less of a slope and keeps the driveway away from the neighbor's property. Mr. Doolittle affirmed.

Mr. Capizzi called Paul Keyes, who was sworn and accepted as an expert witness. Mr. Keyes referred to the Landscape Plan on display (Exhibit A-2) and testified that it is a colorized copy of the plan submitted with the

application, prepared by HKIa Landscape Architecture, dated 5/4/23 and last revised 9/21/23. (While preparing these minutes it was noted that the Landscape Plan submitted and on file is dated 5/4/23 and last revised 7/17/23. Mr. Keyes was notified and asked to clarify the discrepancy. He confirmed that there were no further revisions to the plan he presented at the hearing other than updating the date. He subsequently provided this office with copies of the colored plan (Exhibit A-2) and the Landscape Plan dated 9/21/23, which verified that it is the same as the submitted plan.)

Mr. Keyes stated that this was an easy job; the site and setting are beautiful. To specifically address some of the issues in the application, the majority of their plantings are on the steep slope line. They will replace a total of 107 trees, both evergreen and deciduous, and will plant 139 shrubs and 1,522 pachysandra to stabilize the slope. There will be heavy planting on the front slope of the property to address the steep slope issue and stabilize the soil. A lot of the trees along the front of the property are in decline and will be replaced. Pine trees will be planted along the front of the property to mitigate the view from the street.

Mr. Abad noted that there will be some drainage under the old driveway location for seepage pits, and asked how that will be maintained to remain open. Mr. Keyes answered that it will be covered with lawn. The old driveway will be abandoned and the area will be stabilized.

Since there were no further questions from the board for Mr. Keyes, the hearing was opened to the public for questions. There were none.

Ms. Parilla asked what the definition of a single-family home is and noted that this home has four kitchens. Mr. Capizzi noted that the utilization of this structure was reviewed by the zoning officer and a zoning permit was issued. He assured the board that the home will be utilized by the applicant, his family and their guests. Attorney Bern commented that if the property was being utilized as anything other than a single-family home it would be an enforcement issue. Mr. Capizzi stated that conditions stipulating this constraint can be included in the resolution, and the resolution can be recorded so it will run with the land and is passed on to any subsequent owner.

Attorney Bern advised that this is a soil moving application. The board engineer has determined that they have satisfied the criteria for referral to the planning board, and that is where this board has jurisdiction. As Mr. Capizzi has indicated, the zoning official has approved this. He is invested with the authority to render a decision as to whether the zoning is appropriate and if the proposal is consistent with the zoning in this area. That determination is not before this board.

Mayor Tomasko stated that the main issue is that the architectural plan had some unusual designations attached to it, but it doesn't necessarily mean that it will become a problem. There are a number of properties in town that have extended families and large staff occupying them, and it looks like this is what we have here. His main concern is for the downhill neighbors. He feels that we have heard two significant ways of addressing those issues to minimize or eliminate any problems in that direction. That being the case, he is prepared to make a motion to approve when and if the board wishes.

Ms. Mattes asked if the septic should be installed prior to developing the property. Mr. Frenzel advised that septic will go in first and must be brought to the same level of completion as any other project in town prior to the issuance of any building permits. Mr. Capizzi added that if there is any significant increase in soil moving quantities or steep slopes they would have to come back before the board.

Mr. Bern was asked to state the conditions, if approved. Conditions would include review of the technical information provided by the applicant, all conditions outlined in Mr. Frenzel's review letter dated August 16, 2023, further conditions to be provided by Mr. Frenzel with regard to the revised drainage facilities, a condition that approval is for residential single-family use only, the drainage must function as intended or the applicant must return to board, and the waiver for the driveway.

Councilman David Kupferschmid was in the audience, and asked if runoff conditions can be monitored during construction to make sure runoff does not increase. Mr. Frenzel responded that they will be monitoring during

construction. Before a Certificate of Occupancy can be issued, they've had inspections on all excavation, seepage pits and septic systems during installation and upon completion. Everything is verified with the as-built survey to ensure no deviation from the site plan.

Ms. Mattes asked how much soil will be moved. Mr. Doolittle responded 10,244.25 cubic yards, of which, approximately 7,500 cu. yds. will be moved offsite. Mr. Abad asked how many truckloads that is. Mr. Doolittle stated that it is between 450 and 500 truckloads. Mr. Capizzi commented that it is proportionate to quantities for two separate two-acre lots. Mr. Doolittle added that this project will take at least 18 months to complete, so soil will be moved over a longer period of time.

Upon a motion by Mayor Tomasko, seconded by Ms. McGuire to approve the application with the conditions as previously stated by Attorney Bern.

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

No: Mr. Abad, Ms. Mattes, Ms. Parilla.

Absent: Mr. Cybul

COMMUNICATIONS:

- Notice of Mount Laurel Fairness Hearing for the Court's consideration of the proposed Settlement Agreement between Borough of Alpine and Fair Share Housing Center. *Attorney Bern will represent the Planning Board at the hearing.*

- Notice of Bergen County Soil Erosion & Sediment Control Plan Certification re: 8 Stone Tower Drive, Block 21 Lot 12. *Duly noted; no comments*

- Notice of Bergen County Soil Erosion & Sediment Control Plan Certification re: 1 Deerhill Rd., Block 50 Lot 2. *Duly noted; no comments.*

- Borough of Demarest Notice of Public Hearing re: Master Plan Amendment. *Ms. Herries asked what Demarest's COAH status is. Mayor Tomasko replied that they are through the third round. They will build 24 units on the hill and will make a contribution to the affordable housing trust fund to transfer the affordable units to the downtown.*

- Borough of Tenafly Notice of Adoption re: Amendment to the 2018 Housing Element & Fair Share Plan. *Duly noted; no comments.*

REVIEW OF 2024 TENTATIVE PLANNING BOARD MEETING DATES: The dates were reviewed and approved as presented.

BILLS AND CLAIMS: Upon a motion by Ms. Herries, seconded by Ms. McGuire to approve the bills listed below.

Clarke Caton Hintz	\$2,024.00	Court Appointed Master – October
Bern & Assoc.	\$ 893.75	General Legal Services - October
Bern & Assoc.	\$ 500.00	8 Stone Tower 21/12 (escrow)
Burgis Associates, Inc.	\$ 620.00	2015 Housing Plan – September
Burgis Associates, Inc.	\$2,518.75	2015 Housing Plan - October

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

Absent: Mr. Cybul

COMMITTEE REPORTS:

Bergen County League of Municipalities: Mayor Tomasko reported that the County League met in Atlantic City on November 14th. There is a new slate of officers for the coming year. The next meeting will be held on December 12th, at which time the US attorney will address the mayors on the subject of identity theft and fraud.

Board of Health: Next meeting to be held on December 12th.

Environmental Commission: They did one inspection at the Church. They are expanding their parking lot and removing five trees and will plant a row of trees to protect the neighbor. There will be 38 trees removed across the street, between the parsonage and Community House. Parking spaces will be added behind the parsonage which won't be visible from the street.

Building Department: Reports distributed; no comments.

NJ Transit Update: No update.

COAH Update: No report.

ADJOURNMENT: Upon a motion by Mr. Abad, seconded by Ms. Gerstein and approved by all, the meeting adjourned at 8:51 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary