

## **ALPINE PLANNING BOARD**

Alpine Borough Hall  
100 Church Street  
Alpine, New Jersey 07620

### **MINUTES**

September 25, 2018

**CALL TO ORDER/PUBLIC ANNOUNCEMENT/PLEDGE OF ALLEGIANCE:** The Planning Board, Borough of Alpine, convened in regular session on Tuesday, September 25, 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, September 25, 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 McGuire, Catherine Parilla, Mayor Paul Tomasko

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

Staff Present: John Phillips, Board Attorney; Perry Frenzel, Borough Engineer  
Marilyn Hayward, Recording Secretary

**OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:** None

### **APPROVAL OF MINUTES OF AUGUST 28, 2018 REGULAR MEETING:**

Upon a motion by Mayor Tomasko, seconded by Gayle Gerstein to approve the minutes of the regular meeting of the Planning Board held August 28, 2018.

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

### **NEW APPLICATION: 375 Hillside LLC, Block 50 Lots 1 & 3, 375 Hillside Avenue: Major Subdivision with variances**

David Watkins, Esq. 285 Closter Dock Road, Closter, NJ 07624 appeared on behalf of the Applicant, 375 Hillside LLC and Robert J. Mueller, Licensed Surveyor from Hubschman Engineering 263A S. Washington Avenue, Bergenfield, NJ 07621 on behalf of Michael Hubschman, PE, PP who could not attend this evening.

Daniel L. Steinhagen, Esq., of Beattie Padovano LLC, 50 Chestnut Ridge Road, Suite 208, POB 244, Montvale, NJ 07645-0244 on behalf of Academy Estates Community Association, Inc.

Attorney Watkins believes he and Attorney Steinhagen have resolved their issues. The project proposes a five-lot subdivision with two lots in Alpine and three lots in Demarest. They require a variance related to a lot in Demarest.

**Robert J. Mueller** was sworn and accepted. The applicants propose to remove two existing single-family homes on the property and create a five-lot subdivision. The property is partly in Alpine and partly in Demarest. As provided with the application, Mr. Mueller referenced the plan prepared by Michael Hubschman, PE, PP Drawing No. 3409.2-2 "Preliminary Plat – Major Subdivision" dated 5/16/2018, no revisions. The proposed depicts five single-family lots, three in Demarest and two in Alpine. They've agreed with Attorney Steinhagen there will be no access via Academy Lane. New Demarest Lot 1.02 is landlocked. In order to provide access from this lot to Hillside Avenue they created a small strip of land being Alpine Lot 1.03 which will be dedicated to Demarest Lot 1.02 so there will be no burden on the Borough of Alpine for maintenance. However, there are minor variances attendant to this small lot for lot width and frontage.

Two new single-family lots will be created in Alpine: Lot 1.01 with 46,858 square feet fronting on Deerhill Road and Alpine Lot 1.02 with 44,672 square feet fronting Hillside Avenue.

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Mr. Mueller stated he had reviewed the Borough Engineer's letter dated September 4, 2018 and can comply with all the recommendations contained therein. He discussed drainage with the Borough Engineer and they will comply. Subdivision approval is contingent upon obtaining all other necessary approvals for development of the individual lots. Visually, no one driving down Hillside Avenue will know they need a frontage variance. There will be no negative impacts and there is a positive benefit for Alpine and Demarest by having five single family homes as opposed to other types of development. All of the lots comply to their respective zones with the exception of the two minor variances. No other relief is needed for the lots in Alpine. Based on NJSA 40:55D-70(c)1 the property would be unique having a lot without frontage justifying the dedication of the smaller parcel for the driveway. They understand based on current deed restrictions there will be no access to or use of Academy Lane nor has this been proposed.

For clarity of the record, Attorney Phillips pointed out although overall the five lots will comply to size requirements in their respective zones, the two smaller lots in Alpine Lot 1.03 and Alpine Lot 3.01 are technically undersized and require variances. Notwithstanding Alpine lot 3.01, a small triangular remnant of land, will be connected to Demarest Lot 29.02 and Alpine Lot 1.03 will serve as the private driveway for Demarest Lot 1.02, these will remain separate lots for purposes of tax assessment. Attorney Watkins affirmed the Demarest lots will include a deed restriction indicating the smaller lots cannot later be subdivided or developed independently. Residents with property in more than one town typically pay taxes to both towns and the governing bodies work out who is responsible for services including emergency services. Mayor Tomasko noted this has been done before. Attorney Watkins felt the proposed to be a better plan versus creation of a cul-de-sac that the respective boroughs would have to maintain. Lorraine Mattes questioned three driveways coming out onto Hillside Avenue in close proximity. Mr. Mueller noted they don't have to be that close and reminded these are driveways and not roads. Mr. Mueller affirmed the thirty-foot-wide property would be accessible to emergency service vehicles. The receiving school district would be determined by the town where the residence is located. Attorney Watkins noted if not for the municipal boundary line and the small driveway strip this would be a minor subdivision with no variances. Chairwoman Parilla questioned a waterway through the property and Attorney Watkins affirmed the proposed is subject to that DEP approval. Mr. Mueller clarified no waterway goes through the property. It is within 300 feet of the Cresskill Brook. The Board questioned if that would impact the driveways. Attorney Watkins stated that is yet to be determined. If they don't receive DEP approval they will have to return to the Board. Chairwoman Parilla asked if the subdivision will create problems for the Demarest Lot 29.02. Mr. Mueller stated they won't need variances as that is a good-sized lot.

Attorney Phillips stated he had spoken with both Attorneys Watkins and Steinhagen regarding an issue with adjacent properties. This application doesn't deal with the adjacent properties but the two parties want to add a stipulation in the resolution as a condition of any approval that says access can't be over a certain piece of property.

Opened for questions of Mr. Mueller.

**Attorney Steinhagen** represents the Academy Estates Homeowners Association comprised of eight homes along Academy Lane in Demarest. They had a potential issue which they have worked out with Attorney Watkins by stipulation that there would be no access to Academy Lane. They have no objection to the plans showing access to Hillside Avenue. They've agreed to proposed language included in a Recital and Condition of Approval provided to Attorney Phillips via e-mail dated September 25, 2018. Attorney Phillips had not yet reviewed but agreed in concept and will consider for inclusion in the resolution.

**Maryann Rich, 15 Academy Lane** questioned traffic on Hillside Avenue and if the County needs to approve two new driveways. What happens if both Alpine and Demarest approve and the County denies? Attorney Watkins noted any Alpine and Demarest approvals would be contingent upon any approvals required by the County. If they don't approve they have to start over and come back to the Boards.

Mr. Frenzel advised the Board that typically, where slivers of a riparian zone are located on the opposite side of a road as is this case regarding the effected Demarest lots, NJDEP usually determines there is no impact and recommends the application be withdrawn. That said, it remains any Alpine approval would be contingent upon the Demarest approval

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and DEP determination. His only other concern as addressed is to ensure an agreement between towns for emergency services for the Demarest homes accessed via Alpine. Attorney Watkins concurs.

Attorney Phillips reviewed proposed conditions:

1. Compliance with Borough Engineer's letter dated September 4, 2018
2. DEP approval or waiver regarding the riparian zone
3. Individual site plan for two Alpine lots required when they are ready to be developed.
4. Demarest approval
5. Bergen County approval
6. No further subdivision for the two smaller lots in Alpine Lot 1.03 and Alpine Lot 3.01
7. Agreement between towns clarifying responsibility and provisions for emergency services
8. Stipulation between 375 Hillside LLC and Academy Estates Homeowners Association regarding no access to Academy Lane.
9. Interlocal sewer agreements and connections

Catherine McGuire asked how sanitary waste was being handled. Attorney Watkins stated they are not proposing septic systems at this time. Mr. Mueller added an existing sanitary line already runs into Demarest Lot 29.02 which they propose extending to service Alpine Lot 1.02. They propose servicing Alpine Lot 1.01 by tying into the existing sanitary sewer on Deerhill Road.

Upon a motion by Elizabeth Herries, seconded by Catherine McGuire to approve applicant's request for Preliminary Site Plan approval with the associated variances subject to the usual and specific conditions as noted.

*Discussion:* Chairwoman Parilla and Lorraine Mattes viewed the property and were concerned that buyers might return for variances. Catherine McGuire noted sewers will allow more building area. Lorraine Mattes expressed concern with the Hillside Avenue driveways related to traffic patterns and speed limits. Attorney Watkins replied that's a county issue.

Chairwoman Parilla opened the meeting to public comments.

**Maya Datwani, Block 50 Lot 2, 1 Deerhill Road**, corner of Hillside and Deerhill abutting the subject property. Mrs. Datwani asked if she will be adversely affected in any way and how far the closest driveway will be to her property line. Mayor Tomasko noted this application has less impact replacing one that had asked for 105 units on this property. Chairwoman Parilla offered there is sufficient lot size that any home built could comply with the ordinances and be no closer than any normal house that would be built next door. Mayor Tomasko noted there will be a period of construction that could last two to five years. Beyond that he does not feel the traffic impact will be significant. Chairwoman Parilla further noted there will not be septic and Ms. Datwani's property is higher and should not be impacted by drainage.

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

**Mehran / BDA Alpine Block 49.02 Lot 10 80 Church Street Soil moving w/variances / waivers**  
(Continued from prior hearing August 28, 2018)

Mayor Tomasko and Catherine Parilla recuse. Vice Chairwoman McGuire assumed the chair.

Dean Stamos, Esq. (on behalf of Mark Madaio, Esq. 29 Legion Drive, Bergenfield, NJ) appeared on behalf of the applicant BDA Alpine, LLA c/o Anthony Mehran, 425 Route 46 West, Fairfield, NJ 07004 along with Robert J. Mueller, P.L.S. (on behalf of Michael Husbchman) Husbchman Engineering 263A S. Washington Avenue, Bergenfield, NJ 07621) and landscape architect, Bradley Meumann of Meumann Associates, 7 Ledgerock Court, Morris Plains, NJ 07950.

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Attorney Stamos reviewed this application concerns an older home in poor condition slated for demolition and redevelopment with a new single-family home. Dilapidated fencing surrounding the home will be removed and replaced. An existing drive that runs along one side of the property will be reconfigured. They were asked to come back to review the tree removal issue. They will replace more than they are removing. Attorney Phillips reviewed minutes from the prior meeting indicated the matter was carried for further review and submission of revised plans.

**Robert Mueller** was sworn, accepted and asked to review revisions. He referred to the revised plans Drawing No. 3561-3 (Sheet 3) Existing Conditions Plan last revised 9/10/2018 to clarify tree removal and show which ones are dead. The proposed will preserve more trees than the prior plan by lessening the front re-grading, relocating drainage features and removing part of the boulder wall. The precise tree count is not shown on this plan. For drainage they provide four seepage pits, more than the three required. Attorney Phillips asked Mr. Mueller to mark the rendered plan on exhibit:

**A-3:** Colored rendering of Drawing 3561-1 (Sheet 1 of 3) colorized version of Site Plan prepared by Mr.

Hubschman last revised September 10, 2018 *“Modified Grading in Front & Trees to be Removed.”*

A soil moving permit is needed for 1,203 cubic yards and a waiver for the retaining wall less than three feet from the south property line where six feet is required. This is the site of the existing driveway so will not cause additional disturbance and the landscape architect will testify to numerous plantings proposed to soften the visual aspect. The rickety old stockade fence will be replaced with a new decorative wrought iron fence. The retaining wall is not a detriment and required as part of the driveway turnaround which is only 26 feet wide. He reminded eighty percent of the driveway is being moved off of the southerly property line to about the midline of the property fronting Church Street.

Lorraine Mattes questioned saving more large trees on the north side. Mr. Mueller stated a 38-inch oak will remain along with a 20 inch oak by the house and some 10-12” oaks and birches which are reasonably sized trees. Mr. Frenzel recalled the major objection to the prior plan was that the grading practically denuded the front yard where now they have softened the grades and the reduced the height of the walls. The plan is certainly an improvement over the last plan and a good attempt to address the comments of the Board.

Opened to the public for questions.

**Peter Lafharis, Esq. 2 University Plaza, Hackensack, NJ** appeared again on behalf of Mrs. Panagakos, adjacent property downhill to the south. They still have concerns with drainage from the driveway and if the proposed plan is adequate to prevent runoff onto their property. Mr. Mueller stated five catch basins will be installed in the driveway connected to seepage pits to prevent runoff to their property. Their second concern is with the intrusion into the tree buffer and how it will visually appear. Applicant proposes a four-foot rock wall, eight feet arborvitae and a wrought iron fence – what will that look like? Granted they are replacing a rickety old fence but they are replacing it in a zone where it shouldn't be there to begin with. Attorney Stamos noted the existing fence is on the property line and water just runs off the existing drive that runs all along the property line. Mr. Lafharis stated they're not sure the proposed makes it any better. Mr. Mueller noted the new curbed driveway design will address existing runoff issues reminding they're exceeding what is required for the drainage plan by adding four seepage pits versus the required three. Attorney Lafharis offered the reduced setback requirement increases the chance their property will flood if the drainage system fails. Mr. Mueller reminded the drainage plan exceeds what is required and has been reviewed and approved by the Borough Engineer who affirmed the plan indicates water will be contained on site and should not overtop the six inch curbs in any rain event.

**Catherine Parilla, 10 Ellens Way** lives directly behind the subject property and also expressed concerns with runoff to the east and south relative to the raised septic beds. She wondered if the retaining walls should be extended along the whole side line. Mr. Frenzel offered leveling for the fields actually helps as it provides a flat surface to absorb rainwater that was previously sloped. The proposed improves what is existing and complies with the requirements. An existing railroad tie ranging in height from three feet at the height to five feet by proposed retaining wall will remain.

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Bradley A. Meumann, landscape architect was sworn and accepted. Mr. Meumann prepared a plan for presentation to the Board recently submitted to the board marked

**A-4:** Landscape Plan prepared by Bradley A. Meumann dated 9/17/18; no revisions.

**A-5:** Colored exhibit prepared by Bradley A. Meumann

Mr. Meumann described his tree replacement plans using one to identify the number and size trees to be removed using part of Mr. Hubschman's plan along with the calculations used to determine the number of non-exempt trees to be replaced which is five trees. The other plan depicts the variety of plantings proposed to address a variety of issues: tree replacement, screening, buffering, reforestation and heavy screening and consisting of 68 evergreen and deciduous replacement trees. This far exceeds the requirement. The decorative open style black aluminum fence will replace the old picket fence. They will use larger trees to hasten the time to screening effect. Lorraine Mattes clarified the caliper measurement used and Mr. Meumann stipulated to correct and comply with the measurement technique as required by Borough Ordinance. Lorraine Mattes asked if trees to remain in the buffer will survive construction particularly on the south side. Mr. Meumann advised they will have to have proper tree protection in place, particularly to protect the trees on the neighbor's property. Trees to be impacted are shown as marked for removal.

Opened to the public **Catherine Parilla** had Mr. Meumann describe the plantings and fencing at the rear of the property along with dead trees to be removed.

No further questions or comments.

Attorney Phillips reviewed proposed conditions:

1. Compliance with Borough Engineer's letters
2. Measurement of trees per Borough Ordinance
3. Usual restrictions on soil movement during school hours
4. Remove the fence and shed misplaced on the adjacent properties

Upon a motion by Gayle Gerstein, seconded by Elizabeth Herries to approve the application subject to the usual and specific conditions as noted.

Vote: Ayes: Carol Cochi, Gayle Gerstein, Elizabeth Herries Catherine McGuire, Lorraine Mattes,

<b><u>BILLS:</u></b>	Huntington Bailey, LLP	\$ 661.35	Special Legal Counsel COAH	(Trust)
	John Phillips	\$ 540.00	Asulin 29.02/16/06 – 22 Church Street	(Trust)
	Burgis Associates	\$ 382.50	COAH Vacant Land Analysis	(Trust)
	Clarke, Caton, Hintz	\$ 66.00	COAH Court Appointed Special Master	(Trust)
	Clarke, Caton, Hintz	\$ 399.81	COAH Court Appointed Special Master	(Trust)
	Azzolina & Feury	\$ 616.00	375 Hillside Ave. Subdivision	(Trust)

A motion to approve the above referenced bills and return of escrow was made by Gayle Gerstein and seconded by Lorraine Mattes. All in favor.

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

- Letter Azzolina & Feury Engineering 9/5/2018 re: Asulin Block 39.02 Lot 16.06 – 22 Church Street
- DEP Application General Permit to repair septic systems McNally Engineering as Agent for Kim Block 49.02 Lot 16 – 22 Ellens Way – Mr. Frenzel advised DEP took a position of no interest recommending their Flood Hazard Area application could be withdrawn which it subsequently has been.

**COMMITTEE REPORTS:**

Northern Valley Mayors & Planners Assoc.: No meeting.

Board of Health: Mayor Tomasko advised the regular meeting was held September 11, and the report has been provided.

Environmental Commission: They will meet on Thursday.

Building Department: Report on file.

NJ Transit Update: No report.

COAH Update: to be heard in closed session.

**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.*

Upon a motion by Mayor Tomasko, seconded by Lorraine Mattes and approved by all to enter into a closed session at 9:10 PM pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-12(b)(7) for a discussion on Affordable Housing and 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.

**RESUME OPEN SESSION:** Upon a motion by Catherine McGuire, seconded by Gayle Gerstein and approved by all to exist the executive session and resume the open session at 9:20 PM.

**ADJOURNMENT:** A motion to adjourn the regular Planning Board meeting was immediately made by Gayle Gerstein seconded by Catherine McGuire. All were in favor. The meeting adjourned at 9:20 PM.

Respectfully submitted,

Marilyn Hayward  
Recording Secretary

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