

2015. The Summary of Plan has been submitted to the designated Special Master and any objections or comments are to be received by December 10th.

NEW APPLICATION: Cliffs Investment Group, LLC; Soil Moving with waiver; Block 72 Lot 9; 46 Berkery Place. The applicants were represented by their Engineer, Michael Hubschman, P.E., of Hubschman Engineering, 263A South Washington Ave., Bergenfield, NJ. Attorney Phillips pointed out that the applicant is an entity, and Mr. Hubschman is not an attorney. As long as Mr. Hubschman is not concerned about being charged with the unauthorized practice of law we can proceed. Mr. Hubschman replied that two of the owners, Robert Messer and Dan Messer are present, and this is a minor case. Mr. Hubschman was sworn and accepted as an expert witness. He stated that they are requesting a waiver of the soil moving ordinance for the construction of a small wall on the left side of the property. A lot of redevelopment has occurred along the north side of Berkery Place, most of which is similar to what they are proposing, with the septic in front and rear due to the narrowness of the property. The subject lot is about 90 feet wide and 250 feet deep. Two septic systems have been installed. In order to have a better turnout area from the garage, they are proposing construction of a retaining wall tapering from one foot to two feet high at two feet from the property line. They are proposing 29 feet width where 30 feet is required. Mr. Hubschman referred to a rendered copy of the Site Plan which was marked as Exhibit A-1, Sheet 1, Revision 4 dated 10-15-15. Mr. Hubschman stated that the subject property is being developed in accordance with most of the lots in the neighborhood, and the request generally meets the criteria of the soil moving ordinance. They are moving under 1,000 cubic yards of soil.

Mr. Mattes noted that the application for Zoning Review was signed by Robert Messer and the Soil Moving application was signed by Anthony Volpe, and asked what their capacity is. Robert Messer stated that they are both Managing Partners of Cliffs Investment Group, LLC.

Mayor Tomasko asked what would happen if the waiver wasn't granted. Mr. Hubschman replied that they would have to grade it, but the sight has been designed for a two-foot wall and a two-car garage on the side with a level driveway area.

Mr. Vander Veer stated that during construction vehicles must be kept on site and away from the septic fields. Orange fencing must be installed to protect the fields.

Mr. Vander Veer commented that, since the wall is so low, they could possibly absorb some of the height difference by raising the garage floor up one foot. There are ten feet between the garage floor and first floor. Mr. Hubschman replied that they would then have to raise the basement floor because the basement floor should be four inches above the garage. Mr. Vander Veer commented that it would make it easier since they are limited on the back out space. They can overhang a six-inch curb when backing out; they cannot overhang a two-foot wall. The wall is not that high so they can make some minor adjustments; possibly raising the first floor another six inches and tweaking the roof line.

Mayor Tomasko remarked that the board finds merit in Engineer Vander Veer's recommendation and asked if the applicants have would have any problem with implementing it. A brief recess was taken for Mr. Hubschman to discuss the matter with the applicants. During this recess the board moved on with its agenda.

COMMUNICATIONS: Duly noted; no comments.

BILLS:

Burgis Associates, Inc.	\$2,443.75	Housing Plan 2015
Bisgaier Hoff, LLC	\$ 984.00	Affordable Housing Advice & Litigation
John Phillips, Esq.	\$2,232.00	Alpine Three
John Phillips, Esq.	\$ 200.00	October Meeting Attendance

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

COMMITTEE REPORTS:

Northern Valley Mayors & Planners Assoc.: Mayor Tomasko reported that a County representative for Veterans Affairs was the presenter at last month's meeting. The holiday meeting will be held on December 10th.

Board of Health: No meeting.

Environmental Commission: Ms. Mattes remarked that there are two items in the tree ordinance that are conflicting. There is a definition of the buffer area (§205-1B) that defines the side and rear of properties but does not mention the 200 foot buffer zone along Route 9W. Additionally, in the tree removal and replacement standards section (§205-1E.7) it states that tree removal in the buffer area is discouraged and permitted only with approval from the Planning Board or Board of Adjustment. Ms. Mattes feels that the buffer area and 200 foot buffer zone should be redefined so that the boards don't have to be involved in every site plan requesting tree removal. Engineer Vander Veer suggested that clarification could be accomplished by referencing the Buffer Zone with the first letters capitalized. Attorney Philips advised that this would require a technical ordinance amendment, to replace the word buffer in certain sections with Buffer Zone to differentiate from the tree buffer. The board agreed unanimously to communicate this suggested change to Mayor & Council.

NEW APPLICATION - CONTINUED: Cliffs Investment Group, LLC; Soil Moving with waiver; Block 72 Lot 9; 46 Berkery Place. The applicants and their engineer returned and the hearing resumed. Mr. Hubschman stated that he discussed the recommendation of Engineer Vander Veer with the applicants and they don't feel that they can raise the house. Most of the lots in the neighborhood have a wall, it is a minor request and will allow them to have a 29 foot pullout area and in keeping with the aesthetics of the neighborhood raising the house wouldn't work. Mayor Tomasko asked Engineer Vander Veer if he was talking about raising the house. Mr. Vander Veer replied that he thought the garage floor could be raised slightly, the first floor could be elevated by about six inches and the roof line could be slightly modified to stay within height limitations. Mr. Hubschman replied that they would have to keep the basement floor at the same height as the garage. If the board denies it they will just make the driveway shorter. He again remarked that this is a minor request. Chairperson Parilla commented that it appears to be a minor request but on this particular street every inch counts, and she still doesn't understand how you can get fire trucks in there. Mr. Dan Messer stated that his son is a member of the Alpine Fire Department and they allowed the fire department to use the Berkery Place property for training, so the trucks were on the street and at the property.

Mr. Hubschman concluded by stating that it would be a nice redevelopment that was designed to fit in with the other homes in the neighborhood. They will plant something on top of the wall so that it won't be seen.

Mayor Tomasko noted that in Engineer Vander Veer's letter dated November 20, 2015 he commented that the fill over the fields was in excess of the maximum permitted. Mr. Vander Veer added that when he visited the site it appeared that there is more fill over the fields than is permitted under state and local regulations, which would have to be addressed. Mr. Hubschman acknowledged that they will comply.

Mr. Mattes asked Mr. Vander Veer if he is comfortable with the setback between the proposed residence and the disposal field, as referenced in item 3 of his November 20, 2015 letter. Mr. Vander Veer replied that his comment had to do with the rear yard field, which is larger than depicted on the plan. As long as they maintain a 25-foot separation it's not a problem.

Mayor Tomasko wanted the record to show that this property is maxed out with regard to lot coverage and building coverage so that a prospective buyer knows that no more can be done without a variance, which is very difficult to obtain thanks to the volunteers in this town who care about maintaining and protecting the zoning. He also wanted everyone present to be aware that at last night's meeting Mayor & Council eliminated rock hammering on Saturdays in the borough.

Attorney Phillips read the conditions if the board approves the request, as follows:

1. Construction vehicles to be kept on site
2. Clear septic area and install orange fencing around the fields.
3. Remove excess soil over the fields.
4. Compliance with all other conditions of Engineer Vander Veer's Nov. 20, 2015 letter.

A motion to discuss was made by Mayor Tomasko and seconded by Ms. Sonpal. Ms. Gerstein commented that if approved we are setting a precedent here that is not a good one, because every little extension sets a precedent. Ms. Mattes agreed.

A vote was taken. The votes were as follows: Gerstein: no; L. Mattes: no; R. Mattes: yes; Parilla: yes; Sonpal: yes; Tomasko: no. Since a tie vote is a denial, the request was denied.

COMMITTEE REPORTS - CONTINUED:

Building Department: Report distributed; no comments.

NJ Transit Update: No report.

COAH Update: Attorney Phillips suggested that we enter into Executive Session to discuss a COAH related matter.

EXECUTIVE SESSION:

A motion to enter into Executive Session at 8:26 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 COAH related matter as permitted under N.J.S.A. 10:4-12.b.7. was made by Gayle Gerstein and seconded by Lorraine Mattes. 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 Planning Board reconvened in regular session at 8:39 PM.

ADJOURNMENT: A motion to adjourn the regular Planning Board meeting was made by Gayle Gerstein and seconded by Mayor Tomasko. All were in favor. The meeting adjourned at 8:40 PM.

Respectfully submitted,

Marilyn Hayward
Recording Secretary