

**ALPINE ZONING BOARD OF ADJUSTMENT**  
Regular Meeting  
Thursday, April 20, 2023 - 7:30 P.M.  
(This meeting was held in person and taped in its entirety)

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/PUBLIC ANNOUNCEMENT**

This regular meeting of the Alpine Zoning Board of Adjustment was called to order by Chairman Glazer at **7:30 P.M., Thursday, April 20, 2023** at the Alpine Borough Hall, the Pledge of Allegiance recited and the Public Announcement read according to the requirements of N.J.S.A. 10:4-6 et seq.:

*In accordance with the provisions of the Open Public Meetings Law, notice of this Zoning Board of Adjustment meeting has met the requirements of the law as part of the Borough of Alpine's annual meeting notice published in The Record on January 9, 2023, emailed to The Suburbanite, and posted on the bulletin board in the lobby, and on the Borough website (<http://www.alpinenj07620.org>). Instructions for how the public can participate and access the meeting and documents have been included in the posted agenda; a copy filed in the Borough Clerk's office.*

**OATHS/SWEARING IN CEREMONY:**

Ms. Cara Landolfi administered the OATH of Office to affirm the appointment of Amy Lerner as a Full Board Member of the Alpine Zoning Board of Adjustment for a four-year term ending December 31, 2026.

**ROLL CALL**

<b>Richard Glazer (C)</b>	<b>Present</b>	Tony Clores (VC)	Absent	<b>Amy Lerner</b>	<b>Present</b>
<b>George Abad, Jr</b>	<b>Present</b>	Richard Bonhomme	Absent	<b>Robert F. Policano, Alt I</b>	<b>Present</b>
<b>Anthony Barbieri</b>	<b>Present</b>	Elizabeth Herries	Absent	Bruce Pomerantz, Alt II	Absent

**Staff Present:**

Board Engineer Perry Frenzel, Cara Landolfi, Esq. for Board Attorney Michael B. Kates, Board Secretary Jo Anna Myung

**Notable Mentions:** Councilman David Kupferschmid in attendance as an audience member.

**COMMUNICATIONS:** New Stormwater training updates have been posted by the State and online on their website for Board Members to complete.

**PROCEDURAL MOTIONS**

**Resolution: Approval of Bills and Claims**

**Motion by** Mr. Barbieri **Seconded by** Mr. Policano

To approve the following Bills and Claims:

Azzolina & Feury Engineering	1006 Closter Dock Road Bk 42 Lot 3	Inv. 77429	\$679.50
Kates, Nussman Ellis Farhi & Earle, LLP	Eun-Rae Jo v. Alpine ZBA & Thomas/Christine Haring	Inv. 30294	\$10,750.00

**Vote: Ayes:** Mr. Abad, Mr. Barbieri, Ms. Lerner, Mr. Policano, Mr. Glazer

**Absent:** Mr. Bonhomme, Mr. Clores, Ms. Herries, Mr. Pomerantz

**MOTION APPROVED**

**Mr. Kupferschmid** inquired about the legal bill. The Board Secretary communicated that Mr. Kates office will provide quarterly billings for litigation matters in the future and have agreed to work with us to settle this current bill.

**Resolution: Approval of Reorganization Meeting Minutes – March 16, 2023**

**Motion by:** Mr. Abad **Seconded by:** Mr. Barbieri

At the meeting of the Zoning Board of Adjustment to approve the March 16, 2023 meeting minutes.

**Vote: Ayes:** Mr. Abad, Mr. Barbieri, Ms. Lerner, Mr. Policano, Mr. Glazer

**Absent:** Mr. Bonhomme, Mr. Clores, Ms. Herries, Mr. Pomerantz

**MOTION APPROVED**

**MEMORIALIZATION:** None.

**PUBLIC COMMENTS:** None.

**HEARINGS:** Kirschen-Hamani - 1006 Closter Dock Road, Block 42 Lot 3

**Applicant's Attorney:** Mark D. Madaio, Esq., 29 Legion Drive, Bergenfield, New Jersey 07621 appeared on behalf of the Applicant [with Applicant in the audience].

**Applicant's Engineer:** Michael J. Hubschman, P.E., P.P. of Hubschman Engineering, P.A., 263A South Washington Avenue, Bergenfield, NJ 07621

**Applicant's Architect:** Uri Rapaport, AIA of Rapaport & Associates Inc., P.O. Box 361, Tenafly, New Jersey 07670

**Mr. Madaio** stated he came before the Alpine Board a few years ago on behalf of the previous owner for the construction of a septic system and for a soil moving permit for this property. Mr. Madaio is here tonight on behalf of his Client who has a desire to build a house and proposing a somewhat smaller footprint than what was previously there and removed.

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*These minutes have been approved by the Zoning Board of Adjustment at the May 11, 2023 meeting.*

**Michael Hubschman** PE, PP was sworn and, having testified numerous times before this Board, he was deemed qualified as an expert testimony in engineering and planning.

**Mr. Hubschman** stated that the previous owner had been renovating the house for 3 years which has now been demolished. They had installed a new septic, grey water system back in 2016 – 2017. This involved variance for soil moving and permits for a retaining wall. The property is Zone R-4 with a footprint of 1,583 square feet which is exactly at the 10%. This is not a lot of housing. They are seeking a small building coverage variance due to his recommendation and adding 24 square feet over the front porch for cover from rain which would bring it to 10.14%. Mr. Hubschman further explained that moving the house back 3 times to what it was, they would still need the front yard setback variance but it is considerably better than the 10-foot front yard setback that use to exist. It aligns better with the next-door neighbor's house setback.

**Mr. Madaio** asked what the prior house setback was. Mr. Hubschman reiterated that it was 10-foot covered porch and 16.4 for dwelling. He further explained that due to the location of the septic system, they cannot install the house at the zone requirement of a 60 feet front yard setback. Mr. Hubschman referenced that our Borough Engineer had asked if there was any ability to move back further and requested 3 additional feet in order to get more green area in the front, but that would bring them too close to the grey septic area. They logistically cannot move back more. They are removing a lot of paving in the front and this would help with the street scrape. Also, it would look aesthetically better to align with the adjoining house; proposed at 29.9 or 30 feet back from right of way line.

In regards to parking in the front yard, there needs to be 25 feet setback in order to turn around in the space rather than backing up into Closter Dock Road. **Mr. Hubschman** stated that the vehicle would need to come out in the front and they are presenting and reviewing options: k-turn, horse-show or semi-circular driveway.

The following Exhibits were received for this application and entered tonight:

- A – 1 Cover Letter from Engineer Michael J. Hubschman dated March 16, 2023 with application signed and dated by owner on March 17, 2023, and attachments:
  - Proof of Publication in The Record 4/4/2023;
  - Certified Mailing to Residents within 200' on March 30, 2023 per Tax Assessor's List dated February 23, 2023;
  - Proposals and Reasons for Relief;
  - Prior Alpine Zoning Board of Adjustment Memorialization Resolution dated 6/21/2018;
- A – 2 Engineering Plans signed and sealed by Michael J. Hubschman of Hubschman Engineering P.A. dated 2/23/2023:
  - Site Plan (Drawing No. 3456.1 – 1);
  - Soil Erosion & Sediment Control Plan; Existing Conditions Plan; Detail (Drawing No. 3456.1 – 2);
- A – 3 New Single Family Dwelling Architectural Plans signed and sealed by Uri Rapaport Architect AIA of Rapaport & Associates, Inc dated 11/23/2022, revised 2/19/2023 (scale: 3/16" = 1' – 0") consisting of four (4) 11" x 17" black and white pages:
  - Cellar Floor Plan;
  - First Floor Plan;
  - Second Floor Plan;
  - Untitled drawing showing elevation;
- A – 4 Included from our file, Acting Zoning Officer's letter of denial (Perry Frenzel for Brian Frugis) dated 3/6/2023;
- A – 5 Board Engineer's Review Letter dated 3/28/2023.

**Mr. Madaio** provided a summary of the variance request and affirmed that there was no other option to set the house back further given that they have to be a certain distance from the adjoining septic system. The size of the house is slightly smaller at 1,583 square feet than the previous house that was there at 1,603 square feet; and they will be removing paving in the front.

**OPEN FOR PUBLIC COMMENTS:**

**Ted Noback**, 57 School House Lane: Mr. Noback commented that he was very pleased with the plans and wanted confirmation that the numbers reflect exact dimensions and that it will be built according to the designed specifications. Mr. Hubschman confirmed that it is.

No further public comments.

**OPEN FOR BOARD COMMENTS:**

**Mr. Frenzel** commented that residents trying to back out of their driveway on Closter Dock Road is a disaster waiting to happen and he can work out details with Mr. Hubschman for a safer horse shoe design driveway.

**Mr. Noback** interjected and inquired if there will be more trees being removed from the property. Mr. Hubschman confirmed that there will be no additional trees or plants planned to be removed.

**Ms. Lerner** inquired about the change in improved coverage from the 2018 Memorialization Resolution related to the retaining walls, and why if the houses are approximately of similar sizes, the improved coverage from 26.1% will now be at 19.6%. Mr. Hubschman responded that previously there was a lot more paving on the lot.

*These minutes have been approved by the Zoning Board of Adjustment at the May 11, 2023 meeting.*

No further comments from the Board.

**Uri Rapaport** was sworn and having over 30 years of experience in design and a New Jersey Licensed Architect, he was deemed qualified as an expert testimony in engineering and planning.

**Mr. Rapaport** provided an overview of his architectural drawings (Exhibit A – 3). Mr. Rapaport described the modern style design of the house while satisfying privacy concerns by the Client. The first floor is approximately 1,600 square feet including the garage space, which is a modest house. The garage has been extended all the way to the front door providing a courtyard before entering the house; which also provides a buffer zone from the street. Mr. Rapaport further stated that despite the challenges of the restrictions on the house, they have slightly more space of 12.7 feet instead of the 10 feet they are required to have.

**Mr. Madaio** commented that as courtesy he is letting the Board know they will be applying to the DEP seeking an approval for an additional one or two bed-room for the house. Mr. Madaio communicated that this will not change parking, layout or setback of the house. It will only be a change in the interior of the layout of the plans; for example, changing a music room into a bedroom. Mr. Madaio wanted to state for the record that they do not want to be locked in to the interior layout from the plans.

**Mr. Glazer** requested for an explanation regarding how the current septic system which limits this property to two bedrooms may accommodate for more than what it was designed to support.

**Mr. Hubschman** stated that this property was grandfathered in for a 2 bed-room septic system but they can apply for a waiver to add one more bedroom.

**Mr. Madaio** stated that the Zoning Board do not have jurisdiction over bedroom count and septic systems.

**Mr. Frenzel** commented that the current septic system is designed to accommodate 2 bed-rooms. The septic regulations of the DEP, which allow applicants to seek waivers to increase input to the septic system, only would be allowed if the ground meets certain criteria. This is only approvable by the DEP but we ask that we be part of that process. We can work with Michael Hubschman to ensure that neighbors would be happy.

**Mr. Madaio** reaffirmed that nothing in terms of zoning would be changed.

**Mr. Noback** expressed concerns over how this would impact his septic systems which is adjacent and within 40 feet from theirs. Mr. Noback also communicated that the previous Real Estate Agent that had lived there did not resolve water problems and it severely impacted him so he would like to have input regarding this matter.

**Mr. Madaio** stated that everyone will get notice of the DEP application and everyone will have a right to be heard in the DEP process. The DEP application will include reports and specifications to everyone affected but it has nothing to do with setback requirements.

**Mr. Noback** asked what the requirements for notifications were. Mr. Madaio stated that he did not know what the DEP notice requirements were but it may be similar to the 200-foot property owner requirement notice. Mr. Noback stated that he was not included in the 200-foot property owner notices for this application.

**Mr. Madaio** commented that the applicant has to notice to the list and if the list is wrong, as a matter of law it does not change or make a difference.

The **Board Secretary** communicated that Mr. Noback was inadvertently left off the 200-foot property owner list to notice, but the Tax Assessor have since corrected it.

**Mr. Madaio** and **Mr. Hubschman** agreed to provide Mr. Noback with a full set of plans and full copy of the application filing when they submit them in about a month.

**Mr. Hubschman** commented that the size of the field is large enough for 3 bed-rooms; having the 4<sup>th</sup> bed-room might be a stretch and not feasible.

**Mr. Noback** complimented the Architect's plans but in Alpine, the issue is with septic systems.

**Mr. Barbieri** expressed concerns on the impact of septic systems on neighboring properties and argued the issue of having additional bedrooms to septic systems that may not be able to support them.

**Mr. Madaio** stated that the 3 feet planting strip between the turn around and right of way line was designed on behest of our Board Engineer, and reiterated that there is no municipal jurisdiction over DEP septic waiver rules. They are only here for the 24 square foot over hang variance, and for the front yard setback which is 3 times what it was in the past. They will agree to and respect the neighbors by providing Mr. Noback with full plans of the application, and as courtesy even before the official notification goes out, to provide him with notice so that Mr. Noback can make himself available.

**Mr. Policano** inquired about basement ceiling height. Mr. Madaio responded that the basement ceiling height is 9 feet.

**Mr. Abad** complimented the plans and commented that the turn-around is a fantastic idea. He highly recommends the having it pushed back 3 feet due to traffic and nose.

**Mr. Glazer** commented that he lives close by and complimented the plans. He is happy this property will be developed.

**Mr. Frenzel** stated that they will require a survey of the foundation when it is constructed to ensure that it complies with the foundation location and dimensions shown on the plans. In addition, when the framing is complete, they will require a survey to ensure that the height matches the construction of the plans.

**Mr. Madaio** complimented the Board Secretary and the Building Department for being very efficient and for all their assistance.

No further comments from the Public.

No further comments from the Board.

**Resolution: Approval of Kirschen-Hamani - 1006 Closter Dock Road, Block 42 / Lot 3****Motion by:** Mr. Abad**Seconded by:** Ms. Lerner

At the meeting of the Zoning Board of Adjustment on April 20, 2023, to approve the application for development, granting the variance for front-yard setback where 60 feet is required and 29 feet is proposed; building coverage where 10% is permitted and 10.14% is proposed; and parking setback where 25 feet is required and 2.15 feet is proposed. This approval is subject to conditions as outlined in the resolution, and upon receipt of required surveys, and approval by the Board Engineer for this property located at 1006 Closter Dock Road: Block 42 Lot 3 on the Tax Assessment map in The Borough of Alpine.

**Vote: Ayes:** Mr. Abad, Mr. Barbieri, Ms. Lerner, Mr. Policano, Mr. Glazer**Absent:** Mr. Bonhomme, Mr. Clores, Ms. Herries, Mr. Pomerantz**MOTION APPROVED****PUBLIC COMMENTS** None.

Motion to go into Executive Session at 8:23 PM and reconvened at 8:29 PM.

**Resolution: Approval of Executive Session Meeting – April 20, 2023****Motion by:** Mr. Abad**Seconded by:** Mr. Barbieri

At this meeting of the Zoning Board of Adjustment held on Thursday, April 20, 2023,

**Whereas**, N.J.S.A. 10:4 – 12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and**Whereas**, this public body is of the opinion that such circumstances exist, more particularly under N.J.S.A. 10:4 – 12 subsection (7), relating to the need to confer with counsel as to matters falling within the exception for anticipated litigation and/or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise her ethical duties as a lawyer;**Now, therefore, be it resolved** by the Zoning Board of Adjustment of the Borough of Alpine, as follows:

- The public be excluded from discussion of the aforesaid matters as pertaining to pending litigation.
- A summary of what transpired in closed session shall be announced upon completion of that closed session.
- This Resolution shall take effect immediately.

**Vote: Ayes:** Mr. Abad, Mr. Barbieri, Ms. Lerner, Mr. Policano, Mr. Glazer**Absent:** Mr. Bonhomme, Mr. Clores, Ms. Herries, Mr. Pomerantz**MOTION APPROVED****NEW BUSINESS:**

There are a couple other applications that were denied by the Zoning Official in the Building Department. Our Zoning Board of Adjustment may be receiving their application for a zoning review and hearing soon:

- 36 Buckingham Drive, Block 81.04 Lot 3
- 103 Church Street, Block 55 Lot 8

**PUBLIC COMMENTS** None.**ADJOURNMENT**

Upon a Motion by Ms. Lerner, seconded by Mr. Policano and approved by all those present, the meeting was adjourned at 8:29 PM.

Respectfully submitted,

Jo Anna Myung  
Board Secretary