

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, August 16, 2018 - 7:30 P.M.

(This meeting was 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 Vice Chairman Clores at 7:33 p.m., Thursday, August 16, 2018 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, the notice of this regular meeting held Thursday, August 16, 2018 has met the requirements of the law by being published in The Record on January 4, 2018 and posted on the bulletin board in the lobby of the Borough Hall and a copy filed in the office of the Borough Clerk.*

ROLL CALL

Richard Glazer	Absent	Tony Clores	Present
David Kupferschmid	Present	Richard Bonhomme	Present
Steve Cohen	Present	Anthony Barbieri	Present
Jeffrey Mayer	Present	George Abad, Jr, Alt I	Absent

Staff Present on Dais: Attorney Michael Kates, Borough Engineer Perry Frenzel, Board Secretary Nancy Wehmann

COMMUNICATIONS None

MEMORIALIZATIONS None

PROCEDURAL MOTIONS

Resolution: Approval of Minutes: Regular Meeting June 21, 2018 upon a motion by Mr. Bonhomme, seconded by Mr. Barbieri and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, August 16, 2018 to approve the minutes of the regular meeting held on June 21, 2018. **MOTION APPROVED**

Resolution: Approval of Bills and Claims Upon a motion by Mr. Cohen, seconded by Mr. Barbieri and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, August 16, 2018 to approve the following Bills and Claims:

North Jersey Media Group	Escrow: Kim 42/3	Inv. 4272675	21.00
North Jersey Media Group	Escrow: Luk 79/1	Inv. 4272674	24.00
Azzolina & Feury	Escrow: Kim 42/3	Inv. 70135	84.00
Azzolina & Feury	Escrow: Kim 75/10	Inv. 70140	336.00
Azzolina & Feury	Escrow: Luk 79/1	Inv. 70141	84.00
Azzolina & Feury	Escrow: Papraniku 46/3	Inv. 70156	644.00
Azzolina & Feury	Escrow: (4M) Barot 21/3	Inv. 70132	616.00
Azzolina & Feury	Escrow: McCaffrey 42/4	Inv. 70158	112.00
Azzolina & Feury	Escrow: Kim 75/10	Inv. 70292	504.00
Azzolina & Feury	Escrow: Laoudis 22/7	Inv. 70273	168.00
Azzolina & Feury	Escrow: Zoellner 55/4.01	Inv. 70307	280.00

Resolution: Return of Escrow Upon a motion by Mr. Kupferschmid, seconded by Mr. Mayer and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, August 16, 2018 to return the following escrow which has been reviewed and approved by the Board Attorney and Borough Engineer.

Platinum Equity Group for Sandra Garcia Trust AC 70178	Block 49 Lot 22 11 Rionda Court	Application 1/30/2018 Resolution 5/17/2018	\$685.90
--	------------------------------------	---	----------

HEARINGS

Kim Block 74 Lot 10 – 18 Overlook Road Due to vacation scheduling this matter, continued from April 2017, is carried to the next meeting September 20, 2018 without need for further notice.

McCaffrey Block 42 Lot 4 – 1010 Closter Dock Road Due to vacation scheduling this matter noticed for the June 2018 meeting has been carried forward monthly to the next meeting September 20, 2018 without need for further notice.

4M Alpine LLC (Barot) Block 21 Lot 3 – 10 Rio Vista Drive

Attorney Matthew G. Capizzi, Esq. of Capizzi Law Offices, 11 Hillside Ave., 2nd Fl., Tenafly, NJ 07670 appeared on behalf of applicant 4M Alpine LLC along with Douglas W. Doolittle, PE, PP of McNally Engineering 169 Ramapo Valley Road, Oakland, NJ 07436. Property has been under construction for a while. They are finalizing development of the front yard with a series of cheek walls, entry piers and gates. The proposed piers and gates conform to the maximum height of 9.5 feet but decorative ironwork atop the gate and light fixtures atop the piers exceed this height and require a variance. The proposed cheek walls also require a height variance as by ordinance they cannot exceed the height of the fence.

Exhibits marked as follows:

- A – 1 Proof of Publication on July 9, 2018 in The Record.
- A – 2 Certified Mailing to Residents within 200' on July 9, 2018 per Tax Assessor's List dated May 10, 2018
- A – 3 Application Form received May 7, 2018 and signed by Attorney for Applicant on May 4, 2018
 - Proposal & Reasons for Relief
 - Proof of 2018 taxes paid through 3rd Quarter
- A – 4 Zoning Officer's Review letter dated April 18, 2018
- A – 5 Plans entitled
 - "Site Plan" prepared by McNally Engineering, LLC dated August 27, 2014 last revised March 7, 2018.
 - "200' Vicinity Plan" prepared by McNally Engineering, LLC dated April 30, 2018
- A – 6 A set of four color photos by McNally Engineering dated May 9, 2018
- A – 7 Prior Planning Board resolution dated August 25, 2015
- A – 8 Borough Engineer's letter dated June 8, 2018

And during the course of these proceedings:

- A – 9 Vicinity Map + 4 colored photos depicting similar neighboring gates.

Applicant's engineer, Douglas W. Doolittle was sworn and referenced his exhibit **[A-5]**. They appeared before the Planning Board in 2015 for a soil moving application without variances. He described existing conditions. The lot is located on the northwest side of Rio Vista Drive, being a two-acre lot conforming to bulk and coverage requirements. A single-family home is under construction in the process of being sided and interior roughing. Soil erosion control measures are in place for the site which is currently a little bare. They redesigned drainage improvements substituting Cultec chambers for seepage pits due to a higher than anticipated water table as noted in Mr. Frenzel's June 8, 2018 letter **[A-8]**.

There are two driveways to the home and they propose horseshoe cheek walls, piers and gates out to the property line at each entrance with six-foot fences located between and on either side. Design details are shown on the plan **[A-5]**. Light fixtures on the piers bring them to 12.25 feet and the open ironwork design atop the gates rises to a maximum of 13 feet 4½ inches in the center. Aesthetically the piers conform to this larger home which is just under the maximum 9% building coverage at 8.97%, being more consistent with the character of both the home and the neighborhood. Mr. Doolittle provided exhibit **[A-9]** being a vicinity map with 4 colored photos to depict other homes in this development with similar entry features and heights ranging from thirteen to fifteen feet. They reviewed the enabling resolutions for all except Block 21 Lot 9.

Mr. Kupferschmid asked when the resolutions were approved for the other properties recalling the Board had recommended modifications to the fence ordinance for these features which were subsequently codified but the Board was unsure of when.¹ Mr. Doolittle advised approval dates were 2010 for #'s 8 & 17 The Esplanade and 2008 for 31 Rio Vista Drive. Mr. Kates questioned the rationale. Mr. Doolittle stated mostly aesthetic and to have a streetscape more in conformance with the footprint, size and height of the home. He noted Rio Vista Drive is not a heavily traveled road and he is sure there will be substantial landscaping. Mr. Capizzi could not recall any recent amendments and did not know if there was necessarily a problem with a height for the prior applications. At least one case involved an appeal of the Zoning Officer's determination that variances were needed predicated on an interpretation these features fell outside of the fence regulations.

The Board sought clarifications of the permitted heights which Mr. Doolittle stated was 8 feet for cheek walls² and gates and 9.5 feet for the piers. Mr. Doolittle emphasized the main gate itself is level with the cheek wall and only the architectural features above, which make them more attractive, exceed that height. The pillars and walls will be made of similar material to the home's limestone façade. Mr. Frenzel stated this is more of an architectural than an engineering issue. However, he opined if the applicant had opted to erect free standing lights they could have been higher. Similarly, the gates are consistent with the neighborhood and he does not take exception to the proposed.

Vice Chairman Clores opened to the public for questions or comments and being none closed.

Resolution: Upon a motion by Mr. Bonhomme, seconded by Mr. Barbieri to approve the application.

Vote: Ayes: Barbieri, Bonhomme, Clores, Cohen, Mayer **Nays:** David Kupferschmid

MOTION APPROVED

Oliver Papraniku Block 46 Lot 3 - 26 West Main Street

Attorney Matthew G. Capizzi, Esq. of Capizzi Law Offices, 11 Hillside Ave., 2nd Fl., Tenafly, NJ 07670 appeared on behalf and with the applicants, Mr. & Mrs. Oliver Papraniku along with Douglas W. Doolittle, PE, PP of McNally Engineering 169 Ramapo Valley Road, Oakland, NJ 07436. Applicant's architect from Evans Architects, AIA, 470 Chamberlain Ave., Paterson, NJ was present but did not testify. Neighbor Nancy Skowronski of 27 West Main Street spoke to the application.

Mr. Capizzi advised applicants purchased the property with the intention of creating a home for themselves and Mrs. Papraniku's mother. Their children are grown and they are looking to relocate. They propose redevelopment with a new single-family dwelling on the property which is 10,802 square feet where 10,000 square feet is required being in the R2B zone, a neighborhood of smaller lots. To create their desired living environment, they seek a variance for building coverage of 18.07% where 10% is the maximum permitted, improved coverage of 28.05% where 20% is the maximum permitted and a major soil moving permit. Their engineer's testimony will show the property is unique in that the septic tanks have to be located in the front yard due to rock and groundwater conditions which in turn requires the house to be pushed further back and the driveway extended.

¹ Post meeting note: Board's recommendations per 2008-2009 Annual Report. Ordinance 715 amending Chapter 111 Fences adopted 2-23-2011.

² Post meeting note: §111-4D(3)(a)...the average height of the cheek wall shall not be greater than the average height of the fence (excluding cheek walls, piers, pillars, stanchions and gates) at the point where the fence terminates and the cheek wall begins and the height of the pier, pillar, or stanchion to which the cheek wall attaches at the other end.)

Mr. Kates requested clarification if the Applicant is OPI Construction LLC or Oliver Papraniku. Mr. Capizzi stated applicants are the individuals who are the property owners. Early on in the process the retainer might have been initiated under Mr. Papraniku's company which appears on the title block.

The following were marked for the record:

- A – 1 Proof of Publication on August 6, 2018 in The Record.
 - A – 2 Certified Mailing to Residents within 200' on August 6, 2018 per Tax Assessor's List dated April 12, 2018
 - A – 3 Application Form received June 1, 2018 and signed by Attorney for Applicant on May 31, 2018
 - Proposal & Reasons for Relief
 - *Proof of 2018 taxes paid through 3rd quarter*
 - A – 4 Zoning Officer's Review letter dated May 1, 2018
 - A – 5 Engineering Plans signed and sealed prepared by McNally Engineering, LLC consisting of two pages:
 - Drawing SP-1 titled "Site Plan" dated March 28, 2018 last revised June 21, 2018 annotated "*revised building footprint*"
 - Drawing VM-1 titled "Vicinity Map" dated June 1, 2018 no revisions.
 - A – 6 Photographs #1 – 4 prepared by McNally Engineering, LLC dated May 9, 2018
 - A – 7 Architectural Plans signed and sealed prepared by Evans Architects AIA consisting of 3 pages" last revised March 17, 2018 annotated "*owner modifications*":
 - Sheet Number A-1 entitled "Proposed Basement Floor Plan
 - Sheet Number A-2 entitled "Proposed Floor Plans"
 - Sheet Number A-3 entitled "Proposed Elevations"
 - A – 8 Borough Engineer's letters dated June 20, 2018 w April 11, 2017 attached
 - A – 9 Borough Engineer's letter dated 7/11/2018,
 - A – 10 Applicant's Attorneys letters carrying matter extending time constraints through August meeting.
 - A – 11 Soil Moving Application received 8/6/2018
- And marked during the course of these proceedings:*
- A-12 Aerial / Vicinity Map prepared by McNally Engineering, LLC dated August 15, 2018

Applicant's engineer and planner, Douglas W. Doolittle, was sworn and referenced his exhibit [A-5]. He described existing conditions noting the small existing house, vacant for several years and in disarray, is located on the east side of West Main Street. The property is 10,802 square feet and located in the R2B zone where 10,000 square feet is required being relatively small for Alpine. The existing home is pushed into the northeast corner with nonconforming setbacks being a 6.5-foot side yard and a 2.1-foot rear yard. The property slopes about twelve feet down from the east rear yard to the street and is tiered by numerous rock walls.

Proposed septic systems are designed for the front which is lower and more level with the driveway to be squeezed in-between the fields. The proposed dwelling will have a 15-foot side and rear yard to comply with setbacks. Proposed building coverage is 18.07% where 10% required and 8.65% exists. Existing improved coverage is 33.21% where 20% is required and they would reduce that to 28.05%. While these numbers sound high the building footprint is 1,768 square feet including a two-car garage. Total improved coverage is reduced from 3,588 square feet to 3,030 square feet or a little over 5%. Addressing negative criteria, they are pushing the home further back into the slope with front loading garages as there is no room for side loading. They will raise the grade up about 2-3 feet in the rear yard. Although the footprint is larger it is further from the street which lessens the impact. A good portion of the first floor is nestled into the ground and not visible from the street.

Soil moving volumes include a cut of 1,064 cubic yards and fill of 751 cubic yards most of which is for the septic systems. No waivers are required. Addressing positive criteria, no drainage improvements currently exist on site where they propose two 1,000-gallon seepage pits on the southside of the home and they are reducing improved coverage. Standard soil erosion and control measures will be implemented.

Vice Chairman Clores called for questions from the public.

Nancy Skowronski, 27 West Main Street, lives across the street. She asked if there would be any blasting as there is a lot of bedrock and other rock on the site. There are a lot of older homes nearby and she is concerned with damage during rock removal. Mr. Doolittle was not familiar with the rock she stated was observable under the existing porch. He reported the front test pits showed a good depth of 9-10 feet where the fields would be installed. He offered they may need to rock hammer to get the back of the house into the hill. He acknowledged he is not an expert on this but offered blasting depends on density of rock and proximity to other structures. Ms. Skowronski asked them to explore safer alternatives for this area such as non-explosive expansive cement or rock hammering.

Mr. Kates expressed concern with building coverage noting the 10% maximum is to suggest a small building on a small lot. What is their justification for near doubling the maximum building coverage. Mr. Capizzi did not believe the existing dwelling is habitable and he doubted anyone would purchase the property to use that house. Mr. Kupferschmid asked if that was due to size or the dilapidated condition. Mr. Capizzi offered both and the reality is that at the end of the day you end up with a 1,700 square foot footprint that encompasses a two-car garage. Because of the septic there is no opportunity for a detached garage which would be excluded from building coverage. Mr. Kates asked Mr. Doolittle's opinion. Mr. Doolittle added they need to consider home design in keeping with the character of the neighborhood. In support he provided an aerial/vicinity map **[marked A-12]** to demonstrate neighboring homes of similar size on similar size lots. Although the home to the north is slightly smaller, the homes behind them and to the north are similar in size to what is proposed. The house will remain a three bedroom; same as existing. Mr. Frenzel affirmed the proposed stormwater management system is adequate.

The Board returned to the issue of rock raised by the neighbor and risk of damage to surrounding older homes. Applicant proposes significant deep cuts into the rock at the rear for this home and the extent cannot be determined until removal of the old house. He is not an expert and doesn't know if prolonged rock hammering is preferable to blasting. Mr. Capizzi reminded Applicants intend to live here and be neighborly but blasting is not uncommon and regulations and procedures are in place. Attorney Kates noted blasting becomes an issue as the volume of rock removal is exacerbated by the increase in building coverage. Discussion followed on how to best address these concerns including reducing amount of rock removal by pulling back a portion of the rear wall behind the garages creating a crawl space. Mr. Frenzel recommended a pre-blast survey to establish liability. Attorney Capizzi requested a brief recess [8:22 – 8:26 p.m.] to consult with Mr. Papraniku, a knowledgeable builder in the city, who subsequently stipulated there would be no blasting on site. There were no questions for the architect who did not testify.

There were no further questions or comments from the public or the Board.

Resolution: Upon a motion by Mr. Cohen, seconded by Mr. Barbieri to approve the application subject to no blasting.

Vote: **Ayes:** Barbieri, Clores, Cohen, Kupferschmid, Mayer **Nays:** Richard Bonhomme

MOTION APPROVED

OTHER BUSINESS Mayor Tomasko noted Alpine's overall property tax went down this year. Board questioned when work will begin on eyesore properties with prior approvals. This will be checked.

ADJOURNMENT at 8:32 p.m. upon motion by Mr. Bonhomme seconded by Mr. Clores and approved by all. Respectfully submitted,

Nancy Wehmann, Secretary