

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, February 16, 2017 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 Chairman Glazer at 7:30 p.m., Thursday, February 16, 2017 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, February 16, 2017 has met the requirements of the law by being published in The Record on January 6, 2017 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	Present	Tony Clores	Absent
Bob Burns	Present	David Kupferschmid	Present
Richard Bonhomme	Absent	Steve Cohen	Absent
Anthony Barbieri	Present	Jeffrey Mayer, Alt I	Absent
George Abad, Jr, Alt II	Present		

Staff Present on Dais: Attorney Michael Kates, Borough Engineer Gary Vander Veer, Board Secretary Nancy Wehmann

PROCEDURAL MOTIONS

Resolution: Approval of Minutes January 5, 2017 Upon a motion by Mr. Kupferschmid, seconded by Mr. Barbieri and approved by all those eligible to vote at this regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, February 16, 2017 to approve the minutes of the regular meeting held on January 5, 2017. **MOTION CARRIED**

Resolution: Return of Escrow: Waldman Block 71 Lot 16 57 Berkery Place

Upon a motion by Mr. Kupferschmid, seconded by Mr. Barbieri at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, February 16, 2017 to return the following escrow which has been reviewed and approved by the Board Attorney and Borough Engineer.

Kevin Waldman	Block 71 Lot 16	Application	\$325.30
Trust AC 70	57 Berkery Place	10/24/2016	
		Resolution	
		12/15/2016	

Vote: Ayes: Mr. Abad, Mr. Burns, Mr. Barbieri, Mr. Kupferschmid, Mr. Glazer

MOTION CARRIED

Resolution: Approval of Bills and Claims Upon a motion by Mr. Kupferschmid, seconded by Mr. Barbieri at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, February 16, 2017 to approve the following Bills and Claims:

Azzolina & Feury	Escrow Tabak 30/2	Inv. 67377	626.75
Azzolina & Feury	Escrow Waldman 71/16	Inv. 67213	449.25
North Jersey Media Group	7-01-21-185-022	Inv. 41228101	17.33
NJ Planning Officials	7-01-21-185-025	Inv. 47952	75.00

Vote: Ayes: Mr. Abad, Mr. Burns, Mr. Barbieri, Mr. Kupferschmid, Mr. Glazer

MOTION CARRIED

PUBLIC HEARING - Tabak Block 30 Lot 2 – 12 Highwood Place

Attorney Matthew G. Capizzi of Capizzi Law Offices, 11 Hillside Ave., Second Floor, Tenafly, NJ 07670 appeared on behalf of the Applicant Alexandria Tabak of 12 Highwood Place, Alpine, NJ designated on the tax map as Block 30 Lot 2. Appearing with Mr. Capizzi was Douglas Doolittle, P.E. P.P., McNally Engineering, Inc. 169 Ramapo Valley Road, Oakland, NJ 07436. Applicant's architect was present but did not testify.

This application seeks a variance from §220-13 B(4)(b) for cabana height 19.55 feet above original grade where 15 feet maximum permitted; §185-3(D)(2)d) approval of soil movement with waivers for change from original grade greater than 5 feet and §198-6 swimming pool top of peripheral walls not greater than 5 feet above natural elevation with no more than 30% of the peripheral walls greater than 3 feet above natural elevation. Proposed seeks to elevate the grade behind the rear of the house by about 7.5 feet for the pool, patio and cabana areas.

Attorney Capizzi explained the application deals principally with soil moving but includes a height variance for the cabana necessitated by the increase from original grade. The site rises up from the street, plateaus for the dwelling and then tapers down to the rear property line. They seek to soften that rear grade. Existing conditions would require about ten steps to access the pool and patio area from the rear of the house. They seek waivers from the soil moving and swimming pool ordinances to fill this area and reduce that to two or three steps.

Attorney Kates noted documents provided indicated two spellings for Applicant's first name: Alexandria or Aleksandriya. Mr. Capizzi stated spelling on the application is correct.

Exhibits as follows:

- A – 1 Proof of Publication in The Record on February 6, 2017.
- A – 2 Certified Mailing to Residents within 200' on February 6, 2017 per Tax Assessor's List dated December 8, 2016.
- A – 3 Application Form signed and dated December 20, 2016 including:
 - Proposal & Reasons for Relief dated October 11, 2016
 - Tax Collector's records show taxes paid through 1st Qtr 2017
- A – 4 Application for Zoning Review submitted December 12, 2016 and approved December 15, 2016
- A – 5 Application for Soil Moving Permit December 7, 2016 signed and dated.
- A – 6 Three color photos prepared by Matthew Greco, P.E. of McNally Engineering, LLC 169 Ramapo Valley Road, Oakland, NJ 07436 dated December 9, 2016.
- A – 7 Plans signed and sealed by Douglas W. Doolittle, P.E. and Matthew Greco, P.E. McNally Engineering, LLC 169 Ramapo Valley Road, Oakland, NJ 07436 consisting of 2 pages:
 - Drawing No. SP-1 entitled "Site Plan" dated June 25, 2014 last revised #11 December 13, 2016 "revised to add property owner list"
 - Drawing No. VM-1 entitled "Vicinity Map" dated December 1, 2016 no revision.
- A – 8 Architectural Plan signed and sealed by Steven B. Lazarus, A.I.A. of AXIS 16 Highwood Avenue, Englewood, NJ 07631 consisting of one page Drawing No. A-1 entitled "New Cabana: Floor & Foundation Plan, Elevations and Sections" dated August 25, 2016.
- A – 9 Borough Engineer's letter January 3, 2017

Douglas Doolittle, PE, PP, was sworn and deemed qualified to provide expert testimony in his fields. Mr. Doolittle confirmed his exhibit was the same site plan **[A-7]** provided to the Board. Mr. Doolittle stated the site is located on the east (high) side of Highwood Place which is a short street with a cul de sac. The property is about an acre and a half. Construction began about a year and a half ago to renovate an existing home and add a circular drive with a side loading garage. The proposed pool and patio locations basically match the original design. Topography

slopes up from the street to the front of the home, plateaus and then falls off to the rear. Ten steps lead up to the front of the home and currently they would need ten steps from the back down to the rear. These would terminate in close proximity to the pool coping area.

Realizing this will pose safety concerns they propose raising the pool, patio and cabana area to within eighteen inches of the first-floor area requiring only three steps. Building height for the cabana is calculated from original grade to the mean point of the roof elevation. After raising the grade the cabana height calculates at 19.5 feet even though height from finished grade would be just under 12 feet. The cabana's rear wall would present the largest view profile. Tiered and planted retaining walls will surround the filled area. The plan complies with setbacks for the cabana being more than 25 feet from the sides and 77 feet from the rear where 25 feet is the minimum. Standard soil erosion and sediment control devices are in place. The existing driveway would serve as the wheel pad. They propose a silt fence around the entire site. Soil quantities consist of a cut of 41 cubic yards and fill of 833 cubic yards for a net import of 792 cubic yards or about 50 truckloads. Mr. Doolittle was unsure of the stockpile location. Overall lot coverage increases slightly but still complies and there is adequate room to provide for more onsite storm water retention if needed. Updated drainage calculations as requested by the Borough Engineer will be provided. Mr. Doolittle has reviewed Mr. Vander Veer's letter **[A-9]** and can comply with his recommendations and required supplements and revisions.

Chairman Glazer opened the meeting for questions from the public. There were none. Chairman Glazer invited questions from the Board.

Mr. Kupferschmid found the plans confusing for purposes of identifying existing topography. Mr. Doolittle attempted to clarify by pointing **[on A-7]** to a 452-foot contour line at the side that comes around to the north side of the pool. The rear of the house is at elevation 461 feet. The area of the cabana as currently exists is 453 feet and as proposed would be 460.7 feet; a differential of 7.7 feet.

Mr. Glazer took note of the 4 foot drop in elevation from the front of the cabana to its rear. Mr. Doolittle explained this would be addressed by two tiered walls. Mr. Glazer questioned what the side would look like. Mr. Doolittle was unsure if that was depicted on the architectural plans.

Mr. Kupferschmid questioned the elevation for proposed pool equipment behind the cabana. Mr. Doolittle replied about 453 feet. Mr. Abad observed that's a 7 foot drop from the patio.

Mr. Vander Veer asked how they would address the concrete that had already been poured for the pool. Mr. Doolittle was unsure whether they'd build on top of it or rip it out. Mr. Vander Veer noted the rear wall of the cabana drops 7 feet below its floor to question its proposed construction. Mr. Doolittle replied no crawl space or second level is proposed opining it would just be poured concrete with the retaining walls flowing into the sides. Mr. Kupferschmid asked if they'd considered using that space to house the pool equipment and Mr. Doolittle offered they could take a look at that.

Mr. Kupferschmid questioned the safety of that big of a drop off. Mr. Vander Veer observed the plan shows a planter there but there has to be some kind of fall protection. Mr. Doolittle stated it was his understanding that if the patio is more than two feet from the back of the wall and the area is planted it would not need a railing. He's sure the intent is to plant the area with a hedgerow type vegetation to act as a buffer / barrier. Mr. Vander Veer emphasized the planting would have to be something dense. He reminded he had requested a separation dimension between the walls of at least one and a half times the height of the lower wall. Mr. Doolittle did not have that information but could provide. He estimated the plan scaled at

about six feet at the bottom of wall (not counting the thickness of the wall) for the bottom two tiers and the distance from the top wall to the patio at about four feet.

Mr. Glazer observed the property is adjacent to Board of Education property in the rear and asked Mayor Tomasko, present in the audience, if this posed any special concerns. Mayor Tomasko was not aware of any. Mr. Vander Veer noted they are required to provide a security fence for the pool and the plan does show a 4-foot-high chain link fence with self-latching and self-closing gates. Mayor Tomasko asked if the school had been notified and it was noted they were part of the 200-foot property owners notice list. Mayor Tomasko noted no one from the school had attended this hearing. Chairman Glazer offered it's pretty far from the property to the school building. Mr. Doolittle stated he could see the school from the rear of the building.

Mr. Kupferschmid asked about the concrete already poured for the pool. Mr. Doolittle surmised the client had begun construction and then realized how low it would be prompting the proposed re-design. Mr. Kupferschmid asked why they didn't show the existing conditions on the plan. Mr. Doolittle replied that the proposed location for the pool is the same only 5.5 feet lower.

Chairman Glazer opened the hearing for public comments. There were none. Chairman Glazer invited discussion from the Board.

Mr. Kupferschmid observed the first-floor elevation at 461.5 and their intent to bring the whole patio as proposed to about 460.3 feet which would create a large drop off in the back yard. Mr. Kupferschmid did not think it unreasonable to ask them to step it down a little bit so you don't have such a dramatic drop off. Mr. Capizzi reminded the proposed still requires three steps down. Mr. Doolittle offered a good comparison to gauge the proposed differential would be to look at the inlets designed to drain runoff away from the pool or the house seen at elevation 460.1 feet. Mr. Glazer observed the contour at the rear property line is about 450 feet.

Mr. Vander Veer emphasized the contractor must install orange silt fencing around the septic field and Cultech (storm water detention) system located in the rear yard. He doesn't want to see heavy construction vehicles riding over these areas because there will be damage and then they'll be required to reconstruct those features. He has sent several letters directing them to do this and has yet to see the work done. Mr. Doolittle stated he would have it done.

Mr. Kupferschmid questioned the soil moving. Mr. Capizzi noted the application seeks to stabilize the site. They are allowed to increase the grade by five feet and are only seeking to go about 2.5 feet above that. He reminded criteria for a waiver is different than for a variance as you don't talk about positive and negative but whether you can construct the proposed in a safe and sound manner and clearly mechanisms are available to increase the grade to the extent proposed without causing any harm to neighboring properties. The retaining wall system will function properly to shore the area up and Mr. Doolittle had provided testimony regarding drainage provisions. Mr. Doolittle noted many steps could present a safety issue where the proposed would provide for a minimum of three steps which would not even require railings.

Mr. Kupferschmid asked Mr. Doolittle for a recap of the existing versus proposed grades across the rear yard with particular attention to the pool area. Mr. Doolittle stated they are only filling in the area shown by the patio. Mr. Abad asked about the elevations at the far left of the patio near the garage. Mr. Doolittle noted the patio there is at elevation 460.5 feet and agreed they will have to slope that down or put some steps over to the driveway which is at about 454 feet. The garage is at 455.8 feet. They haven't designed that yet.

Attorney Kates questioned views for the neighbor on the north side property line. Mr. Doolittle responded their view would be looking up at the two-tiered retaining walls with plantings. They wouldn't be able to see into the pool as that would be higher. Attorney Kates questioned the wall heights. Mr. Doolittle responded total height of the walls would be about 8 feet but the landscaping would break that up.

Mr. Vander Veer noted the patio elevation is 460.5 and the grade at the rear septic field is 454 feet but the plan doesn't show any contours in-between. The plan reads as if this is just a sharp drop off without any grading or a railing. He reminded they cannot grade over the disposal field and are limited in the amount of fill they can place there. Mr. Doolittle acknowledged the plans need to be revised to clarify how they propose to address that area.

Mr. Kupferschmid persisted that while he did not mean to be difficult, he felt the plan could be reworked to be more accommodating with the topography. He does not like the drop-offs in the backyard or that it is raised up much higher than the side yard where the garage is. He felt they could cut back on the amount of soil moving and make it more palatable. Discussion followed to explore such possibilities. Mr. Capizzi asked for a break to confer with his engineer.

Chairman Glazer granted a brief recess from 8:07 – 8:11 PM.

After the break, Mr. Kupferschmid read from Mr. Vander Veer's letter **[A-9]**:

"The application will require a waiver from soil moving ordinance for the placement of fill more than five feet above original grade. This fill is proposed to elevate the proposed patio area to match the finished floor of the residence. The floor elevation was raised approximately six feet above the original first floor."

Not knowing the history of the project, Mr. Kupferschmid asked why they raised the house when they already had a rise in the front? Mr. Capizzi offered sometimes you plan based upon a picture you have and you don't fully appreciate the impact of what you're proposing. He added this is evident from the applicant's having poured the pool shell and now stepping away from what they realize was an inferior design. He continued that there have been a series of professionals involved in the design process. He reminded they are not seeking approval after the fact although to a certain degree it may appear to fit that mold a little bit. The reality is this is not an ideal situation but the site exists as described and they are looking to get these people to the finish line on this project. They are looking to correct someone else's misstep.

With the client's blessing, Mr. Doolittle described proposed revisions to increase the step heights to eight inches and add some additional steps, which would drop the patio down about four feet. This would solve some of the grade issues between the patio and the septic field and eliminate some of the imported fill.

Attorney Kates sought clarification of total soil volumes. Chapter 185 on Soil Movement triggers Board review at 1,000 cubic yards. Mr. Vander Veer confirmed that although this soil moving application indicates less than that amount the cumulative volume for this project over a period of twelve months has exceeded 1,000 cubic yards as there have been several prior soil moving applications. Chairman Glazer asked if proposed revisions would bring them back under that threshold but Mr. Doolittle was not sure noting he'd have to look at the prior approved plans and redo the calculations. Mr. Vander Veer advised the volume is not his main concern although it would be better for the neighborhood if the plan provided for less disturbance and fewer trucks passing through. They would still require the waivers and a height variance for the cabana. Attorney Kates received clarification there have been no prior applications. Development up to this point has been in compliance with all of the applicable ordinances.

Mr. Capizzi requested an opportunity to provide the Board with additional information. The Board concurred they would like to see an existing conditions plan clearly showing existing grades and what's been constructed to date. The Board would also like to see a more finely tuned plan and corresponding re-calculations reflecting the revisions as discussed. Mr. Kupferschmid asked that they try to work a little more with the topography of the property.

The Board deemed this matter to be continued to the next meeting scheduled for Thursday, March 16, 2017 without need for further public notice.

OTHER BUSINESS - none

COMMUNICATIONS

Chairman Glazer welcomed Mayor Tomasko who thanked Chairman Glazer for his words of commendation for the DPW's excellent work clearing roads during the recent snowstorm. He also thanked the Board for their service including submission of the Annual Report and a budget recommendation with no increase.

ADJOURNMENT at 8:25 p.m. upon motion by Mr. Barbieri, seconded by Mr. Abad and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary