

ALPINE ZONING BOARD OF ADJUSTMENT

Reorganization & Regular Meeting
Wednesday, January 10, 2018 - 7:30 P.M.
(This meeting was taped in its entirety).

CALL TO ORDER/PLEDGE OF ALLEGIANCE/PUBLIC ANNOUNCEMENT

This re-organization and regular meeting of the Alpine Zoning Board of Adjustment was called to order by Chairman Glazer at 7:30 p.m., Wednesday, January 10, 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 and reorganization meeting held Wednesday, January 10, 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.*

OATHS Attorney Kates administered oaths of office as follows:

Anthony Barbieri: member four-year term expiring 12/31/2021

Jeffrey Mayer: member unexpired portion of a four-year term expiring 12/31/2020

George Abad, Jr.: Alternate Member I unexpired portion of a two-year term expiring 12/31/2019

ROLL CALL

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

Staff Present on Dais: Attorney Michael Kates, Board Secretary Nancy Wehmann

APPOINTMENTS The following positions appointed by unanimous affirmation:

Chairman: Richard Glazer upon a motion by Mr. Barbieri, seconded by Mr. Cohen and approved by all those eligible to vote

Vice Chair: Anthony Clores by Mr. Glazer, seconded by Mr. Cohen and approved by all those eligible to vote

Secretary: Nancy Wehmann upon a motion by Mr. Glazer, seconded by Mr. Clores and approved by all those eligible to vote

Board Attorney: Upon a motion by Mr. Glazer, seconded by Mr. Bonhomme at the 2018 reorganization meeting of the Zoning Board of Adjustment of the Borough of Alpine

WHEREAS, the Zoning Board of Adjustment has a need to acquire the professional services of **Michael Kates of the firm Kates, Nussman, Rapone, Farhi & Earle, LLP** for Attorney to the Zoning Board of Adjustment of the Borough of Alpine without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) to be provided as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and/or 20.5; and,

WHEREAS, the term of this contract is for one year; and

WHEREAS, Attorney Kates has submitted a proposal indicating he will provide services for the prices as approved in his letter of agreement; and

WHEREAS, these professional services may exceed the aggregate threshold set by N.J.S.A. 19:44A-20.f4 and/or 20.5, Attorney Kates has completed and submitted a Business Entity Disclosure Certification certifying neither he nor his firm have made any reportable contributions to a political or candidate committee in the Borough of Alpine

for the elected officials in the Borough of Alpine in the previous one year, and acknowledging this agreement will prohibit he or his firm from making any such reportable contributions through the term of the contract, and

WHEREAS, this contract is subject to the Chief Financial Officer of the Borough of Alpine, County of Bergen, State of New Jersey, certifying funds are available in the 2018 municipal budget;

NOW THEREFORE, BE IT RESOLVED that the Zoning Board of Adjustment of the Borough of Alpine approves the letter of agreement; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value, as required, be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of the award of this Professional Service Agreement will be published in The Record.

Vote: Ayes: Bonhomme, Cohen, Clores, Burns, Barbieri, Kupferschmid, Glazer

MOTION CARRIED

COMMUNICATIONS None

MEMORIALIZATION – ROH Block 41 Lot 6 – 31 DuBois Avenue

Attorney Kates reviewed the resolution.

Resolution: Upon a motion by Mr. Bonhomme seconded by Mr. Clores to approve the application for Sangho & Jeemin Roh to remove a nonconforming barn and construct a small addition including a garage and modernization to their existing undersized home on an undersized lot. The house is and shall remain a 3-bedroom home. The Board granted variances for a side yard setback of 10.10 feet on the south side where 15 feet is required, building coverage 18.2% where 10% is maximum permitted and improved lot coverage 33.37% where 20% is maximum permitted. The aforementioned approval is subject to conditions as outlined in the resolution for this property located at 31 DuBois Avenue designated as Block 41 Lot 6 on the Tax Assessment Map of Alpine, New Jersey, Bergen County and a copy of this resolution is attached to these minutes and on file at the Borough of Alpine, 100 Church Street, Alpine, NJ for review.

Vote: Ayes: Abad, Barbieri, Bonhomme, Cohen, Clores, Glazer

MOTION APPROVED

PROCEDURAL MOTIONS

Resolution: Approval of Bills and Claims Upon a motion by Mr. Clores, seconded by Mr. Cohen and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Wednesday, January 10, 2018 to approve the following Bills and Claims:

North Jersey Media Group	Escrow: Haring 40/7	Inv. 4227245	23.10
Kates, Nussman, Ellis et al	Escrow: Roh 41/6	Inv. 23384	1,115.00

MOTION CARRIED

Resolution: Approval of Minutes: Regular Meeting December 21, 2017 upon a motion by Mr. Barbieri, seconded by Mr. Bonhomme and approved by all those eligible to vote at the reorganization and regular meeting of the Alpine Zoning Board of Adjustment held on Wednesday, January 10, 2018 to approve the minutes of the regular meeting held on December 21, 2017.

HEARINGS

MA BLOCK 54 LOT 12 – 153 MILES STREET

Attorney Matthew G. Capizzi, Esq. of Capizzi Law Offices, 11 Hillside Ave., Second Floor, Tenafly, NJ 07670 appeared on behalf and with applicant Gerry Ma. Also appearing were Applicant's engineer/planner Douglas Doolittle of McNally Engineering, Inc. 169 Ramapo Valley Rd., Oakland, NJ and architect, Stephanie DeCarlo Pantale 70-H Chestnut Ridge Road, Montvale, NJ 07645. One resident spoke to the application.

Mr. Capizzi notes applicant proposes a new single-family home for his family. Septic design was dictated by location of fields on the adjacent properties, thus one field has been installed in front yard and second proposed for rear field. Design requires a deep front yard setback which necessitates a longer driveway and relief for improved coverage. They also need a soil moving permit and two waivers for the location of retaining walls and change in grade.

Exhibits marked as follows:

- A – 1 Proof of Publication on December 29, 2017 in The Record.
 - A – 2 Certified Mailing to Residents within 200' on December 29, 2017 per Tax Assessor's List dated December 14, 2017
 - A – 3 Application Form signed and dated October 24, 2017 received October 27, 2017 including:
 - Proposal & Reasons for Relief
 - Proof of 2017 4th Quarter taxes paid
 - A – 4 Zoning Officer's Review letter dated August 14, 2017
 - A – 5 Application for Soil Moving Permit dated September 18, 2017
 - A – 6 Plans prepared by McNally Engineering, LLC consisting of 2 pages
 - Drawing No. SP-1 entitled "Site Plan" dated April 19, 2017 last revised September 18, 2017:
 - Drawing No. VM-1 entitled "Vicinity Map", dated July 7, 2017
 - A – 7 "Retaining Wall Calculations" prepared by McNally and dated July 7, 2017.
 - A – 8 "Storm Drainage Report" prepared by McNally and dated July 7, 2017.
 - A – 9 Site Photos prepared by McNally Engineering LLC consisting of 4 photos dated July 26, 2017.
 - A – 10 Architectural Plans prepared by Stephanie De Carlo Pantale 70-H Chestnut Ridge Rd., Montvale, NJ 04645 dated July 7, 2017 consisting of 7 pages
 - Drawing No. A0 Title Sheet & General Notes
 - Drawing No. A1 Elevations
 - Drawing No. A2 Rear Elevations
 - Drawing No. A3 Side Elevations
 - Drawing No. A4 Foundation Plan
 - Drawing No. A5 First Floor Plan
 - Drawing No. A6 Second Floor Plan
 - A – 11 Borough Engineer's letter dated August 28, 2017
 - A – 12 Borough Engineer's letter dated November 7, 2017
- And distributed during the course of proceedings but not marked:*
- A – 13 Plan entitled "Attic Roof Plan" dated 7/7/2017 Rev 1 1/10/2018 "New Sheet – Show Finished Attic Area"

Douglas Doolittle, PE, PP was sworn and deemed qualified. Using site plan [A-6] he described existing conditions. This rectangular property, about 100 feet wide by 197 feet deep, is one lot from the corner on the northeast side of Miles Street. It slopes up 14 feet on a diagonal from the street to the right rear corner. An existing home and shed are situated in the rear yard. A new septic system has been installed in the front yard. The split system design for the septic fields was

driven by the location of fields on adjacent properties. One field had to be located in front which in turn required the new home to be setback 80.5 feet where only 20 feet was required.

They propose a new four-bedroom home with an 1800 square foot footprint that meets bulk requirements. The driveway leads to a sideloading garage under the home and includes steps down and around the house to a rear patio. Two seepage pits in the front will address increased runoff. The drainage report has been approved by the Borough Engineer.

Soil moving permit approval required. Soil moving calculations as follows: cut 1795 cubic yards (cy), fill 847 cy, import 0 cy, export 948 cy including soil volumes for the septic fields.

The driveway requires a retaining wall starting at grade by the street and increasing to a depth of 5.5 feet by the garages. The wall requires a *de minimus* waiver to be 5.5 feet off the property line where 6 feet is the minimum required to provide better maneuverability in and out of the garage. This area is tight providing a finite width of 30 feet limited by the retaining wall. They cannot shift the house due to required setbacks from the neighbor's septic system on the other side and where the Borough engineer requires a vinyl barrier. The second waiver is for cut of about 7.5 feet in grade for part of the rear portion of the building which exceeds the maximum five feet change from original grade permitted. The driveway is 12 feet wide with six-inch curb on each side adding 780 square feet of improved coverage that would not have been needed had they been able to construct the home at the 20-foot front yard setback. Additional elements of improved coverage include a front walkway with steps and covered porch plus the rear steps and patio. The driveway piers shown on the plan will be eliminated. Mr. Capizzi stated the architect will address questions regarding the attic space.

Chairman Glazer opened the meeting for questions of Mr. Doolittle. There were none.

Mr. Vander Veer noted with the inner part of the retaining wall 5.5 feet from the property line, the outer part 4 feet and the geo-grade reinforcing being 5.5 feet long they will be right on the property line disturbing the neighbor's property. Have they talked with the adjacent property owner? Mr. Doolittle said no but they're prepared to change the design if need be, the alternative likely being a concrete wall with a concrete foundation pulled to the front using rebar. Mr. Vander Veer understood the need for the waiver by the garages but asked if they couldn't slide the driveway over to comply once they get past the turn in area reducing 100 feet of noncompliance to about 40 feet. Mr. Doolittle and Mr. Capizzi agreed that could be done. The garages will have one 16-foot double and one 9-foot single door which complies with the maximum 30 feet of linear garage door length. They will add this to the zoning schedule.

Sun Lee 145 Miles Street appeared on behalf of his parent who own the adjoining property to request more details regarding the wall. Mr. Vander Veer explained the relief requested. Mr. Doolittle demonstrated same on the plan adding they will not actually see the sunken wall which will face Church Street and they'll likely see less of the cars or garage doors which will be below grade; there should be at least five feet between the wall and his property.

Mr. Abad asked about safety features where the driveway drop off is 5.5 feet deep. Mr. Vander Veer concurred that would make sense as it's right next to the rear yard. Mr. Doolittle and Mr. Capizzi offered they could provide a vegetative hedgerow barrier.

Attorney Kates asked Mr. Doolittle to provide planning testimony relevant to the improved coverage variance where they are seeking 27.93% where 21.37% exists and only 20% is permitted. This translates to about 1,500 square feet. Mr. Doolittle claims a c(1) hardship applies because the location of septic systems on adjoining properties limited where they could put their systems and this in turn dictated the extended front yard setback for the house and longer

driveway adding 4%. The other 4% includes a portion of the front steps, the shed and the patio. Mr. Glazer noted prior driveway coverage was more. Mr. Doolittle explained the existing home is all the way in the rear yard where they propose the rear septic field. Mr. Glazer and Mr. Bonhomme noted 8% is still a lot of coverage and while they're actually reducing the driveway they're increasing several areas, that did not previously exist, for a larger house at 1887 square feet and the patio at 790 square feet. Mr. Capizzi and Mr. Doolittle offered to halve the size of the patio, about 400 square feet or 2% of improved coverage reducing coverage to about 1,100 square feet. The driveway cannot be reduced more as it is only 12 feet wide and the shed is only 144 square feet. Attorney Kates noted lot coverage restraints are a function of stormwater management and they've testified the proposed satisfies the Borough Engineer's requirements. A second function is aesthetics and impact on neighbors. It was noted the neighbor's driveway runs along the same property line (driveway to driveway) and they've testified they can pull the front section of driveway (forward of the garage area) to the required six feet away from the property line. Furthermore, the retaining wall sinks to 5.5 feet below grade minimizing views of the vehicles or garage doors. Mr. Vander Veer clarified that while installing the front septic system they encountered rock so although the drainage design is acceptable test holes will be required to verify subsurface conditions can accommodate the seepage pits; the plan may need to be modified. It was noted the seepage pits design captures 100% of the roof runoff which exceeds the increase in improved coverage and they've agreed to reduce coverage by halving the patio so they have a cushion.

Stephanie DeCarlo Pantale, was sworn and deemed qualified being a licensed architect in NJ (Lic.#12820) and NY in practice for 20 years. She has testified before local Boards including Closter and Cresskill. Mrs. DeCarlo Pantale distributed the attic plan marked **[A-13]**. They need to maintain 2.5 stories to comply to zoning. The second floor is 1,856 square feet. Allowable attic area is 33 % of the second floor or 612 square feet and they only propose finishing 600 square feet with remaining space for HVAC and other "attic-type items". Mr. Vander Veer noted the ordinance references any area of the attic where the ceiling height is over seven feet in height to ask if any other portion of the attic beyond that labeled "finished attic" would exceed the limit? Mrs. Decarlo Pantale stated all the collar ties are at eight feet but the floor of the unfinished areas will be raised to accommodate the trayed ceilings on the second floor and therefore the attic ceiling heights will comply by virtue of the location of the floors. Mr. Vander Veer advised they will need to provide detailed plans for review by the construction code official to verify compliance with the ordinance.

Chairman Glazer asked if there were any questions for the architect. There were none.

Mr. Cohen questioned the building's overall height and was advised it complies at 34.15 feet where 35 feet is permitted. Mr. Bonhomme observed while in compliance it will exceed heights of other homes in that neighborhood.

Chairman Glazer opened the meeting for comments.

Sun Lee, 145 Miles Street advised their main concern has been that for many years this property has been a real eyesore. Is there a timetable to complete construction? It was noted applicant intends to move forward. That said, Mr. Lee is in favor of the application.

Upon a motion by Mr. Barbieri seconded by Mr. Mayer to approve the application subject to the usual conditions and those discussed during the hearing including:

- Removal of about 412 square feet of improved coverage by reducing the patio area by fifty percent (400 square feet) and eliminating the front piers (12 square feet).
- Retaining wall to comply with six-foot setback from property line from the street to the beginning of the wider area immediately in front of the garages.

- Addition of a hedgerow (vegetative safety barrier) around the steep drop off areas created by the retaining wall around the driveway.
- Compliance with recommendations of the Borough Engineer including review of subsurface conditions relative to stormwater management and the drainage design.

Vote: Ayes: Abad, Bonhomme, Cohen, Clores, Barbieri, Mayer, Glazer

MOTION APPROVED

Kim Block 75 Lot 10 – 18 Overlook Road Attorney Capizzi wished to explain to the Board their reasons for carrying this matter since April 2017. They are still working with the Borough Engineer regarding drainage issues. They will need to perform additional field work analyzing groundwater tables and it is likely they won't be ready by the February meeting: would the Board prefer they withdraw the application and re-apply or permit them to carry the application to the March meeting. The Board agreed the matter could be carried to March 15 subject to their obtaining a refreshed 200-foot property owners list and re-noticing for that meeting.

Fortier Block 30 Lot 4 – 4 Highwood Place and **Garcia Block 49 Lot 33 – 11 Highwood Place** are scheduled for the February 15, 2018 meeting.

OTHER BUSINESS

2018 Budget Recommendation Unanimous consensus to submit same budget as 2017.

2017 Annual Report The 2017 resolutions adopted by the Board did not evoke any issues worthy of new recommendations. Consensus to submit summary list of resolutions without comment. Secretary will transmit the list containing three resolutions to the Planning Board and Mayor and Council as the Board's Annual Report as required per N.J. S.A. 40:55D-70.1.

NJDEP Mandatory Online Training "Asking the Right Questions – Stormwater Review" Borough Engineer Vander Veer explained in 2004 NJSDEP began requiring every municipality to obtain a Stormwater Permit. The 2018 renewal process imposes a substantial increase in new requirements including mandatory education for the borough engineer, governing body and land use boards that review and approve applications involving stormwater management. The Board secretary provided instructions for watching the online video and asked members to sign and return their acknowledgment forms by June 30, 2018. Members will also need to take at least one additional course listed on the NJDEP website during each term of office.

COMMUNICATIONS – Mayor Tomasko advised there has been significant pushback against the new stormwater permit regulations. While everyone wants clean water, this unfunded mandate significantly increases paperwork, manhours, and expense. The state blames the feds which is tending now to de-regulation so they will continue to express their concerns.

The Mayor reported that the application for a large assisted living facility on property straddling our border with Demarest on Hillside Avenue is scheduled before the Demarest Zoning Board Tuesday January 16, 2018 at 8 PM. Attorney Kates reminded Board members they may attend but should not speak as the matter may come before this Board, too.

ADJOURNMENT at 8:30 p.m. upon motion by Mr. Cohen, seconded by Mr. Barbieri and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary