

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, March 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, March 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, March 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	Absent	David Kupferschmid	Present
Richard Bonhomme	Absent	Steve Cohen	Present
Anthony Barbieri	Absent	Jeffrey Mayer, Alt I	Present
George Abad, Jr, Alt II	Present		

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

PUBLIC HEARING - NEW Schwartz Block 22 Lot 12 – 12 Tulip Tree Lane

Attorney Matthew G. Capizzi of Capizzi Law Offices, 11 Hillside Ave., Second Floor, Tenafly, NJ 07670 appeared on behalf of the Applicants Jeffrey and Iris Schwartz of 12 Tulip Tree Lane, Alpine, NJ designated on the tax map as Block 22 Lot 12. Also appearing was Michael Hubschman, P.E. P.P., Hubschman Engineering, P.A. 263A S. Washington Ave. Bergenfield, NJ 07621 and Applicant Iris Schwartz.

Attorney Capizzi reviewed this application seeks approval of changes made to the pool and patio design approved by the Board November 2015. Construction is located within the Route 9W 200-foot Buffer Zone where no development is permitted without a variance. Portions of the pre-existing elevated patio slated to remain were damaged by chipping and hammering during construction of the pool and had to be replaced. The contractor reconstructed the damaged patio at grade incorporating it into the new pool patio. The reconfigured design results in less improved coverage and less encroachment into the buffer zone. However, the Zoning Officer, noting the Buffer Zone is a sensitive area, felt the Board should review the modifications as shown on the As-Built.

Exhibits noted:

- A – 1 Proof of Publication on in The Record on March 6, 2017
- A – 2 Certified Mailing to Residents within 200' on March 6, 2017 per Tax Assessor's List dated November 17, 2016 (Tax Assessor confirmed no changes as of 3/2/2017)
- A – 3 Application Form signed and dated January 30, 2017 filed on February 1, 2017 including:
 - Proposal & Reasons for Relief dated January 31, 2017
 - Tax Collector's records show taxes paid through 2nd Qtr 2017
- A – 4 Plan signed and sealed by Michael J. Hubschman, PE, PP of Hubschman Engineering, P.A., 263A S. Washington Avenue, Bergenfield, NJ 07621 consisting of 1 pages: Drawing No. 2718-6 entitled "Site Plan for Variance" dated February 24, 2017 no revisions

From our files:

- A - 5 Zoning Board resolution dated November 18, 2015

- A - 6 Zoning Officer's letter dated February 1, 2017
 - A - 7 Borough Engineer's letter February 6, 2017
 - A - 8 Borough Engineer's letter dated March 7, 2017
- Marked during proceedings:
- A - 9 Colored rendering of A - 4 (not retained)

Michael Hubschman, PE, PP was sworn and deemed qualified to provide expert testimony in his fields of professional engineering and planning. Referencing Exhibit A-9 Mr. Hubschman stated the existing raised patio was damaged by hammering and chipping away at rock to install the pool. He pointed out additions and deletions to the prior approved patio design. Net decrease in improved coverage is 54 square feet and the rear edge of the patio is 170.7 feet from Route 9W instead of the 169.5 feet previously approved. There are no other changes. Drainage provision remain the same.

Mr. Glazer opened to the public for questions. There were none.

Mr. Vander Veer asked if the fence was made compliant. Mrs. Schwartz stated it was.

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

Resolution to Approve Application: Mr. Kupferschmid motioned and Mr. Cohen seconded to approve the application subject to the usual conditions.

Vote: Ayes: Mr. Abad, Mr. Cohen, Mr. Mayer, Mr. Kupferschmid, Mr. Glazer

MOTION APPROVED

PROCEDURAL MOTIONS

Resolution: Approval of Minutes February 16, 2017 Upon a motion by Mr. Abad, seconded by Mr. Cohen and approved by all those eligible to vote at this regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, March 16, 2017 to approve the minutes of the regular meeting held on February 16, 2017.

MOTION APPROVED

Resolution: Cancel Prior Resolution Return of Escrow Upon a motion by Mr. Cohen, 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, March 16, 2017 to cancel a prior resolution adopted February 16, 2017 to return escrow to Waldman Block 71 Lot 16. Subsequent account review revealed a negative balance. Applicant will be billed per condition of resolution adopted December 15, 2016.

MOTION APPROVED

Recess: Board took a brief recess awaiting second Applicant from 7:43 – 7:50 PM.

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

Postage	Escrow Tabak 30/2	Add. mailing	11.06
Azzolina & Feury	Escrow Tabak 30/2	Inv. 67528	408.75
Azzolina & Feury	Escrow Schwartz 22/2	Inv. 67535	626.75
Azzolina & Feury	Escrow Kim 75/10	Inv. 67550	790.25

Vote: Ayes: Mr. Abad, Mr. Cohen, Mr. Mayer, Mr. Kupferschmid, Mr. Glazer

MOTION APPROVED

**PUBLIC HEARING – (Continued from February 16, 2017) 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 Mr. and Mrs. Vertsman 12 Highwood Place, Alpine, NJ designated on the tax map as Block 30 Lot 2. Mr. Capizzi clarified the Application was filed under Mr. Vertsman's wife's name, Alexandria Tabak. Appearing with Mr. Capizzi was Douglas Doolittle, P.E. P.P., of McNally Engineering, Inc. 169 Ramapo Valley Road, Oakland, NJ 07436 and Steven B. Lazarus, A.I.A., of AXIS 16 Highwood Avenue, Englewood, NJ 07631.

Mr. Capizzi reminded this application was continued from February 16, 2017. Applicant's engineer testified at that time. This project concerns placement of fill to construct a pool, patio and cabana in the rear yard closer to the home's first floor level. The plan requires waivers from the soil moving and pool ordinances and a variance for accessory structure height. Subsequent to the last hearing the plans were revised to reduce the degree of requested relief. Waivers have been reduced by about 1.8 feet and the cabana height lowered to 17.75 feet which is mainly visible only at the rear as the grade drops off.

Additional Exhibits marked as follows:

- A – 10 Plan 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 1 page: Drawing No. SP-1 entitled "Site Plan" dated June 25, 2014 last revised #12 February 22, 2017 "revised pool and patio elevations."
- A – 11 Borough Engineer's letter March 6, 2017
- A – 12 Affidavits from Board Members Steve Cohen and Jeffrey Mayer that they listened to the entire tape of the February 16, 2017 hearing, reviewed all exhibits and are therefore eligible to hear this matter.
- A – 13 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 and revised as of March 7, 2017.

Douglas Doolittle, PE, PP, affirmed he remained under oath from the prior hearing. Referring to A-10, Mr. Doolittle stated they lowered the pool, patio, cabana and associated retaining walls 1.8 feet from the prior submission. They accomplished this by putting two platforms directly behind the house at the door entrances with a series of steps down to the patio. Change in grade now is about 3 feet which should equate to either 5 or 6 risers dependent on the size of the tread. There is a low retaining wall on the south side with additional steps down to the walkway out to the driveway / garage elevation. Cabana height variance decreases from 19.55 feet to 17.75 feet. They still need the waivers for the pool where more than 30% of the peripheral walls are greater than three feet above original grade and for elevation greater than five feet above original grade but these are now lessened by 1.8 feet and the soil moving waiver for a change in grade more than five feet above original grade has been reduced to 6.9 feet. The volume of soil movement is also reduced by approximately 226 cubic yards for a total volume of a little over 600 cubic yards. The retaining walls have been lowered to a maximum height of six feet. The lower wall is 3.5 feet and the upper wall is less visible at 1.5 feet. The rear of the cabana has the most exposure where the rear yard drops off and they have to measure from original grade. Locations of the accessory structures remain the same. They just added some low (1-2 feet high) retaining walls along the southerly walkway. The proposed drainage remains the same. Except for lowering the height of the accessory structure there are no other changes to the zoning schedule.

Mr. Kupferschmid noted this is an improvement over the prior plan but questioned the height of the cabana. As viewed from the front the height is ten feet to the start of the roof which he felt

would look high for a twelve foot by twelve foot box. It doesn't appear to him that it will work aesthetically with the property. He questioned whether the height could be reduced to eliminate the variance. Mr. Capizzi deferred to the architect.

Mr. Vander Veer noted plans were revised to address the Board's concerns but did not yet reflect his technical requirements as listed in his prior letters. These include provision of the dimensions between the retaining walls, submission of a revised drainage report and retaining wall stability analysis for any in excess of three feet in height along with a revised detail of the tiered sections of the keystone retaining wall. Mr. Doolittle and Mr. Capizzi acknowledged any approval would be subject to compliance with Mr. Vander Veer's requirements.

Applicant's architect, Steven B. Lazarus, A.I.A, was sworn and testified as to his credentials: He was licensed in 1984 and holds licenses in 7 states. He has testified previously in Alpine and before other Boards. He was deemed qualified. Referencing A-13, Mr. Lazarus pointed out views of the cabana. They changed the roof from a gable to a hip style. Dimensions are roughly 12 feet by 15 feet with a door and light sconce in front and single window on either side. It will serve as a changing room for the pool and include space for a washer/dryer. If they reduce the height, he feels it will look more like a shed than a cabana. Also, the owner is fairly tall and would appreciate the extra ceiling height. As viewed from the front the height measures 13 feet 9 inches to the roof top and 11 feet 9 inches to mid-roof. The rear elevation is the most exposed being 19 feet 6 inches to the roof top and 17.75 feet to the mid-roof. The stucco façade is designed to match the dwelling.

Mr. Glazer questioned height of the door. Mr. Lazarus stated it is a residential type door being a 6 foot 8 inch door and not a commercial type which is usually 7 foot. Mr. Glazer questioned the difference between the top of the door and the roof plate. Mr. Lazarus stated about 3 foot 4 inches. Mr. Cohen asked if the ceiling is flat or vaulted. Mr. Lazarus stated it is flat. If they had to lower the height, he would remove the roof and just sheetrock inside. Mr. Capizzi offered you'd usually be concerned with accessory height for a structure close to the property line but in this instance, they are well within the interior of the lot and there is heavy vegetation in the rear which abuts the school property so they did not think it would be problematic. Mr. Capizzi offered they have tried to address the Board's concerns. Mr. Kupferschmid again questioned the need for a ten-foot ceiling where it was again noted the owner is tall. Mr. Kates asked if there were any utilities or bathroom proposed. Mr. Lazarus stated only the washer/dryer and some outlets. No bathroom is proposed. Mr. Glazer asked about washer effluent. Mr. Lazarus stated it has to be directed into the septic. It was noted the plan shows the effluent being piped back into the house probably so it can feed into the graywater system in front. Mr. Mayer questioned views from the Board of Education property. Mr. Doolittle advised it is heavily wooded and he could not see the school from this property. The cabana is set back more than 70 feet and the school is even lower.

There were no further questions or comments from the public.

Resolution to Approve Application: Mr. Mayer motioned and Mr. Glazer seconded to approve the application subject to the usual conditions.

Vote: Ayes: Mr. Abad, Mr. Cohen, Mr. Mayer, Mr. Kupferschmid, Mr. Glazer

MOTION APPROVED

COMMUNICATIONS - none

ADJOURNMENT at 8:09 p.m. upon motion by Mr. Cohen seconded by Mr. Mayer and approved by all.

Respectfully submitted,
Nancy Wehmann, Secretary