

**ALPINE ZONING BOARD OF ADJUSTMENT**

Regular Meeting

Thursday, May 17, 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 Chairman Glazer at 7:35 p.m., Thursday, May 17, 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, May 17, 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	<i>Present</i>	Tony Clores	<i>Present</i>
David Kupferschmid	<i>Absent</i>	Richard Bonhomme	<i>Present</i>
Steve Cohen	<i>Absent</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, Borough Engineer Gary Vander Veer, Board Secretary Nancy Wehmann

**Recognition Borough Engineer Gary Vander Veer** Chairman Glazer wished to recognize Borough Engineer Gary Vander Veer who will be retiring at the end of next week after having served the Borough for nearly thirty years in a true exemplary fashion. Mr. Vander Veer responded it has been an honor and an educational experience to serve the Borough. Mr. Vander Veer introduced Perry Frenzel, PE, PP who will be assuming his position. Mr. Glazer again expressed the Board's appreciation for All Mr. Vander Veer has done and presented him with a card and token gift of appreciation from the Board members.

**COMMUNICATIONS**

Azzolina & Feury letter April 26, 2018 re: Haring Block 40 Lot 7 – 45 Alpine Drive acknowledging measures taken by applicant to comply with stipulations of the resolution. So noted.

**MEMORIALIZATION – GARCIA BLOCK 49 LOT 33 – 11 RIONDA COURT**

Attorney Kates reviewed the resolution.

**Resolution:** Upon a motion by Mr. Abad, seconded by Mr. Glazer to approve the application for Applicant Sandra Garcia to develop the subject property with the construction of an in-ground pool, patio and other ancillary improvements in the functional rear yard with a setback of 15 feet where 20 feet is required and improved coverage of 22%± and retaining wall seven feet from the property line. The aforementioned approval is subject to conditions as outlined in the resolution for this property located at 11 Rionda Court designated as Block 49 Lot 33 on the Tax Assessment Map of Alpine, New Jersey, Bergen County. 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, Glazer

**MOTION APPROVED**

**PROCEDURAL MOTIONS**

**Resolution: Approval of Minutes: Regular Meeting March 15, 2018** upon a motion by Mr. Abad, seconded by Mr. Glazer and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, May 17, 2018 to approve the minutes of the regular meeting held on March 15, 2018.

**Resolution: Approval of Bills and Claims** Upon a motion by Mr. Mayer, seconded by Mr. Clores and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, May 17, 2018 to approve the following Bills and Claims:

North Jersey Media Group	Escrow: Fortier 30/4	3/21/2018	20.63
Kates, Nussman, Ellis et al	Escrow: Garcia 49/33	Inv. 23789	798.00
Azzolina & Feury	Escrow: Garcia 49/33	Inv. 69642	700.00
Azzolina & Feury	Escrow: Fortier 30/4	Inv. 69643	56.00
Azzolina & Feury	Escrow: Kim 42/3 (Mar)	Inv. 69638	560.00
Azzolina & Feury	Escrow: Kim 42/3 (Apr)	Inv. 69788	868.00
Azzolina & Feury	Escrow: Kim 75/10	Inv. 69792	112.00

**MOTION APPROVED**

## HEARINGS

**Kim Block 74 Lot 10 – 18 Overlook Road** This matter, continued from April 2017, will be carried at the request of the Applicant's attorney as they continue to work on associated drainage plans. Matter to be carried to the next meeting June 21, 2018 without need for further notice.

Attorney Capizzi agreed to switch the order of new applications with Attorney Madaio.

## **Kim Block 42 Lot 3 – 1006 Closter Dock Road**

Attorney Mark D. Madaio, Esq., 29 Legion Drive, Bergenfield, NJ 07621 appeared on behalf and with applicant, Charles Kim. Also appearing were Applicant's engineer/planner Michael J. Hubschman P.E., P.P., of Hubschman Engineering, Inc. 263A S. Washington Avenue, Bergenfield, NJ. Marlyn Friedberg, 43 Litchfield Way and owner of Friedberg Properties Associates located at 1018 Closter Dock Road questioned Applicant's engineer but no members of the public spoke in opposition. Exhibits were marked as follows:

- A – 1 Proof of Publication on April 20, 2018 in The Record.
  - A – 2 Certified Mailing to Residents within 200' on April 18, 2018 per Tax Assessor's List dated February 15, 2018.
  - A – 3 Application Form signed filed January 3, 2018, supplemented February 27, 2018 and signed by applicant including:
    - Proposal & Reasons for Relief
    - Proof of taxes current through May 1, 2018
    - Sample Notice
  - A – 4 Zoning Officer's Review letter dated November 20, 2017
  - A – 5 Application for Soil Moving Permit dated March 27, 2018, signed and notarized
  - A – 6 Plans prepared by Hubschman Engineering, PA consisting of 3 pages
    - Drawing No. 3456-1 entitled "Site Plan/Septic System Plan" dated June 22, 2016 last revised April 13, 2018
    - Drawing No. 3456-2 entitled "Soil Erosion & Sediment Control Plan; Details" dated June 22, 2016 last revised April 13, 2018
    - Drawing No. 3456-3 entitled "Soil Moving Cross Sections" dated March 27, 2018
  - A – 7 Soil Moving Report prepared by Hubschman Engineering, P.A. dated March 27, 2018
  - A – 8 Set of 5 photos prepared by Hubschman Engineering, P.A. dated April 16, 2018
  - A – 9 Boulder Retaining Wall Design Report 6' Maximum Exposed Height prepared by Hubschman Engineering dated March 27, 2018
- And from Borough files:
- A – 10 Borough Engineer's Letter dated April 5, 2018
  - A – 11 Letter from Bergen County Planner dated April 20, 2018
  - A – 12 Borough Engineer's Letter dated May 1, 2018

Attorney Madaio explained this application principally seeks a variance for improved coverage for retaining walls required to install a septic system where virtually no system currently exists.

Mr. Hubschman was sworn and qualified as a professional engineer and planner. Referencing his plans [A-6] Mr. Hubschman stated existing is a 75 by 210-foot lot with an older two-bedroom dwelling situated in the front portion along Closter Dock Road. Test pits to locate the prior septic system revealed only concrete rubble. It was determined a new septic system was required. They designed a pressure dosing system to compensate for the lot's narrow shape, small size and subsurface rock. This design permits a 20% reduction in size resulting in an 800 square foot mounded field. The mounding necessitates retaining walls on the sides assuming they can remove about two feet of rock through hammering. The eastern wall would be about three feet high and the westerly wall starts at two feet rising to six feet towards the rear of the property. Grading will extend all the way to Schoolhouse Lane which borders the rear. These retaining walls increase the prior nonconforming improved coverage of 23.5% by 420 square feet to 26.1% where 20% is the maximum permitted. They also require two waivers from the soil moving ordinance to permit slopes of 3:1 where 4:1 is required and to fill five feet above the original grade all associated with the septic system. A soil moving permit is required but exempt from Board approval as volumes are all associated with installation of the septic system. No other relief is being sought.

Opened to the public for questions: Marlyn Friedberg asked if the property had a septic system. Mr. Hubschman explained they followed an old plan and a pipe out of the building but test holes revealed only rubble and stone. There were no retaining walls but they will need them to design a mounded septic system that will function on this lot.

Opened to the Board for questions: In response to questions by the Board Mr. Hubschman stated they intend to use Closter Dock Road for access and soil moving. In regard to stormwater management they currently do not propose any seepage pits. He will review the calculations with Mr. Vander Veer to determine storage requirements while noting the rock wall is fairly porous and water will flow down the sides of the property to the road. The property is very tight and they have to maintain a fifty-foot setback from the septic system. Mr. Madaio stipulated to comply with the engineer's requirements. The narrow side yard setbacks will be addressed by installing a pond liner along the interior of each wall.

Opened to the Public for comments: None

Opened to the Board: Mr. Clores questioned the estimated time frame for completion. Mr. Madaio deferred to the applicant, Charles Kim, who stated he wishes to proceed as fast as possible upon obtaining the required approvals. Mr. Vander Veer noted Bergen County's letter and recommendation regarding backing out on Closter Dock Road. Mr. Hubschman noted there is not enough room for a turnaround in front which would add substantial improved coverage. However, the front right of way to edge of pavement is a fairly large area and the lot is at the crest of the hill which should allow some room for cars to maneuver. Mr. Glazer noted he had recently completed the Rutgers required stormwater management training and encouraged the applicant to include some significant re-vegetation where the lot slopes to help mitigate some of the stormwater runoff flowing towards Schoolhouse Lane. Mr. Hubschman offered they could include a row of buffer plantings towards the rear.

**Resolution:** Upon a motion by Mr. Bonhomme, seconded by Mr. Abad to approve the application with the Board's usual conditions including compliance with stormwater management control measures.

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

**MOTION APPROVED**

**Luk Block 79 Lot 1 – 16 Marie Major Drive**

Attorney Matthew G. Capizzi, Esq. of Capizzi Law Offices, 11 Hillside Ave., 2<sup>nd</sup> Fl., Tenafly, NJ 07670 appeared on behalf and with applicant, Charles Luk. Also appearing were Applicant's engineer/planner Douglas W. Doolittle P.E., P.P., of McNally Doolittle Engineering, Inc. 169 Ramapo Valley Road, Oakland, NJ 07436, landscape architect, Karen Arent, LA of KALA, 12 Old Minisink Trail, Goshen, NY 10924 and architect Yogesh Mistry, RA of Mistry Design, LLC 17 Main St., Ste. 100, Netcong, NJ 07857. No one from the public spoke to the application.

Applicant seeks relief to redevelop the property with a single-family dwelling, pool and amenities retaining the existing tennis court as follows:

1. Variance for improved coverage of 28.3% where 25% is the maximum permitted and 31.25% is the prior nonconforming condition. Original construction predated the current ordinance.
2. Soil moving permit approval with
3. Waiver for disturbance within tree buffer for driveway. Area was previously disturbed.
4. Waiver for construction of a retaining wall greater than six feet high. Eight feet is proposed for a portion of the driveway near the garages.

Exhibits noted for the record as follows:

- A – 1 Proof of Publication on March 5, 2018 in The Record.
- A – 2 Certified Mailing to Residents within 200' on March 5, 2018 per Tax Assessor's List dated January 11, 2018
- A – 3 Application Form filed and signed February 15, 2018 including:
  - Proposal & Reasons for Relief
  - Tax Collector's records show taxes paid through 2018 2<sup>nd</sup> quarter
- A – 4 Zoning Officer's Review letter dated December 19, 2017
- A – 5 Six colored site photos unauthored dated August 3, 2017
- A – 6 Application for Soil Moving Permit dated January 12, 2018, signed and notarized with attached cut and fill estimate and cross sections.
- A – 7 Plans prepared by McNally Engineering, LLC consisting of 2 pages
  - Site Plan dated December 20, 2016 last revised December 30, 2017
  - Vicinity Map dated July 26, 2017
- A – 8 Drainage Report prepared by McNally Engineering, LLC dated July 21, 2017
- A – 9 Retaining Wall Calculations prepared by McNally Engineering, LLC dated July 21, 2017
- A – 10 Architectural plans prepared by Mistry Design, LLC last revised 8/1/2017 and copies issued 2/28/2018 for Zoning Board consisting of 6 pages
  - A2.00 Foundation Plan
  - A2.01 First Floor Plan
  - A2.02 Second Floor Plan
  - A2.03 Roof Plan
  - A4.00 Elevations
  - A4.01 Elevations
- A – 11 Borough Engineer's letter dated February 21, 2018
- A – 12 Borough Engineer's letter dated February 22, 2018

**Received 4/2/2018**

- A – 13 Applicant's Attorney's letter requesting matter be carried to May 17, 2018

**Marked during proceedings 5/17/2018**

- A – 14 Landscape Master Plan prepared by Karen Arent, LA KALA 12 Old Minisink Trail, Goshen, NY 10924 dated May 17, 2018
- A – 15 Revised Attic Height Study prepared by Yogesh Mistry, RA of Mistry Design, LLC dated March 15, 2018

Chairman Glazer requested a brief recess granted without objection from 8:07 PM – 8:09 PM.

Mr. Doolittle was sworn and qualified as a professional engineer and planner. Mr. Doolittle referred to his plans **[Exhibit A – 7]** to explain existing conditions. The property is located on the east side of Marie Major Drive. The lot is oversized at 93,442 square feet with a home, pool, cabana and other amenities all of which will be razed except for the tennis court. Topography slopes up from Marie Major about 20-22 feet. The lot is mostly open with wooded borders. The lot to the rear is substantially higher. Existing improved coverage is 31.25%. They will tie into the little bit of existing drainage provided on the right side of the property.

Mr. Doolittle explained they propose to construct a new 5-bedroom single family home conforming to bulk requirements. The new design flips the sideloading under-garages and driveway to the south side and provides for one access with a front turnaround. Amenities include a pool, spa, bath/storage area, pergola, outdoor patio, some covered patios and a veranda. The existing tennis court will remain in the extreme rear portion of the lot. They intend to clean it up, resurface and add new steps. This plan reduces existing improved coverage of 31.25% to 28.30% where 25% is the maximum permitted or about half of the pre-existing coverage. The proposed plan creates more open space on site.

Two waivers are needed for the driveway / garage area:

- 1) for about a twenty-foot portion of wall in excess of six feet to support the stairs from the driveway up to the rear yard / first floor level. This section of wall is eight feet high.
- 2) Retaining walls in the tree buffer bordering the driveway by the garage. They provide a 33-foot turnaround with no room for overhang in the fifty-foot minimum side yard which is restrictive. The design proposes a double tiered wall mostly for aesthetics so they can add plantings as a visual buffer between properties. These walls face in and the neighbor would not see directly into the garage. He further noted this section of the tree buffer was previously disturbed and poorly vegetated including some bamboo they need to remove.

Soil moving volumes: cut 3,327 c.y., fill 4,681 c.y., import 1,354 c.y. for total volume of 4,681 c.y.

They will obtain Bergen County Soil Conservation approval for soil erosion and sediment control measures. Where the existing property never had stormwater management they propose seepage pits in the front yard to meet RSIS. The existing tennis court will remain with some cosmetic alterations. It will not be lit. They will comply with the Borough Engineer's list of required revisions and supplements **[A-11&12]**. The architect will address Item 6 regarding attic space.

Chairman Glazer opened to the public for questions; there were none.

Chairman Glazer opened to the Board for questions.

Mr. Vander Veer noted this application falls under new NJ Municipal Stormwater Management Regulations. All seepage pits must be fitted with covers at grade. The municipal engineer must generate reports when their application is submitted, approved, and upon receipt of the final as-built. These reports will require input from Applicant's engineer including North American Data (NAD) coordinates and the property owner is subject to mandatory enhanced maintenance requirements including maintenance of the seepage pits. Mr. Vander Veer questioned the riparian zone. Mr. Doolittle stated they've applied to NJDEP for the required permits. The key map shows the location of the stream on the property next door. The riparian zone (300-foot buffer) extends from the stream on the northerly property somewhat diagonally midway through the property thus all the trees on the northerly side fall under NJDEP regulations. Mr. Vander Veer asked if NJDEP had indicated any about conservation easements and Mr. Doolittle stated they have not yet received feedback.

Chairman Glazer observed after removal of all structures except for the tennis court and septic systems yet to be installed, they basically have a clean slate. Why put forth a plan that still includes a substantial overage of improved coverage. Attorney Capizzi responded the plan is still a win-win as they're reducing the coverage while adding stormwater management controls where none now exists. He asked they look at the before and after benefits of the improvement. The additional coverage predominantly relates to the existing tennis court which actually abuts another tennis court, albeit at a higher elevation, on the adjoining property to the rear. Thus there will be no negative effect on the neighborhood from an aesthetic standpoint.

Karen Arent, LA was sworn and qualified as a landscape architect. She referred to her plan [marked **A-14**] to describe the proposed re-vegetation particularly along the driveway and retaining walls encroaching into the tree buffer. Where there is now only grass and a little bit of bamboo they intend to plant green giant arborvitae to screen views of the house and lower plantings along the tiered walls all along the driveway to create a nice entrance. At the road they propose a row of boxwoods to create a formal entrance. They are retaining all the existing vegetation in the tree buffer and some of the existing vegetation across the front of the site which includes a big oak, some maple, beech and a fair amount of cherry trees. They propose plantings along the upper tier of the wall around the motor court to protect one from walking over the edge and to screen views of cars from the road. The front yard includes a small fountain off of the motor court with an aesthetic planted backdrop. They propose some dogwoods around the house for added greenery and some evergreens at the entrance including blue spruce to screen and direct views towards the front door of the house. In the rear they would screen the air conditioners and generator and utilize plantings to create smaller outdoor spaces such as a grass lounge chair area near the pool framed by boxwoods and lower perennials. They propose new steps leading up to the tennis court. Substantial vegetation exists and they will supplement screening wherever there's holes using leatherleaf viburnums and green giant arborvitae. Their goal is to create a visual buffer around the entire property.

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

Chairman Glazer opened to the Board for questions: Mr. Glazer observed the motor court seems substantial. Ms. Arent noted the goal is to be able to turn around. Mr. Doolittle measured the court at 55 feet wide by 42 feet deep or roughly 2,400 square feet. Mr. Abad questioned screening for the eight-foot wall by the garage. Ms. Arent stated plantings will drape over the wall there. Mr. Vander Veer estimated 19 trees have to be removed noting replacement trees need to be a mix of four-inch caliper deciduous trees and 8-foot-tall evergreens; not just evergreens. Ms. Arent stipulated to amend her plan accordingly. Mr. Vander Veer reminded the revised plan will be subject to review by the Environmental Commission.

Yogesh Mistry, RA, licensed NJ architect was sworn and qualified in his field. Mr. Vander Veer had requested confirmation that the design of the attic conformed to Borough ordinances. Mr. Mistry revised the design to comply and distributed a handout entitled "Revised Attic Height Study" dated March 15, 2018 marked **[A-15]**. After rechecking calculations for the attic they realized they were slightly over the permitted. He's not making any changes to the second floor ceiling elevation and they do not seek a variance. Although two dimensionally the design looks basically the same they modified the roof slope to bring the attic into compliance.

Chairman Glazer asked for public questions or comments. There were none.

Chairman Glazer asked for questions or comments from the Board. There were none.

Chairman Glazer offered he was not thoroughly convinced that they couldn't reduce the coverage. Being no further questions or comments, he called for a motion.

**Resolution:** Upon a motion by Mr. Mayer, seconded by Mr. Barbieri to approve the application subject to the Board's usual conditions.

**Vote: Ayes:** Abad, Barbieri, Bonhomme, Clores, Mayer **Nays:** Glazer Motion Approved.

**OTHER BUSINESS**

Board members reminded mandatory Stormwater Management Training deadline is June 30<sup>th</sup>.

Annual Notice of the Borough's Civil Rights Policy was reviewed and receipt acknowledged.

Mayor Tomasko updated the Board on Memorial Day event planning and invited all to attend.

**ADJOURNMENT** at 8:42 p.m. upon motion by Mr. Barbieri seconded by Mr. Abad and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary