

ALPINE ZONING BOARD OF ADJUSTMENT
Regular Meeting
Thursday, September 21, 2023 - 7:30 P.M.
(This meeting was held in person and 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 **7:31 P.M., Thursday, September 21, 2023** 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, notice of this Zoning Board of Adjustment meeting has met the requirements of the law as part of the Borough of Alpine's annual meeting notice published in The Record, posted on the bulletin board in the lobby and Borough website and a copy filed in the office of the Borough Clerk.*

ROLL CALL

| | | | | | |
|--------------------|---------|-------------------|---------|---------------------------|---------|
| Richard Glazer (C) | Present | Tony Clores (VC) | Present | Amy Lerner | Absent |
| George Abad, Jr | Present | Richard Bonhomme | Absent | Robert F. Policano, Alt I | Present |
| Anthony Barbieri | Present | Elizabeth Herries | Present | Bruce Pomerantz, Alt II | Present |

Staff Present:

Board Engineer Perry Frenzel, Cara Landolfi, Esq. for Board Attorney Kates, Acting Secretary Stephanie Wehmann

COMMUNICATIONS: None

PROCEDURAL MOTIONS Resolution: **Approval of Minutes: Regular Meeting May 11, 2023**

Upon a motion by Mr. Clores, seconded by Mr. Policano and approved by all those eligible to vote to approve the minutes of the regular Zoning Board of Adjustment meeting held on May 11, 2023.

Bills and Claims circulated with approval deferred to later in meeting.

MEMORIALIZATIONS: None.

HEARINGS:

Uehling 103 Church Street Block 55 Lot 8

Attorney Matthew G. Capizzi, Esq., 205 Fairview Avenue Westwood, NJ 07675 appeared on behalf of Applicants Gordon and Rehanna Uehling along with applicant's Engineer, Massimo Piazza of Piazza Engineering, 11-15 River Road, Fair Lawn, NJ 07410; Architect, James Paragano of James Paragano Architect, LLC, 88 Maple Avenue, Suite 100, Morristown, NJ 07960; and Planner, Spach Trahan, AICP, PP.

Exhibits marked during the course of these proceedings as follows:

- A - 1 Application with associated plan sets and documents including prior resolutions
- A - 2 Public Notice to Residents within 200 Feet and Proof of Publication
- B - 1 Letter from Azzolina & Feury dated last revised June 13, 2023

Attorney Capizzi explained application is for a standalone lot that is part of the 60 plus acre Zoellner estate. The subject lot is about 8 acres and improved with an existing single family dwelling that is nonconforming as it straddles the right side property line. They wish to construct another single family dwelling on this lot for use by Zoellner family members. The proposed home would fully conform to bulk requirements but requires a use variance to permit a second single family dwelling. This would be in keeping with prior relief granted these properties.

Massimo Piazza, PE was sworn and accepted by the Board for engineering. He referred to his plan set beginning with the key map to show the subject property as bordered by family properties on Block 55 Lots 20, 19 and 4.01. The proposed dwelling on Lot 8 would be accessed from an existing driveway on Church Street. Deficiencies as noted on the Zoning Schedule are frontage 95.84 feet where 96 feet is required; lot width at front yard setback 96.13 feet where 120 feet required, side setback 28.3 feet where 30 feet required and no landscape buffer where 10 feet required. Where these dimensions occur they are along property and internal roads included within the Zoellner estate. Mr. Piazza described the as-built septic systems and proposed 3-bedroom dwelling connecting to the internal driveway system. The proposed complies with improved lot coverage increasing from existing 8.4% to 10.5% where 25% is permitted and the building coverage from existing 1.1% to 1.7% where 9% is permitted. Grading and drainage is addressed with runoff directed via underground piping to seepage pits. The proposed structure dramatically over conforms to front, rear and side yard setbacks as well as height of 28 feet where 35 feet is permitted. He reviewed Mr. Frenzel's letter and has no issues with it.

Opened to the public for questions there were none. Opened to the Board. Mr. Frenzel asked Mr. Piazza to address the soil moving permit application: 1,476 cubic yards is proposed primarily for excavation of the basement of which 970

cubic yards will be redistributed on site and 506 cubic yards exported. They are disturbing less than ¼ acre so it is not a major project based on DEP rules. Mr. Frenzel was pleased seepage pits are designed in excess of what is required.

James Paragano, was sworn and accepted by the Board for architecture. He referred to his plan set. He was asked to design a smaller 3,600 square foot, 3-bedroom, 2-story house. Gables and design features minimize massing and scale of the house. Ceilings are nine feet but height will only be 28 feet. Style is English Manor with stucco exterior, slate roof, copper leaders and gutters in keeping with other homes on the property.

Questions. None from the public. The Board asked Mr. Piazza about septic system location and approximate distance to a dwelling to the north noting the property slope. Mr. Piazza responded the septic system location is about 150 feet and the home 200 feet from that house. Views to that home are precluded by existing dense woods and landscaping.

Spach Trahan, AICP, PP provided credentials and experience, was sworn and accepted by the Board for planning. Ms. Trahan reviewed the application, Zoning Ordinance and Master Plans. The proposed conforms to bulk requirements. It requires a use variance for a second dwelling on the same lot. It is part of a larger estate whose lots also have multiple dwellings. This lot is 8.73 acres located in the R-1 zone where only 40,000 square feet or about an acre is required. Citing special reasons justifying approval, the proposed is particularly suited being located on a lot nine times larger than is required. The property could theoretically be subdivided into nine lots for single family homes. The access is from an existing driveway and internal circulation thus no curb cuts or new frontage on Church Street is required. Septic systems have been installed and grading and drainage addressed. The proposed advances purposes of the Municipal Land Use Law by virtue of the minimal use on this size property more specifically: (a) guide the appropriate use or development of land in a manner that promotes public health, safety, morals and general welfare; (c) to provide adequate light, air and open space; (e) promote appropriate population densities and to preserve the environment and (j) to promote open space and natural resources and to prevent urban sprawl. Addressing negative criteria there are no impacts to the general public. The proposed dwelling will not be visible to neighboring properties that are not part of the estate. It is a low environmental impact project. By using existing driveways there will be minimal tree removal to extend the internal drive and for the footprint of the house. Traffic will be low. Infrastructure is self sufficient. The project promotes several goals of the borough's master plan such as protection of the residential character of neighborhoods and reinforcing existing land use patterns as well as preserving spacious settings of housing sites, preserving natural features and avoiding the need to subdivide or knock down trees. The architecture conforms to the community and landscaping maintains natural areas.

Opened to the public and Board for questions or comments. The Board questioned that the two homes look fairly close together on the property to ask if it would be possible to subdivide the property. Ms. Trahan offered it would not be preferable. Due to the limited frontage on Church Street you would essentially create a flag lot and have to provide a second driveway next to the existing one. From an efficiency standpoint for traffic it would not really be advisable. Comments from the Board complimented the architecture and noted the privacy of the property.

Resolution: Upon a motion by Mr. Abad, seconded by Mr. Clores to approve the application.

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Clores, Ms. Herries, Mr. Policano, Mr. Pomerantz, Mr. Glazer

APPLICATION APPROVED

Luna 2 Grant Court Block 81.06 Lot 14

Attorney Matthew G. Capizzi, Esq., 205 Fairview Avenue Westwood, NJ 07675 appeared on behalf of Applicant Ruben Luna along with applicant's Engineer and Planner Doug Doolittle, PE, PP of McNally Doolittle Engineering, LLC, 169 Ramapo Valley Road, Oakland, NJ 07436 and Architect Robert Zampolin, AIA of Zampolin Associates, 187 Fairview Avenue, Westwood, NJ 07675.

Exhibits marked during the course of these proceedings as follows:

- A - 1 Application with associated plan sets and documents
- A - 2 Public Notice to Residents within 200 Feet and Proof of Publication
- B - 1 Letter from Azzolina & Feury dated last revised August 17, 2023

Mr. Capizzi states this is a simple application. The existing home was built 1999-2000 and owner desires to refresh the exterior of home which requires additional footings resulting in a slight encroachment into the front and rear yard setbacks. Prior relief in 1998 was granted as the lot is situated at the bulb of the cul-de-sac limiting the building envelope.

Robert Zampolin was sworn and accepted by the Board for architecture. The existing Mediterranean style home is all stucco with a slate tile roof. Referring to his plan set the Luna's seek a more classic exterior design replacing some of the stucco with stone details adding pilasters and crowns. This requires footings below the frost line around the perimeter and between the garage doors increasing the footprint by about 99 square feet. Building coverage still complies at 6.27% where 6.16% exists and 9% is permitted. They also seek fencing with precast pillars on the frontage around the cul-de-sac

These minutes have been approved by the Zoning Board of Adjustment.

for security. The pier and electronic gate elements conform to the fence ordinance but add another 63 square feet of improved lot coverage which increases to 25.67% where a nonconforming 25.49% exists and 25% is the maximum permitted. There is also a pre-existing nonconforming front yard setback for about 20 feet of the front of the house, due to the curvature of the road, where 75 feet is required. Extending the footings brings this to 74.1 feet. The rear yard setback has a pre-existing setback of 69.1 feet where 100 feet is required. Footings would increase this to 70.1 feet but only for a two foot section of pilaster.

Opened to the public for questions: Brian Cury, 3 Schaffer Road advised to reserve comments.

The Board asked what's changing with piers and fencing. Mr. Zampolin explained they propose larger piers for security and to match the style of the home. The total increase in improved coverage would be 162 square feet (house 99 square feet and piers 63 square feet). Asked if they can reduce improved coverage elsewhere on the property Mr. Capizzi offered it's possible but not preferable. Mr. Frenzel noted improvements to the façade are all under the existing significant overhangs so there would be no additional runoff or drainage issues.

Douglas Doolittle was sworn and accepted by the Board for engineering. He stated there are no engineering concerns for this project. Additional runoff is minimal at best and septic systems will not be impacted. He recapped the requested relief (as noted above) which he opines is de minimus.

Opened to the public for questions. None. Opened to the Board for questions none. Mr. Frenzel has no issues.

Opened to the public for comment. Brian Cury, 3 Schaffer Road, was sworn. He's a 30-year resident and expressed frustration with building code and property maintenance violations on another property owned he claimed applicant owns on 24 Schaffer Road. He sought to introduce a photo and letter from the Borough Property Maintenance Officer. The Board Attorney advised comments on the separate property are not relevant to this application and cannot be considered by the Board in their role as a quasi-judicial body. They understand his frustration but unfortunately this is not the proper venue to address his concerns. Applicant denied owning that property. Regarding this application, Mr. Cury feels the applicant should be required to remove improved coverage to avoid an increase; the house is big enough.

Comments from the Board. Ms. Herries had a small concern that the property was already nonconforming and what can they do to decrease the degree. Mr. Capizzi noted disparities can arise between how things were measured when the last as-built was prepared and today, such as whether the overhangs were not included then but are now. The difference is a very small delta. They could remove coverage from somewhere else but to what end? They are not adding usable coverage but seeking an aesthetic improvement that hopefully benefits the neighborhood. Mr. Abad saw this as low impact. Mr. Clores asked for a condition of strict compliance with building department oversight and property maintenance per the Borough's standards.

Resolution: Upon a motion by Mr. Abad, seconded by Mr. Pomerantz to approve the application subject to special conditions as to building department oversight and property maintenance. .

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Clores, Ms. Herries, Mr. Policano, Mr. Pomerantz, Mr. Glazer

APPLICATION APPROVED

PROCEDURAL MOTIONS REVISTED – BILLS & CLAIMS

Resolution: Upon a motion by Mr. Clores, seconded by Mr. Abad to approve the following bills and claims:

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|-----------------------------|---------------------------|------------------|--------------|------------|
| North Jersey Media Group | 42/3 1006 Closter Dock Rd | Escrow | Inv. 5702201 | \$14.08 |
| Kates, Nussman, et.al. LLP | Board Attorney Jan-May | 23-01-21-185-021 | Inv. 30671 | \$1,000.00 |
| Azzolina & Feury Eng., Inc. | 41/8 23 DuBois Ave. | Escrow | Inv. 77963 | \$246.00 |
| Azzolina & Feury Eng., Inc. | 81.06/14 2 Grant Court | Escrow | Inv. 77962 | \$246.00 |
| Azzolina & Feury Eng., Inc. | 55/8 103 Church Street | Escrow | Inv. 77948 | \$184.50 |

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Clores, Ms. Herries, Mr. Policano, Mr. Pomerantz, Mr. Glazer

APPLICATION APPROVED

Mayor Tomasko was asked how property maintenance issues are addressed. A discussion followed and he will follow-up with the Building Department.

ADJOURNMENT

Upon a motion by Mr. Clores, seconded by Mr. Abad and approved by all those present, the meeting was adjourned at 8:44 PM.

Respectfully submitted,

Stephanie Wehmann, Acting Secretary