

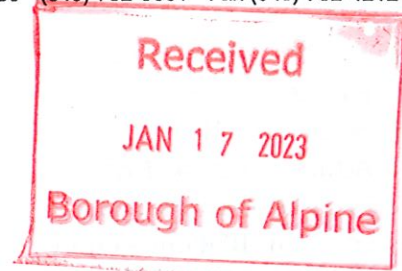


AZZOLINA & FEURY ENGINEERING, INC.

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January 12, 2023
Borough of Alpine
Municipal Building
100 Church Street
Alpine, New Jersey 07620



Attention: Ms. Joanna Myung,
Secretary to the Alpine Zoning Board of Adjustment

Re: Mankovsky Residence
10 Rionda Court
Block 49, Lot 39
A & F File No. ALP-1517

Dear Board Members and Ms. Myung:

Regarding the matter identified above, copies of the following documents have been received by our office:

- A plan entitled "As-Built Survey, Mankovsky, Block 49 – Lot 39, 10 Rionda Court, Borough of Alpine, Bergen County, New Jersey" prepared by McNally, Doolittle Engineering, LLC, dated 06/15/2022, no revisions;
- A cover letter from the office of Matthew G. Capizzi, Esq. listing the documents submitted in conjunction with the Application to the Alpine Board of Adjustment, dated January 9, 2023;
- An 'Application to Borough of Alpine Board of Adjustment' signed by the owner/applicant, and dated 1/05/2023;
- A 'Rider to the Application' prepared by Matthew G. Capizzi, Esq., dated January 9, 2023;
- A set of three photos titled "Photo Exhibit, Stan and Margaret Mankovsky, 10 Rionda Court, Block: 49, Lot: 39, no photographer named nor date of the photographs;
- A document titled "Resolution of Findings of Fact and Conclusions of Law, Board of Adjustment, Borough of Alpine" adopted by the Board of Adjustment on August 6, 2002;

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- Affidavit of Service, signed by Matthew G. Capizzi, Esq. with supporting documents regarding the notices to the public regarding this matter;
- A document titled Zoning Review, citing the deficiencies in the plan submitted, dated 12-15-22.

Pursuant to your request we have reviewed these documents, and our files regarding this property and offer the following comments:

I. General Description of the Matter Under Consideration

The site which is the subject of this application is developed with an existing single family dwelling that was constructed in 2004/2005 by J & L Alpine Development Corp. The site plan for the improvements to the site included an in-ground pool with a delineated patio area, and proposed vehicular access to the garage area beneath the northerly side of the dwelling included a circular driveway adjacent to the front entrance to the home. The plans for the improvements were presented to the Alpine Board of Adjustment in 2002. The implementation of the site plan as submitted would only be permitted if the applicant applied for and received approval of variance requests for a non-conforming front yard setback and a pool elevation exceeding five feet above the natural elevation of the land. Due to the amount of fill required to raise the property to the design elevations indicated on the submitted site plan, a waiver from the Borough's Soil Fill and Soil Removal Ordinance was also sought. No other variances were requested.

After hearing the presentation of the applicant's proposal, discussion of same with the Board and its professionals, and hearing comments from the public, the Zoning Board granted variances for a front yard setback of 51.6 feet whereas 60 feet was required, for the pool height which was to be reduced by one-foot from the elevation shown on the plans as a condition of approval, and for a soil moving volume of 4,299 cubic yards. The Resolution also required the applicant to comply and address the issues raised in the Borough Engineer's reports, "including but not limited to A 5 which was dated June 18, 2002".

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II. As-Constructed Conditions, Ownership and Occupancy

In accordance with standard practice, the referenced Borough Engineer's review letter of June 18, 2002 required the submittal of an as-built survey, and required certain construction issues to be addressed before a Certificate of Occupancy would be issued by the Borough. An as-built survey was prepared and submitted by Collazuol Engineering, who had also prepared the site improvement plans that were earlier presented to the Board of Adjustment and reviewed by the Borough Engineer prior to construction of said improvements. The Collazuol survey indicated no additional non-conformities resulting from the actual construction of the improvements, and indicated that the Building Coverage was "9%", whereas 9% was permitted, and an Improved Coverage of "25%", whereas 25% was permitted. The front yard setback shown on the as-built survey was shown as conforming to the 51.6 feet, as approved by the Zoning Board. In January of 2006, J & L Alpine Development Corp. sold the property with the improvements to Mr. Mankovsky, who continues to occupy the home today. However, since the outstanding items in the Borough Engineer's review letter of June 18, 2022 were never fully addressed, a Certificate of Occupancy has never been issued for this property.

III. Current Status

Mr. Mankovsky is now under contract to sell the property. In response to a request for the issuance of a new Certificate of Occupancy to the contract-purchaser(s), the existing files on this property were reviewed. The findings of that exercise revealed that certain outstanding items dating back to 2006 had never been addressed. The seller was advised that these items must be resolved to the Borough's satisfaction before a Certificate of Occupancy could be issued to the purchaser. In response, Mr. Mankovsky hired McNally, Doolittle Engineering, LLC to perform an updated as-built survey, which was done and dated 06/15/2022. The McNally, Doolittle survey was compared to the Collazuol as-built survey and the original site plan. From the standpoint of compliance with the Zoning Criteria for the R-1 Zone, and the conditions of the 'Resolution' of the Zoning Board of Adjustment from August 6, 2002, certain inconsistencies became apparent. These are:

1. The As-Built Front Yard Setback increased to 52.3 feet from the 51.6 feet approved by the Zoning Board in 2002;

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2. The southerly side yard setback on the McNally, Doolittle As-Built Survey is 28.6 feet which is less than the 30 feet required. The Collazuol Survey showed 30 feet as-built.
3. The McNally, Doolittle As-Built Survey indicates that the actual Building Coverage is 10.36%, whereas 9% is permitted. The Collazuol survey indicated "9%" as-built.
4. The McNally, Doolittle As-built Survey indicates that the Improved Coverage is 28.21%, whereas 25% is permitted. The Collazuol survey indicated "25%" as-built.
5. These percentages equate to 544 square feet of 'Building Coverage' in excess of that which was permitted, and 1,284 square feet of excess Improved Coverage in excess of that which was permitted.

IV. Comparison of Approved v. As-Constructed Improvements

To attempt to understand the exceedances in Building Coverage and Improved Coverage, we compared the McNally, Doolittle Survey to the original site plan which yielded the following:

Regarding the Building Coverage – the shape, scale-able dimensions, and footprints of dwelling as shown on both plans compared are nearly identical. No additional covered porches, 'bump-outs' or other architectural features which could add to the footprint of the dwelling were observed on the McNally, Doolittle survey. Given that the Collazuol survey was performed and plotted 16 years before the McNally, Doolittle survey certain inconsistencies may be due to the improved accuracy of Computer Assisted Drafting (i.e. 'AutoCAD') which is used by almost every surveying firm today, as compared to earlier hand-drafting methods that could have been used when the Collazuol survey was performed. Nonetheless, the factor of error between "9%" and "10.36%" is 15%, which is excessive. We would ask that the applicant's surveyor comment on this point in testimony before the Zoning Board.

Regarding the Improved Coverage – the as-constructed patio and pool appurtenances clearly exceed those which are shown on the Collazuol as-built survey. Even the general

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shape of the patio has changed. From my inspection of the site, it is apparent that the patio was constructed quite some time ago, and is uniform which indicates that it was not expanded after the initial construction. The surface wear on the patio also indicates that it is well-weathered from long exposure to the rain, and freezing precipitation.

Also regarding the Improved Coverage, the driveway dimensions, most noteworthy the widths at certain points in the driveway, and the width of the driving surface of the circle near the front entrance to the home, exceed the dimensions on the original site plan. Applicant's surveyor/engineer should be prepared to comment on these exceedances in testimony before the Board, and to opine on how much driveway area could be eliminated without comprising driver/pedestrian safety, or which portion could be removed to reduce the Improved Coverage area.

V. Conclusions

This application is not a request for zoning approval to construct a new improvement or to expand an existing improvement. It focuses on the as-built deviations from the site plan as originally approved, as modified by the Conditions of the Zoning Board Resolution of August 6, 2002. More specifically, Condition 1 of the 2002 Resolution clearly states that "The house must be constructed in accordance with the plans as amended at the August 6, 2002 meeting of the Alpine Zoning Board of Adjustment. If there are any deviations from said plan, the Applicant must reappear at the Board's meeting before any work may be constructed at the site." From the comparison of the original site plan to the McNally, Doolittle As-Built Survey of 06/15/2022 there are inconsistencies which have caused exceedances of the R-1 requirements for Setbacks, Building Coverage and Lot Coverage. For these reasons, it is my recommendation that this matter be heard by the Board of Adjustment. I, of course, defer to the opinion and direction given by the Board's attorney as to the proper way to proceed.

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If there are any questions regarding these findings, please contact our office.

Very truly yours,


AZZOLINA & FEURY ENGINEERING, INC.

Perry E. Frenzel, P.E., P.P.

cc: Stan & Margaret Mankovsky– Owner/Applicant
Matthew G. Capizzi, Esq.
McNally, Doolittle Engineering, LLC
Michael B. Kates, Esq. – Alpine Zoning Board Attroney
Brian Frugis – Alpine Zoning Officer / Construction Official