

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, December 16, 2021 - 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, December 16, 2021 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 of the Alpine Zoning Board of Adjustment held on Thursday, December 16, 2021 which date was changed from the originally scheduled date of October 21, 2021 has met the requirements of the law by means of being published in the record on September 28, 2021 in The Record, posted on the bulletin board of the lobby in 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>Absent</i> |
| Anthony Barbieri | <i>Present</i> | George Abad | <i>Present</i> |
| Elizabeth Herries | <i>Present</i> | Amy Lerner, Alt. I | <i>Present</i> |

Staff Present: Board Attorney Michael B. Kates, Esq. Borough Engineer, Perry Frenzel, Board Secretary Nancy Wehmann.

MEMORIALIZATIONS: Skillman Block 74 Lot 5 11 Dogwood Lane

Attorney Kates reviewed the resolution with the Board.

Resolution: Upon a motion by Ms. Herries, seconded by Mr. Abad to approve the resolution for Cheryl Skillman approving application for reconstruction of an existing single-family home to include a second story addition, rear addition and deck. Application maintains pre-existing non-conforming conditions relative to lot size, minimum lot width, side yard setbacks and allowing for a slight expansion of two feet for a front yard pre-existing nonconforming setback for installation of a bay window. This approval is subject to conditions as outlined in the resolution for this property located at 421 Anderson Avenue designated as Block 78 Lot 4 on the Tax Assessment Map of Alpine, New Jersey, Bergen County. A copy of this resolution is on file at the Borough of Alpine, 100 Church Street, Alpine, NJ for review.

Vote: Ayes: Mr. Clores, Mr. Abad, Ms. Herries, Ms. Lerner, Mr. Glazer

MOTION APPROVED

HEARINGS - CONTINUED

Blancato Block 75 Lot 13 – 30 Overlook Road (continued from hearings held July 15, 2021 and October 14, 2021)

Attorney Matthew G. Capizzi, Esq. 11 Hillside Avenue 2nd Floor, Tenafly, NJ 07670 advised applicant notes only five eligible members are present to hear this matter (Mr. Clores within 200 feet would need to recuse) and requests an adjournment to afford Applicant an opportunity for a fuller complement of Board members. Without objection the Board agreed to carry the matter to the next regular meeting in January. Applicant agrees to extend time requirements under MLUL. Attorney Kates noted adjournments have exceeded sixty days. Attorney Capizzi agreed they will re-notice for the next meeting.

2022 Meeting Dates: Upon a motion by Mr. Clores, seconded by Mr. Barbieri and approved by all to approve the following dates for 2022: Third Thursday of the month: January 20, February 17, March 17, April 21, May 19, June 16, July 21, August 18, September 15, October 20, November 17 and December 15.

COMMUNICATIONS - Chairman Glazer noted the pending retirement of Secretary Wehmann effective February 1st and commended her service. Jo Anna Myung, her proposed replacement for Deputy Borough Clerk and Secretary to the Zoning Board of Adjustment, was present in the audience and introduced to the Board. Ms. Myung is currently training with the Borough for these positions. Municipal Clerk Stephanie Wehmann was also present and it was noted she will be taking over as Secretary to the Board of Health.

PROCEDURAL MOTIONS

Resolution: Approval of Minutes: Regular Meeting October 14, 2021

Upon a motion by Ms. Herries, seconded by Mr. Abad and approved by all to approve the minutes of the regular Zoning Board of Adjustment meeting held October 14, 2021 subject to amendments as discussed at the meeting.

Bills & Claims and Return of Escrow deferred to the end of the meeting.

HEARINGS - NEW

Hechler Block 51 Lot 7 4 Deerhill Road

Attorney Matthew G. Capizzi, Esq. 11 Hillside Avenue 2nd Floor, Tenafly, NJ 07670 appeared on behalf of Applicant Cory Hechler along with Applicant's Engineer Michael Hubschman, PE, PP, Hubschman Engineering, P.A. 263 A S. Washington Avenue, Bergenfield, NJ 07621, architect Daniel D'Agostino, AIA, IP Plan Architecture, 125 Paterson Ave., 2nd Fl., Little Falls, NJ 07424 and planner David Spatz, PP of Community Housing and Planning Associates Inc. 60 Friend Terrace Harrington Park 07640.

Exhibits marked by affirmation as follows:

- A- 1 Proof of Publication in The Record date: December 5, 2021
- A- 2 Certified Mailing to Residents within 200' on December 3, 2021 per Alpine Tax Assessor's List dated December 2, 2021
- A- 3 Application – signed and dated by owner on October 13, 2021 with attachments
 - Cover Letter from Matthew Capizzi dated October 13, 2021
 - Proposals and Reasons for Relief
 - Tax Collector's Proof Statement – taxes paid through 2021 4Qtr
- A- 4 Zoning Officer's Review letter dated September 29, 2021
- A- 5 Photo Exhibit – set of 6 color photos dated October 7, 2021 prepared by Michael J. Hubschman, PE PP
- A- 6 Engineering Plans signed and sealed by Michael J. Hubschman, PE PP consisting of three pages dated April 27, 2021 Rev. 2 dated November 30, 2021 annotated "modified per AF letter 11-22-2021" except where otherwise noted
 - Dwg. No. 3891-1 entitled "Site Plan / Septic System Plan"
 - Dwg No. 3891-2 entitled "Soil Erosion & Sediment Control Plan; Details"
 - Dwg No. 3891-3 entitled "Existing Conditions Plan" Rev. 1 dated September 13, 2021
- A- 7 Architectural Plans signed and sealed by Daniel D'Agostino, AIA dated September 17, 2021 revised November 5, 2021 consisting of five pages:
 - Sheet No. A-000 entitled "Title; Conceptual Renderings, Key Map"
 - Sheet No. A.201 entitled "First Floor; Proposed Plan"
 - Sheet No. A-202 entitled "Second Floor, Proposed Plan"
 - Sheet No. A-500 entitled "Front & Right Elevations"
 - Sheet No. A-501 entitled "Rear & Left Elevations"
- A- 8 Borough Engineer's letter dated November 22, 2021

And marked during the course of these proceedings:

- A – 9 Engineering Plans signed and sealed by Michael J. Hubschman, PE PP consisting of one-page dated April 27, 2021 Rev. 1 dated July 23, 2021 Dwg. No. 3891-5 “NJDEP Wetlands L.O.I., GP8, GP24 and Transition Area Waiver for Redevelopment”
- A – 10 Additional Architectural Plans by Daniel D’Agostino, AIA dated December 12, 2021:
 - Sheet No. A.601 entitled “First Floor Plan” (copy of A-7 Sheet A.201 with the encroachments into the front yard highlighted)
 - Sheet No. A.602 entitled “Renderings”
- A-11 Set of four colored photographs entitled “4 Deerhill Road, Borough of Alpine, Community Housing & Planning Associates, Inc. “

Attorney Capizzi explained application is for 4 Deerhill Road in the R-1 zone. The property is significantly impacted by DEP regulated features. The Cresskill Brook traverses a portion of the rear property line resulting in a flood hazard area and wetlands. About 45,000 square feet of this 62,000 square feet lot cannot be developed. The home must be pushed out of the regulated areas and closer to Deerhill Road creating a limited building envelope. The lot is irregularly shaped and a second hardship is the property’s location on a curve of Deerhill Road. Applicant seeks a small front yard setback variance of about 250 square feet of building footprint. The second request is for a 4th garage and to exceed linear feet of garage doors. Applicant proposes two garage doors on either side of the property which would preserve what they believe is the intent of the ordinance being to preserve the aesthetic of the street scape and not have four garage doors facing the road.

Michael Hubschman was sworn and accepted by the Board. He referred to his plan set **[A-6]**. He noted existing conditions: lot size is 62,120 square feet in the R-1 zone. The Cresskill Brook, a Category 1 trout production system, traverses the rear of the property which is restricted by the 300-foot riparian zone and contains DEP regulated wetlands. The stream mandates a more restrictive 150-foot transition area where they are only permitted to increase development by 750 square feet. Currently there is a one story 5-bedroom dwelling with a walk out basement and septic systems in the front and rear. The front property line follows the curve of Deerhill Road where if the road was straight, they would not need the front yard variance.

Mr. Hubschman exhibited his plan approved by DEP **[A-9]** which depicts the proposed dwelling. The areas shaded in red represent the 750 square feet of additional building that DEP permits. They do not require Board approval for soil moving as they are basically following the original footprint. Four garage doors are proposed: two doors facing east on the first level and two doors facing west on the basement level comprising 36 feet of garage doors. The front yard variance seeks a minimal encroachment of 279 square feet¹ or 2.7% into the 10,085 square feet front yard space. The center portion of the house encroaches only one to two feet and the architectural elements on the left and right jut out a little further. If there were no restrictions on the property the front to back building envelope would be about 140 feet where they are limited to about half of that. They cannot push the building further back. Building coverage is 7.99% where 9% is the maximum permitted. Improved coverage is 20.86% where 25% is the maximum permitted. They are proposing three seepage pits to accommodate additional runoff but everything else drains towards the brook and the wetlands in the rear. There is no runoff to neighboring properties.

Opened to the Public for questions. There were none.

¹ Note Mr. D’Agostino and Mr. Spatz referenced this as 276 square feet during testimony.

Opened to the Board. Mr. Clores asked if septic systems were installed and was advised plans were approved but they are not yet installed. Mr. Glazer requested clarification regarding the sixty-foot front yard setback line. Attorney Capizzi offered later exhibits will better show this line. Mr. Glazer asked if the bulk of the relief is due to the garages protruding into the front yard. Mr. Hubschman acknowledged about 150 square feet of the right side garage protrudes and the balance of the 279 feet is spread through the rest of the house frontage due to the curve. Mr. Glazer noted the location of pool equipment to ask if the garage could be pushed back. Mr. Hubschman stated they can't push it back because they would disturb more area and Mr. Frenzel noted that would exceed the 750 square feet permitted. Mr. Glazer questioned if the request for a fourth garage exacerbated the issue and was deferred to Mr. D'Agostino.

Mr. D'Agostino was sworn, testified to his credentials² and accepted as an expert on the field of architecture. He had to remove 1,000 square feet from original designs due to the constraints on the property. They could not tie into a sewer so they have to manage septic systems onsite. They had to design the home on the original footprint adding only 750 square feet (about the size of a three-car garage). This is closer to an unbuildable lot not by zoning, but by the DEP regulations. They're not asking for coverage but just the front yard setback and garage doors. Mr. D'Agostino referenced his exhibit **[A-10]** consisting of a plan A.601 (copy of Exhibit A-7 A.201 with areas of front yard encroachment highlighted) and A.602 (being an enlargement of the renderings previously submitted depicting the front and both sides of the proposed dwelling). The design of the house is atypical having long narrow rooms that don't line up because they could not go into the buffer zone. If the road were straight, they would only encroach about a foot and a half. Due to the curve, it looks worse. The right garage protuberance is about six feet tapering down to two and a half feet but it won't really be apparent from the street. They intend to buffer the home from the street with arborvitaes. It won't look like the home is right on the street.

They normally like to design garages on the same level but could not here due to the topography and constraints. The 750 square foot limitation by DEP includes driveways further limiting them to two garages on the first-floor level. These would be the two cars they use for every day living. Two garages on the other side of the house would be at the basement level. The garages are three to four feet shorter than he normally designs in both directions due to the DEP regulations. Elimination of the first-floor garages is not conducive to every day living. He doubts the basement level will be used often. He noted the garage lies below the first-floor guest bedroom. The front yard encroachment is spread out over the 97-foot length of the house further minimizing the perception of an encroachment. If you eliminate the variance the guest bedroom would only be ten feet deep, the dining room would be less than twelve feet wide and you could only have a single car garage on the first floor. On the second floor the master bedroom would no longer be en suite. He noted the pool has virtually no patio and is close to the house – there is no wiggle room. He believes there will be no impact to the streetscape. The house may appear larger because it is long and narrow but it is not as deep. They break up the front face with three main gables, a faux porch effect and large windows to bring light into the stair and hallway spaces.

Opened to the public for questions. There were none.

Opened to the Board. Mr. Abad questioned use of the lower-level garage doors. Mr. D'Agostino noted there will be occasional use of the third garage. The second bay would be used primarily for storage which is limited in the rest of the house. They could eliminate the fourth garage door

² Licensed architect NJ, PA for ten years. Has appeared before numerous Boards in Bergen County and has designed additions/renovations for about a dozen homes in Alpine. He tries to prepare designs that do not need variance relief.

which would provide easy access for bicycles and other items but he didn't feel the door poses any detriment. He opined the intent of the ordinance is not to view four garage doors in a row. Here only two are visible on either side. Chairman Glazer asked Mr. D'Agostino if the Mayor and Council and Planning Board might have had another reason for limiting garage doors to three? Mr. D'Agostino did not know what that other reason might be. The lower garages are a darker color within the lower stone façade to render them less noticeable. They are located six feet below the height of the road.

Chairman Glazer requested a brief break (8:29 – 8:33 PM)

David Spatz, PP was sworn and accepted by the Board as an expert in his field. He reviewed the engineering and architectural plans along with the master plan and zoning code. He prepared a photo exhibit **[A-11]**. Photo upper right is a view of the existing dwelling as viewed from Deerhill Road. Top right is from the rear yard looking toward the Cresskill Brook. Most of that area is undevelopable. The bottom left photo is from the right side of the house depicting the nearest structure to their property as seen through trees near the boundary. The bottom right is looking from the left of their property with views of a tennis court and then homes. Photos indicate there is a sizeable setback between their property and the adjacent properties. Across the street is a subdivision consisting of two homes to be built on Deerhill Road in Alpine and on Hillside Avenue two homes currently under construction in Demarest. He reiterated the variances required and prior testimony regarding constraints as described by prior witnesses particularly the front yard setback resulting from environmental limitations and the curvature of the road. He opined the spirit of the ordinance regarding garages is that four doors not face the street. Here the garages are separated, on the sides and two are below grade designed to blend in with the house and will not have impact. This is a better zoning design. There is no limitation to the number of cars that can be on site so this potentially gets another car into the building and not visible from the street. The same argument can be made for garage door length. There is no negative. The streetscape is not impacted and adjoining neighbors are significantly setback. The front yard encroachment is not significant. The positive criteria have been submitted and there is no negative criteria nor impact to the master plan. The development conforms to the environmental sensitivity of the lot and they have not exceeded DEP limitations.

Opened to the public for questions. There were none.

Opened to the Board. Attorney Kates asked for the setback dimensions to neighboring structures. Mr. Hubschman estimated the one on the right (southeast) is at least hundred feet and to the left (northwest) at least 80 feet away and set back fifty feet from the street.

Mr. Frenzel noted this is a difficult site due to the road curve and environmental constraints recalling the impacts of torrential flows from the Cresskill Brook to Hillside Avenue in the recent heavy rainstorms. The entire rear of the lot is wetlands. You will not see all four doors at one time.

Chairman Glazer noted a recent proposal for four doors that couldn't be seen because they faced the interior of the property and as a result of the Board's deliberations the applicant returned with a proposal for three garage doors. The Board would like to maintain the integrity of the ordinance and their expert noted they don't really need the fourth garage. He understands the need for the front yard setback but they don't need a garage door to utilize the area for storage.

Opened to the public for comments. There were none.

Opened to the Board for comments. Mr. Abad knows other homes in town have desired a fourth garage but designed around it because of the ordinance. He does not see a hardship for that

relief. Mr. Capizzi noted they don't have room for a shed. Ms. Herries noted they could still use the space for storage. Attorney Capizzi offered they could swap a garage door out for a man door and requested a moment to confer with his client.

The Board took a brief break [8:47-8:49 PM] and upon return Mr. Capizzi affirmed that they would revise plans to remove the fourth garage door eliminating the need for variances for number of garage doors and linear feet of garage door. Variance for front yard setback remains.

Resolution: Upon a motion by Mr. Abad, seconded by Mr. Barbieri to approve the application as amended for front yard setback only subject to the usual conditions of the Board.

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

MOTION APPROVED

PROCEDURAL MOTIONS (continued)

Resolution: Approval of Bills and Claims

Upon a motion by Mr. Clores, seconded by Mr. Barbieri at the regular meeting of the Alpine Zoning Board of Adjustment held on December 16, 2021 to approve the following Bills and Claims:

| | | | |
|-----------------------------|----------------------|------------|----------|
| Kates, Nussman et al | 21-01-21-185-021 | Inv.28378 | \$600.00 |
| Kates, Nussman et al | Skillman 78/4 | Inv.28379 | \$855.00 |
| Azzolina & Feury Eng., Inc. | Blancato 75/13 – Oct | Inv. 75286 | \$114.00 |
| Azzolina & Feury Eng., Inc. | Skillman 78/4 Sep | Inv. 75288 | \$114.00 |

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

MOTION APPROVED

Resolution: Return of Escrow

Upon a motion by Mr. Clores, seconded by Mr. Barbieri and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on December 16, 2021 to return the following escrow which has been reviewed and approved by the Board Attorney and Borough Engineer.

ROCK RIDGE Block 22 Lot 10 After review not ZBA \$1,658.00
CONSTRUCTION MGMT 33 Stone Tower Drive jurisdiction
LLC
(Steven Victor)
Trust AC 70209

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

MOTION APPROVED

COMMUNICATIONS Mayor Tomasko advised the retirement of Secretary Wehmann will be acknowledged at the January meeting of the Mayor and Council and in the quarterly newsletter. Other new is the promotion of Michael Lizzi to Captain in the Alpine Police department. He expressed his appreciation to the Board for donating their time in this service.

ADJOURNMENT at 8:55 p.m. upon motion by Mr. Barbieri, seconded by Ms. Herries and approved by all.

Respectfully submitted,
Nancy Wehmann, Secretary