

ALPINE ZONING BOARD OF ADJUSTMENT

Reorganization & Regular Meeting

Thursday, January 20, 2022 - 7:30 P.M.

(This meeting was held telephonically due to COVID-19 and taped in its entirety).

CALL TO ORDER/PLEDGE OF ALLEGIANCE/PUBLIC ANNOUNCEMENT

This re-organization and regular meeting of the Alpine Zoning Board of Adjustment was called to order by Chairman Glazer at 7:30 p.m., Thursday, January 20, 2020 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 and the Governor's Emergency Declarations as applicable adequate and electronic notice of this Regular and Reorganization meeting of the Alpine Zoning Board of Adjustment held on Thursday, January 20, 2022 at 7:30 PM along with instructions to the public on how to access this meeting which is being held using the ZOOM platform due to the COVID-19 pandemic has met the requirements of the law by means of the date and time being e-mailed to The Record and The Suburbanite on January 5, 2022 and published in The Record on January 11, 2022 as part of the Annual Notice along with the agenda posted on the bulletin board of the lobby in the Borough Hall and on the door of the main public entrances and on the Borough website along with applications, if any, for matters to be heard this evening and a copy filed in the office of the Borough Clerk and Board Secretary. Instructions for how the public can access the meeting and documents has been included in the posted agenda. A notice has also been placed on the front page of the Borough website directing the public to the Municipal Clerk page for access to all public meeting agendas and instructions on how the public can participate.

OATHS Anthony Barbieri was administered his oath of office prior to the meeting for a four-year term expiring 12/31/2025. Chairman Glazer expressed appreciation and thanked Mr. Barbieri for continuing to serve on the Board.

ROLL CALL

Richard Glazer	Present	Tony Clores	Present
David Kupferschmid	Present	Richard Bonhomme	Present
Anthony Barbieri	Present*	George Abad, Jr,	Present
Elizabeth Herries	Present	Amy Lerner, Alt I	Present

**due to a technical glitch Mr. Barbieri was unable to re-join the second part of the meeting at 9:18 P.M. as noted within the minutes.*

Staff Present: Attorney Michael Kates, Borough Engineer, Perry Frenzel, Board Secretary Nancy Wehmann, Jo Anna Myung

APPOINTMENTS

Chairman: Richard Glazer upon a motion by Mr. Clores, seconded by Mr. Barbieri

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Glazer, Ms. Herries, Mr. Kupferschmid, **MOTION APPROVED**

Vice Chair: Anthony Clores upon a motion by Mr. Glazer, seconded by Mr. Barbieri

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Glazer, Ms. Herries, Mr. Kupferschmid, **MOTION APPROVED**

Secretary: Nancy Wehmann for a one-year term effective 1/1/2022 a motion by Mr. Clores, seconded by Ms. Herries

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Glazer, Ms. Herries, Mr. Kupferschmid, **MOTION APPROVED**

Note: Ms. Wehmann is retiring effective 2/1/2022.

Secretary: Jo Anna Myung for the unexpired portion of a one-year term effective 2/1/2022 and expiring 12/31/2022 upon a motion by Mr. Clores, seconded by Ms. Herries

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Glazer, Ms. Herries, Mr. Kupferschmid, **MOTION APPROVED**

Board Attorney: Upon a motion by Mr. Glazer, seconded by Mr. Bonhomme at the 2022 reorganization meeting of the Zoning Board of Adjustment of the Borough of Alpine

WHEREAS, the Zoning Board of Adjustment has a need to acquire the professional services of **Michael Kates of the firm Kates, Nussman, Ellis, Farhi & Earle, LLP** for Attorney to the Zoning Board of Adjustment of the Borough of Alpine without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) to be provided as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and/or 20.5; and,

WHEREAS, the term of this contract is for one year; and

WHEREAS, Attorney Kates has submitted a proposal indicating he will provide services for the prices as approved in his letter of agreement; and

WHEREAS, these professional services may exceed the aggregate threshold set by N.J.S.A. 19:44A-20.f4 and/or 20.5, Attorney Kates has completed and submitted a Business Entity Disclosure Certification certifying neither he nor his firm have made any reportable contributions to a political or candidate committee in the Borough of Alpine for the elected officials in the Borough of Alpine in the previous one year, and acknowledging this agreement will prohibit he or his firm from making any such reportable contributions through the term of the contract, and

WHEREAS, this contract is subject to the Chief Financial Officer of the Borough of Alpine, County of Bergen, State of New Jersey, certifying funds are available in the 2022 municipal budget;

NOW THEREFORE, BE IT RESOLVED that the Zoning Board of Adjustment of the Borough of Alpine approves the letter of agreement; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value, as required, be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of the award of this Professional Service Agreement will be published in The Record.

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Glazer, Ms. Herries, Mr. Kupferschmid **MOTION APPROVED**

COMMUNICATIONS None

MEMORIALIZATION - Hechler, Block 51 Lot 7 - 4 Deerhill Road

Attorney Kates reviewed the resolution with the Board.

Resolution: Upon a motion by Mr. Abad, seconded by Mr. Clores to approve the resolution for Cory Hechler granting variance relief for front yard setback for redevelopment of a single-family home. This approval is subject to conditions as outlined in the resolution for this property located at 4 Deerhill Road designated as Block 51 Lot 7 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. Abad, Mr. Barbieri, Mr. Clores, Ms. Herries, Ms. Lerner, Mr. Glazer **MOTION APPROVED**

PROCEDURAL MOTIONS

Resolution: Approval of Minutes: Regular Meeting December 16, 2021 by Mr. Barbieri, seconded by Mr. Kupferschmid, and approved by all those eligible to vote with minor revisions as noted at the meeting. **MOTION APPROVED**

Resolution: Approval of Bills and Claims Upon a motion by Mr. Clores, seconded by Mr. Cohen at the regular meeting of the Alpine Zoning Board of Adjustment held on January 20, 2022 to approve the following Bills and Claims:

North Jersey Media	78/4 421 Anderson Ave	Inv. 5052315	\$14.85
Azzolina & Feury Eng., Inc.	51/7 4 Deerhill Road	Inv. 75522	\$ 228.00
Azzolina & Feury Eng., Inc.	75/13 30 Overlook Road	Inv. 75519	\$228.00
Kates, Nussman et al	51/7 4 Deerhill Road	Inv. 28477	\$1241.00

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Glazer, Ms. Herries, Mr. Kupferschmid **MOTION APPROVED**

HEARINGS

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

Attorney Matthew G. Capizzi, Esq. 11 Hillside Avenue 2nd Floor, Tenafly, NJ 07670 returns on behalf and with Applicant Frank Blancato along with Applicant's Engineer Michael Hubschman, Hubschman Engineering, P.A. 263 A S. Washington Avenue, Bergenfield, NJ 07621, Paul Keyes, of HK Landscape Architecture, 44 Cortlandt Place, Tenafly, NJ 07670 and planner David Spatz, PP of Community Housing and Planning Associates Inc. 60 Friend Terrace Harrington Park 07640.

Board member Mr. Clores resides within 200 feet and recuses. Ms. Lerner sat for this matter having provided her affidavit for the October 14, 2021 meeting. Due to a technical glitch the zoom meeting was interrupted just prior to testimony by Mr. Keyes as noted in minutes. Mr. Barbieri was unable to log back in. Applicant's attorney elected to proceed. Glen and Cheryl Woertz, 31 Forest Street spoke to this matter. It was confirmed by telephone after the meeting restart that their questions were answered and they did not intend to rejoin the meeting.

The following exhibits were marked

- A – 18 Letter from Matthew G. Capizzi, Esq. dated October 27, 2021 requesting matter be carried to next meeting December 16, 2021 and granting extension of time under MLUL until December 31, 2021.
- A – 19 Drainage Report dated November 30, 2021 Michael J. Hubschman, PE PP
- A – 20 Engineering Plans signed and sealed by Michael J. Hubschman, PE PP consisting of two pages dated March 19, 2021 revised no December 1, 2021
 - Dwg. No. 2020026-1 entitled "Site Plan"
 - Dwg No. 2020026-2 entitled "Soil Erosion & Sediment Control Plan; Details; Existing Conditions Plan"
- A – 21 Landscape Plan signed and sealed by Benjamin Ross Heller of HK Landscape Architecture dated November 29, 2021 consisting of one sheet.
- A – 22 Affidavit Amy Lerner re: Eligibility Having listened to recording for Meeting October 14, 2021
- A – 23 Tax Collector's Proof Statement property taxes paid through 1/6/2022
- A – 24 Proof of Publication in The Record January 9, 2022
- A – 25 Certified Mailing to Residents within 200' on January 7, 2022 per Tax Assessor's List dated January 6, 2022

Attorney Capizzi reviewed the original presentation from July 2021 seeking relief for building and improved coverage to construct a two-tier loggia, pool and patios. They returned October 2021 with revised plans reduced to include a smaller one tier loggia with open pergola roof and reduced patios. Amidst a thorough dialogue with the Board further reductions and modifications were proposed. They thought it best to return with revised plans to reflect what was discussed plus address continued concerns with drainage and impact to neighbors. They now return with revised plans and their experts will address the ecological benefits of their current proposal.

The application as presented seeks relief for:

- building coverage of 10.59% where 10% is the maximum permitted and 10.65% is prior nonconforming which while still over represents a reduction from existing.
- Improved coverage 23.12% where 20% is the maximum permitted and 20.23% is existing prior nonconforming.

Michael Hubschman remains sworn. Referencing plan **[A-20]**, he pointed out areas where they reduced improved coverage by replacing the driveway center median with sod, replacing the first loggia's tier solid roof with an open pergola, redesigned rear stairs, reduced patio areas and use of pervious pavers. Pool and spa are unchanged.

Drainage addressed by adding a seepage pit, installing a berm and significant landscaping around the perimeter of the property increasing the time of concentration which benefits neighbors downstream. They will provide 280 cubic feet of storage where drainage calculations indicate they only need 34 cubic feet. Although they have to count the pool and impervious patio pavers with improved coverage these structures do provide for some retention.

Proposed berm would be one to two foot high and three to four feet high and planted as a buffer area further reducing the volume and rate of runoff from the property. Further recharge is offered by removing the pavers in the driveway. Details are provided in the drainage report **[A-19]**. The seepage pit picks up roof drainage and surface water from a few inlets. The proposed design will also trap runoff flowing from properties to the east; another benefit to the downhill properties.

Opened to the Public for Questions.

Anthony Clores, Forest Street, questioned the headwall and watercourse. Mr. Hubschman stated they are not altering the watercourse but it will receive less water by their diverting to the seepage pit. Mr. Clores question on plantings deferred to the landscape architect. The landscape plan is new and not reflected on Mr. Hubschman's plan.

Glenn and Cheryl Woertz, Forest Street, questioned how runoff will impact their property which is right behind the subject property. Mr. Hubschman explained the proposed will retain water in the seepage pit or flow into the drainage way on the westerly side of the property. What flows downhill to the southwest corner will be detained behind the planted berm. Other than the berm there will not be any changes in elevation. The berm will act as a barrier to their property.

Opened to the Board for Questions.

Mr. Kupferschmid questioned purpose of an observation port and whether the southwest corner would become wet and swampy. Mr. Hubschman described an underdrain previously constructed with the septic design to lower groundwater and assured proposed plantings would absorb the water; they did not feel it necessary to install a surface drain. Mr. Bonhomme questioned composition of the berm which Mr. Hubschman advised would be topsoil atop loam. Ms. Herries questioned existing compliance relative to the improved plan. Mr. Hubschman noted the proposed is designed to demonstrate how their proposed plan will benefit the neighbors. Mr. Kupferschmid concurred the Board had noted the benefit could not just accrue to the applicant.

Asked for his opinion Mr. Frenzel provided his overview to note he is comfortable with the proposed plan which provides for a significant reduction in runoff by retaining water on site via the seepage pit, pool storage and significant planting plan of about a hundred Green Giant arborvitae which are very effective at water absorption. He calculates that of the 5,500 gallons of water occurring in a typical two-inch rainfall, approximately 4,300 gallons would be retained under the proposed; reducing runoff by about 80% and that does not count the water retained by the berm which should handle the balance.

In attempting to bring Mr. Keyes into active participation the zoom call was disconnected at 8:42 PM and had to be re-initiated. This resulted in a pause in the meeting from about 8:30 – 9:18

PM at which time the zoom meeting was re-initiated. Not re-joining was Mr. Barbieri due to technical difficulties and the Woertz's who advised they did not intend to rejoin.

RE-ROLL CALL OF THE BOARD: Present: Mr. Abad, Mr. Bonhomme, Mr. Clores, Mr. Glazer, Ms. Herries, Mr. Kupferschmid, Ms. Lerner **Absent:** Mr. Barbieri (Mr. Clores not eligible this application).

Attorney Capizzi agreed to proceed with the remaining Board members present.

Paul Keyes, Landscape Architect, was sworn, provided his credentials and was accepted by the Board. Referring to his firm's plan **[A-21]** as prepared by his partner Mr. Heller, Mr. Keyes stated they were retained to complete a landscape plan and mitigate any water runoff from the property. An arborvitae hedge atop a berm will encompass the east, south and west sides of the property and along the west side of the driveway. Hatch marks represent groundcover to stabilize the soil and absorb water consisting of extensive planting with pachysandra (34,000 individual plants) which is deer resistant, loves moist conditions and, like the arborvitae, absorb tremendous amounts of water. The combination of berm, trees, arborvitae and groundcover will go far to absorb the runoff, improve existing site conditions and benefit the neighbors. He described existing conditions. Regarding concerns with the southwest corner, Mr. Keyes noted that will be overplanted with pachysandra that thrives in those conditions. Arborvitae will be planted at heights of 7-8, 8-10 and 10-12 feet with some existing mature trees to remain. The property below to the west will be well screened at initial planting. He further described ornamental plantings in the front for additional screening, deer resistance, soil stabilization and water absorption.

Opened to the Public. Mr. Clores noted the plan looks terrific but questioned that plantings are in back of the headwall / culvert to ask where that water comes from. Mr. Hubschman offered at one point that pipe probably continued to Overlook Road but when this house was built it was discovered to end not far from the headwall. He believes the original pipe was removed and water was redirected down Overlook. Mr. Keyes noted there is existing pachysandra, arborvitae, and a Japanese maple and they will be adding more to further stabilize the area. The berm will direct water to the back corner and the lawn and plantings will absorb the water. He further noted you don't blow out leaves from pachysandra which provides further absorption. They're creating a thick layer.

Opened to the Board. Mr. Bonhomme is satisfied but noted timing of getting the landscaping in is early is critical to prevent drainage issues during development. He'd prefer to see the plantings go in first. Attorney Capizzi noted the house renovations are almost complete and the exterior work will take a relatively short time to complete. Mr. Bonhomme questioned testing for the seepage pit and Mr. Hubschman stated test pits were done in the area. Mr. Kupferschmid concurred early planting of the perimeter should not be an issue. He expressed concern with the impact down the road of packing the arborvitae too close. Mr. Keyes explained it's hard to overplant Green Giants. Unlike spruce or other conifers, the trees spread as permitted and when closely spaced the grow well but narrow.

David Spatz was sworn and qualified. Mr. Spatz recited the variance relief required. Plan modifications remove an overhang which, while not eliminating, reduces the prior nonconforming building coverage meeting an element of positive criteria. Ample testimony regarding improved coverage demonstrates the engineering and landscaping will provide a significant benefit to drainage off site and provide a significant positive impact on the surrounding properties as well as this property in terms of drainage and aesthetics. There are no other variances required. This meets the positive criteria and he sees no substantial negatives. The proposed pool and amenities are a permitted use in this zone and in character with the neighborhood. The pool and amenities will not impact light, air and open space for adjacent

properties and will be well screened. Positive criteria outweigh anything negative and it would be appropriate to grant the variances.

Opened for Questions. Mr. Kupferschmid asked Mr. Spatz to review coverages. They're reducing pre-existing building coverage. While increasing the prior nonconforming improved coverage a bit the proposed landscaping and drainage improvements compensate for this.

Opened to the Public for Comments. Mr. Clores is hopeful the proposed will take care of a good amount of runoff from the property.

Opened to the Engineer for Comments. Mr. Frenzel is well satisfied with the efforts of the engineer and landscape architect working together to mitigate what is a serious neighborhood problem. The proposed solution will set an example for future situations like this.

Mr. Glazer noted the plan provided a refresher on the stormwater training they've had and thanked them for their serious approach to this issue.

Attorney Capizzi noted Mr. Blancato has responded as well as he can to all of the concerns and demonstrated his desire to be a good neighbor.

Resolution: Upon a motion by Mr. Kupferschmid, seconded by Mr. Bonhomme at the regular and reorganization meeting of the Alpine Zoning Board held on January 20, 2022 to approve the application.

Vote: Ayes: Mr. Abad, Mr. Bonhomme, Ms. Herries, Mr. Kupferschmid, Ms. Lerner, Mr. Glazer

MOTION APPROVED

Lucacel Block 55 Lot 3.03 79 Miles Street

Attorney Matthew G. Capizzi, Esq. 11 Hillside Avenue 2nd Floor, Tenafly, NJ 07670 appears on behalf of the Applicant. Due to the lateness of the hour, it was agreed to carry this matter to the next meeting scheduled for February 17, 2022 without need for further notice.

OTHER BUSINESS

2022 Annual Report Upon a motion by Mr. Bonhomme, seconded by Ms. Herries, and approved by all to submit the Board's list of three resolutions memorialized in 2021 without narrative.

Mayor Tomasko thanked the Board for their patience with the evening's technical difficulties.

Attorney Kates advised Case Management is continuing for Eun-Rae Jo v. BOA ZBA & Harings.

Chairman Glazer thanked Mr. Frenzel. He is pleased at the high bar set for mitigation of stormwater management issues.

The Board thanked Ms. Wehmann for her service and wished her the best in her retirement. She thanked them in turn.

ADJOURNMENT at 9:59 p.m. upon motion by Mr. Bonhomme, seconded by Ms. Herries and approved by all.

Respectfully submitted,
Nancy Wehmann, Secretary