

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, October 16, 2014 - 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, October 16, 2014 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, October 16, 2014 has met the requirements of the law by being published in The Record as part of the Annual Notice on January 8, 2014, 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	Present	Bob Burns	Present
Tony Clores	Present	David Kupferschmid	Absent
Anne Ronan	Absent	Richard Bonhomme	Absent
Larry Shadek	Absent	Steve Cohen, Alt I	Present
		Anthony Barbieri, Alt II	Present

Staff Present on Dais: John Phillips, Esq. for Attorney Michael Kates, Borough Engineer Gary Vander Veer, Board Secretary Nancy Wehmann

PROCEDURAL MOTIONS

Resolution: Approval of Minutes: Regular Meeting August 21, 2014 Upon a motion by Mr. Barbieri, seconded by Mr. Clores and approved by all those eligible to vote at this regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, October 16, 2014 to approve the minutes of the regular meeting held on August 21, 2014 corrected to reflect Mr. Vander Veer was not present at that meeting.

MOTION CARRIED

Resolution: Approval of Bills and Claims – deferred to later in meeting.

NEW HEARINGS

Abramow Block 74 Lot 3 – 74 Warren Lane

Matthew G. Capizzi, Esq 11 Hillside Ave., Second Floor, Tenafly, NJ 07670 appeared on behalf and with Applicant, Dr. Steve Abramow and his wife of 76 Alpine Court, Demarest, NJ 07627 along with Douglas Doolittle, P.E., P.P. of McNally Engineering, LLC, 169 Ramapo Valley Road, Oakland, NJ 07436 and Architect Peiro F. Gabucci, 539 Laurel Road, Ridgewood, NJ 07450. Mr. Gabucci did not testify. Neighbors Martin Cybul and Aase Metzger offered questions and comments.

Opening Statement Attorney Capizzi explained this property was initially developed in the 1970's remaining essentially the same since that time and has been vacant for about two years. The site is nonconforming with a ranch style home, tennis court, pool and decking that pre-exists current codes and coverage requirements. The Abramow's

purchased it several months ago and propose to revamp and bring the entire property up to date. While "minor bump-out" additions in the front and southwest side yard of the ranch style residence will increase building coverage by about 218 square feet (sf) to improve utility of interior space, they also plan to remove significant lot coverage by downsizing the tennis court, pool and decks creating more open space which is a public as well as private benefit.

Exhibit list affirmed by Applicant and Board entered into the record as follows:

A – 1 Proof of Publication on October 6, 2014 in the Record.

A – 2 Certified Mailing to Residents within 200' on October 6, 2014 per Tax Assessor's List dated September 18, 2014

A – 3 Application received September 16, 2014 dated & signed including

- Proposal & Reasons for Relief
- 200 Foot Property owners List dated
- Tax Collectors Proof of Current Taxes thru 2014 3Q
- Application for Zoning Review
- Application for Soil Moving Permit (43 cy)

A – 4 Zoning Officer's letter dated August 11, 2014

A – 5 Plans prepared by McNally Engineering, LLC signed and sealed by Matthew Greco, PE consisting of two pages:

- SP-1 entitled "Site Plan" dated July 24, 2014 last revision #1 dated September 8, 2014
- VM-1 entitled "200' Vicinity Map" dated September 5, 2014

A – 6 Memo from McNally Engineering to the Building Department and Borough Engineer dated September 11, 2014 re: Stormwater Detention

A – 7 Set of 4 Color Photos prepared by McNally Engineer, LLC dated September 8, 2014

A – 8 Architectural Plan signed and sealed by Piero F. Gabucci, A.I.A. dated September 2, 2014 consisting of one page entitled "Floor Plans Elevations"

A – 9 Letter from the Borough Engineer dated September 23, 2014.

And marked during the course of these proceedings:

A – 10 Colored rendering of Site Plan [A-5]

Douglas Doolittle, PE, PP, was sworn and deemed qualified to provide expert testimony in the fields of professional engineering and planning. His presentation exhibits included the plans as submitted **[A-5]** and a colored rendering of the site plan marked **[A-10]**.

Existing Conditions: The property, located on the northwest side of Warren Lane, is 51,340 sf where 40,000 sf is required in the R-1 Zone. The property has a mostly one story ranch style dwelling, existing circular driveway and a L-shaped garage in the front of the property. To the rear are existing septic fields, pool and deck areas. At the extreme rear is a deteriorated tennis court. The dwelling dates back to the 1970's, has been vacant over two year and appears rundown, overgrown, outdated and needs to be brought up to today's standards.

Septic Systems: Board of Health approval has been obtained to update septic system capacity from a four to a five bedroom home as shown on the plan **[A-10]**.

Proposal:

Building coverage, (10% proposed where 9% is permitted and 9.57% exists) an increase of 218 sf results from two additions:

In front they will remove the existing angled front door squaring off the space interiorly to provide symmetry for a study and create a new front entrance with portico more centered to the street; a covered exterior footprint that while open on the sides is included in the building coverage calculation.

On the side they propose closing off part of an indent with a one-story cantilevered bump out open providing a pantry for the narrow kitchen. The bump out is open underneath for a basement door entrance and window well.

Improved coverage. (37.87% proposed where 25% is permitted and 40.71% exists) a decrease of 1,460 sf results from reducing size of reconstructed pool, decks, pergola and primarily the tennis court by about 1,100 sf going from 60'x120' to 55'x110'.

Trees: Only four minor trees to be removed primarily for the septic systems.

Soil Moving is *de minimus* at 40-50 c.y. limited to the front addition and the pool.

Positive and Negative Criteria: The proposed will bring the home up to 2014 standards providing revamped exterior siding, windows, garage doors, and front entrance creating a more attractive streetscape along with better interior function. The side addition is not visible from the street and trees screen neighbor views. Reducing the lot coverage by almost 3% will have a positive impact substantially decreasing drainage and creating more open space. The Applicant proposes substantial landscaping. This will be an owner occupied residence.

Review of Borough Engineer's letter [A-9] Mr. Doolittle stipulated he has reviewed Mr. Vander Veer's letter and can comply with all the conditions stated therein.

Open to Public for Questions of Mr. Doolittle

Martin Cybul, 31 Warren Lane, adjacent neighbor to the north, questioned drainage on his side. Mr. Doolittle stated he's aware water ponds on that side. Part of the septic system permit approval requires they install a swale providing positive drainage directing water to the rear of the property. A lengthy discussion followed with Mr. Cybul being sworn to permit him to provide a historical context for his questions.

Mr. Cybul stated over time the grades on surrounding properties have been raised 3-5 feet, to accommodate septic systems, transforming his backyard into a pit. They've lived there for 28 years and the changes have been dramatic and catastrophic. The water table on their property has gone up about 3-4 feet due to hydrostatic pressure resulting in basement flooding which has been expensive to resolve. They initially bought their property for the mature trees. Seven trees have died over the last five years due to the wet conditions including a 150 year old 42 inch beech tree and tulip. The Demarest Brook runs through the area and parts of the tributary streams have been piped below grade on the lot to the rear of his and the subject property where it actually goes under the building before opening up to a culvert under Warren Lane. The subject property pitches up about one third back so the swale will not address ponding in the front. He has no objection to the Applicant's proposal but hopes the problem will be rectified as much as possible. It would benefit the Applicant as well to correct these conditions that cause mosquito breeding and loss of screening vegetation particularly trees between the two properties.

Attorney Phillips asked where the swale goes to. Mr. Doolittle explained water will go through the swale to the rear of the property on the other side of the tennis court and feed into the open stream that traverses the neighbors property to the rear. It then turns back into their property and travels about a third of the way down the southwest side where it enters a pipe that runs down just under the corner of the garage, comes out across the front yard and goes underneath Warren Lane. He maintained the swale would improve conditions but could not guarantee it would totally correct the problem between their properties.

Aase Metzger, Block 74 Lot 8, adjacent neighbor to the rear. Ms. Metzger recalled the surprise years ago when she and her late husband returned from a vacation to find their neighbors trees replaced by a tennis court. She notes according to the plan the tennis court is too close to her property line and asks that it be removed, not replaced except by a substantial tree buffer. Mr. Doolittle noted the tennis court setback is a pre-existing nonconformity constructed in the 1970's-1980's prior to current codes that require a 20 foot setback. It is 13-14 feet away from the property line. The reconstructed court will be setback 17 feet. The Applicant stipulates to install a vegetative buffer between the properties and there will not be any lighting.

Open to Board for Questions of Mr. Doolittle

The Board questioned conditions of the streams and culverts and Dr. Abramow was sworn. Mr. Doolittle noted the stream to the rear is open and flows well. The culvert on Dr. Abramow's property is about 75 feet long and 3-4 feet wide. It was clogged when he bought it but has since been cleaned, found to be in excellent condition and functioning properly. Dr. Abramow observed the property during heavy spring rains and it worked fine. The culvert runs under the far edge of the garage which is on slab and not under the house which does have a basement and no water issues. The invert of the culvert is at elevation 397.9 feet and the first floor elevation is about 407 feet, above the stream. The elevation at the common property line with Mr. Cybul is about 402 feet which the Board noted could be about even with the pipe. The stream appears to come from two different locations – the end of Dogwood Lane and from way up across Allison Road. The part running along the subject property is a minor tributary but is an open water course. Mr. Cybul asked if the State should be asked to verify the plans. Mr. Doolittle noted they applied to the State for a Permit by Rule for the septic systems and plan to do so for this plan. It was noted if the riparian zone is 300 feet that would essentially involve the whole property.

The Board asked if adding a berm along the swale would also help. Mr. Doolittle replied no because Mr. Cybul's property is too low. The swale will pick up as much water as possible. Mr. Cybul reiterated they should also deal with the front noting one of the trees that died fell on the subject property's house. If they want him to improve his property they have to help get rid of the water coming from their property.

To address the front drainage, Mr. Vander Veer asked if it were possible to place a drain in an apparent low spot just north of the driveway. Mr. Cybul recalled there was a drain there but it's clogged. Mr. Doolittle offered they can look into locating and clearing the drain. Mr. Vander Veer asked him how he would address the roof runoff as

noted in his letter [A-9]. Mr. Doolittle agreed they could explore installing a CULTEC detention system along the right front yard. Dr. Abramow stipulated to clear the front drain if they can't locate it, run a new drain under the driveway to the stream.

The Board asked if the tennis court could be moved away from the property line. Mr. Doolittle explained it's already tight against the septic systems. The fields can't be reconfigured because they are already tightly spaced relative to the pool.

The Board asked if Mr. Capizzi had any further witnesses. He responded no planned testimony but the architect was present if they had any questions. There were none.

Open for Comments

Aase Metzger was sworn and questioned the additional water the swale would bring to the stream on her property. Mr. Doolittle responded this should be balanced out because the decreased improved coverage will result in less water. She noted the drainage would be much improved if there were no tennis court. The Board questioned the proposed composition of the court, which has not yet been chosen, and recommended they explore less impermeable materials. Mrs. Metzger asked if the applicant is determined to keep the tennis court and was advised yes, his daughter is an avid tennis player.

Martin Cybul stated he has no objections as long as they try to resolve the water shedding onto his property. He hopes they'll put in landscaping. Right now it's open between the two properties and plantings have historically died due to the wet conditions as confirmed by an arborist. The loss of these trees has disturbed him the most. If he can preserve what's left he believes it's for the benefit of everybody. He also questioned an old interior generator. Mr. Capizzi stated this will be removed and upgraded to one that conforms to current codes.

Chairman Glazer asked Dr. Abramow if they've worked with a landscape architect. Attorney Capizzi reminded the Abramows are rehabbing this entire site which has not been updated since the 1970's and neglected for years at a significant expenditure of money. Landscaping is clearly a component to such an investment. They are not building on spec but intend for this to be their home and are making an effort to be neighborly. They heard Dr. Abramow talk about the additional drainage improvements they are willing to make along the front yard to address pre-existing conditions and the swale will help in the rear. They are removing six times the amount of lot coverage compare to the building coverage added. While still noncompliant, they are increasing the tennis court setback and will install a landscape buffer in the rear.

Chairman Glazer noted the substantial noncompliance with coverage that still remains. Mr. Capizzi respectfully noted if approval is not granted the Applicants can just rehab what is there and things will not improve which is not what his client nor do the neighbors want. The Board reviewed if more could be shaved off the driveway. It was noted the driveway is narrow and already creates a tight fit for maneuvering.

The Board discussed the need for conditions regarding drainage and landscaping, including screening views of the tennis court. Attorney Phillips noted approvals are always subject to Mr. Vander Veer's review and approval. Mr. Capizzi stipulated they would have a landscape plan prepared by a landscape architect for submission to Mr. Vander Veer and the Environmental Commission subject to their approval with species, height, number, etc. Dr. Abramow affirmed noting landscaping is his hobby.

Being no further questions or comments, Chairman Glazer called for a motion.

Resolution: Upon a motion by Mr. Cohen, seconded by Mr. Clores to approve the application for Dr. Abramow including and subject to representations by the Applicant as to the work to be performed, recommendations as set forth by the Borough Engineer in his letter **[A-9]**, and review and approval of a landscaping plan by the Borough Engineer and the Environmental Commission with the complete list of conditions to be set forth in the formal resolution by Attorney Phillips.

Vote: Ayes: Cohen, Clores, Burns, Barbieri, Glazer

MOTION CARRIED

Chairman Glazer welcomed the Abramows to the Borough noting the Board's expectations are that the proposed will be a substantial improvement from the current situation. That is why they got the approval.

PROCEDURAL MOTIONS (continued)

Resolution: Approval of Bills and Claims Upon a motion by Mr. Clores, seconded by Mr. Barbieri and approved by all at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, October 16, 2014 to approve the following Bills and Claims:

<i>Kates, Nussman, et.al.</i>	<i>4-01-21-185-021</i>	<i>Inv. 19410</i>	<i>200.00</i>
<i>Azzolina & Feury Engineering</i>	<i>Escrow: Verizon Wireless</i>	<i>Inv. 62485</i>	<i>538.00</i>
<i>Azzolina & Feury Engineering</i>	<i>Escrow: Abramow</i>	<i>Inv. 62480</i>	<i>225.75</i>
<i>Azzolina & Feury Engineering</i>	<i>Escrow: Verizon Wireless</i>	<i>Inv. 62330</i>	<i>377.50</i>
<i>Azzolina & Feury Engineering</i>	<i>Escrow: Mewani</i>	<i>Inv. 62322</i>	<i>80.25</i>
<i>North Jersey Media Group</i>	<i>Escrow: Mewani</i>	<i>Inv. 3738861</i>	<i>18.90</i>

MOTION CARRIED

COMMUNICATIONS

Mr. Burns wished to recognize former Councilman Robert "Bob" Leef and his wife, JoAnne, present in the audience, who served with him back in the 1970's.

The Board welcomed Mayor Tomasko who advised the recent newsletter probably contains everything they need updates on.

Chairman Glazer thanked Attorney Phillips for filling in for Attorney Kates.

ADJOURNMENT at 8:32 p.m. upon motion by Mr. Barbieri, seconded by Mr. Cohen and approved by all.

Respectfully submitted,
Nancy Wehmann, Secretary