

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, December 19, 2013 - 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 Thursday, December 19, 2013 7:32 p.m. at Alpine Borough Hall. Pledge of Allegiance recited. Public Announcement per NJSA 10:4-6: "n accordance with the provisions of the Open Public Meetings Law, the notice of this regular meeting held Thursday, December 19, 2013 has met the requirements of the law by being published in The Record as part of the Annual Notice January 5, 2013, 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 @ 7:33	David Kupferschmid	Absent
Ann Ronan	Present	Richard Bonhomme	Absent
Larry Shadek	Absent	Steve Cohen, Alt I	Present
		Anthony Barbieri, Alt II	Present

Staff Present on Dais: Board Attorney Michael Kates, Borough Engineer Gary Vander Veer, Board Secretary Nancy Wehmann

MEMORIALIZATION: **Levin Block 81.01 Lot 4 – 6 Canterbury** Mr. Kates reviewed the resolution.

Resolution: Upon a motion by Ms. Ronan, seconded by Mr. Cohen at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, September 19, 2013 to memorialize a resolution for to redevelop the property with a single family home plus amenities approving variances to disturb steep slopes, locate a pool and tennis court in the side yard, and waivers for grading around the pool along with a soil moving permit that includes waivers for creation of 4:1 side slopes, depth of fill, and height of retaining walls subject to conditions as outlined in the resolution for this property located at 6 Canterbury Court designated as Block 81.01 Lot 4 on the Tax Assessment Map of Alpine, New Jersey, Bergen County.

VOTES: AYES: Cohen, Burns, Ronan **MOTION CARRIED**
A copy of the resolution is appended to these minutes.

PROCEDURAL MOTIONS:

Resolution: Approval of Minutes: Regular Meeting October 17, 2013 Upon a motion by Ms. Ronan, seconded by Mr. Burns and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, December 19, 2013 to approve the minutes of the regular meeting held on October 17, 2013.

MOTION CARRIED

Resolution: Approval of Bills and Claims 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 Thursday, December 19, 2013 to approve the following Bills and Claims:

CONTRA Escrow to Postage	Mewani 49/02/24	Escrow:Late Mailing to 3-01-20-145-031	22.12
Kates, Nussman et al	Oct/Dec meetings	3-01-21-185-020	400.00
Kates, Nussman et al	Levin 81.01/4	Escrow:Legal	709.50
Azzolina & Feury	Wellington 55/12	Escrow: Engineering	535.00
Azzolina & Feury	Alpine 906 LLC 90/6	Escrow: Engineering	561.75
Azzolina & Feury	Mewani 49.02/24	Escrow: engineering	615.25

MOTION CARRIED

Resolution: Return of Escrow Upon a motion by Ms. Ronan, seconded by Mr. Cohen and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, December 19, 2013 to return the following escrow which have been reviewed and approved by the Board Attorney and Borough Engineer.

Emami Trust AC 70126	Block 73 Lot 16 8 Dogwood Lane	Application 5/16/2013 Resolution 9/19/2013	\$525.88
Tahari Trust AC 70125	Block 20 Lot 11 31 Rio Vista Drive	Application 4/16/2013 Resolution 9/19/2013	\$604.49

MOTION CARRIED

COMMUNICATIONS 2014 Meeting Dates The Board reviewed dates for 2014 meetings. Upon a motion by Mr. Cohen, seconded by Ms. Ronan and approved by all the following dates are approved:

Regular meetings on the third Thursday of each month except where otherwise noted.
Jan. 16, Feb. 20, Mar. 20, Apr. 17, May 15, June 19, July 17, Aug. 21, Sep. 18, Oct. 16,
Nov. 20, Dec. 18

NEW HEARINGS

Mewani Block 49.02 Lot 24 – 30 Haring. At request of Applicant's Attorney this matter will be held to the next regularly scheduled meeting to be held January 16, 2014 at 7:30 PM. No further public notices will be required and the extension has been granted on condition that Applicant's Attorney agrees to extend the time within which the Board has to act.

Wellington Block 55 Lot 12 – 954 Closter Dock Road

Applicants, Colonel Stevi Shapiro Wellington and Mark Wellington appeared on behalf of themselves to request a variance to construct a second floor above their existing garage. Neighbor Chul Song 115 Church Street appeared in opposition.

Exhibits marked as follows:

- A – 1 Proof of Publication on November 26, 2013 in the Record.
- A – 2 Certified Mailing to Residents within 200' on December 2, 2013 per Tax Assessor's List dated July 18, 2013
- A – 3 Application received November 8, 2013 dated & signed including

- Proposal & Reasons for Relief
 - 200 Foot Property owners List dated July 18, 2013
 - Tax Collectors Proof of Current Taxes thru 2013 4Q
- A – 4 Zoning Officer's letter dated June 26, 2013
- A – 5 Prior Resolution Alpine Zoning Board of Adjustment September 2, 1986
- A – 6 Prior Resolution Alpine Zoning Board of Adjustment October 4, 1983
- A – 7 Two page document providing elevation views and floor plan views of the proposed building addition for the detached accessory garage
- A – 8 Photograph of the existing accessory garage
- A – 9 "2-Story, 2-Car Garage Plot Plan" Plan entitled "Proposed Garage 7 Storage Space, Wellington residence, alpine New Jersey" prepared by John Jay Boylan, R.A. dated July 23, 1986 {See Borough Engineer's Note Letter 11-14-2013 Appendix A}
- A – 10 "Enhanced Plot Plan w/Garage Proposal" Plan entitled "Wellington residence, Proposed Garage & Storage Space, Alpine, New Jersey" prepared by John Jay Boylan, R.A. undated {See Borough Engineer's Note Letter 11-14-2013 Appendix A}
- A – 11 Borough Engineer's letter dated November 14, 2013
- A – 12 Letter from Wellington's dated 12-9-2013 requesting waivers for certain checklist items
- And during the course of these proceedings:*
- A – 13 "Proposed Garage Renovation" with photo superimposed and height notations.

The Wellingtons were individually sworn by Attorney Kates.

Mrs. Wellington testified to the following: Mr. Wellington purchased the subject property in September 1976 and he has been a resident for 37 years. On August 5, 1986 he appeared before the Board of Adjustment and was granted a (c) variance to build a 2-story 2-car garage in place of the existing nonconforming one car garage. Due to the dimensions of the property, which is 7,500 square feet, it was determined that strict compliance would pose an undue hardship, a the variance was approved. Unfortunately due to an unexpected financial hardship the project never went forward. 27 years later the finances have been resolved. They are not seeking a 2-story 2 car garage but only a 2nd story above the existing 1 car garage. There would be no expansion to any existing footprint.

Mr. Wellington testified to the following: After the application was determined sufficient to present to the Board a question arose regarding the original height request. In 1986 he asked for a 19 feet height so he would have enough room to walk around on the second floor. The Board's resolution stated he failed to prove undue hardship to have that much space and approved up to 16 feet. He presented a schematic **[marked A-13]** with a scaled picture of a person about six feet tall within the proposed second story to demonstrate how tight it will be and to request an additional 1-2 feet. The original request was for 16 feet, the scale as now shown is 17 feet and it would be great to have 18 feet which would allow him to walk in the middle for a width of about six feet.

Open to the Board for Questions

Mr. Vander Veer noted the proposed appears to show 16 feet to the roof peak. The ordinance measures building height to the midpoint between the roof peak and the roof plate. Although it is generally geared toward the primary structure, the residence, all the applications they've had since that ordinance was adopted have applied the new definition to the accessory structures. The proposed as hip roof configuration. Ms. Ronan and Mr. Glazer noted as shown on A-13 it appears height to the roof angle is about 12 foot 2 inches which would make the midpoint close to 15 feet and should allow for about 17 feet 8 inches to peak.

Mr. Vander Veer noted the lot is also subject to pre-existing nonconformities as outlined in his letter of November 14, 2013. Mr. Kates noted they have a seriously deficient home and the proposed storage is to compensate for that. The hardship is in the structure. Mr. Wellington advised the home's basement is loose rock and he can only put some plastic stuff down there and his attic has one little hatch through which he can look around but no room to store things. There is no change in footprint or setbacks. The existing garage is as shown in the photo **[A-8]**.

Mr. Kates noted a consideration on these types of applications is to protect against the room becoming habitable space. Mr. Wellington proposed electricity and heating to protect the storage items but assured no plumbing. Access would be via a pull down attic stair.

Open to the Public Chul Song of 115 Church Street stated he lives next door to Mark Wellington. He is against this because it is too close to his house. Mr. Glazer noted this was a statement. Mr. Song affirmed he does not have any questions.

Mr. Burns questioned Mr. Vander Veer's note about the front yard setback whereupon Mr. Vander Veer reminded corner properties have two front yards. The location of the garage is a prior non-existing conformity being in the Church Street front yard about 1 foot from Song's property. Mr. Wellington has been growing bamboo to the rear and a right of the garage which is now about 25 feet tall. He hopes the bamboo will eventually replace the willow tree which is messier. Mr. Song has requested several times that he allow the bamboo to grow on his side and towards his garage. Mr. Song has two windows that look in Mr. Wellington's rear yard. The bamboo will shield views of the rear yard and the garage and make a nice screen.

Ms. Ronan noted Mr. Song has a serious concern. Mr. Kates observed Mr. Song's property is 150 feet deep to question the relationship of Mr. Song's house. Mr. Wellington offered the back of his garage probably intersects the first 10 feet of Mr. Song's house with most of the house being past the back of the garage. Mr. Kates asked if there was any way to step back the second story a bit to create better than one foot in terms of the dimensions in deference to the neighbor, perhaps by means of cantilever rather than changing the footprint. Mr. Wellington did not see any benefit to light, shadows or views because the garage blocks sun to the north, not to the east. Mr. Song's house casts a shadow on his property. Mr. Clores questioned the distance of Mr. Song's house to the property line. Mr. Wellington guessed 25-30 feet and Mr. Song did

not know. Mr. Kates shared an internet satellite view of the properties from his laptop. Discussion followed to try and determine linear relationships between structures and property lines. Mr. Song has a two car garage that is part of and under the house. Ms. Ronan opined Mr. Song is not so much concerned with privacy but the assertion of his rights under Municipal Land Use Law to the air space he will lose. Mr. Song stated it is too high and too close. The Board, feeling they needed more information, asked Mr. Song if he could provide a copy of his survey to the Wellington's and to the Board Secretary so the members can be copied in advance of the next meeting. He stated he would. Mr. Wellington's survey is part of the exhibits (tab 9 of the application) **[A-10]**.

The matter will be carried to the next meeting scheduled for Thursday, January 16, 2014 at 7:30 PM.

ADJOURNMENT at 8:18 p.m. upon motion by Ms. Clores seconded by Mr. Barbieri and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary