

ALPINE ZONING BOARD OF ADJUSTMENT

Thursday, March 15, 2012 - 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 7:36 p.m., Thursday, March 15, 2012 at the Alpine Borough Hall, the Pledge of Allegiance recited and the Public Announcement read according to the requirements of the Sunshine Law: *In accordance with the provisions of the Open Public Meetings Law, the notice of this regular meeting held Thursday, March 15, 2012 has met the requirements of the law by being published in The Record as part of the Annual Notice on January 6, 2012, posted on the bulletin board in the lobby of the Borough Hall and a copy filed in the office of the Borough Clerk.*

OATHS Tony Clores was not present and will be sworn in at the next meeting.

ROLL CALL

Richard Glazer	<i>Present</i>	Bob Burns	<i>Present @ 7:42pm</i>
Tony Clores	<i>Absent</i>	David Kupferschmid	<i>Absent</i>
Ann Ronan	<i>Present @ 7:36pm,</i>	Richard Bonhomme	<i>Present</i>
Larry Shadek	<i>Absent</i>	Steve Cohen, Alt I	<i>Absent</i>
		Anthony Barbieri, Alt II	<i>Present</i>

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

PROCEDURAL MOTIONS Bills and Claims and Resolution for Return of Escrow were circulated for review and later vote.

Resolution: Approval of Minutes: Regular Meeting January 11, 2012 Upon a motion by Mr. Bonhomme, 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, March 15, 2012 to approve the minutes of the reorganization and regular meeting held on January 11, 2012.

CONTINUED HEARINGS - ALPINE CITGO BLOCK 49 LOT 8 – 1026 Closter Dock Road

(Continued from January 11, 2012).

Elliott W. Urdang, Esq. having offices at 19 Engle Street, Tenafly, NJ appeared on behalf of the applicant, Alpine Citgo, Inc. Noting the application deals with a (d)1 use variance requiring five affirmative votes for approval and that only 4 members were present at the start of the meeting and only 5 members would likely be present Mr. Urdang requested the matter be postponed. As he had a conflict for the April meeting it was agreed he would extend the time within which the Board needs to act and this matter will be postponed to Thursday, May 17, 2012 at 7:30 pm or as soon thereafter as the matter can be heard with no need to re-notice. There was a brief discussion to clarify information submitted to the Board to date. Mr. Urdang stated he will provide more photos and a layout of the potential parking spaces on the available site plan.

The Board took a 5 minute break to await the arrival of a 5th member en route recessing at 7:42 pm and resuming at 7:47 pm upon arrival of member Bob Burns.

NEW BUSINESS - KOGAN BLOCK 39.01 LOT 9.05 – 21 Robin Lane

Matthew G. Capizzi, Esq. having offices at 11 Hillside Avenue; 2nd Fl.; Tenafly, NJ 07670 along with **Douglas Doolittle, PE, PP** of McNally Engineering, 169 Ramapo Valley Road, Oakland, NJ 07436 appeared on behalf of and with the Applicant, **Leonard Kogan** 21 Robin Lane, Alpine, NJ for a post construction lot coverage variance [220-3D] requiring 27.69% where 25% is permitted and 25.88% was the lot coverage that pre-existed the redevelopment. There were no members of the public present to speak to this matter.

Attorney Capizzi explained they are here to request a *mea culpa*. In 2006 they filed plans and obtained permits for renovation of essentially the rear of the structure plus rebuilding the pool in its prior location and some patio work. During construction it also became apparent the existing septic system was in disrepair and needed reconstruction. He has furnished copies of building permits as requested by Mr. Vander Veer and noted the septic system permit is on file in the Borough. When they applied for the CO [Certificate of Occupancy] their as-built survey revealed the pre-existing improved lot coverage had been exceeded by about 1.9%.

The following list of exhibits was acknowledged by the Board's and Applicant's Attorneys as laid out here for the record:

- A – 1 Proof of Publication in The Record on March 3, 2012
- A – 2 Proof of Notice to Residents 3/2/2012 & 3/3/2012 within 200' based on TA list dated 10/06/2011.
- A – 3 Application received 10-11-2011 including
 - Proof taxes up to date as of 10-07-2011 updated by Tax Collector 3/2/12 that paid through 1st quarter 2012
 - Proposal and Reasons for Relief *(Mr. Capizzi's letter October 6, 2011)
- A – 4 Zoning Officer's Letter 09-26-2011
- A – 5 Site and Septic As-Built Survey dated 8-1-08 Rev #4 11-10-11 "Revised per AF Review letter dated 10/26/2011 prepared by Kevin S. Bogerman, PLS of McNally Engineering
- A – 6 Boundary and Topographic Survey dated 06-09-2006 Rev. #1 01-16-2009 "Added coverage calculations"
- A – 7 Storm Drainage Report dated 10/28/2011 prepared by Matthew A. Greco, PE of McNally Engineering
- A – 8 200' Vicinity Plan dated 01/28/11 prepared by Matthew A. Greco, PE of McNally Engineering
- A – 9 Borough Engineer's Letter 11-28-2011
- A – 10 E-mail from Applicant's Attorney dated 12-2-2011 requesting continuance through February 16, 2012.
- A – 11 E-mail from Applicant's Attorney dated 1-26-2012 requesting continuance through March 15, 2012.
- A-12 E-mail from Applicant's Attorney to Borough Engineer dated 3-5-2012 in response to November 28, 2011 review letter (A-9) comment 5 with attachments:

- Portion of cover page of the architectural plans for the building addition which bear the stamp of the Borough's construction code official and building, electrical and fire protection subcode officials; and
- Permits for building addition.

And marked during the course of the hearing:

A – 13 Colored version of Site and Septic As-Built (A-5)

Douglas Doolittle, PE, PP of McNally Engineering, 169 Ramapo Valley Road, Oakland, NJ 07436 was sworn and qualified as an expert in his fields. A colored-in exhibit of the Site and Septic As-Built supplied to the Board [A-5] was marked A-13.

Mr. Doolittle described the subject property lying on the westerly side of Robin Lane two lots back from the cul-de-sac. The lot has a substantial downhill slope from the street to the southwest corner and is pie-shaped; not a typical rectangle which creates a lot of frontage. Existing conditions consist of a substantial sized home within the building envelope, a drive through driveway with a bypass in front of the house plus a steep access drive to the garages located under the house on the south side. In the rear is a newly renovated pool with patios and other amenities that include a shed, pool equipment, and a driveway heater. A retaining wall was installed behind the newly constructed septic systems.

Development occurred in three phases:

1. **Dwelling** Overall cosmetic repair with a rear addition forming an enclosure as part of a kitchen over an existing patio and deck. Improved coverage did not change. Building coverage increased by 479 s.f. and complies.
2. **Pool and Patios** along with amenities (BBQ, planters, ancillary equipment) were replaced essentially in kind on the south side of the rear of the house.
3. **Septic Systems** were found to be failing or on the verge requiring reconstruction. The new fields were elevated due to a high water table which in turn required construction of a retaining wall in the southwest corner as permitted and required by the Health Department.

Improved lot coverage increased by 1,220 s.f. or 1.88% over the pre-existing coverage which was grandfathered. Overage is in three areas of about 400 s.f. or 0.6% each. As requested, Mr. Doolittle highlighted these in red on A-13:

1. **A walkway** around the north side of the house provides access from the driveway to the pool includes substantial steps down to the rear patio which is level with a daylight walkout basement. The walkway is four foot wide.
2. **The patio** around the pool was extended behind the spa to create a walkway that goes all around the pool and spa for reasons of access and safety. This construction was done around 2008.
3. **A retaining wall** was required for the elevated septic systems.

Mr. Doolittle noted there is substantial, beautiful, well maintained landscaping that screens views to the neighbors. All materials are high end high grade. There is no negative impact because the excess coverage is all in the rear yard, at grade and not visible from the street or the neighbors. The retaining wall is at a lower elevation and faces a wooded area. Improvements comply with setback requirements. They can

comply with Mr. Vander Veer's recommendations for stormwater improvements noted in his 11/28/2011 letter item II.6.

There was no one present from the public to speak to this application. The matter was opened to the Board.

The Board's concerns focused on stormwater management and the rationale for the excess walkway and patio. Mr. Doolittle described the flow of water and existing driveway strip drains and curbing to control runoff. Mr. Vander Veer asked Mr. Doolittle about his plan for additional stormwater management as would be required by the excess coverage. Where Mr. Doolittle offered a seepage pit south of the pool, Mr. Vander Veer recommended it might be easier and preferable to capture more water from the driveway and/or roof leaders.

Mr. Kates sought to reconcile Mr. Vander Veer's letter 11/28/2011 letter [II.3] with Mr. Capizzi's letter 10/6/2011 [Proposals and Reasons for Relief]. The former referenced the building addition as part of the excess. It was noted Mr. Vander Veer's letter outlined the major changes from what was pre-existing and was not meant as the description of the improved coverage excess. Mr. Doolittle further re-iterated that the retaining wall was a requirement and the walkway and added patio behind the spa are for access and safety.

The Board expressed concern with this explanation questioning if the walkway and patio weren't more a matter of convenience and what justified not obtaining pre-approval. Mr. Doolittle explained he was not present during the landscaping and could not answer. Mr. Capizzi acknowledged work exceeded what was approved but offered the Board should look at the application as if it were a clean slate. He pointed out it was not practical to access the back yard by going through the front entrance and that the driveway by the garage area was too steep for cars or pedestrians to safely traverse. The owner told him the walkway actually replaced an old stone path in disrepair. Mr. Kates asked for Mr. Kogan's statement to be placed on the record.

Leonard Kogan, 21 Robin Lane, Alpine, NJ was sworn and testified to the history of the walkway. Mr. Kogan explained the path existed when he bought the house but was made up of loose rocks and plates that were dangerous to walk on. During construction he asked workers to cement them in and they actually made a nice walkway with marble granite. The path had high loose steps and it was absolutely necessary to make it safer. Lights will be added for security. Mr. Kogan has two daughters, a granddaughter and another on the way. Parents drop visiting children off at the walkway. If they went through the front door they'd have to go down a narrow stairway and out to the pool through the basement. The garage drive is very steep. Cars can't back up because the grade creates a blind spot and U-turns are difficult for him and impossible for his mother-in-law. You can't use the driveway in winter; once he almost hit the garage. They leave cars in front of the house and only put them in the garage when they travel. As part of this construction, they installed a heated driveway in the steep portion to help keep the ice off. They've lived here since 1996, love Alpine, aren't going anywhere and did not do the improvements to effect a resale. He apologized and swears they didn't do it on purpose.

Mr. Glazer explained to Mr. Kogan that Alpine is strict about improved coverage because of concerns with stormwater runoff and impact to neighbors. He recommends a firm commitment for further mitigation meeting strict engineering standards. Ms. Ronan concurred. Mr. Vander Veer stated he reviewed the revised stormwater report. An additional 116 cubic feet of storage volume is needed which can be satisfied by placement of an additional 1,000 gallon seepage pit to capture water from the driveway and/or roof leader drains. Placement would have to be reviewed to ensure compliance but he is confident they can comply.

Mr. Bonhomme asked for clarification of materials used. Mr. Doolittle responded stone set in concrete over steel mesh with a stone border. Mr. Burns asked how much they had to elevate the septic fields. Mr. Doolittle was not sure but knows the fields were enlarged, pushed out and required a DEP wetlands permit. The retaining walls are only about three feet high and did not require Board approval. He did not believe the grades changed much for the pool and patios. Mr. Glazer questioned the distance from the pool to the fields. Mr. Vander Veer stated the State requires 20 feet and Mr. Doolittle stated they comply. Mr. Burns questioned impact on the westerly property's wetlands. Mr. Doolittle offered the house on that property probably pre-existed the wetlands determination. Ms. Ronan believed they should more than satisfy stormwater management requirements because there are wetlands and neighbors involved. The Applicant agreed to same.

RESOLUTION OF APPROVAL SUBJECT TO A MITIGATION PLAN FOR SWM

Upon a motion by Ms. Ronan, seconded by Mr. Bonhomme to approve the application conditioned on approval by the Borough Engineer of a Mitigation Plan that exceeds the stormwater management requirements.

Vote: Ayes: Burns, Ronan, Barbieri, Bonhomme, Glazer

MOTION CARRIED

PROCEDURAL MOTIONS (continued)

Resolution: Approval of Bills and Claims Upon a motion by Mr. Barbieri, seconded by Mr. Bonhomme and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, March 15, 2012 to approve the following Bills and Claims:

Kates, Nussman et al	2-01-21-185-021	Inv. 16476 Jan & Mar Mtgs	400.00
North Jersey Media	2-01-21-185-023	Inv. 3222474	35.91
Bergen County Bar Assoc.	2-01-21-185-025	2012 Land Use	60.00
Azzolina & Feury Engineering	Alpine Citgo 49/8	Inv. 57048 (Escrow)	321.00

MOTION CARRIED

Resolution: Return of Escrow: On a motion offered by Mr. Bonhomme, seconded by Mr. Barbieri and approved by all those eligible to vote at a regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, March 15, 2012 to approve the return of escrow as listed below:

Frank & Linda Fialkoff P.O. Box 12 Alpine, NJ 07620	Block 73 Lot 1 895 Closter Dock Road	Trust AC 70106 App resolved 10-21-2011	\$696.65
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MOTION CARRIED

COMMUNICATIONS

Mayor Tomasko was invited to address the Board and relayed the following items of interest which he noted will also be included in a forthcoming newsletter:

- All are invited to attend the March 28th meeting of the Mayor & Council where Joan Ornstein will be sworn in as Councilwoman to fill the position left by her husband, Councilman Steve Ornstein who passed away in January.
- They will also be introducing the 2012 budget that evening and are doing their best to keep the municipal portion of property taxes down.
- He attended the State of the County address today. County taxes went up last year due a \$10 billion loss in ratable. While the loss this year is less at \$6.5 billion, this will still impact the county portion of the property tax rate.
- 2012 marks the 50th anniversary of the Alpine Volunteer Fire Department. The Mayor and Council have committed to contributing towards a commemorative statute or plaque and will be working with the Fire Department to ensure everyone is aware of their extraordinary service throughout the decades.
- The B.C. JIF recognized Alpine at its Annual Safety Awards Breakfast with 2 plaques and a \$2,000 cash incentive award for its safety program and record. Ralph Wehmann is the Borough's Safety Director.

Mr. Burns questioned a news article regarding the County's approach to shared services. Mayor Tomasko assured that if the County Executive raises the issue in their upcoming meeting he will make known that Alpine already has a lot of shared services and they would only entertain something that makes sense to the taxpayers of Alpine. Consolidation of smaller towns like Alpine is counterproductive as they already maintain a low tax rate and it makes no sense to have our rates go up so another town can lower theirs a little.

As an example of how Alpine does more with less, Board members recalled the phenomenal job DPW Supt. Wehmann and his crew as Alpine was among the first in the county to complete cleanup operations after the Halloween storm. Mr. Burns proudly noted he hired Mr. Wehmann when he was a Councilman some 36 years ago. The Mayor noted Alpine maintains a low headcount of very capable, motivated employees. When the need arises they engage part time temporary workers, contrary to larger bureaucracies found in other towns. He also expressed gratitude to the members of this and the other Boards for their service that helps maintain Alpine as the town it is and they want it to be. The Board in turn complimented the Mayor for the fine job he is doing.

ADJOURNMENT at 8:37 p.m. upon motion by Ms. Ronan, seconded by Mr. Barbieri and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary