

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, March 21, 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 at 7:30 p.m., Thursday, March 21, 2013 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 21, 2013 has met the requirements of the law by being published in The Record as part of the Annual Notice on 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	Absent	David Kupferschmid	Absent
Ann Ronan	Present	Richard Bonhomme	Absent
Larry Shadek	Present	Steve Cohen, Alt I	Present
		Anthony Barbieri, Alt II	Present

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

NEW BUSINESS

Luk Block 39 Lot 8 Robin Lane The Record did not publish their notice on time. They will be heard next month subject to public notices.

Edwards Block 121 Lot 6 – 417 Route 9W

Mark Edwards of 417 Route 9W was sworn. Exhibits noted:

- A – 1 Certified Mailing to Residents Within 200' on 3/7 & 3/8-2013 per Tax Assessor's list dated 1/17/2013
- A – 2 Proof of Publication in the Record on 3/9/2013
- A – 3 Application Received 2-25-2013 including
 - o Proposal and reasons for relief
 - o Proof property taxes paid through 2013 1Q
 - o Tax Assessors 200' property owners list dated 1-17-2013
- A – 4 Plans Prepared by McNally Engineering
 - o Progress As-Built Survey dated 8/22/2012 no revisions
 - o 200' Vicinity Plan dated 1/11/2006 Rev 2 7-1-2006
- A – 5 Photos
 - o Set of two on one page
 - o Aerial view
- A – 6 Prior Zoning Board resolution dated 9/7/2006
From our files
- A – 7 Letter from Gary Vander Veer dated 3-6-2013

Mr. Edwards introduced his family in attendance. He explained this property is one of two projects abandoned mid-development in late 2007. They remained so until he acquired them around September 2011 for use by his family. When he bought this house construction was fairly complete but it needed interior work. They were finally able to obtain a Temporary Certificate of Occupancy in September 2012. Submission of the As-Built In Progress at that time revealed the building height was 35.66 feet above average original grade where 35 feet is the maximum permitted. He opines this variance can be justified because it would be an extreme hardship where the house is already finished with a slate roof. They are living in it. He inherited this situation. They raised the finished grade in front about 5½ foot higher than the average original grade so the height looks comparable to other homes along Route 9W. The variance will not alter the essential character of the house or the neighborhood.

The Board questioned if Mr. Edwards was aware or thought to ask about the height when they bought the property. He stated no, having employed the same engineer involved in construction it never came up as an issue. Mr. Vander Veer observed construction pre-dated the ordinance requiring height certification as soon as the roof is done but before finishing. Thus it was not detected until the as-built was submitted. No one was present in the audience to speak to this application.

Upon a motion by Ms. Ronan, seconded by Mr. Shadek to approve an application of Mark Edwards for a variance to permit a height of 35.66 feet above original grade subject to the usual conditions for property as shown on the Tax Map of the Borough of Alpine Block 121 Lot 6 – 417 Route 9W.

Vote: Ayes: Burns, Barbieri, Ronan, Shadek, Cohen, Glazer

MOTION CARRIED

Edwards Block 121 Lot 7 – 421 Route 9W

Mark Edwards of 417 Route 9W remains under oath. Exhibits noted:

- A – 1 Certified Mailing to Residents Within 200' on 3/7 & 3/8-2013 per Tax Assessor's list dated 2/14/2013
- A – 2 Proof of Publication in the Record on 3/9/2013
- A – 3 Application Received 2/25/2013 including
 - Proposal and reasons for relief
 - Proof property taxes paid through 2013 1Q
 - Tax Assessors 200' property owners list dated 2-14-2003
- A – 4 Plans Prepared by McNally Engineering
 - Site Plan dated 1/14/2013 Rev. 1 2/4/2013
 - 200' Vicinity Plan dated 1/11/2006 Rev. 7/1/2006
- A – 5 Photos
 - Set of two on one page
 - Aerial view
- A – 6 Prior Zoning Board resolution dated 9/7/2006
From our files (Michael's packet only)
- A – 7 Zoning Officer's letter dated 1/30/2013
- A – 8 Letter from Gary Vander Veer dated 3/7/2013
- A – 9 Letter from Gary Vander Veer dated 3/14/2013

A – 10 Enlarged site plan highlighting areas of encroachment

Mr. Edwards explained after finishing most of Lot 6, the home they live in, they obtained an as-built to complete work on the Lot 7 house. This revealed slight encroachments into both 50 foot side yard setbacks at the rear. The concrete foundation had already been established and the house roofed and mostly bricked when he acquired it. The as-built setbacks are 49.8 feet where 50 feet is required. He opines this variance can be justified as it would be a hardship where the house is already established, it was not a situation of his making and it will not impact the essential character of the neighborhood. He provided an exhibit showing an enlarged portion of the site plan **[A-4]** depicting the areas of encroachment highlighted in pink. This was marked **[A-10]**.

The Board questioned if any neighbors have objected. Mr. Edwards replied no. There is a cell tower to the north, his house to the south, the Scout Camp to the west and Route 9W to the front. Mr. Vander Veer explained the foundation survey provided at the time the basement was finished had a small cut out to it, so it complied. Sometime after that the original contractor squared off that section of the house and bumped it out so instead of being clear by 2-3 inches it was now encroaching by 2-3 inches. The original developer was Chemtek but he does not recall who the contractor was at that time. No one was present in the audience to speak to this application.

Upon a motion by Mr. Cohen, seconded by Mr. Barbieri to approve an application of Mark Edwards for a variance to permit the side yard setbacks of 49.8 feet for the few feet at rear of the house subject to the usual conditions for property as shown on the Tax Map of the Borough of Alpine Block 121 Lot 67– 421 Route 9W.

Vote: Ayes: Burns, Barbieri, Ronan, Shadek, Cohen, Glazer **MOTION CARRIED**

PROCEDURAL MOTIONS

Resolution: Approval of Minutes: Regular Meeting February 21, 2013 Upon a motion by Ms. Ronan, 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 21, 2013 to approve the minutes of the regular meeting held on February 21, 2013.

MOTION CARRIED

Resolution: Approval of Bills and Claims Upon a motion by Mr. Shadek, 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, March 21, 2013 to approve the following Bills and Claims:

<i>Kates, Nussman, et al</i>	<i>3-01-21-185-21</i>	<i>Inv. 17446</i>	<i>600.00</i>
<i>Azzolina & Feury Engineering</i>	<i>Luk 39/8</i>	<i>Inv. 59323</i>	<i>347.75</i>
<i>Azzolina & Feury Engineering</i>	<i>Sabathia 71/22</i>	<i>Inv. 59254</i>	<i>347.75</i>
<i>North Jersey Media Group</i>	<i>Sabathia 71/22</i>	<i>Inv. 3450729</i>	<i>17.01</i>
<i>Bergen County Bar Assoc.</i>	<i>3-01-21-185-025</i>	<i>Annual Land Sympos.</i>	<i>90.00</i>

MOTION CARRIED

Resolution: Return of Escrow Upon a motion by Mr. Shadek, 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 21, 2013 to return the following escrow as previously reviewed by the Board Attorney and the Borough Engineer:

Dr. & Mrs. Sean Kim Resolved 12/20/2012	60/4 27 Forest Street	Trust AC 70117	25.93
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MOTION CARRIED

MEMORIALIZATIONS – none

OTHER BUSINESS

2012 Annual Report - Draft distributed. Attorney Kates thanked the Board for their comments. Recommendations from the 2008-2009 report were also reviewed to see if they merit repeating.

200 Foot Route 9W Buffer Zone. No further review recommended. The Board will continue to apply the "d" variance.

Definitions. Garages. No further review recommended. Leave ordinance as is and deal with deviations by variance application.

Terrace. Has not been addressed. The Board recommends review to add the definition.

Fees. Not addressed. The Board recommends review of 220-18 to specify fees for (a) appeals and (b) interpretations.

As-Built Foundation Plans. The Board recommends review to require by ordinance.

New Re: Generators. Mr. Kates integrated recommendations from Mr. Vander Veer, Mr. Kupferschmid and Mr. Glazer. Mr. Glazer recommended restricting use to real emergencies during "public utility" electrical outages. While it was recognized at this time it would not be cost effective for someone to use a generator as a primary source of energy, neither would they wish someone to supplement solar energy with a generator. Ms. Ronan noted this clarifies their intention. Their recommendation would permit limited sized generators in the side yard as well as the rear yard similar to air conditioners. The flexibility is desirable as in some instances the side yard could be less disruptive to neighbors.

Without objection, Attorney Kates will submit revised report to Mr. Glazer for signature. The Secretary will then distribute to the Mayor and Council and Planning Board.

COMMUNICATIONS Mayor Tomasko advised the Planning Board is busy with the Alpine Three matter. They will review the Board's Annual Report in due course. The Board of Health is implementing requirements for the gas station. He is working on the newsletter. Councilman Sidney Merians was remembered. Mr. Glazer questioned the Borough website. The Mayor noted in general, the Borough is protective of residents' privacy and therefore tries to refrain from posting names and too much detail.

ADJOURNMENT at 8:09 p.m. upon motion by Mr. Shadek, seconded by Mr. Cohen, and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary