

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, April 17, 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, April 17, 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, April 17, 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	Absent	David Kupferschmid	Absent
Anne Ronan	Present	Richard Bonhomme	Present
Larry Shadek	Present	Steve Cohen, Alt I	Absent
		Anthony Barbieri, Alt II	Present

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

COMMUNICATIONS

Annual Notice: Alpine's Civil Rights Policy & Opportunity for Anti-Harassment Training –
Circulated for review and signoff.

cc of Borough Engineer's letter 3/31/2014 to Construction Official re: Alpine 906 LLC
Block 90 Lot 6 - Updated noted for the record.

CONTINUED HEARINGS

Mewani Block 49.02 Lot 24 – 30 Haring Lane

This hearing has been carried since the January 16, 2014 meeting. Applicant extended time hoping to attain a full complement of seven Board members. Two members must recuse due to conflict. Affidavits are on file from Anne Ronan and Steve Cohen having listened to audio of the January hearing. As it was known two other members were to be absent, two Planning Board Class IV members were solicited, in order of seniority, who were prepared to attend and provide affidavits that they listened to audio of the January hearing. Late this afternoon another Zoning member advised they could not attend reducing the eligible number from seven to six. As a courtesy, Applicant's Attorney was notified of this development. His office subsequently issued a letter requesting the matter again be carried to the next meeting May 15, 2014 extending time for the Board to act. Attorney Kates noted the Board's best efforts had been made to secure a full complement.

NEW BUSINESS**Alpine Citgo Block 49 Lot 8 1026 Closter Dock Road**

Attorney Jaclyn S. D'Arminio, Esq. of the Law Offices of Elliot W. Urdang, 19 Engle Street, Tenafly, NJ appeared on behalf of the applicant, Anil Kumar for Alpine Citgo, Inc. as authorized by the property owner, Charles Hoffmann. Mr. Kumar and Charles A. Hoffmann, Mr. Hoffman's son, were present along with Michael Hubschman, PE, PP of Hubschman Engineering, 263A Washington Avenue, Bergenfield, NJ 07621. Applicant seeks approval of an appeal of the Zoning Officer's finding that the re-installation/replacement of an 8,000 gallon tank of this property constitutes an expansion of an existing non-conforming use. They respectfully disagree.

Exhibits were read into the record as follows:

- A – 1 Proof of Publication on in the Record.
- A – 2 Certified Mailing to Residents within 200' on per Tax Assessor's List dated December 19, 2013
- A – 3 Revised application received April 4, 2014 dated & signed including
 - Proposal & Reasons for Relief
 - 200 Foot Property owners List dated December 19, 2013
 - Tax Collectors Proof of Current Taxes thru 2013 4Q (updated through 2014 1Q)
- A – 4 Zoning Officer's letter dated September 9, 2013
- A – 5 Attorney D'Arminio's letter dated September 26, 2013 with Notice of Appeal
- A – 6 Prior Resolution Alpine Zoning Board of Adjustment September 2, 1999
- A – 7 Prior Resolution Alpine Zoning Board of Adjustment November 15, 2012
- A – 8 Prior Resolution Alpine Zoning Board of Adjustment July 6, 2004
- A – 9 Four Photographs prepared by Michael J. Hubschman of Hubschman Engineering dated 3/18/2014 labeled
 - P1 & P2 Front of Station
 - P3 Existing Striping
 - P4 Rear of Station
- A-10 Plan prepared by Michael J. Hubschman of Hubschman Engineering dated December 27, 2013 Rev # 1 dated March 18, 2014 "per A&F letter dated March 5, 2014" entitled "Site Plan for underground Storage Tank"
- A – 11 Plans prepared by Calisto J. Bertin, P.E. of Fairfield Maintenance, inc. dated July 13, 2013 consisting of:
 - T-1 "UST Installation Plan & Details"
 - T-2 "UST Installation Plan"
- A – 12 Borough Engineer's letter dated March 5, 2014
- A – 13 Borough Engineer's letter dated March 31, 2014
- A – 14 Borough Engineer's letter dated April 11, 2014

Mr. Hubschman was sworn and deemed qualified to provide expert testimony in fields of professional engineering and planning. He testified as to existing conditions. The 58,000 square foot property located in the R-4 zone on the south side of Closter Dock Road includes the Citgo station, a two story framed dwelling and a small shed in front. The rear is vacant.

Five years ago they were mandated, due to a leak, to remove an 8,000 gallon diesel tank situated under the northwest corner. Two existing 6,000 gallons tanks remain. The pump island contains two pumps for gasoline and the dispenser for diesel which was never removed. There was never an abandonment. The leak was detected during routine annual testing, the tank removed and monitoring wells are installed around the property. The total capacity prior to the tank's removal was 20,000 gallons of storage with diesel and super gasoline in each of the 6,000 gallon tanks and regular gasoline in the 8,000 gallon tank. Tanks are interchangeable as to fuel. The 6,000 gallon tanks are currently used for super and regular gasoline.

Mr. Hubschman is not familiar with cleanup or monitoring of the site.

They propose to install an 8,000 gallon two compartment tank which could hold all diesel or perhaps half diesel and half regular gasoline restoring storage capacity to 20,000 gallons; no more than it was before. The location would be to the east side of the pump island which is further away from the property line.

The owner anticipates no change in traffic or number of fuel deliveries. The tank is an integral part of the business and not an accessory use.

Opened to the public for questions there were none.

Opened to the Board, Ms. Ronan requested documentation regarding environmental conditions as to the leak, NJSDEP's response, follow-up and also the five year delay in replacement relative to abandonment. Although the owner can testify, this is not a subject for casual testimony and the Board will need to see the documents and have time to review them.

Charles Hoffmann, 1030 Closter Dock Road, Alpine, NJ was sworn. He testified he is the son of the owner and is familiar with the tank removal. The tank did not actually leak and there was no contamination or environmental impact. The annual air test of the two compartment chamber tank revealed a slight leak in the air of the second chamber. The company they hire performs the testing and reports to the State. Monitoring wells have been there to monitor the property since the last time the tanks were changed.

Attorney D'Arminio questioned relevance noting the site is being monitored and processed properly through the State and they are being open and honest regarding the presence of monitoring wells. Whether or not there is actual contamination on site is a problem for NJSDEP. Whether or not installation of a replacement tank is an intensification of the use is the question for the Board.

Attorney Kates elicited from Mr. Hoffmann that the reason for waiting five years was financial. They shifted the location so as not to reinstall right on the property line. Attorney Kates questioned NJSDEP permitting procedure. Attorney D'Arminio was advised by Mr. Kumar that the company they hire to install the tanks works with NJSDEP to obtain appropriate permits and provide oversight.

Construction Official/Zoning Official Alden Blackwell was sworn. He denied the application deeming it an expansion of a nonconforming use because none of the paperwork mentioned a previous tank; thus he inferred this was a new tank. He found out about the 8,000 gallon tank later but has found no records in the Building Department about this tank or its removal. Removal of commercial or residential underground storage tanks require a building permit and documentation from whomever removes it as to whether there is contamination or not. Building subcode inspects to be sure. A copy of the weigh bill as to where the old tank is disposed must be provided. Attorney Kates recapped that in order for the Board to accept the premise that this tank is a replacement, absent proofs in the Borough Hall, these proofs should be provided.

Chairman Glazer asked Mr. Blackwell what other information he would need. Mr. Blackwell replied that he would still consider the tank abandoned because it was gone for 5 years and therefore the Board will need to address that issue.

Attorney D'Arminio requested a continuance to obtain requested documentation from the company directly involved with the work. The Board agreed to carry this matter without further notice to Thursday, May 15, 2014.

PROCEDURAL MOTIONS

Resolution: Approval of Minutes: Regular Meeting March 20, 2014

Upon a motion by Mr. Bonhomme, seconded by Mr. Shadek, and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, April 17, 2014 to approve the minutes of the regular meeting held on March 20, 2014.

MOTION CARRIED

Resolution: Approval of Bills and Claims

Upon a motion by Ms. Ronan, seconded by Mr. Barbieri at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, April 17, 2014 to approve the following Bills and Claims:

Azzolina & Feury Engineering	Escrow: Mewani 49.02/24	Inv. 61454	936.25
Azzolina & Feury Engineering	Escrow: Alpine Citgo 49/8	Inv. 61460	1,151.75
North Jersey Media Group	Escrow: Alpine 906 LLC 90/6	Inv. 3659040	23.63

VOTES: AYES: Burns, Barbieri, Ronan, Bonhomme, Shadek, Glazer

MOTION CARRIED

Resolution: Return of Escrow

Upon a motion by Mr. Bonhomme, seconded by Mr. Shadek, at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, April 17, 2014 to approve the return of the following Escrow as approved by the Board Attorney and Borough Engineer:

Levin Trust AC70128	Block 81.01 Lot 4 6 Canterbury Court	Application 6/3/2013 Resolution 12/19/2013	\$654.57
------------------------	---	---	----------

VOTES: AYES: Burns, Barbieri, Ronan, Bonhomme, Shadek, Glazer

MOTION CARRIED

OTHER BUSINESS

Mayor Tomasko advised long time Health Officer and WWII vet, Bill Galdi, will be Grand Marshall of this year's Memorial Day parade. A planned New Resident reception will likely be cancelled due to lack of expressed interest. He invites comment if anyone is interested in electrical energy aggregation as reported in the newsletter. The Mayor provided updates regarding LG Electronics planned construction of a 143 foot tall office building which will extend above the Palisades tree line in Englewood Cliffs and opposition to it; it is hoped they can reach a compromise to preserve the integrity of the Palisades.

ADJOURNMENT at 8:07 p.m. upon motion by Mr. Shadek, seconded by Mr. Barbieri and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary