

ALPINE ZONING BOARD OF ADJUSTMENT

Thursday, May 17, 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 Acting Chairman Tony Clores at 7:30 p.m., Thursday, May 17, 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, May 17, 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.*

OATH Mayor Tomasko administered the oath of office to Tony Clores for a four term expiring December 31, 2013.

ROLL CALL

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

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

CONTINUED HEARINGS

ALPINE CITGO BLOCK 49 LOT 8 – 1026 Closter Dock Road

Via correspondence, Applicant's Attorney, Elliott W. Urdang, Esq. having offices at 19 Engle Street, Tenafly, NJ seeks a full Board for this hearing on a use variance application continued from the January meeting. As only five members were expected tonight and he has a conflict for the June meeting date he requests the matter be carried to July 21, 2012. He does not need to re-notice.

SABATHIA BLOCK 71 LOT 22 – Litchfield way

Via correspondence Applicant's Attorney, Elliott W. Urdang, Esq. having offices at 19 Engle Street, Tenafly, NJ advised due to a fatal flaw in the public notice as published in The Record the matter cannot be heard tonight. As he has a conflict for the June meeting date he requests the matter be carried to July 21, 2012. Notice to residents within 200 feet was correct. He only needs to republish in the newspaper.

NEW BUSINESS - PATEL BLOCK 121 LOT 3 – 405 ROUTE 9W

David M. Watkins, Esq. having offices at 285 Closter Dock Road; P.O. Box 304, Closter, NJ 07624 appeared on behalf of the applicant Ceeje Patel, 1275 Bloomfield Avenue, Fairfield, NJ 07004 along with **Michael Hubschman, PE, PP** 263 A S. Washington Street, Bergenfield, NJ 07621 and **Robert Zampolin, AIA** 187 Fairview Drive, Westwood, NJ 07675. No one spoke in opposition to the application.

The following list of exhibits was acknowledged for the record:

- A – 1 Proof of Publication The Record on May 9, 2012
- A – 2 Notice to residents within 200' served on May 4, 2012 per TA list dated April 12, 2012
- A – 3 Application received 4-24-2012 signed by owner includes:
 - Zoning Officers letter dated 4-5-2012
 - Proof taxes paid through 2012 1Q (Tax Collector advises 2Q also paid.)
 - 200' Property Owners list from Tax Assessor dated 4-12-2012
 - Azzolina & Feury letters 4-5-2012 & 4-18-2012
 - Proposal & reason for relief
- A – 4 Four photos provided by Michael J. Hubschman PE Hubschman Engineering dated 4/19/2012 labeled P1 through P4
- A – 5 Soil moving permit application includes
 - Check list for determination of completeness for review of soil moving applications resubmission dated 3-12-2012
 - Application for soil moving permit dated 3-29-2012
- A – 6 6' Segmental Block Retaining Wall Design & Calculations provided by Michael J. Hubschman PE Hubschman Engineering dated 7/2/2012 Rev. 1 3/29/2012
- A – 7 Soil Moving Calculations provided by Michael J. Hubschman PE Hubschman Engineering dated 6/10/2010 Rev. 2 3/9/2012
- A – 8 Drainage Report provided by Michael J. Hubschman PE Hubschman Engineering dated 6/16/2010 Rev. 4 4/11/2012
- A – 9 Engineering Plans consisting of three pages provided by Michael J. Hubschman PE Hubschman Engineering 263 A S. Washington Avenue, Bergenfield, NJ 07621 dated 4-5-2010 with revisions as noted
 - Sheet 2654-1 entitled "Site Plan" Revision #9"bldg height schematic; modified driveway" dated 4/19/2012
 - Sheet 2654-2 entitled "Soil Erosion and Sediment Control Plan: Details Revision #5 "modified driveway" dated 4-19-2012
 - Sheet 2654-3 entitled "Existing Conditions Plan" Revision #2 added drainage as-built; updated septic as-built" dated 3-27-2012
- A – 10 Architectural Plans consisting of five pages provided by Robert E. Zampolin, RA of Zampolin & Associates Architects 187 Fair Lawn Avenue, Fair Lawn, NJ 07675 all dated 4-20-2012
 - Sheet A-1 entitled "Basement Plan"
 - Sheet A-2 entitled "First Floor Plan"
 - Sheet A-3 entitled "Second Floor Plan"
 - Sheet A-4 entitled "Front and Left Side Elevation"
 - Sheet A-5 entitled "Rear and Right Side Elevation"
- A – 11 Azzolina & Feury letter 4-30-2012

And marked during the course of these proceedings

- A – 12 Colored rendering of Engineering Plans (A-9)

Attorney Watkins advised this property is located on Route 9W in a split zone that includes the 200 Foot Buffer Zone. They will need a (d) variance for ingress/egress through this zone and some relief relative to drainage/grading.

Michael Hubschman was sworn and found qualified to provide expert testimony in the fields of professional engineering and planning. The application proposes construction of a 6 bedroom single family home set back 287 feet from Route 9W on this 2.3 acre parcel. Two septic fields have been installed. The lot traverses two zones, residential and the 200 foot Buffer Zone which only permits public or private natural conservation areas.

A use variance for disturbance of the Buffer Zone is justified by reason of undue hardship and special reasons. The driveway must cut through the Buffer Zone as there is no other access. Construction in the Buffer Zone will include the driveway, curbing and a portion of the drainage system. High ground water conditions detected during installation of the septic systems necessitated construction of French drains to direct flow to a front ditch and permit the fields to be installed at a reasonable elevation. To minimize disturbance they propose 3:1 vs. 4:1 slopes. The septic fields and French drains were installed under the direction and supervision of the Borough's Health Officer, Bill Galdi. If the use variance is declined the house would be zoned into inutility.

A waiver from the tree ordinance is needed to disturb the twenty foot tree buffer around the perimeter of the lot. The location of the septic fields and driveway dictate seepage pits be located about ten feet from the southerly property line. They are subterranean, will not be visible and they will replace about 130 trees on the lot.

A soil moving permit is needed for 7,056 c.y. Most of this has already been moved for the septic systems and they only have 1,500 c.y. left to import for filling and grading. Transport will have no impact on the public road which is a major State Highway.

Proposed construction is similar to nearby lots along Route 9W, two to the south and one to the north where the septic systems were installed in the front yards and the properties filled. No bulk or coverage variances are requested. Mr. Hubschman stated the proposed would have no negative impact on the Alpine Zone Plan or Scheme. The access is currently straight in but the driveway would be designed to be positive with the Buffer Zone and the entire lot re-vegetated with about 130 trees.

Mr. Husbchman stated he can comply with the requirements in Mr. Vander Veer's April 30, 2012 letter.

The hearing was opened to the Board for questions.

The Board questioned location of the seepage pits. Mr. Hubschman stated the proposed location is based on the recommended distance of fifty feet from the septic systems or else water could leach back in. This places them in the tree buffer.

Mr. Burns noted the buffer areas are already disturbed and the property cleared to the lines on either side. Mr. Hubschman affirmed the neighbors' properties had been filled and they had to fill and grade up the neighbor's retaining wall or it would have created a low area noting this work was performed at the direction of Health Officer Galdi. They intend to replant. Mr. Burns questioned if they should have applied to the

Board first but Mr. Hubschman responded it is typical in Alpine to install the septic systems first.

Mr. Vander Veer questioned DEP determination relevant to riparian zone issues for the ditch in front. This 50 foot zone drains to the Hudson River. The Letter of Interpretation indicated a riparian zone is associated with the ditch and they need approval. They can submit an Applicability Determination which does not require a fee and only takes a couple of weeks; DEP will tell them if it applies and can be approved as a Permit by Rule. Mr. Vander Veer will require verification of acceptability from DEP. Mr. Watkins and Mr. Hubschman agreed to comply.

Mr. Vander Veer further directed Mr. Hubschman that he has to have the Applicant restore the areas of disturbance within the transition area right now or in the alternative, apply for a Transition Area Waiver. These areas were disturbed during installation of the septic systems and they exceeded what was permitted. Mr. Hubschman blamed the lot conditions for the encroachment and said they will comply.

Mr. Vander Veer further cautioned Mr. Hubschman to advise his client this is a major development and they must closely monitor stormwater management on-site in compliance with State regulations. Noting the high ground water conditions on the lot, the bottom of the stone for the seepage pits will have to be at least two feet above the projected high ground water levels. Mr. Hubschman acknowledged they might have to dig them out and use more and shallower pits.

Mr. Kates asked if the 15 foot width of the driveway as shown on the plans will safely accommodate emergency vehicles. He recalled a prior application when the Board wanted them to reduce a 20 foot wide driveway and Mr. Hubschman had maintained they could only decrease it to 18 feet which he stated was the minimum desired width. Mr. Hubschman stated 15 feet is sufficient and while a normal fire lane is 18 foot wide this could possibly include mountable curb.

Mr. Vander Veer noted a letter from the northerly adjacent property owner states she has no objection to the grading and replanting that extends onto her property. Board Attorney Kates acknowledged he has reviewed the letter and is satisfied. Mr. Hubschman noted the homeowner and her attorney provided the letter as a one time permission in lieu of granting an easement. Mr. Vander Veer again cautioned if they are making the properties level with each other they will need to take steps to ensure surface water does not just sheet flow right onto the neighbor's property. That must be avoided.

Although the matter was opened to the public no one was present to question or comment in regard to the application. Mr. Watkins reminded the Board five affirmative votes are needed to approve the use variance component.

Upon a motion by Mr. Kupferschmid, seconded by Mr. Bonhomme to approve the application subject to compliance with the requirements of the Borough Engineer and Stormwater Management regulations.

Vote: Ayes: Burns, Kupferschmid, Cohen, Bonhomme, Clores **MOTION CARRIED**

The Board took a brief two minute break.

COMMUNICATIONS as noted for the record without comment

Dated February 16, 2012: cc to the Board of a letter from John P. Libretti, Assistant County Counsel B.C. Office of the County Counsel to Alden Blackwell, Alpine Construction Code Official re: B.C. Department of Planning & Economic Development/Bergen County Planning Board Site Plan Approval of Development Applications Prior to Issuance of Building Permits and/or Certificates of Occupancy.

Annual Notice re: Alpine Civil Rights Policy

PROCEDURAL MOTIONS

Resolution: Approval of Minutes: Regular Meeting March 15, 2012 Upon a motion by Mr. Burns, 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, May 17, 2012 to approve the minutes of the reorganization and regular meeting held on March 15, 2012. **MOTION CARRIED**

Resolution: Approval of Bills and Claims Upon a motion by Mr. Kupferschmid, 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, March 15, 2012 to approve the following Bills and Claims:

Azzolina & Feury Engineering	Alpine Citgo 49/8	Inv. 57413 (Escrow)	563.25
Azzolina & Feury Engineering	Kogan 39.01/9.05	Inv. 57410 (Escrow)	422.65
Azzolina & Feury Engineering	Patel 121/3	Inv. 57587 (Escrow)	294.25
Azzolina & Feury Engineering	Sabathia 71/22	Inv. 57600 (Escrow)	508.25
Kates, Nussman et al	Kogan 39.01/9.05	Inv. 46666 (Escrow)	385.00

MOTION CARRIED

MEMORIALIZATION- KOGAN BLOCK 39.01 LOT 9.05 – 21 Robin Lane

Attorney Kates circulated and reviewed the resolution memorializing the action taken at the March 15, 2012 meeting. Only Mr. Bonhomme and Mr. Burns are eligible to vote.

Upon a motion by Mr. Bonhomme, seconded by Mr. Burns at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, May 17, 2012 to approve the memorialization of a resolution regarding the application of Kogan block 39.01 Lot 9.05 21 Robin Lane as attached to these minutes.

VOTE: Ayes: Burns, Bonhomme **MOTION CARRIED**
A copy of the resolution is appended to these minutes.

Mayor Tomasko invited all to attend Memorial Day ceremonies and provided provided some brief updates on matters pending before the Mayor and Council.

ADJOURNMENT at 8:02 p.m. upon motion by Mr. Cohen, seconded by Mr. Bonhomme and approved by all.

Respectfully submitted, Nancy Wehmann, Secretary