

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, May 16, 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 Vice Chairman Ronan at 7:30 p.m., Thursday, May 16, 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, May 16, 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	Absent	Bob Burns	Absent
Tony Clores	Present	David Kupferschmid	Present @ 7:45 PM
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 Proposed ByLaws Modifications

Mr. Kates explained the proposed amends the bylaws by adding Section 1.2.5 establishing a time of adjournment.

*1.2.5. **Time of adjournment.** Meetings shall be adjourned at 10 o'clock p.m. or as soon thereafter as is reasonably practical, in the discretion of the Chairperson; or as may be extended by a majority vote of the members present, which shall have priority.*

An existing procedural ordinance defers to the Board itself: "It is within the discretion of the Board to adjourn any new case which is not presented before 10:30 p.m. Furthermore no additional testimony will be taken after 11 p.m. if the Board so desires." This ordinance is discretionary and this by-law establishing an upset time of 10 p.m. would not be inconsistent or conflict with the ordinance. The By-Laws will be distributed in their entirety to the Board for the benefit of new and old members and will be considered as a whole for adoption at the next meeting.

Vice Chairman Ronan announced the Board will operate under the presumption that this evening's meeting will adjourn by 10 p.m. unless there's good reason to adjust.

REQUEST FOR MATTERS TO BE CARRIED

Nadjafian Block 72 3&3.01 70 Berkery Place

David M. Watkins, Esq., with offices at 285 Closter Dock Road, Closter, NJ 07624 appeared on behalf of the Applicants, Lawrence & Michelle Nadjafian, 1464 River

Road #4, Edgewater, NJ 07020. Attorney Watkins provided proofs of notice for this evenings meeting:

- A – 1 Proof of Publication on 4/26/2013 in the Record
- A – 2 Certified Mailing to Residents within 200' on 4/23/2013 per Tax Assessor's List dated 4/4/2013

He requested this matter be carried to afford them additional time to revise the design. He stipulates to extend the time within which the Board is required to act. The Board agreed to carry this matter to the next regularly scheduled meeting Thursday, June 20, 2013 at 7:30 PM or as soon thereafter as the matter may be heard without need for further public notice.

Tahari Block 20 Lot 11 31 Rio Vista Drive

David M. Watkins, Esq., with offices at 285 Closter Dock Road, Closter, NJ 07624 appeared on behalf of the Applicants, Avraham and Susan Tahari 1141 Buckingham Road, Fort Lee, NJ 07024. Attorney Watkins provided proofs of notice for this evenings meeting:

- Proof of Publication on 5/3/2013 in the Record
- Certified Mailing to Residents within 200' on 5/3/2013

He requested this matter be carried as he assumes they may not have time to get to this matter this evening and he has another town to be in. He stipulates to extend the time within which the Board is required to act. The Board agreed to carry this matter to the next regularly scheduled meeting Thursday, June 20, 2013 at 7:30 PM or as soon thereafter as the matter may be heard without need for further public notice.

Vice Chairman repeated the announcements for the benefit of the public.

The Board took a three minute break to allow notifications of Borough professionals who had planned to attend the adjourned matters.

COMMUNICATIONS

Annual Notice of Borough of Alpine's Civil Right's Policy – acknowledgment of receipt by members circulated for signature.

MEMORIALIZATIONS - Attorney Kates reviewed the resolutions.

Edwards Block 121 Lot 6 – 417 Route 9W

Resolution: Upon a motion by Mr. Cohen, seconded by Mr. Shadek at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, May 16, 2013 to memorialize a resolution for Mark Ricardo Edwards Christopher approving a variance to permit a height of 35.66 feet above the original grade N.J.S.A. 40:55D-70c(1)(c) subject to conditions as outlined in the resolution for this property located at 417 Route 9W designated as Block 121 Lot 6 on the Tax Assessment Map of Alpine, New Jersey, Bergen County.

VOTES: AYES: Ronan, Shadek, Barbieri, Cohen

MOTION CARRIED

A copy of the resolution is appended to these minutes.

Edwards Block 121 Lot 7 – 421 Route 9W

Resolution: Upon a motion by Mr. Barbieri, seconded by Mr. Shadek at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, May 16, 2013 to memorialize a resolution for Mark Ricardo Edwards approving a variance to permit slight encroachments (0.2 feet) into both 50 foot side yard setbacks at the rear of the building under N.J.S.A. 40:55D-70c(1) subject to conditions as outlined in the resolution for this property located at 421 Route 9W designated as Block 121 Lot 7 on the Tax Assessment Map of Alpine, New Jersey, Bergen County.

VOTES: AYES: Ronan, Shadek, Barbieri, Cohen

MOTION CARRIED

A copy of the resolution is appended to these minutes.

PROCEDURAL MOTIONS

Resolution: Approval of Minutes: Regular Meeting March 21, 2013 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, May 16, 2013 to approve the minutes of the regular meeting held on March 21, 2013 as appended by a correction on Page 1 date of Engineer's letter [A-7] is 3-6-2013.

MOTION CARRIED

Resolution: Approval of Bills and Claims Upon a motion by Mr. Clores, 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, May 16, 2013 to approve the following Bills and Claims:

Kates, Nussman, et al	Minnetian 72/26	Inv. 17504	808.50
Kates, Nussman, et al	Edwards 121/6	Inv. 17626	529.75
Kates, Nussman, et al	Edwards 121/7	Inv. 17626	529.75
Staples Advantage	Minute Book	Inv. 3195457655	135.54
Staples Advantage	Tyvek Mailers	Inv. 3198466457	58.84
Azzolina & Feury Engineering	Tahari 20/11	Inv. 59612	401.25
Azzolina & Feury Engineering	Nadjafian 72/3	Inv. 59624	374.50
Azzolina & Feury Engineering	Edwards 121/6	Inv. 59450	401.25
Azzolina & Feury Engineering	Edwards 121/7	Inv. 59452	588.50

MOTION CARRIED

Resolution: Return of Escrow Upon a motion Mr. Cohen by 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, May 16, 2013 to return the following escrow as previously reviewed by the Board Attorney and the Borough Engineer:

Christopher & Anna Minnetian Resolved 1/17/2013	72/26 39 Warren Lane	Trust AC 70119	19.51
Carsten C. & Amber Sabathia Resolved 2/21/2013	71/22 44 Litchfield Way	Trust AC 71122	642.00

MOTION CARRIED

Noted for the record that Board member David Kupferschmid arrived in time to hear the Luk matter @7:45 p.m.

OTHER BUSINESS**Luk Block 39 Lot 8 Robin Lane**

Allen M. Bell, Esq., with offices at 26 Franklin Street, Tenafly, NJ 07670 appeared with and on behalf of the Applicant, Charles Luk, 30 Douglas Court, Staten Island, NY 10304. Owner's authorization signed by Louis Tolerico, Jr. POB 624, Alpine, NJ 07620. Also appearing on behalf of the Applicant were Douglas Doolittle, PE, PP of McNally Engineering, 169 Ramapo Valley Road, Oakland, NJ 07436, Mr. Brody of Mistry Design, LLC, 17 Main Street, Netcong, NJ 07857 and Karen Arendt, Landscape Architect, 12 Old Minisink Trail, Goshen, NY 10924.

Also appearing is Thomas Herten of Archer & Greiner, 21 Main Street, Hackensack, NJ 07401 on behalf of neighbors, Steven & Karen Helf 28 Robin Lane, Alpine, NJ Block 39 Lot 9.03. Mr. Herten retained Sharon Stoppiello, C.C.R. of Depolink, One Cape May Street, Harrison, NJ 07029 to prepare a transcript of this evening's hearing. He will provide a copy to the Board for the benefit of absent members.

Exhibits as follows:

Distributed to the Board prior to the meeting:

A – 1 Proof of Publication – The Record 5/1/2013

A – 2 Notice to Residents within 200' – 5/3/2013

A – 3 Application re-filed 2/13/2012. (Note: Original received 10/3/2012, rev 12/5/2012 incomplete)
includes

- o Proposals and reasons for relief
- o Tax Assessor's list dated 2-7-2013
- o Taxes Paid through 1Q 2013

A – 4 Application for soil moving permit signed but not dated with attached cut and fill estimate

A – 5 Zoning Officer's letter dated 5-1-2012

A – 6 Color Photographs – 3 not dated or labeled

A – 7 Plans from McNally Engineering signed & sealed by Matthew Greco, PE
consisting of 4 pages

- o SP-1 Site Plan / Septic System Plot Plan dated 1/10/2012 Revised 1/31/2013 "Revised to Add Offsite Drainage"
- o SM-1 Soil Movement Plan dated 1/10/2012 Revised 1/31/2013 "Revised to Add Offsite Drainage"
- o VM-1 200' Vicinity Plan dated 1/10/2012 Revised 1/31/2013 "Revised to Add Offsite Drainage"
- o SL-1 Steep Slope Plan dated 11/15/2012

A – 8 Storm Drainage Report from McNally Engineering signed & sealed by Matthew Greco, PE dated 9/2/2012 revised 11/23/2012

A – 9 Retaining Wall Stability Calculations from McNally Engineering signed & sealed by Matthew Greco, PE dated 9/2/2012

- A – 10 DEP Letter dated 5/20/2010 Authorization for Freshwater Wetlands General Permit No. 6 and a Water Quality Certification
- A – 11 Architectural Plans from Mistry Design, LLC signed & sealed by Yogesh Mistry dated 4/9/2012 Revised 11/9/2012 “Issued for Variance” consisting of 5 pages:
- o A2.00 Foundation Plan
 - o A2.01 First Floor Plan
 - o A2.02 Second Floor Plan
 - o A4.00 Elevations
 - o A4.01 Elevations
- A – 12 L1 Conceptual Landscape Plan from KALA Karen Arendt Landscape Architect dated 9/6/2012
- A – 13 Borough Engineer's Letter 10-11-2012
- A – 14 Borough Engineer's Letter dated 12-6-2012
- A – 15 Borough Engineer's Letter dated 2-21-2013
- A – 16 Letter from Allen Bell 3-13-2013 requesting adjournment to April 18 meeting
- A – 17 Posted adjournment Notice for 4-18-2013 meeting due to lack of quorum

And offered by Attorney Bell and marked during the course of these proceedings on May 16, 2013:

- A – 18 Original copies of refreshed notices noted as A-1 and A-2
- A – 19 Refreshed notice from Tax Collector that property taxes paid through 2Q2013
- A – 20 Deed Congol Realty Corporation to John d. Rockefeller, Jr dated May 31, 1939
- A – 21 Deed John D Rockefeller Jr et us by Attys to Anthony Florio et ux dated April 10, 1942
- A – 22 Deed Anthony Florio, Widower, to Gregory E. Rauscher and Irene T. Rauscher, his wife dated July 20, 1978 for Lot 8 in Block 39
- A – 23 Deed Gregory E. Rauscher and Irene T. Rauscher, his wife and The State of New Jersey dated March 16, 1982 containing 0.025 acre more or less;...Being also known as part of lot 8 in block 39 on the Tax Map for the Borough of Alpine
- A – 24 Deed Gregory E. Rauscher and Irene T. Rauscher, his wife and Irene T. Rauscher dated October 15, 1986
- A – 25 Deed Irene T. Rauscher, married and J & L Alpine Development Corp. dated August 8, 2002 Block 39 Lot 8
- A – 26 Deed J & L Development Corp and Louis Tolerico dated June 11, 2009 Block 39 Lot 8
- A – 27 EXHIBIT SP-1 Site Plan / Septic System Plot Plan McNally Engineering signed & sealed by Matthew Greco, PE dated 1/10/2012 Revised 1/31/2013 “Revised to Add Offsite Drainage” with building envelope highlighted in green marker
- A – 28 Architectural Plan from Mistry Design, LLC signed & sealed by Yogesh Mistry dated 4/9/2012 Revised 11/9/2012 “Issued for Variance” A2.01 First Floor Plan with building envelope highlighted in red marker

A – 29 Tree Replacement & Conceptual Landscape Plan from KALA Karen Arendt Landscape Architect dated 12/20/2012

Attorney Bell provided an overview of the application. Applicant seeks to build a single family home for personal family use in keeping with the size and style of homes in Alpine. The lot fronts on Route 9W and Robin Lane and although sized at about 2.5 acres it is long and narrow being 840 feet long with a depth of only 136 feet at the Robin Lane end where the house needs to be built. After factoring in front and rear yard setbacks, the result is a 16 foot wide building envelope. The property is further constrained by the 200 foot Buffer Zone, wetlands, rock outcroppings and steep slopes. This presents clear exceptional and practical difficulties in location and design of the principal dwelling. There is no immediate residential neighbor to the rear where the lot backs up to Borough property. They have obtained DEP permits for the wetlands.

At this time Mr. Bell marked a series of deeds **[A20 – A-26]** to demonstrate this property dates back to 1939 **[A-20]** where this lot comprised part of parcel 6 in an even larger tract. In 1942 **[A-21]** the southern portion of parcel 6 was deeded to Anthony Florio in the configuration that exists today. Subsequent conveyances maintained the same configuration seen today although the 1978 **[A-22]** deed is the first that identifies the property as “Block 39 Lot 8”. Exhibit **[A-23]** represents the deeding of a small portion of the lot to the State of New Jersey for Route 9W. Current owner is Louis Tolerico **[A-26]**.

Charles Luk, 30 Douglas Court, Staten Island, NY 10304 was sworn. Mr. Luk testified he is the contract purchaser. He wishes to build a single family house for him and his wife, 3 children, a live-in housekeeper plus room for his parents to stay over on their occasional visits. They propose 5 bedrooms on the second floor, one on the first floor for the housekeeper, 6 bathrooms, a 3-car garage and a pool with other amenities.

Open to the Board. No questions.

Open to the Public. Mr. Herten questioned Mr. Luk eliciting the following information. The house was designed by his architect, Kevin Brody, per his desires and input as to size and amenities. He believes the house is less than 10,000 square feet. It includes a recreation/ sports room in the basement. Mr. Herten asked if he understood the significance of the variances required. Mr. Luk replied he did but was told he would need them to build the house he wants due to the way the land is laid out.

Douglas Doolittle, PE, PP, 31 Malcolm Place, Mahwah, NJ was sworn and qualified as a site engineer and planner by the Board and Mr. Herten. McNally Engineering prepared the plans. Mr. Doolittle testified to the following:

Existing conditions: Lot fronts on north side of Robin Lane and NJS Route 9W. Lot is 2.4 acres, about 840 feet long by 136 feet deep. It is heavily wooded. There are no structures. There is a 200 foot buffer restriction from Route 9W, wetlands on the east central portion, some rock outcroppings where they propose to build the home and the pool and a substantial steep slope area to the west. The lot is in the R-AA zone where 1.5 acres is required. The lot to the north is public property used for Alpine's affordable housing.

Proposed: A single family residence with accessory structures including a pool & associated equipment, sauna, pergola, sauna, outdoor kitchen, air conditioners, a generator, driveways to the garages and front door. Test holes were performed but they do not yet have design approval for a dosed septic system with two fields.

Onsite drainage structures are required. The Borough recently remediated an existing drain in a municipal easement on the southeast neighbor's property (Lot 9.04) alleviating runoff/icing conditions on Robin Lane. They plan to install an additional drain midway up their property and connect into the existing drain. A perimeter drain around the disposal system will collect the bulk of water runoff from the public affordable housing property and control a seasonally high groundwater table. This will allow construction of the septic systems at a reasonable elevation. Eight seepage pits would be installed on the west side of the property to collect runoff from the dwelling and driveway. About 80-85 feet of wooded steep slopes extends between the seepage pits and the west property line. These would not be disturbed. Surface runoff from the rear of the property will be directed to a retention system. The proposed drainage will alleviate the pocketing of stormwater that created the wetlands. Overall runoff will be reduced and the property will become dryer.

Physical/Zoning Limitations: The property is constricted by the 200 foot Buffer Zone along Route 9W, wetlands, rock outcroppings and the steep slope to the west. Lot size conforms at 2.48 acres, building coverage is 7% where 9% is permitted and improved coverage is 14.36% where 25% is permitted. They are restricted by the setbacks or building envelope as outlined in green on **[A-27]**. Front and rear setback lines are 60 feet which leaves a sliver of only 16 feet for building. They obtained a DEP permit for a Letter of Interpretation (LOI) and Transitional Area delineating the wetlands and granting permission to fill and construct the septic system over the wetlands.

Other Options: State Highway Route 9W access is not feasible. It would require disturbing the 200 foot Buffer Zone and a very long driveway. The centrally located septic fields as shown are in the ideal location because the land there is low giving them the ability to raise the fields. The proposed home location is quite rocky and will require a lot of blasting. There are steep slopes to the west. Robin Lane, a rural residential access on a dead end street, is the safer choice.

VariANCES Requested: are due to the narrowness of the property.

- **Rear yard setback of 24 feet for the home where 60 feet is required**
- **Rear yard setback of 6 feet for an accessory structure where 25 is required.** For the bath house/changing room, sauna/pool equipment room, and open kitchen/pergola, air conditioners and generator pad. The open kitchen and sauna are closest at 6 feet. A/C units are about 22-23 feet from the line.
- **Side yard setback for the pool location where no accessory structures are permitted.** The pool is set back 25 feet but is in the easterly side yard. The size and style of home, pool and amenities is typical of today's development standards in Alpine. There are no other feasible locations for the accessory structures due to all of the constraints as previously noted.
- **Front yard setback of 43.3 feet for the home where 60 feet is required.** The front yard was designed larger than the rear for aesthetics and to get as close as possible to the required setback from Robin Lane. The property lends itself to this configuration as the rear yard abuts public land that is heavily wooded,
- **Steep slopes: disturbance within 15-24.9% slopes** for driveway, transitional grading and stormwater management improvements including seepage pits. No other feasible location exists for the westerly watershed area.

Except for the above, the proposed house and accessory structures meet all other requirements of the zoning ordinance.

Waivers requested

- **Placement of fill more than 5 feet above original grade** for the septic systems in the wetlands transition area. They have to elevate the system as discussed and as requested by the Board of Health.
- **Placement of retaining walls less than 15 feet from the lot line.** Septic fields require retaining walls which have to be 20 feet away. These will encroach on both north and south sides of the property and is dictated by the Board of Health code and a function of the narrowness.
- **Construction/disturbance within the tree buffer including grading, wall construction, drainage, bath, change room, outdoor kitchen, pergola, sauna and pool equipment.** This involves the 15 foot tree buffer on the north and south side for the driveway and retaining walls in front and the retaining wall, sauna, pool equipment, and pergola in the rear; again because the lot is narrow.

Planning Proofs

They are developing an undeveloped lot with a single family home. The population density comports and is appropriate to the zoning ordinance. There are hardship issues as noted and the proposed plan best satisfies the zoning requirements and will promote the health, safety and general welfare of the neighborhood and the owner. The proposed architectural and landscaping plans show the home will look like any other as you drive down Robin Lane creating a desirable visual environment using

creative development techniques. There is no detriment. Benefits are improved drainage and a residence that will enhance the neighborhood and streetscape. Relief can be granted without substantial detriment to the public good, zone plan or zoning ordinance based on the hardships of narrowness, environmental issues, steep slopes and building envelope restrictions. The proposed satisfies coverage issues. They are not overbuilding.

Open to the Public:

Mr. Herten questioned house size, DEP permission to disturb wetlands, drainage devices in proximity to septic and steep slopes, maintenance and soil moving waivers.

Mr. Doolittle acknowledged a planning goal is to minimize variances and the house could be smaller but they would need relief no matter the size. Septic and drainage designs are based on the size of the house and amenities.

It was not clear if the Borough Engineer had received the DEP permit plan. If not, it will be provided. Wetlands will be disturbed for both septic and the front yard. He cannot confirm Mr. Herten's estimate of 4,500 s.f. for the wetlands but that's probably close.

The septic is surrounded by retaining walls and proposed drainage inlets are only 22-23 feet away. Mr. Doolittle maintained this is not inconsistent with the Borough Code as read by Mr. Herten "Section 7:9A-4.3 of the 'Standards' "is hereby amended to provide that all components to be located at least 100 feet from any well on a horizontal plane and 75 feet from any groundwater, diversion, underground drain or any poorly drained low or swampy ground or any water course or drainage ditch." Variations are permitted and they will install a pond liner to separate these structures and reduce dimensional requirements. This has been done numerous times in town.

Mr. Doolittle has not included rock to be blasted in his soil moving calculations at this time but affirmed the basement will require extensive blasting. He is not sure of the depth proposed by the architect and would have to calculate it. Existing topography is shown on the plan **[A-27]**.

It would not be practical to relocate the seepage pits outside of the steep slopes. The proposed is convenient, practical and economical. Test holes for the septic design revealed 1-2 feet to bedrock. Additional test holes for the rest of the site to determine soil conditions and design feasibility would be done after approval of this application. They do not have to calculate the steeper 25-35% slopes as shown on **[A-7 (SL-1)]** as they will not be disturbed. If heavy machinery does encroach they will rectify. Mr. Herten questioned their seeking approval for multiple variances based on many "ifs."

Mr. Doolittle acknowledged designs may need to be changed based on further investigation. It is possible they may need to blast more, change grades, etc.

Protections from silt accumulation will be noted on a soil erosion and sediment control plan as part of their building permit application. Post construction when the site is stabilized there should be no silt. The design will handle any increase in runoff in compliance with Residential Site Improvement Standards and be able to accommodate a 100 year event. The homeowner will have to maintain the system and keep it clear of silt as outlined in the maintenance program included in the drainage report. A filter is not mandated for the seepage pits but is provided for the strip drain in the driveway. Best Management Practices allot one acre of drainage per drywell and they have 8 of them.

When Mr. Herten persisted in asking if Mr. Doolittle could assure the Board the proposed system, as currently designed, would not cause any flooding or drainage issues, Mr. Bell objected claiming the question had been asked and answered. The Chair sustained.

On redirect by Mr. Bell, Mr. Doolittle affirmed the proposed drainage design is consistent with normal procedures in Alpine and is subject to the Borough Engineer's review and approval. The seepage pits design is based on grades and pitch, not just the convenience of the applicant. For example, he would not recommend locating them under the house. Dimensional requirements and the lot's narrowness restrict alternate sites for the seepage pits. In his opinion, they are shown in the best, most logical and practical location while conceding they could possibly be re-designed so as not to disturb the slopes.

George Bobotis, Block 39 Lot 9.04 questioned blasting. Mr. Doolittle clarified they are not talking about blasting but rock hammering.

Open to the Board:

Mr. Kupferschmid noted he had not yet visited the site to ask if the proposed home was similar in size and amenities to those on lots 9.04, 9.05 and 11.01. Mr. Doolittle acknowledged he did not have specific dimensions but basically yes. Homes are similar in character and a couple has pools and patios.

Mr. Vander Veer questioned Mr. Doolittle's statement that 'the Board of Health directed rock walls be constructed around the septic systems in close proximity to the property line'. Mr. Doolittle clarified not rock walls specifically but the design seeks to cut down on the amount of fill needed outside of them while keeping the 20 foot dimensional requirement from the plateau to the filtration area. They cannot re-locate

the septic systems to avoid encroachment into the tree buffers due to shape and location of wetlands and rock. The fields use a dosed system meaning effluent flows out from the middle so you want more and shorter tubes not fewer longer distribution lines or they tend to clog. The black water field is already long and narrow. He will have to research the maximum length permitted for a dosed system. Mr. Vander Veer was present for the septic system test holes in December noted in Mr. Doolittle's report but notes they were left off the plan. Mr. Doolittle stated he will show them.

Mr. Vander Veer noted this is a major development and a deed restriction will be required to mandate proper maintenance of the stormwater management system, water quality control devices, and cleaning of the seepage pits. Maintenance reports will have to be filed with the Borough for review by the Building Department and/or Borough Engineer. This process is a new component of the state's mandated stormwater regulations. Actual procedures have yet to be worked out. Mr. Bell stipulated they would comply.

Mr. Clores asked if they could add the soil depths to the plan. Mr. Doolittle stated they can do additional test holes.

Mr. Barbieri expressed concern with locating septic systems atop wetlands. Mr. Doolittle explained they have a DEP permit to fill the wetlands. They will excavate down to rock and then hammer the rock to try and create fractures. If it percs they add bank run, install the system and fill to get the required depth for filtration. They will comply with the DEP plus state and Alpine guidelines for septic.

Mr. Clores questioned the level of fill. Mr. Doolittle replied they will be 5 feet above existing grades and 6 – 7 feet above the bedrock depending on where you are.

Kevin Brody, AIA 191 Route 32, Central Valley, NY was sworn and testified to his credentials and experience.¹ His partner is licensed in NJ but was unable to attend tonight. He will testify regarding architecture.

In keeping with Mr. Luk's wishes the home design is a Mediterranean Revival style with classic elements. Referring to **[A-11]** beginning with the front and right elevations (A4.00) they struggled to fit the design to the elevations. To maintain classical rooflines and proportions the front façade has small projections to provide some breaks and definition to keep from looking like a flat rectangular box. The centerpiece is an open portico with two cast stone columns on either side; pushed out and open inside creating a four foot projection for the entry foyer. Period specific materials are used

¹ Mr. Brody is licensed in NYS for 17 years. Holds a degree in Architecture from the University of Buffalo 1989. Working for architects since 1984 with both commercial and residential experience. Has testified before numerous Boards in Bergen County and New York State. His firm has designed other homes in Alpine.

including cement, stucco, clay barrel tile roofing, cast stone trim, columns and balusters, wrought iron railings, deep bracketed eaves and true divided light windows. The right side elevation reveals a two-story verandah facing the pool with arched top bow windows over French doors, cast columns and a balustrade on the second floor.

Rear and left elevations (A4.01) The rear of the house also shows small projections including a bay, one behind the kitchen and the living room is recessed with a chimney for the fireplace. Looking at the rear, there are verandahs on either side, and the one on the left extends over a port au cochere/carport. The left elevation shows this carport designed to protect cars parked outside.

First Floor Plan (A2.01) shows the dramatic front entrance desired by the client consisting of a double helical staircase and flanked by a dining room and study, a living room and great room facing the pool, a kitchen with dinette, a guest bedroom for the housekeeper with adjacent laundry room and a chef's kitchen. This floor consists of 4,870 s.f. of heated area and is about 46 feet deep with some projections along the lines to provide definition.

Second Floor Plan (A2.02) contains 4 bedrooms plus a master bedroom on the right hand side leading to the covered verandah overlooking the pool, a sitting loft overlooking the two story entry foyer. This floor consists of 4,462 s.f. of heated area.

Basement (A2.00) demonstrates the covered car port, 3 car garages, finished basement and a sports court or dropped floor area where the children can play.

Mr. Brody affirmed the size and character of the house comports in general to the neighborhood, especially for new construction. He could not design a compliant house for this lot unless it was sixteen foot deep which is not practical. As you round the curve on Robin Lane the house will fit naturally between the other homes there. It will not look out of place. He used creative techniques such as the stepping down the roof lines, façade details as described, classical implements, balconies and verandahs to give a more 3 dimensional feel versus the bulk of a vaulted room. He feels granting the relief would be in keeping with the character of the area.

Opened to the public for questions

Mr. Herten questioned dimensions of the basement. Mr. Brody replied 2,221 s.f. plus 1,123 s.f. for the sports court or about 3,350 s.f. most well below ground. There are only two basement windows in the front. He does not consider it habitable space but acknowledged it was designed as usable space as directed by his client.

Mr. Herten recalled Mr. Doolittle's affirmation that a goal of planning is to minimize variances to ask if he could have designed a smaller house. Mr. Brody affirmed but opined anyone spending this amount of money would desire a house that co-exists in the neighborhood.

Mr. Herten referred to the A4.00 to note the finished first floor elevation is 405 feet and the subterranean area or amount of dig goes to a finished gym slab of 386 feet, a 19 foot difference. Mr. Brody does not know how much rock is there but clarified it's more of a 15 foot excavation as part of the basement is above ground.

Opened to the Board for questions

Mr. Vander Veer questioned attic space where the ceiling height exceeds seven feet. Mr. Brody offered the attic space is pure storage with only a pull down stair and mostly low slung roof. Mr. Vander Veer reminded the ordinance states if area with ceiling heights greater than seven feet is more than one third of the floor below it will not qualify as a half story as required by ordinance. Mr. Brody will calculate.

Vice Chairwoman Ronan asked Mr. Brody to outline the building envelope on A2.01 to give them an idea of the variances and he marked this in red. This page of his exhibit was marked **[A-28]** for the record. Ms. Ronan questioned views to the rear and from other homes. Mr. Brody stated the affordable housing is slightly diagonal with tennis courts and ballfields in the rear. A wooded area sweeps up. The home is 400 feet from Route 9W. There would be no impact on views from other homes due to sight lines. The neighbor to the left is downhill about 40 feet and probably won't even see the house. The neighbor across the street will see the front.

Mr. Kates asked for a better description of distances to the affordable housing property. Mr. Brody clarified the tennis courts are between this house and the affordable housing living space. Mr. Cohen asked the width of the wooded areas between them. Mr. Doolittle replied that as you look north from the proposed home and to the right, there are tennis courts about 50 feet in from the property line.

After further discussion with the Board, Mr. Doolittle offered to produce a Google Earth exhibit at the next meeting to provide a better perspective including a profile with footprints of the neighboring properties and homes with the proposed home superimposed.

Karen Arendt, LA, 12 Old Minisink Trail, Goshen, NY was sworn and testified to her credentials and experience² and qualified as an expert witness in the field of landscape architecture.

Referring to the conceptual landscape plan **[A-12]** Ms. Arendt noted the dark green areas depicting woods they won't disturb. They propose 34 western arborvitae 8 – 10 foot high to screen along the rear plus four 4-inch caliper eastern redbud trees to meet their requirement for 38 replacement trees in compliance with the tree ordinance. Additional trees and shrubs will be planted to soften views of the façade from Robin Lane, provide curb appeal and define entry spaces. As you drive down Robin Lane you'll see the larger existing trees, shrubs flanking the driveway, and a view of the home with foliage in the foreground. Thin evergreen plantings will screen views of the garage. The plan is consistent with landscaping in the area but has more areas of existing vegetation than the other homes which have more landscaped areas.

Open to the public for questions:

Mr. Herten asked what vegetation is proposed by the seepage pits. Ms. Arndt replied this will be planted with grass to prevent soil erosion.

George Bobotis asked how they propose to cover the retaining wall around the septic system. Ms. Arendt replied the rock wall will be designed to blend in with existing vegetation that will remain. Mr. Bobotis advised there is no existing vegetation in that area, just rock outcroppings. Ms. Arendt will look into planting something in that area.

Open to the Board for questions

Mr. Kates determined that the reverse page of Ms. Arendt's exhibit regarding the tree replacement had not been pre-filed with the Board. This was marked **[A-29]**.

Mr. Bell advised he had no further witnesses.

Application Carried to Thursday, June 20, 2013

The matter will be carried to the next meeting scheduled for Thursday, June 20, 2013 7:30 PM to allow the applicant to provide additional proofs as noted during the hearing. Mr. Herten will withhold his witnesses until all of the proofs are submitted. This matter will be listed first on the agenda.

² Associate Degree Landscape Design from SUNY Cobleskill, Bachelors in Landscape Architect SUNY-ESF. Licensed in CT 1988, NY 1989 and NJ this year. Testified before many Boards in NY. Experience similar projects.

Mr. Herten asked permission to have a representative present when Mr. Doolittle performs the additional test pits. Neither the Board nor Mr. Bell had any objection.

Mr. Herten agreed to provide a copy of the transcript for the benefit of Board members not in attendance this evening.

ADJOURNMENT at 9:38 p.m. upon motion by Mr. Shadek, seconded by Tony Clores, and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary