

**ALPINE ZONING BOARD OF ADJUSTMENT**

Regular Meeting

Thursday, June 19, 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 7:31 p.m., Thursday, June 19, 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, June 19, 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	Present	David Kupferschmid	Present
Anne Ronan	Present	Richard Bonhomme	Absent
Larry Shadek	Present	Steve Cohen, Alt I	Present
		Anthony Barbieri, Alt II	Present

\*Catherine McGuire (Planning Board) present for the Mewani matter

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

**COMMUNICATIONS** Ordinance 743 Amending Chapter 179 of the Zoning Code Adopted May 28, 2014 distributed for the Board's information.

**MEMORIALIZATION - Alpine Citgo Block 49 Lot 8 1026 Closter Dock Road**

Attorney Kates reviewed the resolution.

**Resolution:** Upon a motion by Mr. Kupferschmid, seconded by Mr. Clores at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, June 19, 2014 to memorialize a resolution for Alpine Citgo, Inc.'s appeal which reverses a decision of the Zoning Official that denied issuance of a Zoning Permit for the installation of a 8,000 gallon replacement fuel storage tank. The Zoning Permit shall be issued in accordance with the plan submitted subject to the continuing supervision of the Construction Official and the Borough Engineer for this property located at 1026 Closter Dock Road designated as Block 49 Lot 8 on the Tax Assessment Map of Alpine, New Jersey, Bergen County.

**VOTES: AYES:** Kupferschmid, Clores, Burns, Ronan, Shadek, Glazer      **MOTION CARRIED**  
{A copy of the resolution in full is appended to these minutes.}

**PROCEDURAL MOTIONS**

**Resolution: Approval of Minutes: Regular Meeting May 15, 2014** Upon a motion by Mr. Shadek, seconded by Mr. Barbieri and approved by all at this regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, June 19, 2014 to approve the minutes of the regular meeting held on May 15, 2014.      **MOTION CARRIED**

**Resolution: Approval of Bills and Claims** Upon a motion by Mr. Clores, seconded by Ms. Ronan and approved by all at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, June 19, 2014 to approve the following Bills and Claims:

<i>Kates, Nussman, et.al.</i>	<i>Apr-June Meetings 4-01-21-185-021</i>	<i>Inv. 19063</i>	<i>600.00</i>
<i>Kates, Nussman, et.al.</i>	<i>Escrow: Alpine Citgo 49/8</i>	<i>Inv. 19062</i>	<i>686.00</i>
<i>Azzolina &amp; Feury Engineering</i>	<i>Escrow: Mewani 49.02/24</i>	<i>Inv. 61631</i>	<i>53.50</i>
<i>Azzolina &amp; Feury Engineering</i>	<i>Escrow: Alpine Citgo 49/8</i>	<i>Inv. 61637</i>	<i>885.75</i>
<i>Azzolina &amp; Feury Engineering</i>	<i>Escrow: Alpine Citgo 49/8</i>	<i>Inv. 61806</i>	<i>404.25</i>
<i>Office Business Systems</i>	<i>4-01-21-185-020</i>	<i>Inv. 1758721</i>	<i>30.00</i>

**MOTION CARRIED**

### **CONTINUED HEARINGS**

#### **Mewani Block 49.02 Lot 24 – 30 Haring Lane** (continued from January 16, 2014)

Mr. Glazer and Mr. Burns, residing within 200 feet of the subject property, recused themselves, stepped down from the dais and sat in the audience. Vice Chair Ronan assumed the Chair. Alternate I, Mr. Cohen, along with senior Planning Board member Ms. McGuire, who listened to the tape and is now eligible to hear this matter stepped up to the dais and sat for this matter.

David M. Watkins, Esq. with offices at 285 Closter Dock Road, Closter, NJ 07624 appeared on behalf of the Applicants, Dilip and Vinita Mewani of 650 Sylvan Avenue, Englewood Cliffs, NJ 07632 who were not present. Also appearing for the applicant. Douglas Doolittle, P.E., P.P. of McNally Engineering 169 Ramapo Valley Road, Oakland, NJ 07436 and Robert Zampolin, A.I.A. of Zampolin & Associates, 187 Fairview Avenue, Westwood, NJ 07675.

Neighbors speaking on the matter were Richard Glazer, John Cirillo, Dr. Basil Dalavagas, Henry Berkely, Brian Lubliner, Bob Burns, and Catherine Parilla. Several spoke in opposition and no one spoke in favor.

Exhibits received since the last hearing January 16, 2014 were marked, with some confusion as corrected, as noted here:

- *Letter from David Watkins dated 12/23/2013 requesting continuance to January 16, 2014 and waiving time constraints. This 12/23/2013 letter was inadvertently omitted from January's meeting/minutes but erroneously marked on a running exhibit list as a duplicate A-15.*

#### **Received subsequent to January 16, 2014**

- A – 18 Affidavit dated January 28, 2014 from member Steve Cohen listened to the tape of the January 16, 2014 proceeding.
- A – 19 Letter from David Watkins dated January 30, 2014 requesting continuance to March 20, 2014 and waiving time constraints.
- A – 20 Revised Engineering Plans prepared by McNally Engineering dated November 15, 2012 consisting of 3 pages with revision #/dates as follows:
  - o Drawing No. SP-1 Site Plan/Septic System Plot Plan Latest Rev.#4 February 25, 2014 annotated "Revised Architectural Layout"

- Drawing No. SM-1 Soil Movement Plan Latest Rev.#3 November 13, 2013
  - Drawing No. VM-1 200' Vicinity Map Latest Rev.#3 November 13, 2013
- A – 21 Revised Architectural Plans prepared by Robert E. Zampolin, AIA of Zampolin & Associates Architects Progress Set dated March 6, 2014 consisting of 4 pages:
- Drawing No. A2 First Floor Plan
  - Drawing No. A3 Second Floor Plan
  - Drawing No. A5 Front and Right Side Elevations
  - Drawing No. A6 Rear and Left Side Elevations
- A – 22 Refreshed Certified Mailing to Residents within 200' on March 4, 2014 per Tax Assessor's List dated February 27, 2014
- A – 23 Letter from Borough Engineer dated March 10, 2014
- A – 24 Letter from David Watkins dated March 19, 2014 requesting continuance to April 17, 2014 and waiving time constraints.
- A – 25 Letter from David Watkins dated May 15, 2014 requesting continuance to June 19, 2014 and waiving time constraints.
- A – 26 Refreshed Certified Mailing to Residents within 200' on June 3, 2014 per Tax Assessor's List dated February 27, 2014 along with Publication in The Record on June 2, 2014
- A – 27 Affidavit dated June 19, 2014 - member Anne Ronan listened to tape of January 16, 2014 proceeding.
- A – 28 Affidavit dated June 19, 2014 - member Anthony Clores listened to tape of January 16, 2014 proceeding
- A – 29 Affidavit dated June 19, 2014 - Planning Board Class IV senior member Catherine McGuire listened to tape of January 16, 2014 proceeding
- And marked during the course of these proceedings:*
- A-30 Subdivision filed map #6975 for Pine Hill for Minetto Homes February 9, 1970 Recorded in the Bergen County Clerk's office on February 25, 1971. It was later noted that a reduced copy of this exhibit was marked Exhibit 15 as listed in January 16, 2014 meeting minutes.

**Opening Statement** Attorney Watkins reviewed this application deals with construction of a single family residence. Since last heard in January they revisited their application and submitted revised plans reducing the variance relief originally requested. The structure itself is pre-existing. By just removing a tiny portion of the structure in the rear of the house as currently exists they would comply with the zoning ordinance. The Borough does not have a F.A.R. (Floor Area Ratio Ordinance) thus they could essentially put a second story on the house and still be in compliance. This is a c(2) issue and a c(1) issue. The benefits of the new house, devoid of just the aesthetics, would facilitate drainage structures that do not currently exist. Variances requested reduce coverage that currently exists. Their engineer will testify to their position that a front yard variance is not required because the temporary easement for a portion of the cul-de-sac as shown on the filed map of 1971 **[A-15]** was never converted to an actual conveyance to the Borough of Alpine nor was it ever requested. What they propose is less than currently exists, will be aesthetically more pleasing and provide drainage that does not now exist. If the Board is inclined to deny the application, they can remove a small portion at the rear of the property and the house can stay. That is not what they propose but feel the c(2) benefits clearly outweigh any detriments.

**Douglas Doolittle, P.E., P.P.** remains under oath. The revised plan includes the same site features as their originally proposal and merely reduces the footprint of the home and front portico by 407 square feet (square feet).

Front yard setback. 60 feet is required. The prior proposal showed 46.5' to the temporary easement. They now propose 47 feet. They researched the easement and found no other documents recorded other than the filed plat submitted at the January meeting [A-15]. It is their position an easement would inure to the benefit of the applicant thus the setback to the front portico complies at 66.3 feet and they don't need a variance.

Building coverage. 9% is the maximum permitted. The existing structure is 11.3% which they initially sought to maintain but have now reduced to 10.36% by removing 376 square feet out of the footprint of the home reducing that from 4,521 square feet to 4,145 square feet and reducing the front portico 31 square feet from 195 square feet to 164 square feet. If they modified the rear of the structure they could continue to use the existing house.

Improved Coverage. 25% is the maximum permitted which is 10,000 square feet on this lot. Currently existing is 30.05% or 12,021 square feet. In January they proposed 30.03% and the revised plans reduce this to 29.01% or 11,603 square feet.

Drainage. No drainage facilities currently exist on the site. They propose drainage facilities which would have a positive impact on the surrounding properties.

Review of Borough Engineer's March 10, 2014 letter [A-23] Attorney Watkins acknowledged this letter was received in a timely fashion. For the record, Attorney Watkins asked Mr. Doolittle to read and review the letter item by item. As the letter is part of the exhibits only additional commentary/subject headers are noted as follows:

II. General Zoning

II.2. Variances Required

- II.2.a. Attorney Watkins reminded and Mr. Doolittle affirmed existing building coverage is 11.3% and 10.36%. They opine this is a significant reduction.
  - II.2.b. Again to affirm existing improved coverage is 30.05% /12,021 square feet and the proposed reduces to 29.01% / 11,603 square feet
  - II.2.c. Letter states front yard setback is 47 feet but it is their testimony and opinion, based upon the fact the easement was never modified to a granting in fee to the Borough of Alpine, that they do not need relief.
- II3. Attic compliance. Attorney Watkins stipulated to comply with the ordinance.
- II4. Septic System. The septic system should work as designed. Mr. Doolittle has not heard anything from Mr. Vander Veer to the contrary.
- II5. Stormwater management.
- II6. Gates, pier and cheek walls.

III. Soil Moving Application

- III.1 Volumes as follows: Cut 1,855 c.y, fill 621 c.y, import 0 c.y., export 1,234 c.y. total soil moved 1,855 c.y.
- III.2 The above volume does not include 1,100 c.y. of bankrun, gravel and fill used to construct the septic system.
- III.3. Soil Moving Waivers required
  - III.3.a. Creation of side slopes in excess of 4:1 (horizontal:vertical) for placement of three rockery slope areas the locations for which Mr. Doolittle showed on the plan [S-20 SP-1] as follows:

1. Northwest corner around the front septic field on the downhill side to provide a more level area as required for the field.
  2. Around the pool in rear yard because the pool sits down in the ground at the basement elevation give or take ½ to 1 foot of pitch and grade. That slope had to be dealt with. They propose a planted slope rather than retaining wall. They've constructed these before in town and they're landscaped, pretty and self maintained. An example can be seen on Closter Dock Road across from the Frick Estate entrance.
  3. Along the entire easterly property line to make that grade a little softer and provide a little more landscaping and buffer.
- III3.b. Change of grade in excess of five feet (actually a reduction below existing conditions). Mr. Doolittle affirmed this is an accurate assessment because the pool sits down in the ground at the basement elevation instead of up on the surface where it exists today. A cut of more than five feet is needed to reach that elevation from the existing.
- III.4. Removal of 11 trees requires 16 replacement trees. Applicant must provide a Landscape Plan and Tree Removal Permit Application for review by the Environmental Consideration. This is typical pro forma to comply with Alpine's tree ordinance and they have no objection.
- III5. Tree Ordinance waiver required for disturbance of the ten foot tree buffer on northwest side for construction of the rockery for the septic systems. This is an alternative to a retaining wall or steeper slope that is not planted or stabilized. Mr. Doolittle opined the proposed poses no negative impact on surrounding properties and Mr. Vander Veer has not indicated an issue.
- IV. Recommendations Mr. Doolittle read Items 1-4 verbatim without comment.

Drainage Facilities No drainage facilities currently exist on site. Referencing the plan **[A-20 SP-1]** Mr. Doolittle described their proposal: The driveway high point is ten feet back from the right of way curb. From there everything drains to a series of inlets by the garage area and two seepage pits. These also collect most of the roof runoff. Balance of roof runoff comes out the back draining into seepage pits southeast of the pool. These also receive runoff from inlets on the high (east) side of the home. A small inlet by the pool collects surface water and drains it to the seepage pit by the driveway. He opines the plan is consistent with Alpine's ordinances and will effectively handle drainage issues on site. Attorney Watkins asked Mr. Doolittle, from a c(1) c(2) standpoint on Municipal Land Use Law, as they have no drainage facilities currently on site if the proposed plan would be a positive as relates to bettering the situation. Mr. Doolittle responded it would be a positive. Attorney Watkins asked Mr. Doolittle to explain to the Board and the public what that means: 0% decrease in runoff, etc. Mr. Doolittle explained they reduced runoff from the site and by collecting everything that is becoming impervious they've satisfied State Residential Site Improvement Standards for two, ten and hundred year storms as required relating to storage percentages. He believed details were submitted to the Borough Engineer. Attorney Watkins asked Mr. Doolittle if, from a c(2) standpoint, the proposed will have a positive impact on the Zone Scheme, Plan and Intent of Alpine considering there are absolutely no drainage facilities on site today and if the proposed would have a positive or negative impact on the neighbors when it is finished regarding drainage. Mr. Doolittle responded positive.

Attorney Watkins asked why. Mr. Doolittle stated because there will be less water running off the site then there is today.

Cul-de-sac Attorney Watkins wished it repeated for the record that Mr. Doolittle's research indicated the cul-de-sac is still an easement and based on that fact it is his opinion that they comply with the front yard setback.

Having nothing further for his witness, Vice Chair Ronan opened the meeting to the public for questions of Mr. Doolittle.

**Richard Glazer, 27 Ellens Way**, abuts rear of the subject property. Mr. Glazer recalled a statement that the existing house could comply with removal of a portion to ask what they would remove. Mr. Doolittle noted they are 11.3% or 4,521 square feet exists now where 9% of the 40,000 square feet lot would be 3,600 square feet; they would need to remove about 900 square feet. Mr. Glazer asked if they propose to remove the existing house and pool. Mr. Doolittle stated yes. Observing this would create a vacant lot Mr. Glazer asked if the permitted coverage wouldn't then be 3,600 square feet. Mr. Doolittle affirmed. Mr. Glazer asked if the plan asks for 4,145 square feet or about 545 additional square feet. Mr. Doolittle affirmed adding the current home is one story and they propose two stories. He further affirmed existing improved coverage is 30.05% and they've revised this to 29.01%. Mr. Glazer asked if that is really that much of a difference and whether they are, in effect, building an 8,000 square feet house. Mr. Doolittle stated he could only speak to the footprint and deferred to the architect for details on the size of the second story.

**John Cirillo, 13 Ellens Way**, who is not on the 200 foot list, asked what a seepage pit is. Mr. Doolittle explained it is a round concrete structure about 6-6½ feet in diameter varying from 3 to 6 to 9 feet deep surrounded by stone that provides a storage area for water until it can percolate into the ground.

**Basil Dalavagas, 21 Ellens Way**, who lives within 200 feet (abuts southwest corner) asked Mr. Doolittle to show him where the seepage pits are. Mr. Doolittle pointed out two near the driveway, two southeast of the pool and one towards the front on **[A-20 SP-1]**.

**Henry Berkley, 23 Glen Goin Drive**, is within 200 feet being adjacent to the southeast corner. Mr. Berkley asked if a temporary storage shed erected over ten years ago within 2-3 feet of his property line would be removed. Attorney Watkins stated yes, under the proposed plan. Mr. Doolittle noted all structures on site will be removed.

**Brian Lubliner, 27 Glen Goin Drive**, lives within 200 feet abutting the eastern property line. He questioned details of tree removal. Mr. Doolittle pointed out **[on A-20 SP-1]** four trees in the front northwest: a 14" oak, 15" oak, 28" oak and 8-10" oak to be removed for the septic system. A 10" cherry would be removed in the back southeast corner for the second septic field. About five trees would be removed on the northeast corner near Mr. Lubliner's property: a 14" birch, 10" birch, 22" oak, 32" oak and a small pine. Removal is necessary in order to re-grade and create drainage swales directing runoff to the inlets and seepage pit. Mr. Doolittle offered they might be able to work around a 20" maple in the southeast corner but the rest had to be removed. Mr. Lubliner asked if they remove everything including the stumps. Mr. Doolittle replied yes.

**Basil Dalavagas** asked how is it possible that they cannot do something without cutting so many huge trees since Alpine is Tree City and that's mainly why he came here; is it absolutely necessary? Mr. Doolittle explained this is actually less than they do on typical lots in Alpine and this is not a lot of trees relative to a site like this.

**Richard Glazer** questioned Mr. Doolittle's testimony that it would be an improvement to put all these drainage areas in as there's no drainage currently on the site because he's spoken to his neighbors and he doesn't know of any of them that are experiencing drainage problems from that site. Attorney Watkins answered that's good and this will be better. Mr. Glazer asked what is better than best? Vice Chair Ronan asked if any members of the audience have had any drainage problems. Dr. Dalavagas replied they have a lot of rain come down from the area but he is not sure if it is from this property. Mr. Glazer replied he thinks it's from his.

**John Cirillo** recalled when he first moved here 34 years ago they didn't have any problems at all with water. Later when they started fooling around with Glen Goin he had massive problems that he complained to the town about. He had to put in French drains and still has some water problems. He's installed 4-5 drains in his grass to get rid of the water which comes down from somewhere up there. Vice Chair Ronan asked Mr. Cirillo if was asking the expert to comment. Mr. Watkins interjected they can't answer because he isn't within 200 feet and they don't know where he lives relative to the property. Mr. Cirillo stated his hope they wouldn't exacerbate the problem as a lot of people on Ellens Way and Haring Lane have had a lot of problems. Vice Chair Ronan reminded the public this portion of the meeting is for only for questions.

**Bob Burns, 27 Alpine Drive**, lives within 200 feet being the second house up on Alpine Drive north of this property. He asked what the setback is from the existing house to the cul-de-sac and where it is measured from. Mr. Doolittle replied it is 85.9 feet as measured to two small projections. Mr. Burns asked what they propose. Mr. Doolittle stated they moved the house up a little but are still 66.3 feet back from the straight right of way line (not the circle). They are 47 feet off the temporary easement for the right of way. Mr. Burns stated he was upset that they're saying that's not an accepted road. He remembers Haring Lane has been there over 53 years, before he moved into town. He continued, that Haring Lane was extended through in 1965 and believed there were thoughts of this project going through Glen Goin, to ask Attorney Kates if a road is automatically accepted if you don't extend it. Vice Chair Ronan again reminded this portion of the meeting was for questions only of Mr. Doolittle. Attorney Kates assured they could get to his issue later.

**Catherine Parilla, 10 Ellens Way**, does not live within 200 feet. Ms. Parilla asked if they need to include the bubble (temporary easement on the cul-de-sac) in order to meet the zoning requirement for lot area for the front yard setback or for coverage or size of the house. Mr. Doolittle responded yes because if that sliver, shown as an easement on the legal document, was dedicated to the town, their lot would be deficient in area by 1,531 feet where the minimum is 40,000 square feet. Ms. Parilla asked about building coverage. Mr. Doolittle stated they included the bubble in calculations for lot coverage but not building coverage. Ms. Parilla asked if the existing house meets the requirements. Mr. Doolittle stated no. Ms. Parilla asked if they had had a waiver or

variance. Mr. Doolittle stated they didn't know. Most likely it was built before the coverage ordinance was enacted.

**Bob Burns** asked if Haring Lane wasn't an accepted street why would the town have dug it up to repair the old drainage system when Glen Goin was developed to address all the stormwater issues when water flooded down from that area? Mr. Doolittle said to answer he'd have to do a complete drainage analysis of the area and neighbors have already presented conflicting information.

**Catherine McGuire** asked about a rockery. Mr. Doolittle affirmed a location on the corner of Closter Dock Road and Warren Lane is not considered a retaining wall because it's built on a 1 foot:1 foot horizontal:vertical 45 degree angle. You don't need a retaining wall to retain soils that are 45 degrees or less in this area. It's more decorative and not really structural.

**Gary Vander Veer** referred to the filed map **[A-15/A-30]** that shows the easement to ask if it also shows the front yard setback line. Mr. Doolittle replied it does. Mr. Vander Veer asked where the front setback line is shown on the map. Mr. Doolittle replied it is shown at sixty feet acknowledging the line is drawn around the easement. Mr. Vander Veer clarified it is sixty feet off and concentric to the easement line. Mr. Doolittle affirmed. Mr. Vander Veer offered it would appear that the intent was to create a front yard setback that follows that line as if that was a traditional dedicated roadway even though it is shown as an easement. Attorney Watkins interjected that for purposes of the record that calls for a legal conclusion which Mr. Vander Veer cannot provide. Mr. Vander Veer acknowledged. Mr. Vander Veer requested documentation supporting their statement that they comply with the building height. This was deferred to the architect.

Attorney Kates asked that the filed map be marked A-30. Mr. Doolittle noted a reduced copy was provided during the January hearing [marked A-15 at that hearing]. *[Note: It was determined a running exhibit list erroneously included two A-15's as corrected by footnote on page 2 of these minutes]*

**Catherine McGuire** and **Steven Cohen** asked Mr. Doolittle to show what constitutes the reduction in building coverage on the revised plan so they can see it correctly. Mr. Doolittle responded that he did not have an overlay but the architect might be able to better describe what they reduced.

The Board granted a brief recess from 8:27 – 8:34 PM.

Before proceeding Vice Chair Ronan asked if the public had any more questions.

**Basil Dalavagas**, said he had looked at the map of the surrounding properties **[A-20 VM-1]** that was not shown before and you can see, looking at that the proposed house compared to the other houses, what kind of monstrous house they are planning to be build. Attorney Watkins objected this was not a question. Vice Chair Ronan suggested Dr. Dalavagas wait and ask the architect about this.

**Robert Zampolin, AIA**, was sworn and having testified before this Board in the past deemed qualified to provide expert testimony in his field. Attorney Watkins asked how many square foot is the existing house over what the ordinance permits. Mr. Zampolin replied 900 square feet or roughly the size of this hearing room 30 feet x 30 feet. The proposed house is not larger than the existing in terms of the footprint. The proposed footprint is smaller exceeding the ordinance by roughly 500 square feet, a reduction.

Design. The proposed design is a formal symmetrical French chateau style home with precast concrete, slate roof, and high quality windows in keeping with a formal upscale Alpine-type home with a grand staircase, large foyer and volume ceilings.

Footprint. He noted one of the questions was the home right now is 4,145 square feet but the second floor, at 3,700 square feet, is actually smaller because of the volume ceilings in the staired rotunda; it's not exactly the same footprint as the first floor.

Interior. A guest bedroom suite is proposed on the first floor plus all the other typical first floor requirements: kitchen, family room, breakfast room. A three car garage is located in the basement. The second floor includes the master bedroom suite plus four additional bedrooms and a small prayer room.

Height / Attic. They coordinated with McNally Engineering on the faced drawings many months ago and have indicated all the grade elevations on the drawings. Mr. Doolittle used about 15 points to calculate average grade and they comply with the 35 feet in terms of the mean height of the roofline. Attorney Watkins referred to Mr. Vander Veer's letter dated March 10, 2014 Item II.3. requesting "*documentation that the attic area qualifies as a ½ story, as defined in the Zoning Ordinance. In particular, the applicant shall provide documentation that the attic area is in compliance with the definitions provided based on the roof style proposed (mansard).*" Mr. Zampolin assured there will be column ties and ceiling joists that will be below the seven foot elevation in the attic. The attic is purely aesthetic in terms of the rooflines of the design of the house the Mewani's want. There is no access to the attic, just a pull down staircase so there are absolutely no finished living spaces. In his professional opinion the proposed complies with the Zoning Ordinances of Alpine.

Attorney Watkins had no further questions. Vice Chair Ronan opened to the audience for questions of the architect.

**Richard Glazer** asked Mr. Zampolin to restate square footage of the first and second floor. Mr. Zampolin explained first floor finished living space is 4,145 square feet. The Alpine ordinance permits 3,600 square feet so its 545 square foot over. The second floor is not as large due to volume spaces. It is 3,753 square feet. There is roughly 7,800 square feet in terms of total finished living space. Mr. Glazer asked if they doubled the current house, would it be roughly 9,000 square feet and Mr. Zampolin affirmed. The existing house is a ranch but it would then have a second floor on it. Mr. Glazer observed as a ranch one doesn't see a huge projection coming out. Mr. Zampolin offered the logic is they could put a second floor on and double the size. Mr. Glazer asked if they wouldn't need a variance. Mr. Zampolin offered that is a legal question. Attorney Watkins stated no. Mr. Zampolin noted Alpine does not have a F.A.R. ordinance. Towns like Tenafly have an F.A.R. of 22.5%.

**Brian Lubliner** recalled Mr. Zampolin quickly replied they comply with the town ordinance of 35 feet mean height to midpoint to ask what that means. Mr. Zampolin explained it's a midpoint in terms of top of plates as determined by a set of calculations determining the average grade as provided by the Engineer. Mr. Lubliner asked how high does the structure go? Mr. Zampolin replied it goes up an additional six feet to 41 feet and a lot of newer Alpine homes are generally at that height. He agreed that on the garage side with an exposed basement it will appear higher with a three story wall on that downhill side. On the uphill side the grade is only down about two feet.

**Vice Chair Ronan** asked how high the accoutrements shown are and Mr. Zampolin explained the copper finials proposed are only about three feet high and designed to create a nice transition where all the slate comes together at the hips. They're in addition to the 41 feet like a chimney stack would be.

**Basil Dalavagas** asked if you're making the house 2 ½ times more than what it is now more or less and you're cutting an enormous amount of trees, doesn't that make it even more visible to everybody? Mr. Zampolin acknowledged the house is taller and you will see it from the street. Mr. Zampolin stated in all the homes they do unfortunately trees have to come down.

**Catherine Parilla**, observed the existing house is a ranch but slopes in the back to ask if that level will also exist for the proposed house. Mr. Zampolin stated it will have a walk out basement and garages on the low side. Ms. Parilla asked if they propose any living space down there. Mr. Zampolin replied although usually basements are finished, they've never designed the basement area with the Mewani's. He continued that a portion of the basement provides a walkout to the swimming pool which is level with the basement recalling Mr. Doolittle had spoken about rockeries used to grade that downward slope. Ms. Parilla asked the size of the walkout area. Mr. Zampolin replied about 20 feet wide being defined pretty much to where the stair rotunda is. He pointed to two windows **[A-21]** noting they are actually located in the garage and the limited walkout area on the rear elevation. The elevated portion, shown to the right rear, is patios off the first floor where the breakfast and family rooms are. There are tiered landscaped walls to hold back the upper level patio from the lower level patio. Ms. Parilla noted the elaborate roof serves no purpose because it's not an attic and you're not going to use it, etc. It's an aesthetic but it's also reaching awfully high. Would the owners consider reducing that roof? Mr. Zampolin replied he did not know. It complies with the ordinance.

**Richard Glazer** asked the height of the basement area where the walkout area is. Mr. Zampolin replied it's a 9 foot 9 inch ceiling. Mr. Glazer asked when one looks at that, as he actually would if that were to be built, how high would the main floor and the second floors be. Mr. Zampolin responded by looking at Mr. Doolittle's grading plan to note Mr. Glazer's property is roughly at elevation 420 feet and their proposed basement is at elevation 414 feet so his property is six feet higher than their basement level. Vice Chair Ronan asked if that was the question. Mr. Glazer said no, the question was how high is the height of the second floor, or what Mr. Zampolin calls the first floor above the basement. Mr. Zampolin replied the ceilings for the first floor are 11 foot high. Mr. Glazer asked the height of the floor above that. Mr. Zampolin replied the second floor ceilings

are 9 foot high. Mr. Glazer calculated they have almost 30 feet of visible space from the basement. Mr. Zampolin acknowledged from the lower level the house would appear three stories tall and then you add the roof.

**Basil Dalavagas** asked if Mr. Zampolin would say this property is out of type for the houses in the area as it is not Glen Goin. Vice Chair Ronan asked him to define 'the area' more closely. Dr. Dalvagas replied Church Street, Haring Lane, Ellens Way, etc. as to him the proposed is totally out of character. Attorney Watkins objected that was not a question. Vice Chair Ronan replied that she was trying to help reframe as such so it's more helpful. Dr. Dalavagas rephrased he is asking if the proposed is totally out of proportion with existing houses in that area because this is not level. Mr. Zampolin acknowledged this is a good sized home, obviously, he's been in the area a number of times and there are smaller homes in the area so this will certainly be one of the larger homes in the neighborhood. Dr. Dalavagas asked if they could see the map that he discovered with the other properties so everyone can see the house sizes all around versus the size of the house on this property and then we can all see what an incredible difference there is with the other houses. Vice Chair Ronan rephrased the question to ask if there is a good visual comparison in terms of the size of the proposed building as it compares to the houses in the surrounding area. Mr. Zampolin referred to Mr. Doolittle's 200' Vicinity Map **[A-20 VM-1]** and responded that, assuming these are accurate representations of the houses, their house is roughly 40 feet x 100 feet. Dr. Dalavagas's [Block 49.02 Lot 20] is about 85 feet across. Mr. Glazer's [Block 49.02 Lot 19] is about 60 feet wide. The Glen Goin houses are larger: Lot 29 is about 115 feet wide and Lot 30 is about 150 feet wide. Vice Chair Ronan asked him to note the smaller homes on the map as well. Mr. Zampolin noted the smaller homes are no more than 37 feet and another older home adjacent to the property is about 67 feet wide.

**Richard Glazer** asked if it would not be, by far, the largest home. Mr. Zampolin replied not if they count adjacent homes on Glen Goin Drive.

**Brian Lubliner** noted the area described for first and second floor adds up to about 8,100 square feet to ask, as that does not include the basement walk out space, what that square footage is. Mr. Zampolin replied they have not designed it yet. The garages will be under one section and the basement is several thousand square feet underneath the primary walkout area with 9 foot 9 inch high ceilings. The walkout portion would be underneath the gallery loge area to access to the pool area.

**Henry Berkeley** asked what is below the grade level on the bottom story adjacent to the pool and if it would be a basement or crawl space. Mr. Zampolin replied that it is all basement space. It will have the three car garages and he's sure eventually they'll be some finished recreation space with a bathroom, changing room, etc. There is nothing proposed below the basement which will be the lowest portion with a 4 inch poured concrete slab, vapor panel and plastic sheathing in the gravel. Although other homes in town have sub basements or sunken basketball or racketball courts this will not.

**Richard Glazer**, asked if it would be fair to say that Ellens Way and Haring Lane form the majority of the spaces around this house and, if it is fair to say that, and this property in question is a builder's acre at 40,000 square feet, and its assumed that everything is

going to be a level playing field when the destruction of the present house is complete, that one will be left with a one acre property totally nude. His question is wouldn't constructing a house this big be totally contrary to the whole concept of building coverage that Alpine put in so that we don't have the kind of McMansion feel that one sees in neighboring towns such as Closter? Attorney Watkins replied he did not understand the question. Mr. Glazer clarified he's asking if it violates what Alpine permits. Attorney Watkins stated that is why they are here for a variance. Mr. Glazer asked why they need to exceed the coverages when they could have purchased a larger piece of property. Mr. Zampolin replied unlike the three surrounding neighbors whose houses comply with the 9% rule on the current piece of property, they have an obviously unusual situation in that this house was already at 11.3%. Their rationale is that they're improving the situation and creating a smaller footprint. Legally, and he's not an attorney, but they could keep the house at 11.3%, put a second story on it and still build up up 35 feet to the mean and you would have the same bulk and it would actually be 900 feet bigger over two and half stories than what they propose.

**Henry Berkeley**, wishing to expand on that answer, recapped that 9% of a builder's acre of 40,000 square feet is 3,600 square feet on two floors not counting the walking area giving his client the ability to build without a variance up to 7,200 square feet. Mr. Zampolin affirmed. Mr. Berkeley asked if his client requires more than the zoning ordinances permit. Mr. Zampolin replied they've obviously spent a lot of design time going through room sizes. He recalled a member of the Board had a question as to the shrinking of the house from the 400 square feet so the answer was, and they did it many months ago, but he just remembers sitting with Mr. & Mrs. Mewani and their children and it was a long meeting because you take a foot here and no, don't take two feet there and I said we need to shrink and that's how everything came down. Mr. Berkeley noted speaking to that point there are two acre lots where they could build a home in excess of 7,200 square feet but they bought this particular lot which is constrained by ordinances. The question is given the constraints of this lot, could they be satisfied without seeking a variance. Mr. Zampolin replied he was not sure.

Vice Chair Ronan opened for questions of the Board.

**Mr. Kupferschmid** observed they do not have a basement drawing to ask if the footings are going straight down. Mr. Zampolin affirmed same acknowledging this basically means the full footprint could theoretically become finished basement minus about 900-1,000 square feet for the garages. Mr. Kupferschmid asked what the existing ranch house is sitting on. Noting the coverage is 4,521 square feet and the house was always considered a knockdown, Mr. Zampolin responded they never surveyed the building.

**Mr. Vander Veer** asked if they reviewed the definition for a Mansard roof. Mr. Zampolin recalled there is a minimum ceiling height. Mr. Vander Veer stated it indicates that the attic area should be determined for all of the area within the attic where a floor to ceiling height exceeds six feet. Mr. Zampolin responded they would set the collar joist at six feet. Mr. Vander Veer reminded if that area exceeds one third of the floor below then it is considered a full story. Mr. Zampolin recalled a house they're building on Rio Vista Drive has an attic just in that one third area calculation for the grandchildren to play in and that's really what those finished spaces are, but in this house there is no

staircase even up to the attic other than a pull down stairs so there is no finished living space. Mr. Vander Veer noted the definition doesn't make any reference as to whether there's a staircase or not. Attorney Watkins stated they have already agreed to comply with the ordinance so he doesn't know what the issue is. Mr. Vander Veer restated that as long as the ceiling height does not exceed six feet then it should not be an issue. Mr. Watkins stipulated that it will and Mr. Zampolin said they certainly will comply. There is no requirement for finished living space in the attic.

**Catherine McGuire** recalled they had said they shaved off square footage to ask if that is shown on the plan. Mr. Zampolin stated the revised plan only shows the new footprint and they would actually have to get an acetate overlay. Unfortunately, they didn't think to do that. He stated it did shrink by 407 square feet.

**Steve Cohen** asked who would answer the question of what the view is from all the surrounding neighbors; what they see and how it effects their view compared to now. Mr. Zampolin's response was that obviously they're certainly taller than the house so he's not sure what their views are across the subject property in terms of what their relative elevation is, height-wise in terms of their finished first floors are versus the proposed. Mr. Zampolin did not know if they have all that engineering data to see, 'are they higher?'. Vice Chair Ronan asked if they had considered that. Mr. Zampolin replied no, they didn't consider that.

**Mr. Kupferschmid** asked Mr. Zampolin to clarify the basement living space which although not designed could be 3,000 square feet of usable space. Mr. Zampolin acknowledged the potential. Mr. Kupferschmid noted they have 8,100 square feet for the other two floors. This would put them at 11,000 square feet. Vice Chair Ronan asked if that is correct. Mr. Zampolin replied the basement will have about 900 square feet for garages and another 300-400 square feet for mechanical and utility spaces for a total of about 1,300 square feet. Staircases add a couple of hundred feet to that bringing it up to 1,500 square feet so out of the 4,100 square feet that would leave roughly 2,600 square feet.

Attorney Watkins stated he had no further witnesses.

Vice Chair Ronan opened the meeting for comments.

Mr. Kupferschmid asked if they would have an opportunity to question witnesses further as he would like to go record with one of his concerns but is unsure if it for the engineer or attorneys. Attorney Kates recommend they hear public comment first.

**Richard Glazer, 27 Ellens Way**, was sworn. He stated the proposed house defies the Alpine Zoning Intent as he understands it to create rational sized houses based on the size of the property so a 9% coverage on a 40,000 square foot property would be 3,600 square feet. If one actually looks at the lot with cul-de-sac cut out it would be another 180 feet or so less. This speaks of what we're trying to avoid which is the feeling of very large houses on small properties.

**Basil Dalavagas, 21 Ellens Way**, was sworn. He stated we get buried with technical details and heights. He's a practical person and doesn't know anything about that. This is a monstrous house on a property which doesn't belong in this neighborhood and they're cutting a tremendous number of trees, huge trees, old trees. It's a crime. He doesn't know if Alpine considers that a crime but it should be because Alpine is a U.S. Tree City.

**Catherine Parilla, 10 Ellens Way**, was sworn. She just finds it really sort of upsetting that their statement has been that the footprint is 400 square feet smaller than the footprint that is there, but without coming out and saying, or having to prove, or get the data, that what they're looking at is a 11,000 square foot house. And no matter how you slice it or what you call it, it is an 11,000 square foot house on a piece of property that's only one acre. It has an attic or a roofline that is beyond our ordinance. They definitely and obviously need waivers to build this house from and as a resident she asks the Board to deny this.

**Basil Dalavagas**, stated this is like taking the footprint of the Empire State Building in comparison to buildings in Astoria. That's how ridiculous this statement is – that the footprint is that. It's a monster going upwards of anyone around and that's ridiculous.

Being no further public comments, Vice Chair Ronan opened to the Board.

**Mr. Kupferschmid** stated his question goes back to a technical issue. He finds it difficult to determine the legalities of the easement and its impact. Mr. Watkins' testimony seems to support the notion that it's an easement and it should not be included. Vice Chair Ronan observed it has been included for certain purposes but not others as the application has been presented. She does think that they have at least determined how it has been used and, for purposes of this application, how it's been described and how it has figured into various types of calculations. While there is inconsistency she does not believe there is confusion at this point. Mr. Kupferschmid offered he perhaps used the wrong term and it might just be the inconsistency that leaves him questioning the right interpretation.

Attorney Kates suggested they clarify what is before them. Mr. Doolittle's zoning table on the site plan identifies three variances: front yard setback, building coverage and improved lot coverage. It was Attorney Kates belief that all the calculations shown in the proposed column do not take into account the curvature of the easement. They are treating this lot as a 40,000 square foot lot. Attorney Watkins affirmed. Attorney Kates continued that if the easement were taken into account and treated as a setback, as the filed map seems to indicate, this would create a difference in the calculation as to the variances required. The question for the Board is whether that makes a difference in their thinking. As he understands what's before the Board, if they don't take the easement into account they're still dealing with variances for

- 60 foot front yard setback requirement where 47 feet is proposed,
- 9% maximum building coverage permitted where 10.36% is proposed, and
- 25% maximum improved lot coverage where 29.01% is proposed.

Attorney Kates continued, that is the presentation made and, of course, if the cul-de-sac is taken into account they're higher. The question is whether that makes a

difference in terms of the Board's analysis of this because if it does he would have to provide some answers relating to which way you go with it. If it doesn't then you can proceed without it. Vice Chair Ronan responded perhaps they don't need that. Mr. Kupferschmid noted he had answered his question.

**Anthony Clores** offered if they use the easement as the setback from the street line, they would be under the minimum required lot size of 40,000 square feet. Attorney Kates noted that would suggest another variance.

**Steve Cohen** asked what the difference would be. Attorney Kates asked Mr. Doolittle to respond. Mr. Doolittle noted 1,530 square feet would be taken out for the easement. Attorney Kates offered the reduced lot size would be a pre-existing condition and that this development application does not create that; it is part of the mix. Vice Chair Ronan echoed this is one of the factors they have to consider as they decide this.

**Steve Cohen** asked if they can show any proof of a hardship here anyplace. Vice Chair Ronan stated she had not heard anything. Attorney Watkins clarified this is a c(2) application, not a c(1) and reminded he has the right to summarize. Vice Chair Ronan asked him to continue.

**Summary.** Attorney Watkins stated he has handled an awful lot of applications in his career. Some he understands and some he don't; this one he don't. Let's just deal with some basic realities with the people behind me. They may live in a one acre zone. This is a two acre zone. We have two acres so they are not putting this monstrous house on one acre. Vice Chair Ronan interrupted to advise Attorney Watkins to be sure of what he's saying. Attorney Watkins stated he didn't interrupt her and that it's a two acre zone. It's 40,000 square foot. Vice Chair Ronan repeated he just said they have two acres, though and she wants him to be sure. Attorney Watkins repeated 40,000 square foot. Attorney Kates reminded 40,000 square foot is one acre.

Without acknowledging, Attorney Watkins continued that the basic premise is that what exists on site today is a ranch which they can create a second story that would be larger than what they're proposing. When they deal with the magnitude of this house you're talking 500 square foot. You're not talking about the height. It complies to the height requirements. So the magnitude that you're going to get if he reduces it by 500 square feet is the same. They're not looking for a height variance. Never have been. The variances they are requesting, in his humble estimation, are based upon the existing conditions and he knows Attorney Kates and he had this colloquy in January that once they remove the house then it's a vacant lot but they haven't removed the house so from a c(2) standpoint it's their humble position that the benefits of reducing the square footage of this house from being 900 square foot over to 500 square foot over is significant. Now the Board may not agree with that and that's entirely up to the Board to come to that conclusion but you have to look at the alternatives, too. Currently there is not an ounce of drainage facilities on this property. If they come in and occupy this property, rehabilitate it and put the second floor on it, they'll be no drainage facilities because they're not going to require any relief. So from a c(2) standpoint it was their position that complying with Mr. Vander Veer's request, having drainage systems and facilities put on site far outweighed any detriment to reducing the size of

the square footage of the house that exists on the site now. Apparently the Board may not agree with that. Apparently the neighbors don't. But you have to look at the reality. Deny the application this lot's not going to go away. Something else is going to come in and if we use the existing structure that we have now it's going to be larger than what we're proposing. But that's up to the Board. He thinks from a c(2) standpoint clearly they have demonstrated that the benefits of this application outweigh any detriments. It's going to be the mass that it is. 500 square foot less but it's still going to be the mass that it is, it's going to be the height that it is, there's going to be a basement; it's not going to change. Now if he were here for a height variance he would concur with anybody's analysis that the mass is too large but that's not what they're looking for. The variances that are attendant to this application, and he still does not concur with Attorney Kate's analysis on the cul-de-sac, as it is his perception that they do not need a front yard variance. He expressed this in January and he expresses it here tonight.

**Mr. Barbieri** asked if Attorney Watkins was saying the lot is one acre or two acres. Attorney Watkins replied it is 40,000 square feet. Mr. Barbieri repeated his question. Attorney Watkins responded the question that it's one acre? It's 40,000 square feet.

The Board had no further comments or questions. Vice Chair Ronan called for a motion.

Mr. Clores motioned to deny the application. Mr. Cohen seconded.

A yes vote is to deny.

Vote: Ayes: Shaddek, Kupferschmid, Clores, Barbieri, McGuire, Cohen, Ronan

**MOTION CARRIED  
APPLICATION DENIED**

**OTHER BUSINESS** - None

**ADJOURNMENT** at 9:16 p.m. upon motion by Mr. Shaddek, seconded by Mr. Barbieri and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary