

ALPINE ZONING BOARD OF ADJUSTMENT
Regular Meeting
Thursday, May 19, 2022 - 7:30 P.M.
(This meeting was held in person and taped in its entirety)

CALL TO ORDER/PLEDGE OF ALLEGIANCE/PUBLIC ANNOUNCEMENT

This regular meeting of the Alpine Zoning Board of Adjustment was called to order by Chairman Glazer at 7:30 p.m., Thursday, May 19, 2022 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, notice of this regular Zoning Board of Adjustment meeting held on Thursday, May 19, 2022 at 7:30 PM has met the requirements of the law as part of the Borough of Alpine's annual meeting notice published in The Record on January 10, 2022, and emailed to The Suburbanite on January 6, 2022, posted continuously on the bulletin board of the lobby of Borough Hall, and on the Borough website (<http://www.alpinenj07620.org>). Instructions for how the public can participate and access the meeting and documents has been included in the posted agenda; with a copy filed in the Borough Clerk's office.

ROLL CALL

Richard Glazer (Chairman)	Present	Tony Clores (Vice-Chairman)	Present
David Kupferschmid	Present	Richard Bonhomme	Present
Anthony Barbieri	Present	George Abad, Jr	Present
Elizabeth Herries	Absent	Amy Lerner, Alt I	Absent

Staff Present: Board Attorney Michael Kates, Borough Engineer Perry Frenzel, Board Secretary Jo Anna Myung

COMMUNICATIONS

- Chairman Richard Glazer and Vice-Chairman Anthony Clores have listened to last month's meeting tape and qualified to vote at this meeting.
- On 5/17/2022 Mr. Matthew Capizzi requested to adjourn Church of the Lord hearing to June 16, 2022 because they are still working on updating the site plans and incorporating comments and recommendations provided at the April 21, 2022 Zoning Board meeting.
- Chairman Glazer reported that Church of the Lord applicant will be adjourned to the next Zoning Board of Adjustment hearing scheduled for Thursday, June 16, 2022 without requirement for further notice.

MEMORIALIZATION: None.

PROCEDURAL MOTIONS

Resolution: Approval of Minutes from the regular meeting on April 21, 2022 upon a motion by Mr. Bonhomme, seconded by Mr. Barbieri and approved by all those eligible to vote.

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Kupferschmid, Mr. Glazer

Absent: Ms. Herries

MOTION APPROVED

Resolution: Approval of Bills and Claims to be approved at end of hearing to provide Board members that were not able to review for approval.

HEARINGS

Tracy Marrow (carried from April 21, 2022):

- 92 Ruckman Road: Block 90 Lot 6

Attorney for the Applicant: Matthew G. Capizzi, Esq. 11 Hillside Avenue 2nd Floor, Tenafly, NJ 07670.

Applicant Engineer: Douglas Doolittle, P.E., L.S., P.P., McNally, Doolittle Engineering, L.L.C., 169 Ramapo Valley Road, Oakland, NJ 07436.

Applicant Architect: Frank Troia, A.I.A., Plan Architecture, L.L.C., 267 Pascack Road, Township of Washington, NJ 07676.

Mr. Kates requested to have exhibits that were received marked for tonight's meeting.

Exhibits received on April 13, 2022 and marked as follows:

A- 1 Proof of Publication in The Record April 10, 2022;

A - 2 Certified Mailing to Residents within 200' on April 7, 2022 per Tax Assessor's list dated March 31, 2022;

These minutes have been approved by the Zoning Board of Adjustment on June 16, 2022.

- A – 3 Application dated December 29, 2021, received January 6, 2022, signed and dated from Mr. Matthew Capizzi's Office January 5, 2022 with attachments and rider:
- o Proposals and Reasons for Relief dated January 5, 2022;
 - o Tax Collector's Proof Statement property taxes paid through January 5, 2022;
 - o 200' Property Owners list dated December 30, 2021;
 - o Prior Resolution: Planning Board March 20, 2014;

- A – 4 Engineering Plans signed and sealed by Matthew Greco, PE from McNally, Doolittle Engineering, LLC:
- o Dwg. No. EXH-1 entitled "200 Ft. Vicinity Map" dated April 1, 2022;
 - o Dwg. No. SP-1 entitled "Pool, Septic Plan, & Soil Erosion and Sediment Control Plan" dated October 23, 2021;
 - o Soil Moving Calculations prepared by Matthew Greco, PE dated December 17, 2021;
 - o Storm Drainage Report prepared by Matthew Greco PE dated December 20, 2021;
 - o Photo Exhibit – set of 3 color photos not dated not signed;

- A – 5 Engineering Review letter dated March 15, 2022 received on March 23, 2022;

Exhibits received on May 6, 2022 and marked for tonight's meeting:

- A – 6 Engineering Plan signed and sealed by Matthew Greco, PE from McNally, Doolittle Engineering, LLC, dated October 23, 2021 (1st revised December 20, 2021, 2nd Revised May 3, 2022) consisting of one sheet (updated to show soil movement calculations and cross sections):
- o Dwg. No. SP – 1 titled "Pool, Septic Plan & Soil Erosion and Sediment Control Plan";
- A – 7 Architecture plans signed and sealed by Daniel D'Agostino, AIA from Plan Architecture consisting of three sheets dated April 19, 2022:
- o Dwg. No. A.000 titled "Proposed and Existing Site Plan, Zoning";
 - o Dwg. No. A.200 titled "First-Second Floor Proposed Plans";
 - o Dwg. No. A.500 titled "Front & Right Proposed Elevations"; and
- A – 8 Landscaping Plan signed and sealed by Brian T. Stratton, PLA from The Pool Artist dated April 14, 2022 consisting of one sheet:
- o Dwg. No. 1100 titled "Landscaping Plan"

Mr. Capizzi appeared on behalf of the applicant and provided a summary of the application in regards to variances and waivers needed.

This property is located at 92 Ruckman Road. It is a southeast corner property lot with the front on Ruckman Road and Route 9W. A portion of the easterly property line is encumbered by the required 200-foot buffer, and by Freshwater Wetlands on the southerly side yard which cover portions of the 200-foot buffer from Route 9W. The area of the lot that has development potential to it is on the narrower portion.

This property previously came before the Board in 2014 for the original home with setback variances; the now existing development on the home with circular driveway. Applicant recently acquired the property and the house is undergoing interior renovations. As part of these renovations, they are proposing a terrace along the westerly portion of the property which requires a front yard setback variance.

Furthermore in 2014, the main dwelling was granted a front yard setback variance due to the unique shape of the property where the lot line tapers in towards the southerly property line, and pinches the terrace in. The terrace along the westerly portion of the property requires approximately a foot and a half front yard setback variance.

The pool in the westerly yard requires a setback variance from the 30-foot requirement; they are at 23 – 24 feet.

They do not believe there will be an impact on adjacent properties because west of the site, there is mainly acres of woodland, and to the north, there is a large "right of way" roadway that provides an expansive opening from their site with the property to the north. They are proposing to have additional landscaping as well.

Mr. Capizzi introduced Mr. Douglas Doolittle who will go through the Site Plan elements and Mr. Frank Troia to discuss the terrace.

Douglas Doolittle P.E., L.S., P.P. was sworn and, having testified several times before this Board, he was deemed qualified as an expert testimony in engineering and planning.

Mr. Doolittle referenced **Exhibit A – 6** [previously submitted as part of **Exhibit A – 4**] titled “Pool, Septic Plan & Soil Erosion and Sediment Control Plan” (dated October 23, 2021, latest revision on May 3, 2022), and summarized previous variances that were granted for this property in 2014 as follows:

- Front yard setback – 72.4 feet was originally granted whereas a 75-foot setback is required. The portion of the covered terrace that falls within the 75-foot setback is less than 15 square feet. Current proposal is for 73.1 feet from Ruckman Road and they would be filling in the larger driveway circle.
- Rear yard setback – Originally, an 80-foot setback was granted whereas a 100-foot setback is required. Current proposal is for 60.9-foot setback; for a raised terrace on top of the covered terrace at the back of the house with a pool, slide and spa. Drainage will flow to the west of this and increased run-off from pool and terrace will get picked up by the seepage pit.
- Side yard setback – 48-foot was granted whereas a 50-foot setback is required. Current proposal has no bearing on this variance as they are only proposing for pool and raised terrace setback.

Mr. Doolittle stated that the coverage of the property is conservative and the lot is substantially undersized; as 60% of the lot is taken by the 200-foot buffer and Wetlands from Route 9W and pinches everything to the back. **Mr. Doolittle** referenced **Mr. Frenzel's** report from several years ago when they did some work to get water out of the wetlands area and into the seepage pit system. They will fill in the driveway with the larger circle, and keep the access coverage to the drainage system. This lot needs a lot of off-street parking; even though it is 66-foot wide with right of way, whereas it would typically be 50-foot, it only has 19-foot width for car-way to get through where it would typically be 30 feet. If someone were to park on one side of road, it would be one directional access which is a hazard.

Mr. Capizzi requested **Mr. Doolittle** to provide an overview for the pool and terrace setback requirements. **Mr. Doolittle** stated that in the earlier submission last month, the pool slide was actually in the 30-foot side yard. They still need a 23.7-foot setback variance permit. For the pool element, they are at 65-foot; and 75-foot setback is what is required. If the property was flipped around with the bigger portion in the back and the smaller portion in the front of the property, they would probably not need any variance. This lot is being squeezed from all directions between the buffer, Route 9W, the Wetlands and Woodlands, and the fact that it is a corner property. They are trying to upgrade everything with positive criteria in mind. In regards to the front street 66-foot right of way for the covered terrace, they are proposing a 60.9-foot setback. **Mr. Doolittle** then went on to describe adjacent properties and structures, such as the Kiku Restaurant, the pool on the north side and hazardous right of way street with parking on one side of Ruckman Road in the middle, the circular driveway in the buffer zone, and the substantially different property line, relative to the site plan.

Mr. Capizzi interjected that they are infilling the circular portion of the driveway which is in the buffer zone.

Mr. Kates inquired about which exhibit was being referenced. **Mr. Doolittle** answered that he was referencing Drawing No. EXH-1 titled “200-foot Vicinity Map” dated April 1, 2022 [previously submitted as part of **Exhibit A – 4**]. **Chairman Glazer** requested **Mr. Doolittle** to go over the last few sentences of his testimony and describe the layout in relation to the house. **Mr. Kupferschmid** asked if **Mr. Doolittle** could also designate which way is “north” and “south” on the drawings. **Mr. Doolittle** proceeded to describe the vicinity map and proposed changes. The proposal is to install a second story terrace on top of the existing terrace. The pool is in the back and the entrance to the property from Ruckman Road is 66 feet wide with an irregular parking area; the physical improvement is only 19 feet from curve to curve or blacktop.

They have an additional landscaping proposal but do not have the plans with them, only a small sketch. The proposal is to plant 7-foot tall Chesapeake Holly trees for screening along the entire west property line pass the septic field to the driveway. Between the septic fields, the wall and the driveway, they will add more 6-foot tall Chesapeake Holly trees to the trees already there. Then, in the back by the tiered wall, they will plant additional 12-foot high Douglas Fir trees. Basically, they are screening everything from Ruckman Road, the driveway, to the restaurant on the south side with the exception of the land on the west.

Mr. Kupferschmid asked about the land to the west side of the property. **Mr. Doolittle** stated that it is the Palisades Interstate Parkway on the west and the tree buffer is to separate residences but they do not believe there will be any residences in that area there.

Mr. Capizzi requested **Mr. Doolittle** to go over building coverage and the upgrade of the septic system. **Mr. Doolittle** stated that the existing building coverage is 4.97% and they are proposing 5.40%, and the improved pervious lot coverage is 17.82% whereas they are proposing 21.51% but they can go to 25%; they are approximately under 4% of the maximum and would need a waiver for the disturbance within the tree buffer. In regards to the septic system, there use to be a split system but they will remove the one field where the pool is and install a new septic system; tests have already been done and ready for approval. They have increased the size of the field in the existing 5-bedroom house which is not changing. They changed the design type to a pressure dose system where we needed 1,064

square feet but actually increased it to almost 400 square feet to 1,430 square feet. The pressure dose system is a more aggressive and efficient system because it forces the liquid into the stone in the entire field to dilute better, and circulates it to kill the bacteria versus the gravity trickle system which tends to make it go straight down; plus, it will be 40% bigger than what is required.

Mr. Kupferschmid inquired about the requirement for a separate black and grey water field. **Mr. Frenzel** interjected that separate black and grey water fields are required. In this instance, it was deemed by the designers for a singular field. **Mr. Frenzel** then explained how the pressurized system worked and benefits of this system. Where pipes enter the field, the pressure dose system pressurizes the distribution so it is equal across the entire field, maximizing the efficiency for ultimate capacity; versus the gravity system in which waste water may not get evenly distributed and settle in one area that compromises the system and then at that point the waste water cannot get to the rest of the system. He stated this is a tricky site due to seepage and very high ground water of 3 – 4 feet higher than normal which can impact septic fields. Key issue of maintenance and frequent pumping for longevity needs to be addressed if the Board approves this application. **Mr. Doolittle** elaborated and stated that it is a dual plex system in which if one pump failed, it has storage capacity and the second pump will kick in until the failed pump can be serviced. **Mr. Kupferschmid** stated that it is good to know there are other options.

Mr. Doolittle stated that they are proposing three seepage pits along the west property line that will accommodate stormwater from the pool, terrace and over-retention from the house, and go into the ditch, eventually flowing into the wetlands over time.

Mr. Kates asked for clarification on the waivers and variances being requested as listed on Exhibit A – 6 as some of these variances seem to have been granted from the first building of the house. **Mr. Doolittle** went over the waiver and variances required:

- Waiver – The disturbance within the tree buffer is referring to seepage pits that are being added.
- Variance – There is a minimum rear yard setback of 100-foot and they are proposing 60.9 feet.
- Variance – There is a minimum front yard setback of 75 feet on Ruckman Road and they are proposing 73.1 feet which also includes the terrace.
- Variance – The accessory structure is referring to the pool with a setback requirement of 30 feet and they are proposing 23.7 feet.

Mr. Glazer inquired about the part of the area they are covering for parking. **Mr. Doolittle** answered that it is a "cultec" system similar to the septic system for run-off. They are putting paving on top and it is purely for percolation.

Mr. Capizzi clarified that they had gotten a D-1 relief before and out of an abundance of caution, they were asking for a D-2 variance, and confirmed for **Mr. Glazer**, that the disturbance is taking place in an area that already had permission to create a disturbance.

Open for Public Comments. None.

Open for Comments from the Board:

Mr. Kupferschmid inquired about the slide structure. **Mr. Doolittle** replied that the slide services the pool and steps are made from poured concrete with gunite inside with a waterfall feature but there are no windows on the pool structure.

Mr. Bonhomme inquired about the parking area and if there are any changes into the 200-foot buffer. **Mr. Doolittle** stated that it is existing and nothing further intruding into the 200-foot structure. The area that is being covered for parking is a "cultec" system and it is purely for percolation and not effect evaporation.

Mr. Glazer asked about dimensions of the proposed pool area and why this is deserving of a variance as we are trying to have respect for our zoning laws. Requesting for variance should show some benefit to the town or overcoming some hardship. He is not sure having a narrower pool is a hardship and purchaser should have known the restraints when the property was purchased. **Mr. Doolittle** stated the pool is roughly 25 feet at its widest on the west by the stairs where the benches are, and 10' x 12' on the northwest side. The bottom of the slide to the pump out to Ruckman Road street side is 40 feet. Setback requirement is 30 feet and we are at 23.7 feet. **Mr. Capizzi** pleaded that it is a tight lot; a reasonable design proposal; there are no negative criteria to adjoining properties as it is only woodlands that exists on the west; and what they are proposing is keeping in line with the size of the home and neighborhood in Alpine, and making it a usable pool. The setback requirements and laundry list of constraints on the lot the way it is configured, as it is an irregularly shaped property and a corner lot, is what is causing the hardship. **Mr. Doolittle** interjected and stated that the lot is not zoned because it is undersized, at approximately 16,000 feet smaller, and if the lot was flipped, they would not be requiring any of the variances.

Mr. Kates clarified that we are talking about side yard variance, not improved lot coverage; and for Planner to focus on why the side yard variance does not offend. **Mr. Doolittle** argued that there is state land that will be there

forever and their proposal will not offend anyone. They will not be tearing up trees or bulldozing anything. There is an old septic system that they are putting the pool and putting in a better septic system up front. From a planning standpoint, this is a unique situation; where the lot is enveloped by the wetlands, crammed back into a corner in the westerly yard, with a 200-foot buffer, setback requirements and reduction in size.

Mr. Abad inquired about privacy and commented that the parking area for Kiku Restaurant and the applicant's property seem really close, almost on top of each other. **Mr. Doolittle** answered that they are in compliance with the Kiku property. It is the west and north side of the property they are encroaching; the state land is wooded and there are no boundary lines drawn on the ground.

Mr. Glazer asked about description of variance and when it should be granted. **Mr. Kates** answered there are a number of categories for granting approval; such as topographical issues and the land or structure poses hardship. **Mr. Capizzi** interjected and stated that this is a C-1 case and the hardship is that the lot is undersized. If this was a C-2 case, we would need to talk about public benefit but this is not this case. In addition, the buffer zone only allows 45% of the entire lot to be utilized so they are asking for relief of approximately 3 feet from water's edge to water's edge. **Mr. Doolittle** commented that a small portion juts in the setback and the kick out is the entrance to the pool which is not a rectangular pool. **Mr. Glazer** stated that there are a lot of rectangular pools.

Mr. Capizzi requested for a five-minute recess to explore some of the comments that were raised. The Board took a short recess at 8:19 p.m. and reconvened at 8:23 p.m.

OTHER BUSINESS

- During the short recess, Mayor Tomasko took the opportunity to communicate his intention to nominate Mr. Robert Policano, who was in the audience, as Alternate II Board Member on the Zoning Board of Adjustment, and hopes the Board will approve at the next meeting.
- Mayor Tomasko welcomed everyone to join in the Memorial Day Parade. The Sub-Committee and Borough Staff have been working hard and striving to have an Open House event for the Alpine Swim Club afterwards.

Mr. Doolittle summarized modifications based on Board comments; they will give up the sitting area from 23.7 feet, making a straight line, picking up over 3 feet, to making it 27 feet along the entire westerly side setback rather than the 30 feet that is required by ordinance.

Mr. Glazer commented why not make it three more feet and make a rectangular pool then they would not have to worry about the ordinance.

Mr. Doolittle stated that they would be reducing the pool making it 3 feet 4 inches smaller and farther away making it approximately 40 feet long and roughly 22 feet wide. The typical pool is 20'x40'.

Open for comments from the Public. None.

Open for comments from the Board:

Mr. Abad inquired whether they can get rid of the staircase going down onto the grassland and possibly adjust it to have the landing to the east and closer to the house. **Mr. Capizzi** stated that they were trying to work into the existing patio setting the initial benchmark for the pool. **Mr. Abad** stated that if they adjusted the whole pool and slide to the east, and lose the steps, they would not need the variance. **Mr. Capizzi** stated they would modify the steps by cutting it left and figure out how to re-orient that space and make that 23.7 feet into 30 feet plus.

The following is a recap of the variances and waivers needed:

- Front yard setback variance to the pool
- Front yard and rear yard setback variances to the raised terrace
- Disturbance to tree buffer for seepage pits to the west
- Disturbance and buffer for the in-fill of circular portion of driveway

Frank Troia with Plan Architecture L.L.C. was sworn in, testified to his credentials¹ and deemed qualified to provide expert testimony in his field.

Mr. Troia referred to **Exhibit A – 7** containing three sheets of drawings. Mr. Troia pointed out Drawing No. A.200 titled "First-Second Floor Proposed Plans", and described the proposal of making a covered patio area that comes out to a total of 19 feet 7 inches; that comes to where the existing edge of the raised terrace was and where the pool starts. On the left side of the drawing, is the Second-Floor plan where the primary residence is located (on the rear right side of the Ruckman Road side of the house) and we are proposing interior renovations but keeping the over-

¹ Sr. Project Architect with Plan Architecture, L.L.C. since May 2014; Bachelor Degree from NJIT in Architecture; First year with License AIA#: 38464541, Lic#: 21AI02127600.

all existing layout. We are maintaining the existing window opening bump out and proposing to add the walk out balcony that is over the existing terrace. The width and depth of the balcony is dictated by the bump out and where the existing terrace currently sits today.

Mr. Troia then referenced Drawing No. A.500 titled "Front & Right Proposed Elevations" and described the proposed balcony elevations and grade with seamless glass railing, stone veneers and stucco finish over the existing patio and pool. The height and grade to the raised terrace is approximately 10-foot x 2' deep. **Mr. Troia** stated that there are no structures, windows or hidden cave underneath the slide.

Open to the Public for Questions. None.

Open to the Board for Questions:

Mr. Frenzel expressed concern with the high-water table in the area. In the prior year, they had done test pits in early 2020, and came back the following spring to find huge fluctuations of water; over 5 feet of water. **Mr. Glazer** inquired when the last water table measurement was taken. **Mr. Frenzel** stated September of 2021.

Mr. Frenzel also expressed concerns regarding the Kiku Restaurant property relating to seepage and drainage, as it comes with existing problems. There has been seepage and drainage issue from the underground system leaking toward the Kiku property causing icing conditions in the wintertime too. A couple years ago, they got McNally Engineers and put in improvements to collect the water and flow toward the wetland area where it would cause no harm. **Mr. Abad** asked if there would be catastrophic effect if the system failed. **Mr. Frenzel** stated that the new design of the septic system is the right thing to do. The seepage pits in the back will help with that and if anything seeps, it will go towards the woods. Furthermore, planting mature trees of 12' – 18' will have significant uptake of groundwater and benefit the situation.

Mr. Frenzel commented that with a little creativity by rotating the pool stairs and getting the pool in a position that meets all the setback requirements, they should be able to maintain the pool in its current shape and not have it be compromised. **Mr. Frenzel** reiterated his concerns regarding the high-water table in this area. He recommended a strong message to the structural designer of the pool to reinforce this to avoid cracking the pool as it can sometimes get over-looked. As for screening, Douglas Firs and Holly trees are substantial trees and the combination of rows provide a vertical wall of 16 feet that shields whatever people are doing in the pool from the Kiku parking lot; but can be seen from Ruckman Road.

Open to the Board for comments No further questions.

Open to the Public for comments None.

Motion to Approve. Upon a motion by **Mr. Bonhomme**, seconded by **Mr. Barbieri** to approve the application as amended for dimensional variances and waivers relating to site improvements including a raised and covered terrace, stone patio, in-ground pool and modification to existing circular driveway. This approval is subject to conditions as outlined in the resolution for this property and approval by Board Engineer.

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Kupferschmid, Mr. Glazer

Absent: Ms. Herries

MOTION APPROVED

PROCEDURAL MOTIONS (continued)

Resolution: Approval of Bills and Claims Upon a motion by **Mr. Abad**, seconded by **Mr. Clores** at the regular meeting of the Alpine Zoning Board of Adjustment held on May 19, 2022 to approve the following Bills and Claims:

North Jersey Media	Notice of Decision 55/3.03	Inv. 5229686	\$12.60
Azzolina & Feury Eng., Inc.	47/2 – 995 CDR	Inv. 76043	\$88.50
Azzolina & Feury Eng., Inc.	90/6 92 Ruckman Road	Inv. 76058	\$118.00

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Kupferschmid, Mr. Glazer

Absent: Ms. Herries

MOTION APPROVED

PUBLIC COMMENTS None.

ADJOURNMENT at 8:45 p.m. upon motion by **Mr. Barbieri**, seconded by **Mr. Kupferschmid**.

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Kupferschmid, Mr. Glazer

Absent: Ms. Herries

MOTION APPROVED

Respectfully submitted,

Jo Anna Myung
Board Secretary