

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, March 19, 2015 - 7:30 P.M.

(This meeting was taped in its entirety).

CALL TO ORDER/PLEDGE OF ALLEGIANCE/PUBLIC ANNOUNCEMENT

This regular meeting of the Alpine Zoning Board of Adjustment was called to order by Chairman Glazer at 7:30 p.m., Thursday, March 19, 2015 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, March 19, 2015 has met the requirements of the law by being published in The Record as part of the Annual Notice on January 7, 2015, posted on the bulletin board in the lobby of the Borough Hall and a copy filed in the office of the Borough Clerk.

ROLL CALL

Richard Glazer	Present	Bob Burns	Present
Tony Clores	Absent	David Kupferschmid	Absent
Anne Ronan	Absent	Richard Bonhomme	Present
Steve Cohen	Present	Anthony Barbieri, Alt I	Present
Jeffrey Mayer	Absent		

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

MEMORIALIZATIONS - Zoellner Block 55 Lot 4.01 – 83 Church Street

Attorney Walsh distributed the resolution and highlighted the key points.

Resolution: Upon a motion by Mr. Cohen, seconded by Mr. Bonhomme for Applicant Zoellner granting a use variance to construct a fifth single-family home on an oversized lot of 48.59 acres along with a variance from the steep slope ordinance and approval of the soil moving permit application. Said approval is subject to stipulations and conditions as outlined in the resolution for this property located at 83 Church Street designated as Block 55 Lot 4.01 on the Tax Assessment Map of Alpine, New Jersey, Bergen County. This resolution is on file at the Borough of Alpine, 100 Church Street, Alpine, NJ for review.

Vote: Ayes: Bonhomme, Cohen, Barbieri

MOTION CARRIED

COMMUNICATIONS Received by Building Department 3/2/2015 Bergen County Soil Conservation District re: Soil Erosion and Sediment Control Plan Certification Single family Exemption approved interpretation – so noted without comment.

PROCEDURAL MOTIONS

Resolution: Approval of Bills and Claims Upon a motion by Mr. Bonhomme, 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, March 19, 2015 to approve the following Bills and Claims:

Azzolina & Feury	Escrow Zoellner 55/4	Inv. 63333	401.25
Kates, Nussman et al	Escrow Zoellner 55/4	Inv. 19947	1,844.00
Kates, Nussman et al	Meetings Jan-Mar 5-01-21-185-021	Inv. 19948	600.00

MOTION CARRIED**Resolution: Approval of Minutes: Regular Meeting February 19, 2015**

Minutes were amended to correct numbering of the Zoellner exhibit list and a name misspelling. Upon a motion by Mr. Barbieri, seconded by Mr. Cohen and approved by all those eligible to vote at this regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, March 19, 2015 to approve the minutes of the regular meeting held on February 19, 2015 as amended.

NEW/CONTINUED HEARINGS**Conway Block 70 Lot 3 – 11 Litchfield Way**

David Watkins, Esq. 285 Closter Dock Road; POB 304, Closter, NJ 07624 appeared on behalf of Applicants George T. Conway III and Kellyanne Conway. Kellyanne Conway was present in the audience. Also appearing was Applicant's Engineer Andrea Piazza, PE of Piazza Engineering, 2-14 Fair Lawn Avenue, Fair Lawn, NJ 07410. Andrea Abad spoke in favor of the application and no one spoke in opposition.

The Conways have lived in Alpine since 2007 and their children attend the Alpine School. A soil moving application without variances was approved in 2006. They seek a 2% increase in improved lot coverage to permit construction of a circular driveway for purposes of health and safety. The driveway as exists is not wide enough to provide safe egress by permitting cars to pass. If one car is parked in the driveway it has to back out onto the street to allow other cars to leave.

Andrea Piazza, PE was sworn and deemed qualified to provide expert testimony in her field. Exhibits were marked by mutual affirmation and Ms. Piazza's easel display marked A-20 along with the following:

- A – 1 Proof of Publication on in the Record December 6, 2014
- A – 2 Certified Mailing to Residents within 200' on December 5, 2014 per Tax Assessor's List dated October 9, 2014
 - Note applicant noticed for the December 18, 2014 meeting. The matter has been carried at the applicant's request and the public noticed as indicated in the exhibits below:
- A – 3 Application Form signed and dated October 23, 2014 including:
 - Cover letter from David M. Watkins dated October 23, 2014 with enclosures:
 - Reasons for Relief & Proposal
 - Tax Collector's proof of taxes paid through fourth quarter 2014 dated October 20, 2014
 - Tax Assessor's 200 foot property owners list dated October 9, 2014
 - Amendment submitted December 8, 2015 to note prior application Soil Moving (Planning Board Hearing March 2006).

- A – 4 Zoning Officers Letter dated October 1, 2014
- A – 5 Five color photos
- A – 6 Set of Site plans prepared by Massimo Piazza, PE, PLS of Piazza Engineering signed and sealed consisting of 3 pages:
- C-1 entitled "Site Plan" dated December 13, 2014 last revised #1 October 20, 2014 "Property Owners Listing"
 - C-2 entitled "Grading and Drainage Plan & Steep Slope Disturbance Plan" dated December 13, 2013
 - C-3 entitled "Soil Erosion and Sediment Control Plan, Details and Notes" dated December 13, 2013

RECEIVED December 1, 2014

A – 7 Drainage Report prepared by Massimo Piazza, PE, PLS of Piazza Engineering dated December 13, 2013

From our files:

A – 8 Borough Engineer's letter November 17, 2014

A – 9 Borough Engineer's letter December 5, 2014

A – 10 Planning Board resolution (Soil Moving) 4-25-2006

A -11 Correspondence regarding continuation of the meeting

- December 15th call from Applicant's Attorney requesting continuance to January 15, 2015. Our meeting was cancelled due to lack of new business and notice of the continuance posted on the meeting room doors and in the public bulletin board.
- Letter from Applicant's Attorney December 29, 2014 requesting matter be continued to February 19, 2015. Notice of continuance was posted and read the night of the January 15, 2015 meeting.
- Letter from Applicant's Attorney January 29, 2015 requesting matter be continued to March 19, 2015.

And marked during the course of these proceedings

A – 12 Colored rendering of A-6 C-1 Site Plan

Ms. Piazza described the property Block 70 Lot 3 at 11 Litchfield Way containing a single family home with normal site amenities including driveway, septic, deck, in ground pool, and a play structure for children. It was purchased by the Applicant in November 2007 as it exists; they did not design it. They have four children: two aged 10, a 7 year old and a 5 year old who attend Alpine schools.

The current driveway configuration consists of a 11.6 wide driveway, narrow by Alpine's standards which are typically 12-13 feet. The driveway enters along the right side of the property curving in front of the house and back to garages on the left side underneath the house. The area into the garage is also tight providing only 30 foot from the side of the house to the curb line which is about five feet shorter than typical. It was evident based on Ms. Piazza's site inspection and conversations with Mrs. Conway that if they have just one guest over it blocks all the cars in the driveway or garages. There is not enough room for a K turn and one or more cars must back out to allow other cars to leave. The only cars that can make a K turn and head out of the driveway are the vehicles already in the garage if there are no other cars in the driveway. This creates a

safety issue. If guests come and don't want to get trapped in the driveway they park on Litchfield Way. Ms. Piazza reviewed the site distances when cars attempt to exit the driveway noting if a car is parked on Litchfield Way in front of the house it severely limits the ability for a vehicle to see cars coming in the opposite direction and reduces the lane width for any other cars traveling on Litchfield Way.

To alleviate this condition they propose extending the driveway on the left side out to the road creating a circular driveway so cars can ingress on the right and egress on the left.

Ms. Piazza reviewed Mr. Vander Veer's letters of November 17, 2014 **[A-8]** and December 4, 2014 **[A-9]**. There are no outstanding issues. They performed a stormwater analysis based on the increase in improved coverage and provided drainage calculations in their report **[A-7]**. They propose to add two seepage pits to the existing system of seepage pits behind the garage drive as noted on C-2 Grading and Drainage Plan **[A-6]** to collect the additional stormwater runoff. Mr. Vander Veer indicated this satisfied the Borough's requirements his December 4, 2015 letter **[A-9]**.

She reviewed the Re-examination Report of Alpine's Master Plan noting a section that specifically lists the goal to promote safe and efficient traffic circulation that serves the community therefore this slight deviation for a *de minimus* increase in lot coverage would be a substantial benefit to the community by improving the circulation on this property and decreasing the frequency of vehicles parked on the road and significantly decrease the number of vehicles backing out of the driveway. The proposed provides a positive impact to the health, safety and welfare for the Conways and their four children. They are likely very busy bringing four children back and forth to various activities. Backing out is not safe for them or their guests. She sees no negative impact to the Zone Scheme, Plan or Intent of the Borough of Alpine if the Board were to grant this variance for a slight deviation.

Opened for questions to the public. There were none.

Opened to the Board

Mr. Vander Veer raised two issues:

1. As noted in his letter dated November 17, 2014 **[A-8]** the existing fence along the front yard encroaches into the right-of-way and needs to be either relocated or they should apply to the governing body for permission to leave it there. Mr. Watkins advised they would choose to apply to the governing body to allow it to remain stipulating to move the fence if required to do so.
2. Driveway grading. Current design appears to run the new driveway straight down hill to the garages. If there is any obstruction in the road way gutter this will permit water to run straight down the driveway from the street. He recommends they place a six inch rise in the apron of the driveway at the road to prevent this. Ms. Piazza concurred and Mr. Watkins stated no objections.

Mr. Glazer viewed the site today and noted a large vehicle parked in the driveway facing south in what is depicted on C-1 of **[A-6]** as a shaded cross hatched area where

it appeared there was certainly room for another car to get by at that point. Ms. Piazza acknowledged this bumped out area but noted in order to keep the increase in coverage down they are removing that section of the driveway to provide the egress.

Mr. Glazer asked if this is the only method they considered for turning cars around. Ms. Piazza replied it is the only method that fits within the other improvements that they can't move on the property such as the house, the garage access, the grades, the septic fields and the buffer zones which limit the area they can use.

Mr. Glazer asked if there are any other areas increasing in coverage besides the driveway. Ms. Piazza pointed out a 62 square foot increase in coverage at the pool area for a proposed spa which represents less than 0.2% of the 2% increase they are seeking, a *de minimus* amount which will not impact the driveway.

Mr. Bonhomme asked why the original driveway was not placed on the same side of the garages noting it is closer to the one septic field than the new driveway will be. Attorney Watkins noted they do not know because Ms. Conway bought the house after it was already constructed. She now has concerns about the safety of her children.

Attorney Watkins stated he has no other witnesses.

The hearing was opened for public comments.

Andrea Abad, 7 Berkery Place read a statement in support of the application and asked the Board to grant the variance. She believes the town will benefit from the Conways living there and that safe, attractive and functional homes add to everyone's home value and to the town itself. She believes the driveway as is does not function well and does create hazardous conditions. They know the family and that they are not here for a quick flip or gain at someone else's expense. They are very involved in the Alpine school and have long term plans to reside in Alpine. She knows they've considered many various options but after years of contemplation they are here with the proposed having found no other viable option. Their request, while minimal, would provide a huge change in the usefulness of their home and the quality of their life.

There were no further public comments.

Mr. Glazer asked if Mr. Vander Veer was satisfied with the stormwater management. Mr. Vander Veer affirmed he revised the plans that provide two extra seepage pits and the calculations provided and finds them satisfactory.

Mr. Bonhomme questioned if a tree shown near the apron of the proposed drive would affect visibility. Mr. Glazer did not take note of it when he was there. Mr. Vander Veer offered the tree is far enough back from the curb line so that it will not present an issue.

Resolution Upon a motion by Mr. Barbieri, seconded by Mr. Bonhomme to approve the application.

Vote: Ayes: Cohen, Bonhomme, Burns, Barbieri, Glazer

MOTION CARRIED

OTHER BUSINESS None

Mayor Tomasko updated the Board on the Municipal Budget, Document Shredding Day, an upcoming newsletter, and hopes for replenishment of the Transportation Trust Fund. The Mayor and the Board noted the great job the DPW did dealing with the numerous snowstorms this winter.

ADJOURNMENT at 8:13 p.m. upon motion by Mr. Burns, seconded by Mr. Barbieri and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary