

ALPINE ZONING BOARD OF ADJUSTMENT

Reorganization and Regular Meeting
Thursday, March 21, 2024 - 7:30 P.M.
(This meeting taped in its entirety)

CALL TO ORDER/PLEDGE OF ALLEGIANCE/PUBLIC ANNOUNCEMENT

This meeting of the Alpine Zoning Board of Adjustment was called to order by Mr. Glazer at **7:32 P.M., Thursday, March 21, 2024** 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 Zoning Board of Adjustment meeting has met the requirements of the law as part of the Borough of Alpine's annual meeting notice published in The Record, posted on the bulletin board in the lobby and on the Borough website and a copy filed in the office of the Borough Clerk.*

ROLL CALL

Richard Glazer (C)	Present	Tony Clores (VC)	Present	Amy Lerner	Present
George Abad, Jr.	Absent	Richard Bonhomme	Absent	Robert F. Policano, Alt I	Present
Anthony Barbieri	Present	Elizabeth Herries	Present	Bruce Pomerantz, Alt II	Absent

Staff Present:

Board Engineer Perry Frenzel, Cara Landolfi, Esq. present for Board Attorney, Acting Secretary Stephanie Wehmann

COMMUNICATIONS: None

PROCEDURAL MOTIONS

Resolution: Approval of Minutes: Regular Meeting January 18, 2024

Upon a motion by Mr. Policano, seconded by Mr. Clores and approved by all those eligible to vote to approve the minutes of the regular Zoning Board of Adjustment meeting held on December 21, 2023

Note: Ms. Lerner abstaining.

Resolution: Bills & Claims

Upon a motion by Mr. Clores, seconded by Mr. Barbieri to approve the following bills and claims:

Vendor	Block/Lot/Address	Escrow/ Account No.	Invoice No.	Amount
Azzolina & Feury Eng.	41/8 – 23 DuBois Avenue	Escrow	78605	\$192.00
North Jersey Media Group	41/8 – 23 DuBois Avenue	Escrow	Notice of Decision Ad#9758865	\$18.48
Kates, Nussman et.al.	41/8 – 23 DuBois Avenue	Escrow	31483	\$840.00
North Jersey Media Group	Zoning Board Attorney	4.01.21.185.023	Notice of Professional Service Appointment	\$11.00
New Jersey Planning Officials	Mandatory Training B. Pomerantz	4.01.21.185.025	082024938	\$206.00
Amy Lerner, Board Member	Mandatory Training NJPO Reimbursement	4.01.21.185.025	082024763	\$160.00
Azzolina & Feury Eng.	60/12 – 55 Forest St.	Escrow	78703	\$224.00

Vote: Ayes: Mr. Barbieri, Mr. Clores, , Ms. Herries, Ms. Lerner, Mr. Policano, Mr. Glazer **Motion Approved**

MEMORIALIZATIONS: - None

HEARING – Choi 55 Forest Street Block 60 Lot 12

Danielle Federico, Esq., Chiesa Shahinian & Giantomasi PC, 104 Eisenhower Parkway, Roseland, NJ 07068 appeared on behalf of the Applicant So Young Choi 55 Forest Street, Alpine, NJ 07620 along with Applicant's Architect, Hojoon Chung, RA LEED AP, Joon Architecture and Design, LLC, 21 Grand Ave, 604B, Palisades Park, NJ 07650 and Planner, Matthew Flynn, PP of John McDonough Associates 101 Gibraltar Drive, Morris Plains, NJ.

Attorney Federico explained Applicant seeks variances to replace, not expand, a deck that has already been demolished and a second floor balcony of his single family home as part of renovations. The property has multiple pre-existing nonconformities:

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- Front yard setback 13.7 feet where 20 feet is required
- Side yard setback 20.1 feet on left side and 3 feet right side where 15 feet required for each
- Lot size 9,000 square feet where 10,000 square feet required
- Lot coverage 33% existing and proposed where maximum 20% permitted.

Architect, Hojoon Chung was sworn, testified to his credentials and deemed qualified as an expert in his field. Mr. Chung testified to his plans dated 10/17/2023 included with the Application which was marked Exhibit A-1. The property is located in Zone R-2B. Chairman Glazer noted packets also included a reduced set of plans marked 9/24/2023. Attorney Federico advised they should disregard the earlier set of plans. Referring to plans he described existing conditions noting they are not seeking to expand what was there previously. His plan raises the height of the garage two feet for aesthetic purposes. This does not require relief. They wish to replace the previously existing deck at the right rear corner of the home (174 square feet) and a second-floor balcony (30 square feet) with identical coverage.

Opened to the public for questions. David Kupferschmid, noting it appeared that other than changing the pitch of the garage roof they did not appear to be changing much. Attorney Federico agreed noting the planner will detail.

Opened to the Board for questions. The Board questioned the timeline of work already performed. Attorney Federico explained applicant bought the property June 2023, the deed was recorded July 2023. They were retained in October 2023 so work began within that timeframe. Applicant has a language barrier and did not realize he needed permits for work he started to remediate water getting into the house and other repairs and renovations. They received a stop work order (SWO) on October 5 and immediately complied contacting her to initiate required procedures. They were advised to come before the Zoning Board first.

The Board noted a language barrier is not an excuse and questioned Mr. Chung who stated he was not the contractor. Discussion followed on the extent of work performed prior to the SWO. A Board member familiar with the property noted he had observed work beginning in September 2023: the garage roof was raised, rafters were extended on the side of the house, and a new roof for the whole house installed including a skylight. The size of the front porch was increased and its roof extended. The rear decks were demolished and cantilevers can be seen extending from the rear for the deck and balcony. Plumbing work has been performed for a laundry room on the first floor and new windows and a sliding door installed. Additional new footings and brick work are being added around the foundation expanding the footprint 6 inches on one side and 7 inches on the other. The plan shows additionally they will replace two garage doors with one. All of this was done without any approvals, permits or inspections. He is appalled. Attorney Federico understood but noted they are here to correct that. Currently they can only manually pump water in the basement as they are not even allowed a sump pump. The furnace also has to be replaced along with other issues and they are trying to keep the house from deteriorating and make it habitable.

Ms. Herries asked if they would have needed a variance if they had not taken down the deck without a permit. Attorney Federico stated no. The contractor was from South Jersey and not familiar with Alpine's zoning code. It was not clear whether the contractor was properly certified and licensed. Attorney Federico assured that will all be rectified with the building department.

Mr. Clores noted he is familiar with the prior interior layout of the home and the wide open space on the second floor measuring 18+ feet by 13 feet was not there before. Mr. Policano noted the space includes a closet which could potentially be used for an additional bedroom exceeding what the existing septic systems could handle. Mr. Frenzel concurred there can be no increase in bedrooms. They would have to re-engineer the septic systems. If on final inspection they find another bedroom they will not get a Certificate of Occupancy.

Mr. Policano questioned the zoning designation. Attorney Federico explained the lot size was pre-existing and referred to prior resolutions from 1961 authorizing the side yard setback variance to erect a garage (Zone B-1) and 1987 (Zone R-2B) approving a living area variance to extend the second floor bedroom. Mr. Glazer noted zoning changes had occurred over the years. Mr. Policano noted questions regarding the fence also erected without permits. It extends two feet over the rear property line. Attorney Federico stated they don't need a variance but will correct this with the building department.

Ms. Lerner questions a 40 square foot concrete pad on the plan to question location. Mr. Chung stated it's next to the steps. Ms. Herries asked if the new brick façade was calculated in coverage. Attorney Federico asked to amend the application to include with the variance noting they are not increasing livable area and the deck will be over dirt and not concrete.

Mr. Kupferschmid asked for a synopsis of the relief being sought and relief for pre-existing nonconformities was repeated.

Matthew Flynn, PP was sworn, testified to his credentials, and deemed qualified to give expert testimony in his field. He explained the zoning officer noted deck had been removed in its entirety and there was no proof of a prior approval. While total lot coverage is 33% where 20% is permitted the variance they are seeking is only 1.9% lot coverage for the deck or 2.3% if you include the second story balcony. Increasing the garage roof by 2.3 feet will not need a "d" variance. Mr. Flynn distributed a photo exhibit marked A-2. The proposed is proportionate, balanced and conforms

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with what exists in the neighborhood. Replacing the deck fills in a nook at the rear of the property – they are not extending it – and it is not visible from the street. Likewise the balcony is just being replaced as well as the brick paver patio. Intent is to cleanup and replace what's there. He notes the rear yard is 48 feet where only 15 feet is required. This will remain and they are not getting closer to anyone's property lines.

For a c(2) variance Positive criteria: renovation and upkeep of an older property which promotes (a) the general welfare, (g) variety of uses in an appropriate location as remains a single family residence, (i) desirable visual environment and (n) efficient use of land putting the deck in a concealed location out of street view and no closer to lot lines. Negative criteria review: there is no negative impact to the public or the zone. There may be a minor change to the bulk or footprint or setbacks by less than a foot all around but nothing substantial that would kick off any new variance conditions. They have 48 feet in the back and the deck falls within the setbacks and is concealed. The prior deck had been there for a long time. The large back yard addresses open air and space.

For a c(1) variance an element of hardship applies as they are not expanding structures and the coverage ordinance anticipates 10% that's 'inclusive' of the building and here they're only talking about a 1.9-2.3% and it's typical of residential development to have a certain amount of usable outdoor space that would come with some amount of lot coverage. This is a proportional proposal that needs the needs of the applicant but does not stand out. Regarding the brick shelf they are adding around the house the same testimony would apply. He understands the Applicant started without permits and that puts the Board in a difficult position but the relief sought is minor and they are appearing at this hearing to rectify that oversight.

Mr. Flynn provided testimony that the brick façade would increase the impervious lot coverage an additional approximately 0.5% bringing the total coverage sought to from approximately 32.8% to 33.5%.

Mr. Frenzel concurred and additionally noted a preliminary rough calculation of the brick façade addition increases coverage less than 0.5% for a total of 2.8%. He noted you can see that a deck and balcony existed previously.

Opened to the public for questions. **Sandra Nudelman, Cassandra Drive**, questioned any impact to drainage. Mr. Flynn noted while included in improved coverage the area below the deck is dirt and pervious.

Mr. Clores questioned how the Board can approve work already done without permits. Attorney Federico explained that's why they are here - they needed the Board's approval for the variances and will still need to obtain all necessary approval and permits and address any issues with the Building Department. Mr. Barbieri recommended the owner obtain assistance with language to ensure an understanding of what is required as they move forward. **Sue Young** stated she is friends with Ms. Choi and has agreed to help the applicant with the language issues. Mr. Glazer noted it is not up to the Board to be concerned with what occurred but rather to determine if variance relief is warranted based on the testimony.

Mr. Frenzel noted they have asked the owner to do some housekeeping and asked attorney Federico to replay: repair some loose siding immediately, re-locate the fence out of the neighbor's yard, and direct any discharged basement water toward the street and not towards the neighbor's yards. Ms. Federico will have the client confer with the Building Department to make sure they comply using proper procedure.

Resolution: Upon a motion by Ms. Herries, seconded by Mr. Policano to approve the application.

Vote: Ayes: Barbieri, Herries, Lerner, Policano, Glazer **Abstain:** Clores

OTHER BUSINESS:

Chairman Glazer noted they have a qualified candidate for zoning board secretary and thanked Borough Clerk for her service as interim secretary,

Appointment Zoning Board Secretary Effective April 15, 2024

Upon a motion by Ms. Herries, seconded by Ms. Lerner to appoint Martha Francis as Secretary to the Zoning Board of Adjustment for the unexpired portion of a one year term effective April 15, 2024 and expiring December 31, 2024.

Vote: Ayes: Barbieri, Clores, Herries, Lerner, Policano, Glazer

Mayor Tomasko noted attention shifts from budget to planning Memorial Day. He updated the Board on legislative reforms with affordable housing, open public records law and transportation trust fund replenishment.

ADJOURNMENT

Upon a motion by Ms. Herries, seconded by Mr. Barbieri, and approved by all those present, the meeting was adjourned at 8:40 P.M.

Respectfully submitted,

These minutes have been approved by the Zoning Board of Adjustment.

Stephanie Wehmann, Acting Secretary