

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, April 18, 2019 - 7:30 P.M.

(This meeting was 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 Chairman Glazer at 7:30 p.m., Thursday, April 18, 2019 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, April 18., 2019 has met the requirements of the law by being published in The Record on January 4, 2019 and posted on the bulletin board in the lobby of the Borough Hall and a copy filed in the office of the Borough Clerk.*

OATHS Prior to the meeting **Elizabeth Herries** was sworn in as Alternate Member II for the unexpired portion of a two-year term expiring 12/31/2019. Chairman Glazer welcomed Ms. Herries to the Board.

ROLL CALL:

Present: Anthony Barbieri, Steve Cohen, Richard Glazer, Elizabeth Herries (Alt.II), Jeffrey Mayer
Absent: George Abad, Jr. (Alt I), Richard Bonhomme, Tony Clores, David Kupferschmid
Staff Present on Dais: Attorney Michael Kates, Borough Engineer Perry Frenzel,
Board Secretary Nancy Wehmann

COMMUNICATIONS: The following were noted for the record:

- AF Update Letter 2/6/2019 re: Art Studio 55/4 – 83 Church Street
- AF Update Letter 2/6/2019 re: Luk 79/1 – 16 Marie Major Drive
- AF Update Letter 3/7/2019 re: Luk 79/1 – 16 Marie Major Drive
- Reminder Mandatory 2019 Financial Disclosure Forms Deadline April 30

MEMORIALIZATIONS - None

PROCEDURAL MOTIONS

Resolution: Approval of Minutes: Regular Meeting January 17, 2019 upon a motion by Mr. Barbieri, seconded by Mr. Mayer, and approved by all those eligible to vote after correction 2nd page to reflect Elizabeth Herries is current Planning Board "member", not "Attorney".

Resolution: Approval of Bills and Claims Upon a motion by Mr. Cohen, seconded by Mr. Barbieri and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, April 18, 2019 to approve the following Bills and Claims:

<i>Kates, Nussman, Ellis et al</i>	<i>8-01-21-185-021 OCT/DEC Mtg</i>	<i>Inv. 24839</i>	<i>400.00</i>
<i>Kates, Nussman, Ellis et al</i>	<i>9-01-21-185-021 JAN Mtg</i>	<i>Inv. 24839</i>	<i>200.00</i>
<i>Azzolina & Feury Eng., Inc.</i>	<i>Edwards 121/6</i>	<i>Inv. 71203</i>	<i>112.00</i>
<i>North Jersey Media Group</i>	<i>9-01-21-185-022 Notice PSA</i>	<i>Inv. 4313069</i>	<i>11.55</i>

Resolution: Return of Escrow Upon a motion by Mr. Cohen, seconded by Ms. Herries and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, April 18, 2019 to return the following escrow which have been reviewed and approved by the Board Attorney and Borough Engineer.

Charles Luk	Trust AC 70174	Block 79 Lot 1 16 Marie Major Drive	Resolution 6/21/2018	\$514.00
Oliver Petrit Papraniku	Trust AC 70180	Block 46 Lot 3 26 West Main Street	Resolution 9/26/2018	\$487.00
4M Alpine LLC	Trust AC 70179	Block 21 Lot 3 21 Rio Vista Drive	Resolution 12/26/2018	\$547.75
Hillcorp, Inc. for Victoria Zoellner	Trust AC 70182	Block 55 Lot 4.01 83 Church Street	Resolution 10/18/2018	\$378.75
Mr. & Mrs. T. Laoudis	Trust AC 70186	Block 22 Lot 7 17 The Esplanade	Resolution 10/18/2018	\$1,393.00

HEARINGS**910 Closter Dock Road LLC Block 55 Lots 20&21 – 906-910 Closter Dock Road**

Matthew G. Capizzi, Esq. Capizzi Law Offices 11 Hillside Ave., 2nd Floor, Tenafly, NJ 07670 appeared on behalf of the applicant 910 Closter Dock Road LLC along with Applicant's engineer, Andrea Piazza PE of Piazza Engineering, 11-15 River Road, Fair Lawn, NJ 07410 and Bobby Cullen, Property Manager for the applicant. No one from the public spoke to the application.

Exhibits marked by affirmation of Exhibit List as follows:

- A- 1 Proof of Publication on in The Record April 8, 2019
 - A - 2 Certified Mailing to Residents within 200' on April 8, 2019 per Tax Assessor's List dated April 4, 2019
 - A - 3 Application – signed but not dated with attachments:
 - o Proposals and Reasons for relief
 - o 200 Foot property owners list December 27, 2018 refreshed April 4, 2019
 - A - 4 Zoning Review letter March 20, 2019
 - A - 5 Planning Board Resolution March 1984 (Re: Block 55 Lots 19&20)
 - A - 6 Application and Checklist for Soil Moving Permit signed but not dated
 - A - 7 Johnson Soil Company Report re: February 21, 2018 test pits dated March 9, 2018 signed by Lisa V. Mahle-Greco, PE
 - A - 8 Set of five 8.5x 11" color photos not labeled, signed or dated
 - A - 9 Tree Inventory not signed or dated
 - A - 10 Cut and Fill Report signed and sealed Andrea Piazza, PE, Piazza Engineering dated February 6, 2019
 - A - 11 Drainage Report for Uehling Residence signed and sealed Andrea Piazza, PE, Piazza Engineering dated February 6, 2019
 - A - 12 Topographic Survey signed and sealed Massimo Piazza, PE, PLS, Piazza Engineering dated October 2, 2018
 - A - 13 Set of Plans signed and sealed Andrea Piazza, PE, Piazza Engineering consisting of ten pages C1 – C10 dated February 1, 2019
 - C1 Site Plan
 - C2 Grading Plan
 - C3 Drainage Plan
 - C4 Demolition Plan
 - C5 Soil Erosion & Sediment Control Plan, Details & Notes – Phase 2
 - C6 Tree Removal Plan
 - C7& C8 Cross Sections
 - C9 Steep Slope Analysis
 - C10 Tree Replanting Plan
 - A - 14 Set of Plans signed and sealed by James Paragano Architect, AIA consisting of two pages Z1 Plans and Z2 Elevations dated January 23, 2019 last revised #1 February 27, 2019
 - A - 15 Borough Engineer's letter dated April 4, 2019
- And marked during the course of these proceedings:*
- A - 16 Deed of Easement dated January 30th 1997 Book 7946 Pages 717-719 Block 55 Lot 19 between Lee R. Robins and Edward J. McCrossin, III, Executors and Trustees under the Last Will and Testament of Goia Braga Robert E. Zoellner and Victoria Zoellner, his wife.

The property is a stand-alone parcel but owned by the Zoellner family who intend to construct a new six-bedroom single-family residence by consolidating lots 20 and 21 into one larger lot, raze the existing single-family dwelling and retain an existing legal non-conforming garage structure and shed. The proposal requires:

- a soil moving permit for 3,757 cy.
- a variance for five garage doors totaling 46.65 linear feet where three doors or 30 linear feet is permitted but none of the doors will be visible from Closter Dock Road being either obstructed by other structures or facing the interior of the property.

- a variance to locate the proposed generator in the front yard. This location is preferred to protect existing landscaping. It will be set back 70 feet, screened and the location offset by traffic noise from Closter Dock Road.

The proposal seeks to retain two pre-existing nonconforming structures that will not be changed or exacerbated by this application:

- The pre-existing non-conforming shed (pump house for a well) on the west side has a 3.6-foot side yard setback and tree buffer encroachment where 20 feet is the minimum and no encroachment into the tree buffer is permitted
- The pre-existing non-conforming garage structure on the east side has a 15.87 side yard setback where 20 feet is the minimum

Andrea Piazza PE was sworn, provided her credentials¹ and accepted as an expert witness in her field. Ms. Piazza referenced her plan Sheet C-1 **[part of A-13]** and topographic survey **[A-12]** to describe the subject property.

The property has two driveways accessing Closter Dock Road: a main drive to the northeast via an access easement through the adjoining property (also family-owned) and a second drive on the west side. A detached garage previously located in the front yard was demolished for construction of the septic systems. The existing single-family dwelling will also be demolished. The storage garage with greenhouse on the east side will remain but they will eliminate two of the three garage doors. The remaining door faces into the property. The vehicle garages will consist of two 2-car garages located on either side of the proposed garage court attached to the dwelling. The garages will face each other and not be visible from Closter Dock Road. Site amenities include a pool and lawn terrace. As shown on the Steep Slope Analysis Sheet C-9 **[part of A-13]** the property has a relatively gentle slope on the northeast corner growing steeper towards the southwest corner. The only disturbance to steep slopes was for construction of the septic fields. The rear portion of the property is beautifully landscaped and they don't want to disturb the numerous prized species thereon. Improvements are designed for the same general area of existing improvements in the front 300 feet, closer to Closter Dock Road.

The property is located in the R-1 residential zone and is oversized being 193,832 square feet where 40,000 square feet is the minimum. They meet all the requires setbacks for the proposed pool and dwelling. The property is well within permitted coverages being 4.31% building coverage where 9% is permitted and 14.30% improved lot coverage where 25% is permitted.

A generator is proposed for the front yard closer to where the utilities enter the property and because a rear location would require more trenching and disturbing. Moving it to the west would result in exposed conduit along the retaining walls between the septic fields and elevated garage court. They did not think the proposed would be offensive due to noise from the truck traffic on Closter Dock Road and landscaping to preclude views and generator noise.

Grades as shown on C-2 Grading Plan **[part of A-13]** were established to meet existing driveway grades and to preserve as much of the existing vegetation as possible. Engineer Piazza reviewed the soil moving calculations: Cut 1,334 cubic yards, Fill 3,757 cubic yards, import 2,423 cubic yards and Drainage Report **[A-11]**. Roofs and leaders will be diverted to seepage pits. Driveway water will filter through a water quality management device to treat stormwater prior to discharge to groundwater. A series of curtain drains in the garden areas will drain to seepage pits at the rear of the property.

Tree removal and replacement is reflected on C6 and C10 **[part of A-13]**. This is a heavily wooded and landscaped property. All trees were tagged and a full inventory is provided by

¹ BS/MS Newark College of Engineering NJIT; NJ License since 1991, and has multiple appearances before this Board.

type, size and condition. Most of the trees slated for removal are in poor condition. The Tree Replanting Plan, developed with input from the landscape architect, complies with mitigation requirements.

Engineer Piazza can address any items contained in Mr. Frenzel's letter dated April 4, 2019 [A-15]. The retaining wall at the edge of the driveway will be a brick faced reinforced concrete wall to match the dwelling.

Mr. Mayer asked if the intention is for the house not to be seen from Closter Dock Road by fence or landscaping. Ms. Piazza noted the plan depicts trees but not all of the shrubs and the property is heavily landscaped with mature 15 – 20 feet tall rhododendrons in front. Whether intentional or not the current condition is that you can't really see through them and they are not to be disturbed. The proposed structures are pretty much in line with the existing structures.

Mr. Glazer questioned noise and views relative to the generator. Ms. Piazza anticipates a 106-150kW capacity and pointed out Note 2 on the plan states "Generators are subject to the measured sound pressure levels of §153-3 (noise ordinance). Generators shall be suitably buffered and screened to minimize views from adjacent properties and the public right-of-way subject to Borough approval." Attorney Capizzi stipulated to a sound enclosure. Mr. Frenzel noted prior to installation he will require the sound enclosure detail and statement of compliance with both the Borough and state ordinances. Ms. Piazza concurred and stipulated to same. Mr. Kates pointed out a typo on the Zoning Schedule lists Blocks 20 & 22 instead of 20 and 21. Ms. Piazza will correct.

Mr. Frenzel requested clarification of the driveway easement. Attorney Capizzi provided a copy of a Deed for the dedicated recorded easement on Block 55 Lot 19 marked [A-16].

Mr. Frenzel questioned a feature at the bottom of C-1 [part of A-13] marked "cesspool." Ms. Piazza stated they will further investigate this existing underground chamber during construction. Mr. Frenzel asked to part of the inspection and Ms. Piazza agreed.

There were no further questions or comments from the public or the Board.

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

Vote: Ayes: Mr. Barbieri, Mr. Cohen, Ms. Herries, Mr. Mayer, Mr. Glazer

APPLICATION APPROVED

Minoyan Block 60 Lot 10 – 47 Forest Street

Matthew G. Capizzi, Esq. Capizzi Law Offices 11 Hillside Ave., 2nd Floor, Tenafly, NJ 07670 appeared with and on behalf of the applicant Jacques Minoyan and his wife along with Applicant's engineer and planner, Douglas W. Doolittle, PE, LS, PP McNally Doolittle Engineering, LLC 169 Ramapo Valley Road, Oakland, NJ 07436 and Applicant's architect Stephanie DeCarlo Pantale, 70K Chestnut Ridge Road, Montvale NJ 07645.

Exhibit List marked by affirmation as follows:

- A – 1 Proof of Publication on in The Record on April 8, 2019
- A – 2 Certified Mailing to Residents within 200' on April 8, 2019 per Tax Assessor's List dated February 28, 2019
- A – 3 Application – signed and dated February 27, 2019 with
 - Proposals and Reasons for relief
 - Tax Collector advice taxes paid through 2019 1Q

- A – 4 Zoning Officer’s Letter dated January 29, 2019.
- A – 5 Prior Zoning Board of Adjustment Resolution July 7, 1987
- A – 6 Prior Zoning Board of Adjustment Resolution September 6, 1988
- A – 7 Storm Drainage Report prepared by McNally Doolittle Engineering LLC dated March 27, 2019
- A – 8 Set of four 8.5x 11” color photos not labeled or dated with cover sheet McNally Doolittle Engineering LLC
- A – 9 Set of Plans signed and sealed by Douglas S. Doolittle, PE, PLS, PP of McNally, Doolittle Engineering, LLC
 - Drawing SB-1 “Boundary and Topographic Survey” dated May 9, 2018 last revised #1 May 25, 2018 “Added Corner Markers & Utilities”
 - Drawing VM-1 “200 Ft. Vicinity Map” dated March 7, 2019
 - Drawing PP-1 “Plot Plan” dated January 2, 2019 last revised #3 March 29, 2019 “Revised Retaining Wall”
- A – 10 Set of Plans signed and sealed Stephanie DeCarlo Pantale, Architect consisting of two pages ZB1 & ZB2 dated January 17, 2019
 - o ZB1 Elevations
 - o ZB2 Floor Plans
- A – 11 Borough Engineer’s letter April 4, 2019
And marked during the course of these proceedings:
- A – 12 Site Photos (Two) Taken by Matthew Capizzi on April 12, 2019

The home, currently vacant and in disrepair, was constructed in 1882. As is typical for a home this age it has undergone multiple renovations. A small addition was added to rear in the 1980’s along with a small garage. Applicant proposes to raze the existing detached garage that is too small to be functional along with the one-story addition and construct a two-story addition incorporating a functional two-car garage and second floor master bedroom suite. The exterior will be completely renovated and while the footprint will increase from 1,306 square feet to 1,797 square feet the home is and will remain a 3-bedroom home. A new combined (due to limited lot size) graywater/blackwater septic system has been constructed in the rear yard. The proposed requires relief:

- As a non-conforming undersized lot being 8,873 square feet in the R2B zone which requires minimum 10,000 square feet.
- Maintaining a pre-existing non-conforming front yard setback: 13.2 feet where 20 feet is minimum
- Maintaining a pre-existing non-conforming south side yard setback 10.1 feet where 15 feet is minimum
- Increase the non-conforming building coverage 20.25% proposed where 14.72% exists and 10% is minimum
- increase improved coverage 30.07% proposed where 27.49% exists and 20% is minimum.

Relief is justified under MLUL (c)(1) due to undersized nature of lot and lot lines not running parallel to one another and also under (c)(2) by furthering the purposes of zoning by creating a more desirable visual environment by creating an architecturally appealing dwelling of a size and scale in keeping with other dwellings found in the neighborhood and enhancing the streetscape. There is no substantial negative impact as the non-conforming front and side yard setbacks are not exacerbated and the dwelling is similar in size and scales to other homes in the neighborhood.

Stephanie DeCarlo Pantale was sworn, provided her credentials² and accepted as an expert witness in her field. She referred to her plans [A-10] and a one page two photo exhibit prepared

² Graduate NJIT 1990;NJ Licensed Architect since 1996 practicing 20 years+. She has appeared before this Board.

by Attorney Capizzi marked [A-12] to describe existing conditions. The existing garage will be demolished but they will keep that same side yard setback line and fill in the recessed area between the old garage and the dwelling to create an attached two car garage. The side yard setback variances are only required because the lot's side lines are angled. The house has a low crawl space sufficient to house mechanicals but not high enough to stand up in. The existing second floor has a front bedroom with two bedrooms in the back. A wood deck will be replaced with a patio. The first-floor family room area will be reconfigured to include a mud room and laundry room. The second floor will be reconfigured to provide for a front bathroom and front and rear bedrooms along with a rear master bathroom to service a new master bedroom suite over the garage/family room. The suite consists of a master bedroom in front, walk-in closet, sitting room and a balcony to the rear. The design adds about 500 square feet to the first floor, mostly for the garage, and about 1,000 square feet to the second floor.

Ms. Pantale described the elevations noting two existing upstairs windows are not centered and will be separated, one in the bedroom and one in the bathroom. They intend to renovate but keep the basic exterior design adding a dormered area in the front of the master bedroom with a lower roof plate to reduce the appearance of mass and enhance curb appeal.

Douglas Doolittle, PE, PP was sworn and having appeared before the Board numerous times accepted as an expert witness in his field. The site currently has no drainage improvements where they propose a seepage pit in the front left corner to collect all roof runoff and some of the driveway. Runoff will be substantially reduced from existing. Mr. Frenzel has reviewed and approved their drainage calculations. The new septic system installed was a challenge due to lot shape, topography and rock but represents a major improvement over what existed and is designed for a 3-bedroom home. Mr. Doolittle reviewed the undersized lot is a parallelogram and not a rectangle where the house is perpendicular to the street thus pushing the left front and right rear corners into the side yard setbacks as pre-existing nonconformities. The addition will be setback to maintain the front yard setback. The two-car garage plus two spaces in the driveway for visitors are a positive to keep cars out of the road. The 200-foot vicinity [part of A-9] shows lots and homes to the rear are substantially larger. The home to the west is larger and further away and the home to the east is also further away giving the appearance of well-spaced out homes. A brand new large colonial style home is directly across and there are several vacant lots to the west. Mr. Glazer requested distances to the homes on either side. Mr. Doolittle replied 50 feet to the west and about 47-48 feet to the east. The second story addition will be on the west. Mr. Cohen opined the proposed will be a major visual improvement.

Mr. Doolittle advised they can comply with requirements in Mr. Frenzel's letter. Should they add a pad for air conditioning and/or a generator they will not increase coverage but subtract from the paver patio coverage and comply with setbacks.

There were no questions or comments from the public or the Board.

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

Vote: Ayes: Mr. Barbieri, Mr. Cohen, Ms. Herries, Mr. Mayer, Mr. Glazer

APPLICATION APPROVED

OTHER BUSINESS Mayor Tomasko commented on the newsletter, Arbor Day, Shredding Day, Memorial Day and municipal tax rate. He noted the Borough's fortune in the first applicant seeking to consolidate lots rather than subdividing and adding traffic to Closter Dock Road.

ADJOURNMENT at 8:35 p.m. upon motion by Mr. Barbieri, seconded by Mr. Cohen and approved by all.

Respectfully submitted,
Nancy Wehmann, Secretary