

ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Thursday, November 17, 2016 - 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 7:33 p.m., Thursday, November 17, 2016 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, November 17, 2016 has met the requirements of the law by being published in The Record as part of the Annual Notice on January 7, 2016, 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
Steve Cohen	Absent	Richard Bonhomme	Present
Anthony Barbieri, Alt I	Present	Jeffrey Mayer, Alt II	Present

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

COMMUNICATIONS

- Borough Engineer Letter to Construction Code Official 3/25/2016 re: Plan Review Soil Moving Schwartz Block 22 Lot 2 – 12 Tulip Tree Lane and
- Zoning Officer's Letter re: Schwartz Block 22 Lot 2 – 12 Tulip Tree Lane 11/2/2016
- Letter from Board to Anne Ronan thanking her for 12 years of service. Ms. Ronan tendered her letter of resignation 7/8/2016. Chairman Glazer noted she will be missed.
- Certificate of Completion Basic Land Use Law & Planning Course 3/2/2016 for Jeffrey Mayer

MEMORIALIZATIONS - none

PROCEDURAL MOTIONS

Resolution: Approval of Minutes: Regular Meeting January 7, 2016

Upon a motion by Mr. Clores, seconded by Mr. Bonhomme and approved by all those eligible to vote at this regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, November 17, 2016 to approve the minutes of the regular meeting held on January 7, 2016.

MOTION CARRIED

Resolution: Approval of Bills and Claims Upon a motion by Mr. Clores, seconded by Mr. Bonhomme and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, November 17, 2016 to approve the following Bills and Claims:

North Jersey Media Group	5-01-21-185-022	Inv. 3975371	24.57
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MOTION CARRIED

NEW HEARING**Kevin Waldman, 57 Berkery Place Block 71 Lot 16**

Attorney Matthew G. Capizzi of Capizzi law offices, 11 Hillside Ave., Second Floor, Tenafly, NJ 07670 appeared on behalf of the Applicant Kevin Waldman of 57 Berkery Place, Alpine, NJ designated on the tax map as Block 71 Lot 16. Appearing with Mr. Capizzi was Hans P. Erdenberger, AIA, President of Environetics group Architects, P.C. of 180 Sylvan Ave., Englewood Cliffs, NJ 07632 and David Spatz, P.P. 60 Friend Terrace, Harrington park, NJ. Applicant's engineer, Michael J. Hubschman, P.E., P.P. of Hubschman Engineering, 263A South Washington Ave., Bergenfield, NJ 07621 had a conflict and could not be present.

Exhibits were noted by reference marked as follows:

- A – 1 Proof of Publication on in the Record November 7, 2016
- A – 2 Certified Mailing to Residents within 200' on November 7, 2016 per Tax Assessor's List dated July 21, 2016
- A – 3 Application Form signed and dated October 21 2016 including:
 - Cover letter from Matthew G. Capizzi, Esq. dated October 21, 2016 with enclosures:
 - Proposal & Reasons for Relief dated October 11, 2016
 - Tax Collector's records show taxes paid through 4Qtr 2016
- A – 4 Zoning Officers Letter dated September 26, 2016
- A – 5 Four color photos prepared by Michael J. Hubschman, PE of Hubschman Engineering 263A South Washington Avenue, Bergenfield, NJ 07621 dated October 4, 2016.
- A – 6 Set of Site plans prepared by Michael J. Hubschman, PE, PP of Hubschman Engineering signed and sealed consisting of 2 pages:
 - Drawing No. 3292-3 entitled "Site Plan/Septic System Modification" dated July 11, 2016 last revised #3 November 2, 2016 "per A&F letter dated 10-28-2016"
 - Drawing No. 3292-4 entitled "Soil Erosion & Sediment Control Plan; Existing Conditions & Demolition Plan; Details" dated July 11, 2016 last revised #3 November 2, 2016 "Per A&F letter dated 10-28-2016"
- A – 7 Drainage Report prepared by Michael J. Hubschman, PE, PP of Hubschman Engineering dated July 11, 2016 last revised #2 November 2, 2016.
- A – 8 Soil Moving Checklist & Application signed but not dated
- A – 9 Soil Moving Report Michael J. Hubschman, PE, PP of Hubschman Engineering dated July 11, 2016 last revised #1 October 6, 2016.
- A-10 Set of Architectural plans prepared by Hans P. Erdenberger, AIA of Environetics Group Architects, P.C. of 180 Sylvan Avenue, Englewood Cliffs, NJ 07632 entitled "Waldman Residence Addition, 57 Berkery Place, Alpine, NJ 07620 consisting of 17 pages last revised September 6, 2016

From Borough files:

- A – 11 Borough Engineer's letter September 20, 2016
- A – 12 Borough Engineer's letter October 28, 2016
- A – 13 Tax Assessor's list dated July 21, 2016

And as prepared by Hans P. Erdenberger, AIA of Environetics Group Architects, P.C. and marked during the course of these proceedings:

- A – 14 Sheet A-007 Turning Radius Diagrams dated November 17, 2016
- A – 15 Sheet A-002 Foundation / Basement Plan dated March 20, 2015 last revised September 6, 2016
- A – 16 Sheet A-003 First Floor Plan dated March 20, 2015 last revised September 6, 2016
- A – 17 Sheet A-004 Second Floor and Attic Plan dated March 20, 2015 last revised September 6, 2016
- A – 18 Sheet A-006 Rear / Left Elevations dated March 20, 2015 last revised September 6, 2016
- A – 19 Sheet A-005 Front / Right Elevations dated March 20, 2015 last revised September 6, 2016

Attorney Capizzi explained Applicants have resided at this address for six years, just gave birth to their 4th child and wish to remain in Alpine. Home is currently under total gut renovation with new windows, siding, etc. The house is unique as originally constructed with two rear loading garages accessed by a long extended driveway along the side yard. This configuration creates an extremely tight turning radius necessitating a three or four-point turn into the garages which really don't function properly. They didn't use them on a day to day basis and actually parked under a rear deck that previously existed or in the driveway. The long driveway results in a prior nonconforming condition as relates to improved coverage. Part of the construction takes place over previous impervious coverage. The ongoing renovation provides for an additional side loading garage bay currently under construction. With this application they propose to add a second side loading garage bay which addition adds ten foot eight inches and 220 square feet of building coverage. This requires variances for a small increase in building coverage and 190 square feet of improved coverage.

Mr. Clores noted on his site visit it appears the structure is already up. Mr. Capizzi clarified ongoing construction relates to currently permitted renovations that did not require variances.

Hans P. Erdenberger, AIA was sworn, testified to his credentials¹ and accepted as an expert in the field of architecture. Mr. Erdenberger's exhibits were noted as above. Mr. Erdenberger reviewed existing conditions referencing **[A-14]** his Turning Radius Diagram to depict the narrow driveway and difficult turning radiuses to access the garages requiring multiple point turns. They are requesting an additional bay as one of the original garage bays will be transformed into a play room for the children at the basement level. Referencing **[A-15]** Foundation / Basement Plan noted every room is impacted by the renovation transforming the home to a manor-style. **[A-16]** First Floor Plan depicts the proposed 10'8" addition with garage below which enlarges a screened in loggia directly off the kitchen while respecting the side yard setback. The open patio has phantom screens on two sides that can be opened in nice weather or screened off against bugs at the touch of button as needed; it's an open space. **[A-17]** Second Floor and Attic Plans shows the proposed addition would create a larger fourth bedroom. **[A-18]** Rear / Left Elevations: the rear elevation as shown in the original permit application is unchanged while the left elevation shows the 10'8" push out. **[A-19]** Front / Right Elevations depicts the front which is unchanged from the original permit application and the right side which shows the additional 10'8' addition. The basement children's playroom will have a non-operable fixed window designed to match the aesthetics of the adjacent garage door.

Mr. Bonhomme asked where the master bedroom is and Mr. Erdenberger noted it is in the front of the home. The existing house was 4 bedrooms and the proposed would remain as 4 bedrooms as they converted a small bedroom into a walk-in closet.

Mr. Glazer asked if requirements for septic remain the same. Mr. Capizzi stated yes, but some work is needed to comply with setbacks.

¹ BA Architecture 1983, NJ License 1987, has testified previously before Boards in Bergen County.

Mr. Clores questioned the size of the garage already constructed. Mr. Erdenberger responded 12'4" x 21'. Mr. Clores noted from his site visit that the prior garage to remain a single car garage is a deep hole and asked if that will be backfilled to slab. Mr. Erdenberger explained that garage will utilize a subterranean car lift system providing space for two weekend drivers.

Mr. Glazer opened the meeting to questions from the public; there were none. Mr. Glazer questioned the window well as shown on the left elevation **[A-18]** to ask if a 36-inch fence on top would be enough protection. Mr. Erdenberger noted 36 inches is the code requirement but noted some of the foundation wall is exposed which would actually bring the height closer to 42 inches which is guard height.

David Spatz, PP was sworn, testified to his credentials,² and accepted as an expert in the field of professional planning. He was asked to review this site, the plans, the surrounding neighborhood and provide testimony to support the requested relief.

Mr. Spatz noted this single-family home is currently undergoing renovation. The proposal is to add a ten foot eight-inch section adjacent to the existing rear garage under construction. Atop the garage would be a first-floor loggia and enlarged second floor bedroom area. The variance includes "c" variances that are pre-existing conditions not effected by the proposed:

Existing lot width is 75 feet where the minimum required is 90 feet.

The existing side yard setback is 13.42 feet where the minimum required side yard setback is 15 feet.

They need two additional "c" variances:

Building coverage 11.21% where 10% is maximum permitted

Improved lot coverage 26.11% where 20% is the maximum and the previously permitted structure covers a little over 25%; an increase of only a little over 1%

Mr. Spatz noted variances are justified under both c(1) [hardship] and c(2) [positive benefits outweighs any negative impact]. Hardship is created by the property's narrow non-conforming width and the properties on either side are fully developed and the homes are quite close to the side yards. There is no possibility to purchase additional property to make their property wider. The lot is over 18,000 square feet where only 15,000 square feet is required in this zone. Because of the narrowness when the home was originally built the garages were placed in the rear accessed by the driveway on the right-hand side that swings around to the rear of the property. It is not possible to enlarge the home to that side which already is a non-conforming side yard.

The positive criteria is met noting prior testimony about the difficult access to original garages with the result that were not well used and cars were actually parked under a deck or in the driveway. The proposed will allow for cars to be garaged creating a benefit. The rear yard setback exceeds the ordinance being 120 feet where 40 feet is required and this space is heavily landscaped with a wooded area and not visible from the street. The current driveway is just extended a little into the rear thus there is no real

² Masters Urban Planning NYU, Licensed Professional Planner NJ 1986, has provided testimony before 50-60 Boards state-wide and has appeared before this Board on several occasions.

impact on any of the adjacent properties. There is landscaping that separates the driveway on the left side and the rear yard from the adjacent property. The left side yard setback will still comply. As regards negative criteria he opined the proposed would not create any substantial negative impact. The variances are similar to what exists and the additions are relatively minor. They are only adding 220 square feet of building coverage and 190 square feet of improved coverage primarily resulting from the driveway having to access the rear rather than the side of the house. They removed the pre-existing deck. These additions are relatively minimal and the improvements are a benefit to the neighborhood. There is no intensity of the use and the proposed addition is partially below grade and a third of it open space by virtue of the loggia. Mr. Spatz believes the variances can be supported under both standards.

Mr. Glazer opened the meeting to questions from the audience; there were none.

Mr. Kupferschmid asked what year the house was originally built and any prior renovations. Mr. Capizzi did not know the age and noted these are the first renovations by this owner. The family is currently living in a rental during ongoing renovations and they wanted to proceed with what they could do of right while planning for the expanded application which was sparked by the impending birth of their fourth child.

Mr. Clores questioned renovation construction relative to the garage foundation and construction of the addition if approved. Mr. Erdenberger stated they will remove the entire wall between the two garages. The plans show two 9 foot garage doors.

Mr. Glazer questioned improved coverage provided by the driveway and width to determine if the driveway could be reduced to lessen the improved coverage variance. Mr. Capizzi replied the existing is 2,343 square feet and this will be reduced to 2,266 square feet. The setback on that side of the house is 13.42 feet and the driveway is 12 feet wide. After review it was noted the driveway is already defined by Belgian block curb on both sides. Mr. Kupferschmid noted 12 feet is pretty narrow.

Mr. Bonhomme questioned stormwater management. Mr. Capizzi noted their engineer was unable to appear tonight but had submitted a revised drainage report to Mr. Vander Veer and they would stipulate to comply with any requirements. Mr. Vander Veer acknowledged he had asked what portion of the roof would be connected to the Cultec collection system installed in front to ensure it exceeds the increase in impervious coverage. He just received the revised plan in which Mr. Hubschman identifies the requested information which should satisfy the requirements, as always, subject to there being satisfactory subsurface conditions; a test hole will be required.

Mr. Glazer opened the meeting for questions or comments. There were none.

In response to Mr. Kupferschmid's earlier question Kevin Waldman was sworn and identified himself as the owner. He noted the original plans were dated March 2015 which was when they began the bulk of planning and were moving forward on that basis until his wife became pregnant in November 2015 which altered their thinking about a number of things. It was not their original intent. They had a baby girl three months ago.

Mr. Mayer asked if there was any input from neighbors? Mr. Glazer noted neighbors Sylvia and Jim Stedman in the audience. Mr. Stedman offered he discussed it with Kevin and he was fine with it.

There were no further questions or comments.

Resolution: Upon a motion by Mr. Bonhomme, seconded by Mr. Barbieri to approve the application of Kevin Waldman subject to the usual conditions including any and all approvals of the Borough Engineer and the Health Department as to any required septic work.

Vote: Ayes: Clores, Glazer, Burns, Kupferschmid, Bonhomme, Barbieri, Mayer

MOTION CARRIED

OTHER BUSINESS None

ADJOURNMENT at 8:21 p.m. upon motion by Mr. Clores, seconded by Mr. Bonhomme and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary