

**ALPINE ZONING BOARD OF ADJUSTMENT**

Regular Meeting

Thursday, May 20, 2021 - 7:30 P.M.

(This meeting was held virtually due to COVID-19 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 7:41 p.m., Thursday, May 20, 2020 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 and the Governor's Emergency Declaration Adequate and electronic notice of this Regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, May 20, 2021 at 7:30 PM along with instructions to the public on how to access this meeting which is being held using the Zoom Webinar platform due to the COVID-19 pandemic has met the requirements of the law by means of the date and time being e-mailed to The Record and The Suburbanite on January 6, 2021 and published in The Record on January 11, 2021 as part of the Annual Notice along with the agenda posted on the bulletin board of the lobby in the Borough Hall and on the door of the main public entrances and on the Borough website along with applications, if any, for matters to be heard this evening and a copy filed in the office of the Borough Clerk and Board Secretary. Instructions for how the public can access the meeting and documents has been included in the posted agenda. A notice has also been placed on the front page of the Borough website directing the public to the Municipal Clerk page for access to all public meeting agendas and instructions on how the public can participate.*

**OATHS:** Mayor Tomasko advised Steven Cohen was asked to replace Michael Cacouris on Council. Mr. Cacouris had to leave after accepting an extended work assignment out of state. At the last Mayor and Council meeting April 28, 2021 Ms. Herries was appointed to fill Mr. Cohen's spot as full member and Ms. Lerner was appointed as Alternate Member I.

Mayor Tomasko administered the oaths of office to:

Elizabeth Herries - member for unexpired portion of a 4-year term ending December 31, 2024

Amy Lerner - Alternate I member for unexpired portion of a 2-year term ending December 31, 2022.

**ROLL CALL**

Richard Glazer	<i>Present</i>	Tony Clores	<i>Present</i>
David Kupferschmid	<i>Present</i>	Richard Bonhomme	<i>Present</i>
Anthony Barbieri	<i>Absent</i>	George Abad	<i>Present</i>
Elizabeth Herries	<i>Present</i>	Amy Lerner, Alt. I	<i>Present</i>

**Staff Present:** Attorney Michael Kates, Borough Engineer, Perry Frenzel, Board Secretary Nancy Wehmann.

Meeting hosted by Sandra Barsoum, Esq., Associate at Kates, Nussbaum, Ellis, Farhi & Earle, LLP

**COMMUNICATIONS**

The Planning Board Secretary received notice from the New Jersey Planning Officials organization that they were proud to announce Attorney Kates was named one of New Jersey Monthly's esteemed counselors as Super Lawyers in Land use.

**MEMORIALIZATIONS** - none

**PROCEDURAL MOTIONS**

**Resolution: Approval of Minutes: Regular Meeting March 18, 2021.**

Ms. Herries requested correction page 4 "**Garage doors number and width.** Requesting 34 garages where 43 are permitted." Upon a motion by Ms. Herries, seconded by Mr. Clores, and approved as amended by all those eligible to vote. (Mr. Kupferschmid, Ms. Lerner abstaining).

**Resolution: Approval of Bills and Claims**

Ms. Wehmann noted invoice for Palisades Sales Corp represents Zoning Board portion of unanticipated computer hardware expense shared with Board of Health. Upon a motion by Mr. Clores, seconded by Ms. Herries at the regular meeting of the Alpine Zoning Board of Adjustment held on May 20, 2021 to approve the following Bills and Claims:

Azzolina & Feury Eng., Inc.	Haring 40/7	Inv. 74601	\$ 75.50
Azzolina & Feury Eng., Inc.	Roncati/Arris 74/5 – Jan	Inv. 74436	\$342.00
Palisades Sales Corp	0-01-21-185-020	Inv. 956894	\$395.00

**Vote: Ayes:** Abad, Bonhomme, Clores, Glazer, Herries, Kupferschmid, Lerner

**MOTION APPROVED**

**HEARINGS**

Arris Corporation Block 74 Lot 5 – 11 Dogwood Lane (continued from March 18, 2021).

Attorney for Applicant: Nylema Nabbie, Esq. Partner Cleary, Giacobbe, Alfieri & Jacobs, LLC  
169 Ramapo Valley Road, UL 105, Oakland, NJ 07436

Applicant/Contract Purchaser: Conrad Roncati of Arris Corporation,  
One Executive Drive, Suite LL 100, Fort Lee, NJ 07024

Applicant Engineer: Michael J. Hubschman, PE of Hubschman Engineering,  
263 A South Washington Avenue, Bergenfield, NJ 07621

Applicant Architect: Conrad Roncati of Architectura  
One Executive Drive, Suite LL 100, Fort Lee, NJ 07024.

Members of the public: Aija Lee, 12 Dogwood Lane and Susan Rosato, her daughter attended. Ms. Rosato spoke on behalf of her mother.

Applicant submitted revised plans eliminating variances but still requiring waivers.

Exhibits read and marked as follows:

*Interim documents received to be marked at meeting 5-20-2021*

A – 18 Letter from Ms. Nabbie dated March 24, 2021 requesting extension through May 20, 2021

*Received May 10, 2021*

A – 19 Set of Engineering Plans signed and sealed by Michael J. Hubschman, PE, PP of Hubschman Engineering, PA consisting of three pages dated November 20, 2017 last revised #10 May 7, 2021 annotated “Modified House & Driveway; Reduced Bldg. Coverage”:

- Drawing No. 3634-1 entitled “Site Plan / Septic System Plan
- Drawing No. 3634-2 entitled “Soil Erosion & Sediment Control Plan; Details”
- Drawing No. 3634-3 entitled “Existing Conditions Plan”

A – 20 Set of Architectural Plans signed and sealed by Conrad Roncati, Jr. RA of Architectura, consisting of three pages dated August 2016 last revised November 10, 2021

- Sheet No. A-101 entitled “Floor Plans” (Basement, First Floor)
- Sheet No. A-102 entitled “Floor Plans” (Second Floor, Roof/Attic)
- Sheet No. A-201 entitled “Elevations” (Right, Left, Rear, Front) *\*corrected at 3-18-2021 meeting*

A – 21 Affidavit Board Member Amy Lerner viewed Zoom recording 3-18-2021 meeting.

Attorney Kates asked if the Applicant had received the Zoning Officer's review of the revised plans. Ms. Nabbie advised plans were timely submitted but no Zoning Officer review has been received. Mr. Frenzel and Mr. Hubschman verified the application is now variance free.

Ms. Nabbie noted subsequent to the March 18, 2021 meeting they submitted revised plans eliminating the four variances previously sought. They return for the waivers that remain.

**Michael Hubschman** remains under oath. Mr. Roncati updated plans to eliminate the variances for height, building coverage and a 4<sup>th</sup> garage. They still require:

- a waiver to move more than 1,000 cubic yards of soil, per plan **[A-19]** cut = 641 cubic yards, fill 1,693 cubic yards, import 1,052 cubic yards of soil with most of that (760 cubic yards) for the septic systems;
- a waiver from the soil moving ordinance to fill more than five feet above original grade for a small area in front relative to the septic system; and
- a waiver for some slight regrading in the tree buffer on the northwest side of the site to the left side of the driveway as explained at the March 18 hearing. No trees will be removed within the tree buffer.

He reminded the Board of the severe DEP constraints of the property involving wetlands and the 300-foot riparian zone for the stream offsite. They can only build on less than half of the site as shown on the site plan. As part of their DEP approval, they have to construct a split rail fence along the conservation easement line ten foot off the house and all of that area north of the line will remain untouched and undeveloped.

Ms. Nabbie noted Mr. Roncati is present if the Board has any questions. Mr. Hubschman verified this is a variance free application requiring only the three waivers.

**Opened to Mr. Frenzel for comment.** Mr. Frenzel finds nothing of concern that would preclude the Board from granting the waivers. The area in the tree buffer is small, approximately 150 square feet and the depth of the regrading within that area is measured in inches, not feet. It would not impact any trees in the area nor cause any drainage issues. Most of the soil moving is import of select material for the septic fields. He measured and confirmed that all of the variances have been eliminated and the linear feet of garage doors has actually dropped to 27 feet where 30 feet is the maximum permitted.

**Opened to the public** for questions. Susan Rosato (daughter of Ms. Lee, 12 Dogwood Lane) said she did not get a chance to look at the revised plans. Secretary Wehmann advised plans have been posted on the website and available for onsite review by appointment. Ms. Rosato will check the website but meanwhile asked if the changes could be summarized. Mr. Hubschman noted building coverage was reduced from 10.6 to 8.99% where 9% is the maximum permitted. The height was reduced from 38 feet to below the 35-foot maximum. They reduced the depth of the house on the left side and added a small accessory building behind it. The depth of the home is only 28 feet. The width of the house remains unchanged at 136 feet. The design of the garages changed from a center courtyard with doors on the right and left to the new design with three garage doors that will all face front.

**Opened to the Board** for questions. Mr. Bonhomme questioned the Board's jurisdiction if there are no variances. Attorney Kates noted had the matter started out variance free it would have gone to Planning Board. As it began with variances it properly came before the Zoning Board initially. The fact that they've amended their application now to remove the variances does not require them to start over before the Planning Board. Municipal Land Use Law permits the Board to retain jurisdiction in this instance for the purposes of convenient disposition and not to overburden an applicant.

Ms. Herries appreciates the redesign to eliminate the variances and offered this is a very attractive house. Chairman Glazer agrees.

**Motion to Approve.** Upon a motion by Mr. Clores, seconded by Mr. Herries to approve the waivers as requested for this application.

**Vote: Ayes:** Mr. Clores, Mr. Abad, Ms. Herries, Ms. Lerner, Mr. Glazer

**Nays:** Mr. Bonhomme

**MOTION APPROVED**

**OTHER BUSINESS**

**2021 Annual Report** – Attorney Kates requested they defer to next month.

**BER-L-1672-21 Eun-Rae Jo v. Alpine Zoning Board of Adjustment / Thomas & Christine Haring**

Attorney Kates advised defendants have filed their answers. They await the Court's scheduling of the first case management conference. Board members should contact him individually if they have questions. It was clarified there has been no action that precludes the Harings from proceeding with their project at this time.

**Mayor Tomasko** advised the Board on plans for a virtual Memorial Day and the volunteer Swim Club Committee's efforts to re-open this season. Along with Mr. Frenzel he provided updates on the Alpine Three project and noted negotiations continue regarding the Richard Kurtz proposal.

Thanks to Attorney Kates' associate, Sandra Barsoum, Esq., Associate for helping to host this meeting.

**ADJOURNMENT** at 8:10 p.m. upon motion by Ms. Herries, seconded by Mr. Bonhomme and approved by all.

Respectfully submitted,  
Nancy Wehmann, Secretary