

**ALPINE ZONING BOARD OF ADJUSTMENT**

Regular Meeting

Thursday, July 15, 2021 - 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, July 15, 2021 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, July 15, 2021 at 7:30 PM 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 a copy filed in the office of the Borough Clerk*

**ROLL CALL**

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

**Staff Present:** Sandra M. Barsoum, Esq. for Board Attorney Michael B. Kates, Esq. Borough Engineer, Perry Frenzel, Board Secretary Nancy Wehmann.

**COMMUNICATIONS** None

**PROCEDURAL MOTIONS**

**Resolution: Approval of Minutes: Regular Meeting June 17, 2021**

Ms. Herries requested correction to include motion/second for Escrow and Memorialization votes. Upon a motion by Mr. Clores, seconded by Mr. Abad and approved by all to approve the minutes of the regular Zoning Board of Adjustment meeting held June 17, 2021 as amended.

**Resolution: Approval of Bills and Claims**

Upon a motion by Mr. Kupferschmid, seconded by Mr. Barbieri at the regular meeting of the Alpine Zoning Board of Adjustment held on July 15, 2021 to approve the following Bills and Claims:

Azzolina & Feury Eng., Inc.	Blancato 75/13 – May	Inv. 702077	\$684.00
North Jersey Media group	Arris Corp. 74/5 -	Inv. 479070	\$14.85

**Vote: Ayes:** Mr. Abad, Mr. Barbieri, Mr. Bonhomme Mr. Clores, Mr. Glazer, Ms. Herries, Mr. Kupferschmid

**MOTION APPROVED**

**NEW BUSINESS**

**Blancato Block 75 Lot 13 – 30 Overlook Road**

Mr. Clores resides within 200 feet of the subject property. He recused and stepped down to sit in the audience. Ms. Lerner was seated at the dais.

Attorney Matthew G. Capizzi, Esq. 11 Hillside Avenue 2<sup>nd</sup> Floor, Tenafly, NJ 07670 appeared on behalf and with Applicant Frank Blancato along with Applicant's Engineer Michael Hubschman, Hubschman Engineering, P.A. 263 A S. Washington Avenue, Bergenfield, NJ 07621 and Architect Noah Harris Adler, Noah Harris Adler Architecture, LLC, 233 Whitman Street, Haworth, NJ 07641.

Attorney Capizzi explained the existing single-family dwelling is undergoing an interior renovation. Septic systems located in the front and rear yards must be maintained as open lawn

areas. Applicant seeks to construct a two-tiered covered porch structure at the rear right corner of the house to provide access from the kitchen and master bedroom levels. The proposal also seeks to add stairs from the first-floor terrace down to the grade level, install a modest size pool with additional patios and a walkway to the driveway all at grade level. The proposed requires variances to exceed maximum permitted building and improved coverage.

The following Exhibits were marked by affirmation of the list:

- A- 1 Proof of Publication in The Record July 2, 2021
  - A - 2 Certified Mailing to Residents within 200' on July 2, 2021 per Tax Assessor's List dated May 6, 2021
  - A - 3 Application received April 28, 2001 signed and dated April 27, 2021 with attachments:
    - Cover letter Attorney Capizzi dated July 2, 2021
    - Proposals and Reasons for Relief
    - Tax Collector's Proof Statement property taxes paid through 2021 2<sup>nd</sup> quarter – dated April 27, 2021
    - 200' Property Owners list dated May 6, 2021
  - A - 4 Zoning Officer's Review letter dated April 19, 2021
  - A - 5 Photo Exhibit 3 photos not signed or dated
  - A - 6 Engineering Plans signed and sealed by Michael J. Hubschman, PE PP consisting of two pages dated March 19, 2021 no revisions
    - Dwg. No. 2020026-1 entitled "Site Plan"
    - Dwg. No. 2020026-2 entitled "Soil Erosion & Sediment Control Plan; Details; Existing Conditions Plan"
  - A - 7 Architectural Plans signed and sealed by Noah Harris Adler, R.A. of Noah Harris Adler Architect, LLC 233 Whitman Street, Haworth, NJ 07641 with a note architectural design by: Kurt Otto / K.O. Group LLC 100 Herbert Avenue, Closter, NJ 07624 dated April 8, 2021 no revisions consisting of seven pages:
    - Sheet No. A-100 entitled "Proposed Basement Plan"
    - Sheet No. A-101 entitled "Proposed 1<sup>st</sup> Floor Plan"
    - Sheet No. A-102 entitled "Proposed 2<sup>nd</sup> Floor Plan"
    - Sheet No. A-103 entitled "Proposed Roof Plan"
    - Sheet No. A-202 entitled "Right Elevation"
    - Sheet No. A-203 entitled "Rear Elevation"
    - Sheet No. A-204 entitled "Left Elevation"
  - A - 8 Architectural Renderings signed and sealed by Noah Harris Adler, R.A. of Noah Harris Adler Architect, LLC 233 Whitman Street, Haworth, NJ 07641 dated April 8, 2021 no revisions consisting of two pages:
    - Sheet No. A-001 entitled "Front 3D Rendering"
    - Sheet No. A-002 entitled "Rear 3D Rendering"
  - A - 9 Borough engineer's letter dated June 15, 2021
- And marked during the course of these proceedings:
- A - 10 Colored rendering of Engineer's Plan Exhibit A-6 Dwg. No. 2020026-1 entitled "Site Plan"
  - O - 1 Exhibit packet provided by Larry Rabinowitz

**Noah Adler**, Registered Architect was sworn, testified to his credentials<sup>1</sup> and deemed qualified to provide expert testimony in his field. Referencing his front and rear architectural renderings [**A-8**] he noted while the style of the house will not change, they are repainting brick, changing out windows to black and adding gray trim. The home has a walkout basement to the rear, first floor and second floor. Existing sliding doors from the basement, while difficult to see on the rendering, provide access to a patio area. The building mass will not change as the home remains 5 bedrooms with 6½ bathrooms. He acknowledged the rear of the home appears tall but opines

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<sup>1</sup> RA NY/NJ since 2012 with his own business for last 3 years. He has testified before numerous boards in Bergen and surrounding counties. Lic #19024.

the two-story loggia will help square off the L-shaped house and bring it down in scale. The first level loggia provides outdoor access from kitchen and living room areas and includes a stairway down to the proposed pool/patio area. The second-floor loggia serves the master bedroom. These terraces are set back at least a foot from the sides of the main building to further diminish scale. They are open-sided. Glass guards and handrails will further maintain a sense of openness. The loggia is 397 square feet being 24 feet 6 inches long by 16 foot 7 inches wide. The first-floor loggia also has a section 152 square feet being 13 feet five inches wide and 11 foot five inches where it fills in a gap between the house and the loggia structure on the right side. A two-sided fireplace will be included within the terrace area.

Opened to the public for questions. There were none.

Opened to the Board for questions. Mr. Bonhomme asked if the proposed structures would be visible from Overlook Road. Mr. Adler offered the proposed changes are all in the rear and conform to rear and side yard setbacks. He acknowledged that a sliver of the loggia can be viewed from the front/right side angle as shown on **[A-8]** A-001.

**Michael Hubschman** PE, PP was sworn and, having testified numerous times before this Board qualified as an expert in his fields. A colorized version of his Site Plan **[A-6]** was marked **[A-10]**.

He described the existing property being 26,582 square feet which is oversized in the R-2 zone where 20,000 is the minimum lot size. The lot is 102 feet wide and 265 feet deep with a single-family house towards the front of the property. The home is square at the front with a zig zag shape at the rear. Garages are on the right side. There are two septic systems on the property with one in the front and one in the rear. There is a slope to the property and the basement walkout at the rear is a bit sunken requiring a few steps up to the level of the rear yard.

He echoed Mr. Adler's description of the proposed covered loggia off of the first-floor kitchen area and uncovered portion off of the second-floor bedroom area as well as the small terrace behind the loggia first floor level to fill in the L-shape. The proposed pool is a modest size at 16 foot wide by 26 foot long connected to a small spa with both located 10.5 feet from the side property line, where ten feet is the minimum required. The pool is 121 feet from the rear property line. The patio at the basement walkout would be redone and step up a few steps to the pool patio. They also propose a paver walkway around to the driveway plus a set of stairs from the first-floor level loggia down to the pool patio.

Mr. Hubschman affirmed that in accordance with Mr. Frenzel's recommendations in his letter **[A-9]**, they will remove paver patio over the septic tank location and two seepage pits which changes are not reflected on the current site plan. Mr. Hubschman stated everything currently drains to the two seepage pits existing at the right rear of the proposed patio/walkway area. These seepage pits will be relocated. An existing drain on the lower patio will be maintained. There is no grade change proposed. The western property line has a lot of existing trees and evergreens. The eastern property line is a little sparse.

Mr. Hubschman opined the proposed satisfies criteria for N.J.S.A. 40:55D-70(c)2 providing an aesthetic benefit by bringing down the appearance of mass of the house and is in keeping with the character of the neighborhood. They exceed building coverage because they have to include the loggia areas in the calculation even though he felt this is not well defined in the zoning code. They have to count this space again into the Improved coverage calculation which also includes the patios and the pool.

Opened to the public:

**Anthony Clores, 19 Forest Street**, stated he's lived here 26 years. He questioned the step up to pool. Mr. Hubschman explained although described as a walkout basement, depth is actually about two feet below grade requiring steps up to the yard level. The proposed pool coping is at grade level being elevation 455 feet. Mr. Clores reviewed coverages:

- Building 10.65% existing where 10% is maximum permitted and 12.66% proposed
- Improved 20.23% existing where 20% is maximum permitted and 27.58% proposed

He questioned this comprises 1,955 square feet; a 20% increase? Mr. Hubschman acknowledged they are going from 5,377 square feet to 7,332 square feet. Mr. Kupferschmid corrected the increase in improved coverage is more like 36%. Mr. Glazer noted the building coverage goes up 20%. Mr. Hubschman offered Alpine's ordinance is peculiar where most towns actually allow a bit more coverage as lots get smaller. Mr. Clores offered he's not averse to anyone making their home better but he lives at the bottom of the hill and everything drains down to them. This condition has only increased since redevelopment of several Overlook Drive properties entailing massive tree removal for installation of new septic systems. Attorney Capizzi asked Mr. Hubschman to explain how they might address these concerns. Mr. Hubschman noted they're removing some patio to avoid the conflicts with the septic tank and seepage pits and could possibly remove more if the Board requires. They could also add another seepage pit. Mr. Clores countered the seepage pits just overflow during heavy rain storms that result in rapid runoff because there are no longer trees or any type of barrier to slow the flow. Another problem is that the residents on Overlook aren't maintaining the rear of the properties. The resulting accumulation of debris and foliage create blockages forcing the water to overflow everywhere washing out and puddling in driveways and lawns. This undirected water also flows out to Forest Street causing icing in the winter. Mr. Hubschman opined they could add some more detention which Mr. Frenzel could then review.

**Larry Rabinowitz, 23 Forest Street**, lives next door to Mr. Clores and stated he has lived here 33 years. He distributed a packet of information collectively marked as **O-1** to elucidate his concerns with drainage. Attorney Capizzi acknowledged there is a neighborhood drainage concern in that area. Dr. Rabinowitz stated he has no problem with Applicant's desire for pool and patios but something has to be done with these neighborhood drainage issues. He reviewed the first page of his presentation detailing several properties redeveloped since 2013 to indicate that although those applicants and the town certainly tried to do what they were supposed to do regarding stormwater management as each individual lot was developed, overall, the measures are just not working. The installation of septic systems along with removal of trees has resulted in torrential flooding of their properties. Dr. Rabinowitz reviewed three color photos the first being an aerial shot to depict the dramatic removal of trees in the rear yards of the Overlook properties which he states allows the water to just flood down the steep slope to the rear of properties on Forest Street. The second photo shows where the water from neighboring yards already flows from three separate property's pipes into the stream at the rear northeast corner of his property. He explained Mr. Hubschman did an analysis for him and advised the stream is not under NJDEP requirements as a Flood Zone. They would be allowed to deal with this stream which cannot currently handle all the water that's flowing into it. He is willing to pay his share but asks for town involvement to solve the problem. He does not feel this is a problem that can be tackled by regulating individual lots. They have to manage the waterway along the abutting property lines.

Opened to the Board:

Ms. Herries questioned the age of the house. Mr. Hubschman offered it was built around 2006-2007. She asked if it had received a variance for the existing overages. Attorney Capizzi advised his client only recently purchased the property. Mr. Hubschman acknowledged no variance was shown on the original site plan he reviewed but which he did not create. Ms. Herries asked why the existing coverage already exceeds what is permitted? Attorney Capizzi opined

Mr. Hubschman may have used a more accurate and detailed method of measuring existing conditions than was available ten years ago.

Mr. Glazer questioned the number of stories as the plan states 3 stories. Ms. Herries noted Mr. Frenzel's letter also stated the number of stories is not conforming. Mr. Hubschman acknowledged it would be considered three stories per the zoning ordinance as was measured by the former zoning officer.

Mr. Kupferschmid asked why they should consider increasing the building by 20% and the improved coverage by 36%; what is the hardship? Attorney Capizzi stated this is not a hardship case. Attorney Capizzi sought to differentiate between percentage of increase versus percentage of request. Regarding building coverage, they put forth the architectural benefits associated with having the loggia off the rear and breaking up the rear massing of this 2½ or 3 story dwelling. He opined this is not true building coverage as it is open on two sides and not solid walls. Therefore he feels it can be granted on a c(2) basis of creating a more desirable visual environment. It also provides a sufficient utility of the property for outdoor recreational space. Regarding improved coverage the terraces/loggia are included again in that number even though they are open on two sides and they can't really delete the lower patio area needed to access the existing lawn area. Improved coverage is usually concerned with aesthetics and drainage. From the aesthetic standpoint the loggia is open on two sides, lower than the existing roof line, and the pool and patio are all arranged at grade. Based on the comments, they will certainly work to enhance the drainage on site even though it's not required by the Residential Site Improvement Standards (RSIS) to ensure there is no runoff onto the downhill properties. They can also explore adding some additional landscaping along the easterly property line.

Mr. Glazer questioned the pool's square footage. Mr. Hubschman responded 504 square feet or if including the pool, spa and equipment 634 square feet. Mr. Glazer observed that is a pretty hefty chunk of the coverage. Mr. Capizzi countered the pool is really the critical element as far as what they would like to accomplish noting a typical pool is 800 square feet. Mr. Glazer noted a pool might not be an issue on a larger piece of property. Mr. Kupferschmid offered the plan does not make the mass look smaller and in fact makes it look bigger particularly from the eastern side. Attorney Capizzi countered when you look up at the existing house from a rear angle it does peer down at you.

Opened to the Borough Engineer:

Mr. Frenzel questioned the function and/or history, if known, of features on the engineering plan:

- 1) On the easterly side labeled "existing diversion drain."
- 2) On the westerly side a ditch flowing southwest with a headwall and 24-inch pipe that at one time appeared to extend towards the house.

Mr. Hubschman offered the pipe just ends as shown on their plans but must have at one time extended up to Overlook Road or Summit Road. The pipe ends where the ditch starts that flows over to Mr. Rabinowitz's property. The diversion drain was put in as part of the septic installation in 2006 to help lower the ground water level. Mr. Frenzel asked and Mr. Hubschman acknowledged, that if approved, the Applicant would have no objection to installing a curtain or cutoff drain around all the new impervious areas to capture any water.

Acknowledging concerns expressed, Attorney Capizzi requested a recess to confer with his clients. This was granted and the Board recessed from 8:16 – 8:24 P.M.

Upon returning Attorney Capizzi asked Mr. Adler and Mr. Hubschman to explain proposed modifications. Mr. Adler stated they would remove the proposed second floor of the loggia

rendering the first floor open with just a slatted pergola of open beams and rafters providing some shade from the sun but lighter with less massing. Mr. Hubschman offered they could also remove about 500 square foot of improved coverage by eliminating the walk and the whole distal half of the proposed rear patio by the pool as well as a portion of patio to the right of the stairwell. They could also reduce some pavement around the A/C units. This would reduce the proposed improved coverage to 25.7% a reduction of 2% from the proposed 27.58%. The main element the owner wishes to retain is the pool and the loggia for access from the kitchen area that is a story above grade. They would also plant 16-foot Green Giant arborvitae with a five-to-six-foot separation along the easterly property line. He will also work with the Borough Engineer, perhaps to design a small planted berm along the westerly side to trap and slow the flow of stormwater. He acknowledged there are only a few perimeter trees as most of the front and rear yards remain as lawn because of the septic systems and there's nothing to really absorb the water in the rear.

Opened to the public and Board for questions or comments.

Mr. Glazer summarized that as modified the improved coverage would reduce to about 25-26%. Mr. Bonhomme asked if that involves removing half of the paver portion which they already said they would remove due to the septic tanks. Mr. Hubschman added they are removing that plus the entire width of that section. Ms. Herries asked if the building coverage would change. Mr. Hubschman clarified it does not change as the first-floor loggia still counts even though they are removing the second loggia. This would still be 12.66%.

Being no further questions or comments Mr. Glazer called for a motion to approve or disapprove. A motion was not readily forthcoming.

Mr. Kupferschmid offered, while he could visual the proposed revisions, he could not picture how they would work. Mr. Glazer agreed they still have issues with the coverage. Mr. Kupferschmid noted despite removing the second terrace this does not eliminate any coverage and at 25 x 16 feet the first-floor terrace is still massive. The building and improved coverage is still significant. Mr. Glazer noted the Board has been very careful with their reviews of coverage requests to ensure they are in keeping with the intent of the governing body and Planning Board who established the ordinances. Mr. Glazer further noted per the aerial view that the house on this property is already larger than the other houses on the block and it has already exceeded the allowable coverage. Ms. Herries recognizes this is a new owner and not the one who built the house however she knows from prior Board experience that when applicants apply for the max coverage the Board's caveat their resolutions cautioning Applicants they should not come back expecting to get more including amenities like a pool. It was confirmed there was no prior variances so how does it happen that they were already over to begin with? Mr. Glazer and Attorney Capizzi noted it might be the way it was measured or an interpretation of what counted as coverage at the time.

Attorney Capizzi recommended they continue the matter to the next meeting to allow the Applicant to further confer with his experts regarding possible modifications. The calendar was reviewed and it was determined there would not be a quorum of Board members able to attend the regular August meeting. The next regular meeting will be Thursday, September 23, 2021 at 7:30 PM. Attorney Capizzi agreed to extend the time within which the Board needs to render a determination through to that meeting. There will be no need for the Applicant to issue further public notice.

## **OTHER BUSINESS**

**2021 Annual Report** – Deferred to the next meeting.

Chairman Glazer opened to the public for comment and being none closed.

**Mayor Tomasko** noted Ms. Herries had echoed his standard comment at the Planning Board regarding applications that build to the max alerting Applicants that Board's will not be favorably disclosed to granting additional coverage. He hopes a solution can be found for the water issues in the neighborhood. Mr. Frenzel noted the water table has risen with recent rains.

**ADJOURNMENT** at 8:43 p.m. upon motion by Mr. Bonhomme, seconded by Mr. Abad and approved by all.

Respectfully submitted,  
Nancy Wehmann, Secretary