

ALPINE ZONING BOARD OF ADJUSTMENT
Regular Meeting
Thursday, November 17, 2022 - 7:30 P.M.
(This meeting was held in person 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 7:31p.m., Thursday, November 17, 2022 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 regular Zoning Board of Adjustment meeting held on Thursday, November 17, 2022 at 7:30 PM has met the requirements of the law as part of the Borough of Alpine's annual meeting notice published in The Record on January 10, 2022, and emailed to The Suburbanite on January 6, 2022, posted continuously on the bulletin board of the lobby of Borough Hall, and on the Borough website (<http://www.alpinenj07620.org>). Instructions for how the public can participate and access the meeting and documents has been included in the posted agenda; with a copy filed in the Borough Clerk's office.

ROLL CALL

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

Staff Present:

Cara Landolfi, Esq. for Board Attorney Michael B. Kates, Esq., Borough Engineer Perry Frenzel
Board Secretary Jo Anna Myung

COMMUNICATIONS: None.

PROCEDURAL MOTIONS

Resolution: Approval of Minutes from the regular meeting on October 20, 2022, upon a motion by Mr. Clores, seconded by Ms. Herries. and approved by all those eligible to vote.

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

Absent: Ms. Lerner

MOTION APPROVED

Resolution: Approval of Bills and Claims – None.

MEMORIALIZATION: None.

HEARING:

Church of the Lord:

- **995 Closter Dock Road: Block 47 Lot 2**
- **10 Old Dock Road: Block 48 Lot 1.01**

Attorney for the Applicant: Attorney Matthew G. Capizzi, Esq. 11 Hillside Avenue 2nd Floor, Tenafly, NJ 07670 with a Court Stenographer appeared on behalf of the Applicant [with Applicant in the audience].

Expert Witnesses for the Applicant:

1. **Michael Hubschman**, PE, PP was sworn and, having testified numerous times before this Board, he was deemed qualified as an expert testimony in engineering and planning.
2. **Paul Keyes**, ASLA was sworn and, having testified numerous times before this Board, he was deemed qualified as an expert testimony in Landscape Architecture.
3. **Louis Luglio**, PE was sworn and having over 28 years' experience was deemed qualified as an expert testimony in areas of traffic engineering, transportation planning, civil design and site plan development.
4. **Brigette Bogart**, PP, AICP, CGW was sworn and, having over 20 years' experience as well as represented several municipalities in site plan development and land use regulations, was deemed qualified as an expert testimony.

In lieu of Minutes summarizing the hearing, a verbatim transcription is appended; provided by Donna Arnold, C.C.R. of Laura A. Carucci, C.S.R, R.P.R, L.L.C., consisting of 77 sheets (4 pages per sheet) and 30 sheets of Word/Number Index.

The following exhibits were received and marked for tonight's hearing:

- A – 1 Proof of Publication in The Record: April 10, 2022, 9/4/2022.
- A – 2 Certified mailing to Residents within 200' on April 8, 2022 per Tax Assessor's List April 7, 2022; re-noticed on September 1, 2022 per Tax Assessor's List July 21, 2022.
- A – 3 Initial Submittal for Completeness Review: Cover Letter from Matthew Capizzi dated January 5, 2022 with Application signed and dated by owner on January 5, 2022 with rider and attachments:
- Proposals and Reasons for Relief;
 - Tax Collector's Proof of Tax Payment fax dated June 18, 2021 – TAX EXEMPT;
 - 200' Property Owners' List dated September 20, 2021.
- A – 4 Borough Engineer's Review Letter (updated November 8, 2022). Borough Engineer's Review Letter to Zoning Officer/Construction Official dated September 20, 2021 and Zoning Officer's Review letters dated July 19, 2021 included from our files:
- 10 Old Dock Road (also known as 5 Old Dock Road), Block 48 Lot 1.01;
 - 995 Closter Dock Road, Block 47 Lot 2.
- A – 5 Photo Exhibit – set of two photos not dated and not signed.
- A – 6 Soil Moving Report signed and sealed by Michael J. Hubschman, PE PP dated December 31, 2021.
- A – 7 6-Foot Boulder Wall Calculations report signed and sealed by Michael J. Hubschman, PE PP dated January 3, 2022.
- A – 8 Drainage Report signed and sealed by Michael J. Hubschman, PE PP dated December 28, 2021.
- A – 9 Engineering Plans consisting of 6 pages signed and sealed by Michael J. Hubschman, PE PP dated June 24, 2021, last revised December 20, 2021 except for sheet 6 as noted below:
- Drawing # 3882-4 "Site Plan";
 - Drawing # 3882-5 "Grading, Drainage & Utility Plan/Details";
 - Drawing # 3882-6 "Lighting/Landscaping Plan & Details";
 - Drawing # 3882-7 "Soil Erosion Sediment Control Plan & Details";
 - Drawing # 3882-8 "Existing Conditions Plan";
 - Drawing # 3882-9 "Cross Sections & Soil Moving Plan" dated December 29, 2021.
- A – 10 Supplement Submittal for Completeness Review: Cover Letter dated February 16, 2022 from Matthew Capizzi for Soil Moving Permit signed by owner and sealed by Gloria DUBY but not dated.
- A – 11 Drawing # 3882-4 "Site Plan" previously submitted as part of exhibit A – 9 but plan presented during April 21, 2022 meeting is colorized.
- A – 12 Drawing # 3882-5 "Grading, Drainage & Utility Plan/Details" previously submitted as part of exhibit A – 9 but plan presented during April 21, 2022 meeting is colorized.
- A – 13 Drawing # 3882-6 "Lighting/Landscaping Plan & Details" previously submitted as part of exhibit A – 9 but plan presented during April 21, 2022 meeting is colorized.
- A – 14 Revised Engineering Plans consisting of 6 pages signed and sealed by Michael J. Hubschman, PE PP dated June 24, 2021 (rev. 12/28/2021, 2nd rev. 5/16/2022) [previously submitted as Exhibit A – 9]:
- Drawing # 3882-4 "Site Plan";
 - Drawing # 3882-5 "Grading, Drainage & Utility Plan/Details";
 - Drawing # 3882-6 "Lighting/Landscaping Plan & Details";
 - Drawing # 3882-7 "Soil Erosion Sediment Control Plan & Details";
 - Drawing # 3882-8 "Existing Conditions Plan".
- A – 15 Landscape Architecture Landscape Plan signed and sealed by Benjamin Ross Heller, Landscape Architect dated June 3, 2022 (revised 6/26/2022).
- A – 16 **Colorized "Site Plan"** (previously submitted as A – 14 Drawing # 3882-4 dated 6/24/2021 revised 5/16/2022).
- A – 17 **Colorized "Landscape Plan"** (previously submitted as A – 15 Landscape Architecture Landscape Plan dated 6/26/2022).

Motion to go into Executive Session and Meeting Break from 10:25PM to 10:35PM.
Executive Session convened at 10:36PM.

Resolution: Zoning Board of Adjustment Executive Session November 17, 2022**Motion by:** Mr. Abad **Seconded by:** Ms. Herries

At this meeting of the Zoning Board of Adjustment held on Thursday, November 17, 2022,

Whereas, N.J.S.A. 10:4 – 12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and**Whereas**, this public body is of the opinion that such circumstances exist, more particularly under N.J.S.A. 10:4 – 12, subsection (7), relating to the need to confer with counsel as to matters falling within the exception for anticipated litigation and/or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise her ethical duties as a lawyer;**Now, therefore, be it resolved** by the Zoning Board of Adjustment of the Borough of Alpine, as follows:

- The public be excluded from discussion of the aforesaid matters as pertaining to the development application of Church of the Lord, 995 Closter Dock Road and 10 Old Dock Road.
- A summary of what transpired in closed session shall be announced tonight upon completion of that closed session.
- This Resolution shall take effect immediately.

In Favor: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Glazer, Ms. Herries**Abstain:** Mr. Policano **Absent:** Ms. Lerner**MOTION APPROVED**

Zoning Board reconvened from Executive Session at 10:51PM.

Resolution: Approval of Church of the Lord**Church of the Lord:**

- **995 Closter Dock Road: Block 47 Lot 2**
- **10 Old Dock Road: Block 48 Lot 1.01**

Motion to Approve. Upon a motion by Mr. Abad, seconded by Ms. Herries to approve the application, granting the D-3 variance for additional parking totaling 63 parking spaces. Eight (8) parking spaces from the Church side has been eliminated and redesigned on the Community Center side; eliminating the impervious non-conforming improved lot coverage bringing it down to 23.39% (whereas 25% is the maximum allowed), and setback increased to 56 feet, ultimately providing a 100-foot buffer with substantial landscaping between the westerly neighbor's property and the church lot. Soil movement will increase to 2,500 cubic square feet. Church will continue with Parking Attendant. This approval is subject to conditions as will be outlined in the resolution, and upon receipt and approval of updated engineering plans per Board comments for this property located at 995 Closter Dock Road: Block 47 Lot 2, and 10 Old Dock Road: Block 48 Lot 1.01 on the Tax Assessment map.

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Glazer, Ms. Herries**Abstain:** Mr. Policano **Absent:** Ms. Lerner**MOTION APPROVED****OTHER BUSINESS:** None.**PUBLIC COMMENTS** Documented in the verbatim transcript that will be appended to these meeting minutes once received by Court Stenographer.**ADJOURNMENT** at 10:58 PM upon motion by Mr. Abad, seconded by Mr. Barbieri.**Vote: Ayes:** Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Clores, Mr. Glazer, Ms. Herries, Mr. Policano**Absent:** Ms. Lerner**MOTION APPROVED**

Respectfully submitted,

Jo Anna Myung
Board Secretary

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BOROUGH OF ALPINE
ZONING BOARD OF ADJUSTMENT
THURSDAY, NOVEMBER 17, 2022
7:30 P.M.

IN THE MATTER OF:) TRANSCRIPT OF
APPLICATION OF) PROCEEDING
CHURCH OF THE LORD,)
995 CLOSTER DOCK ROAD,)
BLOCK 47, LOT 2,)
10 OLD DOCK ROAD,)
BLOCK 48, LOT 1.01.)

BEFORE:

RICHARD GLAZER, CHAIRMAN
TONY CLORES, VICE CHAIRMAN
ELIZABETH HERRIES, MEMBER
GEORGE ABAD, JUNIOR, MEMBER
RICHARD BONHOMME, MEMBER
ANTHONY BARBIERI, MEMBER
AMY LERNER, ALTERNATE I MEMBER (ABSENT)
ROBERT F. POLICANO, ALTERNATE II MEMBER

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
CERTIFIED COURT REPORTERS
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APPEARANCES:

CARA LANDOLFI, ESQUIRE
Attorney for the Zoning Board of Adjustment

CAPIZZI LAW OFFICES
BY: MATTHEW G. CAPIZZI, ESQUIRE
11 Hillside Avenue
Second Floor
Tenafly, New Jersey 07670
Attorney for Applicant

ALSO PRESENT:

JO ANNA MYUNG, Board Secretary
PERRY F. FRENZEL, P.E., Board Engineer

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07:36PM 1 CHAIRMAN GLAZER: Thank you.

07:36PM 2 MR. CAPIZZI: So this is an application

07:36PM 3 that was before the Board, originally heard in April

07:36PM 4 of 2022.

07:36PM 5 I will give a brief summary about what

07:36PM 6 the application involves in a moment.

07:36PM 7 But given the revised plan set that was

07:37PM 8 filed with the Borough in June, I believe, we are

07:37PM 9 essentially starting the application anew.

07:37PM 10 I believe, Mr. Chairman, you may not

07:37PM 11 have been in attendance during the first meeting.

07:37PM 12 CHAIRMAN GLAZER: I did, however, read

07:37PM 13 the transcript.

07:37PM 14 MR. CAPIZZI: I appreciate that.

07:37PM 15 But given the gap in time, and the fact

07:37PM 16 that we have provided an entirely new plan set, how

07:37PM 17 ever the Board pleases to proceed with the

07:37PM 18 application, I'm fine with starting the application

07:37PM 19 anew, meaning not relying upon the testimony provided

07:37PM 20 during the April hearing.

07:37PM 21 As we had discussed previously, but as

07:37PM 22 the Board Members are aware, this is the former

07:37PM 23 location of the Alpine Community Church with these

07:37PM 24 two properties on Old Closter Dock Road.

07:37PM 25 And I think, Mr. Policano, you live

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07:35PM 1 CHAIRMAN GLAZER: Roll call, please.

07:35PM 2 MS. MYUNG: Ms. Heggies?

07:35PM 3 MS. HERRIES: Here.

07:35PM 4 MS. MYUNG: Mr. Policano?

07:35PM 5 MR. POLICANO: Here.

07:35PM 6 MS. MYUNG: Mr. Clores?

07:35PM 7 VICE CHAIRMAN CLORES: Here.

07:35PM 8 MS. MYUNG: Mr. Barbieri?

07:35PM 9 MR. BARBIERI: Here.

07:35PM 10 MS. MYUNG: Mr. Bonhomme?

07:35PM 11 MR. BONHOMME: Here.

07:35PM 12 MS. MYUNG: Mr. Abad?

07:35PM 13 MR. ABAD: Here.

07:35PM 14 MS. MYUNG: Chairman Glazer?

07:35PM 15 CHAIRMAN GLAZER: Yes, here.

07:35PM 16 (Agenda.)

07:36PM 17 CHAIRMAN GLAZER: Item 6 on the agenda,

07:36PM 18 Church of the Lord application, 995 Closter Dock

07:36PM 19 Road, Block 47, Lot 2 and 10 Old Dock Road, Block 48,

07:36PM 20 Lot 1.01.

07:36PM 21 And, Mr. Capizzi, I assume you're --

07:36PM 22 MR. CAPIZZI: Good evening,

07:36PM 23 Mr. Chairman.

07:36PM 24 CHAIRMAN GLAZER: You are here.

07:36PM 25 MR. CAPIZZI: That's correct.

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07:37PM 1 within 200 feet.

07:37PM 2 MR. POLICANO: Yes, I am.

07:37PM 3 MR. CAPIZZI: So you would have to --

07:37PM 4 MR. POLICANO: Recuse myself.

07:37PM 5 MR. CAPIZZI: So you have to step down

07:37PM 6 from the dais.

07:37PM 7 (Whereupon, Mr. Policano recuses

07:37PM 8 himself and steps off the dais.)

07:38PM 9 MR. CAPIZZI: I will play both roles

07:38PM 10 tonight until your Board Attorney shows up.

07:38PM 11 These are two properties with frontage

07:38PM 12 on Old Closter Dock Road.

07:38PM 13 The property was purchased in 2019 by

07:38PM 14 The Church of the Lord, which is an existing

07:38PM 15 Christian congregation that has roots in Orangeburg,

07:38PM 16 New York, and then relocated here to Alpine.

07:38PM 17 Due to some site work that they did

07:38PM 18 upon the acquisition of the property, and due to some

07:38PM 19 delays generated by COVID, they've been operating at

07:38PM 20 the site for about a year, year-and-a-half.

07:38PM 21 As the Board is aware, the site really

07:38PM 22 contains a minimal amount of parking, only about 20

07:38PM 23 parking spaces on the -- what we call the church

07:38PM 24 property, that lot which contains the church.

07:38PM 25 The community center property which is

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07:38PM 1 on the easterly side of Old Dock contains no parking.
 07:38PM 2 The church has about 150 seats and the
 07:38PM 3 community center has an equal number of seats.
 07:38PM 4 When you do the parking tabulation,
 07:38PM 5 based upon the seating at both buildings, the
 07:38PM 6 required parking is approximately 72 to 73 spaces,
 07:39PM 7 Mr. Hubschman will give you a precise number.
 07:39PM 8 What we're seeking to do by way of this
 07:39PM 9 application is provide some additional on-site
 07:39PM 10 parking. We have 20 spaces at present.
 07:39PM 11 We are seeking to add, essentially,
 07:39PM 12 another 43, which would give us a total of 63 spaces.
 07:39PM 13 We're proposing to do that in two ways,
 07:39PM 14 adding another 20 spaces to the church parking lot
 07:39PM 15 which is, again, on the west side of Old Dock Road
 07:39PM 16 and 23 spaces on the easterly side of the community
 07:39PM 17 center property.
 07:39PM 18 Important for the Board to note during
 07:39PM 19 its deliberation on the testimony and, ultimately,
 07:39PM 20 when it deliberates, takes a vote on the application,
 07:39PM 21 a house of worship is a conditional use in this zone.
 07:39PM 22 Certainly the church has been around
 07:39PM 23 for about 150 years. And there were no regulations
 07:39PM 24 in the Borough of Alpine until about 1994 specific as
 07:39PM 25 to houses of worship.

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07:40PM 1 And when that regulation was adopted in
 07:40PM 2 1994, it had a series of conditions, one of which was
 07:40PM 3 the house of worship, is supposed to be located on
 07:40PM 4 the lot that had frontage on 9W, which we don't
 07:40PM 5 comply.
 07:40PM 6 Again, both of these lots do not have
 07:40PM 7 access to 9W, so it's existing nonconforming as to
 07:40PM 8 that access requirement.
 07:40PM 9 The lots are supposed to have 100 feet
 07:40PM 10 of a buffer from a residential property.
 07:40PM 11 The existing church parking lot is only
 07:40PM 12 at 3 feet, but the application before you seeks to
 07:40PM 13 improve that, we believe, greatly. It's going to go
 07:40PM 14 from a 3-foot setback to a 10-foot setback. And
 07:40PM 15 certainly that area along the north of that expanded
 07:40PM 16 parking lot, of the entire new parking lot actually,
 07:40PM 17 will be substantially landscaped. And you'll hear
 07:40PM 18 testimony from Paul Keyes regarding the amenities --
 07:40PM 19 additional vegetation we propose to add to the
 07:40PM 20 properties.
 07:40PM 21 And then there is an existing
 07:40PM 22 nonconforming impervious coverage at the church lot.
 07:41PM 23 It's existing at 20 -- 42 percent -- excuse me -- I'm
 07:41PM 24 sorry -- 30 percent. And it's actually being reduced
 07:41PM 25 by way of this application to 28 percent.

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07:41PM 1 The parking lot on the community center
 07:41PM 2 property requires only one single variance and that
 07:41PM 3 is as a result of that access issue that I had
 07:41PM 4 mentioned previously.
 07:41PM 5 So just so the Board is aware of the
 07:41PM 6 variance relief proposed for this application we
 07:41PM 7 submit is very minor in nature.
 07:41PM 8 They all relate to existing
 07:41PM 9 nonconforming conditions which can either not be
 07:41PM 10 addressed because the lot doesn't have frontage onto
 07:41PM 11 9W or which are being actually improved by way of
 07:41PM 12 reductions of the nonconforming condition: That
 07:41PM 13 3-foot buffer is increasing to 10 feet; that
 07:41PM 14 impervious coverage is going from 30 to 28 percent;
 07:41PM 15 and the parking lot across the street only requires
 07:41PM 16 that one variance as to access.
 07:41PM 17 Churches are an inherently beneficial
 07:42PM 18 use. A house of worship is considered a highly
 07:42PM 19 beneficial use.
 07:42PM 20 CHAIRMAN GLAZER: Just give us a
 07:42PM 21 minute.
 07:42PM 22 (Whereupon, Ms. Landolfi is now
 07:42PM 23 present.)
 07:42PM 24 MR. CAPIZZI: Yes. Okay.
 07:42PM 25 CHAIRMAN GLAZER: You haven't been in

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07:42PM 1 contact with Jackie Kates?
 07:42PM 2 MS. LANDOLFI: No.
 07:42PM 3 No, I have not.
 07:42PM 4 MR. CAPIZZI: Good question.
 07:42PM 5 So as I was saying, houses of worship
 07:42PM 6 are considered an inherently beneficial use.
 07:42PM 7 The important takeaway is the Board
 07:42PM 8 customarily hears applications for residential
 07:42PM 9 structures where we talk about most of the time
 07:42PM 10 hardships that impact the property that require the
 07:42PM 11 variance, that is being sought by the applicant.
 07:43PM 12 Here, in the institutional sector,
 07:43PM 13 especially one dealing with a house of worship, when
 07:43PM 14 we talk about the positive criteria, what is
 07:43PM 15 generating the need for the variance, is there a
 07:43PM 16 hardship that requires this, that's not part of the
 07:43PM 17 analysis in this form of application.
 07:43PM 18 The law by declaring it inherently
 07:43PM 19 beneficial has said an applicant of this nature, a
 07:43PM 20 house of worship, is not required to show why it's
 07:43PM 21 requesting a variance. It's presumptively determined
 07:43PM 22 to be necessary.
 07:43PM 23 The importance of that is the real
 07:43PM 24 takeaway is, especially in the conditional use
 07:43PM 25 context is what's the impact of the inability to

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07:43PM 1 comply with the condition on the neighborhood and are
 07:43PM 2 there reasonable conditions that the Board can impose
 07:43PM 3 to mitigate against that potential negative impact.
 07:43PM 4 And only when that impact becomes
 07:43PM 5 substantial would the negative criteria fail, would
 07:43PM 6 the granting of the variance be so detrimental to the
 07:44PM 7 public that the variance could not be granted.
 07:44PM 8 Here we've already been forward
 07:44PM 9 thinking with regard to that. Again, that's why we
 07:44PM 10 are proposing a pervious parking system. That's why
 07:44PM 11 we are proposing a significant amount of new
 07:44PM 12 landscaping. That's why the lighting on the church
 07:44PM 13 lot is minimalistic in nature.
 07:44PM 14 And you'll hear other design strategies
 07:44PM 15 that we have implemented in order to ensure that we
 07:44PM 16 do not result in a substantial impact on the
 07:44PM 17 neighborhood.
 07:44PM 18 Will there be some element of an
 07:44PM 19 impact? Certainly. We anticipate there will be some
 07:44PM 20 impact on the neighborhood, but certainly not
 07:44PM 21 something that will rise to the level of being
 07:44PM 22 substantial.
 07:44PM 23 So our first witness this evening is
 07:44PM 24 Mike Hubschman. I would like to call him to go
 07:44PM 25 through the modified plan.

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07:44PM 1 MS. LANDOLFI: Good evening.
 07:44PM 2 Do you swear or affirm that the
 07:44PM 3 testimony you're about to give the Board is the
 07:44PM 4 truth?
 07:44PM 5 MR. HUBSCHMAN: Yes, I do, of course.
 07:44PM 6 M I C H A E L H U B S C H M A N, PE, PP
 07:44PM 7 263 South Washington Avenue, Bergenfield, New
 07:44PM 8 Jersey, having been duly sworn, testifies as
 07:44PM 9 follows:
 07:44PM 10 MS. LANDOLFI: I believe Mr. Hubschman
 07:44PM 11 has --
 07:44PM 12 CHAIRMAN GLAZER: He's been here many,
 07:45PM 13 many times.
 07:45PM 14 MR. HUBSCHMAN: A long time.
 07:45PM 15 CHAIRMAN GLAZER: He will start paying
 07:45PM 16 rent.
 07:45PM 17 DIRECT EXAMINATION
 07:45PM 18 BY MR. CAPIZZI:
 07:45PM 19 Q. So, Mike, I know this is a plan that we
 07:45PM 20 had previously provided to the Board, but it is
 07:45PM 21 colorized.
 07:45PM 22 So if we can have identify that and
 07:45PM 23 have that marked as A-16?
 07:45PM 24 A. **This is the site plan.**
 07:45PM 25 (Whereupon, Colorized Site Plan, Last
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15

07:45PM 1 Revised 5/16/22 is received and marked as
 07:45PM 2 Exhibit A-16 for identification.)
 07:45PM 3 THE WITNESS: I believe this is the
 07:45PM 4 only sheet that's colorized, dated -- I believe it
 07:45PM 5 is, June 24th, 2021.
 07:45PM 6 And this is Revision 2, which is
 07:45PM 7 May 16th of 2022. And that shows some of the
 07:45PM 8 revisions.
 07:45PM 9 This is the modified plan that shows
 07:45PM 10 the revisions that were made throughout the last
 07:45PM 11 year, year-and-a-half.
 07:45PM 12 Q. Thank you.
 07:45PM 13 Just for refresher purposes, could you
 07:45PM 14 take us through the existing conditions of the site,
 07:45PM 15 please?
 07:45PM 16 A. Sure.
 07:45PM 17 On the left side or on the west is the
 07:45PM 18 existing stone church building. There is an existing
 07:45PM 19 macadam parking lot that goes to about the rear of
 07:45PM 20 the church building.
 07:45PM 21 This is the site plan for the new
 07:46PM 22 conditions, but the existing parking lot is about
 07:46PM 23 1 to 2 to 3 feet off of the lot to the north.
 07:46PM 24 So that's one of the improvements that
 07:46PM 25 we're doing in reconstructing the lot, to widen that
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07:46PM 1 area.
 07:46PM 2 The existing septic system is in the
 07:46PM 3 rear of the property.
 07:46PM 4 Then on the east side is the community
 07:46PM 5 building. The parsonage, it's a small house and
 07:46PM 6 there's a small garage that's located in the parking
 07:46PM 7 area that they're going to relocate to the front.
 07:46PM 8 There are two separate zones. This is,
 07:46PM 9 Lot 2 is in the R-2B zone (indicating).
 07:46PM 10 And this is the lot to the east
 07:46PM 11 (indicating), Lot 1.01 is in the R-2 zone.
 07:46PM 12 And as Matt has said in his opening, a
 07:46PM 13 church is a permitted conditional use in the -- in
 07:46PM 14 the zone, providing that you meet the conditions that
 07:46PM 15 are listed in the zoning ordinance.
 07:47PM 16 Q. Can you just highlight some of the
 07:47PM 17 conditions that we presently do not meet?
 07:47PM 18 A. Well, yeah. Sure.
 07:47PM 19 The conditions are -- for a church
 07:47PM 20 would be five acres are required for the property.
 07:47PM 21 The total is 2.86. It's .86 and 2 acres on the east.
 07:47PM 22 Building coverage, we comply:
 07:47PM 23 10 percent is required, maximum -- and we're at
 07:47PM 24 7.9 percent and 5.05 percent.
 07:47PM 25 Impervious coverage is 25 percent
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07:47PM 1 maximum is allowed. We're at 20 -- we're at
 07:47PM 2 28.1 percent on the west, 13.5 on the east which
 07:47PM 3 complies. But the 28 percent is -- is 3 percent over
 07:47PM 4 the allowable.
 07:47PM 5 Q. And, Mike, is that 28 percent, is that
 07:47PM 6 existing or proposed?
 07:47PM 7 A. That's proposed.
 07:47PM 8 Existing is written on the lower
 07:48PM 9 left-hand side, is about 30 percent, 30.02 percent.
 07:48PM 10 So we're -- by -- by providing the
 07:48PM 11 pervious paving, the 10-foot buffer and we're
 07:48PM 12 removing some paving that goes right about out to the
 07:48PM 13 street in the front, so we're removing pavement on
 07:48PM 14 the site.
 07:48PM 15 Q. Thank you.
 07:48PM 16 There was also, I think, a
 07:48PM 17 nonconformity as to access requirement?
 07:48PM 18 A. Right.
 07:48PM 19 That's on the bottom of the list.
 07:48PM 20 Q. Sorry. Go ahead.
 07:48PM 21 Tell me --
 07:48PM 22 A. Well, the front yard, 200 foot is
 07:48PM 23 required. And they, of course, vary for the lot
 07:48PM 24 size, is 200-foot deep, 70-foot deep.
 07:48PM 25 So there's -- it's really existing
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07:48PM 1 nonconforming condition to have a 200-foot front
 07:48PM 2 yard.
 07:48PM 3 Side yard is 100 foot required. The
 07:48PM 4 Lot 2 is 70.1. And that's, again, an existing
 07:48PM 5 condition.
 07:48PM 6 And then the other site, the community
 07:48PM 7 building and that -- that does comply with the side
 07:49PM 8 yard.
 07:49PM 9 Rear yard, 200 foot is required. We're
 07:49PM 10 at 96 feet.
 07:49PM 11 Again, existing church is at 96 feet.
 07:49PM 12 The existing building is at 101 foot.
 07:49PM 13 We -- we call that northerly line the rear yard.
 07:49PM 14 So there's a small odd piece of
 07:49PM 15 property that's part of it.
 07:49PM 16 I think it was Mr. Hoffman's lot
 07:49PM 17 that's, sort of, unbuildable, so that's sort of -- it
 07:49PM 18 almost has frontage on Old Dock Road, but it is
 07:49PM 19 actually a small piece of property in that area.
 07:49PM 20 What else?
 07:49PM 21 The buffer abutting residential use
 07:49PM 22 100 foot is required, existing is about 3 feet.
 07:49PM 23 We're going to have 10 feet on the parking area and
 07:49PM 24 101 feet on the community building lot.
 07:49PM 25 And the traffic access from Route 9W is
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07:50PM 1 required and, of course, we don't front on Route 9W.
 07:50PM 2 So that's an existing nonconforming condition.
 07:50PM 3 Q. As far as -- I know you have some areas
 07:50PM 4 noted on the community center property that may be
 07:50PM 5 some environmentally regulatory areas?
 07:50PM 6 A. Right.
 07:50PM 7 Towards the east there's a wetland area
 07:50PM 8 and then there's a -- that dash line is a 50-foot
 07:50PM 9 transition area required for that.
 07:50PM 10 Q. And the grade falls off on that
 07:50PM 11 property?
 07:50PM 12 A. It falls off quite a bit. That's shown
 07:50PM 13 on Sheet 2, the grading plan.
 07:50PM 14 Q. As far as the specifics of the proposed
 07:50PM 15 parking area, can you take us through that, please.
 07:50PM 16 A. Sure.
 07:50PM 17 There is -- we've had existing 24
 07:50PM 18 spaces on the church side of the parking lot, on the
 07:50PM 19 west, two of those were in the right-of-way.
 07:50PM 20 Again, there's a 2 to 3 foot to the
 07:50PM 21 property line. The new parking lot that we're
 07:50PM 22 proposing which takes up existing, proposing 40
 07:50PM 23 spaces. So there's really a net 16 space increase.
 07:51PM 24 Ten foot on the north and I forget, one
 07:51PM 25 of the last hearings we -- we increased the buffer to
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07:51PM 1 the west to about 20 feet.
 07:51PM 2 And then Paul Keyes, the landscape
 07:51PM 3 architect, will talk about the extensive landscaping
 07:51PM 4 he's proposing in that area.
 07:51PM 5 We're proposing three ADA spaces that's
 07:51PM 6 required. That's 40. There is over 50 spaces total.
 07:51PM 7 One of our -- our previous application,
 07:51PM 8 we had the ADA space in front of the community
 07:51PM 9 building which is really the only level area where
 07:51PM 10 you can meet the requirement.
 07:51PM 11 There's a lot of slope requirements for
 07:51PM 12 an ADA space and the access. So no one liked that at
 07:51PM 13 one of the last hearings with the backing out and so
 07:51PM 14 forth. So we removed that and put it across the
 07:51PM 15 street.
 07:51PM 16 The parking lot on the east, the
 07:51PM 17 community center lot has 23 spaces. It's a one-story
 07:52PM 18 building and there's a basement, actually designed to
 07:52PM 19 grading so if we had to add, there is ADA access to
 07:52PM 20 the basement, so we put this little walk in the rear
 07:52PM 21 so you could have ADA access to the basement and to
 07:52PM 22 the first floor. There's no elevator in that
 07:52PM 23 building.
 07:52PM 24 So that new lot is 23 spaces. So the
 07:52PM 25 total combined is 63 spaces proposed.
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07:52PM 1 **And our parking calculations where 74**
 07:52PM 2 **are required for the site. That's an existing**
 07:52PM 3 **condition also.**
 07:52PM 4 **Presently there's about 20 or 22**
 07:52PM 5 **depending if you count the ones that aren't even on**
 07:52PM 6 **the property.**
 07:52PM 7 **So 74 spaces are required and we're at**
 07:52PM 8 **63 provided.**
 07:52PM 9 **We had other iterations before the**
 07:52PM 10 **Board years ago with parking on the north and coming**
 07:52PM 11 **back out to Closter Dock, those were seen as being a**
 07:52PM 12 **little too extensive and leaving -- this seemed to be**
 07:53PM 13 **a very good place for new parking between the two**
 07:53PM 14 **buildings. It's very out of the way, its buffered**
 07:53PM 15 **plenty on all sides.**
 07:53PM 16 **This is just an expansion of that**
 07:53PM 17 **existing lot.**
 07:53PM 18 **Q. As far as the lighting, how are we**
 07:53PM 19 **going to illuminate these parking areas?**
 07:53PM 20 **A. That's shown on the other sheet here.**
 07:53PM 21 **This is Sheet 3 of the lighting plan.**
 07:53PM 22 **This also shows the grading.**
 07:53PM 23 **The easterly parking lot, we're just**
 07:53PM 24 **proposing the two lights, two 10-foot lights.**
 07:53PM 25 **They're LED lights. They are 10-foot high. They're**

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07:53PM 1 **107 watts, a very low intensity.**
 07:53PM 2 **They're pretty far away from the**
 07:53PM 3 **property lines. The point is shaded by the building,**
 07:54PM 4 **that lights up the parking lot. We have the**
 07:54PM 5 **.5 footcandles which is minimum and then the**
 07:54PM 6 **.1 footcandles which is about the bare bones in a**
 07:54PM 7 **parking lot, but it's not a lot of usage.**
 07:54PM 8 **And just on the trip side, there's some**
 07:54PM 9 **small bollard lights 3-and-a-half-feet high. I think**
 07:54PM 10 **they're 40 watts -- 18 watts.**
 07:54PM 11 **So those are 18 watts. And there are**
 07:54PM 12 **six of them that just light up the walkways.**
 07:54PM 13 **Q. Any concerns of spillage of light on to**
 07:54PM 14 **neighboring properties?**
 07:54PM 15 **A. No, there's no spillage.**
 07:54PM 16 **The parking lot is, sort of, between**
 07:54PM 17 **the buildings and then the bollards, there's just the**
 07:54PM 18 **lumen -- the lighting ISO footcandle lines are shown**
 07:54PM 19 **on the drawing. You can see, just for the sidewalk.**
 07:54PM 20 **Q. And the approximate height of the**
 07:54PM 21 **bollard?**
 07:54PM 22 **A. Three-and-a-half feet.**
 07:54PM 23 **Q. So they would probably be lower than**
 07:54PM 24 **any of the landscaping that Mr. Keyes is going to**
 07:54PM 25 **discuss?**

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07:54PM 1 **A. Right, just to light up the walks.**
 07:55PM 2 **Q. As far as drainage since we are**
 07:55PM 3 **creating these new parking areas, can you discuss**
 07:55PM 4 **that, please.**
 07:55PM 5 **A. Sure.**
 07:55PM 6 **The drainage -- that's why we -- the**
 07:55PM 7 **pervious paving system, which is good to use on the**
 07:55PM 8 **east side. The brand is shown on Sheet 2.**
 07:55PM 9 **MS. MYUNG: The lighting plan, is that**
 07:55PM 10 **Drawing No. 3882-6?**
 07:55PM 11 **THE WITNESS: Yes.**
 07:55PM 12 **MS. MYUNG: Thank you.**
 07:55PM 13 **THE WITNESS: Drawing 3882-6, 3882-5 is**
 07:55PM 14 **the grading plan, easterly parking lot, everything**
 07:55PM 15 **pitches down towards the -- it's all over land flow**
 07:55PM 16 **towards the wetland area.**
 07:55PM 17 **And the pervious paver has a -- it's a**
 07:55PM 18 **subbase, has about 18 inches of stone under it. It's**
 07:55PM 19 **an asphalt mix that's pervious basically.**
 07:55PM 20 **Q. So we have the detention area right**
 07:55PM 21 **below the parking area?**
 07:56PM 22 **A. Right.**
 07:56PM 23 **It's really not required because we're**
 07:56PM 24 **going to this -- it's overlay flow and then it**
 07:56PM 25 **goes -- that really goes to the Hudson River, so it's**

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07:56PM 1 **not -- not required.**
 07:56PM 2 **Here, this is all pervious. We're**
 07:56PM 3 **reducing the impervious coverage on the church lot**
 07:56PM 4 **and everything flows to the back and we're creating a**
 07:56PM 5 **swale.**
 07:56PM 6 **There's no drainage facilities on**
 07:56PM 7 **Closter Dock within, I guess, it's 2, 3, 400 feet**
 07:56PM 8 **away is the nearest one.**
 07:56PM 9 **So it's -- it's not changing much. The**
 07:56PM 10 **existing parking lot all drains to the rear so we're**
 07:56PM 11 **doing the pervious pavers and a swale that will**
 07:56PM 12 **direct whatever additional runoff goes out to the**
 07:56PM 13 **street.**
 07:56PM 14 **Q. And because the parking area is getting**
 07:56PM 15 **closer to the neighbor to the west, can you discuss**
 07:56PM 16 **whether there will be any adverse condition on that**
 07:56PM 17 **property from a drainage standpoint?**
 07:56PM 18 **A. No.**
 07:56PM 19 **Well, the plantings, too -- when Paul**
 07:56PM 20 **Keyes testifies, the plantings, and we're showing a**
 07:56PM 21 **berm here (indicating), that sort of blocks any**
 07:56PM 22 **runoff running to the west.**
 07:57PM 23 **Q. We do need a major soil movement**
 07:57PM 24 **permit.**
 07:57PM 25 **Can you just take us through those**

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07:57PM 1 movement numbers and the grading, please?

07:57PM 2 A. I think it was about 1,400 yards -- do

07:57PM 3 you have --

07:57PM 4 Q. I think it was 1,430 -- 1,490.

07:57PM 5 A. It's 1,490 of fill and that's -- it's

07:57PM 6 just for the parking lot.

07:57PM 7 There's no substantial soil moving on

07:57PM 8 the west side. It's just for the filling of the

07:57PM 9 parking lot.

07:57PM 10 We're creating two 6-foot walls. We

07:57PM 11 have a 6 percent parking lot which, for, like, a

07:57PM 12 pedestrian or people to be able to open doors and so

07:57PM 13 forth, when they're in a parking lot, that's about

07:57PM 14 the maximum.

07:57PM 15 And that maximum 6 percent still

07:57PM 16 requires the two boulder walls at the end. That's

07:57PM 17 where all the fill is on that easterly side.

07:57PM 18 Q. As far as the -- just to revisit the

07:57PM 19 bulk table, just those bulk parameters that are

07:57PM 20 impacted by virtue of the proposal, just give us a

07:57PM 21 recap of those, please.

07:58PM 22 A. The only real impact would be the -- on

07:58PM 23 the church side. The impervious coverage is still a

07:58PM 24 variance condition, but it's going down by 2 percent.

07:58PM 25 So that's the impact.

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07:58PM 1 The buffer area, we're widening to

07:58PM 2 10 feet. So I think that's a good thing.

07:58PM 3 Again, both these will review all the

07:58PM 4 planting in that area. I don't believe there's any

07:58PM 5 other real impact.

07:58PM 6 Route 9W access is just impossible. We

07:58PM 7 don't front on Route 9W.

07:58PM 8 Q. So the lot on the easterly piece, on

07:58PM 9 the community center piece, that -- that is a new

07:58PM 10 parking lot so that access is a new request, correct,

07:58PM 11 because we don't have access to a parking area.

07:58PM 12 A. No access.

07:58PM 13 So that's -- again, I think that's

07:58PM 14 again, you know, a really well-thought-out place to

07:59PM 15 put the access.

07:59PM 16 Everyone is familiar with that Old Dock

07:59PM 17 Road, Closter Dock Road. There's that hump in the

07:59PM 18 road there so you really can't put that -- and we're

07:59PM 19 much lower on the east.

07:59PM 20 It's impossible to have a driveway

07:59PM 21 coming here (indicating). The sight distance would

07:59PM 22 be very dangerous entering and exiting.

07:59PM 23 Q. Mr. Frenzel issued a review letter in

07:59PM 24 November of this year.

07:59PM 25 Let's see if I can get it?

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07:59PM 1 Do you have a copy?

07:59PM 2 A. Yeah.

07:59PM 3 Q. Can you just take a quick look at it

07:59PM 4 and let us know if there's any open issues we need to

07:59PM 5 address?

07:59PM 6 A. No.

07:59PM 7 Mr. Frenzel's letter goes through all

07:59PM 8 of the revisions on Page 3. I think I pretty much

07:59PM 9 went through most of those, you know, major

07:59PM 10 revisions, redid the parking lot on the church, got

07:59PM 11 rid of the handicap space in front of the community

07:59PM 12 center because of the backing out.

08:00PM 13 The lighting we moved. That was an

08:00PM 14 issue, to move the lighting from the south to the

08:00PM 15 north side.

08:00PM 16 Q. And that was being done to help

08:00PM 17 mitigate the impact of the lighting?

08:00PM 18 A. Yes. Yeah.

08:00PM 19 Because the building, itself, those are

08:00PM 20 very low lights, the building will sort of hide those

08:00PM 21 lights.

08:00PM 22 I think that was it.

08:00PM 23 Q. I think we covered it all.

08:00PM 24 A. I think we pretty much covered

08:00PM 25 everything. Yeah.

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08:00PM 1 MR. CAPIZZI: Thank you, Mike.

08:00PM 2 I don't have any further questions of

08:00PM 3 him, Mr. Chairman.

08:00PM 4 CHAIRMAN GLAZER: At this point members

08:00PM 5 of the audience are welcome to address questions to

08:00PM 6 this witness.

08:00PM 7 But the questions to be directed to

08:00PM 8 this witness are about the testimony given by this

08:00PM 9 witness and not other items.

08:00PM 10 So if anyone has a question for this

08:01PM 11 witness.

08:01PM 12 Yes, Steve Cohen.

08:01PM 13 State your name for the record.

08:01PM 14 MR. COHEN: Steve Cohen, 24 Ridge

08:01PM 15 Street.

08:01PM 16 Thank you, Mr. Chairman.

08:01PM 17 THE WITNESS: Hi.

08:01PM 18 MR. COHEN: How many trees are taken

08:01PM 19 down from the parking lot on the east side between

08:01PM 20 the community house and the parsonage?

08:01PM 21 THE WITNESS: I'm -- I'm sure to have

08:01PM 22 that answer. It's shown on Sheet 4 of 5.

08:01PM 23 I count 20 -- just counting them really

08:01PM 24 fast, 20, 21 trees.

08:01PM 25 MR. COHEN: And the only increase would

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08.01PM 1 be off of Old Dock Road.
 08.01PM 2 THE WITNESS: Yes. Yes.
 08.01PM 3 MR. COHEN: Is there a way of arranging
 08.01PM 4 an egress with direct control off of Closter Dock
 08.02PM 5 Road rather than building a 6-foot wall?
 08.02PM 6 THE WITNESS: It's -- it's very steep
 08.02PM 7 in that area.
 08.02PM 8 And, again, the sight distance off of
 08.02PM 9 Closter Dock is terrible with the hump in the road
 08.02PM 10 there. It wouldn't be --
 08.02PM 11 MR. COHEN: How about, could that be
 08.02PM 12 just dealt with by only creating a directional egress
 08.02PM 13 that's not crossing Closter Dock Road, the ingress,
 08.02PM 14 Old Closter Dock Road? Because you have an existing
 08.02PM 15 driveway there already.
 08.02PM 16 THE WITNESS: Right.
 08.02PM 17 The small driveway that goes to the one
 08.02PM 18 garage there.
 08.02PM 19 MR. COHEN: Yeah.
 08.02PM 20 I'm asking rather than dumping it onto
 08.02PM 21 Old Dock Road.
 08.02PM 22 THE WITNESS: I don't know.
 08.02PM 23 I think it's very dangerous there.
 08.02PM 24 A traffic expert, I guess, could
 08.02PM 25 testify to that, too.

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08.02PM 1 But you're going up 10 feet already.
 08.02PM 2 MR. COHEN: Not by making a right-turn
 08.02PM 3 in, a right-turn in and a right-turn out, therefore
 08.02PM 4 never crossing Closter Dock Road?
 08.02PM 5 THE WITNESS: People would tend to make
 08.02PM 6 a left in, I think.
 08.02PM 7 Again, the traffic expert could talk
 08.03PM 8 about that because there's not really no sight
 08.03PM 9 distance.
 08.03PM 10 If someone decides to make a left in,
 08.03PM 11 you might get rear-ended, I think.
 08.03PM 12 MR. CAPIZZI: Mike, Closter Dock is a
 08.03PM 13 county road.
 08.03PM 14 THE WITNESS: County road, yes.
 08.03PM 15 MR. CAPIZZI: And when you're on a
 08.03PM 16 county road, if there's another means of access off
 08.03PM 17 of the county road? Is it typically the county's
 08.03PM 18 preference to not have you come off the county road.
 08.03PM 19 THE WITNESS: Yes, definitely, it's
 08.03PM 20 their preference and this is Elevation 450
 08.03PM 21 (indicating).
 08.03PM 22 MR. ABAD: That already exists.
 08.03PM 23 THE WITNESS: It's a small driveway for
 08.03PM 24 the house.
 08.03PM 25 MR. CAPIZZI: But not for the amount of

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08.03PM 1 trips in and out.
 08.03PM 2 The county would never approve it.
 08.03PM 3 THE WITNESS: Yeah.
 08.03PM 4 This is Elevation 450 (indicating),
 08.03PM 5 you're going up 10 feet already. It wouldn't meet --
 08.03PM 6 the county requires 2 percent and 5 percent so you
 08.03PM 7 wouldn't even meet -- it would be, you know, 5 feet
 08.03PM 8 too low.
 08.03PM 9 MR. COHEN: Thank you.
 08.03PM 10 CHAIRMAN GLAZER: Thanks.
 08.03PM 11 Are there any other members?
 08.03PM 12 Yes, please stand, state your name.
 08.04PM 13 MS. BEFFA: Susan -- how many trees --
 08.04PM 14 CHAIRMAN GLAZER: Can you slow down?
 08.04PM 15 We want to record -- state your name again.
 08.04PM 16 MS. BEFFA: Susan Beffa.
 08.04PM 17 CHAIRMAN GLAZER: Spell it, please.
 08.04PM 18 MS. BEFFA: B-E-F-F-A.
 08.04PM 19 How many trees are cut down next to our
 08.04PM 20 property?
 08.04PM 21 THE WITNESS: I guess you live right to
 08.04PM 22 the north here (indicating).
 08.04PM 23 MS. BEFFA: Yes.
 08.04PM 24 THE WITNESS: Twelve trees are proposed
 08.04PM 25 to be cut down and, again --

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08.04PM 1 MS. BEFFA: Which leaves six?
 08.04PM 2 THE WITNESS: Leaves about, yeah, six,
 08.04PM 3 six or seven.
 08.04PM 4 MS. BEFFA: That's a lot of trees that
 08.04PM 5 you cut down, 12 trees plus the 20, 30 trees which is
 08.04PM 6 quite a few trees.
 08.04PM 7 THE WITNESS: Well, the landscape
 08.04PM 8 architect will testify, there's an extensive
 08.04PM 9 landscaping plan proposed.
 08.04PM 10 MS. BEFFA: I know, but it's a matter
 08.04PM 11 of losing trees in the town.
 08.04PM 12 THE WITNESS: It's one tree, I think,
 08.04PM 13 came down here already (indicating).
 08.04PM 14 MS. BEFFA: I'm sorry.
 08.04PM 15 THE WITNESS: The big maple tree was
 08.04PM 16 knocked down, yeah -- yeah, that was all damaged.
 08.05PM 17 MS. BEFFA: One tree.
 08.05PM 18 THE WITNESS: So 11.
 08.05PM 19 MS. BEFFA: Actually I counted 13.
 08.05PM 20 THE WITNESS: Twelve.
 08.05PM 21 CHAIRMAN GLAZER: Okay.
 08.05PM 22 Let's -- are there -- do you have other
 08.05PM 23 questions for the witness?
 08.05PM 24 MS. BEFFA: No.
 08.05PM 25 CHAIRMAN GLAZER: Are there other

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08.05PM 1 members of the audience?

08.05PM 2 Please go ahead, stand, state your name

08.05PM 3 and --

08.05PM 4 MR. GARABET: Leon Garabet,

08.05PM 5 G-A-R-A-B-E-T, 987 Closter Dock Road.

08.05PM 6 A couple things regarding the parking,

08.05PM 7 you going to go into my bedroom.

08.05PM 8 How much -- how much smoke is going to

08.05PM 9 come from the cars into my bedroom?

08.05PM 10 THE WITNESS: Smoke -- you are -- I

08.05PM 11 actually got your survey from the Borough and that's

08.05PM 12 accurate.

08.05PM 13 You're 40 feet off the line and the

08.05PM 14 parking would be 60 feet. And with all the

08.05PM 15 landscaping proposed, I mean there wouldn't be any

08.06PM 16 exhaust problem on your lot.

08.06PM 17 MR. GARABET: The stones they put till

08.06PM 18 now, it's 10 feet from my fence, which was a fence.

08.06PM 19 But since they don't taking care of the

08.06PM 20 trees, few -- few, a year ago cost me \$2,000.00 to

08.06PM 21 fix the fence.

08.06PM 22 Two days ago another tree fall down

08.06PM 23 from their property onto my fence. They destroy the

08.06PM 24 fence two days ago.

08.06PM 25 THE WITNESS: I didn't see that.

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08.06PM 1 I'm sorry.

08.06PM 2 MR. GARABET: It's at my house. You

08.06PM 3 see it. I don't have my phone with me, but I think

08.06PM 4 maybe --

08.06PM 5 MALE AUDIENCE MEMBER: I have it.

08.06PM 6 MR. CAPIZZI: We'll take your word for

08.06PM 7 it.

08.06PM 8 MR. GARABET: You don't have to take my

08.06PM 9 word.

08.06PM 10 THE WITNESS: If there's a tree from

08.06PM 11 their property, they should repair your fence.

08.06PM 12 MR. GARABET: They didn't fix it last

08.06PM 13 time and last time I believe, when they put the

08.06PM 14 septic tank, if I remember correctly, they supposed

08.06PM 15 to put 12-foot trees from the front to the back of

08.06PM 16 the septic, all the way down, but nothing happened,

08.07PM 17 obviously.

08.07PM 18 THE WITNESS: I think that's more part

08.07PM 19 of this project.

08.07PM 20 MR. GARABET: I don't know. That was

08.07PM 21 couple years ago supposed to be done.

08.07PM 22 My concern is the car there, emissions

08.07PM 23 from the car going into my bedroom.

08.07PM 24 THE WITNESS: Yeah.

08.07PM 25 I think Lou, the traffic engineer,

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08.07PM 1 knows a lot.

08.07PM 2 MR. CAPIZZI: Are we anticipating any

08.07PM 3 heavy idling here, Mike?

08.07PM 4 THE WITNESS: No.

08.07PM 5 It's just the parking and we'll be

08.07PM 6 60 feet from the house.

08.07PM 7 And there's extensive landscaping

08.07PM 8 proposed in that area, no different than the houses

08.07PM 9 is 20 feet from Old Dock Road.

08.07PM 10 I mean, it's not really much different

08.07PM 11 from closed house.

08.07PM 12 MR. COHEN: Talking about his house?

08.07PM 13 THE WITNESS: Talking about his house

08.07PM 14 is way back.

08.07PM 15 CHAIRMAN GLAZER: Wait. Wait.

08.07PM 16 Let's have one person at a time speak.

08.07PM 17 MR. GARABET: From my bedroom to the

08.07PM 18 fence and from there they have stones.

08.07PM 19 CHAIRMAN GLAZER: Mr. Garabet, you're

08.08PM 20 testifying.

08.08PM 21 MR. GARABET: I'm sorry.

08.08PM 22 CHAIRMAN GLAZER: This is the time you

08.08PM 23 just ask questions of the witness.

08.08PM 24 Any other parties wishing to -- yes,

08.08PM 25 Mr. Policano?

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08.08PM 1 MR. POLICANO: Robert Policano,

08.08PM 2 79 Closter Dock Road.

08.08PM 3 I have three questions.

08.08PM 4 There is a relatively new walkway with

08.08PM 5 a three-step porch on the south side of the church

08.08PM 6 that was just recently put in. I'm just making that

08.08PM 7 as a statement.

08.08PM 8 THE WITNESS: Yeah, I think we show

08.08PM 9 that on the survey.

08.08PM 10 MR. POLICANO: It wasn't on the

08.08PM 11 original.

08.08PM 12 THE WITNESS: It was updated.

08.08PM 13 MR. POLICANO: It's already done is my

08.08PM 14 point.

08.08PM 15 THE WITNESS: It's shown as existing.

08.08PM 16 MR. CAPIZZI: That's a permit we got

08.08PM 17 relative to our addition for the bathroom on the --

08.08PM 18 on the --

08.08PM 19 MR. POLICANO: On the south side?

08.08PM 20 MR. CAPIZZI: Right.

08.08PM 21 So that was part of that plan set.

08.08PM 22 MR. POLICANO: Okay. No. 2, the gravel

08.08PM 23 driveway extension for the 20-some-odd cars, I have a

08.09PM 24 hard understanding -- I'm downhill, one lot over

08.09PM 25 downhill, directly behind the church.

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08:09PM 1 And we have a water issue there now.

08:09PM 2 We have a water issue in my yard.

08:09PM 3 I'm sure Mr. Garabet must have water.

08:09PM 4 And we have a serious problem coming off of West

08:09PM 5 Main, down West Main and down Main Street to Closter

08:09PM 6 Dock Road.

08:09PM 7 I have a hard time understanding how a

08:09PM 8 gravel impervious could have better drainage than

08:09PM 9 soil and vegetation and plantings.

08:09PM 10 And I know you supposedly did a study,

08:09PM 11 but it's very, very -- you said there will be a

08:09PM 12 swale.

08:09PM 13 I have a hard time understanding 22

08:09PM 14 parking spots with stone gravel is going to be better

08:10PM 15 absorption.

08:10PM 16 THE WITNESS: It's a pervious paving

08:10PM 17 system that has -- the pavement is pervious because

08:10PM 18 of the mix and there's about 18 inches of stone under

08:10PM 19 that, that the water soaks into.

08:10PM 20 MR. POLICANO: I understand that --

08:10PM 21 that the water is going to go through it.

08:10PM 22 If you have soil and plantings the

08:10PM 23 water is not going to go through it.

08:10PM 24 THE WITNESS: It goes through into the

08:10PM 25 ground, though. That's the whole purpose of that

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08:10PM 1 system.

08:10PM 2 MR. CAPIZZI: Do you have a detail on

08:10PM 3 the plan you can show him?

08:10PM 4 THE WITNESS: I have a detail.

08:10PM 5 MR. POLICANO: And as I stated, I have

08:10PM 6 water issues now when it rains hard.

08:10PM 7 And it's groundwater that's coming up.

08:10PM 8 THE WITNESS: I don't know if I can

08:10PM 9 find where your lot is.

08:10PM 10 MR. CAPIZZI: He's right next to

08:10PM 11 Mr. Garabet.

08:10PM 12 THE WITNESS: Right below Mr. Garabet.

08:10PM 13 There's an existing paved lot now that

08:10PM 14 flows to the rear with no control.

08:10PM 15 So we're going to control it through

08:11PM 16 the pervious pavers. And then with the berm and have

08:11PM 17 everything directed out towards the street if there

08:11PM 18 is any overflow.

08:11PM 19 So there won't be anything going on

08:11PM 20 Mr. Garabet's lot or your lot from here if you're on

08:11PM 21 west --

08:11PM 22 MR. POLICANO: But, again, I'm talking

08:11PM 23 groundwater.

08:11PM 24 THE WITNESS: Not -- the groundwater is

08:11PM 25 not going to change. It's the same amount of water.

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08:11PM 1 I guess you're Lot 10 by East Main here (indicating).

08:11PM 2 MR. CAPIZZI: You're a corner property?

08:11PM 3 MR. POLICANO: Corner, yeah.

08:11PM 4 THE WITNESS: The corner.

08:11PM 5 So you're pretty far. I mean you

08:11PM 6 wouldn't be affected -- the groundwater is not going

08:11PM 7 to be raised by this at all.

08:11PM 8 MR. POLICANO: All right.

08:11PM 9 Next question, there hasn't been any --

08:11PM 10 you haven't reviewed anything about noise levels; 66

08:11PM 11 parking spots with people coming in and out, slamming

08:11PM 12 doors, what kind of noise, children?

08:11PM 13 THE WITNESS: There was just a --

08:11PM 14 MR. CAPIZZI: That really wouldn't be

08:11PM 15 an appropriate consideration.

08:12PM 16 It's a permitted use in the zone.

08:12PM 17 So the zone anticipates there would be

08:12PM 18 vehicular traffic associated with an institutional

08:12PM 19 use and none of the variances.

08:12PM 20 MR. POLICANO: But there's still --

08:12PM 21 noise is still going to be produced, noise in the

08:12PM 22 neighborhood residential area?

08:12PM 23 MR. CAPIZZI: Correct.

08:12PM 24 And we acknowledge that.

08:12PM 25 MR. POLICANO: Okay.

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08:12PM 1 And my last question is the plantings

08:12PM 2 that you stated on your plan along the west side of

08:12PM 3 the property, it's 8- to 10-foot evergreens.

08:12PM 4 THE WITNESS: Paul Keyes is the

08:12PM 5 landscape architect. He's going to testify to that.

08:12PM 6 MR. POLICANO: No questions.

08:12PM 7 Thank you.

08:12PM 8 THE WITNESS: Thank you.

08:12PM 9 CHAIRMAN GLAZER: Are there any other

08:12PM 10 members -- Mr. Garabet?

08:12PM 11 Yes, Mr. Garabet.

08:12PM 12 MR. GARABET: Regarding the water

08:12PM 13 coming down the way, the way it's coming down to my

08:12PM 14 basement, it's only 20 feet from the way?

08:12PM 15 And they guaranty anything it's not

08:13PM 16 going to come, more water, inside my basement.

08:13PM 17 THE WITNESS: No.

08:13PM 18 MR. GARABET: It's on the slope right

08:13PM 19 now.

08:13PM 20 THE WITNESS: No.

08:13PM 21 Your house is pretty far back actually.

08:13PM 22 MR. GARABET: No, it's only 20 feet

08:13PM 23 from the fence.

08:13PM 24 THE WITNESS: Okay.

08:13PM 25 It's about 40 feet from the fence.

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08:13PM 1 MR. GARABET: It is not 40 feet from
 08:13PM 2 the fence.
 08:13PM 3 THE WITNESS: Okay.
 08:13PM 4 MR. CAPIZZI: Mike, just so he
 08:13PM 5 understands, you obtained a copy of his survey,
 08:13PM 6 correct?
 08:13PM 7 THE WITNESS: Right, from -- from the
 08:13PM 8 Borough, yes.
 08:13PM 9 MR. CAPIZZI: The as-built survey so
 08:13PM 10 when you say 40-foot offset, that's coming from your
 08:13PM 11 review of his final as-built?
 08:13PM 12 THE WITNESS: Right.
 08:13PM 13 It's here (indicating). Let me scale
 08:13PM 14 it.
 08:13PM 15 Yeah, it's 40 feet. It's 40 feet off
 08:13PM 16 the property line.
 08:13PM 17 CHAIRMAN GLAZER: Okay.
 08:13PM 18 MR. CAPIZZI: He's only reading --
 08:13PM 19 MR. GARABET: Can he measure again?
 08:14PM 20 I have a choice to see if water comes
 08:14PM 21 through the basement on the slope when they going to
 08:14PM 22 put more asphalt over there or whatever they going to
 08:14PM 23 put it, to make the parking lot.
 08:14PM 24 MS. LANDOLFI: Mr. Garabet, you can ask
 08:14PM 25 a question, but you're testifying right now.

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08:14PM 1 MR. GARABET: How many feet is going to
 08:14PM 2 be from the fence starting the parking lot, the cars,
 08:14PM 3 how many feet from the fence?
 08:14PM 4 THE WITNESS: Twenty.
 08:14PM 5 It goes from 19 to 22 so
 08:14PM 6 approximately --
 08:14PM 7 MR. GARABET: Twenty feet from my fence
 08:14PM 8 is going to be cars?
 08:14PM 9 THE WITNESS: To the parking area, yes.
 08:14PM 10 MR. CAPIZZI: So it will be 60 feet
 08:14PM 11 from your house.
 08:14PM 12 Correct, Mike?
 08:14PM 13 THE WITNESS: Yeah, 20 and 40 is 60,
 08:14PM 14 yes.
 08:14PM 15 MR. CAPIZZI: Thank you.
 08:14PM 16 CHAIRMAN GLAZER: Okay.
 08:14PM 17 Any other questions?
 08:14PM 18 Yes. Please state your name and
 08:14PM 19 address, please.
 08:14PM 20 MR. REEVES: David Reeves, R-E-E-V-E-S,
 08:14PM 21 19 Ridge Street.
 08:15PM 22 Mr. Hubschman, have you done any
 08:15PM 23 studies on the economic impact on the northern
 08:15PM 24 property, the property north of the church and the
 08:15PM 25 property west of the church?

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08:15PM 1 THE WITNESS: No.
 08:15PM 2 That's not part of our scope, economic
 08:15PM 3 impact, no.
 08:15PM 4 MR. REEVES: Does it seem to you that
 08:15PM 5 there might be some impact, given that there will be
 08:15PM 6 changes here that are -- there will be more parking
 08:15PM 7 there and the environment would change, the water
 08:15PM 8 flow will change, the look of the house will change?
 08:15PM 9 THE WITNESS: No, I don't understand
 08:15PM 10 the question.
 08:15PM 11 MR. REEVES: There has been talk,
 08:15PM 12 appropriately so, of impact on the neighborhood.
 08:16PM 13 And I'm asking you -- asking you what
 08:16PM 14 that impact will be as far as the house to the north
 08:16PM 15 and the house to the west.
 08:16PM 16 THE WITNESS: Well, I think it would be
 08:16PM 17 a positive impact by moving -- we're moving the
 08:16PM 18 parking lot, and extensive planting along that one
 08:16PM 19 property line, so that I think would have a positive
 08:16PM 20 impact on that.
 08:16PM 21 CHAIRMAN GLAZER: Any other questions
 08:16PM 22 for Mr. Hubschman at this time from the audience?
 08:16PM 23 MR. KELLY: Yes, Jack Kelly.
 08:16PM 24 CHAIRMAN GLAZER: Can up state --
 08:16PM 25 MR. KELLY: Jack Kelly, 9 Old Dock

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08:16PM 1 Road.
 08:16PM 2 Okay. I lost count on the
 08:16PM 3 nonconforming conditions that exist right now.
 08:16PM 4 I think it's between 8 and 10. So this
 08:16PM 5 is a pretty ambitious project.
 08:16PM 6 Things that you're addressing, you're
 08:16PM 7 taking down all these trees, right, and you say it's
 08:16PM 8 not going to affect the irrigation?
 08:17PM 9 Are you the person, I mean, that's
 08:17PM 10 certified to do water irrigation plan for
 08:17PM 11 development?
 08:17PM 12 I mean, I don't know. I'm asking that
 08:17PM 13 question.
 08:17PM 14 MR. CAPIZZI: Mike, drainage is part of
 08:17PM 15 your field of expertise.
 08:17PM 16 THE WITNESS: Right.
 08:17PM 17 That's civil engineering. That's what
 08:17PM 18 we do, drainage site design, yes.
 08:17PM 19 MR. KELLY: And water mitigation is
 08:17PM 20 part of it?
 08:17PM 21 THE WITNESS: Yes.
 08:17PM 22 MR. KELLY: Okay.
 08:17PM 23 One other thing, I'm on that property
 08:17PM 24 right there and -- actually, I heard three different
 08:17PM 25 numbers, so I'm not sure what is accurate.

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08:17PM 1 You said existing 3-foot buffer, then
 08:17PM 2 you said there's a 2-foot buffer and the statement
 08:17PM 3 just after that, and then in the third statement you
 08:17PM 4 said there's a 1-, 2-, 3-foot buffer.
 08:17PM 5 Which is it?
 08:17PM 6 THE WITNESS: It varies.
 08:17PM 7 That's on the sheets, existing
 08:17PM 8 conditions plan, it shows the edge of the paving and
 08:17PM 9 it appears from 1 foot to 2 to 3.
 08:18PM 10 MR. KELLY: Because of the way it's
 08:18PM 11 paved?
 08:18PM 12 THE WITNESS: It's the way it's paved.
 08:18PM 13 Right.
 08:18PM 14 It's very close to the property line.
 08:18PM 15 We show a dimension of 3, about -- in the center, but
 08:18PM 16 the front is closer and the rear goes a little
 08:18PM 17 closer.
 08:18PM 18 MR. KELLY: On the lower property line
 08:18PM 19 you're talking about doing plants right along Old
 08:18PM 20 Dock Road.
 08:18PM 21 Where does that start?
 08:18PM 22 Because right now I have a row of white
 08:18PM 23 pines that run just to the side of the property line.
 08:18PM 24 So if you plan on doing plantings right
 08:18PM 25 along that, how is that going to impact on 40-foot
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08:18PM 1 trees that are preexisting?
 08:18PM 2 THE WITNESS: I think the landscape
 08:18PM 3 architect could answer that.
 08:18PM 4 He's the expert on that.
 08:18PM 5 MR. KELLY: One other question: You
 08:18PM 6 have a buffer, you're proposing a 10-foot buffer,
 08:18PM 7 right?
 08:18PM 8 THE WITNESS: Right.
 08:18PM 9 MR. KELLY: How does that impact on the
 08:19PM 10 actual width the parking lot requires back to back?
 08:19PM 11 And, is that kind of narrowing that?
 08:19PM 12 Now you're eating up 10 feet of that and you have no
 08:19PM 13 expansion to the south, so I'm wondering if that in,
 08:19PM 14 itself, is a dangerous situation.
 08:19PM 15 THE WITNESS: Well, we pushed the lot
 08:19PM 16 closer to the building. It's closer to the building.
 08:19PM 17 The walk along the building and -- and these spaces
 08:19PM 18 are 16, 16-foot deep.
 08:19PM 19 MR. CAPIZZI: He was asking about the
 08:19PM 20 adequacy of the drive aisle width.
 08:19PM 21 THE WITNESS: Twenty-three feet is the
 08:19PM 22 proposed drive aisle width.
 08:19PM 23 MR. CAPIZZI: Is that sufficient to
 08:19PM 24 allow cars to pull in and pull out?
 08:19PM 25 THE WITNESS: Yes.
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08:19PM 1 MR. CAPIZZI: Without conflict?
 08:19PM 2 THE WITNESS: Yeah, 23 feet is okay.
 08:19PM 3 Yes.
 08:19PM 4 MR. CAPIZZI: Is that your question,
 08:19PM 5 sir?
 08:19PM 6 MR. KELLY: Yeah.
 08:19PM 7 That was my question.
 08:19PM 8 It looks like really tight now. And
 08:19PM 9 you're adding that many more cars, that's a lot of
 08:19PM 10 motion.
 08:19PM 11 Is that a safer condition that you're
 08:20PM 12 proposing?
 08:20PM 13 MR. CAPIZZI: We'll have our traffic
 08:20PM 14 engineer assess that.
 08:20PM 15 MR. KELLY: Oh, you have one?
 08:20PM 16 MR. CAPIZZI: Yes.
 08:20PM 17 MR. KELLY: Great.
 08:20PM 18 CHAIRMAN GLAZER: Any other questions?
 08:20PM 19 Yes, please state your name and where
 08:20PM 20 you live.
 08:20PM 21 MR. GOLDSTEIN: Lane Goldstein,
 08:20PM 22 23 Ridge Street.
 08:20PM 23 Do you have calculations as to the
 08:20PM 24 amount of coverage, what it is current and what it's
 08:20PM 25 going to be?
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1 THE WITNESS: I do.
 2 They're -- they're separated.
 3 For which one? The church?
 4 MR. GOLDSTEIN: Yeah.
 5 THE WITNESS: The existing -- the
 08:20PM 6 proposed building coverage doesn't change.
 08:20PM 7 It's 7.9 percent and the existing
 08:20PM 8 coverage is 30 percent impervious and we're proposing
 08:20PM 9 28 because we get a credit for the -- that's
 08:20PM 10 impervious coverage, so the pervious pavement system
 08:20PM 11 doesn't count.
 08:20PM 12 MR. GOLDSTEIN: What's the improved
 08:20PM 13 coverage?
 08:20PM 14 THE WITNESS: The improved would be
 08:21PM 15 about 40 percent.
 08:21PM 16 MR. GOLDSTEIN: And what's it zoned
 08:21PM 17 for?
 08:21PM 18 THE WITNESS: It's zoned for impervious
 08:21PM 19 coverage, is a requirement in the zoning ordinance.
 08:21PM 20 MR. CAPIZZI: There's a different set
 08:21PM 21 of conditions for a house of worship.
 08:21PM 22 It's impervious coverage, not improved
 08:21PM 23 coverage.
 08:21PM 24 MR. GOLDSTEIN: Thank you.
 08:21PM 25 CHAIRMAN GLAZER: Any other questions
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08 21PM 1 from members of the audience for this witness?

08 21PM 2 (No Response.)

08 21PM 3 CHAIRMAN GLAZER: If not do we have --

08 21PM 4 yes.

08 21PM 5 THE COURT REPORTER: State your name.

08 21PM 6 MR. REEVES: David Reeves again, a

08 21PM 7 question for the Board and that is --

08 21PM 8 CHAIRMAN GLAZER: We're not

08 21PM 9 entertaining questions at this point to the Board.

08 21PM 10 MR. REEVES: In terms of scheduling?

08 21PM 11 CHAIRMAN GLAZER: What do you mean?

08 21PM 12 MR. REEVES: The decision on this will

08 21PM 13 be?

08 21PM 14 CHAIRMAN GLAZER: Don't know.

08 21PM 15 We haven't heard the testimony yet from

08 21PM 16 -- from the witnesses.

08 21PM 17 MR. REEVES: Okay.

08 21PM 18 CHAIRMAN GLAZER: And from the audience

08 21PM 19 questions, from the audience and responses.

08 22PM 20 So any other questions for this witness

08 22PM 21 from members of the audience?

08 22PM 22 (No Response.)

08 22PM 23 CHAIRMAN GLAZER: If there are none,

08 22PM 24 I'll open it to questions from the Board Members for

08 22PM 25 Mr. Hubschman.

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08 22PM 1 No, you're not getting away that easy.

08 22PM 2 Any questions for Mr. Hubschman?

08 22PM 3 MS. HERRIES: So the parking lot for

08 22PM 4 the church, so it's now you're able to reduce the

08 22PM 5 impervious coverage by changing the parking system to

08 22PM 6 pervious.

08 22PM 7 THE WITNESS: Right, to pervious

08 22PM 8 pavement.

08 22PM 9 Just that rear part is pervious and

08 22PM 10 then the front will remain paved.

08 22PM 11 MS. HERRIES: But the front is also

08 22PM 12 being moved closer to the church?

08 22PM 13 THE WITNESS: Yes.

08 22PM 14 CHAIRMAN GLAZER: Any other questions?

08 22PM 15 MR. ABAD: Yes.

08 22PM 16 CHAIRMAN GLAZER: George?

08 22PM 17 MR. ABAD: The broken line that you

08 23PM 18 drew, that was the setback on the right side? Yes.

08 23PM 19 Anything to the left of that is

08 23PM 20 basically building envelope area?

08 23PM 21 THE WITNESS: That's the transition

08 23PM 22 area line.

08 23PM 23 MR. ABAD: So you can build to the left

08 23PM 24 of that?

08 23PM 25 THE WITNESS: You could build to the

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08 23PM 1 left.

08 23PM 2 MR. ABAD: The -- what's the elevation

08 23PM 3 to the left of that building line -- no, just to the

08 23PM 4 left of the building line and how far to the left

08 23PM 5 before it really starts to go up?

08 23PM 6 THE WITNESS: That's Elevation 440.

08 23PM 7 MR. ABAD: Right.

08 23PM 8 THE WITNESS: The parking lot is at

08 23PM 9 458, so it's 18-feet higher.

08 23PM 10 MR. ABAD: So -- so -- okay.

08 23PM 11 But they're planning on building up the

08 23PM 12 parking lot even higher than this, right?

08 23PM 13 THE WITNESS: That's our finished

08 23PM 14 grade.

08 23PM 15 MR. ABAD: Anything in that area that

08 23PM 16 you're talking about in there would drain to where?

08 23PM 17 THE WITNESS: Everything drains toward

08 23PM 18 the wetlands area.

08 23PM 19 MR. ABAD: Towards the wetlands, away

08 23PM 20 from the homes.

08 23PM 21 THE WITNESS: Right, towards the

08 24PM 22 wetlands.

08 24PM 23 MR. ABAD: That seems to me to be the

08 24PM 24 logical place for parking down in there, not on top

08 24PM 25 of the hill pronounced so the whole world sees it

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08 24PM 1 coming up over the hill, but down in the bottom.

08 24PM 2 And if you made right-turns only in and

08 24PM 3 out of the parking area and you move the driveway

08 24PM 4 east towards, what is this, School House Lane, as far

08 24PM 5 as you could (indicating), how flat would that be

08 24PM 6 going front to back just following that setback?

08 24PM 7 THE WITNESS: School House, that's 442

08 24PM 8 and then you're at 440.

08 24PM 9 MR. ABAD: Okay. So 2 feet.

08 24PM 10 THE WITNESS: Yeah, but you're 30 feet

08 24PM 11 below.

08 24PM 12 MR. ABAD: No. No.

08 24PM 13 I understand that, but you're already

08 24PM 14 talking about -- okay. That's fine.

08 24PM 15 So you have your 30 feet so you have to

08 24PM 16 walk up a hill or something. That's fine.

08 24PM 17 But you still have 2 feet. You have a

08 24PM 18 nice flat pathway in.

08 25PM 19 You have missed the -- most of this

08 25PM 20 elevation as Matt had talked about on Closter Dock

08 25PM 21 that you can't -- you know, we're afraid of people

08 25PM 22 coming.

08 25PM 23 THE WITNESS: The hump.

08 25PM 24 MR. ABAD: The hump. Right.

08 25PM 25 So you missed most of it. You're

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08:25PM 1 making rights in and out, no left turns into the
 08:25PM 2 parking lot.
 08:25PM 3 It seems to me that's the logical place
 08:25PM 4 to put it.
 08:25PM 5 MR. CAPIZZI: But that parking lot
 08:25PM 6 that --
 08:25PM 7 MR. ABAD: You could also take the top
 08:25PM 8 entrance and move all of the traffic off of Old Dock
 08:25PM 9 Road and close off the entrance to the parking to the
 08:25PM 10 -- the parking to the right on Old Dock Road. You
 08:25PM 11 would close that entrance.
 08:25PM 12 So now all your entrances coming in and
 08:25PM 13 off of Closter Dock and you only have -- and I do
 08:25PM 14 like the setback of the 10 feet where you're pushing
 08:25PM 15 the parking lot back, but I don't like the extension
 08:25PM 16 of the parking lot.
 08:25PM 17 I like giving you that buffer and take
 08:25PM 18 the extension off and I think you would have most of
 08:25PM 19 your, you know, town here happy removing that parking
 08:26PM 20 lot.
 08:26PM 21 I just -- maybe I'm wrong. The whole
 08:26PM 22 proposed parking.
 08:26PM 23 I like the setback of the 10 feet.
 08:26PM 24 Put the parking lot down in, down in --
 08:26PM 25 MR. CAPIZZI: In the valley.

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08:26PM 1 MR. ABAD: Maybe you, you don't like
 08:26PM 2 it, but I'm sure there's people in the crowd that
 08:26PM 3 would.
 08:26PM 4 THE WITNESS: I think it's, kind of,
 08:26PM 5 inconvenient.
 08:26PM 6 MR. ABAD: I understand it's
 08:26PM 7 inconvenient to them as well.
 08:26PM 8 MR. CAPIZZI: Right.
 08:26PM 9 I think we have to take a step back.
 08:26PM 10 THE WITNESS: You would lose the
 08:26PM 11 variance by the way, correct?
 08:26PM 12 MR. CAPIZZI: No.
 08:26PM 13 You still have the access issue.
 08:26PM 14 MR. ABAD: From what, from Closter Dock
 08:26PM 15 -- Closter Dock Road not 9W.
 08:26PM 16 From Closter Dock.
 08:26PM 17 MR. CAPIZZI: One of the conditions is
 08:26PM 18 you have to have access off of 9W.
 08:26PM 19 MR. ABAD: There is no 9W access.
 08:26PM 20 9W is -- it is all the way at the top
 08:26PM 21 of the hill. You won't be -- you would be coming
 08:26PM 22 down 9W and making rights into the parking lot.
 08:26PM 23 MR. CAPIZZI: The only variance --
 08:26PM 24 MR. ABAD: You use Closter Dock making
 08:26PM 25 a right, you turn right down the hill from 9W, you

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08:27PM 1 turn and turn right into the parking lot.
 08:27PM 2 You've got all your access from 9W.
 08:27PM 3 Where is your argument?
 08:27PM 4 MR. CAPIZZI: The lot has to be on 9W.
 08:27PM 5 MR. ABAD: 9W is all the way up here
 08:27PM 6 (indicating).
 08:27PM 7 MR. CAPIZZI: No, I understand that.
 08:27PM 8 CHAIRMAN GLAZER: How is the lot on 9W?
 08:27PM 9 MR. CAPIZZI: It's not.
 08:27PM 10 MR. ABAD: So how are you going to get
 08:27PM 11 the lot on 9W?
 08:27PM 12 THE WITNESS: One of our requests for a
 08:27PM 13 variance, one of the conditions of a conditional use,
 08:27PM 14 access has to be from Route 9W.
 08:27PM 15 MR. ABAD: We don't have to give it to
 08:27PM 16 you from there.
 08:27PM 17 We just have to give you conditional
 08:27PM 18 use, right, someplace that I think makes the town
 08:27PM 19 happy.
 08:27PM 20 MR. CAPIZZI: That's not the standard.
 08:27PM 21 MR. ABAD: I don't care about the
 08:27PM 22 standard.
 08:27PM 23 I'm saying what is the town required to
 08:27PM 24 do here?
 08:27PM 25 MR. CAPIZZI: I mean your Board

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08:27PM 1 attorney can guide you on that.
 08:27PM 2 I'm of the opinion the Board is
 08:27PM 3 required to approve the application as presented.
 08:27PM 4 MR. ABAD: I'm sure you are.
 08:27PM 5 MR. CAPIZZI: And we have done a very
 08:27PM 6 delicate presentation here and for the Board to
 08:27PM 7 really take such a strong position, I think on a very
 08:27PM 8 modest application, before you have heard all the
 08:27PM 9 testimony here --
 08:27PM 10 CHAIRMAN GLASER: You have a massive
 08:27PM 11 crowd here.
 08:28PM 12 I don't think it's not so modest crowd.
 08:28PM 13 MR. CAPIZZI: Again, this is not a
 08:28PM 14 referendum.
 08:28PM 15 The Board doesn't vote based upon how
 08:28PM 16 many people are in favor, how many people are
 08:28PM 17 against. That's just not how the procedure is.
 08:28PM 18 MR. ABAD: I just want to know if it
 08:28PM 19 could be done in a different area and less impact to
 08:28PM 20 the community.
 08:28PM 21 MR. CAPIZZI: Not in the way it works
 08:28PM 22 for the way that we operate, not in the way that it
 08:28PM 23 actually functions for a house of worship.
 08:28PM 24 MR. ABAD: So we have to vote on what
 08:28PM 25 you think, not what could be --

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08:26PM 1 MR. CAPIZZI: I think you should vote
 08:26PM 2 on No. 1, the law; and, No. 2 --
 08:26PM 3 MR. ABAD: The law is what? That it
 08:26PM 4 couldn't be done down below?
 08:26PM 5 Is that what the law is?
 08:26PM 6 Are we getting into a legal argument
 08:26PM 7 here?
 08:26PM 8 So the law says Mike can't figure out a
 08:26PM 9 way --
 08:26PM 10 MS. LANDOLFI: I don't think you should
 08:26PM 11 get into the law now.
 08:26PM 12 CHAIRMAN GLAZER: We're not going to
 08:26PM 13 discuss this now.
 08:26PM 14 What we may actually do is, to discuss
 08:26PM 15 this, is go into closed session to discuss it with
 08:26PM 16 our attorney.
 08:26PM 17 MS. LANDOLFI: Regarding the law.
 08:26PM 18 CHAIRMAN GLAZER: Regarding the law.
 08:26PM 19 MR. CAPIZZI: That's not permitted.
 08:26PM 20 You can't go into closed session on a pending
 08:26PM 21 application.
 08:26PM 22 I don't know where that's from, but
 08:26PM 23 there's no pending litigation, there's no basis
 08:26PM 24 whatsoever for the Board to go into closed session.
 08:26PM 25 The fact that we're even mentioning it
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08:29PM 1 is proposing.
 08:29PM 2 MS. LANDOLFI: You can, as part of your
 08:29PM 3 closing, but our discussion internally with the Board
 08:29PM 4 regarding the law and the Board's obligation
 08:30PM 5 regarding the law is attorney/client privilege.
 08:30PM 6 And I would like to -- we would move to
 08:30PM 7 have a resolution and that discussion would be done
 08:30PM 8 during closed session.
 08:30PM 9 MR. CAPIZZI: I don't consent to that.
 08:30PM 10 I object to that.
 08:30PM 11 But the Board can certainly be guided
 08:30PM 12 by its counsel.
 08:30PM 13 I don't think it's appropriate for the
 08:30PM 14 Board to go into closed session in the middle of a
 08:30PM 15 public hearing to discuss how the law should be
 08:30PM 16 applied to this application.
 08:30PM 17 To me, it's a very integral issue in
 08:30PM 18 any application the Board has before it on every
 08:30PM 19 single agenda item.
 08:30PM 20 MS. LANDOLFI: It's not just -- it's
 08:30PM 21 legal advice. I would be giving legal advice,
 08:30PM 22 attorney/client privilege the conversation.
 08:30PM 23 And I welcome you to put your position
 08:30PM 24 regarding the law on the record as -- as part of your
 08:30PM 25 statements tonight.
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08:29PM 1 is potentially an appealable issue.
 08:29PM 2 MS. LANDOLFI: Pursuant to the Open
 08:29PM 3 Public Meeting Act, we can go into closed session by
 08:29PM 4 resolution of the Board, but I can provide them legal
 08:29PM 5 advice.
 08:29PM 6 MR. CAPIZZI: Not on a pending matter.
 08:29PM 7 MS. LANDOLFI: Yes. Yes, just for the
 08:29PM 8 purpose of me providing legal advice.
 08:29PM 9 MR. CAPIZZI: What would be the issue
 08:29PM 10 with having the public be a participant in that
 08:29PM 11 conversation.
 08:29PM 12 MS. LANDOLFI: Because it's going to be
 08:29PM 13 a privilege.
 08:29PM 14 MR. CAPIZZI: We have a Board Member
 08:29PM 15 asking about the bounds in which the application
 08:29PM 16 needs to be viewed.
 08:29PM 17 He's certainly stressing the importance
 08:29PM 18 of the public. Right? The whole exchange is about
 08:29PM 19 the public benefit.
 08:29PM 20 I think the public benefit would be for
 08:29PM 21 them to hear the law.
 08:29PM 22 MS. LANDOLFI: They can -- they can
 08:29PM 23 hear the law.
 08:29PM 24 MR. CAPIZZI: Maybe it would be a
 08:29PM 25 different appreciation for the -- what the applicant
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08:30PM 1 MR. CAPIZZI: Understood.
 08:30PM 2 CHAIRMAN GLAZER: Okay.
 08:30PM 3 Are there other questions from members
 08:30PM 4 of the Board for Mr. Hubschman?
 08:30PM 5 (No Response.)
 08:30PM 6 CHAIRMAN GLAZER: I have just a -- just
 08:30PM 7 a technical one.
 08:30PM 8 You mentioned on the lighting 107 watts
 08:31PM 9 of wattages of power measure.
 08:31PM 10 Did you mean to say those lights are
 08:31PM 11 using 107 watts of power?
 08:31PM 12 THE WITNESS: That's what the RAB
 08:31PM 13 lighting does look at as the --
 08:31PM 14 CHAIRMAN GLAZER: What are the lumen
 08:31PM 15 counts which is the illumination level? That's
 08:31PM 16 more --
 08:31PM 17 THE WITNESS: The lumen is 11,829.
 08:31PM 18 CHAIRMAN GLAZER: Okay.
 08:31PM 19 And you're saying those lights will
 08:31PM 20 consume 107 watts of power?
 08:31PM 21 THE WITNESS: Right.
 08:31PM 22 CHAIRMAN GLAZER: So 11,000 lumens is
 08:31PM 23 what we're talking about?
 08:31PM 24 THE WITNESS: Yeah.
 08:31PM 25 CHAIRMAN GLAZER: That's the lighting.
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08:31PM 1 THE WITNESS: Right.
 08:31PM 2 A lot of boards ask me what's the
 08:31PM 3 wattage.
 08:31PM 4 CHAIRMAN GLAZER: That means --
 08:31PM 5 THE WITNESS: No, a 75-watt bulb.
 08:31PM 6 CHAIRMAN GLAZER: I mean you could have
 08:31PM 7 a 12,000-watt light producing 11,000 lumens.
 08:31PM 8 THE WITNESS: Well, that's why we do
 08:31PM 9 show the footcandle lines, which is important, that's
 08:32PM 10 on the ground.
 08:32PM 11 CHAIRMAN GLAZER: Okay.
 08:32PM 12 And the same, what are the lumens per
 08:32PM 13 the bollards?
 08:32PM 14 THE WITNESS: The small bollard is 270.
 08:32PM 15 CHAIRMAN GLAZER: So 270 lumens per
 08:32PM 16 bollard.
 08:32PM 17 THE WITNESS: Per bollard, yeah.
 08:32PM 18 CHAIRMAN GLAZER: Perry, does that meet
 08:32PM 19 with your agreement, approximately those are
 08:32PM 20 producing that low level of light.
 08:32PM 21 MR. FRENZEL: I think the watts and
 08:32PM 22 lumens are not insignificant indication of the light
 08:32PM 23 levels.
 08:32PM 24 And that's what you're concerned about.
 08:32PM 25 CHAIRMAN GLAZER: Ten feet up 11,000
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08:32PM 1 lumens is a lot of light.
 08:32PM 2 MR. FRENZEL: Yeah, but people walk on
 08:32PM 3 the ground and get out of their car on the ground and
 08:32PM 4 that's why we typically, as engineers, will do a
 08:33PM 5 lighting plan that shows what the footcandle spread
 08:33PM 6 is and what the actual plans are.
 08:33PM 7 A parking lot generally, if I can
 08:33PM 8 compare parking lots, generally are minimally
 08:33PM 9 2 footcandles.
 08:33PM 10 In more congested urban areas and
 08:33PM 11 commercial settings it's closer to five.
 08:33PM 12 This plan shows light levels at the
 08:33PM 13 lower end looking at the plan of the parking lot,
 08:33PM 14 less than a half a footcandle in the middle of the
 08:33PM 15 parking lot you're somewhere around a half a
 08:33PM 16 footcandle, slightly more, which is, let's use a
 08:33PM 17 generic term rather dimly lit.
 08:33PM 18 CHAIRMAN GLAZER: Would that be a
 08:33PM 19 concern for safety purposes?
 08:33PM 20 MR. FRENZEL: I think, No. 1, given
 08:34PM 21 where we are, and you're not in an urban area or
 08:34PM 22 shopping center or anything like that, I think the
 08:34PM 23 fact that there is some artificial light there giving
 08:34PM 24 people an ability to see what's on the ground in
 08:34PM 25 front of them.
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08:34PM 1 It's -- it's a delicate balance here
 08:34PM 2 because you want to provide some coverage
 08:34PM 3 (indicating), some safety for people using the
 08:34PM 4 parking lot, but you don't want to create a hot spot
 08:34PM 5 for the neighbors.
 08:34PM 6 CHAIRMAN GLAZER: Yeah.
 08:34PM 7 My concern about the 10-foot-high
 08:34PM 8 lighting is 11,000 lumens is going to put a lot of
 08:34PM 9 light out.
 08:34PM 10 Are they directed lamps towards the
 08:34PM 11 parking area?
 08:34PM 12 THE WITNESS: Right.
 08:34PM 13 The luminaire, the lighting company
 08:34PM 14 gives you a lumen that directs everything down.
 08:34PM 15 Yeah.
 08:34PM 16 CHAIRMAN GLAZER: It won't -- you won't
 08:34PM 17 get much spillover to the neighbors' property?
 08:34PM 18 THE WITNESS: There's absolutely no
 08:35PM 19 spillover.
 08:35PM 20 This actually shows, yeah, the building
 08:35PM 21 blocks, a lot of it.
 08:35PM 22 MR. FRENZEL: In the earlier iteration,
 08:35PM 23 if you remember, the light poles were on the
 08:35PM 24 southerly side of the parking lot and actually
 08:35PM 25 pointed more toward Old Dock Road.
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08:35PM 1 And one of the other suggestions was
 08:35PM 2 that you flip it around so if there was any light
 08:35PM 3 that does spill over it goes to Closter Dock Road.
 08:35PM 4 There's nobody living there.
 08:35PM 5 CHAIRMAN GLAZER: Okay.
 08:35PM 6 Any other questions from members of the
 08:35PM 7 Board?
 08:35PM 8 (No Response.)
 08:35PM 9 CHAIRMAN GLAZER: Yes.
 08:35PM 10 Go ahead.
 08:35PM 11 MR. KUPFERSCHMID: Dave Kupferschmid,
 08:35PM 12 K-U-P-F-E-R-S-C-H-M-I-D, 6 Cassandra Drive.
 08:35PM 13 Mike, this is really a question --
 08:35PM 14 Matt, rather, for you, the different --
 08:35PM 15 CHAIRMAN GLAZER: He's not testifying.
 08:35PM 16 MR. KUPFERSCHMID: Maybe you know the
 08:35PM 17 answer.
 08:35PM 18 You have the church and, obviously,
 08:35PM 19 that's a house of worship and that's a separate
 08:36PM 20 parcel, and then you have across the street.
 08:36PM 21 Is that also listed as a house of
 08:36PM 22 worship, is it under the same rules and regulations
 08:36PM 23 or is it just the church.
 08:36PM 24 THE WITNESS: As a conditional use of
 08:36PM 25 the church, yeah. I believe it would be, but that
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08:36PM 1 would be --

08:36PM 2 MR. KUPFERSCHMID: You have to bring it

08:36PM 3 up later because I'm curious, we're looking at two

08:36PM 4 different parcels here, and you're talking one

08:36PM 5 application.

08:36PM 6 But to me, again I don't know, but the

08:36PM 7 church is a house of worship, the other structures,

08:36PM 8 are they house of worship?

08:36PM 9 MR. CAPIZZI: They are.

08:36PM 10 THE WITNESS: The parsonage and the

08:36PM 11 community center.

08:36PM 12 I know personally that the community

08:36PM 13 center, what you call the community center is, in

08:36PM 14 fact, used for worship services.

08:36PM 15 MR. KUPFERSCHMID: I want to know how

08:36PM 16 they qualify for house of worship.

08:36PM 17 CHAIRMAN GLAZER: Okay.

08:36PM 18 Any further questions?

08:36PM 19 (No Response.)

08:36PM 20 CHAIRMAN GLAZER: No?

08:36PM 21 Mr. Capizzi, your next witness.

08:36PM 22 MR. CAPIZZI: Lou Luglio, our traffic

08:36PM 23 witness.

08:37PM 24 MS. LANDOLFI: Do you swear or affirm

08:37PM 25 the testimony you're about to give is the truth so

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08:37PM 1 help you God?

08:37PM 2 MR. LUGLIO: Yes, I do.

08:37PM 3 LOUIS LUGLIO, PE,

08:37PM 4 50 Park Place, Newark, New Jersey, having been

08:37PM 5 duly sworn, testifies as follows:

08:37PM 6 CHAIRMAN GLAZER: State your name,

08:37PM 7 please, and qualifications.

08:37PM 8 MR. LUGLIO: My name is Louis Luglio,

08:37PM 9 L-U-G-L-I-O.

08:37PM 10 The address is 50 Park Place, Newark,

08:37PM 11 New Jersey.

08:37PM 12 CHAIRMAN GLAZER: And give us some of

08:37PM 13 your credentials, please?

08:37PM 14 MR. LUGLIO: Sure.

08:37PM 15 I'm a licensed professional engineer in

08:37PM 16 the State of New Jersey and other states.

08:37PM 17 I have been practicing traffic and

08:37PM 18 transportation planning and traffic engineering for

08:37PM 19 the past 34 years.

08:37PM 20 I have a Bachelor of Science degree in

08:38PM 21 civil engineering from New Jersey Institute of

08:38PM 22 Technology, a Masters in transportation planning also

08:38PM 23 from NJIT.

08:38PM 24 I served as an expert witness for the

08:38PM 25 New Jersey Department of Transportation, Bergen

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08:38PM 1 County, Essex County and various municipalities,

08:38PM 2 representing municipalities and also for

08:38PM 3 applications.

08:38PM 4 CHAIRMAN GLAZER: Very good.

08:38PM 5 For the record, do you have your P.E.

08:38PM 6 license number?

08:38PM 7 MR. LUGLIO: That's a good one. I

08:38PM 8 don't.

08:38PM 9 CHAIRMAN GLAZER: We'll accept you.

08:38PM 10 MR. LUGLIO: I never get that one.

08:38PM 11 I think only Bob Costa knows that off

08:38PM 12 the top of his head.

08:38PM 13 MR. CAPIZZI: Your license is still in

08:38PM 14 good standing, though?

08:38PM 15 MR. LUGLIO: Yes, it is.

08:38PM 16 MS. LANDOLFI: Your witness.

08:38PM 17 MR. CAPIZZI: Thank you.

08:38PM 18 CHAIRMAN GLAZER: Thank you.

08:38PM 19 DIRECT EXAMINATION.

08:38PM 20 BY MR. CAPIZZI:

08:38PM 21 Q. Mr. Luglio, can you tell the Board your

08:38PM 22 involvement with the application please?

08:38PM 23 A. Sure.

08:38PM 24 I was retained to look at traffic

08:38PM 25 circulation to and from the site, both in the

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08:39PM 1 existing conditions and in the proposed conditions.

08:39PM 2 And if the mask is a problem hearing

08:39PM 3 me, I'll take it off, but I do have a regular cold

08:39PM 4 not a COVID thing.

08:39PM 5 CHAIRMAN GLAZER: You're welcome to

08:39PM 6 leave it on.

08:39PM 7 THE WITNESS: Looking at it from a

08:39PM 8 traffic circulation/pedestrian circulation safety

08:39PM 9 standpoint, also looking at how many parking spaces

08:39PM 10 would be needed for the proposed condition.

08:39PM 11 BY MR. CAPIZZI:

08:39PM 12 Q. As part of your preparation for your

08:39PM 13 testimony this evening, did you have an opportunity

08:39PM 14 to go out to the site and observe the operations?

08:39PM 15 A. Yes.

08:39PM 16 We went out to the site two -- two

08:39PM 17 times: The first time was May 15th, the second time

08:39PM 18 was May 25th, to look at the operation of -- the

08:39PM 19 existing operation as it is out there today.

08:39PM 20 So, basically, what we looked at is two

08:40PM 21 different time periods. During the 8:30 service that

08:40PM 22 they have and then during the 11:00 a.m. service that

08:40PM 23 they have, and the changeover between the two

08:40PM 24 services.

08:40PM 25 CHAIRMAN GLAZER: Is the 8:30 also an

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08:40PM 1 a.m. service?
08:40PM 2 THE WITNESS: Yes, both of those are
08:40PM 3 a.m.
08:40PM 4 We looked at how many vehicles were
08:40PM 5 parked on the site in the existing parking area and
08:40PM 6 then also how many vehicles were parked on the
08:40PM 7 street, on the local street network that did not fit
08:40PM 8 into the parking area as it was.
08:40PM 9 Both of those conditions, the number of
08:40PM 10 parking spaces in the lot always maxxed out at the
08:40PM 11 20.
08:40PM 12 We had 21 parking spaces, but actually
08:40PM 13 there were 23 or 24 parking, parked vehicles on the
08:40PM 14 site, just to get as many vehicles on the site as --
08:41PM 15 as they could.
08:41PM 16 They actually have a person that's on
08:41PM 17 the roadway right in front of the parking lot
08:41PM 18 directing people to go into the lot, also coming out
08:41PM 19 of the lot, which generally helps in getting volume
08:41PM 20 in and out, the vehicles in and out of the site.
08:41PM 21 In addition, we looked at a range of
08:41PM 22 anywhere from 12 to 20 street parking spaces that
08:41PM 23 were being utilized up and down the street in
08:41PM 24 different areas and that really was consistent for
08:41PM 25 both services that we witnessed and for both Sundays
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08:41PM 1 that we did the counts on.
08:41PM 2 Again, these counts were done in May
08:41PM 3 and so some -- some of the COVID, I guess, reduction
08:41PM 4 I would like to call it, COVID-factor of not all the
08:41PM 5 people that could come in, that full demand wasn't
08:42PM 6 really realized during those services that we
08:42PM 7 witnessed.
08:42PM 8 And so we're looking at anywhere from
08:42PM 9 44 parking spaces to 48 parking spaces that would be
08:42PM 10 required or vehicles that were either in the parking
08:42PM 11 lot or on the street that were associated with one of
08:42PM 12 the services.
08:42PM 13 And so we looked at that, as we said,
08:42PM 14 44 parking spaces. We also looked at, again, the
08:42PM 15 COVID-type factor that also, when we design a parking
08:42PM 16 facility, we don't design it to having it 100 percent
08:42PM 17 capacity. Usually we would design it to 85 or
08:42PM 18 90 percent capacity.
08:42PM 19 So when we take those factors into
08:42PM 20 account, we're really looking at 60 to 63 parking
08:42PM 21 spaces that would be needed for the exiting
08:43PM 22 condition.
08:43PM 23 Again, with that factor, there's some
08:43PM 24 level of modest growth that -- that could take into
08:43PM 25 account as well.
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08:43PM 1 Again, we did see vehicles that were
08:43PM 2 coming up and down Closter Dock Road to get into the
08:43PM 3 existing parking field and the person that was
08:43PM 4 standing outside definitely assisted in helping that
08:43PM 5 situation, especially, in the leaving or the
08:43PM 6 departing of the parking area, itself.
08:43PM 7 And so that's the first part was our
08:43PM 8 observations of what was happening on the site.
08:43PM 9 Q. As far as your opinion of the design of
08:43PM 10 the proposed parking fields?
08:43PM 11 A. As far as the design of the fields, a
08:43PM 12 lot has been talked about that I heard sitting here
08:43PM 13 of the drive aisle, drive aisle from an
08:43PM 14 industry-standard standpoint, the industry standard
08:44PM 15 is 24-feet to 12-foot aisles or lanes, basically.
08:44PM 16 And that could be reduced to two 10-foot lanes.
08:44PM 17 So anywhere from 20 feet to 24 feet is
08:44PM 18 an acceptable design for a parking field.
08:44PM 19 If this were more of a retail parking
08:44PM 20 facility I would say 24 feet would certainly be
08:44PM 21 required for residential and something like a house
08:44PM 22 of worship we could certainly go town to 22, to
08:44PM 23 11-foot travel lanes.
08:44PM 24 So from a safety and a design
08:44PM 25 standpoint having a 23-foot parking aisle is
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08:44PM 1 certainly sufficient.
08:44PM 2 Q. Now we're dealing with an existing
08:44PM 3 house of worship, we're not expanding either
08:44PM 4 building. We are not adding any seating.
08:44PM 5 So roadway capacity is not an issue.
08:44PM 6 But just for purposes of providing some color on
08:44PM 7 that, can you talk to us about the ability for the
08:45PM 8 roadway to accommodate the vehicles coming in and out
08:45PM 9 to attend the service?
08:45PM 10 A. Certainly on Old Dock Road it can
08:45PM 11 definitely handle the number of vehicles.
08:45PM 12 It's not a high number of vehicles that
08:45PM 13 are coming in and out and it's not -- they don't turn
08:45PM 14 over, you know, except for the end of one service and
08:45PM 15 the beginning of the other.
08:45PM 16 As far as Closter Dock is concerned,
08:45PM 17 again it's a Bergen County roadway. The county --
08:45PM 18 and I'm go out on a limb and say the county would not
08:45PM 19 let us have any access that would be that close to
08:45PM 20 Old Dock Road nor on Closter Dock Road because of the
08:45PM 21 limited width of the roadway.
08:45PM 22 Providing for a right-turn in and a
08:45PM 23 right-turn out sounds good, but from just a geometric
08:45PM 24 standpoint in trying to design something for that,
08:45PM 25 you would have to have a median in the roadway which,
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08:45PM 1 again, would not be something that the county would
 08:46PM 2 actually approve.
 08:46PM 3 So having alternate access, having Old
 08:46PM 4 Dock Road is the primary access point for either side
 08:46PM 5 of the roadway for whatever would be built on -- on
 08:46PM 6 these lots and not off of Closter Dock Road.
 08:46PM 7 Q. You had said one of your
 08:46PM 8 qualifications, you acted as an expert for the County
 08:46PM 9 of Bergen?
 08:46PM 10 A. Yes.
 08:46PM 11 Q. And so can you just highlight for us
 08:46PM 12 the basis for your level of confidence that an access
 08:46PM 13 point over Closter Dock would not be approved.
 08:46PM 14 A. Just, No. 1, it's too close to the
 08:46PM 15 intersection already to -- to an already stop
 08:46PM 16 controlled T-intersection.
 08:46PM 17 The other is just sight distance coming
 08:46PM 18 in and out of this driveway, if it were proposed here
 08:46PM 19 (indicating) in looking at either direction.
 08:46PM 20 We can't just say from a design
 08:46PM 21 standpoint that we're not going to allow left-turns
 08:46PM 22 in or left-turns out. If people do it, if the public
 08:46PM 23 does it for whatever reason, they disregard the
 08:47PM 24 No-Left-Turn signs, we have to account for that from
 08:47PM 25 a safety standpoint.

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08:48PM 1 happens at the same time?
 08:48PM 2 A. That's right.
 08:48PM 3 Q. Do you know the location of where those
 08:48PM 4 services occur?
 08:48PM 5 A. That I really don't know the difference
 08:48PM 6 between the two, but we -- we just understood that it
 08:48PM 7 was an 8:30 service and two different services at
 08:48PM 8 11:00.
 08:48PM 9 Q. Well, regardless of which, one
 08:48PM 10 service -- one service is in one building, one
 08:48PM 11 service is in the other building?
 08:48PM 12 A. That's right.
 08:48PM 13 Q. At 11:00 are we also having religious
 08:48PM 14 education for the youth?
 08:48PM 15 A. Yes.
 08:48PM 16 And that's another reason why people
 08:48PM 17 are walking back and forth.
 08:48PM 18 Q. Anything else to shed on the plan
 08:48PM 19 personally?
 08:48PM 20 A. No, I think that's it.
 08:48PM 21 MR. CAPIZZI: Thank you.
 08:48PM 22 I don't have any further questions of
 08:48PM 23 him, Mr. Chairman.
 08:48PM 24 CHAIRMAN GLAZER: Okay.
 08:48PM 25 Once again, I will open the questioning

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08:47PM 1 So from a sight distance safety element
 08:47PM 2 it just would not be feasible to do.
 08:47PM 3 Q. Thank you.
 08:47PM 4 As far as your thoughts on having two
 08:47PM 5 separate parking fields, do you have an opinion one
 08:47PM 6 way or the other whether that's good planning from a
 08:47PM 7 traffic perspective?
 08:47PM 8 A. Yes.
 08:47PM 9 In looking at the observations that we
 08:47PM 10 did, we had a number of people that parked in the
 08:47PM 11 existing parking field and then walked across with
 08:47PM 12 children, without children.
 08:47PM 13 And so having -- having parking on both
 08:47PM 14 sides to service both operations or both buildings
 08:47PM 15 really would put a limit on the number of people that
 08:47PM 16 would have to walk across the roadway.
 08:47PM 17 Again, from a safety standpoint, that's
 08:47PM 18 important.
 08:47PM 19 Also getting vehicles off of the
 08:47PM 20 residential roadway, and so people would not be
 08:47PM 21 walking in the street after they park, also is a
 08:48PM 22 safety enhancement as well.
 08:48PM 23 Q. Now, you had mentioned something about
 08:48PM 24 an 8:30 service, there are two 11:00 services,
 08:48PM 25 correct, an English service and a Korean service that

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08:48PM 1 to members of the audience for this witness only,
 08:49PM 2 questions relating to his testimony or his expertise.
 08:49PM 3 Yes, please restate your name and,
 08:49PM 4 restate your name and your address.
 08:49PM 5 MR. POLICANO: Robert Policano,
 08:49PM 6 79 Closter Dock Road.
 08:49PM 7 I believe, if I heard you correctly,
 08:49PM 8 that there was 22 or 23 cars parked in the existing
 08:49PM 9 parking lot and 10 to 12 on the street, at various
 08:49PM 10 points of -- on the street.
 08:49PM 11 THE WITNESS: Yes, and even more than
 08:49PM 12 12.
 08:49PM 13 I think we had up to 18 vehicles on the
 08:49PM 14 street during one of the services. Yes.
 08:49PM 15 CHAIRMAN GLAZER: Say it again?
 08:49PM 16 THE WITNESS: We had 18 vehicles on the
 08:49PM 17 street.
 08:49PM 18 CHAIRMAN GLAZER: On the street.
 08:49PM 19 MR. POLICANO: That's roughly 38 to 40
 08:49PM 20 cars, perhaps, at the height?
 08:49PM 21 THE WITNESS: Yeah.
 08:49PM 22 I think we got up to 44 total parking
 08:49PM 23 spaces.
 08:49PM 24 MR. POLICANO: You keep on increasing
 08:50PM 25 it.

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08:50PM 1 THE WITNESS: That's what it was. It
 08:50PM 2 was 24 on the site and up to 20 on the street so 20
 08:50PM 3 and 24, 44.
 08:50PM 4 MR. POLICANO: Okay.
 08:50PM 5 Thank you.
 08:50PM 6 CHAIRMAN GLAZER: Yes.
 08:50PM 7 Mr. Cohen?
 08:50PM 8 MR. COHEN: Steven Cohen, 24 Ridge
 08:50PM 9 Street.
 08:50PM 10 In your observations, what is your
 08:50PM 11 feeling about the side streets that are there, Ridge
 08:50PM 12 Street and the rest of the Old Dock, Closter Dock as
 08:50PM 13 far as width and as far as when these cars park, not
 08:50PM 14 parked, how much room do they have to work and would
 08:50PM 15 any of these impede the residence vehicles?
 08:50PM 16 THE WITNESS: Again, we -- in the
 08:50PM 17 existing condition, we have vehicles that are parked
 08:50PM 18 on the local street.
 08:50PM 19 The width of the street is -- is not
 08:50PM 20 that wide. It's usually parking on one side or the
 08:50PM 21 other.
 08:50PM 22 So for an emergency vehicle standpoint,
 08:50PM 23 emergency vehicles can still gain access to the
 08:50PM 24 street, that -- that should not be a problem.
 08:51PM 25 And in the proposed condition there
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08:51PM 1 shouldn't be any vehicles parked on the street.
 08:51PM 2 So that would be an improvement.
 08:51PM 3 MR. COHEN: Thank you.
 08:51PM 4 CHAIRMAN GLAZER: Any other members of
 08:51PM 5 the audience have questions for this witness?
 08:51PM 6 MR. KELLY: Jack Kelly again, 9 Old
 08:51PM 7 Dock Road.
 08:51PM 8 So you observed the road so you realize
 08:51PM 9 how busy Closter Dock Road is, right?
 08:51PM 10 THE WITNESS: Yes.
 08:51PM 11 Closter Dock Road is a busy roadway.
 08:51PM 12 It's certainly busier during the week than it is on a
 08:51PM 13 Sunday, but it is a busy roadway.
 08:51PM 14 MR. KELLY: So do you see any danger
 08:51PM 15 with proximity of where you're going to be having
 08:51PM 16 that parking, the first parking lot on the right and
 08:51PM 17 left, are pretty close to the corner.
 08:51PM 18 So if it's a busy street and all of
 08:51PM 19 these cars, these 60-something spots, and if you have
 08:51PM 20 60 spots, the congregation expands further and parks
 08:52PM 21 on all the streets, then we're probably up to 80 to
 08:52PM 22 90 people on that roadway.
 08:52PM 23 Do you foresee any difficulty and
 08:52PM 24 danger in regards to that?
 08:52PM 25 THE WITNESS: Well, again, as opposed
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08:52PM 1 to having access off of Closter Dock Road, itself,
 08:52PM 2 which I would not recommend, nor do I think it would
 08:52PM 3 be approved, having it off of the local roadway,
 08:52PM 4 there is some distance between Closter Dock Road and
 08:52PM 5 the two main proposed parking fields.
 08:52PM 6 MR. KELLY: How many cartways, three?
 08:52PM 7 THE WITNESS: There are also
 08:52PM 8 residential properties, obviously, along the roadway
 08:52PM 9 and so it serves as access to the residential
 08:52PM 10 properties as well.
 08:52PM 11 MR. KELLY: So just -- okay. So
 08:52PM 12 between Closter Dock Road and the parking lot, you're
 08:52PM 13 talking about maybe three or four roughly?
 08:52PM 14 THE WITNESS: Mike, do you have a
 08:53PM 15 scale?
 08:53PM 16 MR. HUBSCHMAN: Yeah.
 08:53PM 17 MR. KELLY: So that's why I'm making
 08:53PM 18 these to scale.
 08:53PM 19 THE WITNESS: Let me get an idea.
 08:53PM 20 MR. KELLY: Now if you have that many
 08:53PM 21 cars arriving for service.
 08:53PM 22 CHAIRMAN GLAZER: Well, let him answer
 08:53PM 23 rather than having you testify.
 08:53PM 24 MR. KELLY: Well, that may not even
 08:53PM 25 matter if it's 40 or 50 feet.
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08:53PM 1 THE WITNESS: So it's about 135 feet to
 08:53PM 2 the intersection, itself, to the center line of the
 08:53PM 3 intersection.
 08:53PM 4 And we were just talking about how many
 08:53PM 5 vehicles, there's probably five vehicles that could
 08:53PM 6 queue up before the first driveway on the east side.
 08:53PM 7 So, again, the vehicles that are coming
 08:53PM 8 into Closter Dock Road in either direction we would
 08:53PM 9 continue the proposal, is to still have a person in
 08:53PM 10 the roadway to direct traffic, depending on which
 08:53PM 11 side they're going to, and how full the lots could
 08:53PM 12 be.
 08:53PM 13 We really don't anticipate any major
 08:54PM 14 queuing that could happen today because of this.
 08:54PM 15 MR. KELLY: I live on that --
 08:54PM 16 THE WITNESS: Parking.
 08:54PM 17 MR. KELLY: -- I see it.
 08:54PM 18 THE WITNESS: That happens today.
 08:54PM 19 MR. KELLY: Yes, I see it.
 08:54PM 20 Yes.
 08:54PM 21 THE WITNESS: Additional parking.
 08:54PM 22 MR. KELLY: It's still the same amount
 08:54PM 23 of time to get a vehicle off the road into a parking
 08:54PM 24 lot?
 08:54PM 25 THE WITNESS: Not true. No.
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08:54PM 1 MR. KELLY: No?

08:54PM 2 THE WITNESS: Today there's queuing or

08:54PM 3 there could be queuing because there's not a lot of

08:54PM 4 parking.

08:54PM 5 If the parking lot is full, then the

08:54PM 6 vehicle is slowing down, they're told there is no

08:54PM 7 parking and then they may park on the street or

08:54PM 8 people may just park on the street because that's

08:54PM 9 what they normally do.

08:54PM 10 So with additional parking that vehicle

08:54PM 11 would be directed into each parking facility. It's a

08:54PM 12 quicker operation.

08:54PM 13 MR. KELLY: That's -- that's hard to

08:54PM 14 believe.

08:54PM 15 THE WITNESS: Okay.

08:54PM 16 MR. KELLY: And since you're with the

08:54PM 17 county and everything, what about the impact on

08:54PM 18 Closter Dock Road, itself?

08:54PM 19 THE WITNESS: On Closter Dock Road.

08:55PM 20 MR. KELLY: If you have 60 -- yeah.

08:55PM 21 Would that back up onto Closter Dock Road --

08:55PM 22 THE WITNESS: No.

08:55PM 23 MR. KELLY: -- which is a very

08:55PM 24 dangerous area.

08:55PM 25 THE WITNESS: No.

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08:55PM 1 MR. KELLY: I see it, but --

08:55PM 2 THE WITNESS: There's not -- in the

08:55PM 3 existing condition that may be true.

08:55PM 4 In the proposed condition with

08:55PM 5 additional parking there is very little chance that

08:55PM 6 it would backup onto Closter Dock Road, very little

08:55PM 7 chance.

08:55PM 8 And we would make all that -- we would

08:55PM 9 make that submission to the county if we -- if we

08:55PM 10 needed to, but at this point there's really no need

08:55PM 11 to go to the county.

08:55PM 12 MR. KELLY: So you haven't got a

08:55PM 13 traffic -- actual traffic study with the county as to

08:55PM 14 what's allowed?

08:55PM 15 THE WITNESS: There's no -- there's no

08:55PM 16 improvements to the county roadway. So there's no

08:55PM 17 requirement from the county unless from a site

08:55PM 18 standpoint there would be, but I doubt it.

08:55PM 19 MR. KELLY: It seems like --

08:55PM 20 THE WITNESS: Do we have counts?

08:55PM 21 Do we have traffic counts of vehicles

08:55PM 22 coming to and from the existing parking facility?

08:56PM 23 Yes.

08:56PM 24 Do we have roadway counts on Closter

08:56PM 25 Dock Road? Yes.

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08:56PM 1 There is not enough traffic volume here

08:56PM 2 to even conduct the Traffic Impact Study, not for

08:56PM 3 this use.

08:56PM 4 BY MR. CAPIZZI:

08:56PM 5 Q. It's an existing use with existing

08:56PM 6 seats?

08:56PM 7 A. Yes.

08:56PM 8 Q. And existing buildings. If it was a

08:56PM 9 new project -- if you analyze it under new project

08:56PM 10 loans, would you need to do a study?

08:56PM 11 A. Even if this were brand new and this

08:56PM 12 wasn't existing and we had 300 seats, it still would

08:56PM 13 not meet the requirement to do a traffic study at

08:56PM 14 this location or assembly.

08:56PM 15 MR. KELLY: So Closter Dock with 300

08:56PM 16 cars --

08:56PM 17 (Simultaneous Speaking.)

08:56PM 18 THE WITNESS: I didn't say 300 cars, I

08:56PM 19 said if there were 300 people.

08:56PM 20 THE COURT REPORTER: You have to speak

08:56PM 21 one at a time.

08:56PM 22 MR. KELLY: Sorry.

08:56PM 23 THE WITNESS: Sorry.

08:56PM 24 If there were 300 persons.

08:56PM 25 MR. KELLY: What are you estimating the

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08:57PM 1 car --

08:57PM 2 MR. CAPIZZI: You got to let him

08:57PM 3 answer, sir.

08:57PM 4 MR. KELLY: Oh, sorry.

08:57PM 5 MR. CAPIZZI: Let him answer and he'll

08:57PM 6 answer the next question, please.

08:57PM 7 THE WITNESS: For each service we're

08:57PM 8 probably looking at about, probably 50, 55, maybe

08:57PM 9 close to 60 vehicles that would be coming to the

08:57PM 10 facility.

08:57PM 11 And then leaving, again, and then they

08:57PM 12 would switch, obviously between the 8:30 service and

08:57PM 13 the 11:00, 11:00 service.

08:57PM 14 MR. KELLY: That's currently?

08:57PM 15 THE WITNESS: Yes. And -- and in the

08:57PM 16 future.

08:57PM 17 MR. KELLY: How do you assess the

08:57PM 18 future with places to park for the amount of people

08:57PM 19 that may potentially be using the facility in the

08:57PM 20 future, how would that act?

08:57PM 21 THE WITNESS: It's a function of the

08:57PM 22 physical space within the building.

08:57PM 23 So there is some room for growth, but

08:57PM 24 it's really to accommodate the existing operation.

08:57PM 25 MR. KELLY: Thank you.

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08:58PM 1 CHAIRMAN GLAZER: Stand up, please.
 08:58PM 2 MR. GARABET: Leon Garabet, 87 Closter
 08:58PM 3 Dock Road.
 08:58PM 4 In the church, we manage that church
 08:58PM 5 for five years before and there was only 70 seats. I
 08:58PM 6 think there is on the wall someplace in the church
 08:58PM 7 only 76 seats supposed to be in the church.
 08:58PM 8 I don't understand how you arrive at
 08:58PM 9 170 seats or 160 seats today.
 08:58PM 10 I don't know the Fire Department accept
 08:58PM 11 that kind of -- amount of chairs. There was benches
 08:58PM 12 before, if I remember correctly.
 08:58PM 13 So they took the benches out so now
 08:58PM 14 they put the seats --
 08:58PM 15 MS. LANDOLFI: I'm sorry.
 08:58PM 16 You're testifying about --
 08:58PM 17 MR. GARABET: I'm talking about more
 08:58PM 18 people coming.
 08:58PM 19 CHAIRMAN GLAZER: But you're testifying
 08:58PM 20 and, you know, we are not asking you to testify now.
 08:58PM 21 If you have a question for this --
 08:58PM 22 MR. GARABET: That was the question,
 08:58PM 23 more people coming in.
 08:58PM 24 CHAIRMAN GLAZER: Well, ask the
 08:58PM 25 question.

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08:58PM 1 MR. GARABET: Do the people, a lot more
 08:58PM 2 people increasing the cars and all this stuff?
 08:58PM 3 THE WITNESS: I don't know what the
 08:58PM 4 occupancy or the fire occupancy is for each one of
 08:58PM 5 those buildings. That's not something that's in my
 08:58PM 6 scope.
 08:58PM 7 MR. GARABET: Thank you.
 08:58PM 8 MR. KELLY: Just to follow up, has it
 08:58PM 9 changed?
 08:58PM 10 MR. CAPIZZI: No.
 08:58PM 11 The counts were done before the pews
 08:58PM 12 were taken out and the seating converted from pews to
 08:58PM 13 chairs is the same.
 08:58PM 14 Mike Hubschman can verify that. And
 08:58PM 15 the seats in the community center have not changed.
 08:58PM 16 We bought the community center with the
 08:58PM 17 existing condition with the folding chairs in the
 08:58PM 18 basement level, with that seating on the first floor.
 08:58PM 19 We made no improvements.
 08:58PM 20 MS. LANDOLFI: Mr. Hubschman previously
 08:58PM 21 testified after the renovation there were 120 seats
 08:58PM 22 in the house of worship.
 08:58PM 23 MR. HUBSCHMAN:
 08:58PM 24 One-hundred-twenty-five.
 08:58PM 25 MR. CAPIZZI: So part of the parking

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08:58PM 1 calculations are based on 125 in the church?
 08:58PM 2 MR. HUBSCHMAN: One-hundred-twenty-five
 08:58PM 3 seats in the house of worship and the community
 09:00PM 4 center was based on square footage, 1,500 square feet
 09:00PM 5 divided by 5, which would be 30 spaces.
 09:00PM 6 MR. CAPIZZI: And that's how you
 09:00PM 7 arrived at the total?
 09:00PM 8 CHAIRMAN GLAZER: I'm sorry, Mike.
 09:00PM 9 Say that again, 1,500 divided.
 09:00PM 10 MR. HUBSCHMAN: I'm mumbling over here.
 09:00PM 11 Let me stand up.
 09:00PM 12 Right. The parking was based on 125
 09:00PM 13 seats in the sanctuary which was 42 spaces required.
 09:00PM 14 The community center, the ordinance or
 09:00PM 15 the parking ordinance states it's one per five seats
 09:00PM 16 in the largest assembly area.
 09:00PM 17 So we used 150 seats divided by 5 would
 09:00PM 18 be 30 spaces required.
 09:00PM 19 We had the parsonage was a
 09:00PM 20 three-bedroom house so there was two spaces so if you
 09:00PM 21 add up those numbers, the 42, 30 and the two you add
 09:01PM 22 up to 74 spaces required.
 09:01PM 23 MR. LUGLIO: And that's basically what
 09:01PM 24 I have. I had 120 seats, 150 seats and three staff.
 09:01PM 25 But I basically come up with 73, so

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09:01PM 1 it's, basically, the same number.
 09:01PM 2 CHAIRMAN GLAZER: What is the -- just,
 09:01PM 3 Mike, please say it again, the number of square feet
 09:01PM 4 in what is now called the community center and the
 09:01PM 5 number of seats?
 09:01PM 6 MR. HUBSCHMAN: I wasn't -- we had 150
 09:01PM 7 seats, the largest assembly area in the community
 09:01PM 8 center, it wasn't 1,500.
 09:01PM 9 CHAIRMAN GLAZER: Okay. That makes
 09:01PM 10 more sense.
 09:01PM 11 MR. HUBSCHMAN: I had a -- yeah.
 09:01PM 12 CHAIRMAN GLAZER: All right.
 09:01PM 13 Any other questions from audience
 09:01PM 14 members for the traffic expert?
 09:01PM 15 (No Response.)
 09:02PM 16 CHAIRMAN GLAZER: Any members of the
 09:02PM 17 Board?
 09:02PM 18 Liz?
 09:02PM 19 MS. HERRIES: So I believe you said at
 09:02PM 20 the beginning of your testimony that the actual need
 09:02PM 21 at the point you observed the number of cars in these
 09:02PM 22 two time periods in May was 44 to 48 spaces.
 09:02PM 23 I'm curious whether there was a
 09:02PM 24 difference in parking density between the 8:30
 09:02PM 25 service which is, it sounds like it's a standalone

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09.02PM 1 service and at 11:00 there are three different
 09.02PM 2 activities going on?
 09.02PM 3 THE WITNESS: It certainly was a little
 09.02PM 4 bit higher.
 09.02PM 5 The 48 was during the 11:00 on the 15th
 09.02PM 6 of May and the 11:00 was 46 on the 25th.
 09.02PM 7 MS. HERRIES: And what was it at 8:30?
 09.02PM 8 THE WITNESS: It was 44 and 46. It was
 09.02PM 9 pretty consistent, a little bit higher.
 09.02PM 10 CHAIRMAN GLAZER: Okay. Any other
 09.02PM 11 questions?
 09.03PM 12 Yes.
 09.03PM 13 MR. BARBIERI: I have a question.
 09.03PM 14 CHAIRMAN GLAZER: Yes.
 09.03PM 15 MR. BARBIERI: If I'm at a service and
 09.03PM 16 I want to go home and I have to go to Closter Dock
 09.03PM 17 Road, correct?
 09.03PM 18 THE WITNESS: Yes.
 09.03PM 19 MR. BARBIERI: There is no egress from
 09.03PM 20 the church other than Closter Dock Road?
 09.03PM 21 THE WITNESS: There's no other egress
 09.03PM 22 except Old Dock Road and Closter Dock Road.
 09.03PM 23 That's right.
 09.03PM 24 MR. BARBIERI: I can't make a left and
 09.03PM 25 go through the streets?

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09.03PM 1 THE WITNESS: Well, you can. Yes.
 09.03PM 2 MR. BARBIERI: Why wasn't that thought
 09.03PM 3 of?
 09.03PM 4 THE WITNESS: It's certainly easier to
 09.03PM 5 go to Closter Dock Road.
 09.03PM 6 MR. BARBIERI: Not if there's 30, 40
 09.03PM 7 cars trying to get into that street.
 09.03PM 8 THE WITNESS: Are they getting in or
 09.03PM 9 getting out?
 09.03PM 10 MR. BARBIERI: Getting out.
 09.03PM 11 THE WITNESS: So if they're all coming
 09.03PM 12 out, they all don't come out at the same time.
 09.03PM 13 MR. BARBIERI: Of a service.
 09.03PM 14 THE WITNESS: You certainly witnessed
 09.03PM 15 that.
 09.03PM 16 And I can tell you from other counts of
 09.03PM 17 other churches in different denominations there is
 09.03PM 18 certainly a surge of people, but they don't all come
 09.03PM 19 out at the same time.
 09.03PM 20 They physically can't do that anyway.
 09.04PM 21 MR. BARBIERI: Second question, in case
 09.04PM 22 of emergency, someone has a coronary, falls and hurts
 09.04PM 23 himself, how are we going to get an ambulance or fire
 09.04PM 24 truck in that street?
 09.04PM 25 THE WITNESS: Well, on Old Dock Road,

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09.04PM 1 you would be able to get a fire truck on the roadway.
 09.04PM 2 The fire truck would not pull into either one of
 09.04PM 3 those parking lots. It's just not their regular
 09.04PM 4 operation.
 09.04PM 5 If there was a fire, they would stage
 09.04PM 6 the fire truck on Old Dock Road.
 09.04PM 7 And if there was an ambulance type of
 09.04PM 8 service, they would be able to get into either one of
 09.04PM 9 these parking lots in the drive aisle.
 09.04PM 10 So what -- what I think you're saying
 09.04PM 11 is, if there's an emergency at the exact same time
 09.04PM 12 everyone is leaving --
 09.04PM 13 MR. BARBIERI: Right.
 09.04PM 14 THE WITNESS: -- then the ambulance
 09.04PM 15 would definitely make its way to the parking lot.
 09.04PM 16 Just like any ambulance or fire truck
 09.04PM 17 if the roadway is completely clogged, they still get
 09.04PM 18 through.
 09.05PM 19 MR. BARBIERI: I'm aware how a fire
 09.05PM 20 truck is, I drive a fire truck so I know how I could
 09.05PM 21 get to it.
 09.05PM 22 But if there were cars on the very,
 09.05PM 23 very narrow street, where are they going to go to get
 09.05PM 24 out of my way?
 09.05PM 25 THE WITNESS: Normally if everyone is

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09.05PM 1 leaving, there are cars on one side of the roadway so
 09.05PM 2 the roadway still has width for an ambulance to get
 09.05PM 3 through.
 09.05PM 4 MR. BARBIERI: Okay.
 09.05PM 5 CHAIRMAN GLAZER: Okay.
 09.05PM 6 I have just one question.
 09.05PM 7 Typically what is the length of time
 09.05PM 8 for arrival of the parishioners and the length of
 09.05PM 9 time and the departure of those parishioners after
 09.05PM 10 the service?
 09.05PM 11 THE WITNESS: So before the service
 09.05PM 12 it's usually anywhere from 10 to 15 minutes before,
 09.05PM 13 but it's usually within that zero to 10-minute period
 09.05PM 14 before the service begins.
 09.06PM 15 And then after the service, it's more
 09.06PM 16 spread out. It's -- it's usually over a 15- to 20-
 09.06PM 17 or even 25-minute period and that's because certain
 09.06PM 18 people, you know, are leaving right away, other
 09.06PM 19 people are talking to other people.
 09.06PM 20 There's a different, you know, exiting
 09.06PM 21 than there is the coming in.
 09.06PM 22 CHAIRMAN GLAZER: That's what you
 09.06PM 23 observed on your visit?
 09.06PM 24 THE WITNESS: Yes.
 09.06PM 25 MR. CAPIZZI: Each service is followed

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09.06PM 1 by about a 45 minute to an hour post-service light
 09.06PM 2 refreshment.
 09.06PM 3 CHAIRMAN GLAZER: I see.
 09.06PM 4 MR. CAPIZZI: So that helps to
 09.06PM 5 alleviate the surge at the exit because people are
 09.06PM 6 spending time together after the services and people
 09.06PM 7 leave the refreshment period at various times.
 09.06PM 8 CHAIRMAN GLAZER: Very good.
 09.06PM 9 Any other questions for Board Members?
 09.06PM 10 MR. BONHOMME: I have one.
 09.06PM 11 Based on your studies when you showed a
 09.06PM 12 number of vehicles entering and exiting and there's a
 09.06PM 13 timeframe in there that we just talked about, do you
 09.07PM 14 use an average of the amount of passengers per
 09.07PM 15 vehicle? Like, say, like, three or something?
 09.07PM 16 Because if you have one full car and they're
 09.07PM 17 unloading, and the people -- you're talking about
 09.07PM 18 safety issue back and forth between two buildings,
 09.07PM 19 you have a number of people getting out of one car,
 09.07PM 20 are you basing it on the number of cars coming in and
 09.07PM 21 each have one driver.
 09.07PM 22 How do you know that?
 09.07PM 23 THE WITNESS: Well, it does. It does
 09.07PM 24 range.
 09.07PM 25 It ranges anywhere from two to four
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09.07PM 1 people that are in a car.
 09.07PM 2 MR. BONHOMME: So you use an average
 09.07PM 3 when you study this.
 09.07PM 4 THE WITNESS: Yes.
 09.07PM 5 MR. BONHOMME: Okay. Because sometimes
 09.07PM 6 that's time consuming.
 09.07PM 7 You have seen that yourself?
 09.07PM 8 THE WITNESS: Yes.
 09.07PM 9 MR. BONHOMME: Even though elderly took
 09.07PM 10 longer, you could tie up the traffic again.
 09.07PM 11 THE WITNESS: Yes.
 09.07PM 12 MR. BONHOMME: I just wonder if you
 09.07PM 13 looked into that also.
 09.07PM 14 THE WITNESS: Again, if a vehicle is
 09.07PM 15 parked on one side, they're parked so people are
 09.07PM 16 getting out of the car.
 09.07PM 17 But then crossing the aisle does take a
 09.08PM 18 little bit of time depending on the person, yes.
 09.08PM 19 CHAIRMAN GLAZER: So my question is, do
 09.08PM 20 you see a benefit for traffic patterns as far as the
 09.08PM 21 town is concerned if the variance is granted?
 09.08PM 22 THE WITNESS: I see a benefit from the
 09.08PM 23 fact that it would either significantly reduce or
 09.08PM 24 eliminate the street traffic, street parking now that
 09.08PM 25 vehicles could park in a parking lot that's a safer
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09.08PM 1 condition.
 09.08PM 2 And also it would greatly reduce the
 09.08PM 3 amount of pedestrian traffic going back and forth
 09.08PM 4 between the two buildings over both -- well, three
 09.08PM 5 services, but both time periods, yes.
 09.08PM 6 CHAIRMAN GLAZER: Are the facilities
 09.08PM 7 used on other days?
 09.08PM 8 THE WITNESS: That, I'm not as sure.
 09.08PM 9 I'm not sure of.
 09.09PM 10 I think they are, but, certainly, not
 09.09PM 11 to the same extent that the services are on a Sunday.
 09.09PM 12 CHAIRMAN GLAZER: Okay. All right.
 09.09PM 13 Any -- if there are no further
 09.09PM 14 questions from Board Members?
 09.09PM 15 MR. KELLY: Jack Kelly.
 09.09PM 16 You said before when I brought up the
 09.09PM 17 thing about traffic and Closter Dock Road, if there
 09.09PM 18 were more spots there wouldn't be an issue, but if
 09.09PM 19 you look at one parking lot, one parking lot is
 09.09PM 20 before the other parking lot. It's a one-way street.
 09.09PM 21 So in the old way, you can get in that
 09.09PM 22 parking lot, when you get to the other parking lot.
 09.09PM 23 How does that change it, if there are
 09.09PM 24 more spots?
 09.09PM 25 THE WITNESS: Can I just go back to its
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09.09PM 1 a one-way street?
 09.09PM 2 MR. KELLY: No, it's one way in.
 09.09PM 3 Are they coming from the other
 09.09PM 4 direction, too?
 09.09PM 5 THE WITNESS: I'm not sure what you're
 09.09PM 6 talking about now. Sorry.
 09.09PM 7 MR. KELLY: What I'm talking about is
 09.09PM 8 one parking lot is closer to Closter Dock Road than
 09.09PM 9 the other parking lot.
 09.09PM 10 So the cars waiting to get into that
 09.10PM 11 parking lot will block other cars going in the other
 09.10PM 12 parking lot.
 09.10PM 13 So I see that as a backlog.
 09.10PM 14 THE WITNESS: I don't because I don't
 09.10PM 15 see any time for a vehicle to wait on Old Dock Road
 09.10PM 16 to get into this parking lot.
 09.10PM 17 They're basically going to make a right
 09.10PM 18 turn to get into the parking lot and park in a space,
 09.10PM 19 especially since we'll have someone out there as they
 09.10PM 20 are today and basically direct people to get into
 09.10PM 21 this parking lot.
 09.10PM 22 If that's completely full, they will
 09.10PM 23 direct them into the other parking lot and it depends
 09.10PM 24 which building they're really going to.
 09.10PM 25 MR. KELLY: I still see that as taking
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09.10PM 1 more time.

09.10PM 2 CHAIRMAN GLAZER: All right.

09.10PM 3 Mr. Capizzi, your next witness.

09.10PM 4 MR. CAPIZZI: I think Mr. Abad had a

09.10PM 5 question.

09.10PM 6 MR. ABAD: I think it's more, Mike.

09.10PM 7 I'm not sure.

09.10PM 8 CHAIRMAN GLAZER: Go ahead.

09.10PM 9 MR. ABAD: Back on the area to the

09.10PM 10 right, yes, that area there, could that accommodate

09.11PM 11 that many parking spaces for your proposed extension

09.11PM 12 where the dashed line on your parking lot --

09.11PM 13 THE WITNESS: Here?

09.11PM 14 MR. ABAD: No, to the left, go left

09.11PM 15 farther, farther, farther.

09.11PM 16 All the way to the end, the extended

09.11PM 17 parking lot by the church.

09.11PM 18 THE WITNESS: Oh, this?

09.11PM 19 MR. ABAD: How many spots do we have

09.11PM 20 there?

09.11PM 21 Not -- not exactly, but the amount of

09.11PM 22 parking spaces. It looks to me like you got a lot

09.11PM 23 more square footage to the right than you do behind

09.11PM 24 the church.

09.11PM 25 THE WITNESS: You're right.

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09.11PM 1 MR. ABAD: And that would fit, I would

09.11PM 2 think, in that area before, within the buffer, before

09.11PM 3 the wetlands and all of that water would drain into,

09.11PM 4 as Mike said, the wetlands and leave the homes in the

09.11PM 5 area dry. You wouldn't extend anything, correct?

09.11PM 6 THE WITNESS: For me and -- and my

09.11PM 7 standpoint of parking and traffic circulation it

09.11PM 8 really wouldn't matter. It becomes a site plan

09.11PM 9 issue.

09.11PM 10 MR. ABAD: It's a site plan issue at

09.12PM 11 that point.

09.12PM 12 VICE CHAIRMAN CLORES: I have a

09.12PM 13 question.

09.12PM 14 Are you going to be filling one parking

09.12PM 15 lot first before you go to the next one?

09.12PM 16 THE WITNESS: No.

09.12PM 17 My understanding is that that would not

09.12PM 18 happen that way.

09.12PM 19 VICE CHAIRMAN CLORES: Because to --

09.12PM 20 THE WITNESS: It would depend where

09.12PM 21 they're going.

09.12PM 22 VICE CHAIRMAN CLORES: So, basically,

09.12PM 23 they would be using both lots depending on whether

09.12PM 24 the community house or the church.

09.12PM 25 THE WITNESS: That's correct.

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09.12PM 1 MR. CAPIZZI: As I said before, I'm

09.12PM 2 sorry, it's going to add to the exchange.

09.12PM 3 THE WITNESS: Come on.

09.12PM 4 This is riveting.

09.12PM 5 MR. CAPIZZI: You said it was a site

09.12PM 6 plan issue.

09.12PM 7 Earlier on in your testimony you talked

09.12PM 8 about the benefit of having two separate parking

09.12PM 9 lots.

09.12PM 10 THE WITNESS: Yes.

09.12PM 11 Two separate parking lots is certainly

09.12PM 12 a benefit, whether this parking lot has X number of

09.12PM 13 parking spaces versus, you know, more or less in here

09.12PM 14 becomes more of a grade and site issue of whether or

09.12PM 15 not physically they could be accommodated.

09.12PM 16 From a -- from a volume standpoint it's

09.12PM 17 pretty much balanced, but from a volume standpoint it

09.13PM 18 really -- the only difference is that since this

09.13PM 19 parking lot to the west is a little bit further away

09.13PM 20 from Closter Dock Road I would prefer that having a

09.13PM 21 little bit more of parking when you look at it as a

09.13PM 22 whole.

09.13PM 23 MR. CAPIZZI: And from just a traffic

09.13PM 24 management standpoint, putting the parking spaces

09.13PM 25 proximate to the building which that person is

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09.13PM 1 traveling to is that a benefit, is that immaterial?

09.13PM 2 THE WITNESS: That is certainly a

09.13PM 3 benefit.

09.13PM 4 MR. CAPIZZI: And could you talk to us

09.13PM 5 why that's a benefit?

09.13PM 6 THE WITNESS: Just from the proximity

09.13PM 7 of not having to walk across Old Dock Road as many

09.13PM 8 people do today with children.

09.13PM 9 MR. CAPIZZI: Thank you.

09.13PM 10 CHAIRMAN GLAZER: Just -- just to

09.13PM 11 clarify, please state the number of proposed parking

09.13PM 12 spots in back of the current church versus the number

09.13PM 13 of proposed next to the community center.

09.13PM 14 MR. CAPIZZI: We have a total of 43 at

09.13PM 15 the church and 23 are -- 40 at the church and 23 at

09.14PM 16 the community center.

09.14PM 17 MR. LUGLIO: That's correct.

09.14PM 18 CHAIRMAN GLAZER: Forty at the church,

09.14PM 19 23 at the center.

09.14PM 20 MR. LUGLIO: That's right.

09.14PM 21 CHAIRMAN GLAZER: A total of 63.

09.14PM 22 MR. CAPIZZI: Right.

09.14PM 23 And a net increase of 20 at the church

09.14PM 24 and certainly the community serve, went from zero to

09.14PM 25 23.

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09.14PM 1 CHAIRMAN GLAZER: Next witness?

09.14PM 2 MR. CAPIZZI: Thank you, Mr. Chairman.

09.14PM 3 Mr. Keyes.

09.14PM 4 MS. MYUNG: Mr. Keyes, do you have a

09.14PM 5 business card that you could leave with me, please.

09.14PM 6 Do you have a business card you could

09.14PM 7 leave with me, sir?

09.14PM 8 MR. KEYES: Yes.

09.14PM 9 MR. CAPIZZI: Let's get sworn in.

09.14PM 10 MS. LANDOLFI: Do you swear or affirm

09.15PM 11 the testimony you're about to give this Board is the

09.15PM 12 truth so help you God?

09.15PM 13 MR. KEYES: Yes.

09.15PM 14 P A U L K E Y E S, AIA, LA

09.15PM 15 East Clinton Avenue, Tenafly, New Jersey, having

09.15PM 16 been duly sworn, testifies as follows:

09.15PM 17 CHAIRMAN GLAZER: And Mr. Keyes has

09.15PM 18 been before this Board on prior occasions. We know

09.15PM 19 his qualifications.

09.15PM 20 Thank you.

09.15PM 21 MR. CAPIZZI: Just for the record,

09.15PM 22 we're offering Mr. Keyes as an expert in the field of

09.15PM 23 architecture and landscape design.

09.15PM 24 DIRECT EXAMINATION.

09.15PM 25 BY MR. CAPIZZI:

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09.15PM 1 Q. Mr. Keyes, I know we have a plan that

09.15PM 2 we filed.

09.15PM 3 We have a colorized version of that

09.15PM 4 here.

09.15PM 5 But before we get to that, can you just

09.15PM 6 identify the black-and-white one that we filed?

09.15PM 7 A. **The plan on file was dated 6/26/22.**

09.15PM 8 Q. And that has been --

09.15PM 9 A. **Landscape plan.**

09.15PM 10 Q. And that has been premarked by the

09.15PM 11 Board as A-15.

09.15PM 12 (Whereupon, Landscape Plan, 6/26/2022

09.15PM 13 is received and marked as Exhibit A-15 for

09.15PM 14 identification.)

09.15PM 15 MR. CAPIZZI: Mr. Chairman, I notice,

09.15PM 16 just as a procedure matter, we never endorsed the

09.15PM 17 exhibit list in total.

09.16PM 18 I'm happy to do that.

09.16PM 19 CHAIRMAN GLAZER: Let's endorse the --

09.16PM 20 do you want us to read it?

09.16PM 21 MR. CAPIZZI: No. No.

09.16PM 22 That's just --

09.16PM 23 CHAIRMAN GLAZER: Do we need a

09.16PM 24 resolution to endorse that?

09.16PM 25 MS. LANDOLFI: No.

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09.16PM 1

09.16PM 2 BY MR. CAPIZZI:

09.16PM 3 Q. Do you want to identify the colorized

09.16PM 4 plan, please?

09.16PM 5 A. **The colorized plan is also dated**

09.16PM 6 **6/26/22.**

09.16PM 7 MR. CAPIZZI: So that would be A-17.

09.16PM 8 MS. LANDOLFI: That's not premarked.

09.16PM 9 Right?

09.16PM 10 MR. CAPIZZI: That is not.

09.16PM 11 A-16 was the Hubschman colorized site

09.16PM 12 plan.

09.16PM 13 (Whereupon, Colorized Site Plan,

07.45PM 14 Last Revised 5/16/22 is received and marked as

07.45PM 15 Exhibit P-16 for identification.)

09.16PM 16 MR. CAPIZZI: And A-17 is the Keyes

09.16PM 17 colorized landscape plan.

09.16PM 18 (Whereupon, Colorized Landscape Plan,

09.16PM 19 Dated 6/26/22 is received and marked as

09.16PM 20 Exhibit A-17 for identification.)

09.16PM 21 BY MR. CAPIZZI:

09.16PM 22 Q. So, Paul, can you tell the Board your

09.16PM 23 involvement with the application please?

09.16PM 24 A. **Excuse me.**

09.16PM 25 Q. Can you tell the Board your involvement

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09.16PM 1 with the application?

09.16PM 2 A. **Sure.**

09.16PM 3 **My involvement is to prepare a**

09.17PM 4 **landscape plan for the completion of the installation**

09.17PM 5 **of the parking lots.**

09.17PM 6 Q. Can you take us through what you

09.17PM 7 prepared, please?

09.17PM 8 A. **Sure.**

09.17PM 9 **So first you look at this colorized**

09.17PM 10 **version which a combination of our landscape plan and**

09.17PM 11 **an aerial photograph off of Google.**

09.17PM 12 **And what I'll do is, sort of, run**

09.17PM 13 **through the existing plantings that are on the site**

09.17PM 14 **right now.**

09.17PM 15 **As you can see there's a substantial**

09.17PM 16 **canopy cover, okay, on the east side of the community**

09.17PM 17 **center here.**

09.17PM 18 **There's a substantial canopy cover on**

09.17PM 19 **the north side. And there is substantial plantings**

09.17PM 20 **to the neighbor on the left-hand side as well.**

09.17PM 21 **The church, itself, you know, has an**

09.17PM 22 **evergreen on the corner.**

09.17PM 23 **It has a couple shade trees in front of**

09.17PM 24 **it. It has some big taxus yews in front of it.**

09.17PM 25 **It doesn't really block your view into**

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09.18PM 1 **seeing this beautiful historic church, but it also**
 09.18PM 2 **has a couple of dogwoods and one or two shade trees**
 09.18PM 3 **right in this location here (indicating).**
 09.18PM 4 **There are a few shade trees off the**
 09.18PM 5 **corner here (indicating) of this building. These are**
 09.18PM 6 **substantial shade trees.**
 09.18PM 7 **And then there is a substantial hedge**
 09.18PM 8 **of forsythia that runs down Closter Dock Road that is**
 09.18PM 9 **I would say (indicating), 6- to 8-foot high**
 09.18PM 10 **currently.**
 09.18PM 11 CHAIRMAN GLAZER: Pretty what?
 09.18PM 12 THE WITNESS: Pretty what.
 09.18PM 13 CHAIRMAN GLAZER: Say that last.
 09.18PM 14 THE WITNESS: It's a substantial 6- to
 09.18PM 15 8-foot high of forsythia hedge, 6- to 8-foot wide.
 09.18PM 16 It's an old planting. It's not new.
 09.18PM 17 So on the northern property here
 09.18PM 18 (indicating), as one of the neighbors indicated
 09.18PM 19 earlier, there is a grouping of shade trees in the
 09.18PM 20 back corner of this lot of the church lot.
 09.18PM 21 There are significant trees on this
 09.18PM 22 property here including a row of 40-foot pine trees
 09.18PM 23 between the church lot and the building on the
 09.18PM 24 northern side, That kind of piddles out on the end.
 09.18PM 25 There's a few hemlocks on the end that are crapped
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09.19PM 1 out.
 09.19PM 2 How that's -- meaning that they are in
 09.19PM 3 decline, they are in decline, but those pines are
 09.19PM 4 significant.
 09.19PM 5 I last visited the site this afternoon
 09.19PM 6 and visited it many times walking, I know this
 09.19PM 7 property pretty well.
 09.19PM 8 And those pine trees, because pines
 09.19PM 9 grow wide own the church side, they have been pruned
 09.19PM 10 and limbed up to about 6 to 10 feet anywhere along
 09.19PM 11 this line here on the church side (indicating).
 09.19PM 12 On the property owners' side they have
 09.19PM 13 not been limbed up.
 09.19PM 14 So there is evergreen cover that exists
 09.19PM 15 between the two properties right now from the ground
 09.19PM 16 plane up.
 09.19PM 17 Although it is limited because of pine
 09.20PM 18 trees losing their lower limbs. There is some green
 09.20PM 19 cover there that comes across.
 09.20PM 20 As we flip on to the community center
 09.20PM 21 side, as I said, there is a substantial canopy of
 09.20PM 22 tree cover that is in the back. If we were to expand
 09.20PM 23 that parking lot we would be expanding into that
 09.20PM 24 canopy cover and we would lose some more of that
 09.20PM 25 canopy cover there.
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09.20PM 1 Along the roadway I described what was
 09.20PM 2 on the church side on the community center side.
 09.20PM 3 There is shade tree out by the corner
 09.20PM 4 on Closter Dock Road and then there's another
 09.20PM 5 substantial tree. It's a maple. It's old.
 09.20PM 6 And my opinion it's a hazard. It
 09.20PM 7 should come down anyway. It's really in decline, you
 09.20PM 8 know.
 09.20PM 9 We all love old trees, but at some
 09.20PM 10 point they have a life span, a life limit. They need
 09.20PM 11 to be replaced.
 09.20PM 12 And, this is how we protect the canopy
 09.21PM 13 for the future by removing -- you know, a good
 09.21PM 14 forester thins out his forest and plants new.
 09.21PM 15 So the trees on this side, there is one
 09.21PM 16 big substantial tree that I think is in decline. It
 09.21PM 17 has some cavities and I would consider it a hazard.
 09.21PM 18 There's a couple in there before the
 09.21PM 19 entrance of the lot that just grew from outside
 09.21PM 20 seeding.
 09.21PM 21 The one conflict on this side, there's
 09.21PM 22 not shade trees in front of the community center
 09.21PM 23 right now, some existing plantings and shrubs in
 09.21PM 24 front of the building which will remain.
 09.21PM 25 But on this side, as we know, there
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09.21PM 1 is -- we do not have a lot of space and as a result
 09.21PM 2 of utility pruning those trees that are existing
 09.21PM 3 there have become a little bit misshapen.
 09.21PM 4 So, the net benefit to the community by
 09.21PM 5 putting new trees along the street is, obvious.
 09.21PM 6 We love tree-lined streets, but we have
 09.21PM 7 to make sure we do it in a way that they are not
 09.22PM 8 going to be subject to butchering later on and
 09.22PM 9 they're going to thrive.
 09.22PM 10 So that's the existing conditions on
 09.22PM 11 the lot.
 09.22PM 12 I'll flip this over real quick and go
 09.22PM 13 through the landscape plan.
 09.22PM 14 As I said, we have some existing shade
 09.22PM 15 trees off the corner of this building right here
 09.22PM 16 (indicating), the existing forsythia hedge along
 09.22PM 17 Closter Dock Road.
 09.22PM 18 On the back property line we're
 09.22PM 19 proposing 22 green giant arborvitae, 7 to 8 foot,
 09.22PM 20 very fast growing.
 09.22PM 21 As you all know, we have seen these
 09.22PM 22 used for hedging and the closer you plant them the
 09.22PM 23 faster and narrower they grow.
 09.22PM 24 In front of the arborvitae you see this
 09.22PM 25 hatch mark (indicating). It's typical in my
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09 22PM 1 landscape plans these days wherever you see these
 09 22PM 2 hatch marks indicate ground cover.
 09 22PM 3 My ground cover that I love to use is
 09 22PM 4 pachysandra, evergreen, very good at absorbing water.
 09 22PM 5 Deer don't eat it. And it's excellent for
 09 23PM 6 stabilizing soil.
 09 23PM 7 So that berm that's going to come
 09 23PM 8 across there will be stabilized with pachysandra and
 09 23PM 9 then we have lawn over the septic field here which is
 09 23PM 10 also excellent for absorbing water.
 09 23PM 11 You know, we all look to trees to
 09 23PM 12 absorbing water, but we forget that lawn is actually
 09 23PM 13 a little bit better and grasses, in general, are
 09 23PM 14 better at absorbing carbon than trees overall.
 09 23PM 15 So one thing on this property line as a
 09 23PM 16 result of the installation of the septic field you
 09 23PM 17 also have a 3-foot retaining wall, of a boulder, a
 09 23PM 18 boulder wall. So you're up off the property line,
 09 23PM 19 3 feet already. We're adding 7- to 8-foot arborvitae
 09 23PM 20 on top of that.
 09 23PM 21 You're gaining a little bit more height
 09 23PM 22 above. So those trees, as stated earlier, those,
 09 23PM 23 those boulder wall is slightly off the property line
 09 23PM 24 and slightly off the fence line. The trees are
 09 23PM 25 planted on top of the boulders.

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09 24PM 1 As we get into the corner here
 09 24PM 2 (indicating), we change up the plan to a Skip Laurel
 09 24PM 3 because what we're trying to do is preserve these
 09 24PM 4 remaining shade trees in the corner here.
 09 24PM 5 So while Green Giant Arborvitae are
 09 24PM 6 excellent, they can tolerate shade, right, they don't
 09 24PM 7 grow as fast in the shade, but they don't lose their
 09 24PM 8 density like other conifers.
 09 24PM 9 We're going to change over to a 6-foot
 09 24PM 10 Skip Laurel which is an evergreen shrub. It can
 09 24PM 11 reach 15 feet. I have planted some in my 30 years in
 09 24PM 12 this business that are approaching 15, 20 feet now in
 09 24PM 13 some properties. Very dense all the way to the
 09 24PM 14 ground, very thick glossy green leaves and the deer
 09 24PM 15 don't eat them. And they tolerate shade very well.
 09 24PM 16 Remember, that you get a lot of
 09 24PM 17 sunlight in there regardless.
 09 24PM 18 There is a little bit of a break here
 09 25PM 19 before we hit this row of pines that there are on
 09 25PM 20 this residential property here. We're going to
 09 25PM 21 repeat the Green Giants, again, to get a little bit
 09 25PM 22 more screening in there.
 09 25PM 23 And then we are going drop back down
 09 25PM 24 and use the Skip Laurels again at a 6-foot height,
 09 25PM 25 almost creates a 6-foot hedge fencing.

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09 25PM 1 And as I stated earlier, the limbs of
 09 25PM 2 the pine on the parking lot side of the church have
 09 25PM 3 been limbed up 6 to 10 feet so we've lost that
 09 25PM 4 evergreen cover, but there is evergreen cover on the
 09 25PM 5 other side.
 09 25PM 6 So you're providing substantial
 09 25PM 7 screening along there. And that is going to be --
 09 25PM 8 See, we have 12 Skip Laurels in the
 09 25PM 9 corner. I have 19 along this property line.
 09 25PM 10 As you come to the front of the parking
 09 25PM 11 lot, along the roadway here (indicating), I have
 09 25PM 12 three Acer Freemanii Armstrong. This is Acer
 09 25PM 13 Freemanii Armstrong (indicating). It's a cross
 09 25PM 14 between silver and red maple, prized for its columnar
 09 25PM 15 habit. It does not grow wide. Okay.
 09 26PM 16 So, again, we're trying to keep it a
 09 26PM 17 little bit narrow, it won't encroach on the roadway.
 09 26PM 18 I do have one shade tree here
 09 26PM 19 (indicating). There is a shade tree and few dogwoods
 09 26PM 20 here (indicating). So this is pretty, pretty much
 09 26PM 21 enclosed by shade trees now.
 09 26PM 22 And then down below, at the entrances,
 09 26PM 23 we have Ilex Glabra which is a low evergreen shrub
 09 26PM 24 (indicating).
 09 26PM 25 What I'm trying to do is provide a

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09 26PM 1 relief of the parking lot without impugning the sight
 09 26PM 2 lines as you come out of the parking lot and that
 09 26PM 3 could easily be maintained. Ilex Glabra are compact,
 09 26PM 4 will actually grow to only about 4 feet. So that
 09 26PM 5 gives a nice evergreen border around.
 09 26PM 6 And, again, that is also hatched. As
 09 26PM 7 you can see, ground cover, ground cover, ground cover
 09 26PM 8 and mulch (indicating).
 09 26PM 9 The other smaller plant that I have in
 09 26PM 10 here is a little bit of a visual buffer of the
 09 26PM 11 parking lot because I have substantial trees in this
 09 26PM 12 area (indicating) already and we are adding one shade
 09 26PM 13 tree. It's a lower shrub. It's a flowering
 09 27PM 14 deciduous shrub called white Tea Olive. The flower
 09 27PM 15 is white, beautiful in the springtime, big
 09 27PM 16 pollinator, big humming bird attractor. And that
 09 27PM 17 will also buffer that view, even though it loses its
 09 27PM 18 leaves in the winter, it's deciduous, still provides
 09 27PM 19 some cover and some additional beauty without taking
 09 27PM 20 away from the beauty of the church.
 09 27PM 21 Again, on the other side of the road,
 09 27PM 22 we have, in total we have 12 of the Armstrong Maples,
 09 27PM 23 Acer Freemanii Armstrong, at 2, 2-and-a-half caliper
 09 27PM 24 tree so that we can now, where we have no trees in
 09 27PM 25 front of the community center, we're going to add

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09:27PM 1 trees and we're going to be adding new trees where
 09:27PM 2 we'll be removing some of the trees that are already
 09:27PM 3 at this point.
 09:27PM 4 On the Community Center side, again I'm
 09:27PM 5 pointing both entrance of the parking lot, we're
 09:27PM 6 repeating the Ilex Glabra (indicating). Okay.
 09:27PM 7 The only thing about Ilex Glabra the
 09:27PM 8 deer don't eat it, the same thing with the Armstrong
 09:28PM 9 Maple, really no problems to speak of that are
 09:28PM 10 substantial.
 09:28PM 11 So we're kind of giving an evergreen
 09:28PM 12 border, hatching in, stabilizing soil, that evergreen
 09:28PM 13 ground cover, the deer don't eat it, soaks up a lot
 09:28PM 14 of water. Right?
 09:28PM 15 It also allows us to retain leaf matter
 09:28PM 16 in the plantings. That's what we want to do with
 09:28PM 17 pachysandra which, you know, increases our ability to
 09:28PM 18 build soils.
 09:28PM 19 That's what we're trying to do in the
 09:28PM 20 landscape these days is build soils instead of
 09:28PM 21 blowing everything out and stripping it of the
 09:28PM 22 precious resource.
 09:28PM 23 On both sides of the parking lot in the
 09:28PM 24 back we have evergreen screening from Closter Dock
 09:28PM 25 Road and from the residences over here (indicating)
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09:28PM 1 to this are Green Giants again, 7 to 8 feet, and,
 09:28PM 2 again, substantial canopy cover around the rear.
 09:28PM 3 And, again, flipping back to the
 09:28PM 4 colored rendering version, you can see this canopy
 09:28PM 5 cover around here, extending that parking lot canopy
 09:29PM 6 cover on this side. There is very few trees removed
 09:29PM 7 on this side and extension on this side.
 09:29PM 8 And, again, we have a lot of lawn, a
 09:29PM 9 lot of trees, a lot of planting, a lot of ground
 09:29PM 10 cover to soak up any excess groundwater that might
 09:29PM 11 come off, but it is a pervious parking lot with a
 09:29PM 12 substantial storm chamber underneath.
 09:29PM 13 Q. So Paul, a year-round visual buffer at
 09:29PM 14 both the west and north side of the parking lot on
 09:29PM 15 the church?
 09:29PM 16 A. Correct.
 09:29PM 17 Q. As far as the northerly neighborhood is
 09:29PM 18 concerned about a conflict between, I think you said
 09:29PM 19 there were Skip Laurels and hemlocks.
 09:29PM 20 How do they co-exist?
 09:29PM 21 A. Pine trees, a couple hemlocks at the
 09:29PM 22 end, no conflict because, again, those pine trees we
 09:29PM 23 don't have to touch them to put the Skip Laurels in
 09:29PM 24 and let them grow because they're limbed up on the
 09:29PM 25 church side, so there's no impact on that side.
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09:29PM 1 **As a matter of fact, some pruning on**
 09:29PM 2 **our side will improve the conditions on his side as**
 09:29PM 3 **well.**
 09:29PM 4 Q. As far as some of the ecological
 09:30PM 5 benefits on the church property from the planting as
 09:30PM 6 far as water absorption and stabilization?
 09:30PM 7 A. **We're definitely improving the**
 09:30PM 8 **condition because we're soaking up more water, with**
 09:30PM 9 **more plantings, obviously, and the ground cover**
 09:30PM 10 **especially is critical.**
 09:30PM 11 Q. The portions of the parking lot on the
 09:30PM 12 community center property where we have it visible to
 09:30PM 13 the north and the south, I see you have evergreens
 09:30PM 14 there.
 09:30PM 15 Again, that's a year-round buffer at
 09:30PM 16 those points?
 09:30PM 17 A. **Really between the buildings and the**
 09:30PM 18 **buffer and this substantial tree canopy here**
 09:30PM 19 **(indicating) really kind of, you know, puts that**
 09:30PM 20 **parking lot right in a nice, you know, out of the**
 09:30PM 21 **view because you're in between structures and**
 09:30PM 22 **plantings.**
 09:30PM 23 Q. As far as the -- again, going back to
 09:30PM 24 the church property the quality of the buffer that
 09:30PM 25 exists today along the north, can you speak to that?
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09:30PM 1 A. **The quality of this buffer here**
 09:30PM 2 **(indicating)?**
 09:30PM 3 Q. That is existing.
 09:30PM 4 A. **Yeah.**
 09:30PM 5 **These are substantial evergreens.**
 09:30PM 6 Q. On the church property?
 09:30PM 7 A. **On the church property there is really**
 09:30PM 8 **nothing there right now.**
 09:30PM 9 Q. So if you do a comparison to the
 09:30PM 10 existing buffer on the church property versus what's
 09:30PM 11 proposed, can you tell me --
 09:31PM 12 A. **Night and day.**
 09:31PM 13 Q. Can you elaborate on that a little?
 09:31PM 14 A. **Sure.**
 09:31PM 15 **The plants that were -- again, are the**
 09:31PM 16 **Skip Laurels are going to be planted at 5 to 6 foot.**
 09:31PM 17 **They grow about 6 to 8 inches a year and can get up**
 09:31PM 18 **to 15 foot.**
 09:31PM 19 **Typically Skip Laurels in our area will**
 09:31PM 20 **grow, you know, 8 to 12 and about 6-foot wide. They**
 09:31PM 21 **stay pretty narrow and columnar and full to the**
 09:31PM 22 **ground. They don't lose their lower leaves and fill**
 09:31PM 23 **that space nicely along the edges of the parking lot**
 09:31PM 24 **to soak up water as well.**
 09:31PM 25 **So it's a good companion plant for the**
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09.31PM 1 pine trees on the plant next door.

09.31PM 2 Q. Again, the same discussion relative to

09.31PM 3 the buffer along the west, the existing buffer to

09.31PM 4 that residence versus what's proposed?

09.31PM 5 A. A substantial increase in buffer and

09.31PM 6 views, especially because that grade is already

09.31PM 7 raised, the existing condition is up, raised up by

09.31PM 8 that boulder wall and the installation of that septic

09.32PM 9 system so it gives us a higher grade plain to plant

09.32PM 10 on immediately.

09.32PM 11 Q. As far as the ability of the buffer to

09.32PM 12 screen adjacent properties from headlights from the

09.32PM 13 vehicles and things of that nature, can you speak to

09.32PM 14 that, please.

09.32PM 15 A. I don't see any problem with headlights

09.32PM 16 going on to the adjacent property plus there is a

09.32PM 17 wooden fence along that property line as well so you

09.32PM 18 have a couple layers in there.

09.32PM 19 With those trees up and Green Giants,

09.32PM 20 after the first year they don't do too much, but then

09.32PM 21 they grow 1 to 3 feet a year. That's why we love

09.32PM 22 them.

09.32PM 23 Q. Thank you, Paul.

09.32PM 24 MR. CAPIZZI: I don't have any further

09.32PM 25 questions of him, Mr. Chair.

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09.32PM 1 CHAIRMAN GLAZER: Are there any members

09.32PM 2 of the audience that has questions for Mr. Keyes?

09.32PM 3 Mr. Policano?

09.32PM 4 MR. POLICANO: Robert Policano,

09.32PM 5 79 Closter Dock Road.

09.32PM 6 So three things if I hear you

09.32PM 7 correctly, ground cover, lawn and plantings, water

09.32PM 8 and stone.

09.33PM 9 THE WITNESS: Excuse me.

09.33PM 10 I'm not sure.

09.33PM 11 MR. POLICANO: You heard me correct.

09.33PM 12 It goes back to my first question about the extension

09.33PM 13 of the parking lot and the stone and the water issue

09.33PM 14 that we already have --

09.33PM 15 THE WITNESS: Right.

09.33PM 16 MR. POLICANO: -- south of the church

09.33PM 17 -- I'm sorry, west of the church.

09.33PM 18 No. 2, the Green Giant Arborvitae, are

09.33PM 19 they going to be single row or are they going to be

09.33PM 20 staggered.

09.33PM 21 THE WITNESS: Single row.

09.33PM 22 MR. POLICANO: I thought there was some

09.33PM 23 regulation about them being staggered in our

09.33PM 24 ordinance.

09.33PM 25 THE WITNESS: Personally, I like to go

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09.33PM 1 single row, again, with these plants the closer you

09.33PM 2 plant them for some reason they stay narrow and don't

09.33PM 3 take up a lot of space and they grow faster.

09.33PM 4 MR. POLICANO: I ask the Board to take

09.33PM 5 a look at that.

09.33PM 6 And my last question, you stated that

09.33PM 7 there was a wooden fence along the west side.

09.33PM 8 There's no wooden fence around the west

09.33PM 9 side.

09.33PM 10 THE WITNESS: I believe there's a fence

09.33PM 11 along that side.

09.34PM 12 MR. POLICANO: It's a wrought-iron

09.34PM 13 fence.

09.34PM 14 THE WITNESS: And plantings on the

09.34PM 15 other side.

09.34PM 16 MR. POLICANO: On the other side?

09.34PM 17 THE WITNESS: On this neighbor's side

09.34PM 18 here,

09.34PM 19 MR. POLICANO: No, there's no

09.34PM 20 plantings.

09.34PM 21 THE WITNESS: You can see them show up

09.34PM 22 in this aerial photograph.

09.34PM 23 At some point it's not a hedge row, but

09.34PM 24 there are some plantings.

09.34PM 25 MR. POLICANO: Thank you.

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09.34PM 1 CHAIRMAN GLAZER: Stand up, please,

09.34PM 2 Mr. Kelly.

09.34PM 3 MR. POLICANO: Stand is we can hear.

09.34PM 4 MR. KELLY: There is no wooden fence.

09.34PM 5 THE WITNESS: I stipulate there's no

09.34PM 6 wooden fence.

09.34PM 7 MR. KELLY: You mentioned that they

09.34PM 8 were limbed along the property line, on the --

09.34PM 9 THE WITNESS: On the church side.

09.34PM 10 MR. KELLY: They were limbed right to

09.34PM 11 the trunk of the tree which are a good 4 feet, 5 feet

09.34PM 12 into my property.

09.34PM 13 THE WITNESS: I didn't limb them.

09.34PM 14 MR. KELLY: Did you observe that?

09.34PM 15 THE WITNESS: Yeah.

09.34PM 16 They are limited, yeah.

09.34PM 17 MR. KELLY: I just point that out.

09.34PM 18 CHAIRMAN GLAZER: Mr. Cohen?

09.35PM 19 MR. COHEN: Steven Cohen, 24 Ridge

09.35PM 20 Street.

09.35PM 21 Paul, the property west of the church,

09.35PM 22 when you're all done planting, what will they be

09.35PM 23 seeing when they look towards the parking lot?

09.35PM 24 THE WITNESS: They'll be seeing the

09.35PM 25 Skip Laurels and the Arborvitae.

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09.35PM 1 MR. COHEN: Will they be seeing the
 09.35PM 2 cars at all.
 09.35PM 3 THE WITNESS: Not with the amount of
 09.35PM 4 plants that we have. It's pretty substantial
 09.35PM 5 evergreen planting.
 09.35PM 6 They're coming in at 6 foot and Skip
 09.35PM 7 Laurels are dense and they're going to grow really
 09.35PM 8 well because they face south. They're not going to
 09.35PM 9 be shaded.
 09.35PM 10 MR. COHEN: And the property to the
 09.35PM 11 north of that same parking lot, what will they be
 09.35PM 12 seeing after you do the under plantings, under the
 09.35PM 13 plantings.
 09.35PM 14 THE WITNESS: The property to the
 09.35PM 15 north, well, you will be seeing arborvitae, a
 09.35PM 16 substantial hedge of arborvitae.
 09.35PM 17 MR. COHEN: How long before they are
 09.35PM 18 basically impenetrable to the eye?
 09.35PM 19 THE WITNESS: Almost immediately upon
 09.35PM 20 planting.
 09.35PM 21 We plant them at about 6- to 7-foot
 09.35PM 22 width.
 09.35PM 23 Like I say, they grow quite rapidly.
 09.36PM 24 MR. COHEN: All right. Thank you.
 09.36PM 25 THE WITNESS: I like to plant them a

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09.36PM 1 little bit closer off the bat to get them to grow a
 09.36PM 2 little faster.
 09.36PM 3 CHAIRMAN GLAZER: Mr. Kelly?
 09.36PM 4 MR. KELLY: I had a question on the
 09.36PM 5 planting.
 09.36PM 6 I was looking at doing the planting --
 09.36PM 7 this may not be a plant question for you.
 09.36PM 8 There's a white fence, plastic fence
 09.36PM 9 going up along the property line in the plans.
 09.36PM 10 That hasn't been mentioned at all.
 09.36PM 11 Maybe Mr. Hubschman can address that.
 09.36PM 12 MR. CAPIZZI: Just give us one second.
 09.36PM 13 MR. KELLY: No problem.
 09.36PM 14 MR. CAPIZZI: Come back up, Mike.
 09.36PM 15 MR. HUBSCHMAN: I'll just stand right
 09.36PM 16 here.
 09.36PM 17 Right, we are showing a proposed
 09.36PM 18 6-foot-PVC fence along the northerly property line.
 09.36PM 19 And it extends on the westerly property
 09.36PM 20 line down to the end of the parking area along the
 09.36PM 21 property.
 09.36PM 22 Mr. Garabet does have a metal fence
 09.36PM 23 there, but we're proposing it will be L, starting at
 09.37PM 24 the parking lot starting on the west going up to the
 09.37PM 25 corner and then going east.

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09.37PM 1 MR. CAPIZZI: And that will be a solid
 09.37PM 2 fence?
 09.37PM 3 MR. HUBSCHMAN: A solid 6-foot-high PVC
 09.37PM 4 fence and then it changes to 4 feet at the front of
 09.37PM 5 the house on the north.
 09.37PM 6 MR. CAPIZZI: Thank you, Mike.
 09.37PM 7 MR. HUBSCHMAN: Basically 4 to 6 feet.
 09.37PM 8 MR. COHEN: And that would be on which
 09.37PM 9 side of the property.
 09.37PM 10 MR. HUBSCHMAN: That will be along the
 09.37PM 11 property line.
 09.37PM 12 MR. COHEN: So it's on your side?
 09.37PM 13 MR. HUBSCHMAN: Right.
 09.37PM 14 As Paul mentioned, the Skip Laurels
 09.37PM 15 would be right on our side of his property.
 09.37PM 16 MR. KELLY: Okay.
 09.37PM 17 So it wouldn't be on my property, it
 09.37PM 18 would be on the other side?
 09.37PM 19 MR. HUBSCHMAN: Right.
 09.37PM 20 It would be on our side, the edge of
 09.37PM 21 the paving where it is now.
 09.37PM 22 VICE CHAIRMAN CLORES: Would that be in
 09.37PM 23 front of the Skip Laurel?
 09.37PM 24 MR. HUBSCHMAN: No, behind the Skip
 09.38PM 25 Laurel.

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09.38PM 1 MR. KELLY: Between the Skip Laurels
 09.38PM 2 and my property?
 09.38PM 3 MR. HUBSCHMAN: There's going to be
 09.38PM 4 10 feet there so your -- the fence goes right along
 09.38PM 5 the property line.
 09.38PM 6 MR. KELLY: Below my fence and then the
 09.38PM 7 Skip Laurels go on the --
 09.38PM 8 MR. HUBSCHMAN: The church side.
 09.38PM 9 You'll be looking at a white or whatever.
 09.38PM 10 MR. KELLY: Or not Skip Laurels.
 09.38PM 11 MR. CAPIZZI: If you would like us to
 09.38PM 12 take the fence out, sir, we're happy to do that.
 09.38PM 13 MR. KELLY: I'm just trying to
 09.38PM 14 visualize it.
 09.38PM 15 CHAIRMAN GLAZER: What was the purpose
 09.38PM 16 of the fence?
 09.38PM 17 MR. CAPIZZI: Really to enhance the
 09.38PM 18 buffer between the two sites but, according to Paul's
 09.38PM 19 testimony -- is that fence necessary, Paul?
 09.38PM 20 THE WITNESS: I don't think so.
 09.38PM 21 MR. CAPIZZI: We can --
 09.38PM 22 THE WITNESS: If I was, I would do it
 09.38PM 23 in black or brown so it disappears.
 09.38PM 24 I mean if that was something you
 09.38PM 25 wanted, I mean that could --

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09.38PM 1 MR. KELLY: It just seemed like a big
 09.38PM 2 white fence along my property line.
 09.38PM 3 MR. CAPIZZI: Mr. Garabet, do you want
 09.38PM 4 a fence.
 09.38PM 5 MR. HUBSCHMAN: He wants his fence
 09.38PM 6 fixed.
 09.38PM 7 THE WITNESS: We don't really need
 09.39PM 8 that.
 09.39PM 9 MS. LANDOLFI: Mr. Hubschman, you
 09.39PM 10 understand that you remained under oath during all
 09.39PM 11 this intermittent testimony?
 09.39PM 12 MR. HUBSCHMAN: I'm always under oath
 09.39PM 13 over my whole career.
 09.39PM 14 Mr. Garabet was asking me on the side
 09.39PM 15 about a tree that fell on his fence.
 09.39PM 16 I'll take a look at it.
 09.39PM 17 CHAIRMAN GLAZER: Let's not get into
 09.39PM 18 that now.
 09.39PM 19 VICE CHAIRMAN CLORES: It would be --
 09.39PM 20 look better without a fence.
 09.39PM 21 THE WITNESS: I'm sorry? I'm hard of
 09.39PM 22 hearing.
 09.39PM 23 VICE CHAIRMAN CLORES: I think it would
 09.39PM 24 be -- look better without a fence.
 09.39PM 25 That's what I'm proposing.
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09.39PM 1 But we are putting the option before
 09.39PM 2 the Board so that we're trying to, well, hey, I would
 09.39PM 3 rather have a fence there as well.
 09.39PM 4 CHAIRMAN GLAZER: I think Mr. Kelly has
 09.39PM 5 made his position on that known, right?
 09.39PM 6 THE WITNESS: Right.
 09.39PM 7 I think that's pretty clear.
 09.39PM 8 CHAIRMAN GLAZER: Okay.
 09.39PM 9 MR. KELLY: I don't want parking. I
 09.39PM 10 don't want a parking lot there. I also don't want a
 09.40PM 11 fence.
 09.40PM 12 CHAIRMAN GLAZER: Okay.
 09.40PM 13 Are there any other questions for
 09.40PM 14 Mr. Keyes?
 09.40PM 15 Yes, please.
 09.40PM 16 MS. REEVES: Sara Reeves, 19 Ridge.
 09.40PM 17 I'm a little confused. Does this all
 09.40PM 18 have to go in front of the Environmental Commission
 09.40PM 19 for approval?
 09.40PM 20 MR. CAPIZZI: Post-approval we'll have
 09.40PM 21 to file with the Environmental Commission with tree
 09.40PM 22 removal and mitigation.
 09.40PM 23 MS. REEVES: They would be going,
 09.40PM 24 looking at it, making their decision, too.
 09.40PM 25 What can come out, what can't come out.
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09.40PM 1 MR. CAPIZZI: Not as far as that. The
 09.40PM 2 Environmental Commission doesn't weigh in on that.
 09.40PM 3 It weighs in on the mitigation.
 09.40PM 4 MS. REEVES: Okay.
 09.40PM 5 MR. CAPIZZI: To make sure the
 09.40PM 6 mitigation was appropriate.
 09.40PM 7 CHAIRMAN GLAZER: Mr. Reeves?
 09.40PM 8 MR. REEVES: Dave Reeves, 19 Ridge.
 09.40PM 9 Regarding the --how can I put this, the
 09.40PM 10 view of a 5-foot-5 person looking from the north
 09.41PM 11 property south toward the church, okay, would this
 09.41PM 12 block the view that they have now?
 09.41PM 13 THE WITNESS: From this -- from this
 09.41PM 14 property owner, this side here (indicating)?
 09.41PM 15 MR. REEVES: The northern property
 09.41PM 16 looking south.
 09.41PM 17 THE WITNESS: Technically this is north
 09.41PM 18 (indicating). Right.
 09.41PM 19 MR. REEVES: The northern property
 09.41PM 20 looking toward the church.
 09.41PM 21 THE WITNESS: Yes, those trees are 5 to
 09.41PM 22 6 foot at planting and 6 to 7 foot respectively.
 09.41PM 23 So those -- the property to the direct
 09.41PM 24 west and this corner is (indicating), drops down a
 09.41PM 25 little bit so, yeah, a 5-foot-5 person -- but, again,
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09.41PM 1 those trees are going to grow as well.
 09.41PM 2 So we're going to -- again, upon
 09.41PM 3 planting, we will be able to block that view, but in
 09.41PM 4 the future it will certainly.
 09.41PM 5 MR. REEVES: As to the house to the
 09.41PM 6 west, okay, with the fencing or the planting that
 09.41PM 7 they now can see the church, will they be able to see
 09.42PM 8 the church if they're standing on their lawn?
 09.42PM 9 THE WITNESS: You'll be able to see the
 09.42PM 10 peak of the church, but you won't be able to see
 09.42PM 11 directly through those trees, no.
 09.42PM 12 MR. REEVES: So there will be some
 09.42PM 13 obstruction?
 09.42PM 14 THE WITNESS: Yeah, there will be
 09.42PM 15 obstruction for sure.
 09.42PM 16 CHAIRMAN GLAZER: Any other questions
 09.42PM 17 for Mr. Keyes?
 09.42PM 18 (No Response.)
 09.42PM 19 CHAIRMAN GLAZER: Okay. Are there any
 09.42PM 20 questions from members of the Board for Mr. Keyes?
 09.42PM 21 MR. BONHOMME: Yes, Chairman.
 09.42PM 22 CHAIRMAN GLAZER: Yes, Mr. Bonhomme.
 09.42PM 23 MR. BONHOMME: In regard to the Acer
 09.42PM 24 Armstrongs along the east side of Old Dock Road
 09.42PM 25 there, how tall do they get?
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09.42PM 1 THE WITNESS: An Armstrong will get to
 09.42PM 2 35, 40 feet. That's typical.
 09.42PM 3 An Armstrong is a red maple so the red
 09.42PM 4 maples, the Eastern Rubrum is the botanical name.
 09.42PM 5 So its Acer Freemanii Armstrong is what
 09.42PM 6 we're talking about.
 09.42PM 7 So a typical red maple gets 35-,
 09.42PM 8 40-foot tall. The Armstrong is really, really in
 09.43PM 9 that 30-, 35-foot tall in the long run but it stays
 09.43PM 10 narrow.
 09.43PM 11 It's not a wide tree. It's an upright
 09.43PM 12 habit because we have those utility lines there.
 09.43PM 13 MR. BONHOMME: Yeah, that was my next
 09.43PM 14 question, the utilities lines on that side.
 09.43PM 15 THE WITNESS: They're really 12- to
 09.43PM 16 15-foot spread but, you know, the habit is this way
 09.43PM 17 rather than this way, growing into the road and the
 09.43PM 18 utility lines and then in 10, 15 years when the
 09.43PM 19 utility company comes through to prune, they're not
 09.43PM 20 going to whack them.
 09.43PM 21 CHAIRMAN GLAZER: I have a question on
 09.43PM 22 those same trees.
 09.43PM 23 What is the typical life of those trees
 09.43PM 24 and are they subject to rapid decline from local
 09.43PM 25 conditions?

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09.43PM 1 THE WITNESS: So, again, they have very
 09.43PM 2 really no pest problems that are significant that --
 09.43PM 3 that maple. Right.
 09.43PM 4 We're talking about hybridized trees
 09.43PM 5 now so we're taking the silver maple, red maple and
 09.44PM 6 putting them together for the best of both worlds,
 09.44PM 7 beautiful silver bark and this is how, you know, the
 09.44PM 8 trees that are coming out of the nurseries today,
 09.44PM 9 everything, like everything else in our life, are
 09.44PM 10 blended and categorized like dogs, to get a better
 09.44PM 11 dog, dogs have different qualities.
 09.44PM 12 So the trees that were coming out of
 09.44PM 13 the nurseries right now, the longevity of it, you
 09.44PM 14 know, a tree life 75 years, you know, it's 60, 75.
 09.44PM 15 I think that we try and preserve too
 09.44PM 16 many trees. Trees have a life term. We should be
 09.44PM 17 reducing the canopy and replanting as a consistent
 09.44PM 18 behavior in our life to preserve the canopy for
 09.44PM 19 future generations. The idea of preserving old trees
 09.44PM 20 creates hazards and we have utility issues and they
 09.44PM 21 don't really care what they do to our trees.
 09.44PM 22 CHAIRMAN GLAZER: Any other questions
 09.44PM 23 from members of the Board?
 09.44PM 24 (No Response.)
 09.44PM 25 CHAIRMAN GLAZER: Okay.

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09.44PM 1 Do you have any more witnesses?
 09.44PM 2 MR. CAPIZZI: We do have one witness,
 09.45PM 3 but since the Board had a request to go into closed
 09.45PM 4 session.
 09.45PM 5 CHAIRMAN GLAZER: We didn't make that
 09.45PM 6 request yet.
 09.45PM 7 MR. CAPIZZI: I understand, but given
 09.45PM 8 the hour, I don't know if you want me to take my next
 09.45PM 9 witness and what the Board's thought was on
 09.45PM 10 concluding this evening.
 09.45PM 11 If we're not going to, then I would
 09.45PM 12 like to carry my next witness to the next meeting,
 09.45PM 13 but depending on the Board's pleasure.
 09.45PM 14 CHAIRMAN GLAZER: What is the pleasure
 09.45PM 15 of the Board?
 09.45PM 16 Shall we continue to the next meeting
 09.45PM 17 or do you want to continue tonight?
 09.45PM 18 MR. CAPIZZI: If the Board is not --
 09.45PM 19 again, the Board will do whatever it wants to do, but
 09.45PM 20 if you're not going into closed session Ms. Bogart's
 09.45PM 21 testimony is probably 15 minutes, 15, 20 minutes.
 09.45PM 22 CHAIRMAN GLAZER: Let's hear it. Yes.
 09.45PM 23 Okay.
 09.45PM 24 VICE CHAIRMAN CLORES: Fine with me.
 09.45PM 25 CHAIRMAN GLAZER: Perry?

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09.45PM 1 MR. FRENZEL: I'm good.
 09.45PM 2 CHAIRMAN GLAZER: Okay. Let's hear it.
 09.45PM 3 MR. CAPIZZI: Thank you.
 09.46PM 4 MS. MYUNG: I would just like to ask if
 09.46PM 5 you leave the colorized new exhibits behind for the
 09.46PM 6 Board.
 09.46PM 7 THE WITNESS: Absolutely.
 09.46PM 8 MS. MYUNG: Thank you.
 09.46PM 9 CHAIRMAN GLAZER: Let's hear the
 09.46PM 10 witness.
 09.46PM 11 I think if we do go into closed session
 09.46PM 12 the closed session will only be five to 10 minutes.
 09.46PM 13 MR. CAPIZZI: Five.
 09.46PM 14 CHAIRMAN GLAZER: I think we'll be
 09.46PM 15 fine.
 09.46PM 16 MR. CAPIZZI: Thank you, Mr. Chairman.
 09.46PM 17 Ms. Bogart?
 09.46PM 18 CHAIRMAN GLAZER: Do you want to swear
 09.46PM 19 her?
 09.46PM 20 MS. LANDOLFI: Yes.
 09.46PM 21 Do you swear or affirm the testimony
 09.46PM 22 you are about to give is the truth, the whole truth
 09.46PM 23 so help you God?
 09.46PM 24 MS. BOGART: I do.
 09.46PM 25

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09.46PM 1 BRIDGETTE BOGART, PP,
 09.46PM 2 205 Franklin Avenue, Wyckoff, New Jersey, having
 09.46PM 3 been duly sworn, testifies as follows:
 09.46PM 4 CHAIRMAN GLAZER: Thank you.
 09.46PM 5 Please state your name and your, what
 09.46PM 6 you're going to testify about and your qualifications
 09.46PM 7 for doing that.
 09.46PM 8 MS. BOGART: Sure.
 09.47PM 9 My name is Brigette Bogart. I'm a
 09.47PM 10 Licensed Professional Planner in the State of New
 09.47PM 11 Jersey.
 09.47PM 12 And I'll be testifying on planning
 09.47PM 13 issues.
 09.47PM 14 I have a Bachelors in Environmental
 09.47PM 15 Design and Architecture from North Carolina State
 09.47PM 16 University, a Masters in City and Regional Planning
 09.47PM 17 from the University of Pennsylvania.
 09.47PM 18 I've been licensed in the State of New
 09.47PM 19 Jersey since 2001 and was formerly a partner at
 09.47PM 20 Burgis Associates.
 09.47PM 21 And, for the last 10 years I have
 09.47PM 22 started my own firm.
 09.47PM 23 CHAIRMAN GLAZER: All right. Good
 09.47PM 24 luck.
 09.47PM 25 Continue.
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09.47PM 1 MS. BOGART: Thank you.
 09.47PM 2 CHAIRMAN GLAZER: Please.
 09.47PM 3 MR. CAPIZZI: Thank you, Mr. Chairman.
 09.47PM 4 MS. BOGART: May I sit?
 09.47PM 5 MR. CAPIZZI: By all means.
 09.47PM 6 DIRECT EXAMINATION.
 09.47PM 7 BY MR. CAPIZZI:
 09.47PM 8 Q. I do want to sit down next to you.
 09.47PM 9 A. Sure.
 09.47PM 10 Q. So, Ms. Bogart, you were retained to
 09.47PM 11 discuss the variances at issue this evening?
 09.47PM 12 A. Yes.
 09.47PM 13 Q. Could you just discuss for the Board
 09.47PM 14 the materials that you reviewed in preparation for
 09.47PM 15 your testimony this evening?
 09.47PM 16 A. Sure.
 09.47PM 17 I reviewed the site plan application,
 09.48PM 18 itself.
 09.48PM 19 I did, certainly, site inspections. I
 09.48PM 20 was involved with the design team for over a year
 09.48PM 21 now.
 09.48PM 22 I reviewed the Master Plan and Zoning
 09.48PM 23 Ordinance documents and consulted with the church
 09.48PM 24 representatives regarding their proposal and what
 09.48PM 25 they were going use the property for in the future.
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09.48PM 1 I have also reviewed all the Board
 09.48PM 2 professional letters and I also reviewed the
 09.48PM 3 engineering review.
 09.48PM 4 Q. Thank you.
 09.48PM 5 As far as the proposal, if you can just
 09.48PM 6 highlight those portions of what is proposed and that
 09.48PM 7 are relevant to your testimony this evening?
 09.48PM 8 A. Sure.
 09.48PM 9 First and foremost, we have -- from our
 09.48PM 10 engineer, we have an undersized lot so it's only
 09.48PM 11 2.88 acres where 5 acres is required. That alone
 09.48PM 12 creates a hardship for us because it's very
 09.48PM 13 difficult, impossible to comply with some of the
 09.48PM 14 dimensional requirements, particularly the
 09.48PM 15 conditional requirements for the house of worship.
 09.48PM 16 Making it a little bit harder is that
 09.48PM 17 our site is divided up by the street, by Old Dock
 09.48PM 18 Road.
 09.48PM 19 So that makes it more difficult to
 09.48PM 20 comply with some of the setback requirements.
 09.49PM 21 As you heard from our engineer, there
 09.49PM 22 are a number of nonconforming conditions most of
 09.49PM 23 which we cannot get rid of because we can't change
 09.49PM 24 lot size, we can't change the setbacks or the lot
 09.49PM 25 width dimensions.
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09.49PM 1 But, we -- what we are doing is
 09.49PM 2 improving some of the existing nonconforming
 09.49PM 3 conditions. One, our engineer, we're improving that
 09.49PM 4 buffer area, adding additional landscaping as you
 09.49PM 5 just heard detailed testimony on. We're adding
 09.49PM 6 parking spaces to the site to get all those cars that
 09.49PM 7 are currently on the street off the street and on to
 09.49PM 8 the property, itself.
 09.49PM 9 So all those are benefits of the
 09.49PM 10 application.
 09.49PM 11 And even though there are a number of
 09.49PM 12 nonconforming conditions, as some of the Board
 09.49PM 13 Members pointed out it's really -- what we're trying
 09.49PM 14 to do is really improve what we can to work with.
 09.49PM 15 Q. The nature of the use here is a house
 09.49PM 16 of worship.
 09.49PM 17 Can you discuss with the Board how the
 09.49PM 18 nature of that use plays into your testimony this
 09.49PM 19 evening?
 09.49PM 20 A. Sure.
 09.50PM 21 Houses of worship and religious
 09.50PM 22 institutions are a special use from, not only the
 09.50PM 23 Constitutional perspective, New Jersey State Land Use
 09.50PM 24 Law and what we call RLUIPA, the Religious Land Use
 09.50PM 25 and Institutionalized Persons Act.
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09.50PM 1 So, typically, if you have to go for a
 09.50PM 2 D-3 variance there's a number of proofs we have to go
 09.50PM 3 through in order to prove to you that we qualify for
 09.50PM 4 the variances.
 09.50PM 5 With the house of worship we are
 09.50PM 6 protected under all these different entities.
 09.50PM 7 Q. However, you would like to --
 09.50PM 8 A. So we -- we are considered an
 09.50PM 9 inherently beneficial use and, therefore, we don't
 09.50PM 10 have to meet the certain standards for the
 09.50PM 11 D-3 criteria that is typically for any other type of
 09.50PM 12 use.
 09.51PM 13 It's called inherently beneficial use
 09.51PM 14 by the New Jersey courts.
 09.51PM 15 The Municipal Land Use Law defines
 09.51PM 16 inherent beneficial use as which is universally
 09.51PM 17 considered of value to the community. And now you
 09.51PM 18 have a number of uses that are considered inherently
 09.51PM 19 beneficial, to the schools, hospitals, child daycare
 09.51PM 20 facilities, wind, solar facilities.
 09.51PM 21 But when you're ranking -- when the
 09.51PM 22 State statute ranks inherently beneficial uses, the
 09.51PM 23 religious use is really high ranked as far as being
 09.51PM 24 beneficial to the community as a whole.
 09.51PM 25 And all that being said, with that
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09.51PM 1 ranking as inherently beneficial use, we have
 09.51PM 2 presumptively already met the criteria of the statute
 09.51PM 3 for the D-3 variance.
 09.51PM 4 Really what the Board is supposed to be
 09.51PM 5 focusing go on, on this application, is the site plan
 09.51PM 6 issues.
 09.51PM 7 Now this was set forth in a case called
 09.51PM 8 House of Fire. The court held that religious
 09.52PM 9 activities --
 09.52PM 10 CHAIRMAN GLAZER: Would you speak up a
 09.52PM 11 little bit.
 09.52PM 12 THE WITNESS: I'm sorry.
 09.52PM 13 Would this be better?
 09.52PM 14 CHAIRMAN GLAZER: Yes.
 09.52PM 15 THE WITNESS: The court held that
 09.52PM 16 religious activities, themselves, further the public
 09.52PM 17 morals and general welfare and, therefore, they
 09.52PM 18 are -- as I mentioned, they already meet the positive
 09.52PM 19 criteria.
 09.52PM 20 So we need to focus on the site plan
 09.52PM 21 issues.
 09.52PM 22 Through this process, from an original
 09.52PM 23 application to the site, we really modified our site
 09.52PM 24 plan application to make sure that we are addressing
 09.52PM 25 any site plan concerns, buffer concerns, drainage
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09.52PM 1 concerns, parking, landscaping and really improving
 09.52PM 2 the site as a whole.
 09.52PM 3 And, therefore, minimizing any impact
 09.52PM 4 that our proposal would have on -- not only on
 09.52PM 5 certain areas, but also the neighborhood.
 09.52PM 6 BY MR. CAPIZZI:
 09.52PM 7 Q. I didn't -- I touched upon it a little
 09.52PM 8 bit in my opening, but if you can explain for us a
 09.52PM 9 little bit further what it means to be a D-3
 09.52PM 10 conditional use variance for the Board so they can,
 09.52PM 11 for different distinction between a typical bulk
 09.53PM 12 variance for residential dwelling and what we're
 09.53PM 13 seeking here this evening.
 09.53PM 14 A. Sure.
 09.53PM 15 So Alpine has considered house of
 09.53PM 16 worship to be permitted in a residential districts.
 09.53PM 17 So, therefore, the governing body has
 09.53PM 18 recognized that it is a permitted use. And it's
 09.53PM 19 appropriate for residential areas.
 09.53PM 20 With that being said, as set forth in
 09.53PM 21 your ordinance, there is a number of conditions that
 09.53PM 22 we have to comply with in order to be considered a
 09.53PM 23 permitted use.
 09.53PM 24 Since we do not comply with some of
 09.53PM 25 those conditions, as I mentioned to you, because of
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09.53PM 1 the size of the site and existing layout, we don't
 09.53PM 2 meet those conditions.
 09.53PM 3 So, therefore, we have a D-3 variance
 09.53PM 4 which is a permitted principal use, but we don't meet
 09.53PM 5 the conditions. So we need a D-3 variance.
 09.53PM 6 Now if you did meet all the conditions
 09.53PM 7 we would be a permitted use as-of-right and we
 09.53PM 8 wouldn't be before you.
 09.53PM 9 But because of the unique circumstances
 09.53PM 10 of our site, itself, we now have to come before you
 09.53PM 11 for the D-3 variance.
 09.53PM 12 Q. And so when we have a D-3 variance
 09.53PM 13 according to the seminal case on D-3 variance is
 09.54PM 14 Coventry Square, correct?
 09.54PM 15 A. Correct.
 09.54PM 16 Q. Based upon what we learned from that
 09.54PM 17 case we typically focus on the condition that's not
 09.54PM 18 met and how that impacts the surrounding properties?
 09.54PM 19 A. Yes.
 09.54PM 20 So inherent in the Coventry versus
 09.54PM 21 Westwood case is the fact that the governing body has
 09.54PM 22 recognized it as an appropriate use for the district
 09.54PM 23 and really that the review of the site plan
 09.54PM 24 application should be looking at the site impacts and
 09.54PM 25 whether or not it would cause any damage to the
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09.54PM 1 neighborhood and adjacent property owners as a whole.
09.54PM 2 All that being said, looking at the
09.54PM 3 impacts of the site plan under Coventry, you're
09.54PM 4 supposed to see any conditions on the property to
09.54PM 5 make sure there would be minimal impacts on the
09.54PM 6 adjacent area and that's why I mentioned to you that
09.54PM 7 this Board's review should be on the site planning
09.54PM 8 issue, the traffic impacts.
09.54PM 9 Q. Could you take us through the negative
09.54PM 10 criteria, the site plan issues and some of the
09.54PM 11 disparity between the condition of what is actually
09.55PM 12 being proposed by way of the site improvements as
09.55PM 13 compares to the condition that's required?
09.55PM 14 A. Sure.
09.55PM 15 So as indicated, we're improving what
09.55PM 16 existing nonconforming conditions we can with regard
09.55PM 17 to parking, and we're under parked, we're still
09.55PM 18 slightly under parked, but, as you heard from the
09.55PM 19 traffic engineer, we meet the needs of the current
09.55PM 20 existing site, itself.
09.55PM 21 So -- 72 or 73 spaces are required and
09.55PM 22 we are now proposing 63, so a large improvement from
09.55PM 23 the 20 that currently exists on the site; and that by
09.55PM 24 providing those spaces on-site and getting those
09.55PM 25 vehicles off the street is really an improvement to
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09.55PM 1 the area and reduces the impact of our use on the
09.55PM 2 adjacent areas.
09.55PM 3 The next one is that we're improving
09.55PM 4 that buffer along the northern property line. Right
09.55PM 5 now between 3 and -- between 1 and 3 feet in width
09.55PM 6 and we are making it 10 feet. And it's going to be
09.55PM 7 substantially landscaped.
09.55PM 8 And the other nonconforming condition
09.55PM 9 that we are addressing -- I think that's it.
09.56PM 10 Q. There was also the impervious coverage?
09.56PM 11 A. Oh, that's the big one. We are
09.56PM 12 reducing the impervious coverage significantly.
09.56PM 13 We're still not complying with the
09.56PM 14 impervious coverage requirements. It is
09.56PM 15 substantially reduced from what it currently exists
09.56PM 16 today. I think we're going down to 30 percent.
09.56PM 17 And so --
09.56PM 18 Q. We're at 30 percent now. I think we're
09.56PM 19 going down to 28.
09.56PM 20 A. Twenty-eight percent. Okay.
09.56PM 21 So when addressing negative criteria,
09.56PM 22 we have to look at is if there's an impact to the
09.56PM 23 public good.
09.56PM 24 I think for all the reasons we
09.56PM 25 testified to tonight, the buffer improvements, the
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09.56PM 1 landscape improvements, the parking improvements
09.56PM 2 there really is no substantial detriment to the
09.56PM 3 public good. I believe that we're improving the site
09.56PM 4 as it currently operates.
09.56PM 5 The second portion of the negative
09.56PM 6 criteria we have to look at is the Borough's Master
09.57PM 7 Plan and Zoning Ordinance.
09.57PM 8 And I think there's two goals in the
09.57PM 9 Master Plan that will further this application.
09.57PM 10 Goal No. 2 is to ensure that
09.57PM 11 prospective development is responsive to the
09.57PM 12 Borough's environmental features and designed to
09.57PM 13 preserve the community's physical characters and it
09.57PM 14 says this goal remains valid today as of 2020.
09.57PM 15 I think the design layout of the
09.57PM 16 proposed parking area is sensitive to the
09.57PM 17 environmental features and improves the site, itself.
09.57PM 18 The second goal is Goal No. 11 to
09.57PM 19 promote a safe and efficient traffic circulation
09.57PM 20 statement that serves the community while retaining
09.57PM 21 the community's country setting. Within the overall
09.57PM 22 framework of the two lane system in 2020, this is
09.57PM 23 still a concern and still meets and needs the
09.57PM 24 Borough's intention.
09.57PM 25 As I mentioned to you, by providing
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09.57PM 1 parking on-site, we take care of the cars on the
09.57PM 2 street and thereby creating a free flow of traffic as
09.57PM 3 testified to by the traffic engineer.
09.57PM 4 Q. Now, the impervious coverage, the
09.58PM 5 buffer, the access point not off of 9W, these are all
09.58PM 6 existing nonconforming conditions, correct?
09.58PM 7 A. Yes.
09.58PM 8 Q. By virtue of the fact they're existing
09.58PM 9 and we're proposing to improve those or reduce the
09.58PM 10 extent of the nonconformity, does that help answer
09.58PM 11 the question about whether this application could be
09.58PM 12 granted without causing a substantial negative impact
09.58PM 13 on the surrounding properties?
09.58PM 14 A. I believe it will not have a
09.58PM 15 substantial negative impact because the site is being
09.58PM 16 developed as a church, house of worship, for over a
09.58PM 17 hundred years, 150 years, I believe it was well --
09.58PM 18 there well before the ordinance was put in place and
09.58PM 19 set forth as a conditional use.
09.58PM 20 We are constrained. We are trying to
09.58PM 21 improve the site as it operates in the exiting
09.58PM 22 conditions from today.
09.58PM 23 Q. I would imagine that since the parking
09.58PM 24 requirement is 74 spaces and we're at 22 at present
09.58PM 25 and we're going to 63, bringing the property closer
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09.59PM 1 into conformance with the Borough's parking
 09.59PM 2 requirement could be considered good planning?
 09.59PM 3 A. Yes.
 09.59PM 4 Q. Could you elaborate on that further for
 09.59PM 5 us?
 09.59PM 6 A. Any time you have a chance to improve
 09.59PM 7 the site, make it more in conformance with zoning
 09.59PM 8 regulations, it's considered good planning because it
 09.59PM 9 is the planning goals of the municipality to make
 09.59PM 10 sure sites do comply with your zoning regulations.
 09.59PM 11 Q. Again, because we're dealing with a
 09.59PM 12 conditional use that is inherently beneficial, if the
 09.59PM 13 Board were to find that there was some negative
 09.59PM 14 impacts, is there another process the Board needs to
 09.59PM 15 go through before they are able to make a final
 09.59PM 16 determination on the negative criteria?
 09.59PM 17 A. Sure.
 09.59PM 18 They would -- the Board has a right to
 09.59PM 19 review the site plan application and consider any
 09.59PM 20 conditions that could be placed on the application
 09.59PM 21 itself to ameliorate any negative impacts to the
 09.59PM 22 community, and I think we've done a pretty good job
 09.59PM 23 with the design as it is today ameliorating impacts
 09.59PM 24 as-of-right as our application is submitted.
 10.00PM 25 Q. You had mentioned earlier in your
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10.00PM 1 opening as far as the RLUIPA statute is concerned,
 10.00PM 2 could you just discuss that for a minute or two for
 10.00PM 3 us just so the Board is aware of that federal
 10.00PM 4 statute, how it applies to this application and how
 10.00PM 5 that may impact the Board's review of this
 10.00PM 6 application?
 10.00PM 7 A. Sure.
 10.00PM 8 The RLUIPA standards basically states,
 10.00PM 9 it protects and covers how to treat religious
 10.00PM 10 institutions.
 10.00PM 11 CHAIRMAN GLAZER: A little louder,
 10.00PM 12 please.
 10.00PM 13 THE WITNESS: It states that no
 10.00PM 14 government shall impose or implement a land use
 10.00PM 15 regulation in a manner that imposes a substantial
 10.00PM 16 burden on the religious exercise of a person
 10.00PM 17 including religious assembly or institutions, unless
 10.00PM 18 the government demonstrates that the imposition of
 10.00PM 19 the burden is in furtherance of compelling government
 10.00PM 20 interest.
 10.00PM 21 And, further, you have to prove that it
 10.00PM 22 is the least restrictive means of furthering that
 10.01PM 23 compelling governmental interest.
 10.01PM 24 So those are the two points that have
 10.01PM 25 to be addressed when looking at RLUIPA.
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10.01PM 1 Q. As far as the substantial burden is
 10.01PM 2 concerned, if you weren't able to construct the
 10.01PM 3 modifications to the site to bring on additional
 10.01PM 4 on-site parking, we wouldn't have the ability to park
 10.01PM 5 depending upon what's available on the street and
 10.01PM 6 people may not be able to attend services.
 10.01PM 7 Is that a fair assessment of what
 10.01PM 8 qualifies as a substantial burden?
 10.01PM 9 A. Yes.
 10.01PM 10 I believe the denial of this
 10.01PM 11 application would pose an undo burden on this
 10.01PM 12 religious institution and cause the church to rely on
 10.01PM 13 on-street parking which is a traffic, a negative
 10.01PM 14 traffic impact. There's not sufficient spaces on the
 10.01PM 15 street to accommodate the needs of the religious
 10.01PM 16 institution; and, some of them are so far way from
 10.01PM 17 the church it makes it impractical for those elderly
 10.01PM 18 or who have special needs to attend services so this
 10.01PM 19 way we're allowing for ADA spaces next to the church,
 10.01PM 20 we're allowing for access to the church and in close
 10.02PM 21 proximity to the church, itself.
 10.02PM 22 Q. Considering this application reduces
 10.02PM 23 the three nonconforming conditions that we've been
 10.02PM 24 discussing, could you fathom of a compelling
 10.02PM 25 governmental interest the Board my have in denying
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10.02PM 1 this application?
 10.02PM 2 A. I don't believe so.
 10.02PM 3 Q. And, again, as far as the last
 10.02PM 4 assessment, certainly the Board would have to apply
 10.02PM 5 the bulk regulations in the least restrictive means
 10.02PM 6 possible on this application that would essentially
 10.02PM 7 go back to the argument of drafting certain
 10.02PM 8 conditions, correct?
 10.02PM 9 A. Correct.
 10.02PM 10 Q. And as far as the buffering that has
 10.02PM 11 been proposed, the drainage that Mr. Hubschman
 10.02PM 12 discussed and the traffic benefits that Mr. Luglio
 10.02PM 13 discussed, do you see any negative from the Board
 10.02PM 14 approving the site plan application?
 10.02PM 15 A. None.
 10.02PM 16 MR. CAPIZZI: Thank you, Ms. Bogart.
 10.02PM 17 I don't have any further questions for
 10.02PM 18 her.
 10.02PM 19 CHAIRMAN GLAZER: Are there any
 10.02PM 20 questions for the planning person?
 10.03PM 21 Yes, Mrs. Reeves.
 10.03PM 22 MS. REEVES: Sara Reeves.
 10.03PM 23 I'm sure what you said was very
 10.03PM 24 important. I couldn't hear any of it. It just shows
 10.03PM 25 that I now know how old I am getting and you also
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10.03PM 1 speak very fast.
 10.03PM 2 THE WITNESS: Sorry.
 10.03PM 3 MS. REEVES: So a question I have, I'm
 10.03PM 4 not sure if it belongs here, I'm not really sure.
 10.03PM 5 Has there been any consideration of
 10.03PM 6 using some of the other areas in town for their
 10.03PM 7 parking such as the commuter parking lot which is
 10.03PM 8 right down the hill there or the school for Sunday,
 10.03PM 9 those kinds of things.
 10.03PM 10 I don't know if this belongs with you
 10.03PM 11 or someone else. The swimming pool parking lot,
 10.03PM 12 something like that.
 10.03PM 13 MS. LANDOLFI: I don't believe that's
 10.03PM 14 an appropriate question for this witness.
 10.03PM 15 MS. REEVES: I'm sorry.
 10.03PM 16 CHAIRMAN GLAZER: This is not a
 10.03PM 17 question for this person.
 10.03PM 18 I think we have had testimony about the
 10.04PM 19 need for having parking close by the house of worship
 10.04PM 20 to accommodate elderly and people with special needs
 10.04PM 21 who have a difficult time walking from the school
 10.04PM 22 parking lot or the commuter parking lot or
 10.04PM 23 businesses.
 10.04PM 24 Okay. Well, yes, Mr. Kupferschmid.
 10.04PM 25 MR. KUPFERSCHMID: David Kupferschmid,
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10.04PM 1 just a question about how the laws work with these
 10.04PM 2 inherently beneficial establishments.
 10.04PM 3 At what point does it end?
 10.04PM 4 So let's say -- and, by the way, I
 10.04PM 5 congratulate the church for having such a need. I
 10.04PM 6 think that's tremendous in this day and age where not
 10.04PM 7 too many people go to church.
 10.04PM 8 CHAIRMAN GLAZER: Speak up, David.
 10.04PM 9 MR. KUPFERSCHMID: I do applaud the
 10.04PM 10 church for having such a need to expand the parking
 10.04PM 11 in this day and age. It's tough to get parishioners
 10.05PM 12 to come, so I do applaud that.
 10.05PM 13 And I understand the need.
 10.05PM 14 My question with the way the law works
 10.05PM 15 and the graces given to these inherently beneficial
 10.05PM 16 uses, when does it stop?
 10.05PM 17 So can say you put the parking lot up
 10.05PM 18 and year-and-a-half from now we want a bigger church
 10.05PM 19 because we have more people, are we going to come
 10.05PM 20 back and hear the same thing and go, but they're a
 10.05PM 21 church, so you have to give it to them.
 10.05PM 22 And my point being is at some point
 10.05PM 23 there has to be an end to that because you can't just
 10.05PM 24 say we'll step on the regulations, the ordinances to
 10.05PM 25 simply make more space, whether it's a church or any
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10.05PM 1 inherently beneficial.
 10.05PM 2 This is just a matter of practicality
 10.05PM 3 when you look at some of these types of applications.
 10.05PM 4 And that's a real concern.
 10.05PM 5 So would it be okay for the applicant
 10.05PM 6 if we get granted this parking, we're going to put
 10.05PM 7 something on record that says we're not going to ask
 10.05PM 8 for any more expansions. I don't even know if that's
 10.05PM 9 something plausible to do.
 10.06PM 10 I hope I'm making my point clear.
 10.06PM 11 MR. CAPIZZI: We're not agreeable to
 10.06PM 12 such a condition.
 10.06PM 13 We're reviewing this application at
 10.06PM 14 this point in time. If you want to go to the extreme
 10.06PM 15 edge --
 10.06PM 16 MR. KUPFERSCHMID: No, just a general.
 10.06PM 17 MR. CAPIZZI: I'm not saying you.
 10.06PM 18 I'm proposing if we were to propose a
 10.06PM 19 lot line building that would certainly potentially be
 10.06PM 20 something that would be a substantial negatively
 10.06PM 21 impact on the neighborhood. If we were to propose a
 10.06PM 22 10-story building that would probably be a
 10.06PM 23 substantial negative impact.
 10.06PM 24 So, yes, there would be circumstances
 10.06PM 25 where a proposal would not meet the necessary legal
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10.06PM 1 criteria.
 10.06PM 2 MR. KUPFERSCHMID: And if they bought
 10.06PM 3 the lot next door, could they --
 10.06PM 4 MR. CAPIZZI: Again, I'm not prepared
 10.06PM 5 to talk about --
 10.06PM 6 MR. KUPFERSCHMID: I thought she might
 10.06PM 7 know the answer.
 10.06PM 8 MR. CAPIZZI: Sure.
 10.06PM 9 MR. KUPFERSCHMID: If they acquire land
 10.06PM 10 next door that's residential, can they use its
 10.06PM 11 inherently-beneficial-use argument or position to go
 10.06PM 12 now we should expand our church to here and here and
 10.06PM 13 here and, essentially, you have a whole block of
 10.06PM 14 church. I know that's an extreme example, where does
 10.07PM 15 it end?
 10.07PM 16 So to accommodate something now is one
 10.07PM 17 thing, but that turns into, we accommodated the
 10.07PM 18 parking, but now we have even more people and we want
 10.07PM 19 more church. That's -- that's the only church.
 10.07PM 20 THE WITNESS: I totally understand your
 10.07PM 21 concern, but that's the whole reason we have to go
 10.07PM 22 through that test and review the site plan
 10.07PM 23 application itself.
 10.07PM 24 So every application stands on its own.
 10.07PM 25 If we were to come back for something else we still
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10.07PM 1 have to go through the impact test and identify if
 10.07PM 2 there's any negative impact and the conditions we put
 10.07PM 3 on that to reduce those impacts.
 10.07PM 4 So it's not carte blanche to do
 10.07PM 5 whatever we want. We still have to go through and
 10.07PM 6 address that necessary criteria.
 10.07PM 7 MR. KUPFERSCHMID: It just sounds like
 10.07PM 8 that the requirements for what would be typical
 10.07PM 9 criteria to assess are much more limited or, again,
 10.07PM 10 are given because of the use we don't have to
 10.07PM 11 necessarily look, we shouldn't be considering certain
 10.07PM 12 things.
 10.08PM 13 MR. CAPIZZI: That's exactly right.
 10.08PM 14 We can't consider what might be in the
 10.08PM 15 future. The parishioners might disappear.
 10.08PM 16 MR. KUPFERSCHMID: I know. I
 10.08PM 17 understand.
 10.08PM 18 I'm just saying with expansion, again
 10.08PM 19 whether it's a church or any other use that's
 10.08PM 20 considered inherently beneficial.
 10.08PM 21 CHAIRMAN GLAZER: Does anyone -- Steve?
 10.08PM 22 Mr. Cohen?
 10.08PM 23 MR. COHEN: Steve Cohen, 24 Ridge
 10.08PM 24 Street.
 10.08PM 25 You brought up the point that if this
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10.08PM 1 is granted and you will get the cars off the street,
 10.08PM 2 what guarantee is that that they won't try to do that
 10.08PM 3 anyway or a whole bunch of extra people show up and
 10.08PM 4 the roads get blocked up again.
 10.08PM 5 Is there such a thing as a guaranty?
 10.08PM 6 Is there such an agreement that would occur?
 10.08PM 7 THE WITNESS: A guaranty to keep cars
 10.08PM 8 off the street?
 10.08PM 9 MR. COHEN: If they get all the parking
 10.08PM 10 they want and all of a sudden they need twice the
 10.08PM 11 amount, small streets get blocked up again.
 10.08PM 12 THE WITNESS: That's why we brought in
 10.08PM 13 the traffic expert and did traffic counts and we
 10.09PM 14 talked in-depth with my client, the applicant, about
 10.09PM 15 the process that they go through every weekend, with
 10.09PM 16 the activities they have on-site and what needs to be
 10.09PM 17 accommodated as you hear from the traffic engineer,
 10.09PM 18 the 63 spaces being proposed are exactly what we need
 10.09PM 19 to address the existing conditions as of today.
 10.09PM 20 MR. COHEN: I'm talking about what's
 10.09PM 21 going to occur down the road.
 10.09PM 22 Do we get some kind of guaranty that
 10.09PM 23 they will not do that? Can we ask for that?
 10.09PM 24 CHAIRMAN GLAZER: I don't see how you
 10.09PM 25 can.
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10.09PM 1 MR. CAPIZZI: If the -- if the public
 10.09PM 2 wants to petition the Council to prohibit on-street
 10.09PM 3 parking on Sundays, they can see about whether that's
 10.09PM 4 a permitted regulation. I don't think you could
 10.09PM 5 isolate --
 10.09PM 6 I'll leave that to the Mayor and
 10.09PM 7 Council to decide.
 10.09PM 8 But, again, whatever the public may
 10.09PM 9 want to do with regard to the prohibition on
 10.09PM 10 on-street parking is not really for this application.
 10.10PM 11 Certainly looking to provide a realistic opportunity
 10.10PM 12 for people to park off the street.
 10.10PM 13 CHAIRMAN GLAZER: Are there any other
 10.10PM 14 questions from members of the Board or any other --
 10.10PM 15 Yes, Mr. Kelly.
 10.10PM 16 MR. KELLY: Yeah.
 10.10PM 17 I have a question: The argument was
 10.10PM 18 predicated off substantial burden.
 10.10PM 19 CHAIRMAN GLAZER: Louder.
 10.10PM 20 MR. KELLY: A lot of -- there's a
 10.10PM 21 substantial burden that somehow we're imposing on the
 10.10PM 22 church.
 10.10PM 23 This church is how old?
 10.10PM 24 CHAIRMAN GLAZER: One-hundred-fifty
 10.10PM 25 years old.
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10.10PM 1 MALE AUDIENCE MEMBER:
 10.10PM 2 One-hundred-eighty years.
 10.10PM 3 MR. KELLY: Okay. And now we're
 10.10PM 4 coming, writing the law. We're not creating the
 10.10PM 5 burden. They bought a property -- I'm sorry.
 10.10PM 6 Were you talking to me?
 10.10PM 7 You had your finger up.
 10.10PM 8 MALE AUDIENCE MEMBER: When you're
 10.10PM 9 finished, I have a question.
 10.10PM 10 MR. KELLY: They purchased the property
 10.10PM 11 knowing what the requirements were. We're not even
 10.10PM 12 in compliance with most of the things you brought up,
 10.11PM 13 like, where Mr. Hubschman was going.
 10.11PM 14 Like I said, I wasn't counting or not,
 10.11PM 15 but I don't understand how we're imposing this burden
 10.11PM 16 on somebody --
 10.11PM 17 If I bought a property somewhere and I
 10.11PM 18 wanted to develop it and I had no way to develop it
 10.11PM 19 because regulations are regulations. It's on me.
 10.11PM 20 It's not on the town.
 10.11PM 21 CHAIRMAN GLAZER: Well, we -- we have a
 10.11PM 22 different situation. You're not a religious
 10.11PM 23 institution and the church is.
 10.11PM 24 That's the difference.
 10.11PM 25 MR. KELLY: Yeah, but -- okay. But go
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10.11PM 1 back to the point -- the only point I'm trying to
 10.11PM 2 make is, it was what it was so we didn't create a
 10.11PM 3 substantial burden here.
 10.11PM 4 MR. CAPIZZI: What we're saying, sir,
 10.11PM 5 if the request is denied it would result in a
 10.11PM 6 substantial burden.
 10.11PM 7 And the only way the statute, the bulk
 10.11PM 8 standard would be permitted to bring about a
 10.11PM 9 substantial burden, is if there was a compelling
 10.11PM 10 governmental interest in doing so.
 10.11PM 11 Here we're talking about impervious
 10.12PM 12 coverage, a buffer and access off of 9W. All three
 10.12PM 13 of these parameters are being reduced by this
 10.12PM 14 application.
 10.12PM 15 So there would be no governmental
 10.12PM 16 interest in denying an application to keep the
 10.12PM 17 existing nonconforming conditions at their worst
 10.12PM 18 standpoint.
 10.12PM 19 MR. KELLY: Okay.
 10.12PM 20 So, in other words, if you're a person
 10.12PM 21 you have regulations but if you're a church you can
 10.12PM 22 basically request anything you want.
 10.12PM 23 Any organization to -- would go -- that
 10.12PM 24 denies you is somehow creating a substantial burden.
 10.12PM 25 MR. CAPIZZI: In large part that's
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10.13PM 1 design where it says that in order for this house of
 10.13PM 2 worship to not continue to be a viable house of
 10.13PM 3 worship at this location, there must be a significant
 10.13PM 4 governmental interest, in order to preclude these
 10.13PM 5 people from coming on to a site to park to go
 10.14PM 6 worship.
 10.14PM 7 MR. KELLY: Again, I still don't get
 10.14PM 8 the part that it's a burden.
 10.14PM 9 MR. CAPIZZI: Okay.
 10.14PM 10 MR. KELLY: That's the part I don't
 10.14PM 11 get.
 10.14PM 12 CHAIRMAN GLAZER: We're not going to
 10.14PM 13 adjudicate that.
 10.14PM 14 I have just one --
 10.14PM 15 FEMALE AUDIENCE MEMBER: Question here.
 10.14PM 16 CHAIRMAN GLAZER: Come up and state
 10.14PM 17 your name.
 10.14PM 18 MR. BARBI: Shai Barbi, B-A-R-B-I,
 10.14PM 19 7 Graham Street.
 10.14PM 20 Question all the attendant, people to
 10.14PM 21 the church are Alpine residents?
 10.14PM 22 CHAIRMAN GLAZER: Not required. Has
 10.14PM 23 nothing to do with it, sir.
 10.14PM 24 MR. BARBI: No. They're asking for --
 10.14PM 25 CHAIRMAN GLAZER: We have no, no legal
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10.12PM 1 because --
 10.12PM 2 MR. KELLY: That's true.
 10.12PM 3 That's what you're saying.
 10.12PM 4 MR. CAPIZZI: There has been typically
 10.12PM 5 historical neighborhood outcry related to houses of
 10.12PM 6 worship.
 10.12PM 7 So what the state legislative did, the
 10.12PM 8 U.S. legislative and in New Jersey courts, in an
 10.12PM 9 effort to combat the outcry from neighborhoods say
 10.12PM 10 not in my backyard, they paved the road for houses of
 10.13PM 11 worship.
 10.13PM 12 I didn't write the laws but they
 10.13PM 13 drew -- the laws resulted as a consequence because it
 10.13PM 14 was important as a result of the first amendment of
 10.13PM 15 the United States constitution that people be given
 10.13PM 16 the right to freely assemble and worship. When
 10.13PM 17 people sought to do that in local municipalities
 10.13PM 18 there was massive push back because neighborhoods
 10.13PM 19 didn't want to have a car opening or even though they
 10.13PM 20 have car doors opening on their own houses.
 10.13PM 21 The standards were always somewhat
 10.13PM 22 unacceptable for a house of worship, but yet
 10.13PM 23 acceptable for a single-family dwelling.
 10.13PM 24 So to resolve that disconnect that's
 10.13PM 25 the way the law favors houses of worship. It's by
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10.14PM 1 implication that they're not.
 10.14PM 2 MR. BARBI: You know, you adding, like,
 10.14PM 3 50 more spots of parking for traffic and I think it's
 10.14PM 4 legitimate question.
 10.15PM 5 CHAIRMAN GLAZER: Okay. One last
 10.15PM 6 question.
 10.15PM 7 Yes, Mr. Reeves.
 10.15PM 8 MR. REEVES: Dave Reeves, 19 Ridge.
 10.15PM 9 In cases like this and many other
 10.15PM 10 cases, they come to some sort of a board or court,
 10.15PM 11 there are competing interests.
 10.15PM 12 And I think the question here is, where
 10.15PM 13 would you evaluate that there is a limit where the
 10.15PM 14 current application, the current party would be
 10.15PM 15 limited as to the benefit that they get versus the
 10.15PM 16 cost to the community that they're in?
 10.16PM 17 THE WITNESS: I'm not sure I completely
 10.16PM 18 understand your question.
 10.16PM 19 As I mentioned earlier --
 10.16PM 20 MS. REEVES: In every disagreement to
 10.16PM 21 be general, okay, extemporaneously, there are
 10.16PM 22 competing interests, okay, and here there are
 10.16PM 23 competing interests.
 10.16PM 24 And I couldn't hear much of what you
 10.16PM 25 said either: One, because the microphone wasn't in
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10.16PM 1 front of you; and, second, because your back was to
 10.16PM 2 me.
 10.16PM 3 But in the competing interest, the
 10.16PM 4 sense I'm getting is that the -- the petitioner has
 10.16PM 5 no limit.
 10.16PM 6 THE WITNESS: That's not correct.
 10.16PM 7 MR. REEVES: What is the limit?
 10.16PM 8 THE WITNESS: It's a case-by-case
 10.16PM 9 basis, whatever we're proposing we have to look at
 10.16PM 10 the benefits of the application, identify if there's
 10.16PM 11 any detrimental impacts to the community, try to
 10.16PM 12 ameliorate these impacts with conditions and site
 10.16PM 13 plan approval and weigh the benefits of the proposal
 10.17PM 14 versus any impacts or reduced impacts.
 10.17PM 15 So every case stands by itself.
 10.17PM 16 MR. REEVES: Every case stands by
 10.17PM 17 itself.
 10.17PM 18 If there were 25 more parking lots
 10.17PM 19 requested by the petitioner, in your opinion would
 10.17PM 20 that be and they would -- would that be a -- more of
 10.17PM 21 a burden on the community than is a benefit to
 10.17PM 22 your -- to your position?
 10.17PM 23 THE WITNESS: It's very difficult to
 10.17PM 24 answer since that site plan has not been drawn up.
 10.17PM 25 It would be the same process that we went through
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10.17PM 1 with this application. We heard comments about
 10.17PM 2 drainage problems, comments about buffering, about
 10.17PM 3 the parking lot along the north side. We pushed that
 10.17PM 4 back.
 10.17PM 5 So as we worked through this process,
 10.17PM 6 we tried to address all the comments and concerns
 10.17PM 7 with conditions and site plan details in order to.
 10.18PM 8 So in order to evaluate 25 additional
 10.18PM 9 spaces we need to know where they go, what their
 10.18PM 10 impacting, do we need additional buffering? You have
 10.18PM 11 to go through the whole site plan process again.
 10.18PM 12 MR. REEVES: There are two parties here
 10.18PM 13 that are being directly impacted, that's the house to
 10.18PM 14 the north and the house to the west.
 10.18PM 15 What consideration is made as to the
 10.18PM 16 imposition that these -- this increased usage is
 10.18PM 17 being put upon these two parties?
 10.18PM 18 THE WITNESS: Well --
 10.18PM 19 MR. REEVES: Has that been quantified?
 10.18PM 20 THE WITNESS: No, because in municipal
 10.18PM 21 land use world law, you talk about general impacts,
 10.18PM 22 impacts to the general public as a whole, not just
 10.18PM 23 one or two property owners and those impacts to those
 10.18PM 24 property owners were taken into consideration.
 10.18PM 25 MR. REEVES: So my mind leads to, maybe
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10.19PM 1 wrongly so, your petitioner could say actually we
 10.19PM 2 like that two acres north of us and that would allow
 10.19PM 3 us to expand the church which is a beneficial use,
 10.19PM 4 okay, and the party to the north of you --
 10.19PM 5 CHAIRMAN GLAZER: Mr. Reeves, we're
 10.19PM 6 really getting into hypotheticals which have no
 10.19PM 7 meaning in this situation. You could propose --
 10.19PM 8 well, let's build a three-story parking lot that
 10.19PM 9 would clearly be a detriment to the town in my
 10.19PM 10 opinion but they're not doing that.
 10.19PM 11 MR. REEVES: Again, it was first it was
 10.19PM 12 hard to hear and, second, there seems to be no
 10.19PM 13 limits.
 10.19PM 14 CHAIRMAN GLAZER: I think there are
 10.19PM 15 clearly limits and we're here to define those limits
 10.19PM 16 and weigh them against what the petitioner is asking.
 10.19PM 17 MR. REEVES: Thank you for your time,
 10.19PM 18 Board.
 10.19PM 19 CHAIRMAN GLAZER: Okay.
 10.19PM 20 Any other comments or questions?
 10.19PM 21 MS. HERRIES: We talked about providing
 10.20PM 22 the congregants with the opportunity to park in these
 10.20PM 23 new parking lots and not on the street, but there's
 10.20PM 24 no guaranty that will happen, right?
 10.20PM 25 If somebody pulls up in their beautiful
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10.20PM 1 car and they don't want to get dinged, they may
 10.20PM 2 choose to park on the street anyway.
 10.20PM 3 In other words, isn't it possible that
 10.20PM 4 we're still going to have a lot of cars parked on the
 10.20PM 5 street? They don't want to have to angle into that
 10.20PM 6 particular parking space, if it's too crowded.
 10.20PM 7 You know, I just wonder if we're still
 10.20PM 8 going to have the detriment to the community of
 10.20PM 9 having these cars on the street and plus the
 10.20PM 10 detriment of having these significant size parking
 10.20PM 11 lots seven days a week.
 10.20PM 12 MR. CAPIZZI: There's certainly a
 10.20PM 13 desire to park close to the door of the church or
 10.20PM 14 close to the door of the community center.
 10.20PM 15 To suggest we prefer to park further
 10.20PM 16 north down Old Hook and walk a block-and-a-half as
 10.20PM 17 opposed to a park in a parking lot is certainly
 10.20PM 18 possible. I just don't think it's likely.
 10.21PM 19 Moreover, I think that by nature of the
 10.21PM 20 operation we're cramming 24 vehicles into a parking
 10.21PM 21 lot that accommodates 20 for a reason because I think
 10.21PM 22 there's a desire to park in the parking lot.
 10.21PM 23 Otherwise, we would park the 17 or 18
 10.21PM 24 spots and let people continue meandering down Old
 10.21PM 25 Hook.
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10.21PM 1 In addition, we have a volunteer of the
 10.21PM 2 church who is directing people into the lots. That's
 10.21PM 3 certainly a condition we're agreeable to maintaining.
 10.21PM 4 I just don't want to make a condition that on
 10.21PM 5 occasion may not be adhered to.
 10.21PM 6 Somebody may park on the street for
 10.21PM 7 some reason, but certainly it's the objective of the
 10.21PM 8 applicant to get people to park in the lots to
 10.21PM 9 improve the situation there.

10.21PM 10 MS. HERRIES: Do we know people have
 10.21PM 11 been dissuaded to attend services because of the
 10.21PM 12 current parking situations? That would probably be
 10.21PM 13 anecdotal.
 10.21PM 14 Has anybody said, no, I don't want to
 10.21PM 15 go to this church because they don't have enough
 10.21PM 16 parking?
 10.22PM 17 MR. CAPIZZI: I don't know that.
 10.22PM 18 MALE AUDIENCE MEMBER: Certainly there
 10.22PM 19 is.
 10.22PM 20 CHAIRMAN GLAZER: We'll allow comments
 10.22PM 21 from the audience, in general, after the questions.
 10.22PM 22 I have one question if there are no
 10.22PM 23 other questions from members of the Board.
 10.22PM 24 I just wanted to refer back to
 10.22PM 25 Mr. Luglio, is it?

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10.22PM 1 MR. LUGLIO: Yes.
 10.22PM 2 CHAIRMAN GLAZER: You testified earlier
 10.22PM 3 that you found typically 66 people on the, on average
 10.22PM 4 in the days you monitored the situation.
 10.22PM 5 MS. HERRIES: I think it was 44 to 48.
 10.22PM 6 MR. CAPIZZI: I don't think you ever
 10.22PM 7 said persons.
 10.22PM 8 Did you ever say persons?
 10.22PM 9 CHAIRMAN GLAZER: Cars. I'm sorry.
 10.22PM 10 MR. LUGLIO: That's correct.
 10.22PM 11 CHAIRMAN GLAZER: So if there were 44
 10.22PM 12 to 48, why do we need 63 parking lots [sic], parking
 10.23PM 13 spots?
 10.23PM 14 MR. LUGLIO: So part of that was these
 10.23PM 15 counts were done in May.
 10.23PM 16 There is certainly a certain percentage
 10.23PM 17 of parishioners that, during COVID, were not going
 10.23PM 18 out, were not attending in person.
 10.23PM 19 Secondly, we like to design a parking
 10.23PM 20 facility not to 100 percent capacity that meets the
 10.23PM 21 demands to either 85 or 90 percent of the overall
 10.23PM 22 demand so that there is enough parking. If there is
 10.23PM 23 going to be a few more on any given service that it
 10.23PM 24 can accommodate and you won't have parking that's on
 10.23PM 25 the street.

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10.23PM 1 CHAIRMAN GLAZER: Sir, are you saying
 10.23PM 2 you had -- what was the number of cars, 44.
 10.23PM 3 MR. LUGLIO: From 44 to 48.
 10.23PM 4 CHAIRMAN GLAZER: So 90 percent, if
 10.23PM 5 that represented 90 percent then 10 percent more
 10.23PM 6 would be 50 parking spots.
 10.24PM 7 MR. LUGLIO: By just going on the
 10.24PM 8 90 percent that doesn't include the fact that we had
 10.24PM 9 a reduction because of COVID. So that was probably,
 10.24PM 10 that's probably another 20 to 30 percent of people
 10.24PM 11 that, during that time period not only here but in
 10.24PM 12 other locations were choosing not to.
 10.24PM 13 So that's what we're trying to design
 10.24PM 14 to.
 10.24PM 15 And, again, the required number of
 10.24PM 16 parking spaces is 74.
 10.24PM 17 CHAIRMAN GLAZER: I understand.
 10.24PM 18 But this is not necessarily that kind
 10.24PM 19 of congregation.
 10.24PM 20 MR. LUGLIO: Regardless of what the
 10.24PM 21 requirement is and what we think is needed and based
 10.24PM 22 on research and based on the observations really
 10.24PM 23 gears us to that 60 to 63 parking spaces.
 10.24PM 24 CHAIRMAN GLAZER: So if we were to say
 10.24PM 25 we would prefer it to be 60 instead of 63, would that

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10.25PM 1 be a substantial detriment to your condition of the
 10.25PM 2 situation?
 10.25PM 3 MR. CAPIZZI: If that was -- I mean at
 10.25PM 4 the end, we've been open for a about a year,
 10.25PM 5 year-and-a-half. We're an existing congregation from
 10.25PM 6 Orangeburg, New York that's moved to Alpine, New
 10.25PM 7 Jersey, we're allowing for some element of growth
 10.25PM 8 within the existing building, mind you.
 10.25PM 9 We're not looking to add seats or
 10.25PM 10 expand the worship area. We're just looking for an
 10.25PM 11 element to park off the street.
 10.25PM 12 We have 48 people coming, you know,
 10.25PM 13 roughly 44 to 48 cars coming to both of our services,
 10.25PM 14 after a year-and-a-half that will probably increase
 10.25PM 15 as time goes on and we become more established in the
 10.25PM 16 community.
 10.26PM 17 CHAIRMAN GLAZER: Okay. Well --
 10.26PM 18 MR. KELLY: I have a question.
 10.26PM 19 This survey was done the in 2021 or
 10.26PM 20 2022?
 10.26PM 21 MR. LUGLIO: 2022.
 10.26PM 22 MR. KELLY: Okay. And COVID was
 10.26PM 23 just rampant in May 2022, everybody was back out,
 10.26PM 24 you're bringing up COVID as to why the numbers were
 10.26PM 25 diminished.

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10:26PM 1 MR. LUGLIO: Certainly during May it
 10:26PM 2 was something that was reducing the amount of people
 10:26PM 3 congregating and also traffic on the roadways. That
 10:26PM 4 certainly is the case.
 10:26PM 5 MR. KELLY: I commute every day.
 10:26PM 6 That's not what I see.
 10:26PM 7 MR. LUGLIO: I can provide the Board --
 10:26PM 8 MR. KELLY: 2021 I can understand,
 10:26PM 9 2022, kind of, shady.
 10:26PM 10 MR. LUGLIO: First of all, I don't like
 10:26PM 11 the word shady. I think that's disrespectful.
 10:26PM 12 But I can also provide the Board with
 10:26PM 13 detailed information on traffic count data in the
 10:26PM 14 area that can show what the traffic volume was and
 10:27PM 15 what it is today and what it was in 2021.
 10:27PM 16 CHAIRMAN GLAZER: Well, yes,
 10:27PM 17 Ms. Reeves.
 10:27PM 18 MS. REEVES: I do count the cars every
 10:27PM 19 Sunday morning and the most that I have seen along --
 10:27PM 20 MS. LANDOLFI: Is this a question
 10:27PM 21 because I really don't want everyone to start giving
 10:27PM 22 testimony.
 10:27PM 23 MS. REEVES: The most I have seen were
 10:27PM 24 12 cars regularly, maybe once 15. That was it.
 10:27PM 25 CHAIRMAN GLAZER: All right.

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10:28PM 1 reducing slightly on the western side.
 10:28PM 2 The only thing, the only comment that
 10:28PM 3 I'll make is and we've heard it a couple times here.
 10:28PM 4 The church has been there for a long time. We have
 10:28PM 5 all grown accustomed to what it looks like. Change
 10:28PM 6 is hard.
 10:29PM 7 But looking at it, it just seems as if
 10:29PM 8 the property on the western parcel is being over
 10:29PM 9 built. And if we look at the diagram right now, the
 10:29PM 10 amount of green compared to the amount of gray and
 10:29PM 11 tan, again, I think, from the numbers that we heard
 10:29PM 12 before, 40 or 50 percent improved.
 10:29PM 13 And there were a lot of terms that were
 10:29PM 14 shot around and I'm an IT guy. I don't really speak
 10:29PM 15 this language. I speak in ones and zeros. That's as
 10:29PM 16 high as I can count.
 10:29PM 17 But it just seems in a residential area
 10:29PM 18 which it is if this area, I live there, you can build
 10:29PM 19 10 percent of your house. You can improve 10 percent
 10:29PM 20 of your property.
 10:29PM 21 And what's happening is the corner
 10:29PM 22 piece of property that opens into our neighborhood is
 10:29PM 23 turning into a concrete jungle.
 10:30PM 24 And I moved from an area that is very
 10:30PM 25 concrete to a nice shady, lawn filled area and, you

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10:27PM 1 MS. REEVES: I want reality here, too.
 10:27PM 2 CHAIRMAN GLAZER: We're talking about
 10:27PM 3 questions now.
 10:27PM 4 If you can phrase it in the form of a
 10:27PM 5 question?
 10:27PM 6 MR. COHEN: Jeopardy.
 10:27PM 7 CHAIRMAN GLAZER: If not, are there any
 10:27PM 8 more witnesses, Mr. Capizzi.
 10:27PM 9 MR. CAPIZZI: No, Mr. Chairman.
 10:27PM 10 CHAIRMAN GLAZER: Then let me open up
 10:27PM 11 to general comments from the audience.
 10:28PM 12 Thank you for your testimony.
 10:28PM 13 Let me open up to general comments from
 10:28PM 14 members of the audience so that we may hear your
 10:28PM 15 feelings on the subject.
 10:28PM 16 Does anyone want to make a comment
 10:28PM 17 beyond which we've already heard, beyond those we
 10:28PM 18 have already heard?
 10:28PM 19 Yes, Mr. Goldstein.
 10:28PM 20 MR. GOLDSTEIN: Len Goldstein,
 10:28PM 21 23 Ridge.
 10:28PM 22 I -- I'd like to commend, actually, the
 10:28PM 23 applicants and the engineers for coming back and
 10:28PM 24 trying to -- trying to do good to the community
 10:28PM 25 pocketing the lot on the eastern side and, you know,

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10:30PM 1 know, I would like to see it stay that way as much as
 10:30PM 2 possible.
 10:30PM 3 And I would hope that with all of the
 10:30PM 4 engineering marvels and things that were brought
 10:30PM 5 today could maybe be reconsidered and maybe expand
 10:30PM 6 the parking as was talked about on the other parcel
 10:30PM 7 where it's hidden and where less people can see it,
 10:30PM 8 where it's less impactful to neighbors, if that could
 10:30PM 9 be brought back you might have a little bit less
 10:30PM 10 opposition to the project.
 10:30PM 11 We all want to be neighbors. No one is
 10:30PM 12 sitting here saying we don't want a church in our
 10:30PM 13 back yard. We all bought our houses, the church was
 10:30PM 14 there long before we bought our houses.
 10:30PM 15 So having the church there is not a
 10:30PM 16 problem. Having a ton of concrete in our backyard is
 10:30PM 17 something that I think we have a right to oppose.
 10:31PM 18 And all that I'd ask is, I don't know
 10:31PM 19 how it works, but if there's a way to sharpen pencils
 10:31PM 20 and if there's a way to further adjust it so it's
 10:31PM 21 less impactful on the western parcel, that it looks
 10:31PM 22 more like a small church with a small parking lot and
 10:31PM 23 a lot of grass, I think that would be a lot better.
 10:31PM 24 Thank you.
 10:31PM 25 CHAIRMAN GLAZER: Anyone else have a

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10.31PM 1 comment from the audience?

10.31PM 2 (No Response.)

10.31PM 3 CHAIRMAN GLAZER: I see none.

10.31PM 4 Then let me open it up to members of

10.31PM 5 the Board for comments.

10.31PM 6 George?

10.31PM 7 MR. ABAD: I think they could do a

10.31PM 8 better job finding a better spot for the parking area

10.31PM 9 and it would reduce the impact to the community.

10.31PM 10 MR. BONHOMME: I would like to second,

10.31PM 11 Mr. Chairman.

10.31PM 12 CHAIRMAN GLAZER: Anybody else?

10.31PM 13 Comments?

10.31PM 14 MS. HERRIES: I just wonder if this

10.31PM 15 number -- I understand what the zoning regulation

10.31PM 16 says.

10.31PM 17 I just wonder if this number of spots

10.32PM 18 is really necessary.

10.32PM 19 You know, certainly the current usage

10.32PM 20 does not justify having this number of spots in the

10.32PM 21 concrete jungle phrase that the neighbor, that the

10.32PM 22 neighbor used.

10.32PM 23 So I just wonder if this much is really

10.32PM 24 necessary while still accommodating the very laudable

10.32PM 25 and good goals of the church which the community

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10.32PM 1 supports entirely.

10.32PM 2 We're just trying to find the balance

10.32PM 3 and haven't found it yet.

10.32PM 4 CHAIRMAN GLAZER: All right.

10.32PM 5 VICE CHAIRMAN CLORES: Question?

10.32PM 6 CHAIRMAN GLAZER: Tony.

10.32PM 7 VICE CHAIRMAN CLORES: Just in

10.32PM 8 reference to what George had brought out, is there a

10.32PM 9 possibility of how many more cars you could get on

10.32PM 10 that lower level?

10.32PM 11 MR. CAPIZZI: I don't think it's

10.32PM 12 achievable.

10.32PM 13 And, Mike, could you tell us why that

10.32PM 14 kind of design isn't achievable?

10.32PM 15 MR. HUBSCHMAN: Well, Mr. Luglio

10.33PM 16 testified about the county would more than likely not

10.33PM 17 permit access at that point.

10.33PM 18 It's about 30 foot lower than the

10.33PM 19 church. The dashed line shown on the plan is the

10.33PM 20 transition area which we really can't encroach on

10.33PM 21 (indicating). There's a limited area down there.

10.33PM 22 We originally did show a few spaces off

10.33PM 23 that old driveway down there, three or four.

10.33PM 24 CHAIRMAN GLAZER: Is that what you were

10.33PM 25 referring to?

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10.33PM 1 VICE CHAIRMAN CLORES: I was just

10.33PM 2 wondering.

10.33PM 3 MR. HUBSCHMAN: Three or four, but it's

10.33PM 4 not -- again, you'd have to -- you wouldn't have any

10.33PM 5 ADA access.

10.33PM 6 VICE CHAIRMAN CLORES: What about where

10.33PM 7 the garage is?

10.33PM 8 MR. HUBSCHMAN: There is no sidewalk

10.33PM 9 along the road.

10.33PM 10 VICE CHAIRMAN CLORES: What about if

10.33PM 11 the garage was removed?

10.33PM 12 MR. HUBSCHMAN: The same thing, you

10.33PM 13 have a driveway there.

10.33PM 14 Maybe you can get a few cars, like

10.33PM 15 three or four along the driveway.

10.33PM 16 VICE CHAIRMAN CLORES: I'm only asking

10.33PM 17 the question.

10.34PM 18 MR. HUBSCHMAN: Can we talk outside for

10.34PM 19 a minute?

10.34PM 20 MR. CAPIZZI: Sure.

10.34PM 21 I mean a possible alternative --

10.34PM 22 MR. HUBSCHMAN: Maybe delete a few.

10.34PM 23 MR. CAPIZZI: No, we're not deleting

10.34PM 24 any.

10.34PM 25 We could bank them so I don't have to

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10.34PM 1 come back meaning I get approved for them.

10.34PM 2 And if it turns out that I only need 55

10.34PM 3 and that's well and good and if I start overflowing

10.34PM 4 back on to the street, I can improve these spaces.

10.34PM 5 Because there seems to be, the biggest

10.34PM 6 question, well one of the questions seems to be,

10.34PM 7 excuse me, is the 63 necessary. We believe it is.

10.34PM 8 We've only been there a year-and-a-half

10.34PM 9 and we know we need 50 on regular Sundays. On high

10.34PM 10 holidays attendance rises. We know we need more than

10.34PM 11 that. So on high holiday you probably need at least

10.34PM 12 10. Okay. Fine.

10.34PM 13 At some point in time, so on high

10.34PM 14 holidays we're going to be spilling back on the

10.34PM 15 street.

10.34PM 16 But my point is that if you want us to

10.35PM 17 remove some portion of this, whatever the arbitrary

10.35PM 18 number is and put it as banked parking area, I get

10.35PM 19 approval for it, but I only build it out if it's

10.35PM 20 necessary meaning that I --

10.35PM 21 VICE CHAIRMAN CLORES: In the

10.35PM 22 eventuality, it's going to be coming in.

10.35PM 23 MR. CAPIZZI: I mean it's a little

10.35PM 24 difficult -- Mike, for a second. It's difficult to,

10.35PM 25 kind of, build this in sequence because it's a

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10.35PM 1 detention basin at the same time, but --

10.35PM 2 MR. COHEN: Would you be giving up the

10.35PM 3 other side?

10.35PM 4 VICE CHAIRMAN CLORES: That was the

10.35PM 5 question.

10.35PM 6 MR. HUBSCHMAN: I thought he was

10.35PM 7 talking about down here.

10.35PM 8 VICE CHAIRMAN CLORES: No.

10.35PM 9 Figure, get more down here than you can

10.35PM 10 up here (indicating).

10.36PM 11 MR. CAPIZZI: You know, Mr. Chairman,

10.36PM 12 could we take two minutes?

10.36PM 13 CHAIRMAN GLAZER: Yeah. Sure.

10.36PM 14 You know what, before you do that while

10.36PM 15 you're doing that, we'll take our resolution, but let

10.36PM 16 me get this resolution on.

10.36PM 17 Whereas, N.J.S.A. 10:4-12 of the Open

10.36PM 18 Public Meetings Act permits exclusion of the public

10.36PM 19 from a meeting in certain circumstances and, whereas,

10.36PM 20 this public body is of the opinion that such

10.36PM 21 circumstances exist.

10.36PM 22 More particularly, under

10.36PM 23 N.J.S.A. 10:4-12 Subsection 7 relating to the need to

10.36PM 24 confer with counsel as to matters falling within the

10.36PM 25 exception for and matters, litigation and/or matters

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10.37PM 1 falling within the attorney client privilege to the

10.37PM 2 extent that confidentiality is required in order for

10.37PM 3 the attorney to exercise their ethical duties as a

10.37PM 4 lawyer, now therefore be it resolved by the Zoning

10.37PM 5 Board of Adjustment of the Borough of Alpine as

10.37PM 6 follows, the public be excluded from discussion of

10.37PM 7 aforesaid matters as pertaining to the development

10.37PM 8 application of Church of the Lord, 95 Closter Dock

10.37PM 9 Road and 10 Old Dock Road and summary of what

10.37PM 10 transpired in closed session shall be announced

10.37PM 11 tonight upon completion of the closed session.

10.37PM 12 This resolution shall take effect

10.37PM 13 immediately.

10.37PM 14 May I have a motion?

10.37PM 15 MS. HERRIES: Motion.

10.37PM 16 VICE CHAIRMAN CLORES: Second.

10.37PM 17 CHAIRMAN GLAZER: May I have a roll

10.37PM 18 call, please.

10.37PM 19 MS. MYUNG: Ms. Herries?

10.37PM 20 MS. HERRIES: Yes.

10.37PM 21 MS. MYUNG: Mr. Policano -- No. No.

10.37PM 22 Sorry.

10.37PM 23 Mr. Clores?

10.37PM 24 VICE CHAIRMAN CLORES: Yes. Still

10.37PM 25 here.

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10.37PM 1 MS. MYUNG: Mr. Barbieri?

10.38PM 2 MR. BARBIERI: Yes.

10.38PM 3 MS. MYUNG: Mr. Bonhomme?

10.38PM 4 MR. BONHOMME: Yes.

10.38PM 5 MS. MYUNG: Mr. Abad?

10.38PM 6 MR. ABAD: Yes.

10.38PM 7 MS. MYUNG: Chairman Glazer?

10.38PM 8 CHAIRMAN GLAZER: Yes.

10.38PM 9 Okay. So while you're there discussing

10.38PM 10 let's go into the other room and confer with counsel.

10.38PM 11 (Whereupon, Executive Session held.)

10.51PM 12 CHAIRMAN GLAZER: We're going to go

10.51PM 13 back on session, on the clock and on the record.

10.51PM 14 Okay. Let me just say that we had a

10.51PM 15 chance to confer with counsel and I'd like counsel to

10.51PM 16 tell what we learned.

10.51PM 17 MS. LANDOLFI: Pursuant to the

10.51PM 18 resolution passed, pursuant to N.J.S.A. 10:4-12,

10.51PM 19 Subsection 7, the Board and I conferred to discuss

10.51PM 20 matters that were, that are of the attorney/client

10.51PM 21 privilege regarding the elements, requirements of the

10.51PM 22 D-3 variance and it's interplay with RLUIPA.

10.51PM 23 CHAIRMAN GLAZER: That's it.

10.51PM 24 MR. CAPIZZI: Thank you, Mr. Chairman.

10.51PM 25 So during the break we had an

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10.51PM 1 opportunity to revisit the plan set. Mr. Hubschman

10.51PM 2 will take us through the modifications but, in sum,

10.51PM 3 we're going to remove eight spaces from the church

10.52PM 4 parking lot, four on each side, and bring them over

10.52PM 5 to the community center lot. That will have the

10.52PM 6 effect of eliminating the need for an impervious

10.52PM 7 coverage variance at the church lot because it will

10.52PM 8 now come down to 23.39 percent where 25 percent is

10.52PM 9 the maximum allowed.

10.52PM 10 The setback to our westerly neighbor

10.52PM 11 will now increase to 56 feet which will be a total of

10.52PM 12 almost 100 feet now between our parking area, excuse

10.52PM 13 me, and the right side elevation of the Garabet

10.52PM 14 house.

10.52PM 15 The parking area at the community

10.52PM 16 center, the coverage number there, is that still in

10.52PM 17 conformance?

10.52PM 18 MR. HUBSCHMAN: Oh, sure. It's well

10.52PM 19 under.

10.52PM 20 What we were last talking about, us

10.52PM 21 taking the four and four spaces, the eight spaces and

10.52PM 22 then we would move the walls back.

10.52PM 23 But we would need three walls, but it's

10.52PM 24 doable and put those eight spaces back here. That

10.53PM 25 would be a good revision and then we would be 56 feet

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10.53PM 1 from the property alignment. So that's a good
 10.53PM 2 buffer, 50-foot buffer.
 10.53PM 3 MR. CAPIZZI: The soil movement
 10.53PM 4 activity does increase, though, Mike.
 10.53PM 5 MR. HUBSCHMAN: It was 1490. Not it
 10.53PM 6 would probably go up to like 2,000, 2,500. We have
 10.53PM 7 to do the calculation.
 10.53PM 8 MR. CAPIZZI: Because of the additional
 10.53PM 9 fill?
 10.53PM 10 MR. HUBSCHMAN: Right. And Paul could
 10.53PM 11 adjust his trees in that area.
 10.53PM 12 MR. CAPIZZI: All right. So on the
 10.53PM 13 community center lot, Paul, if you could put your
 10.53PM 14 landscaping plan back up, please.
 10.53PM 15 So the way we had, Paul, as the parking
 10.53PM 16 lot extends to the east, we'll continue that
 10.53PM 17 arborvitae row on either side, correct?
 10.53PM 18 MR. KEYES: Yes.
 10.53PM 19 CHAIRMAN GLAZER: And how many feet do
 10.53PM 20 you think that will be, four off, four spots on, it
 10.54PM 21 would be --
 10.54PM 22 MR. HUBSCHMAN: Thirty-six feet.
 10.54PM 23 CHAIRMAN GLAZER: Thirty-six feet.
 10.54PM 24 MR. HUBSCHMAN: Plus the 20 so it would
 10.54PM 25 be about 56 feet for the buffer. That's a pretty
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10.54PM 1 good size buffer.
 10.54PM 2 CHAIRMAN GLAZER: Yeah.
 10.54PM 3 MR. CAPIZZI: So the variances then
 10.54PM 4 distill themselves down to the church lot meeting the
 10.54PM 5 buffer requirement which we can't, we have increased
 10.54PM 6 that to the maximum extent we were able to, going
 10.54PM 7 from the essentially meandering 1 to 3 to now a
 10.54PM 8 constant 10, the access which we certainly can't
 10.54PM 9 achieve to 9W. Those are the only two --
 10.54PM 10 CHAIRMAN GLAZER: We understand that.
 10.54PM 11 MR. CAPIZZI: And on the community
 10.54PM 12 center lot it's just the access issue still remains
 10.54PM 13 the same.
 10.54PM 14 CHAIRMAN GLAZER: Okay.
 10.54PM 15 MR. ABAD: How far is the last parking
 10.54PM 16 space to the west from the neighbor to the west?
 10.54PM 17 MR. HUBSCHMAN: That would be 56 feet
 10.55PM 18 to the property line and he has about 40 feet so
 10.55PM 19 90 feet or so to the house.
 10.55PM 20 CHAIRMAN GLAZER: That's a substantial
 10.55PM 21 improvement. Okay.
 10.55PM 22 MR. CAPIZZI: So I did have a chance in
 10.55PM 23 the break, I spoke to Mr. Lee who is one of the
 10.55PM 24 church elders and just for the Board's information,
 10.55PM 25 during times of high holidays, Thanksgiving,
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10.55PM 1 Christmas, they have a combined service so at that
 10.55PM 2 point in time really the 63 would be --
 10.55PM 3 CHAIRMAN GLAZER: I see. You need --
 10.55PM 4 MR. CAPIZZI: -- would be the bare
 10.55PM 5 minimum during those times of year.
 10.55PM 6 CHAIRMAN GLAZER: I understand.
 10.55PM 7 Well, reducing, obviating the necessity
 10.55PM 8 of a variance on that western parcel was certainly an
 10.55PM 9 improvement and giving you more space there on the
 10.55PM 10 buffer side is -- okay.
 10.55PM 11 Any comments?
 10.55PM 12 (No Response.)
 10.55PM 13 CHAIRMAN GLAZER: Any comments from
 10.55PM 14 members of the audience?
 10.55PM 15 Mr. Kupferschmid?
 10.56PM 16 MR. KUPFERSCHMID: Yes.
 10.56PM 17 I just want to say that certainly seems
 10.56PM 18 like a more appropriate design given the concerns of
 10.56PM 19 the residents nearby, putting more spots to the
 10.56PM 20 easterly side definitely makes more sense.
 10.56PM 21 CHAIRMAN GLAZER: Yes, Mr. Reeves.
 10.56PM 22 MR. REEVES: Dave Reeves.
 10.56PM 23 I concur with the previous speaker.
 10.56PM 24 There really are two parties here that are being
 10.56PM 25 oppressed by this improvement to the north and to the
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10.56PM 1 west.
 10.56PM 2 And this -- this is an improvement from
 10.56PM 3 that which is good.
 10.56PM 4 I think there's a half an acre at least
 10.56PM 5 east of the parsonage and the community house and I
 10.56PM 6 would be so bold to say all the parking could go
 10.56PM 7 there and there would be no impact on the people to
 10.56PM 8 the north and people to the west.
 10.57PM 9 CHAIRMAN GLAZER: Okay.
 10.57PM 10 Well, it would certainly be an impact
 10.57PM 11 on the cost of doing that, I guess. Okay.
 10.57PM 12 Any other information that anybody in
 10.57PM 13 the audience wants to pass on?
 10.57PM 14 I'm open to -- yes, Mr. Barbi.
 10.57PM 15 MR. BARBI: Yes, Mr. Barbi.
 10.57PM 16 George comment before to shift it to
 10.57PM 17 the wetland area, but not going to effect them and
 10.57PM 18 him. I mean, what is their comment, you know --
 10.57PM 19 CHAIRMAN GLAZER: We just heard that.
 10.57PM 20 Mr. Reeves just gave us.
 10.57PM 21 MR. BARBI: Because he saw better the
 10.57PM 22 landscaping how, how it is exactly.
 10.57PM 23 CHAIRMAN GLAZER: Mr. Garabet gets much
 10.57PM 24 more space between the church lot and his property.
 10.58PM 25 MR. BARBI: Okay.
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10.58PM 1 CHAIRMAN GLAZER: Before it was at 56.
 10.58PM 2 So I'm open to your -- George.
 10.58PM 3 MR. ABAD: I would like to make a
 10.58PM 4 motion.
 10.58PM 5 CHAIRMAN GLAZER: Please.
 10.58PM 6 MR. ABAD: I would like to make a
 10.58PM 7 motion to approve with the changes to the plans.
 10.58PM 8 MS. HERRIES: Second.
 10.58PM 9 CHAIRMAN GLAZER: All right. Let's
 10.58PM 10 have a roll call on this.
 10.58PM 11 MS. MYUNG: Ms. Herries?
 10.58PM 12 MS. HERRIES: Yes.
 10.58PM 13 MS. MYUNG: Mr. Clores?
 10.58PM 14 VICE CHAIRMAN CLORES: Yes.
 10.58PM 15 MS. MYUNG: Mr. Barbieri?
 10.58PM 16 MR. BARBIERI: Yes.
 10.58PM 17 MS. MYUNG: Mr. Bonhomme?
 10.58PM 18 MR. BONHOMME: Yes.
 10.58PM 19 MS. MYUNG: Mr. Abad?
 10.58PM 20 MR. ABAD: Yes.
 10.58PM 21 MS. MYUNG: Chairman Glazer?
 10.58PM 22 CHAIRMAN GLAZER: Yes.
 10.58PM 23 MS. HERRIES: And also with the
 10.58PM 24 condition that they continue the parking attendant.
 10.58PM 25 CHAIRMAN GLAZER: Yes.

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10.58PM 1 MR. CAPIZZI: That's fine.
 10.58PM 2 Thank you all.
 10.58PM 3 Thanks for your patience this evening
 10.58PM 4 in staying late.
 10.58PM 5 I appreciate it.
 10.58PM 6 CHAIRMAN GLAZER: Thank you. Happy
 10.58PM 7 Thanksgiving to you all.
 10.58PM 8 (Whereupon, this matter is concluded.
 10.58PM 9 Time noted: 11:00 p.m.)
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1 CERTIFICATE
 2 I CERTIFY that the foregoing is a
 3 true and accurate transcript of the testimony and
 4 proceedings as reported stenographically by me at
 5 the time, place and on the date herein before set
 6 forth.
 7 I DO FURTHER CERTIFY that I am
 8 neither a relative nor employee nor attorney or
 9 counsel of any of the parties to this action, and
 10 that I am neither a relative nor employee of such
 11 attorney or counsel, and that I am not financially
 12 interested in this action.
 13
 14
 15
 16
 17
 18
 19
 20 _____
 DONNA LYNN J. ARNOLD, C.C.R.
 LICENSE NO. XI00991
 MY COMMISSION EXPIRES 08/04/2024
 21
 22
 23
 24
 25

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