# ALPINE ZONING BOARD OF ADJUSTMENT

Regular Meeting
Thursday, April 21, 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 Acting Chairwoman Herries at 7:30 p.m., Thursday, April 21, 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, April 21, 2022 at 7:30 PM has met the requirements of the law as part of the Borough of Alpine's annual meeting notice in The Record published 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 (<a href="http://www.alpinenj07620.org">http://www.alpinenj07620.org</a>), and a copy filed in the Office of the Borough Clerk. Instructions for how the public can participate and access the meeting and documents has been included in the posted agenda.

#### **ROLL CALL**

NO BE OF THE			
Richard Glazer (Chairman)	Absent	Tony Clores (Vice-Chairman)	Absent
David Kupferschmid	Present	Richard Bonhomme	Present
Anthony Barbieri	Present	George Abad, Jr	Present
Elizabeth Herries (Acting Chair)	Present	Amy Lerner, Alt I	Present

Staff Present: Board Attorney Michael Kates, Borough Engineer Perry Frenzel, Board Secretary Jo Anna Myung

#### COMMUNICATIONS

- Alternate I Board Member Amy Lerner has listened to last month's meeting tape and qualified.
- Updated draft of the March 29, 2022 Special Meeting Minutes distributed for the Board's review and approval.
- In order to accommodate the many members of the public that are present for the scheduled hearings tonight, the Board proposes to start with the application of Church of the Lord, then hear the application of Tracy Marrow. At the close of hearings and testimonies, no later than 10:00 PM, the Board will then conduct the other regular order of business for the evening.
- Attorney Matt Capizzi, on behalf of the applicant Tracy Marrow, communicated that they have received late notice that one of their professionals was not available tonight, and thus requested to adjourn. Board Attorney Kates announced that the next Zoning Board of Adjustment meeting is scheduled for Thursday, May 19, 2022 and on request of the applicant's attorney, this application will be adjourned until then.

## **HEARINGS**

#### 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 2<sup>nd</sup> Floor, Tenafly, NJ 07670 with a Court Stenographer appeared on behalf of the Applicant [with Applicant in the audience].

In lieu of Minutes summarizing the hearing, a verbatim transcription is appended hereto provided by Ronda L, Reinstein, C.C.R. of Laura A. Carucci, C.S.R, R.P.R, L.L.C., consisting of 92 sheets (4 pages per sheet) and 11 sheets of Word/Number Index.

# PROCEDURAL MOTIONS

**Resolution:** Approval of Minutes from the Special Meeting on Tuesday, March 29, 2022 upon a motion by Mr. Barbieri, seconded by Mr. Bonhomme and approved by all those eligible to vote.

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Kupferschmid, Ms. Lerner, Ms. Herries

Absent: Mr. Glazer, Mr. Clores MOTION APPROVED

#### MEMORIALIZATION: LUCACEL Block 55 Lot 3.03 - 79 Miles Street

**Resolution:** Upon a motion by Mr. Abad, seconded by Mr. Barbieri to approve the resolution for Florin and Carla Lucacel granting variance relief for a deficient front yard setback, a soil moving permit with waivers, and waivers relating to the height and location of proposed walls supporting the septic system, increase of septic fields to accommodate for the 6<sup>th</sup> bedroom, with an additional soil moving requirement because of the volume of soil that is involved. It is required that soil brought onto site is pre-certified and compliant with NJDEP residential direct contact standards or, if from local excavation, they are natural soils. Thus, approval is subject to conditions as outlined in the resolution for this property located at 79 Miles Street designated as Block 55 Lot 3.03 on the Tax Assessment Map of Alpine, New Jersey, Bergen County. A copy of this resolution is on file at the Borough of Alpine, 100 Church Street, Alpine, NJ for review.

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Kupferschmid, Ms. Herries, Ms. Lerner

**Abstain:** Mr. Bonhomme **Absent:** Mr. Glazer, Mr. Clores

MOTION APPROVED

**Resolution:** Approval of Bills and Claims Upon a motion by Mr. Barbieri, seconded by Mr. Bonhomme at the regular meeting of the Alpine Zoning Board of Adjustment held on April 21, 2022 to approve the following Bills and Claims:

Kates Nussman Ellis Farhi & Earle, LLP	55/3.03 79 Miles Street	Inv. 28824	\$1,750.00
Azzolina & Feury Eng., Inc.	55/3.03 79 Miles Street	Inv. 75920	\$206.50
Azzolina & Feury Eng., Inc.	55/3.03 79 Miles Street	Inv. 75919	\$295,00
Azzolina & Feury Eng., Inc.	90/6 92 Ruckman Road	Inv. 75923	\$354.00

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Kupferschmid, Ms. Lerner, Ms. Herries

**Abstain:** Bonhomme

Absent: Mr. Glazer, Mr. Clores

MOTION APPROVED

## **PUBLIC COMMENTS** None.

#### **OTHER BUSINESS** None.

ADJOURNMENT at 9:12 p.m. upon a motion by Mr. Barbieri, seconded by Mr. Kupferschmid.

Vote: Ayes: Mr. Abad, Mr. Barbieri, Mr. Bonhomme, Mr. Kupferschmid, Ms. Lerner, Ms. Herries

Absent: Mr. Glazer, Mr. Clores MOTION APPROVED

Respectfully submitted,

Jo Anna Myung Board Secretary

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2 THURSDAY, APRIL 21, 2022 7:30 P.M.	Mr. Kupferschmid 20, 33
IN THE MATTER OF: ) TRANSCRIPT OF	5 Mr. Kates 37, 79
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5 CHURCH OF THE LORD, )	6 Mr. Frenzel 81
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10 OLD DOCK ROAD, ) 7 BLOCK 48, LOT 1.01. )	9 Old Dock Road
)	8 Robert Policano 45
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18	
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  21 CERTIFIED COURT REPORTERS	18
P.O. BOX 505 SADDLE BROOK, NJ 07663	19
201-641-1812 23 LauraACaruccillc@gmail.com	20
	21 22
24	23
25	24
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	25
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2	4
2	1 <u>INDEX</u> (CONTINUED)
1 APPEARANCES:	2 <u>EXHIBITS</u>
TO THE TAX TO SEE THE TAX TO THE	3 NO. DESCRIPTION IDENT/EVID
2 MICHAEL B. KATES, ESQUIRE	4 A-1 Proof of Publication in The Record:
Attorney for the Zoning Board of Adjustment	April 10, 2022 17
3 4 CAPIZZI LAW OFFICES	A-2 Certified mailing to Residents 6 Within 200' on April 8, 2022 per
4 CAPIZZI LAW OFFICES  BY: MATTHEW G. CAPIZZI, ESQUIRE	6 Within 200' on April 8, 2022 per Tax Assessor's List April 7, 2022 17
5 11 Hillside Avenue	7 A-3 Application received
Second Floor	g January 6, 2022 signed and
6 Tenafly, New Jersey 07670	Dated January 5, 2022 with 9 Rider and attachments: Proposals
Attorney for Applicant	And Reasons for Relief Tax Collector's
7	10 Proof of Statement dated June 18, 2021 - Tax Exempt 200' Property Owners' list
8	11 September 30, 2021 17
9 ALSO PRESENT:	12 A-4 Borough Engineer's letter
	Dated September 20, 2021 and
10 JO ANNA MYUNG, Board Secretary	Included from our files:
11 PERRY F. FRENZEL, P.E., Board Engineer	14 Zoning Officer review letter dated July 19, 2021 for 10 Old Dock Road
12	15 Block 48 Lot 1.01, Zoning Officer
13	Review letter dated July 19, 2021 16 For 995 Closter Dock Road Block 47
14	Lot 2 17
15	A-5 Photo Exhibit - set of 2 color
16	18 Photos not dated, not signed 17
17	19 A-6 Soil Moving Report signed and
18	Sealed by Michael J. Hubschman, PE PP dated December 31, 2021 17
19	20 10 11 00 100 00 00 00 00 00 00 00 00 0
20	21 A-7 6-Foot Boulder Wall Calculations Report signed and sealed by
21	22 Michael J. Hubschman, PE PP dated
22	January 3, 2022 17
23	A-8 Storm Drainage Report signed and
24	Dated December 28,2021 17
25	25
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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2	<u>EXHIBITS</u>	1 brief opening statement on the Church of the Lord
3		2 application.
4	A-9 Engineering Plans consisting of 6 pages signed and sealed by	3 ACTING CHAIRWOMAN HERRIES: Of course.
5	Michael J. Hubschman, PE PP dated	4 MR. CAPIZZI: So as the board is aware,
6		5 this is the former location of the Alpine Community
7	Sheet 6 as noted below: Drawing # 3882-4 "Site Plan"	6 Church. The Church of the Lord purchased the
8	Drawing # 3882-5 "Grading, Drainage	7 property in November of 2019 and has been holding
	"Lighting/Landscaping Plan & Details"	8 services at the stone church property since that
9	Control Plan & Details" Drawing # 3882-8	9 time.
10	"Existing Conditions Plan" Drawing # 3882-9 "Cross Sections & Soil Moving	10 What we're seeking to do by way of this
11		11 application is add some additional off-street
12		12 parking.
13	Capizzi, Esq. Dated February 16, 2022 Along with: Soil Moving Permit	13 As the board members may be aware, the
14	Application with Check List for	14 property consists of essentially two parcels that are
	27	15 separated by Old Dock Road. One is on the westerly
15	A-11 Drawing # 3882-4 "Site Plan" previously submitted as part of exhibit A-9 now	16 side. It has the stone church building on it where
16	colorized 18	17 services are held. And on the easterly side is the
17	A-12 Drawing # 3882-5 "Grading, Drainage &	18 community center property and the pastor's manse,
18	Utility Plan/Details" previously Submitted as part of exhibit A–9 but	19 where we hold some other events, religious worship,
19	Plan presented during April 21, 2022 Meeting is colorized 18	20 religious education, services in that building.
20	A-13 Drawing # 3882~6 "Lighting/Landscaping	21 At the stone church property there's a
	Plan & Details" previously submitted as	22 parking lot, a macadam parking lot, that has
21	Part of exhibit A–9 now colorized 19	23 approximately 20 parking spaces. In the at the
22 23		24 Community Center property there is no opportunity for
24 25		25 off-street parking with the exception of the driveway
23	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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1	6 ACTING CHAIRWOMAN HERRIES: And so the	8
2	Church of the Lord application.	1 that services the pastor's manse.
3	MR. CAPIZZI: Good evening, Madame	2 Based upon the attendance at our
4	Chair,	3 services and with some room for expansion, we're
5	Matthew Capizzi on behalf of the	4 proposing to add some additional parking at the stone
6	applicant.	5 church property, adding approximately 22 spaces to
7	Just as a point of clarification, as I	6 that lot.
8	do have the Tracey Marrow application as well, we're	7 And at the Community Center property, 8 we're proposing to create a new parking area
9	going to be adjourning that matter this evening.	parking drea
10	Unfortunately, we received late notice	
11	that one of our professionals is not available. So	10 Once you bring the sum total online, it 11 will give us an opportunity of approximately 67
12	whether you want to dispose of that now and adjourn	12 spaces, which we believe would be sufficient for our
13	it or later on in the agenda, you let me know.	13 demands on Sundays and whenever we may have special
14	MR. KATES: Let's announce the date of	14 events at the property and so forth.
15	the next meeting. It will be May,	15 At present, we've been relying upon the
16	MS. MYUNG: May 19th.	16 macadam lot that's on the stone church property.
17	MR. KATES: The Marrow application is	17 But, certainly, it doesn't provide a
18	being adjourned to May 19 without further notice	18 sufficient amount of off-street parking, so there is
19	being required, on the request of the applicant's	19 an amount of parking that has spilled over onto the
20	attorney.	20 local roadway network,
21	Anyone here interested in that matter,	21 We believe by way of this application
22	you're certainly welcome to stay, but there will be	22 we'll be able to now take that parking that's on the
23	no testimony tonight.	23 local network and bring that off the roadway onto the
24	MR. CAPIZZI: Thank you.	24 church property.
25	So, Madame Chair, If I may, just a	25 The use of the house of worship is a
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conditional use in the zone. It's been the subject of one prior application in 2007, 2008, thereabouts, 2 where there was a portion of the Community Center 3 4 property that was subdivided off.

But other than that, I'm not aware of any other historical applications concerning either property.

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As far as the variance relief that's concerned, there are several nonconforming conditions at the properties as they stand today: Lot area, lot width, and so forth.

None of the nonconforming conditions are being exacerbated by way of this application with the exception of two, and they both pertain to the stone church property.

There is a buffer requirement that the parking area be approximately 100 feet off the property line.

At present, the parking area is only about 3. And we're proposing to continue that offset as we continue in a westerly direction with the expanded parking area.

However, you'll hear from Mr. Hubschman about some landscaping that's being proposed at that property to shield the vehicles from the adjacent

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> > 10

properties. And there's also a variance for improved 1 2 lot coverage.

By virtue of expanding the parking 3 area, we need variance relief to that particular 4 5

But, again, Mr. Hubschman will speak to the fact that the expanded parking area is made of gravel, so although it is improved, it certainly will have permeability, given the substrate from which 9 10 it's being constructed.

I think it's important to note that as the board hears testimony from Mr. Hubschman and 12 Ms. Bogart, our planner, as well as any comments and 13 testimony that may be given by the neighbors, that the board be mindful of the variance criteria that's 15 supposed to be applied to such a matter.

Having appeared before the board regularly, commercial applications, institutional 18 applications such as this are not commonplace before the board, so the variance criteria is somewhat different.

First and foremost, houses of worship are considered inherently beneficial uses under the New Jersey Case Law. And that's of significant importance as the board considers the testimony

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before it this evening. 1

Moreover, it's a conditional use 2 variance, a D-3 variance, so the focus is typically 3 on what is the impact of the applicant's inability to 4 comply with that condition, here being the buffer requirement and the improved coverage requirement 6 7 limitation.

The third aspect for the board to 8 consider is the fact that the applicant is not 9 complying with those two parameters, do they result 10 in a substantial negative impact upon the 11 neighborhood, and can that substantial negative 12 impact be mitigated against with the imposition of 13 certain conditions? 14

That's essentially a nutshell explanation of the legal standard that applies to a house of worship conditional use variance case.

17 As in any variance case, there are 18 typically two prongs, a positive criteria and a 19 negative criteria. The positive criteria being what 20 about the property generates the need for the 21 variance, or does the granting of the variance result 22 in some public benefit that's achieved by way of the 23 24 board granting the variance?

> Because of the nature of the use, that LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

12

1 we're protected by New Jersey Case Law with that

determination of being inherently beneficial, because

the First Amendment of the New Jersey and U.S. 3

Constitution protect one's ability to freely exercise 4

their religion, and based upon the Federal Statute, 5

FRLUA, that Mr. Kates may speak about at some point 6

in time, that first prong is already deemed 7

8 satisfied.

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So the law already says that the 9 positive criteria, why you're before is not of 10 relevance; we've already cleared the road for you as 11 far as telling us why you need the variance and 12 providing either some kind of hardship or public 13 benefit testimony relative to that component. 14

And, essentially, the case distills itself to an analysis of the negative criteria. Will the granting of the variance result in a substantial negative impact upon the public good, essentially the neighborhood?

Before the board can arrive at a determination of substantial negative impact, it must first determine whether the board can impose certain conditions upon the applicant that would ameliorate, limit, that substantial negative impact.

> It is only after the board has LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

	13		15
1	considered those imposition of conditions and still	1	qualifications.
2	finds that it would result in a substantial negative	2	ACTING CHAIRWOMAN HERRIES: Agreed,
3	impact despite the imposition of those conditions	3	MR. KATES: He's acceptable?
4	that the negative criteria would fail.	4	ACTING CHAIRWOMAN HERRIES: Yes.
5	Essentially, the law favors houses of	5	MR. KATES: Your witness.
6	worship. They want them to be in neighborhoods such	6	MR. HUBSCHMAN: Thank you.
7	as this. Your zoning ordinance wants them to be in	7	MR. CAPIZZI: Madame Chair, I was
8	this particular neighborhood. That's evident by the	8	provided with the board's list of exhibits, which I'm
9	fact that we're a conditional use. It's evident by	9	prepared to accept by way of stipulation.
10	the fact that this church has existed since 1866 and	10	MR. KATES: What is it, A-1 through?
11	continues to be a viable house of worship within the	11	MR. CAPIZZI: This was A-1 through
12	community.	12	A-11.
13	For those reasons, it's why the	13	MR. KATES: Do we have any later
14	standard is quite difficult in order for such an	14	entries, Jo Anna?
15	application to be denied.	15	MS. MYUNG: I am so sorry.
16	And in essence here, we're really just	16	MR. KATES: To the witness list, the
17	dealing with some housekeeping. The nature of the	17	exhibit list, A-11 is the last one Mr. Capizzi is
18	church is not changing. The buildings are not being	18	referencing.
19	expanded. The number of seats is not changing. The	19	MS. MYUNG: That's correct.
20	kinds of services that are being provided are your	20	MR. KATES: That came in.
21	typical Sunday service, weekday morning service,	21	MS. MYUNG: That came in yesterday.
22	youth and adult educational services that you would	22	I was I was provided by our Building
23	find in any similar typical house of worship. So	23	Department the architectural engineering drawings,
24	none of those things are changing.	24	listed as Exhibit A-11.
25	The only thing we're looking to do is	25	. Unfortunately, I did not get copies
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	14	1	16
1		1	16 to present to the hoard engineer
1 2	take that parking that's occurring on the street,	1 2	to present to the board engineer.
	take that parking that's occurring on the street, bring it off the street and onto the church property.	2	to present to the board engineer.  MR. KATES: But we're including that in
2	take that parking that's occurring on the street, bring it off the street and onto the church property. We believe that we've provided a practical and	l	to present to the board engineer.  MR. KATES: But we're including that in the list you have A-11.
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2 3 4	take that parking that's occurring on the street, bring it off the street and onto the church property. We believe that we've provided a practical and	2 3 4 5	to present to the board engineer.  MR. KATES: But we're including that in the list you have A-11.  MS. MYUNG: That's correct.  MR. CAPIZZI: But this should be I'm
2 3 4 5	take that parking that's occurring on the street, bring it off the street and onto the church property. We believe that we've provided a practical and reasonable way to accommodate that need. And we certainly look forward to presenting the application	2 3 4 5 6	to present to the board engineer.  MR. KATES: But we're including that in the list you have A-11.  MS. MYUNG: That's correct.  MR. CAPIZZI: But this should be I'm not aware of this plan, Madame Chair.
2 3 4 5 6	take that parking that's occurring on the street, bring it off the street and onto the church property. We believe that we've provided a practical and reasonable way to accommodate that need. And we certainly look forward to presenting the application before the board.  Madame Chair, if you don't have any	2 3 4 5 6 7	to present to the board engineer.  MR. KATES: But we're including that in the list you have A-11.  MS. MYUNG: That's correct.  MR. CAPIZZI: But this should be I'm not aware of this plan, Madame Chair.  MR. KATES: No architectural plan.
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			40
	17	_	19 previously submitted as part of exhibit A–9
1	MR. CAPIZZI: Thank you.	1	now colorized is marked as Exhibit A-13 for
2	MS. MYUNG: Sorry for the	2	<b>.</b>
3	inconvenience.	3	identification.)
4	MR. KATES: So it's A-1 through A-10.	4	MS. MYUNG: I'm sorry.
5	MR. CAPIZZI: Correct.	5	Mr. Hubschman, can you just repeat that
6	MR. KATES: We'll stipulate that is the	6	again? I have the drawing, Grading, Drainage &
7	list without reading through it.	7	Utility Plan details as Exhibit A-11.
8	MR. CAPIZZI: Thank you.	8	MR. HUBSCHMAN: No, no. A-11 is the
9	(Whereupon, Documents are received and	9	Colorized Site Plan Sheet.
10	marked as Exhibit A-1 - A-10 for	10	MS. MYUNG: Oh, I see. Okay.
11	identification.)	11	MR. HUBSCHMAN: Right.
12	MR. CAPIZZI: So, Mr. Hubschman, the	12	MS. MYUNG: All right, I got it.
13	board has marked your site plan, last revised they	13	MR. KATES: Colorized A-9.
14	have it down as December 20th, 2021. Is that	14	MR. HUBSCHMAN: Right.
15	correct?	15	Then A-12 is the Colored Grading,
16	MR. HUBSCHMAN: It's December 28th,	16	Drainage & Utility Plan.
17	2021.	17	And A-13 would be the Colorized
18	MR, CAPIZZI: That's what I thought.	18	Lighting & Landscaping Plan.
19	MR. KATES: What exhibit is that.	19	MS. MYUNG: Thank you, Mr. Hubschman.
20	MR, CAPIZZI: That's A-9. So we should	20	MR. HUBSCHMAN: Okay, thank you.
21	just note that is December 28th, 2021, is the last	21	DIRECT EXAMINATION
22	revision.	22	BY MR, CAPIZZI:
23	MR. KATES: We have a colorized version	23	Q. Mr. Hubschman, do you have an Existing
24	on the board.	24	Conditions Plan that you can flip to?
25	MR. HUBSCHMAN: Yeah. I have three.	25	A. I do, but it's not colored.
23	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	201-641-1812		201-641-1812
	18		20
1	18 MR. KATES: So we'll make that A-11.	1	20 <b>Q.</b> That's fine.
1 2	MR. KATES: So we'll make that A-11.	1 2	
2	MR. KATES: So we'll make that A-11. A-11 is the colorized site plan of A-9.		Q. That's fine.
2 3	MR. KATES: So we'll make that A-11. A-11 is the colorized site plan of A-9. (Whereupon, Drawing # 3882-4 "Site	2	<ul><li>Q. That's fine.</li><li>A. It's easier. Sheet 5 of the set that</li></ul>
2 3 4	MR. KATES: So we'll make that A-11.  A-11 is the colorized site plan of A-9.  (Whereupon, Drawing # 3882-4 "Site  Plan" previously submitted as part of exhibit	2	<ul><li>Q. That's fine.</li><li>A. It's easier. Sheet 5 of the set that</li><li>the board has is an Existing Conditions Plan. It's a</li></ul>
2 3 4 5	MR. KATES: So we'll make that A-11.  A-11 is the colorized site plan of A-9.  (Whereupon, Drawing # 3882-4 "Site Plan" previously submitted as part of exhibit  A-9 but now colorized marked as Exhibit A-11	2 3 4	Q. That's fine.  A. It's easier. Sheet 5 of the set that the board has is an Existing Conditions Plan. It's a little hard to see now without it being colored.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. KATES: So we'll make that A-11.  A-11 is the colorized site plan of A-9.  (Whereupon, Drawing # 3882-4 "Site Plan" previously submitted as part of exhibit A-9 but now colorized marked as Exhibit A-11 for identification.)  MR. KATES: Multiple sheets or just one sheet.  MR. HUBSCHMAN: There are three sheets colored. The Grading & Drainage Plan is colored. So I guess that will be A-12.  MR. KATES: Yes.  MR. HUBSCHMAN: I have the same copy, just colored.  MR. KATES: Um-hmm.  (Whereupon, Colorized Grading, Drainage & Utility Plan is marked as Exhibit A-12 for identification.)  MR. HUBSCHMAN: And then the Lighting & Landscaping Plan is colored.  That would be, I guess, A-13 then, right?  MR. KATES: Yes.  (Whereupon, Drawing # 3882-6  "Lighting/Landscaping Plan & Details"	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. That's fine. A. It's easier. Sheet 5 of the set that the board has is an Existing Conditions Plan. It's a little hard to see now without it being colored. Q. If you can just utilize that sheet just for a quick discussion.  MR. KUPFERSCHMID: Mike, what is the title? Is it Lighting & Landscape?  MR. HUBSCHMAN: No, no.  Sheet A-8, which is 5 of 5, that would be the Existing Conditions Plan, the last sheet in the set.  MR. KUPFERSCHMID: Thank you.  MR. HUBSCHMAN: Right.  All of the sheets are oriented the same way with north being up.  MR. KUPFERSCHMID: Hold on one second because my set is not following. This is my Sheet 4.  Thank you.  BY MR. CAPIZZI:  Q. All right. Mike, so take us through the existing conditions, please.  A. Sure. Right.  Well, the sheets again, all of the sheets are oriented
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1 MS. MYUNG: Excuse me. I'm sorry. Community Center is, we're proposing a small parking 2 Can we just unfold the sheets just 2 area between the two -- the two buildings. There's 3 because this meeting is taped. 3 24 spaces in the parking area. And we're providing 4 MR. HUBSCHMAN: Is everyone done? 4 one ADA stall in front, because the grades really 5 BY MR, CAPIZZI: didn't work to have the ADA stall in the lot. 6 Q. Okay, Mike, let's resume. 6 Thank you, Mike. 7 Α. 7 As far as the landscaping and lighting 8 Again, north is up on all of the 8 components? 9 sheets. Closter Dock Road is going from left to 9 A. Right. 10 right on the bottom. 10 Then also this sheet shows, because of 11 The middle of the sheet is the Old Dock 11 the slope we're proposing two retaining walls. The 12 Road that separates the two sites. 12 Landscape and Lighting is shown on Sheet 3, 3 of 5. 13 The Existing Conditions Plan shows to 13 Again, this is color. 14 the left, or to the west, the existing stone church, 14 We're proposing the Green Giant the existing parking lot to the north of that, which 15 15 Arborvitae and some buffer plantings around the 16 is a 22 spaces, I believe it was. 16 property, and some street trees. 17 Q. Twenty, I believe, Mike. 17 Just for purposes of the record, Mike, 18 A, Twenty. Right, 20. It turns into it. 18 can you just walk us through each particular lot and 19 Then to the east are the Community 19 give us a description of the landscaping and lighting 20 Center building. 20 as to which one pertains to stone church and --21 And then to the -- on the corner to the 21 Well, on the stone church, again we're 22 south of the Community Center is the existing 22 proposing dark American arborvitaes, or the Green 23 parsonage, or the reverend's house. 23 Giant arborvitaes that I'm sure everyone is familiar 24 Going to the east, there is some sloped 24 with. They're colored in that darker green color. 25 areas, wooded areas, then wetlands just off the They're proposed to be 7- to 8-foot planting height. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812 201-641-1812 22 1 property. 1 The lighting on the church is just 2 Q. Thank you. 2 small bollard lighting. We didn't propose any pole 3 So I had mentioned in my opening just 3 lighting on the church at all. 4 some of the limited parking opportunities. They are 4 On the Community Center side, the same just principally on the stone church property. 5 thing, some dark -- the green giant arborvitaes. And 5 6 Is that correct? 6 then there is some maple -- I'm sorry -- yes, red 7 A. 7 maples, street trees proposed. 8 There's the existing parking area, yes. 8 And all the remaining lawn areas and 9 Q. Thank you. 9 trees are going to remain the same around the site. 10 A. The floor is, like, sloped. 10 Lighting, we were proposing two small 11 O. As far as the proposal, can you take us 11 pole lights on the side. 12 through the parking areas that you're going to be 12 And Mr. Frenzel, in his letter, had 13 enlarging? 13 requested that he thought it was better if we put the 14 The proposal, sure. 14 two lights on to face south, which we would of course 15 I'm now going to Sheet 1. It shows the 15 do. We're showing the two lights facing north. 16 new construction. We're proposing to add 18 spaces 16 Q. As far as on the stone church property, 17 to the west of the existing paved area. So that lot 17 is there an ability to enhance the landscaping area 18 would have 42 -- yeah, that lot would have a total of and perhaps provide a double row of arborvitaes along 18 19 42 spaces. 19 the west? 20 Again, this is a little easier to see 20 A. We're proposing a 20-foot buffer area. 21 for everybody because of the color. There's the 21 We could easily plant two or three rows of staggered 22 existing church in the center. The parking lot 22 green giants in that area, yes. 23 existing is about half of that. So we're adding 18 23 24 spaces to the west of that, two handicap stalls. 24

With the enhanced landscaping, would that buffer the expanded parking area from the neighboring properties? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

And then on the east side where the

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1	Α.	Right, yes. The one neighboring
2	property wou	ild be to the west.
3	Q.	Would that include a screening of the
4	headlights fr	om the vehicles?
5	A.	Right.
6		Most of the activity is during the day,
7	I guess, wh	en they they're going to testify on
8	that.	
9		So there's not really a lot of
10	headlight u	
11		But, right, that would you know,
12	that would	definitely shade the headlights, sure.
13	Q.	Thank you, Mr. Hubschman.
14		So you had talked to us about the
15	landscaping	components, lighting. How about
16	drainage?	
17	A.	Drainage, going back to the Sheet 2
18		rainage proposal.
19		e Community Center side, I think it
20		towards the east to the wooded area.
21		ains to the Hudson River. And we're
22		ervious paver. There's a strip of
23	pervious pav	er about 30-feet wide that would absorb
24	most of the	
25		And that's a green you know, a green
	LAL	IRA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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27 or, you know, grading in order to bring that up to, like, a drivable grade going down. 2 Thank you, Mr. Hubschman. 3 Q. As far as the buffer at the community property, the Community Center property, I know we have the dwelling -- excuse me -- the Community Center building on the north side of the parking lot. 7 Will that provide an element of a buffer of that 9 parking area? This will, yeah. 10 Α. Some of our original concepts were to 11 have parking over on the north side of the building. 12 That was kind of taken off the table. It was just 13 not really fitting in with the neighborhood there. 14 So that's why it was decided to put whatever parking 15 we could in the middle. 16 And, you know, we're hampered by the 17 slope, the wetlands, the transition area. 18 So there's no way to really go any 19 further than what we're showing there. 20 And having an access point off of the 21 22 county road, you'll tell us why that was disfavored, 23 off Closter Dock? It's just a slope. It doesn't work. 24 Α. There's an existing driveway. 25

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    technology now. They count that as green
    infrastructure. The DEP looks favorable on that.
2
              And having it not connected is also a
3
4 favorable new drainage concept, rather than piping
    it. It's really -- rather than just putting basins
5
    in and piping it right to the wetlands to have it
6
7
    flow through the wooded area.
              A similar situation on the church side,
8
    pervious pavers and then grading it towards whatever
9
    the -- any additional run-off would grade towards
10
    Closter Dock.
11
                   As far as the soil movement
12
     considerations, can you discuss that for us, please?
13
                   Right.
14
            A.
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There's very minimal soil moving on the church -- on the church side because it's pretty level. And then on the Community Center side, the soil moving, there's fill required for that rear parking lot because the lot goes down. There's about 8 foot of fill at the back of the property. It's generally flush with Old Dock Road, then it slopes down to about 6 percent. And the quantities were -- let's see. There's 1,496 yards of fill on the east parking lot LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

28 And the sight distance is not good. You're right about the crest of the hill there when 2 you're at Old Dock Road. 3 So you couldn't put an entrance for sight distance. And just the slope going up really 6 didn't work. Can you take us through the bulk table 7 Q. and tell us what the existing nonconforming Я conditions are and how they're going to be impacted 9 by this application? 10 11 Α. Right.

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Well, that's shown on Sheet -- on Sheet 1 is the bulk table, the bulk -- and those are 13 the zoning requirements. In the ordinance there's a 14 15 schedule and a bulk table. So the property is in two separate zones, or there are two separate lots. The west side 17 is on the R-2B Zone, and the east side is the R-2 18

20 similar to house sizes and so forth. The lot sizes are 10,000, and 12- or 21 14,000-square-foot lots. 22 But where a conditional use -- so 23

Zone. And they're both -- they're both fairly

there's a section of the ordinance, which is 220-10, 24 that goes through to the conditional use as a house 25

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2 So the bulk table changes. It doesn't 3 really follow the R-2B or R-2. It follows the 4 conditional use ordinance, which requires -- do you 5 want me to go through this now, Matt?

> Q. Please.

Α. For a church or a house of worship, it requires 5 acres of property. And our total is 2,86 acres.

10 So that's an existing nonconforming 11 condition.

12 Building coverage 10 percent. I think 13 it's actually the same in the R-2B.

But that's listed in the conditional use ordinance. We're at 7.9 percent on the west, and 4.6 percent -- as you can see, that's a very large lot -- on the east.

18 So no variance required for that, 19 Improved coverage in the conditional 20 use ordinance is 25 percent maximum.

21 We're at 42 percent with the parking 22 lot expansion on the left side for the stone church, 23 and 15.8 for the Community Center lot. The overall 24 is only 23.7. So if you count the entire property, 25 we're at 23.7 percent.

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But I don't think the ordinance really permits to count the whole thing because they're not contiguous.

You have lot width and lot depth requires 450 square feet -- I'm sorry -- 450 feet in the conditional use ordinance, and we're deficient of those two existing conditions.

The same with the front yard. We're required to have 200-foot front yard from all the streets, which would mean a setback.

Of course the existing building, which 12 has been there for quite some time, do not meet the 200-foot existing condition, again not being exacerbated.

The side yard required is 100 feet. The minimum is 70 feet, which would be the church

18 And, again, that's existed for over 19 100 years. The other -- the community center does 20 meet the side yard requirement.

What else do we got here? The rear 22 yard, 200 feet. Both existing buildings, they don't meet the 200-foot rear yard requirement, so that's an existing condition.

> Heights, we're below 35 feet. So LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

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that's good. The buffer abutting a residential use,

2 100 foot is required in the conditional use

ordinance.

We have 100 foot on the community 5 center where we abut residential use in a residential

6 zone and use. 7 But the church again does not --

8 because the existing parking 3 and we're proposing to

expand that to 5 feet, so that's the variance that 9

10 we're actually creating. The remainder are existing

nonconforming that we can't really increase. 11

12 Then the last one is, the conditional

13 use ordinance calls for traffic or access from

14 Route 9W, which we of course can't access Route 9W.

15 We don't front on Route 9W. And there's wetlands in

the way. So it is sort of impossible to drive --16

have a driveway going to Route 9W. 17

18 So, Mike, just to recap. It's the buffer where we need 100, we're at 3 and we're going 19

20 the 5?

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A. Right.

22 The buffer in the conditional use 23 ordinance would be the one -- the variance that we're 24 really asking for, I guess.

25 And the impervious coverage, if we look LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

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32

1 at it strictly, it would be what at the stone church 2 property? I'm sorry.

3 A. Forty-two percent if we look at it 4 strictly as a separate lot, yes.

And if we combine the two? I'm sorry. Q.

6 A. If you combine the two, it's 23.7 7 percent.

8 O. I know we didn't talk about off-street parking requirements. I know we're deficient there 10

But that deficiency is actually being 11 12 reduced by virtue of this application,

13 Can you take us through those numbers, 14 please?

> A. Right.

The zoning ordinance does have a section on parking for this type of use. The house of worship, we list as 125 seats.

Actually, after some of the renovation, it's 120 seats they'll have, I understand, when some of pews are were removed and seats were put in.

The church requires 42 spaces. The community center requires 30 spaces. It's one per five seats. So there's 150 seats in that community center maximum.

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	33		35
1	So the total required would be	1	MR. CAPIZZI: Twenty-two.
2	72 spaces, based on the use. And we're not expanding	I	MR. KUPFERSCHMID: Twenty-two.
3	the use, or the usage. And we're proposing 67 spaces	3	So you're adding 20 there, according to
4	on both sites total.	4	this.
5	Q. And so the existing, I'm sorry, was 22	5	MR. HUBSCHMAN: We're adding 18
6	existing where 72 is required, correct?	6	actually, yeah.
7	A. Yes.	7	MR. KUPFERSCHMID: The numbers versus
8	Q. Twenty existing?	8	the drawings aren't jibing.
9	A. Yes.	9	MR, HUBSCHMAN: The total we're
10	Exactly, yes, 72 required, yes.	10	proposing is 67.
11	Q. And I'm sorry, just as far as the	11	MR. KUPFERSCHMID: You're adding 67.
12	existing was 22 existing?	12	MR. HUBSCHMAN: No, no.
13	A. I believe it was	13	Well, there's you can't really take
14	Q. Twenty?	14	existing and adding these.
15	MR. KUPFERSCHMID: Can you just wall	15	There's, like, a planter that's coming
16	through that whole parking thing one more time?	16	out here.
17	MR. HUBSCHMAN: It's 22 existing, I	17	MR. KUPFERSCHMID: Roughly, okay.
18	believe, yeah.	18	Roughly what is the existing, and what are you
19	MR. CAPIZZI: All right.	19	proposing?
20	So we need 72 spaces. We have 22 at	20	MR. HUBSCHMAN: Existing is, say, 22,
21	present, and we're proposing a total of 67.	21	and the proposing, 67.
22	MR, KATES: Sixty-five.	22	MR. KUPFERSCHMID: Okay, thank you.
23	MR, KUPFERSCHMID: Sixty-five on one	<b>I</b>	MR. HUBSCHMAN: Sorry, it's a little
24	This is why I'm confused. You're proposing 65 at the	24	confusing.
25	community center.	25	MR. KUPFERSCHMID: It's okay.
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
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	34	4	Again, reading this
1	MR. HUBSCHMAN: No.	1 2	MR. HUBSCHMAN: There are 25 on the
2			community center proposed and 42 on the church side.
3	MR. KUPFERSCHMID: According to this	4	BY MR. CAPIZZI:
4	says 65 at the community proposed, 65 proposed.	5	Q. Just so we can have it nice, neatly
5		6	packed for the purposes of the transcript. The total
6		l l	required sitewide, Michael, is what number?
7		8	A. The total required is 72.
8		9	Q. Okay. And the total being provided
9 10		10	sitewide is how much?
11		11	A. Sixty-seven.
12		12	Q. Thank you.
13		13	So that concludes everything relative
14		j. 14	to the bulk table, right, Mr. Hubschman?
15		15	A. Yes, it does. Yes.
16		tes 16	<ul> <li>Q. Okay. Any other items in Mr. Frenzel's</li> </ul>
17		17	report that we didn't catch upon?
18		18	I think we had captured the two
19	community center.	19	prominent comments there, but I just want to see if
20	MR. CAPIZZI: Understood.	20	there's any certainly any other housekeeping items
21	So there's a typo in the bulk table	21	we can certainly work with Mr. Frenzel to address
22	perhaps?	22	them, correct?
23			
24	says you're looking for 42 spaces of which existing	24	
25		25	
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	37		39
1	I don't have any further questions.	1	microphone. I'll leave it to you.
2	MR. KATES: Just one more time.	2	MR. KATES: Well, if the court reporter
3	Seventy-two required?	3	and the state of t
4	MR. HUBSCHMAN: Yes.	4	work. That would make to your comfort.
5	MR. KATES: Sixty-seven proposed?	5	But let's start with the witness who's
6	MR. HUBSCHMAN: Yes.	6	here. Your name please just for the record.
7	MR. KATES: How many existing?	7	MR. KELLY: John Kelly, 9 Old Dock
8	Twenty-two?	8	Road.
9	MR. HUBSCHMAN: Twenty-two existing.	9	I'm the little house on the top there.
10	MR. KATES: Okay.	10	So what you're telling I'm the one
11	ACTING CHAIRWOMAN HERRIES: Do any	11	you're impacting the most.
12	members of the audience have questions for	12	MR. HUBSCHMAN: You're right here.
13	Mr. Frenzel Mr. Hubschman? I'm sorry.	13	MR. KELLY: A couple shrubs up there.
14	MR. KATES: Before let me give you a	14	So what you're basically telling me is
15	brief explanation, Mr. Capizzi will have other	15	you're not presently in compliance with any of the
16	witnesses. Let's identify what the professions are	16	regulations, zoning regulation in town pretty much.
17	that will also be testifying.	17	Because the buffer is not in compliance. None of
18	Planner?	18	these buildings are in compliance.
19	MR. CAPIZZI: We have Ms. Bogart, who	19	MR. CAPIZZI: Mr. Hubschman, we'll
20	is our planner.	20	leave that to Ms. Bogart to speak to.
21	And Mr. Lee is the church elder. If	21	MR. KATES: The planner is going to get
22	the board has some questions relative to operations	22	into that in detail, Mr. Kelly. It's one of the
23 24	we can certainly get into that.	23	reasons that I mentioned there are other witnesses.
25	MR. KATES: So without prejudicing the	24	MR. KELLY: And you're going to be
23	public, the questions should be directed to what you	25	presenting a traffic plan as well?
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	201-041-1012		201-641-1812
	30		
1	have just heard as testimony from the engineer	4	You've expanding ourse set is the the
1 2	have just heard as testimony from the engineer.	1	You're expanding exponentially the
	have just heard as testimony from the engineer. You'll have the opportunity to question	2	You're expanding exponentially the impact on that road, which is a very narrow road in
2	have just heard as testimony from the engineer.  You'll have the opportunity to question the church, itself, in its management. And the	2 3	You're expanding exponentially the impact on that road, which is a very narrow road in the town. Since you can't go to 9W, you have to come
2	have just heard as testimony from the engineer. You'll have the opportunity to question	2	You're expanding exponentially the impact on that road, which is a very narrow road in the town. Since you can't go to 9W, you have to come down to a blinking light at the end of the street.
2 3 4	have just heard as testimony from the engineer. You'll have the opportunity to question the church, itself, in its management. And the Professional Planner who will talk about the zoning	2 3 4	You're expanding exponentially the impact on that road, which is a very narrow road in the town. Since you can't go to 9W, you have to come down to a blinking light at the end of the street. How would you address you can't get onto that
2 3 4 5	have just heard as testimony from the engineer. You'll have the opportunity to question the church, itself, in its management. And the Professional Planner who will talk about the zoning criteria that are involved.	2 3 4 5	You're expanding exponentially the impact on that road, which is a very narrow road in the town. Since you can't go to 9W, you have to come down to a blinking light at the end of the street. How would you address you can't get onto that street on a normal day easily, but now you're going
2 3 4 5 6	have just heard as testimony from the engineer. You'll have the opportunity to question the church, itself, in its management. And the Professional Planner who will talk about the zoning criteria that are involved. So right now the board is limiting you	2 3 4 5 6	You're expanding exponentially the impact on that road, which is a very narrow road in the town. Since you can't go to 9W, you have to come down to a blinking light at the end of the street. How would you address you can't get onto that street on a normal day easily, but now you're going to put another even 67 cars out there.
2 3 4 5 6 7	have just heard as testimony from the engineer. You'll have the opportunity to question the church, itself, in its management. And the Professional Planner who will talk about the zoning criteria that are involved. So right now the board is limiting you to questions only, not comments. You'll have an	2 3 4 5 6 7	You're expanding exponentially the impact on that road, which is a very narrow road in the town. Since you can't go to 9W, you have to come down to a blinking light at the end of the street. How would you address you can't get onto that street on a normal day easily, but now you're going to put another even 67 cars out there.  MR. HUBSCHMAN: We weren't going to
2 3 4 5 6 7 8	have just heard as testimony from the engineer. You'll have the opportunity to question the church, itself, in its management. And the Professional Planner who will talk about the zoning criteria that are involved. So right now the board is limiting you to questions only, not comments. You'll have an opportunity later.	2 3 4 5 6 7 8	You're expanding exponentially the impact on that road, which is a very narrow road in the town. Since you can't go to 9W, you have to come down to a blinking light at the end of the street.  How would you address you can't get onto that street on a normal day easily, but now you're going to put another even 67 cars out there.  MR. HUBSCHMAN: We weren't going to present a traffic engineer. And the use of what's
2 3 4 5 6 7 8 9	have just heard as testimony from the engineer. You'll have the opportunity to question the church, itself, in its management. And the Professional Planner who will talk about the zoning criteria that are involved. So right now the board is limiting you to questions only, not comments. You'll have an opportunity later. On the back side of your agenda you'll	2 3 4 5 6 7 8 9	You're expanding exponentially the impact on that road, which is a very narrow road in the town. Since you can't go to 9W, you have to come down to a blinking light at the end of the street. How would you address you can't get onto that street on a normal day easily, but now you're going to put another even 67 cars out there.  MR. HUBSCHMAN: We weren't going to
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1	side. And you're parking on one of the narrower
2	streets in town.
3	This is why I bring up I think I
4	request some kind of traffic evaluation.
5	Because just to bring up another issue
6	that happened on Closter Dock Road there, is when we
7	did when you had to deal with the Mount Laurel
8	Housing, and it was proposed that the first site to
9	be used was just below this property on your plan
10	right here. And then they did a traffic analysis
11	because everything was going to come onto Closter
12	Dock Road.
13	And the reason
14	MR, CAPIZZI: Madame Chair, if he'd
15	like to give testimony, there's certainly a time for
16	that.
17	MR. KELLY: No. I'm just saying no.
18	He did said you're not going to do a traffic
19	evaluation.
20	MR. CAPIZZI: Correct.
21	MR. KELLY: I'm requesting a traffic
22	evaluation.
23	MR. CAPIZZI: Well, we're not going to
24	do that, Mr. Hubschman.
25	MR. HUBSCHMAN: Okay. Well, I'm not
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1	yeah, I'm not the boss but
2	MR. KELLY: No. I understand.
3	ACTING CHAIRWOMAN HERRIES: Mr. K
4	this is the engineer. I'm not sure he's the right
5	person to address what you're asking. It might be
6	better reserved to
7	MR. KELLY: I have one that he can
8	probably answer, okay. He's talking about

```
is that required by? The town?
 3
                  MR. HUBSCHMAN: It's in the ordinance.
    The town has a certain requirement, yeah.
                  MR. KELLY: So it's never been in
 6
    compliance with that.
 7
                  So you're trying to mitigate that by
 8
    basically covering a large portion of the property
 9
10
    with the parking lots.
                   MR. HUBSCHMAN: Well, we're proposing
11
    to create more parking onsite, if that's what you
12
13
     mean, yes.
                  MR, KELLY: You're going to put a
14
     couple of shrubs up over here.
15
                   MR. HUBSCHMAN: Well, we were proposing
16
     the green giant arborvitaes there, yeah. There's not
17
     a lot of room on that side.
18
                   MR. KELLY: Okay. I know these are not
19
     all questions for him. But this impacts me greatly.
20
     Because this is a small community church. It's been
21
     a small community church. And now it's going to be a
22
     car park basically in the middle of Alpine.
23
                   MR. CAPIZZI: Again, we're not leaving.
24
     So we're trying to find a place in order for us to
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                          201-641-1812
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requiring -- you said 72 spots are required between the use of the community house and the church. Who

2

elly, mitigation, water mitigation from here. So this is a slope, right? 10 MR. HUBSCHMAN: Right. 11 MR. KELLY: So you're going to somehow 12 push the water onto the -- how are you going to do 13 14 that. MR, HUBSCHMAN: Well, everything is 15 designed to pitch the new parking lot to the south, 16 right, so there would be no -- this is curved. So 17 there's no runoff on your property at all. 18 MR, KELLY: Oh, I'm not worried about 19 just my property. I have other neighbors that are 20 impacted immensely by that, or could be because it is 21

pavement that we're proposing mitigates any ---

MR, KELLY: Okay, And you're

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MR. HUBSCHMAN: And with the pervious

	• •
1	park, not on the street. So we have two options. We
2	can drag this out, because we're not leaving.
3	MR, KELLY: I didn't think you were.
4	MR. CAPIZZI: This is option A, which
5	is park on off property, off the street. Or
6	option B is we continue to use the roadway. We're
7	preferring to go option A.
8	MALE AUDIENCE MEMBER: Why don't they
9	valet park to the city parking lot.
10	MR. CAPIZZI: If you want to come up
11	and ask the question
2	MR. KELLY: I'm just asking the
13	question.
14	ACTING CHAIRWOMAN HERRIES: These ar
15	questions for the engineer.
16	(Audience Outburst.)
17	MR. KUPFERSCHMID: Not shouting, just a
18	procedure.
19	MALE AUDIENCE MEMBER: I just asked as
20	an option. They can valet park and they can put it
21	all in the town parking lot. Nobody's here on
22	Sunday.

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put on the communion plate will determine what we can

MR. CAPIZZI: Depending on how much you

23

24

25 do.

22

23

24

25

a slope down.

A	45		47
1	Listen, we're not going to open our	1	you know.
2	wallets let's wait to be called.	2	MR. KUPFERSCHMID: You said no
3	MR. KATES: Sir, she's trying to take	3	materials have been brought in? No changes to the
4	your testimony. You haven't been identified.	4	MR. HUBSCHMAN: I mean, not to the
5	MALE AUDIENCE MEMBER: That's fine.	5	parking lot. We just drove over there, and the
6	I just asked the question.	6	paving all looks pretty uniform up to that end there.
7	MR. KATES: Well, asking a question	7	MR. CAPIZZI: Well, Mike, there is a
8	there's an order here. The order is you identify	8	material pile on the stone church property,
9	yourself in turn and you ask your question. You're	9	Can you just discuss that with the
10	going to drive the poor lady crazy.	10	board and what function that's serving, if any?
11	MALE AUDIENCE MEMBER: Thank you.	11	MR. HUBSCHMAN: I don't know, There
12	I thought that whole thing driving	12	was some gravel dumped at the end of the some
13	spaces 20 minutes drove her crazy.	13	gravel, loads of gravel.
14 15	ACTING CHAIRWOMAN HERRIES: Are there	14	(Audience outburst.)
16	any other questions for this witness?	15	MR. KATES: No, please.
17	MR. KATES: Yes.	16	MR. CAPIZZI: Mr. Hubschman, is that
	You can stand now and identify	17	gravel area functioning as a parking area.
18 19	yourself.	18	MR. HUBSCHMAN: Not now.
20	MR. POLICANO: Robert Policano,	19	It's all it's just piles of gravel,
21	979 Closter Dock Road.	20	right, and recycled concrete, yeah.
22	I think you're underestimating the water runoff of the extension.	21	MR. CAPIZZI: So the curbing that
23		22	exists at the end of the 22 parking
24	Coming out, it's east. It's not south, okay.	23	ACTING CHAIRWOMAN HERRIES: Can we have
25	Right now there's an issue on West Main	24 25	quiet please in the audience?
20	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	25	MS. MYUNG: Yes.
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			201-047-1012
	46		48
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1 2		1 2	
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	49		51
1	Your question, please.	1	Two piles were leveled off on the wall. There's one
2	MR. GARABET: So my question is, my	2	pile left.
3	house is right by the gate, right over there,	3	MR. HUBSCHMAN: Right.
4	15 feet, 20 feet from my gate. The water comes down	4	I've been there.
5	down like they put septic in the back over there.	5	I saw the piles. But we had nothing to
6	So when they put the septic, the whole water was on	6	do with that. I had nothing to do with it.
7	my grass. And they destroy things. They don't fix	7	ACTING CHAIRWOMAN HERRIES: Are there
8	it. They don't do nothing. They're supposed to put	8	any other questions from the audience?
9	some trees,	9	MR. REEVES: David Reeves, 19 Ridge
10	Here now when you're paving, where the	10	Street.
11	water is going to go? On my property again, no?	11	MR. KATES: Reeves? I'm sorry.
12	It's only 20 feet. It's 20 feet from my bedroom.	12	MR. REEVES: R-E-E-V-E-S.
13	MR. KATES: Let him answer you, if he	13	MR. KATES: Your first name,
14	can.	14	Mr, Reeves.
15	MR. HUBSCHMAN: I know when they	15	MR. REEVES: Say it again.
16	installed the septic system, there was supposed to be	16	MR, KATES: Your first name.
17	more of a wall and swale on top of that.	17	MR. REEVES: David.
18	Well, there was a supposed to be, I	18	It's hard to see from there,
19	said.	19	Mr. Hubschman.
20	MR, GARABET: Mr. Hubschman, they put	20	Sara and I, and some others, we've been
21	the septic over there and they did the test pit.	21	going to that church since 1976.
22	MR. HUBSCHMAN: Are you going to let me	22	And it's a wonderful church. You have
23	answer? All right, thank you.	23	a wonderful building there. And we were witness to
24	And our plan does reflect that, the way	24	resurfacing the current parking lot about ten years
25	the wall was supposed to be brought up a little bit	25	ago.
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	201-641-1812		201-641-1812
	50		52
1	50 and swale down toward Closter Dock there. It didn't	1	And my question here is, I see a
1 2		1 2	And my question here is, I see a buffer. I could see no buffer from there. I see a
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	53		55
1	==== and anaron nave any concern as to	1	way that's true.
2	t and an arrangement of the transfer of the tr	2	And the question is, where the church
3	, , , , , , , , , , , , , , , , , , , ,	3	resided originally before this location and where the
4	via you be being a good heighbor by	4	residence of the church reside, I'm not sure there
5	3	5	are many in Alpine, or in Closter, or in Cresskill.
6	MR. CAPIZZI: We're not reducing the	6	MR. CAPIZZI: It's not material, sir.
7	buffer my 95 percent.	7	
8	As you said, when you were a member of	8	the lawyer himself your name, sir? I'm sorry.
9	the church, the parking lot as it stands today is	9	MR. CAPIZZI: Matthew Capizzi.
10	3 feet off. We're extending that. We're actually	10	MR. REEVES: Mr. Capizzi.
11	improving the condition from what it was when you	11	MR. CAPIZZI: Yes, sir.
12	were a member.	12	MR. REEVES: Mr. Capizzi sald this
13	MR. REEVES: That's a matter of	13	would improve it because it's a house of worship.
14	opinion, I submit to you.	14	MR. KATES: He said it's essentially an
15	MR. CAPIZZI: The numbers are the	15	inherently beneficial use, whoever attends the
16	numbers. We're going from 3 to 5.	16	church. The law requires
17	MR. REEVES: From 3 feet to 5 feet, so	17	MR. REEVES: I would differ that if
18	that's an improvement.	18	you're coming from a distance away, you are using the
19	What would you say the impact is on the	19	church and using the community, not necessarily
20	neighbor that you have there?	20	benefiting it.
21	MR. CAPIZZI: We believe we've	21	MR. KATES: Well, the law doesn't look
22	addressed it appropriately.	22	at it that way. It's like a hospital. A hospital is
23	Mr. Hubschman, can you go through the	23	an inherently beneficial use. Not every patient is a
24	buffering again, and the adequacy of the buffering.	24	resident of the community where the hospital is
25	MR. REEVES: Addressing it	25	located.
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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	54		207-641-1812 56
1		1	
1 2	54	1 2	56
	54 appropriately is one thing.		56 MR. REEVES: Right. Yeah. MR. KATES: The same content.
2	54 appropriately is one thing. The impact on	2	56 MR. REEVES: Right. Yeah.
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			59
	57	1	I can appreciate that.
1	That's fine.  MR. HUBSCHMAN: I mean, historically	2	MR. KUPFERSCHMID: Is the applicant
2		3	here tonight?
3	I thought you were talk about the footprint of the MR. KUPFERSCHMID: I'm saying what's	4	MR. CAPIZZI: Yes.
4		5	MR. KUPFERSCHMID: Maybe the applicant
5	taking place. I think this is as of recent.  MR. HUBSCHMAN: Recently, you know, I	6	later will be able to address these.
6	wasn't party to that, but there was a sidewalk added	7	MR. CAPIZZI: I don't think so.
7	to the west side I'm sorry the south side of	8	The mea culpa, I think, is sufficient.
8	i de la companya de	9	You know, to pepper him more about things that we
9	the church.  MR. KUPFERSCHMID: Is that in the	10	know he shouldn't have done
10	1	11	MR, KUPFERSCHMID: This isn't a
11 12	drawings.  MR. HUBSCHMAN: No.	12	peppering.
13	MR. KUPFERSCHMID: I'm just trying to	13	MR, CAPIZZI: Understood.
	clarify.	14	MR. KATES: It's relevant to know what
14 15	MR, HUBSCHMAN: You're correct.	15	the existing conditions are.
16	And then there is a sidewalk that was	16	MR, CAPIZZI: Right.
17	added along the south side of the community building.	17	And that can be done through an amended
18	There was an existing macadam walk along there that	18	plan set.
19	was replaced with a concrete walk.	19	MR, KATES: All right. So maybe that's
20	MR, KUPFERSCHMID: So what we're	20	what we'll need.
21	looking at as far as existing isn't actually	21	MS. MANGOT: Hi. Allison Mangot.
22	existing.	22	MR. KATES: Spell your last name,
23	MR. HUBSCHMAN: It was existing in	23	Allison.
24	whatever the date of the drawing is, right.	24	MS. MANGOT: M-A-N-G-O-T.
25	MR. KUPFERSCHMID: But as of now we	25	ACTING CHAIRWOMAN HERRIES: And your
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	201-641-1812		201-641-1812
	58		60
1		1	address, please.
1 2	58 don't have up-to-date MR. HUBSCHMAN: Right.	2	address, please. MS. MANGOT: 19 Old Dock.
	58 don't have up-to-date	2 3	address, please. MS. MANGOT: 19 Old Dock. Your plan has me in that house, but
2	58  don't have up-to-date  MR. HUBSCHMAN: Right.  That's not shown on the drawings.  You're correct, yes.	2 3 4	address, please.  MS. MANGOT: 19 Old Dock.  Your plan has me in that house, but it's wrong. Because that gentleman lives in that
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1	61 MS. MANGOT: So your plan isn't	4	63
2		1 2	around
3		3	MS. MANGOT: I was just curious if people are complaining.
4	after we submitted the plans, yes.	4	ACTING CHAIRWOMAN HERRIES: Yes.
5	MS. MANGOT: Well, you said you were	5	MS. REEVES: Sara Reeves, R-E-E-V-E-S.
6	there so	6	MR. KATES: Your first name is.
7	MR. HUBSCHMAN: I was there today. I	7	MS. REEVES: Sara, S-A-R-A. 19 Ridge
8	was there.	8	Street. I'm with him. I have a question.
9	MS. MANGOT: You saw it. Well, you saw	9	You had something about handicap
10	it, right.	10	parking on Old Dock
11	MR. HUBSCHMAN: Well, we're going to	11	Is that correct?
12	resubmit an updated plan showing it.	12	MR. HUBSCHMAN: Well, we were proposing
13	MS. MANGOT: But you saw it.	13	the one ADA space for the community center on Old
14	My other question for you is, so since	14	Dock Road, yes.
15	then everything is, in quotes, nonconforming, are the	15	MR. CAPIZZI: It's not on the road,
16	rules for your parking, is that you know, for the	16	Michael.
17	amount of parking for the community center, for the	17	MS. REEVES: Why wouldn't you have
18	church, et cetera, et cetera I didn't know that	18	handicap parking in the parking lot where the person
19	there were rules for the community center, just for	19	can get to it.
20	the church does that acreage rule apply for the	20	MR. CAPIZZI: Michael, you're
21	nonconforming size of 2-and-a-half acres or for a	21	describing it as though it's in the road. It's not
22	5-acre lot,	22	in the road.
23	MR. HUBSCHMAN: No. The parking	23	MR. HUBSCHMAN: It's not in the road.
24	requirements are just based on the number of seats,	24	It's off of the road.
25	and it doesn't it's not part of the conditional	25	MS. REEVES: Why is it not in the
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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1	use ordinance, I don't believe.	1	parking lot of the church where the handicapped
2	MS. MANGOT: You believe but you're not	2	people can get into the church? You're now requiring
3	sure.	3	them to cross Old Dock.
4	MR. CAPIZZI: They're not, Michael.	4	MR. HUBSCHMAN: No, no. There are two
5	MR. HUBSCHMAN: It's not, no. The	5	ADA spaces on the church side also. It's a
6	parking section of the ordinance is not in	6	requirement that for each parking lot they have their
7	Section 200-10.	7	own ADA requirements.
8	MS. MANGOT: So it doesn't it's not,	8	MS. REEVES: Is there also one on the
9	like, a law that it has be.	9	south side on the east side.
10	MR. HUBSCHMAN: Well, the city or	10	MR. HUBSCHMAN: Right.
11	the Borough set up certain requirements and	11	There are two proposed on the church,
12	guidelines for parking, number of spaces per seat,	12	which is the west, and one proposed on the east side.
13 14	and that's how you design those.	13	So there are three total.
	The church has a certain number of	14	MS. REEVES: Why would you have one
15 16	seats, so they want 40 spaces for 120 seats.	15	away from the church? I'm just asking a question.
17	MS. MANGOT: And has there been any	16	MR. HUBSCHMAN: Well, because each
18	studies about the off-street parking, how it affects	17	that building requires has an ADA requirement to
19	the neighborhood on a Sunday.  MR. HUBSCHMAN: There hasn't been.	18	have a space.
20		19	MS. REEVES: So that's the community
21	But the whole reason for the project is to try to alleviate a lot of	20	house ADA requirement,
22	MS. MANGOT: Have there been	21	MR. HUBSCHMAN: Yes.
23	complaints?	22 23	MS. MANGOT: Those large circles on
24	MR. HUBSCHMAN: I don't know.		your other plan, were those for lighting.
25	But I understand there's parking all	24 25	MR. HUBSCHMAN: Those were let's see here.
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	20	
	201-641-1812		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
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	65	1	Has the fire department given a
1	MS. MANGOT: That's what I read. Those	2	required count, people count, for that church on how
2	right there, those.	3	many is allowed in that church?
3	MR. HUBSCHMAN: The circles.		MR, KATES: Did you receive anything?
4	MS. MANGOT: Yes.	4	MR, CAPIZZI: For our certificate.
5	MR, HUBSCHMAN: No. Those are proposed	5	
6	trees.	6	Within the building it's already posted with an
7	MS. MANGOT: Well, I think but I saw	7	occupancy limitation.
8	lighting.	8	MR. POLICANO: It's posted.
9	MR. HUBSCHMAN: Well, the lights are	9	MR. CAPIZZI: Within the building.
10	MS. MANGOT: Up to the left.	10	ACTING CHAIRWOMAN HERRIES: Are there
11	MR. HUBSCHMAN: This one.	11	any oh, go ahead.
12	MS. MANGOT: No. All the way up to the	12	MR. GOLDSTEIN: Lane Goldstein,
13	left.	13	23 Ridge Street.
14	MR. HUBSCHMAN: Right. There are two	14	Will we hear later with regards to the
15	lights proposed in the parking lot.	15	active count of parishioners at the church, families
16	And the Borough Engineer had requested	16	that are currently worshiping there?
17	that we move those to the north side.	17	MR. CAPIZZI: Undecided at this point,
18	MS. MANGOT: So those big those	18	sir.
19	three big things are trees.	19	MR. GOLDSTEIN: Also, there were no
20	MR. HUBSCHMAN: These are proposed	20	parking studies done to date with regards to on a
21	street trees, yes.	21	random Sunday, holidays, any kind of do we have
22	MS. MANGOT: No lights.	22	any idea as to how many vehicles are entering the
23	MR. HUBSCHMAN: Those are not lights.	23	property or entering the church area.
24	ACTING CHAIRWOMAN HERRIES: Yes.	24	MR. CAPIZZI: Michael, have you spoken
25	MR. REEVES: A point of order, I think.	25	to somebody from the church who has told you what the
20	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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	69		71
1	MR. KATES: Well, no, that's not true.	1	They could sell one side tomorrow, and
2	I mean, it's still it's still a valid point as to	2	
3	the actual use that's taking place in those	3	
4	buildings. It may not weigh heavily, but it's a fair	4	
5	question. And it seems to me that if you're	5	_ · · · · ·
6	producing somebody representing the church, it's a	6	
7	fair question to ask of that representative.	7	
8	MR. CAPIZZI: If we provide that	8	
9	testimony, then that person will speak to that issue.	9	
10	MR. KATES: And if you don't, then the	10	
11	board will have to decide whether that's	11	
12	MR. CAPIZZI: Right.	12	The state of the s
13	Whether that's material. Whether that	13	
14	assessment is at all material to a buffer variance or	14	and the grant is
15	an improved coverage variance I believe it's not	15	
16	but the board will ultimately have to determine	16	side, that eastern side is going to have these
17	that.	17	parking spots. We can't take it away.
18	MR. GOLDSTEIN: I have another just		MR. KATES: But they have to justify.
19	again going back to the use case. So you'll have to	18	They can't take it away without an approval.
20	excuse my naivety to the zoning ordinances and laws.	19	MR. KUPFERSCHMID: I think he's making
21	But we have two separate two separate	20	a good point.
22	zones with structures on each zone. And it seems	21	MR. KATES: The subdivision, itself,
23		22	brings into play the diminishing of existing spaces
24	that the numbers are getting blended in some cases	23	for the side that is retained, and maybe subdivision
25	and then are being separated in others.	24	would be defeated on that basis.
23	So all of this parking that's being	25	So we're not losing the law doesn't
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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2	added to a completely different piece of property is for the church, itself, and not the community center?	2	lose sight of what they have.  MR. CAPIZZI: We have no issue,
2 3	added to a completely different piece of property is for the church, itself, and not the community center? So the church, itself, requires 72 spaces?	2 3	lose sight of what they have.  MR. CAPIZZI: We have no issue,  Mr. Kates, recording cross easements, essentially
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1	property. 75
2	MR. GOLDSTEIN: But you're saying that
3	there's a hardship, that we're here today because of
4	a hardship.
5	But the church was purchased knowing
6	that this hardship existed.
7	MR. CAPIZZI: I haven't made any
8	statements about a hardship, sir.
9	MR. GOLDSTEIN: In the beginning, I
10	believe when you discussed the laws regarding zoning,
11	I thought that you said you mentioned
12	MR. CAPIZZI: I did mention the word.
13	I didn't say the application was predicated upon a
14	hardship.
15	MR. KUPFERSCHMID: So, Mike, my
16	fundamental issue is, they're not here to expand the
17	use of the structure.
18	MR, HUBSCHMAN: Yes.
19	MR, KUPFERSCHMID: The facilities.
20	They simply want to expand the parking because
21	they're busier.  But what if we have a commercial
22 23	district and, you know, it's young Amazon and they
24	have this building. The building they buy, it has X
25	amount of spots, conforming, nonconforming, it makes
20	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	201-641-1812
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1	no difference, they buy the property.
2	And suddenly they take off and they go
3	wow, we need 1,000 parking spots. I know it a sounds
4	stupid. Understand the point. Like, so go find
5	another place.
6	Now, I know you can't tell a church to
7	pick up and go find another place.
8	But the point is the same, whether it's a church, whether it's a business. You can't just
9	say, well, we're busier so we need more. I'm all
10	about finding solutions for the church. Don't get me
11 12	wrong.
13	But to say that we're busier and, by
14	the way, the old rules that we're not conforming with
15	say we should have this much parking, you know, it's
16	a tough one. It's a real tough one.
17	MR. CAPIZZI: Mike, it's not a question
18	for you to answer.
19	Ms. Bogart will answer it.
20	Typically reducing a nonconforming
	and the state of t

MR. KUPFERSCHMID: Mike, if I can just 1 2 ask. MR. HUBSCHMAN: Sure. 3 MR, KUPFERSCHMID: We've had lots of 4 applications where people want to expand the use, and 5 therefore they have to bring up to the existing 6 7 standards for various needs. Here you're not expanding the use but 8 you seem to be saying well, we're required to have 9 this much space, we should have it. 10 And it's, kind of, almost backwards in 11 my mind, and going forward. You didn't expand 12 anything, but you're saying, well, we're required to 13 have this much parking so we should have it. And 14 just, I've never seen that happen. 15 MR. HUBSCHMAN: Well, the property is 16 nonconforming to parking so we're trying to bring it 17 more into conformance and get the cars from parking 18 19 on the street. MR. GOLDSTEIN: I'm sorry. 20 Can I ask just a follow-up to that, 21 because that was on my mind; I was going to ask it 22 later to the operator but I guess I'll ask it now. 23 For 156 years the church remained the 24 same size and had 20 spaces. Now, granted times are 25 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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different now, but when the church was purchased, the church was purchased and there were 100-and-some-odd seats within the church and there were 20 spaces outside.

What changed between when the church was purchased that now today there's a hardship that needs to be dealt with?

MR, CAPIZZI: That's not a question for 8 the civil engineer to answer. 9

MR. GOLDSTEIN: Okay. Who would answer 10 11 that question?

MR. CAPIZZI: There's no need to -- we may or may not have a witness to address that question, sir. 14

I think we're really -- we're going down a path here as far as the nature of how the Alpine Community Church may have operated, which is not material, in my opinion, to this application.

And how this church operates is equally 19 not material because we have a Certificate of 20 21 Occupancy to be here.

It's an existing house of worship. 22 23 It's entitled to operate.

To me, this application is simply 24 taking a parking need and putting it onto the church 25

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

201-641-1812

condition is -- not typically -- it's always favored.

To suggest that somehow it's an oddity that we're

taking upon ourselves to voluntarily cure something

we may not have the obligation to do so and somehow

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

201-641-1812

that's negative, I don't understand how that becomes

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1	The state of the s	1	The National Paris Records again, The
2	The first of the f	2	paramaged their mode
3	certainly as far as thinking it's somewhat of an	3	based on the way the neighborhood exists today
4	oddity to resolve or mitigate a nonconforming	4	existed when they bought it. We bought it a long
5	condition.	5	time ago.
6	And the standards that are applied to a	6	MR. KATES: Is this a question for
7	commercial business are not nearly the same as they	7	Mr. Hubschman?
8	are to apply to a house of worship, so,	8	If it's a comment, I've said now seven
9	unfortunately, the hypothetical isn't a good	9	times, you'll have your opportunity to make comment.
10	parallel.	10	
11	MR. KUPFERSCHMID: I have a fundamental	11	Mr. Hubschman.
12	issue with that separation. I don't feel either side	12	MR, REEVES: And my point my point
13	should have any special treatment. That's my	13	
14	personal belief.	14	proposal in terms of the especially the buffer
15	But the law says it.	15	zones, especially for the neighboring house, okay,
16	MR. CAPIZZI: Exactly right.	16	this changes the environment of the neighboring
17	ACTING CHAIRWOMAN HERRIES:	17	house. And that's so while it may be alleviating
18	Mr. Garabet?	18	a hardship from the church, okay, it is putting a
19	MR. GARABET: My question is regarding	19	hardship on the neighbor and the neighborhood.
20	there's only 20 feet from my window. And engines of	20	ACTING CHAIRWOMAN HERRIES: Do any
21	the car, how are they going to solve this problem	21	board members have other questions for Mr. Hubschman?
22	from the engines going through my windows in my	22	MR, KATES: Just one.
23	bedroom.	23	Mr. Fergus, in referring the matter to
24	MR. HUBSCHMAN: Well, we're proposing	24	us, doing his zoning review, mentioned site plan
25	the 20-foot buffer, which would be adequate with the	25	review as part of this.
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	201-641-1812		201-641-1812
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1 2	two rows of two or three rows of the arborvitaes, you know, on a nice berm, which would solve the	1 2	And I assume that although it's not
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1	MR. FRENZEL: I have a couple issues.
2	MR, KATES: Mr. Frenzel is the board's
3	Mr. Frenzel is the board's engineer. Can you
4	speak to the
5	MR. KUPFERSCHMID: They're asking you
6	to bring the mask bring that closer.
7	MR. FRENZEL: I'll be glad to.
8	Regarding the property on the east side
9	of Old Dock Road, you and I were out there a while
10	ago and we did some explorations for possible
11	expansions, replacements, of the septic fields if it
12	would be necessary.
13	The parking lot where it is situated,
14	or proposed to be situated, would that negate the
15	ability to replace a septic system for either of
16	those facilities?
17	MR. HUBSCHMAN: No.
18	I remember where we had investigated
19	were both the systems were more or less behind the
20	building, so the parking is sort of in between the
21	two systems.
22	MR. KUPFERSCHMID: Are those single?
23	MR, HUBSCHMAN: Just single, old
24	systems, yes.
25	MR, FRENZEL: Single older systems.
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1	One looked like it was either just a septic tank, or

side. I understand the need for it. I understand the issue with the slope and the maximum allowable longitudinal slope of the path for ADA-subject people. And I understand that that is probably about the only area you could put an ADA compliant space on 8 that side of the street. The thing I don't care for is the fact 9 10 that whoever parks in that space has to back out onto the road. I'd like to explore, or you to explore and 11 I can take a look at it, if there's any way to turn 12 that 90 degrees so we can get it off of the road but 13 parallel to the road rather than causing someone to 14 back out. 15 MR. HUBSCHMAN: Right. Well, I'll take 16 a look at that with the revised plan. 17 MR. KUPFERSCHMID: Perry, you just 18 brought up something I didn't think about. Here I am 19 thinking this expansion of parking to regulations. 20 But if we've got this greater use now we're looking 21 at this expansion, if we don't have septics that are 22 up to current code and dealing with it. You're going 23 to have a problem with the septic fields because the 24 septic can't fit on the property.

are going to be submitted, I'd like to talk my way through it with you --- with the ADA space on the east

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2 it could have been just an old seepage pit. That's
    why I asked. Because at some point in the future if
4 this -- this property is more used, they're going to
5 need to be expanded.
                  So if there is adequate room to do that
    and the parking lot is not going to expand it, that's
7
    an important issue.
8
                  ACTING CHAIRWOMAN HERRIES: Would the
9
    construction of the parking lot impact those existing
10
11
    systems negatively?
                  MR. FRENZEL: I don't think so.
12
                  ACTING CHAIRWOMAN HERRIES: Heavy
13
14
    equipment or...
                  MR. FRENZEL: No. They're located far
15
    enough away from the area that would be disturbed,
16
17
18 I don't see that that's the issue. I see future
     expansion would be more of a concern. I believe that
19
20 -- my opinion was that there is adequate room to do
     that. But I just wanted to make sure that the
21
     parking lot wasn't going to be on top of one of those
22
     systems the way it's constructed right now or to be
23
     constructed.
24
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I have an issue -- and if revised plans

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                  MR. KUPFERSCHMID: We have old septic
2
    systems.
                  MR. FRENZEL: You have -- on the church
3
    side you have a new system.
                  MR, KUPFERSCHMID: Yeah. I'm talking
5
6
    about the other side.
                  MR, FRENZEL: The east side you have a
7
    residence for the --- for the pastor.
8
                  MR. KUPFERSCHMID: Then we have the
9
10
    community house.
                  MR. FRENZEL: Right.
11
                  The community house, that may take a
12
    look at, may warrant taking a look at, sure.
13
14
              On the other side of the road, I'd also
15 like to focus in the revised plan on the water course
    from the expanded parking lot down to Closter Dock
16
     Road. I'd like to see if there's any way we can
17
     create a swale closer to the church building rather
18
     than up near Mr. Garabet's property to get the water
19
     away from that edge of the property.
20
                  MR. HUBSCHMAN: Yeah.
21
                  MR. FRENZEL: The last thing I have is
22
     a question. The church parking lot on that side of
23
     the street, you're showing a parking lot with a width
24
     of 32 plus 23 feet, 55 feet, and then a 5-foot buffer
25
             LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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25

		,	Here.
1	hetween the parking let and the house to the world	,	87
2	between the parking lot and the house to the north.  for the property to the north.	1	The state of the s
3		2	1.7
4	would that not so reduce the parking lot to the point	3 4	
5	where that row of parking along the northerly edge	5	MR. KUPFERSCHMID: Well, that's all brand-new.
6	would not be usable?	6	MR. ABAD: It is brand-new.
7		7	MR. KUPFERSCHMID: They didn't have
8	side, you cut those spaces down to about 11-feet	8	restrooms there before.
9	deep?	9	MR. HUBSCHMAN: Yeah, that's new.
10	MR. HUBSCHMAN: Right.	10	It was just installed a year or so ago.
11	The proposed you would lose all of	11	MR. FRENZEL: We have to keep in mind
12	the proposes spaces. And the existing is 3 feet.	12	with that, this is not a 24-hour-a-day, 7-day-a-week
13	So we tried to hold 5 feet, which would	13	use. This is an occasional use.
14	be adequate for an arborvitae in that area.	14	So we believe it is adequate, more than
15	MR. FRENZEL: So if there was a deeper	15	adequate actually.
16	buffer on that side, you'd effectively lose what	16	MR. KUPFERSCHMID: And it's a brand-new
17	you're trying to gain by losing that entire row of	17	system.
18	parking on that side.	18	MR. FRENZEL: Right.
19	MR. HUBSCHMAN: You'd lose the nine	19	MR. REEVES: I'll be very quick because
20	spaces, yeah.	20	I've talked a lot tonight. My family accuses me of
21	MR. KUPFERSCHMID: Mike, why couldn't	21	this all the time.
22 23	the whole thing be shifted closer to the church so	22	Having been very, very familiar with
24	basically the parking lot where they have their	23	this this area because we're so close we were
25	paver walk? It's just not a paver walk anymore.  MR. HUBSCHMAN: We could do that.	24	involved in the church, okay. And to see the buffer
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	25	zone of 5 feet is this much, okay, 5 feet isn't much
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	86		88
1	But we were trying to align it with the	1	for a buffer zone, okay, for your closest neighbor,
2	original, and thought we could jog it to the left.	2	okay. You all know Mr. Hubschman, you know as
3	MR. KUPFERSCHMID: If you're doing that	3	• •
4		3	well I'll address it to you as required that
7	much work, you can change the whole long, move it	4	well I'll address it to you as required that there is by layman's guess at least a quarter acre,
5	over.		well I'll address it to you as required that there is by layman's guess at least a quarter acre, maybe more, east of the community house and the
5 6	over.  MR. HUBSCHMAN: Just move the whole	4	there is by layman's guess at least a quarter acre,
5 6 7	over.  MR. HUBSCHMAN: Just move the whole thing over.	4 5	there is by layman's guess at least a quarter acre, maybe more, east of the community house and the
5 6 7 8	over.  MR. HUBSCHMAN: Just move the whole thing over.  MR. KUPFERSCHMID: Give some relief to	4 5 6 7 8	there is by layman's guess at least a quarter acre, maybe more, east of the community house and the manse, and that has been basically lost land for as
5 6 7 8 9	over.  MR. HUBSCHMAN: Just move the whole thing over.  MR. KUPFERSCHMID: Give some relief to the neighbors.	4 5 6 7 8 9	there is by layman's guess at least a quarter acre, maybe more, east of the community house and the manse, and that has been basically lost land for as long as we've been here probably 50 or 100 years more. And we were the parking lot to be positioned east of the community house so that you cannot
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5 6 7 8 9 10 11	over.  MR. HUBSCHMAN: Just move the whole thing over.  MR. KUPFERSCHMID: Give some relief to the neighbors.  MR. HUBSCHMAN: You could probably move it over 8 feet or so, right.	4 5 6 7 8 9 10	there is by layman's guess at least a quarter acre, maybe more, east of the community house and the manse, and that has been basically lost land for as long as we've been here probably 50 or 100 years more. And we were the parking lot to be positioned east of the community house so that you cannot impinge upon the Kelly residence and upon Bob's residence, which you are doing now in an awful way.
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ند	work and expense I grant you	1	you'd like to see them in advance of the next
1	work and expense, I grant you.  But it would save the impingement upon	2	meeting.
2	the neighbors close to the church.	3	MR. CAPIZZI: So that will be 5-19-22
3	MR. HUBSCHMAN: From an engineering	4	without further notice, correct.
4	point, it really couldn't be moved any further east	5	MR, KATES: That's correct.
5 6	than I've shown it here.	6	(Whereupon, the matter is continuing at
_	MR, ABAD: Do you have wetlands?	7	a future date. Time noted: 9:10 p.m.)
7 8	MR. HUBSCHMAN: We had an LOI here, a	8	
9	wetlands and a 50-foot transition. And it's very	9	
10	steep in that area.	10	
11	MR. ABAD: So the whole building	11	
12	envelope is that dashed line there.	12	
13	MR. HUBSCHMAN: Right. That dashed	13	
14	line inside of that is basically	14	
15	MR. ABAD: The building envelope,	15	
16	right.	16	
17	ACTING CHAIRWOMAN HERRIES: Are there	17	
18	any other questions for Mr. Hubschman?	18	
19	MR. KATES: You'll be back,	19	
20	Mr. Hubschman, I assume, so that we'll be renewing	20	
21	this line of questioning again to a certain extent.	21	
22	Do we want to take a brief break for	22	
23	the reporter?	23	
24	ACTING CHAIRWOMAN HERRIES: Sure.	24	
25	MR. KATES: We'll resume then with our	25	
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1	next witness.	1	CERTIFICATE
2	(Whereupon, a brief recess is held.)	2	A DONDA L DEINSTEIN a Cortified Court
3	ACTING CHAIRWOMAN HERRIES: We'd like	3	I, RONDA L. REINSTEIN, a Certified Court  Reporter of the State of New Jersey, authorized to
4	to reconvene.	4 5	administer oaths pursuant to R.S.41:2-2, do hereby
5	MR. CAPIZZI: So, Madame Chair, we'd	6	certify that the foregoing is a true and accurate
6	like to take the opportunity to carry the matter to	7	transcript of the testimony as taken stenographically
7	the next hearing date so we can have an opportunity	8	by and before me at the time, place and on the date
8	to clean up the plan set to see what we can do to	9	herein before set forth, to the best of my ability.
9	modify the parking area on the church property so as	10	I DO FURTHER CERTIFY that I am neither a
10	to put it on an angle and see if we can increase that	11	relative nor employee nor attorney nor counsel of any
11	buffer and address some of the other concerns that the board and the neighbors have raised this evening.	12	·
12	MR, KATES: That said, we're going to	13	•
13	continue this hearing. Our May date is May 19.	14	
14 15		15	
		16	
16 17	If the applicant can please get your	17	
		18	
18 19	and the second second	19 20	
20	· · · · · · · · · · · · · · · · · · ·	21	
21		22	
22		23	
23		24	
24	and the second s		RONDA L. REINSTEIN, CCR No. 30X100217800
25		25	
_~	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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BOROUGH OF ALPINE
1
               ZONING BOARD OF ADJUSTMENT
                THURSDAY, APRIL 21, 2022
2
                       7:30 P.M.
3
                                     TRANSCRIPT OF
    IN THE MATTER OF:
4
                                    PROCEEDING
    APPLICATION OF
5
    CHURCH OF THE LORD,
    995 CLOSTER DOCK ROAD,
6
    BLOCK 47, LOT 2,
    10 OLD DOCK ROAD,
    BLOCK 48, LOT 1.01.
7
    B E F O R E:
9
    RICHARD GLAZER, CHAIRMAN (ABSENT)
10
    TONY CLORES, VICE CHAIRMAN (ABSENT)
11
    ELIZABETH HERRIES, ACTING CHAIRWOMAN
12
    GEORGE ABAD, JUNIOR, MEMBER
1.3
    RICHARD BONHOMME, MEMBER
14
    ANTHONY BARBIERI, MEMBER
15
    DAVID KUPFERSCHMID, MEMBER
16
    AMY LERNER, ALTERNATE 1 MEMBER
17
18
19
20
        LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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 9
     ALSOPRESENT:
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     JO ANNA MYUNG, Board Secretary
11
     PERRY F. FRENZEL, P.E., Board Engineer
12
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1	<u>INDE</u>	X	
2	WITNESS	SWORN	TESTIMONY
3	MICHAEL J. HUBSCHMAN, P.E. Direct Examination by Mr. C	14 apizzi	19
4	Board/Professional Question Mr. Kupferschmid	S	20, 33
5	Mr. Kates Acting Chairwoman Herries		37, 79 82
6	Mr. Frenzel Public Questions		8 1
7	John Kelly 9 Old Dock Road		3 9
8	Robert Policano 979 Closter Dock Road		4 5
9	<b>Leon Garabet</b> 987 Closter Dock Road		4 8
10	David Reeves 19 Ridge Street		51
11	Allison Mangot  19 Old Dock		5 9
12	Sara Reeves 19 Ridge Street		63
13	Lane Goldstein 23 Ridge Street		67
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		I N D E X (CONTINUED)	
		E X H I B I T S	
3	NO.	DESCRIPTION	IDENT/EVI
1	A-1	Proof of Publication in The Record: April 10, 2022	17
5	7. 0		1 /
5	A-2	Certified mailing to Residents Within 200' on April 8, 2022 per Tax Assessor's List April 7, 2022	17
'	A-3		
	<b>A</b> -3	Application received January 6, 2022 signed and Dated January 5, 2022 with	
		Rider and attachments: Proposals And Reasons for Relief Tax Collector	
		Proof of Statement dated June 18, 20 - Tax Exempt 200' Property Owners'	
		September 30, 2021	17
	A – 4	Borough Engineer's letter Dated September 20, 2021 and	
		Zoning Officer's Review letters Included from our files:	
		Zoning Officer review letter dated July 19, 2021 for 10 Old Dock Road	
		Block 48 Lot 1.01, Zoning Officer Review letter dated July 19, 2021	
		For 995 Closter Dock Road Block 47 Lot 2	17
			1 /
	A-5	Photo Exhibit - set of 2 color Photos not dated, not signed	17
	A-6	Soil Moving Report signed and	
		Sealed by Michael J. Hubschman, PE PP dated December 31, 2021	17
	A-7	6-Foot Boulder Wall Calculations Report signed and sealed by	
		Michael J. Hubschman, PE PP dated January 3, 2022	17
	A – 8	Storm Drainage Report signed and	
		Sealed by Michael J. Hubschman, PE P Dated December 28,2021	P 17

# I N D E X (CONTINUED)

## EXHIBITS

1

2

-		
3	NO.	DESCRIPTION
4	<b>A</b> – 9	Engineering Plans consisting of 6 pages signed and sealed by
5		Michael J. Hubschman, PE PP dated June 24, 2021, last revised
6		December 20, 2021 except for
7		Sheet 6 as noted below: Drawing # 3882-4 "Site Plan"
8		Drawing # 3882-5 "Grading, Drainage & Utility Plan/Details" Drawing # 3882-6 "Lighting/Landscaping Plan & Details"
9		Drawing # 3882-7 "Soil Erosion Sediment Control Plan & Details" Drawing # 3882-8
10		"Existing Conditions Plan" Drawing # 3882-9 "Cross Sections & Soil Moving
11		Plan" dated December 29, 2021 17
12	A-10	Supplement cover letter from Matthew G. Capizzi, Esq. Dated February 16, 2022
13		Along with: Soil Moving Permit Application with Check List for
14		Determining completeness of review 17
15	A-11	Drawing # 3882-4 "Site Plan" previously submitted as part of exhibit A-9 now
16		colorized 18
17	A-12	Drawing # 3882-5 "Grading, Drainage & Utility Plan/Details" previously
18		Submitted as part of exhibit A-9 but Plan presented during April 21, 2022
19		Meeting is colorized 18
20	A-13	Drawing # 3882-6 "Lighting/Landscaping Plan & Details" previously submitted as
21		Part of exhibit A-9 now colorized 19
22		
23		
24		
25		

1	ACTING CHAIRWOMAN HERRIES: And so the
2	Church of the Lord application.
3	MR. CAPIZZI: Good evening, Madame
4	Chair.
5	Matthew Capizzi on behalf of the
6	applicant.
7	Just as a point of clarification, as I
8	do have the Tracey Marrow application as well, we're
9	going to be adjourning that matter this evening.
10	Unfortunately, we received late notice
11	that one of our professionals is not available. So
12	whether you want to dispose of that now and adjourn
13	it or later on in the agenda, you let me know.
14	MR. KATES: Let's announce the date of
15	the next meeting. It will be May.
16	MS. MYUNG: May 19th.
17	MR. KATES: The Marrow application is
18	being adjourned to May 19 without further notice
19	being required, on the request of the applicant's
20	attorney.
21	Anyone here interested in that matter,
22	you're certainly welcome to stay, but there will be
23	no testimony tonight.
24	MR. CAPIZZI: Thank you.
25	So, Madame Chair, if I may, just a

brief opening statement on the Church of the Lord application.

ACTING CHAIRWOMAN HERRIES: Of course.

MR. CAPIZZI: So as the board is aware, this is the former location of the Alpine Community Church. The Church of the Lord purchased the property in November of 2019 and has been holding services at the stone church property since that time.

What we're seeking to do by way of this application is add some additional off-street parking.

As the board members may be aware, the property consists of essentially two parcels that are separated by Old Dock Road. One is on the westerly side. It has the stone church building on it where services are held. And on the easterly side is the community center property and the pastor's manse, where we hold some other events, religious worship, religious education, services in that building.

At the stone church property there's a parking lot, a macadam parking lot, that has approximately 20 parking spaces. In the -- at the Community Center property there is no opportunity for off-street parking with the exception of the driveway

that services the pastor's manse.

Based upon the attendance at our services and with some room for expansion, we're proposing to add some additional parking at the stone church property, adding approximately 22 spaces to that lot.

And at the Community Center property, we're proposing to create a new parking area containing 25 spaces.

Once you bring the sum total online, it will give us an opportunity of approximately 67 spaces, which we believe would be sufficient for our demands on Sundays and whenever we may have special events at the property and so forth.

At present, we've been relying upon the macadam lot that's on the stone church property.

But, certainly, it doesn't provide a sufficient amount of off-street parking, so there is an amount of parking that has spilled over onto the local roadway network.

We believe by way of this application we'll be able to now take that parking that's on the local network and bring that off the roadway onto the church property.

The use of the house of worship is a

conditional use in the zone. It's been the subject of one prior application in 2007, 2008, thereabouts, where there was a portion of the Community Center property that was subdivided off.

1.0

1.2

But other than that, I'm not aware of any other historical applications concerning either property.

As far as the variance relief that's concerned, there are several nonconforming conditions at the properties as they stand today: Lot area, lot width, and so forth.

None of the nonconforming conditions are being exacerbated by way of this application with the exception of two, and they both pertain to the stone church property.

There is a buffer requirement that the parking area be approximately 100 feet off the property line.

At present, the parking area is only about 3. And we're proposing to continue that offset as we continue in a westerly direction with the expanded parking area.

However, you'll hear from Mr. Hubschman about some landscaping that's being proposed at that property to shield the vehicles from the adjacent

properties. And there's also a variance for improved lot coverage.

By virtue of expanding the parking area, we need variance relief to that particular item.

1.8

But, again, Mr. Hubschman will speak to the fact that the expanded parking area is made of gravel, so although it is improved, it certainly will have permeability, given the substrate from which it's being constructed.

I think it's important to note that as the board hears testimony from Mr. Hubschman and Ms. Bogart, our planner, as well as any comments and testimony that may be given by the neighbors, that the board be mindful of the variance criteria that's supposed to be applied to such a matter.

Having appeared before the board regularly, commercial applications, institutional applications such as this are not commonplace before the board, so the variance criteria is somewhat different.

First and foremost, houses of worship are considered inherently beneficial uses under the New Jersey Case Law. And that's of significant importance as the board considers the testimony

before it this evening.

Moreover, it's a conditional use variance, a D-3 variance, so the focus is typically on what is the impact of the applicant's inability to comply with that condition, here being the buffer requirement and the improved coverage requirement limitation.

The third aspect for the board to consider is the fact that the applicant is not complying with those two parameters, do they result in a substantial negative impact upon the neighborhood, and can that substantial negative impact be mitigated against with the imposition of certain conditions?

That's essentially a nutshell explanation of the legal standard that applies to a house of worship conditional use variance case.

As in any variance case, there are typically two prongs, a positive criteria and a negative criteria. The positive criteria being what about the property generates the need for the variance, or does the granting of the variance result in some public benefit that's achieved by way of the board granting the variance?

Because of the nature of the use, that

we're protected by New Jersey Case Law with that determination of being inherently beneficial, because the First Amendment of the New Jersey and U.S. Constitution protect one's ability to freely exercise their religion, and based upon the Federal Statute, FRLUA, that Mr. Kates may speak about at some point in time, that first prong is already deemed satisfied. 

So the law already says that the positive criteria, why you're before is not of relevance; we've already cleared the road for you as far as telling us why you need the variance and providing either some kind of hardship or public benefit testimony relative to that component.

And, essentially, the case distills itself to an analysis of the negative criteria. Will the granting of the variance result in a substantial negative impact upon the public good, essentially the neighborhood?

Before the board can arrive at a determination of substantial negative impact, it must first determine whether the board can impose certain conditions upon the applicant that would ameliorate, limit, that substantial negative impact.

It is only after the board has

considered those imposition of conditions and still finds that it would result in a substantial negative impact despite the imposition of those conditions that the negative criteria would fail.

2.1

Essentially, the law favors houses of worship. They want them to be in neighborhoods such as this. Your zoning ordinance wants them to be in this particular neighborhood. That's evident by the fact that we're a conditional use. It's evident by the fact that this church has existed since 1866 and continues to be a viable house of worship within the community.

For those reasons, it's why the standard is quite difficult in order for such an application to be denied.

And in essence here, we're really just dealing with some housekeeping. The nature of the church is not changing. The buildings are not being expanded. The number of seats is not changing. The kinds of services that are being provided are your typical Sunday service, weekday morning service, youth and adult educational services that you would find in any similar typical house of worship. So none of those things are changing.

The only thing we're looking to do is

1	take that parking that's occurring on the street,
2	bring it off the street and onto the church property.
3	We believe that we've provided a practical and
4	reasonable way to accommodate that need. And we
5	certainly look forward to presenting the application
6	before the board.
7	Madame Chair, if you don't have any
8	procedural questions of me, I can call Mr. Hubschman
9	at this time and have him go through the plan set.
10	ACTING CHAIRWOMAN HERRIES: That's
11	fine.
12	MR. KATES: Mr. Hubschman, would you
13	raise your right hand to be sworn.
14	MR. HUBSCHMAN: Yes.
15	MR. KATES: Do you swear the testimony
16	you're about to give to this board shall be the
17	truth, so help you God?
18	MR. HUBSCHMAN: Yes, I do.
19	MICHAEL HUBSCHMAN, PE, PP
20	263 South Washington Avenue, Bergenfield, New
21	Jersey, having been duly sworn, testifies as
22	follows:
23	MR. KATES: Madame Chair, Mr. Hubschman
24	has appeared before this board on numerous occasions.
25	I don't think we have to put him through for his

1	qualifications.
2	ACTING CHAIRWOMAN HERRIES: Agreed.
3	MR. KATES: He's acceptable?
4	ACTING CHAIRWOMAN HERRIES: Yes.
5	MR. KATES: Your witness.
6	MR. HUBSCHMAN: Thank you.
7	MR. CAPIZZI: Madame Chair, I was
8	provided with the board's list of exhibits, which I'm
9	prepared to accept by way of stipulation.
10	MR. KATES: What is it, A-1 through?
11	MR. CAPIZZI: This was A-1 through
12	A-11.
13	MR. KATES: Do we have any later
14	entries, Jo Anna?
15	MS. MYUNG: I am so sorry.
16	MR. KATES: To the witness list, the
17	exhibit list, A-11 is the last one Mr. Capizzi is
18	referencing.
19	MS. MYUNG: That's correct.
20	MR. KATES: That came in.
21	MS. MYUNG: That came in yesterday.
22	I was I was provided by our Building
23	Department the architectural engineering drawings,
24	listed as Exhibit A-11.
25	. Unfortunately, I did not get copies

1	to present to the board engineer.
2	MR. KATES: But we're including that in
3	the list you have A-11.
4	MS. MYUNG: That's correct.
5	MR. CAPIZZI: But this should be I'm
6	not aware of this plan, Madame Chair.
7	MR. KATES: No architectural plan.
8	MR. HUBSCHMAN: I don't believe so.
9	MR. CAPIZZI: No. Do you mind if I
10	take a quick look at that plan.
11	MS. MYUNG: Yes. I gave you a copy of
12	the exhibit list.
13	MR. CAPIZZI: Yes.
14	MS. MYUNG: And it's on Exhibit A-11.
15	MR. CAPIZZI: Right. Do you by chance
16	have a copy of that plan.
17	MR. KATES: Do you have a copy of the
18	plan.
19	MS. MYUNG: I'll find it. This is
20	exactly what was handed to me.
21	MR. CAPIZZI: This is something new to
22	me. This is not part of our application.
23	MS. MYUNG: That is not, okay.
24	MR. CAPIZZI: No.
25	MS. MYUNG: Thank you.

1	MR. CAPIZZI: Thank you.
2	MS. MYUNG: Sorry for the
3	inconvenience.
4	MR. KATES: So it's A-1 through A-10.
5	MR. CAPIZZI: Correct.
6	MR. KATES: We'll stipulate that is the
7	list without reading through it.
8	MR. CAPIZZI: Thank you.
9	(Whereupon, Documents are received and
10	marked as Exhibit A-1 - A-10 for
11	identification.)
12	MR. CAPIZZI: So, Mr. Hubschman, the
13	board has marked your site plan, last revised they
14	have it down as December 20th, 2021. Is that
15	correct?
16	MR. HUBSCHMAN: It's December 28th,
17	2021.
18	MR. CAPIZZI: That's what I thought.
19	MR. KATES: What exhibit is that.
20	MR. CAPIZZI: That's A-9. So we should
21	just note that is December 28th, 2021, is the last
22	revision.
23	MR. KATES: We have a colorized version
24	on the board.
25	MR. HUBSCHMAN: Yeah. I have three.

1	MR. KATES: So we'll make that A-11.
2	A-11 is the colorized site plan of A-9.
3	(Whereupon, Drawing # 3882-4 "Site
4	Plan" previously submitted as part of exhibit
5	A-9 but now colorized marked as Exhibit A-11
6	for identification.)
7	MR. KATES: Multiple sheets or just one
8	sheet.
9	MR. HUBSCHMAN: There are three sheets
10	colored. The Grading & Drainage Plan is colored. So
11	I guess that will be A-12.
12	MR. KATES: Yes.
13	MR. HUBSCHMAN: I have the same copy,
14	just colored.
15	MR. KATES: Um-hmm.
16	(Whereupon, Colorized Grading, Drainage
17	& Utility Plan is marked as Exhibit A-12 for
18	identification.)
19	MR. HUBSCHMAN: And then the Lighting &
20	Landscaping Plan is colored.
21	That would be, I guess, A-13 then,
22	right?
23	MR. KATES: Yes.
24	(Whereupon, Drawing # 3882-6
25	"Lighting/Landscaping Plan & Details"

1	previously submitted as part of exhibit A-9
2	now colorized is marked as Exhibit A-13 for
3	identification.)
4	MS. MYUNG: I'm sorry.
5	Mr. Hubschman, can you just repeat that
6	again? I have the drawing, Grading, Drainage &
7	Utility Plan details as Exhibit A-11.
8	MR. HUBSCHMAN: No, no. A-11 is the
9	Colorized Site Plan Sheet.
10	MS. MYUNG: Oh, I see. Okay.
11	MR. HUBSCHMAN: Right.
12	MS. MYUNG: All right, I got it.
13	MR. KATES: Colorized A-9.
14	MR. HUBSCHMAN: Right.
15	Then A-12 is the Colored Grading,
16	Drainage & Utility Plan.
17	And A-13 would be the Colorized
18	Lighting & Landscaping Plan.
19	MS. MYUNG: Thank you, Mr. Hubschman.
20	MR. HUBSCHMAN: Okay, thank you.
21	DIRECT EXAMINATION
22	BY MR. CAPIZZI:
23	Q. Mr. Hubschman, do you have an Existing
24	Conditions Plan that you can flip to?
25	A. I do, but it's not colored.

1	Q. That's fine.
2	A. It's easier. Sheet 5 of the set that
3	the board has is an Existing Conditions Plan. It's a
4	little hard to see now without it being colored.
5	Q. If you can just utilize that sheet just
6	for a quick discussion.
7	MR. KUPFERSCHMID: Mike, what is the
8	title? Is it Lighting & Landscape?
9	MR. HUBSCHMAN: No, no.
10	Sheet A-8, which is 5 of 5, that would
11	be the Existing Conditions Plan, the last sheet in
12	the set.
13	MR. KUPFERSCHMID: Thank you.
14	MR. HUBSCHMAN: Right.
15	All of the sheets are oriented the same
16	way with north being up.
17	MR. KUPFERSCHMID: Hold on one second
18	because my set is not following. This is my Sheet 4.
19	Thank you.
20	BY MR. CAPIZZI:
21	Q. All right. Mike, so take us through
22	the existing conditions, please.
23	A. Sure. Right.
24	Well, the sheets again, all of the
25	sheets are oriented

I'm sorry. MS. MYUNG: Excuse me. 1 Can we just unfold the sheets just 2 because this meeting is taped. 3 MR. HUBSCHMAN: Is everyone done? 4 BY MR. CAPIZZI: 5 Okay, Mike, let's resume. Q. 6 Α. Okay. 7 Again, north is up on all of the 8 sheets. Closter Dock Road is going from left to 9 right on the bottom. 10 The middle of the sheet is the Old Dock 11 Road that separates the two sites. 12 The Existing Conditions Plan shows to 13 the left, or to the west, the existing stone church, 14 the existing parking lot to the north of that, which 15 is a 22 spaces, I believe it was. 16 Twenty, I believe, Mike. 17 Q. Twenty. Right, 20. It turns into it. Α. 18 Then to the east are the Community 19 Center building. 20 And then to the -- on the corner to the 21 south of the Community Center is the existing 22 parsonage, or the reverend's house. 23 Going to the east, there is some sloped 24 areas, wooded areas, then wetlands just off the 25

1 property. 2 Q. Thank you. 3 So I had mentioned in my opening just 4 some of the limited parking opportunities. They are just principally on the stone church property. 5 6 Is that correct? 7 Α. Right. 8 There's the existing parking area, yes. 9 Q. Thank you. 10 Α. The floor is, like, sloped. 11 As far as the proposal, can you take us Q. 12 through the parking areas that you're going to be 13 enlarging? 14 Α. The proposal, sure. 15 I'm now going to Sheet 1. It shows the 16 new construction. We're proposing to add 18 spaces 17 to the west of the existing paved area. So that lot would have 42 -- yeah, that lot would have a total of 18 19 42 spaces. 20 Again, this is a little easier to see 21 for everybody because of the color. There's the 22 existing church in the center. The parking lot 23 existing is about half of that. So we're adding 18

And then on the east side where the

spaces to the west of that, two handicap stalls.

24

25

Community Center is, we're proposing a small parking area between the two -- the two buildings. There's 24 spaces in the parking area. And we're providing one ADA stall in front, because the grades really didn't work to have the ADA stall in the lot.

Q. Thank you, Mike.

As far as the landscaping and lighting components?

A. Right.

1.4

Then also this sheet shows, because of the slope we're proposing two retaining walls. The Landscape and Lighting is shown on Sheet 3, 3 of 5. Again, this is color.

We're proposing the Green Giant
Arborvitae and some buffer plantings around the
property, and some street trees.

- Q. Just for purposes of the record, Mike, can you just walk us through each particular lot and give us a description of the landscaping and lighting as to which one pertains to stone church and --
- A. Well, on the stone church, again we're proposing dark American arborvitaes, or the Green Giant arborvitaes that I'm sure everyone is familiar with. They're colored in that darker green color. They're proposed to be 7- to 8-foot planting height.

The lighting on the church is just small bollard lighting. We didn't propose any pole lighting on the church at all.

1.5

On the Community Center side, the same thing, some dark -- the green giant arborvitaes. And then there is some maple -- I'm sorry -- yes, red maples, street trees proposed.

And all the remaining lawn areas and trees are going to remain the same around the site.

Lighting, we were proposing two small pole lights on the side.

And Mr. Frenzel, in his letter, had requested that he thought it was better if we put the two lights on to face south, which we would of course do. We're showing the two lights facing north.

- Q. As far as on the stone church property, is there an ability to enhance the landscaping area and perhaps provide a double row of arborvitaes along the west?
- A. We're proposing a 20-foot buffer area. We could easily plant two or three rows of staggered green giants in that area, yes.
- Q. With the enhanced landscaping, would that buffer the expanded parking area from the neighboring properties?

Right, yes. The one neighboring Α. 1 property would be to the west. 2 Would that include a screening of the 0. 3 headlights from the vehicles? 4 Α. Right. 5 Most of the activity is during the day, 6 I guess, when they -- they're going to testify on 7 8 that. So there's not really a lot of 9 headlight usage there. 10 But, right, that would -- you know, 11 that would definitely shade the headlights, sure. 12 Thank you, Mr. Hubschman. 0. 13 So you had talked to us about the 14 landscaping components, lighting. How about 15 16 drainage? Drainage, going back to the Sheet 2 Α. 17 shows our drainage proposal. 18 The Community Center side, I think it 19 drains down towards the east to the wooded area. 20 That side drains to the Hudson River. And we're 21 proposing pervious paver. There's a strip of 22 pervious paver about 30-feet wide that would absorb 23 most of the water. 24

25

And that's a green -- you know, a green

1 technology now. They count that as green 2 infrastructure. The DEP looks favorable on that. 3 And having it not connected is also a 4 favorable new drainage concept, rather than piping It's really -- rather than just putting basins 5 in and piping it right to the wetlands to have it 6 7 flow through the wooded area. 8 A similar situation on the church side, 9 pervious pavers and then grading it towards whatever 10 the -- any additional run-off would grade towards 11 Closter Dock. 12 Ο. As far as the soil movement 13 considerations, can you discuss that for us, please? 14 Α. Right. 15 There's very minimal soil moving on the 16 church -- on the church side because it's pretty 17 level. 18 And then on the Community Center side, the soil moving, there's fill required for that rear 19 20 parking lot because the lot goes down. There's about 21 8 foot of fill at the back of the property. 22 It's generally flush with Old Dock Road, then it slopes down to about 6 percent. 23 24 And the quantities were -- let's see. There's 1,496 yards of fill on the east parking lot 25

or, you know, grading in order to bring that up to, like, a drivable grade going down.

O. Thank you, Mr. Hubschman.

As far as the buffer at the community property, the Community Center property, I know we have the dwelling -- excuse me -- the Community Center building on the north side of the parking lot. Will that provide an element of a buffer of that parking area?

A. This will, yeah.

Some of our original concepts were to have parking over on the north side of the building. That was kind of taken off the table. It was just not really fitting in with the neighborhood there. So that's why it was decided to put whatever parking we could in the middle.

And, you know, we're hampered by the slope, the wetlands, the transition area.

So there's no way to really go any further than what we're showing there.

- Q. And having an access point off of the county road, you'll tell us why that was disfavored, off Closter Dock?
- A. It's just a slope. It doesn't work.
  There's an existing driveway.

1 And the sight distance is not good. You're right about the crest of the hill there when 2 3 you're at Old Dock Road. So you couldn't put an entrance for 4 sight distance. And just the slope going up really 5 6 didn't work. 7 Can you take us through the bulk table Q. and tell us what the existing nonconforming 8 conditions are and how they're going to be impacted 9 10 by this application? 11 Α. Right. 12 Well, that's shown on Sheet -- on 13 Sheet 1 is the bulk table, the bulk -- and those are 14 the zoning requirements. In the ordinance there's a 15 schedule and a bulk table. 16 So the property is in two separate 17 zones, or there are two separate lots. The west side 18 is on the R-2B Zone, and the east side is the R-2And they're both -- they're both fairly 19 Zone. 20 similar to house sizes and so forth. 21 The lot sizes are 10,000, and 12- or 14,000-square-foot lots. 22 23 But where a conditional use -- so 24 there's a section of the ordinance, which is 220-10, 25 that goes through to the conditional use as a house

1 of worship.

so the bulk table changes. It doesn't really follow the R-2B or R-2. It follows the conditional use ordinance, which requires -- do you want me to go through this now, Matt?

O. Please.

A. For a church or a house of worship, it requires 5 acres of property. And our total is 2.86 acres.

So that's an existing nonconforming condition.

 $\label{eq:Building coverage 10 percent.} \ \ I \ \ think$  it's actually the same in the R-2B.

But that's listed in the conditional use ordinance. We're at 7.9 percent on the west, and 4.6 percent -- as you can see, that's a very large lot -- on the east.

So no variance required for that.

Improved coverage in the conditional use ordinance is 25 percent maximum.

We're at 42 percent with the parking lot expansion on the left side for the stone church, and 15.8 for the Community Center lot. The overall is only 23.7. So if you count the entire property, we're at 23.7 percent.

1 But I don't think the ordinance really 2 permits to count the whole thing because they're not 3 contiquous. You have lot width and lot depth requires 450 square feet -- I'm sorry -- 450 feet in 5 the conditional use ordinance, and we're deficient of 6 7 those two existing conditions. 8 The same with the front yard. 9 required to have 200-foot front yard from all the streets, which would mean a setback. 10 11 Of course the existing building, which 12 has been there for quite some time, do not meet the 13 200-foot existing condition, again not being 14 exacerbated. 15 The side yard required is 100 feet. The minimum is 70 feet, which would be the church 16 17 side here. 18 And, again, that's existed for over 19 The other -- the community center does 100 years. 20 meet the side yard requirement. 21

What else do we got here? The rear yard, 200 feet. Both existing buildings, they don't meet the 200-foot rear yard requirement, so that's an existing condition.

22

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24

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Heights, we're below 35 feet. So

that's good. The buffer abutting a residential use, 100 foot is required in the conditional use ordinance.

We have 100 foot on the community center where we abut residential use in a residential zone and use.

But the church again does not -because the existing parking 3 and we're proposing to
expand that to 5 feet, so that's the variance that
we're actually creating. The remainder are existing
nonconforming that we can't really increase.

Then the last one is, the conditional use ordinance calls for traffic or access from Route 9W, which we of course can't access Route 9W. We don't front on Route 9W. And there's wetlands in the way. So it is sort of impossible to drive -- have a driveway going to Route 9W.

Q. So, Mike, just to recap. It's the buffer where we need 100, we're at 3 and we're going the 5?

A. Right.

The buffer in the conditional use ordinance would be the one -- the variance that we're really asking for, I guess.

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Q. And the impervious coverage, if we look

at it strictly, it would be what at the stone church 2 property? I'm sorry. 3 Α. Forty-two percent if we look at it 4 strictly as a separate lot, yes. 5 And if we combine the two? I'm sorry. 0. 6 Α. If you combine the two, it's 23.7 7 percent. 8 I know we didn't talk about off-street Q. 9 parking requirements. I know we're deficient there 10 as well. 11 But that deficiency is actually being 12 reduced by virtue of this application. 13 Can you take us through those numbers, 14 please? 15

Α. Right.

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The zoning ordinance does have a section on parking for this type of use. The house of worship, we list as 125 seats.

Actually, after some of the renovation, it's 120 seats they'll have, I understand, when some of pews are were removed and seats were put in.

The church requires 42 spaces. community center requires 30 spaces. It's one per five seats. So there's 150 seats in that community center maximum.

1	So the total required would be
2	72 spaces, based on the use. And we're not expanding
3	the use, or the usage. And we're proposing 67 spaces
4	on both sites total.
5	Q. And so the existing, I'm sorry, was 22
6	existing where 72 is required, correct?
7	A. Yes.
8	Q. Twenty existing?
9	A. Yes.
10	Exactly, yes, 72 required, yes.
11	Q. And I'm sorry, just as far as the
12	existing was 22 existing?
13	A. I believe it was
14	Q. Twenty?
15	MR. KUPFERSCHMID: Can you just walk
16	through that whole parking thing one more time?
17	MR. HUBSCHMAN: It's 22 existing, I
18	believe, yeah.
19	MR. CAPIZZI: All right.
20	So we need 72 spaces. We have 22 at
21	present, and we're proposing a total of 67.
22	MR. KATES: Sixty-five.
23	MR. KUPFERSCHMID: Sixty-five on one.
24	This is why I'm confused. You're proposing 65 at the
25	community center.

MR. HUBSCHMAN: No.
There are 25 at the community center.
MR. KUPFERSCHMID: According to this it
says 65 at the community proposed, 65 proposed.
MR. HUBSCHMAN: Right, right. No.
That's 67 proposed actually, right. Because there
was the one handicap. Then we did count the space
if you add the space that's in the right-of-way,
that's like the 67th space.
MR. CAPIZZI: It's 67 in total when you
count the community center, and another 18 at the
church.
MR. HUBSCHMAN: No, no, no. Total.
MR. KUPFERSCHMID: That's everything.
MR. CAPIZZI: Correct.
MR. HUBSCHMAN: Sixth-seven both sides
of the road, yes.
MR. KUPFERSCHMID: On this it says
community center.
MR. CAPIZZI: Understood.
So there's a typo in the bulk table
perhaps?
MR. KUPFERSCHMID: The house of worship
says you're looking for 42 spaces of which existing
ís what is existing?

1	MR. CAPIZZI: Twenty-two.
2	MR. KUPFERSCHMID: Twenty-two.
3	So you're adding 20 there, according to
4	this.
5	MR. HUBSCHMAN: We're adding 18
6	actually, yeah.
7	MR. KUPFERSCHMID: The numbers versus
8	the drawings aren't jibing.
9	MR. HUBSCHMAN: The total we're
10	proposing is 67.
11	MR. KUPFERSCHMID: You're adding 67.
12	MR. HUBSCHMAN: No, no.
13	Well, there's you can't really take
14	existing and adding these.
15	There's, like, a planter that's coming
16	out here.
17	MR. KUPFERSCHMID: Roughly, okay.
18	Roughly what is the existing, and what are you
19	proposing?
20	MR. HUBSCHMAN: Existing is, say, 22,
21	and the proposing, 67.
22	MR. KUPFERSCHMID: Okay, thank you.
23	MR. HUBSCHMAN: Sorry, it's a little
24	confusing.
25	MR. KUPFERSCHMID: It's okay.

1	Again, reading this
2	MR. HUBSCHMAN: There are 25 on the
3	community center proposed and 42 on the church side.
4	BY MR. CAPIZZI:
5	Q. Just so we can have it nice, neatly
6	packed for the purposes of the transcript. The total
7	required sitewide, Michael, is what number?
8	A. The total required is 72.
9	Q. Okay. And the total being provided
10	sitewide is how much?
11	A. Sixty-seven.
12	Q. Thank you.
13	So that concludes everything relative
14	to the bulk table, right, Mr. Hubschman?
15	A. Yes, it does. Yes.
16	Q. Okay. Any other items in Mr. Frenzel's
17	report that we didn't catch upon?
18	I think we had captured the two
19	prominent comments there, but I just want to see if
20	there's any certainly any other housekeeping items
21	we can certainly work with Mr. Frenzel to address
22	them, correct?
23	A. No, I don't believe there were any
24	other items in the letter.
25	MR. CAPIZZI: Thank you, Mr. Hubschman.

1	I don't have any further questions.
2	MR. KATES: Just one more time.
3	Seventy-two required?
4	MR. HUBSCHMAN: Yes.
5	MR. KATES: Sixty-seven proposed?
6	MR. HUBSCHMAN: Yes.
7	MR. KATES: How many existing?
8	Twenty-two?
9	MR. HUBSCHMAN: Twenty-two existing.
10	MR. KATES: Okay.
11	ACTING CHAIRWOMAN HERRIES: Do any
12	members of the audience have questions for
13	Mr. Frenzel Mr. Hubschman? I'm sorry.
14	MR. KATES: Before let me give you a
15	brief explanation, Mr. Capizzi will have other
16	witnesses. Let's identify what the professions are
17	that will also be testifying.
18	Planner?
19	MR. CAPIZZI: We have Ms. Bogart, who
20	is our planner.
21	And Mr. Lee is the church elder. If
22	the board has some questions relative to operations
23	we can certainly get into that.
24	MR. KATES: So without prejudicing the
25	public, the questions should be directed to what you

1	have just heard as testimony from the engineer.
2	You'll have the opportunity to question
3	the church, itself, in its management. And the
4	Professional Planner who will talk about the zoning
5	criteria that are involved.
6	So right now the board is limiting you
7	to questions only, not comments. You'll have an
8	opportunity later.
9	On the back side of your agenda you'll
10	see the procedures that the board follows. I
11	recommend you to read them.
12	But right now it's just questions of
13	Mr. Hubschman based upon the testimony you've heard.
14	Is that understood?
15	Now, how do we propose for the public
16	to identify themselves and to be questioning? Do
17	they come forward to a microphone?
18	MS. MYUNG: Yes.
19	If they could just come step forward to
20	the microphone. State your name and address, please.
21	MR. CAPIZZI: Mr. Kates, I don't have
22	an issue. I have a court reporter here this evening.
23	I'm happy to provide the board with a transcript, if
24	that makes life a little easier.
25	Is that everyone come up to the

microphone. I'll leave it to you.
MR. KATES: Well, if the court reporter
can hear the witnesses from back there, that would
work. That would make to your comfort.
But let's start with the witness who's
here. Your name please just for the record.
MR. KELLY: John Kelly, 9 Old Dock
Road.
I'm the little house on the top there.
So what you're telling I'm the one
you're impacting the most.
MR. HUBSCHMAN: You're right here.
MR. KELLY: A couple shrubs up there.
So what you're basically telling me is
you're not presently in compliance with any of the
regulations, zoning regulation in town pretty much.
Because the buffer is not in compliance. None of
these buildings are in compliance.
MR. CAPIZZI: Mr. Hubschman, we'll
leave that to Ms. Bogart to speak to.
MR. KATES: The planner is going to get
into that in detail, Mr. Kelly. It's one of the
reasons that I mentioned there are other witnesses.
MR. KELLY: And you're going to be
presenting a traffic plan as well?

1	You're expanding exponentially the
2	impact on that road, which is a very narrow road in
3	the town. Since you can't go to 9W, you have to come
4	down to a blinking light at the end of the street.
5	How would you address you can't get onto that
6	street on a normal day easily, but now you're going
7	to put another even 67 cars out there.
8	MR. HUBSCHMAN: We weren't going to
9	present a traffic engineer. And the use of what's
10	happening today, I don't believe is changing the
11	number of congregants.
12	MR. KELLY: The use isn't changing.
13	The number is changing considerably.
14	MR. HUBSCHMAN: No.
15	The parking is changing so that the
16	congregants have a place to park rather than park on
17	the street or wherever they can park, out in the
18	cul-de-sac now.
19	MR. KELLY: You're telling me there are
20	60 72 cars on the street at every meeting now.
21	MR. HUBSCHMAN: There are now.
22	MR. KELLY: That would not fit. I
23	think there are maybe 12 spaces on Old Dock.
24	And then there's 22 in the parking lot
25	there if you use that. You can't park on the other

side. And you're parking on one of the narrower streets in town.

Because just to bring up another issue that happened on Closter Dock Road there, is when we did -- when you had to deal with the Mount Laurel Housing, and it was proposed that the first site to be used was just below this property on your plan right here. And then they did a traffic analysis because everything was going to come onto Closter Dock Road.

And the reason --

MR. CAPIZZI: Madame Chair, if he'd like to give testimony, there's certainly a time for that.

MR. KELLY: No. I'm just saying -- no. He did said you're not going to do a traffic evaluation.

MR. CAPIZZI: Correct.

MR. KELLY: I'm requesting a traffic

evaluation.

MR. CAPIZZI: Well, we're not going to do that, Mr. Hubschman.

201-641-1812

MR. HUBSCHMAN: Okay. Well, I'm not --

1 yeah, I'm not the boss but... 2 MR. KELLY: No. I understand. 3 ACTING CHAIRWOMAN HERRIES: Mr. Kelly, 4 this is the engineer. I'm not sure he's the right person to address what you're asking. It might be 5 6 better reserved to --7 MR. KELLY: I have one that he can probably answer, okay. He's talking about 8 9 mitigation, water mitigation from here. So this is a slope, right? 10 11 MR. HUBSCHMAN: Right. 12 MR. KELLY: So you're going to somehow 13 push the water onto the -- how are you going to do 14 that. 15 Well, everything is MR. HUBSCHMAN: 16 designed to pitch the new parking lot to the south, 17 right, so there would be no -- this is curved. So 18 there's no runoff on your property at all. 19 MR. KELLY: Oh, I'm not worried about 20 just my property. I have other neighbors that are 21 impacted immensely by that, or could be because it is 22 a slope down. 23 MR. HUBSCHMAN: And with the pervious 24 pavement that we're proposing mitigates any --25 Okay. And you're MR. KELLY:

requiring -- you said 72 spots are required between 1 the use of the community house and the church. 2 is that required by? The town? 3 MR. HUBSCHMAN: It's in the ordinance. 4 The town has a certain requirement, yeah. 5 MR. KELLY: So it's never been in 6 compliance with that. 7 So you're trying to mitigate that by 8 basically covering a large portion of the property 9 with the parking lots. 1.0 MR. HUBSCHMAN: Well, we're proposing 11 to create more parking onsite, if that's what you 12 mean, yes. 13 You're going to put a MR. KELLY: 14couple of shrubs up over here. 15 MR. HUBSCHMAN: Well, we were proposing 16 the green giant arborvitaes there, yeah. There's not 17 a lot of room on that side. 18 MR. KELLY: Okay. I know these are not 19 all questions for him. But this impacts me greatly. 20 Because this is a small community church. It's been 21 a small community church. And now it's going to be a 22 car park basically in the middle of Alpine. 23 MR. CAPIZZI: Again, we're not leaving. 24

So we're trying to find a place in order for us to

25

```
park, not on the street. So we have two options.
  1
                                                          Wе
     can drag this out, because we're not leaving.
  2
  3
                    MR. KELLY: I didn't think you were.
  4
                    MR. CAPIZZI:
                                 This is option A, which
     is park on -- off property, off the street.
 5
 6
     option B is we continue to use the roadway.
 7
     preferring to go option A.
 8
                    MALE AUDIENCE MEMBER:
                                           Why don't they
 9
     valet park to the city parking lot.
10
                    MR. CAPIZZI:
                                  If you want to come up
11
     and ask the question --
12
                   MR. KELLY: I'm just asking the
13
     question.
14
                   ACTING CHAIRWOMAN HERRIES:
                                                These are
15
     questions for the engineer.
16
                    (Audience Outburst.)
17
                   MR. KUPFERSCHMID: Not shouting, just a
18
     procedure.
19
                   MALE AUDIENCE MEMBER:
                                           I just asked as
20
                They can valet park and they can put it
     an option.
     all in the town parking lot. Nobody's here on
21
22
     Sunday.
23
                   MR. CAPIZZI:
                                 Depending on how much you
    put on the communion plate will determine what we can
24
25
    do.
```

1	Listen, we're not going to open our
2	wallets let's wait to be called.
3	MR. KATES: Sir, she's trying to take
4	your testimony. You haven't been identified.
5	MALE AUDIENCE MEMBER: That's fine.
6	I just asked the question.
7	MR. KATES: Well, asking a question
8	there's an order here. The order is you identify
9	yourself in turn and you ask your question. You're
10	going to drive the poor lady crazy.
11	MALE AUDIENCE MEMBER: Thank you.
12	I thought that whole thing driving
13	spaces 20 minutes drove her crazy.
14	ACTING CHAIRWOMAN HERRIES: Are there
15	any other questions for this witness?
16	MR. KATES: Yes.
17	You can stand now and identify
18	yourself.
19	MR. POLICANO: Robert Policano,
20	979 Closter Dock Road.
21	I think you're underestimating the
22	water runoff of the extension.
23	Coming out, it's east. It's not south,
24	okay.
25	Right now there's an issue on West Main
	1

Street that 12 days ago we had a rainfall, and the water from West Main -- which is groundwater, which this is going to increase the groundwater flow -- is going down West Main to Main Street, all the way down Main Street to Closter Dock Road. You can go there right now; it's still flowing 12 days later. This is just going to exacerbate it.

MR. KATES: Do you agree,

Mr. Hubschman?

1.5

MR. HUBSCHMAN: Well, we submitted a drainage report. We're actually not paving more than -- you know, everything presently runs off.

So we're controlling -- we're controlling what runs off presently. You know, it will definitely be a positive improvement with the curbing and the pervious paving.

MR. KUPFERSCHMID: Mike, do we know if the existing conditions -- how long they've been existing in that condition, or were they somehow expanded or added to over time.

MR. HUBSCHMAN: I worked on the church -- actually, I've been to -- you know, I've been around for a long time.

As far as I know, probably at least the last 30 or 40 years, the parking lot has been right,

1	you know.
2	MR. KUPFERSCHMID: You said no
3	materials have been brought in? No changes to the
4	MR. HUBSCHMAN: I mean, not to the
5	parking lot. We just drove over there, and the
6	paving all looks pretty uniform up to that end there.
7	MR. CAPIZZI: Well, Mike, there is a
8	material pile on the stone church property.
9	Can you just discuss that with the
10	board and what function that's serving, if any?
11	MR. HUBSCHMAN: I don't know. There
12	was some gravel dumped at the end of the some
13	gravel, loads of gravel.
14	(Audience outburst.)
15	MR. KATES: No, please.
16	MR. CAPIZZI: Mr. Hubschman, is that
17	gravel area functioning as a parking area.
18	MR. HUBSCHMAN: Not now.
19	It's all it's just piles of gravel,
20	right, and recycled concrete, yeah.
21	MR. CAPIZZI: So the curbing that
22	exists at the end of the 22 parking
23	ACTING CHAIRWOMAN HERRIES: Can we have
24	quiet please in the audience?
25	MS. MYUNG: Yes.

1	(Audience outburst.)
2	MS. MYUNG: Please, no whispering.
3	MR. KATES: You'll have your chance.
4	MR. CAPIZZI: Mr. Hubschman, the
5	parking area on the stone church property, that's
6	finished with a timber curb, correct?
7	MR. HUBSCHMAN: Right.
8	There's a, like, railroad-type curb at
9	the end of the property.
10	MR. CAPIZZI: Is that still in place?
11	MR. HUBSCHMAN: Yes.
12	MR. CAPIZZI: Is there any evidence of
13	people driving over the timber curb and parking on
14	grass.
15	MR. HUBSCHMAN: It would be impossible.
16	Well, it slopes down too. There's a severe drop-off.
17	MR. CAPIZZI: Thank you.
18	MR. KATES: Next person? Your name.
19	Identify yourself.
20	MR. GARABET: Leon Garabet, 987 Closter
21	Dock Road.
22	MR. KATES: Could you spell your last
23	name?
24	MR. GARABET: G-A-R-A-B-E-T. Leon.
25	MR. KATES: Thank you.

Your question, please.

MR. GARABET: So my question is, my house is right by the gate, right over there,

15 feet, 20 feet from my gate. The water comes down

-- down like they put septic in the back over there.

So when they put the septic, the whole water was on my grass. And they destroy things. They don't fix it. They don't do nothing. They're supposed to put some trees.

Here now when you're paving, where the water is going to go? On my property again, no?

It's only 20 feet. It's 20 feet from my bedroom.

MR. KATES: Let him answer you, if he can.

MR. HUBSCHMAN: I know when they installed the septic system, there was supposed to be more of a wall and swale on top of that.

Well, there was a supposed to be, I said.

MR. GARABET: Mr. Hubschman, they put the septic over there and they did the test pit.

 $$\operatorname{MR.}$$  HUBSCHMAN: Are you going to let me answer? All right, thank you.

And our plan does reflect that, the way the wall was supposed to be brought up a little bit

```
and swale down toward Closter Dock there. It didn't
 1
     look like -- it looked like they added -- there's too
  2
     much of a slope towards your property, I guess is
 3
  4
     what I'm saying.
 5
                    MR. GARABET: There's the way it's
 6
     coming in.
 7
                    MR. HUBSCHMAN:
                                    No, I agree with you.
 8
                    MR. GARABET: And another question I
 9
            When they put over there about 100 tons of
     pavers, rocks, whatever they put on the property, do
10
     they have a permit to put over there 100 pounds of
11
12
     stones in the property.
13
                    MR. HUBSCHMAN: I don't know.
14
                    But it looks just like a pile of
15
     gravel.
16
                   MR. GARABET:
                                 I'm just asking a
     question because it's there. It's right on my gate.
17
18
                   MR. KATES: His answer is he didn't
19
     know.
            Any other questions, Mr. Garabet.
20
                   MR. GARABET:
                                  No.
21
                   Thank you.
22
                   MR. KATES: Mr. Policano, you have
23
    another question.
2.4
                   MR. POLICANO:
                                   Just to verify.
    were three truck loads, piles of stone dropped there.
25
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Two piles were leveled off on the wall. There's one
1
    pile left.
2
                   MR. HUBSCHMAN: Right.
3
                   I've been there.
4
                   I saw the piles. But we had nothing to
5
    do with that. I had nothing to do with it.
6
                   ACTING CHAIRWOMAN HERRIES: Are there
7
    any other questions from the audience?
8
                   MR. REEVES: David Reeves, 19 Ridge
9
    Street.
10
                   MR. KATES: Reeves? I'm sorry.
11
                   MR. REEVES: R-E-E-V-E-S.
12
                   MR. KATES: Your first name,
1.3
     Mr. Reeves.
14
                                 Say it again.
                   MR. REEVES:
15
                   MR. KATES: Your first name.
16
                   MR. REEVES: David.
17
                   It's hard to see from there,
1.8
     Mr. Hubschman.
19
                    Sara and I, and some others, we've been
20
     going to that church since 1976.
21
                    And it's a wonderful church. You have
22
     a wonderful building there. And we were witness to
23
     resurfacing the current parking lot about ten years
24
25
     ago.
```

1	And my question here is, I see a
2	and my question here is, I see a
3	a see a
	and there
4	and a surface of more than 2 of 3 feet for the
5	
6	Tim I Collect In that;
7	MR. HUBSCHMAN: Sure.
8	MR. REEVES: I see virtually no buffer.
9	What is the scale?
10	I see here about a quarter-inch.
11	MR. HUBSCHMAN: It's 5 feet. We're
12	proposing a 5-foot buffer there, yeah.
13	MR. REEVES: Five foot.
14	MR. HUBSCHMAN: Correct.
15	MR. REEVES: What is I would ask,
16	are you aware of what the ordinance requires.
17	MR. HUBSCHMAN: It requires 100 feet.
18	MR. REEVES: Hundred feet.
19	And you're going to do 5.
20	MR. HUBSCHMAN: Well, we're just trying
21	to expand the traffic.
22	MR. REEVES: The question is, it's
23	100 feet and you're going to do 5 feet.
24	MR. HUBSCHMAN: Yes.
25	MR. REEVES: Do you have any concern

over the -- does the church have any concern as to 1 the impact to the neighbor next to you, who will be 2 with -- you said you're not moving. 3 Will you be being a good neighbor by reducing the buffer by 95 percent? 5 MR. CAPIZZI: We're not reducing the 6 buffer my 95 percent. 7 As you said, when you were a member of 8 the church, the parking lot as it stands today is 9 3 feet off. We're extending that. We're actually 10 improving the condition from what it was when you 11 were a member. 12 That's a matter of MR. REEVES: 13 opinion, I submit to you. 1.4 The numbers are the MR. CAPIZZI: 15 We're going from 3 to 5. 16 numbers, MR. REEVES: From 3 feet to 5 feet, so 17 that's an improvement. 18 What would you say the impact is on the 19 neighbor that you have there? 20 MR. CAPIZZI: We believe we've 21 addressed it appropriately. 22 Mr. Hubschman, can you go through the 23 buffering again, and the adequacy of the buffering. 24

MR. REEVES:

25

Addressing it

1 appropriately is one thing. 2 The impact on --3 MR. CAPIZZI: Let me have Mr. Hubschman 4 5 MR. REEVES: I'm asking you to directly answer the question. 6 7 MR. CAPIZZI: I'm a lawyer. I ask 8 Mr. Hubschman is the witness. questions. He'll 9 answer it. 10 MR. HUBSCHMAN: We were proposing the 11 Green Giant arborvitae hedge along there, which would be a virtual, you know, solid evergreen hedge through 12 that whole area. 13 14 MR. REEVES: For your information, the 15 light that lights up the church, flood lights not 16 only the Kelly residence but comes into our room and 17 is an imposition in our room as well, the flood 18 lights right now. 19 MR. HUBSCHMAN: All right. I'll have 20 to go look at that. 21 MR. REEVES: And I have a question. Maybe it's not appropriate right here. 22 23 But you had mentioned -- the lawyer had mentioned that this is improving -- the house of 24 25 worship improves the neighborhood. And in a certain

way that's true.

2.3

And the question is, where the church resided originally before this location and where the residence of the church reside, I'm not sure there are many in Alpine, or in Closter, or in Cresskill.

MR. CAPIZZI: It's not material, sir.

MR. REEVES: Well, I submit to you that the lawyer himself -- your name, sir? I'm sorry.

MR. CAPIZZI: Matthew Capizzi.

MR. REEVES: Mr. Capizzi.

MR. CAPIZZI: Yes, sir.

MR. REEVES: Mr. Capizzi said this would improve it because it's a house of worship.

MR. KATES: He said it's essentially an inherently beneficial use, whoever attends the church. The law requires --

MR. REEVES: I would differ that if you're coming from a distance away, you are using the church and using the community, not necessarily benefiting it.

MR. KATES: Well, the law doesn't look at it that way. It's like a hospital. A hospital is an inherently beneficial use. Not every patient is a resident of the community where the hospital is located.

1	MR. REEVES: Right. Yeah.
2	MR. KATES: The same content.
3	MR. REEVES: The other, of course, is
4	because we live there we see it. And we welcome a
5	house of worship, but you're probably well aware,
6	Mr. Hubschman, and sir, that the traffic on Sunday
7	mornings make it somewhat difficult to access that
8	whole neighborhood.
9	And I think I say, as Mr. Kelly
10	does, that a traffic study is appropriate at this
11	point.
12	MR. KATES: Understood.
13	MR. KUPFERSCHMID: And, Mike, I just
14	want to bring something up as far as information I
15	have as far as the zoning violation related to work
16	that has taken place there, which was submitted to
17	the owners as far as adding crushed stone and also
18	the poured concrete sidewalk and wooden guardrail
19	that's been added.
20	So there has been activities that's
21	going on without permits that are expanding the use.
22	So the question, what was the footprint
23	before this expansion versus now?
24	I understand you say you don't have
25	information on that.

1	That's fine.
2	MR. HUBSCHMAN: I mean, historically
3	I thought you were talk about the footprint of the
4	MR. KUPFERSCHMID: I'm saying what's
5	taking place. I think this is as of recent.
6	MR. HUBSCHMAN: Recently, you know, I
7	wasn't party to that, but there was a sidewalk added
8	to the west side I'm sorry the south side of
9	the church.
10	MR. KUPFERSCHMID: Is that in the
11	drawings.
12	MR. HUBSCHMAN: No.
13	MR. KUPFERSCHMID: I'm just trying to
14	clarify.
15	MR. HUBSCHMAN: You're correct.
16	And then there is a sidewalk that was
17	added along the south side of the community building.
18	There was an existing macadam walk along there that
19	was replaced with a concrete walk.
20	MR. KUPFERSCHMID: So what we're
21	looking at as far as existing isn't actually
22	existing.
23	MR. HUBSCHMAN: It was existing in
24	whatever the date of the drawing is, right.
25	MR. KUPFERSCHMID: But as of now we

1 don't have up-to-date --2 MR. HUBSCHMAN: Right. 3 That's not shown on the drawings. 4 You're correct, yes. 5 MR. KUPFERSCHMID: Thank you. 6 MR. CAPIZZI: Just as a --7 Mr. Kupferschmid, just as a matter of law, sidewalks and such would not be qualified as an intensification 8 9 of the use. 10 MR. KUPFERSCHMID: I don't know legally 11 if that's true or not. 12 But if you're increasing coverage with 13 concrete -- again, I'll leave this to our attorney. If you're increasing coverage, then I would think it 14 15 does matter. 16 MR. CAPIZZI: It certainly matters as far as being part of the plan set. That goes without 17 18 question. 19 And certainly those kinds of things should have not occurred. The gravel should not have 20 21 been brought to the property. The sidewalk should not have been either established or reconstructed. 22 23 The timber rails should not have happened. Those are

bit of aggravation and concern for the neighborhood.

all things that unfortunately cause certainly some

24

25

1	I can appreciate that.
2	MR. KUPFERSCHMID: Is the applicant
3	here tonight?
4	MR. CAPIZZI: Yes.
5	MR. KUPFERSCHMID: Maybe the applicant
6	later will be able to address these.
7	MR. CAPIZZI: I don't think so.
8	The mea culpa, I think, is sufficient.
9	You know, to pepper him more about things that we
10	know he shouldn't have done
11	MR. KUPFERSCHMID: This isn't a
12	peppering.
13	MR. CAPIZZI: Understood.
14	MR. KATES: It's relevant to know what
15	the existing conditions are.
16	MR. CAPIZZI: Right.
17	And that can be done through an amended
18	plan set.
19	MR. KATES: All right. So maybe that's
20	what we'll need.
21	MS. MANGOT: Hi. Allison Mangot.
22	MR. KATES: Spell your last name,
23	Allison.
24	MS. MANGOT: M-A-N-G-O-T.
25	ACTING CHAIRWOMAN HERRIES: And your
	1

1	address, please.
2	MS. MANGOT: 19 Old Dock.
3	Your plan has me in that house, but
4	it's wrong. Because that gentleman lives in that
5	house.
6	So, anyway, two things. The existing
7	plan that you have where you said that it would be
8	you have a macadam that says macadam on the plan.
9	MR. HUBSCHMAN: Right.
10	On where? Well, we have the macadam
11	walk, but that's not there anymore.
12	MS. MANGOT: No. The parking lot. The
13	parking lot.
14	MR. HUBSCHMAN: The existing lot.
15	MS. MANGOT: No. I'm talking about the
16	one that you proposing.
17	MR. HUBSCHMAN: The proposed lot here,
18	yes.
19	MS. MANGOT: You have macadam.
20	MR. HUBSCHMAN: Right.
21	MS. MANGOT: I have a picture of what
22	you're talking about.
23	MR. HUBSCHMAN: Well, that's the walk
24	that was added. That's not shown on our plan, right.
25	That was added.

MS. MANGOT: So your plan isn't 1 correct. 2 MR. HUBSCHMAN: Well, that was added 3 after we submitted the plans, yes. 4 MS. MANGOT: Well, you said you were 5 there so ... 6 MR. HUBSCHMAN: I was there today. I 7 8 was there. MS. MANGOT: You saw it. Well, you saw 9 it, right. 10 MR. HUBSCHMAN: Well, we're going to 11 resubmit an updated plan showing it. 12 MS. MANGOT: But you saw it. 13 My other question for you is, so since 14 then everything is, in quotes, nonconforming, are the 15 rules for your parking, is that -- you know, for the 16 amount of parking for the community center, for the 17 church, et cetera, et cetera -- I didn't know that 18 there were rules for the community center, just for 19 the church -- does that acreage rule apply for the 20 nonconforming size of 2-and-a-half acres or for a 21 5-acre lot. 22 MR. HUBSCHMAN: No. The parking 23 requirements are just based on the number of seats, 24 and it doesn't -- it's not part of the conditional 25

1	use ordinance, I don't believe.
2	MS. MANGOT: You believe but you're not
3	sure.
4	MR. CAPIZZI: They're not, Michael.
5	MR. HUBSCHMAN: It's not, no. The
6	parking section of the ordinance is not in
7	Section 200-10.
8	MS. MANGOT: So it doesn't it's not,
9	like, a law that it has be.
10	MR. HUBSCHMAN: Well, the city or
11	the Borough set up certain requirements and
12	guidelines for parking, number of spaces per seat,
13	and that's how you design those.
14	The church has a certain number of
15	seats, so they want 40 spaces for 120 seats.
16	MS. MANGOT: And has there been any
17	studies about the off-street parking, how it affects
18	the neighborhood on a Sunday.
19	MR. HUBSCHMAN: There hasn't been.
20	But the whole reason for the project is
21	to try to alleviate a lot of
22	MS. MANGOT: Have there been
23	complaints?
24	MR. HUBSCHMAN: I don't know.
25	But I understand there's parking all

1	around
2	MS. MANGOT: I was just curious if
3	people are complaining.
4	ACTING CHAIRWOMAN HERRIES: Yes.
5	MS. REEVES: Sara Reeves, R-E-E-V-E-S.
6	MR. KATES: Your first name is.
7	MS. REEVES: Sara, S-A-R-A. 19 Ridge
8	Street. I'm with him. I have a question.
9	You had something about handicap
10	parking on Old Dock
11	Is that correct?
12	MR. HUBSCHMAN: Well, we were proposing
13	the one ADA space for the community center on Old
14	Dock Road, yes.
15	MR. CAPIZZI: It's not on the road,
16	Michael.
17	MS. REEVES: Why wouldn't you have
18	handicap parking in the parking lot where the person
19	can get to it.
20	MR. CAPIZZI: Michael, you're
21	describing it as though it's in the road. It's not
22	in the road.
23	MR. HUBSCHMAN: It's not in the road.
24	It's off of the road.
25	MS. REEVES: Why is it not in the

1	parking lot of the church where the handicapped
2	people can get into the church? You're now requiring
3	them to cross Old Dock.
4	MR. HUBSCHMAN: No, no. There are two
5	ADA spaces on the church side also. It's a
6	requirement that for each parking lot they have their
7	own ADA requirements.
8	MS. REEVES: Is there also one on the
9	south side on the east side.
10	MR. HUBSCHMAN: Right.
11	There are two proposed on the church,
12	which is the west, and one proposed on the east side.
13	So there are three total.
14	MS. REEVES: Why would you have one
15	away from the church? I'm just asking a question.
16	MR. HUBSCHMAN: Well, because each
17	that building requires has an ADA requirement to
18	have a space.
19	MS. REEVES: So that's the community
20	house ADA requirement.
21	MR. HUBSCHMAN: Yes.
22	MS. MANGOT: Those large circles on
23	your other plan, were those for lighting.
24	MR. HUBSCHMAN: Those were let's see
25	here.

1	MS. MANGOT: That's what I read. Those
2	right there, those.
3	MR. HUBSCHMAN: The circles.
4	MS. MANGOT: Yes.
5	MR. HUBSCHMAN: No. Those are proposed
6	trees.
7	MS. MANGOT: Well, I think but I saw
8	lighting.
9	MR. HUBSCHMAN: Well, the lights are
10	MS. MANGOT: Up to the left.
11	MR. HUBSCHMAN: This one.
12	MS. MANGOT: No. All the way up to the
13	left.
14	MR. HUBSCHMAN: Right. There are two
15	lights proposed in the parking lot.
16	And the Borough Engineer had requested
17	that we move those to the north side.
18	MS. MANGOT: So those big those
19	three big things are trees.
20	MR. HUBSCHMAN: These are proposed
21	street trees, yes.
22	MS. MANGOT: No lights.
23	MR. HUBSCHMAN: Those are not lights.
24	ACTING CHAIRWOMAN HERRIES: Yes.
25	MR. REEVES: A point of order, I think.

1	David Reeves again.
2	We are seeing the plans for the first
3	time. I'm expecting that there will be some time for
4	deliberation and for response?
5	ACTING CHAIRWOMAN HERRIES: The plans
6	were available prior to the meeting.
7	MR. REEVES: Say it again?
8	MR. KATES: The notice that you
9	received indicated that the plans are on file, I
10	believe, in this building were they available
11	on the website.
12	MS. MYUNG: On the website for over a
13	month.
14	MR. KATES: So the applicant has met
15	the notice requirement.
16	There will be, as I understand it, a
17	revised plan, at least an Existing Conditions Plan.
18	And that will be filed in advance of the next meeting
19	that will continue this application.
20	MR. CAPIZZI: We're not finishing
21	tonight, Miss.
22	MR. KATES: We'll not be finished
23	tonight.
24	MR. POLICANO: Robert Policano. Just

25

one more question.

Has the fire department given a 1 required count, people count, for that church on how 2 many is allowed in that church? 3 MR. KATES: Did you receive anything? 4 MR. CAPIZZI: For our certificate. 5 Within the building it's already posted with an 6 occupancy limitation. 7 MR. POLICANO: It's posted. 8 MR. CAPIZZI: Within the building. 9 Are there ACTING CHAIRWOMAN HERRIES: 10 any -- oh, qo ahead. 11 MR. GOLDSTEIN: Lane Goldstein, 12 23 Ridge Street. 13 Will we hear later with regards to the 14 active count of parishioners at the church, families 15 that are currently worshiping there? 16 MR. CAPIZZI: Undecided at this point, 17 18 sir. MR. GOLDSTEIN: Also, there were no 19 parking studies done to date with regards to on a 20 random Sunday, holidays, any kind of -- do we have 21 any idea as to how many vehicles are entering the 22 property or entering the church area. 23 MR. CAPIZZI: Michael, have you spoken 24 to somebody from the church who has told you what the 25

1	demand is.
2	MR. HUBSCHMAN: Yes, we have discussed
3	it with the church.
4	And the number of parishioners, and it
5	did coincide with what the requirements are. So what
6	we're proposing is adequate for the usage of the
7	church.
8	MR. GOLDSTEIN: Are those numbers
9	available to the public and to the board?
10	I would imagine that that would make
11	sense as to if you're asking based on demand what is
12	the actual demand, and is the demand on Easter Sunday
13	72 spaces but the other 51 Sundays of the year
14	potentially 37 spaces.
15	MR. CAPIZZI: No. The parking
16	requirement, sir, was again, I'm sorry, Michael,
17	how much was that, 76?
18	So, 72 were required by ordinance based
19	upon the number of the seats.
20	We're proposing 67.
21	MR. KATES: But the question is
22	relevant.
23	MR. CAPIZZI: I don't believe so.
24	We park based upon ordinance, not based
25	upon utilization.

MR. KATES: Well, no, that's not true. 1 I mean, it's still -- it's still a valid point as to 2 the actual use that's taking place in those 3 buildings. It may not weigh heavily, but it's a fair 4 question. And it seems to me that if you're 5 producing somebody representing the church, it's a 6 7 fair question to ask of that representative. MR. CAPIZZI: If we provide that 8 testimony, then that person will speak to that issue. 9 10 MR. KATES: And if you don't, then the board will have to decide whether that's --11 MR. CAPIZZI: Right. 12 Whether that's material. Whether that 13 assessment is at all material to a buffer variance or 1.4 an improved coverage variance -- I believe it's not 15 -- but the board will ultimately have to determine 16 17 that. MR. GOLDSTEIN: I have another -- just 18 again going back to the use case. So you'll have to 19 excuse my naivety to the zoning ordinances and laws. 20 But we have two separate -- two separate 21 zones with structures on each zone. And it seems 22 that the numbers are getting blended in some cases 23 and then are being separated in others. 24

25

So all of this parking that's being

added to a completely different piece of property is

for the church, itself, and not the community center?

So the church, itself, requires 72 spaces?

MR. HUBSCHMAN: No

The church, itself, requires 42 spaces, and the community center requires 30.

MR. GOLDSTEIN: Okay. I guess the other question I have is, why is this -- why is this coming in as one and not two separate applications? Because there are two separate pieces of property, there are two separate use cases, there are two separate zones.

MR. CAPIZZI: No.

They're all used -- the site is used in common, sir.

MR. GOLDSTEIN: Okay.

MR. CAPIZZI: So when you attend service on a Sunday at the stone church, you walk across the street to the community center for a post-meal snack and so forth, and there are crossings in services. The only thing that separates them is a municipal street, but otherwise the properties act as one.

MR. GOLDSTEIN: Well, the properties act as one today but they could be subdivided.

They could sell one side tomorrow, and they would sell it with the parking and then we would be back in the same position of needing a variance to increase the parking yet again.

MR. KATES: Well, the sale of a portion changes the rules of the game. That user would have to come before the relative board in this town to justify what they intend to put in there. And so it's a whole new analysis. What's your use?

What is the criteria for the use? You can't take advantage of the church use if you're not a church.

MR. KUPFERSCHMID: But if we grant it and they sell off the right side, or the eastern side, that eastern side is going to have these parking spots. We can't take it away.

MR. KATES: But they have to justify. They can't take it away without an approval.

MR. KUPFERSCHMID: I think he's making a good point.

MR. KATES: The subdivision, itself, brings into play the diminishing of existing spaces for the side that is retained, and maybe subdivision would be defeated on that basis.

So we're not losing -- the law doesn't

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1 lose sight of what they have.

MR. CAPIZZI: We have no issue,

Mr. Kates, recording cross easements, essentially

tying the properties to each other, so that if the

one was sold, the other would have to be sold and

vise-versa so that they would...

The intention here is to continue using the property as a whole even though it's separated by a municipal street. So we have no issue with formally documenting that.

MR. KATES: That helps.

MR. KUPFERSCHMID: It does.

MR. GOLDSTEIN: And another question with regards to the use case that the attorney alluded to is that the people that are attending the -- that are going to be parking in these 60-some-odd space are going to be in one building for part of the day and another building for the other part of the day and there will not be cross-over, meaning there will not be two simultaneous events going on causing additional parking to be needed?

MR. KATES: Well, we're going to be hearing from the operator of the church, itself.

That's a question to reserve for later.

MR. GOLDSTEIN: I'll hold that though.

MR. KUPFERSCHMID: Mike, if I can just ask.

MR. HUBSCHMAN: Sure.

MR. KUPFERSCHMID: We've had lots of applications where people want to expand the use, and therefore they have to bring up to the existing standards for various needs.

Here you're not expanding the use but you seem to be saying well, we're required to have this much space, we should have it.

And it's, kind of, almost backwards in my mind, and going forward. You didn't expand anything, but you're saying, well, we're required to have this much parking so we should have it. And just, I've never seen that happen.

MR. HUBSCHMAN: Well, the property is nonconforming to parking so we're trying to bring it more into conformance and get the cars from parking on the street.

MR. GOLDSTEIN: I'm sorry.

Can I ask just a follow-up to that, because that was on my mind; I was going to ask it later to the operator but I guess I'll ask it now.

For 156 years the church remained the same size and had 20 spaces. Now, granted times are

1 different now, but when the church was purchased, the 2 church was purchased and there were 100-and-some-odd seats within the church and there were 20 spaces 3 4 outside. 5 What changed between when the church 6 was purchased that now today there's a hardship that 7 needs to be dealt with? MR. CAPIZZI: 8 That's not a question for 9 the civil engineer to answer. 10 MR. GOLDSTEIN: Okay. Who would answer 11 that question? 12 MR. CAPIZZI: There's no need to -- we 13 may or may not have a witness to address that 14 question, sir. 15 I think we're really -- we're going 16 down a path here as far as the nature of how the 17 Alpine Community Church may have operated, which is 18 not material, in my opinion, to this application. 19 And how this church operates is equally

22 It's an existing house of worship.

not material because we have a Certificate of

23 It's entitled to operate.

Occupancy to be here.

20

21

24

25

To me, this application is simply taking a parking need and putting it onto the church

1 property. MR. GOLDSTEIN: But you're saying that 2 there's a hardship, that we're here today because of 3 a hardship. 4 But the church was purchased knowing 5 that this hardship existed. 6 MR. CAPIZZI: I haven't made any 7 8 statements about a hardship, sir. MR. GOLDSTEIN: In the beginning, I 9 believe when you discussed the laws regarding zoning, 10 I thought that you said -- you mentioned --11 MR. CAPIZZI: I did mention the word. 12 I didn't say the application was predicated upon a 13 hardship. 14 MR. KUPFERSCHMID: So, Mike, my 15 fundamental issue is, they're not here to expand the 16 use of the structure. 17 MR. HUBSCHMAN: Yes. 18 MR. KUPFERSCHMID: The facilities. 19 They simply want to expand the parking because 20 they're busier. 21 But what if we have a commercial 22 district and, you know, it's young Amazon and they 23 have this building. The building they buy, it has X 24

amount of spots, conforming, nonconforming, it makes

no difference, they buy the property.

And suddenly they take off and they go wow, we need 1,000 parking spots. I know it a sounds stupid. Understand the point. Like, so go find another place.

Now, I know you can't tell a church to pick up and go find another place.

But the point is the same, whether it's a church, whether it's a business. You can't just say, well, we're busier so we need more. I'm all about finding solutions for the church. Don't get me wrong.

But to say that we're busier and, by the way, the old rules that we're not conforming with say we should have this much parking, you know, it's a tough one. It's a real tough one.

MR. CAPIZZI: Mike, it's not a question for you to answer.

Ms. Bogart will answer it.

Typically reducing a nonconforming condition is -- not typically -- it's always favored. To suggest that somehow it's an oddity that we're taking upon ourselves to voluntarily cure something we may not have the obligation to do so and somehow that's negative, I don't understand how that becomes

part of the assessment, but I don't think it's an appropriate thing for the board to deliberate on certainly as far as thinking it's somewhat of an oddity to resolve or mitigate a nonconforming condition.

And the standards that are applied to a commercial business are not nearly the same as they are to apply to a house of worship, so, unfortunately, the hypothetical isn't a good parallel.

MR. KUPFERSCHMID: I have a fundamental issue with that separation. I don't feel either side should have any special treatment. That's my personal belief.

But the law says it.

MR. CAPIZZI: Exactly right.

ACTING CHAIRWOMAN HERRIES:

Mr. Garabet?

MR. GARABET: My question is regarding there's only 20 feet from my window. And engines of the car, how are they going to solve this problem from the engines going through my windows in my bedroom.

MR. HUBSCHMAN: Well, we're proposing the 20-foot buffer, which would be adequate with the

- two rows of -- two or three rows of the arborvitaes,

  you know, on a nice berm, which would solve the

  problem.

  MS. MANGOT: The deer eat the
- MS. MANGOT: The deer eat the arborvitaes.
- MR. HUBSCHMAN: The Green Giants.
- MR. GARABET: I mean, it's too close to
  my window. That's what the concern is. The smoke
  from all these 42 cars obviously will maybe hurt the
  health or whatever it is.
- MR. POLICANO: I just want to shed some
  light on it since there was some discussion about the
  activity in the church. This is right off their own
  website.
- MR. KATES: Mr. Policano, it's off
  message. We're dealing with only one witness.
  You'll have an opportunity to comment at length under
- MR. POLICANO: Well, they talked about the activity.

18

oath. Just hold it.

- MR. KATES: Well, we won't lose sight
  of it. We're going to have a transcript here of
  everything that's been stated, and that will be a
  record for you to look at as well.
- 25 ACTING CHAIRWOMAN HERRIES: Yes.

MR. REEVES: David Reeves again. The 1 2 individuals in the neighborhood purchased their house based on the way the neighborhood exists today --3 existed when they bought it. We bought it a long 4 5 time ago. Is this a question for MR. KATES: 6 7 Mr. Hubschman? If it's a comment, I've said now seven 8 times, you'll have your opportunity to make comment. 9 10 But this is only the time to question Mr. Hubschman. 11 MR. REEVES: And my point -- my point 12 to talk to Mr. Hubschman is that Mr. Hubschman's 13 proposal in terms of the -- especially the buffer 1.4 zones, especially for the neighboring house, okay, 15 this changes the environment of the neighboring 16 house. And that's -- so while it may be alleviating 17 a hardship from the church, okay, it is putting a 18 hardship on the neighbor and the neighborhood. 19 ACTING CHAIRWOMAN HERRIES: Do any 20 board members have other questions for Mr. Hubschman? 21 MR. KATES: Just one. 22 Mr. Fergus, in referring the matter to 23 us, doing his zoning review, mentioned site plan 24 review as part of this. 25

1	And I assume that although it's not
2	been stated, we've been focused on the variance
3	you agree that it's site plan review is as well.
4	MR. HUBSCHMAN: Right. We're here for
5	site plan approval also, yes.
6	MR. KATES: Okay, thank you.
7	ACTING CHAIRWOMAN HERRIES: Is there
8	any issue with fire truck access or any changes to,
9	you know, security or safety of these buildings in
10	terms of emergency services.
11	MR. HUBSCHMAN: We did not receive a
12	review letter.
13	But there's no there's no change in
14	access to the buildings at all. It might even
15	enhance the access a little bit more.
16	MR. REEVES: Point of order, there is a
17	change in the access to the stone church now.
18	With that new addition, you've got a
19	new entrance to the church.
20	MR. HUBSCHMAN: I think there were
21	the Chairwoman was talking about fire access.
22	MR. REEVES: I stand corrected.
23	MR. HUBSCHMAN: More fire access.
24	Right. There's a door over by the bathroom.
25	ACTING CHAIRWOMAN HERRIES: Perry?

MR. FRENZEL: I have a couple issues. 1 MR. KATES: Mr. Frenzel is the board's 2 -- Mr. Frenzel is the board's engineer. Can you 3 4 speak to the ... MR. KUPFERSCHMID: They're asking you 5 to bring the mask -- bring that closer. 6 MR. FRENZEL: I'll be glad to. 7 Regarding the property on the east side 8 of Old Dock Road, you and I were out there a while 9 ago and we did some explorations for possible 10 expansions, replacements, of the septic fields if it 11 would be necessary. 12 The parking lot where it is situated, 13 or proposed to be situated, would that negate the 14 ability to replace a septic system for either of 15 those facilities? 16 MR. HUBSCHMAN: No. 17 I remember where we had investigated 18 were both -- the systems were more or less behind the 19 building, so the parking is sort of in between the 20 21 two systems. MR. KUPFERSCHMID: Are those single? 22 MR. HUBSCHMAN: Just single, old 23 24 systems, yes. MR. FRENZEL: Single older systems. 25

One looked like it was either just a septic tank, or it could have been just an old seepage pit. That's why I asked. Because at some point in the future if this -- this property is more used, they're going to need to be expanded.

So if there is adequate room to do that and the parking lot is not going to expand it, that's an important issue.

ACTING CHAIRWOMAN HERRIES: Would the construction of the parking lot impact those existing systems negatively?

MR. FRENZEL: I don't think so.

13 ACTING CHAIRWOMAN HERRIES: Heavy

14 equipment or...

MR. FRENZEL: No. They're located far enough away from the area that would be disturbed,

I don't see that that's the issue. I see future expansion would be more of a concern. I believe that -- my opinion was that there is adequate room to do that. But I just wanted to make sure that the parking lot wasn't going to be on top of one of those systems the way it's constructed right now or to be constructed.

I have an issue -- and if revised plans

are going to be submitted, I'd like to talk my way through it with you -- with the ADA space on the east side. I understand the need for it. I understand the issue with the slope and the maximum allowable longitudinal slope of the path for ADA-subject people. And I understand that that is probably about the only area you could put an ADA compliant space on that side of the street.

1.7

The thing I don't care for is the fact that whoever parks in that space has to back out onto the road. I'd like to explore, or you to explore and I can take a look at it, if there's any way to turn that 90 degrees so we can get it off of the road but parallel to the road rather than causing someone to back out.

MR. HUBSCHMAN: Right. Well, I'll take a look at that with the revised plan.

MR. KUPFERSCHMID: Perry, you just brought up something I didn't think about. Here I am thinking this expansion of parking to regulations. But if we've got this greater use now we're looking at this expansion, if we don't have septics that are up to current code and dealing with it. You're going to have a problem with the septic fields because the septic can't fit on the property.

1	MR. KUPFERSCHMID: We have old septic
2	systems.
3	MR. FRENZEL: You have on the church
4	side you have a new system.
5	MR. KUPFERSCHMID: Yeah. I'm talking
6	about the other side.
7	MR. FRENZEL: The east side you have a
8	residence for the for the pastor.
9	MR. KUPFERSCHMID: Then we have the
10	community house.
11	MR. FRENZEL: Right.
12	The community house, that may take a
13	look at, may warrant taking a look at, sure.
14	On the other side of the road, I'd also
15	like to focus in the revised plan on the water course
16	from the expanded parking lot down to Closter Dock
17	Road. I'd like to see if there's any way we can
18	create a swale closer to the church building rather
19	than up near Mr. Garabet's property to get the water
20	away from that edge of the property.
21	MR. HUBSCHMAN: Yeah.
22	MR. FRENZEL: The last thing I have is
23	a question. The church parking lot on that side of
24	the street, you're showing a parking lot with a width
25	of 32 plus 23 feet, 55 feet, and then a 5-foot buffer

between the parking lot and the house to the north. 1 2 for the property to the north. If that 5-foot buffer was expanded, 3 4 would that not so reduce the parking lot to the point where that row of parking along the northerly edge 5 would not be usable? 6 7 If you had a 10-foot buffer on that 8 side, you cut those spaces down to about 11-feet deep? 9 10 MR. HUBSCHMAN: Right. The proposed -- you would lose all of 11 the proposes spaces. And the existing is 3 feet. 12 13 So we tried to hold 5 feet, which would be adequate for an arborvitae in that area. 14 MR. FRENZEL: So if there was a deeper 15 buffer on that side, you'd effectively lose what 16 you're trying to gain by losing that entire row of 17 18 parking on that side. MR. HUBSCHMAN: You'd lose the nine 19 spaces, yeah. 20 21 MR. KUPFERSCHMID: Mike, why couldn't 22 the whole thing be shifted closer to the church so basically the parking lot -- where they have their 23 24 paver walk? It's just not a paver walk anymore.

MR. HUBSCHMAN: We could do that.

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But we were trying to align it with the
1
    original, and thought we could jog it to the left.
2
                   MR. KUPFERSCHMID: If you're doing that
3
    much work, you can change the whole long, move it
4
5
    over.
                   MR. HUBSCHMAN:
                                   Just move the whole
6
7
    thing over.
                   MR. KUPFERSCHMID: Give some relief to
8
9
    the neighbors.
                   MR. HUBSCHMAN: You could probably move
10
11
    it over 8 feet or so, right.
                   MR. BONHOMME: You're going to have to
12
    have some area for plowed snow also to store that.
13
14
                   MR. HUBSCHMAN: Right.
                   Now plow it back. No.
                                            They're pile it
15
     in a space or at the end of the -- the end of the
16
     row. Even on the row, you know, on the lawn area by
17
18
    the septic.
19
                   ACTING CHAIRWOMAN HERRIES:
                                                Quiet,
20
    please.
                   MR. ABAD:
                              Perry, you said the existing
21
     -- so the existing occupancy of the church is 120.
22
                   Mike, I think you told us this. And
23
     the current septic for the church is adequate for
24
25
     120?
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MR. HUBSCHMAN: It was designed for 150
1
    or 140 seats, yes.
2
                   MR. ABAD: Is that still --
3
                   MR. KUPFERSCHMID: Well, that's all
4
    brand-new.
5
                   MR. ABAD:
                              It is brand-new.
6
7
                   MR. KUPFERSCHMID: They didn't have
    restrooms there before.
8
9
                   MR. HUBSCHMAN: Yeah, that's new.
                   It was just installed a year or so ago.
10
                   MR. FRENZEL: We have to keep in mind
11
    with that, this is not a 24-hour-a-day, 7-day-a-week
12
    use. This is an occasional use.
13
                   So we believe it is adequate, more than
14
15
    adequate actually.
                   MR. KUPFERSCHMID: And it's a brand-new
16
17
    system.
                   MR. FRENZEL: Right.
18
                                I'll be very quick because
                   MR. REEVES:
19
    I've talked a lot tonight. My family accuses me of
20
    this all the time.
21
                   Having been very, very familiar with
22
    this -- this area because we're so close -- we were
23
    involved in the church, okay. And to see the buffer
24
     zone of 5 feet is this much, okay, 5 feet isn't much
25
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for a buffer zone, okay, for your closest neighbor, 1 okay. You all know -- Mr. Hubschman, you know as 2 well -- I'll address it to you as required -- that 3 there is by layman's quess at least a quarter acre, 4 maybe more, east of the community house and the 5 manse, and that has been basically lost land for as 6 7 long as we've been here probably 50 or 100 years more. And we were the parking lot to be positioned 8 east of the community house so that you cannot impinge upon the Kelly residence and upon Bob's 10 residence, which you are doing now in an awful way. 11 That would solve -- that would solve 12

impinging upon two families who bought this place with the way it's existing and assumed it would be kept that way.

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MR. KATES: So the question is, can that be done.

MR. HUBSCHMAN: I think you're talking about to the east of the -- this area is all steep, and there's wetlands and transition area. Any further east, we really can't go any further east than we're showing here. We're already showing two 5-foot walls in that location on the east in order to bring it up To a reasonable grade.

MR. REEVES: It would take a lot of

1	work and expense, I grant you.
2	But it would save the impingement upon
3	the neighbors close to the church.
4	MR. HUBSCHMAN: From an engineering
5	point, it really couldn't be moved any further east
6	than I've shown it here.
7	MR. ABAD: Do you have wetlands?
8	MR. HUBSCHMAN: We had an LOI here, a
9	wetlands and a 50-foot transition. And it's very
10	steep in that area.
11	MR. ABAD: So the whole building
12	envelope is that dashed line there.
13	MR. HUBSCHMAN: Right, That dashed
14	line inside of that is basically
15	MR. ABAD: The building envelope,
16	right.
17	ACTING CHAIRWOMAN HERRIES: Are there
18	any other questions for Mr. Hubschman?
19	MR. KATES: You'll be back,
20	Mr. Hubschman, I assume, so that we'll be renewing
21	this line of questioning again to a certain extent.
22	Do we want to take a brief break for
23	the reporter?
24	ACTING CHAIRWOMAN HERRIES: Sure.
25	MR. KATES: We'll resume then with our

1 next witness. (Whereupon, a brief recess is held.) 2 ACTING CHAIRWOMAN HERRIES: We'd like 3 to reconvene. 4 MR. CAPIZZI: So, Madame Chair, we'd 5 like to take the opportunity to carry the matter to 6 the next hearing date so we can have an opportunity 7 8 to clean up the plan set to see what we can do to modify the parking area on the church property so as 9 to put it on an angle and see if we can increase that 10 buffer and address some of the other concerns that 11 12 the board and the neighbors have raised this evening. MR. KATES: That said, we're going to 13 continue this hearing. Our May date is May 19. 14 MS. MYUNG: Yes. 15 16 MR. KATES: May 19th. If the applicant can please get your 17 revised plans filed. I know there's no ten-day 18 19 requirement, but if you can do a ten-day requirement, considering the publication of this application, it 20 would be very helpful to these people. 21 MR. CAPIZZI: Understood. 22 ACTING CHAIRWOMAN HERRIES: For the 23 public, the plans will be available in the Borough 24 25 Clerk's office and also on the borough website if

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91
     you'd like to see them in advance of the next
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2
    meeting.
                    MR. CAPIZZI: So that will be 5-19-22
3
4
     without further notice, correct.
5
                    MR. KATES: That's correct.
6
                    (Whereupon, the matter is continuing at
7
            a future date. Time noted: 9:10 p.m.)
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## CERTIFICATE

I, RONDA L. REINSTEIN, a Certified Court
Reporter of the State of New Jersey, authorized to
administer oaths pursuant to R.S.41:2-2, do hereby
certify that the foregoing is a true and accurate
transcript of the testimony as taken stenographically
by and before me at the time, place and on the date
herein before set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

RONDA L. REINSTEIN, CCR No. 30X100217800