

## 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 (<http://www.alpinenj07620.org>), 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

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, At l	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**

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*These minutes have been approved by the Zoning Board of Adjustment at the May 19, 2022 meeting.*

**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

1 BOROUGH OF ALPINE  
2 ZONING BOARD OF ADJUSTMENT  
3 THURSDAY, APRIL 21, 2022  
4 7:30 P.M.

5 IN THE MATTER OF: } TRANSCRIPT OF  
6 APPLICATION OF } PROCEEDING  
7 CHURCH OF THE LORD,  
8 995 CLOSTER DOCK ROAD,  
9 BLOCK 47, LOT 2,  
10 10 OLD DOCK ROAD,  
11 BLOCK 48, LOT 1.01.  
12 }

13 B E F O R E:

14 RICHARD GLAZER, CHAIRMAN (ABSENT)  
15 TONY CLORES, VICE CHAIRMAN (ABSENT)  
16 ELIZABETH HERRIES, ACTING CHAIRWOMAN  
17 GEORGE ABAD, JUNIOR, MEMBER  
18 RICHARD BONHOMME, MEMBER  
19 ANTHONY BARBIERI, MEMBER  
20 DAVID KUPFERSCHMID, MEMBER  
21 AMY LERNER, ALTERNATE 1 MEMBER

22 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
23 CERTIFIED COURT REPORTERS  
24 P.O. BOX 505  
25 SADDLE BROOK, NJ 07663  
201-641-1812  
LauraACaruccilc@gmail.com

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
201-641-1812

1 I N D E X

2 WITNESS	3 SWORN	4 TESTIMONY
5 MICHAEL J. HUBSCHMAN, P.E.	14	
6 Direct Examination by Mr. Capizzi		19
7 Board/Professional Questions		
8 Mr. Kupferschmid		20, 33
9 Mr. Kates		37, 79
10 Acting Chairwoman Herries		82
11 Mr. Frenzel		81
12 Public Questions		
13 John Kelly		39
14 9 Old Dock Road		
15 Robert Policano		45
16 979 Closter Dock Road		
17 Leon Garabet		48
18 987 Closter Dock Road		
19 David Reeves		51
20 19 Ridge Street		
21 Allison Mangot		59
22 19 Old Dock		
23 Sara Reeves		63
24 19 Ridge Street		
25 Lane Goldstein		67
		23 Ridge Street

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
201-641-1812

1 A P P E A R A N C E S:

2 MICHAEL B. KATES, ESQUIRE  
3 Attorney for the Zoning Board of Adjustment

4 CAPIZZI LAW OFFICES  
5 BY: MATTHEW G. CAPIZZI, ESQUIRE  
6 11 Hillside Avenue  
7 Second Floor  
8 Tenafly, New Jersey 07670  
9 Attorney for Applicant

10 A L S O P R E S E N T:

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

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
201-641-1812

1 I N D E X (CONTINUED)

2 E X H I B I T S

3 NO.	4 DESCRIPTION	5 IDENT/EVID
6 A-1	Proof of Publication in The Record: April 10, 2022	17
7 A-2	Certified mailing to Residents Within 200' on April 8, 2022 per Tax Assessor's List April 7, 2022	17
8 A-3	Application received January 6, 2022 signed and Dated January 5, 2022 with Rider and attachments: Proposals And Reasons for Relief Tax Collector's Proof of Statement dated June 18, 2021 - Tax Exempt 200' Property Owners' list September 30, 2021	17
9 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
10 A-5	Photo Exhibit - set of 2 color Photos not dated, not signed	17
11 A-6	Soil Moving Report signed and Sealed by Michael J. Hubschman, PE PP dated December 31, 2021	17
12 A-7	6-Foot Boulder Wall Calculations Report signed and sealed by Michael J. Hubschman, PE PP dated January 3, 2022	17
13 A-8	Storm Drainage Report signed and Sealed by Michael J. Hubschman, PE PP Dated December 28, 2021	17

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<p style="text-align: right;">5</p> <p>1 <b>INDEX (CONTINUED)</b></p> <p>2 <b>EXHIBITS</b></p> <p>3 <b>NO. DESCRIPTION IDENT/EVID</b></p> <p>4 A-9 Engineering Plans consisting of</p> <p>5 6 pages signed and sealed by</p> <p>6 Michael J. Hubschman, PE PP dated</p> <p>7 June 24, 2021, last revised</p> <p>8 December 20, 2021 except for</p> <p>9 Sheet 6 as noted below:</p> <p>10 Drawing # 3882-4 "Site Plan"</p> <p>11 Drawing # 3882-5 "Grading, Drainage</p> <p>12 &amp; Utility Plan/Details" Drawing # 3882-6</p> <p>13 "Lighting/Landscaping Plan &amp; Details"</p> <p>14 Drawing # 3882-7 "Soil Erosion Sediment</p> <p>15 Control Plan &amp; Details" Drawing # 3882-8</p> <p>16 "Existing Conditions Plan" Drawing</p> <p>17 # 3882-9 "Cross Sections &amp; Soil Moving</p> <p>18 Plan" dated December 29, 2021 17</p> <p>19 A-10 Supplement cover letter from Matthew G.</p> <p>20 Capizzi, Esq. Dated February 16, 2022</p> <p>21 Along with: Soil Moving Permit</p> <p>22 Application with Check List for</p> <p>23 Determining completeness of review 17</p> <p>24 A-11 Drawing # 3882-4 "Site Plan" previously</p> <p>25 submitted as part of exhibit A-9 now</p> <p>colorized 18</p> <p>A-12 Drawing # 3882-5 "Grading, Drainage &amp;</p> <p>Utility Plan/Details" previously</p> <p>Submitted as part of exhibit A-9 but</p> <p>Plan presented during April 21, 2022</p> <p>Meeting is colorized 18</p> <p>A-13 Drawing # 3882-6 "Lighting/Landscaping</p> <p>Plan &amp; Details" previously submitted as</p> <p>Part of exhibit A-9 now colorized 19</p> <p>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p>201-641-1812</p>	<p style="text-align: right;">7</p> <p>1 brief opening statement on the Church of the Lord</p> <p>2 application.</p> <p>3 <b>ACTING CHAIRWOMAN HERRIES: Of course.</b></p> <p>4 <b>MR. CAPIZZI: So as the board is aware,</b></p> <p>5 <b>this is the former location of the Alpine Community</b></p> <p>6 <b>Church. The Church of the Lord purchased the</b></p> <p>7 <b>property in November of 2019 and has been holding</b></p> <p>8 <b>services at the stone church property since that</b></p> <p>9 <b>time.</b></p> <p>10 <b>What we're seeking to do by way of this</b></p> <p>11 <b>application is add some additional off-street</b></p> <p>12 <b>parking.</b></p> <p>13 <b>As the board members may be aware, the</b></p> <p>14 <b>property consists of essentially two parcels that are</b></p> <p>15 <b>separated by Old Dock Road. One is on the westerly</b></p> <p>16 <b>side. It has the stone church building on it where</b></p> <p>17 <b>services are held. And on the easterly side is the</b></p> <p>18 <b>community center property and the pastor's manse,</b></p> <p>19 <b>where we hold some other events, religious worship,</b></p> <p>20 <b>religious education, services in that building.</b></p> <p>21 <b>At the stone church property there's a</b></p> <p>22 <b>parking lot, a macadam parking lot, that has</b></p> <p>23 <b>approximately 20 parking spaces. In the -- at the</b></p> <p>24 <b>Community Center property there is no opportunity for</b></p> <p>25 <b>off-street parking with the exception of the driveway</b></p> <p><b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b></p> <p><b>201-641-1812</b></p>
<p style="text-align: right;">6</p> <p>1 <b>ACTING CHAIRWOMAN HERRIES: And so the</b></p> <p>2 <b>Church of the Lord application.</b></p> <p>3 <b>MR. CAPIZZI: Good evening, Madame</b></p> <p>4 <b>Chair.</b></p> <p>5 <b>Matthew Capizzi on behalf of the</b></p> <p>6 <b>applicant.</b></p> <p>7 <b>Just as a point of clarification, as I</b></p> <p>8 <b>do have the Tracey Marrow application as well, we're</b></p> <p>9 <b>going to be adjourning that matter this evening.</b></p> <p>10 <b>Unfortunately, we received late notice</b></p> <p>11 <b>that one of our professionals is not available. So</b></p> <p>12 <b>whether you want to dispose of that now and adjourn</b></p> <p>13 <b>it or later on in the agenda, you let me know.</b></p> <p>14 <b>MR. KATES: Let's announce the date of</b></p> <p>15 <b>the next meeting. It will be May.</b></p> <p>16 <b>MS. MYUNG: May 19th.</b></p> <p>17 <b>MR. KATES: The Marrow application is</b></p> <p>18 <b>being adjourned to May 19 without further notice</b></p> <p>19 <b>being required, on the request of the applicant's</b></p> <p>20 <b>attorney.</b></p> <p>21 <b>Anyone here interested in that matter,</b></p> <p>22 <b>you're certainly welcome to stay, but there will be</b></p> <p>23 <b>no testimony tonight.</b></p> <p>24 <b>MR. CAPIZZI: Thank you.</b></p> <p>25 <b>So, Madame Chair, if I may, just a</b></p> <p><b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b></p> <p><b>201-641-1812</b></p>	<p style="text-align: right;">8</p> <p>1 <b>that services the pastor's manse.</b></p> <p>2 <b>Based upon the attendance at our</b></p> <p>3 <b>services and with some room for expansion, we're</b></p> <p>4 <b>proposing to add some additional parking at the stone</b></p> <p>5 <b>church property, adding approximately 22 spaces to</b></p> <p>6 <b>that lot.</b></p> <p>7 <b>And at the Community Center property,</b></p> <p>8 <b>we're proposing to create a new parking area</b></p> <p>9 <b>containing 25 spaces.</b></p> <p>10 <b>Once you bring the sum total online, it</b></p> <p>11 <b>will give us an opportunity of approximately 67</b></p> <p>12 <b>spaces, which we believe would be sufficient for our</b></p> <p>13 <b>demands on Sundays and whenever we may have special</b></p> <p>14 <b>events at the property and so forth.</b></p> <p>15 <b>At present, we've been relying upon the</b></p> <p>16 <b>macadam lot that's on the stone church property.</b></p> <p>17 <b>But, certainly, it doesn't provide a</b></p> <p>18 <b>sufficient amount of off-street parking, so there is</b></p> <p>19 <b>an amount of parking that has spilled over onto the</b></p> <p>20 <b>local roadway network.</b></p> <p>21 <b>We believe by way of this application</b></p> <p>22 <b>we'll be able to now take that parking that's on the</b></p> <p>23 <b>local network and bring that off the roadway onto the</b></p> <p>24 <b>church property.</b></p> <p>25 <b>The use of the house of worship is a</b></p> <p><b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b></p> <p><b>201-641-1812</b></p>

<p style="text-align: right;">9</p> <p>1 conditional use in the zone. It's been the subject  2 of one prior application in 2007, 2008, thereabouts,  3 where there was a portion of the Community Center  4 property that was subdivided off.  5 But other than that, I'm not aware of  6 any other historical applications concerning either  7 property.  8 As far as the variance relief that's  9 concerned, there are several nonconforming conditions  10 at the properties as they stand today: Lot area, lot  11 width, and so forth.  12 None of the nonconforming conditions  13 are being exacerbated by way of this application with  14 the exception of two, and they both pertain to the  15 stone church property.  16 There is a buffer requirement that the  17 parking area be approximately 100 feet off the  18 property line.  19 At present, the parking area is only  20 about 3. And we're proposing to continue that offset  21 as we continue in a westerly direction with the  22 expanded parking area.  23 However, you'll hear from Mr. Hubschman  24 about some landscaping that's being proposed at that  25 property to shield the vehicles from the adjacent  <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>  <b>201-641-1812</b></p>	<p style="text-align: right;">11</p> <p>1 before it this evening.  2 Moreover, it's a conditional use  3 variance, a D-3 variance, so the focus is typically  4 on what is the impact of the applicant's inability to  5 comply with that condition, here being the buffer  6 requirement and the improved coverage requirement  7 limitation.  8 The third aspect for the board to  9 consider is the fact that the applicant is not  10 complying with those two parameters, do they result  11 in a substantial negative impact upon the  12 neighborhood, and can that substantial negative  13 impact be mitigated against with the imposition of  14 certain conditions?  15 That's essentially a nutshell  16 explanation of the legal standard that applies to a  17 house of worship conditional use variance case.  18 As in any variance case, there are  19 typically two prongs, a positive criteria and a  20 negative criteria. The positive criteria being what  21 about the property generates the need for the  22 variance, or does the granting of the variance result  23 in some public benefit that's achieved by way of the  24 board granting the variance?  25 Because of the nature of the use, that  <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>  <b>201-641-1812</b></p>
<p style="text-align: right;">10</p> <p>1 properties. And there's also a variance for improved  2 lot coverage.  3 By virtue of expanding the parking  4 area, we need variance relief to that particular  5 item.  6 But, again, Mr. Hubschman will speak to  7 the fact that the expanded parking area is made of  8 gravel, so although it is improved, it certainly will  9 have permeability, given the substrate from which  10 it's being constructed.  11 I think it's important to note that as  12 the board hears testimony from Mr. Hubschman and  13 Ms. Bogart, our planner, as well as any comments and  14 testimony that may be given by the neighbors, that  15 the board be mindful of the variance criteria that's  16 supposed to be applied to such a matter.  17 Having appeared before the board  18 regularly, commercial applications, institutional  19 applications such as this are not commonplace before  20 the board, so the variance criteria is somewhat  21 different.  22 First and foremost, houses of worship  23 are considered inherently beneficial uses under the  24 New Jersey Case Law. And that's of significant  25 importance as the board considers the testimony  <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>  <b>201-641-1812</b></p>	<p style="text-align: right;">12</p> <p>1 we're protected by New Jersey Case Law with that  2 determination of being inherently beneficial, because  3 the First Amendment of the New Jersey and U.S.  4 Constitution protect one's ability to freely exercise  5 their religion, and based upon the Federal Statute,  6 FRLUA, that Mr. Kates may speak about at some point  7 in time, that first prong is already deemed  8 satisfied.  9 So the law already says that the  10 positive criteria, why you're before is not of  11 relevance; we've already cleared the road for you as  12 far as telling us why you need the variance and  13 providing either some kind of hardship or public  14 benefit testimony relative to that component.  15 And, essentially, the case distills  16 itself to an analysis of the negative criteria. Will  17 the granting of the variance result in a substantial  18 negative impact upon the public good, essentially the  19 neighborhood?  20 Before the board can arrive at a  21 determination of substantial negative impact, it must  22 first determine whether the board can impose certain  23 conditions upon the applicant that would ameliorate,  24 limit, that substantial negative impact.  25 It is only after the board has  <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>  <b>201-641-1812</b></p>

<p style="text-align: right;">13</p> <p>1 considered those imposition of conditions and still  2 finds that it would result in a substantial negative  3 impact despite the imposition of those conditions  4 that the negative criteria would fail.  5 Essentially, the law favors houses of  6 worship. They want them to be in neighborhoods such  7 as this. Your zoning ordinance wants them to be in  8 this particular neighborhood. That's evident by the  9 fact that we're a conditional use. It's evident by  10 the fact that this church has existed since 1866 and  11 continues to be a viable house of worship within the  12 community.  13 For those reasons, it's why the  14 standard is quite difficult in order for such an  15 application to be denied.  16 And in essence here, we're really just  17 dealing with some housekeeping. The nature of the  18 church is not changing. The buildings are not being  19 expanded. The number of seats is not changing. The  20 kinds of services that are being provided are your  21 typical Sunday service, weekday morning service,  22 youth and adult educational services that you would  23 find in any similar typical house of worship. So  24 none of those things are changing.  25 The only thing we're looking to do is  <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>  <b>201-641-1812</b></p>	<p style="text-align: right;">15</p> <p>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  <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>  <b>201-641-1812</b></p>
<p style="text-align: right;">14</p> <p>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  <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>  <b>201-641-1812</b></p>	<p style="text-align: right;">16</p> <p>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.  <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>  <b>201-641-1812</b></p>

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.  
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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"  
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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.**  
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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 --**  
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1 MS. MYUNG: Excuse me. I'm sorry.  
2 Can we just unfold the sheets just  
3 because this meeting is taped.

4 MR. HUBSCHMAN: Is everyone done?  
5 BY MR. CAPIZZI:

6 Q. Okay, Mike, let's resume.

7 A. **Okay.**

8 **Again, north is up on all of the**  
9 **sheets. Closter Dock Road is going from left to**  
10 **right on the bottom.**

11 The middle of the sheet is the Old Dock  
12 Road that separates the two sites.

13 The Existing Conditions Plan shows to  
14 the left, or to the west, the existing stone church,  
15 the existing parking lot to the north of that, which  
16 is a 22 spaces, I believe it was.

17 Q. Twenty, I believe, Mike.

18 A. **Twenty. Right, 20. It turns into it.**

19 Then to the east are the Community  
20 Center building.

21 And then to the -- on the corner to the  
22 south of the Community Center is the existing  
23 parsonage, or the reverend's house.

24 Going to the east, there is some sloped  
25 areas, wooded areas, then wetlands just off the

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1 property.

2 Q. Thank you.

3 So I had mentioned in my opening just  
4 some of the limited parking opportunities. They are  
5 just principally on the stone church property.

6 Is that correct?

7 A. **Right.**

8 **There's the existing parking area, yes.**

9 Q. Thank you.

10 A. **The floor is, like, sloped.**

11 Q. As far as the proposal, can you take us  
12 through the parking areas that you're going to be  
13 enlarging?

14 A. **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  
18 would have 42 -- yeah, that lot would have a total of  
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  
24 spaces to the west of that, two handicap stalls.

25 And then on the east side where the

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1 Community Center is, we're proposing a small parking  
2 area between the two -- the two buildings. There's  
3 24 spaces in the parking area. And we're providing  
4 one ADA stall in front, because the grades really  
5 didn't work to have the ADA stall in the lot.

6 Q. Thank you, Mike.

7 As far as the landscaping and lighting  
8 components?

9 A. **Right.**

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

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

17 Q. Just for purposes of the record, Mike,  
18 can you just walk us through each particular lot and  
19 give us a description of the landscaping and lighting  
20 as to which one pertains to stone church and --

21 A. **Well, on the stone church, again we're**  
22 **proposing dark American arborvitaes, or the Green**  
23 **Giant arborvitaes that I'm sure everyone is familiar**  
24 **with. They're colored in that darker green color.**

25 They're proposed to be 7- to 8-foot planting height.

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

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

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

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

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

16 Q. As far as on the stone church property,  
17 is there an ability to enhance the landscaping area  
18 and perhaps provide a double row of arborvitaes along  
19 the west?

20 A. **We're proposing a 20-foot buffer area.**  
21 We could easily plant two or three rows of staggered  
22 green giants in that area, yes.

23 Q. With the enhanced landscaping, would  
24 that buffer the expanded parking area from the  
25 neighboring properties?

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1 A. Right, yes. The one neighboring  
2 property would be to the west.  
3 Q. Would that include a screening of the  
4 headlights from the vehicles?  
5 A. Right.  
6 Most of the activity is during the day,  
7 I guess, when they -- they're going to testify on  
8 that.  
9 So there's not really a lot of  
10 headlight usage there.  
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 shows our drainage proposal.  
19 The Community Center side, I think it  
20 drains down towards the east to the wooded area.  
21 That side drains to the Hudson River. And we're  
22 proposing pervious paver. There's a strip of  
23 pervious paver about 30-feet wide that would absorb  
24 most of the water.  
25 And that's a green -- you know, a green  
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1 or, you know, grading in order to bring that up to,  
2 like, a drivable grade going down.  
3 Q. Thank you, Mr. Hubschman.  
4 As far as the buffer at the community  
5 property, the Community Center property, I know we  
6 have the dwelling -- excuse me -- the Community  
7 Center building on the north side of the parking lot.  
8 Will that provide an element of a buffer of that  
9 parking area?  
10 A. This will, yeah.  
11 Some of our original concepts were to  
12 have parking over on the north side of the building.  
13 That was kind of taken off the table. It was just  
14 not really fitting in with the neighborhood there.  
15 So that's why it was decided to put whatever parking  
16 we could in the middle.  
17 And, you know, we're hampered by the  
18 slope, the wetlands, the transition area.  
19 So there's no way to really go any  
20 further than what we're showing there.  
21 Q. And having an access point off of the  
22 county road, you'll tell us why that was disfavored,  
23 off Closter Dock?  
24 A. It's just a slope. It doesn't work.  
25 There's an existing driveway.  
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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  
5 it. It's really -- rather than just putting basins  
6 in and piping it right to the wetlands to have it  
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 Q. As far as the soil movement  
13 considerations, can you discuss that for us, please?  
14 A. 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,  
19 the soil moving, there's fill required for that rear  
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  
23 Road, then it slopes down to about 6 percent.  
24 And the quantities were -- let's see.  
25 There's 1,496 yards of fill on the east parking lot  
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1 And the sight distance is not good.  
2 You're right about the crest of the hill there when  
3 you're at Old Dock Road.  
4 So you couldn't put an entrance for  
5 sight distance. And just the slope going up really  
6 didn't work.  
7 Q. Can you take us through the bulk table  
8 and tell us what the existing nonconforming  
9 conditions are and how they're going to be impacted  
10 by this application?  
11 A. 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-2  
19 Zone. And they're both -- they're both fairly  
20 similar to house sizes and so forth.  
21 The lot sizes are 10,000, and 12- or  
22 14,000-square-foot lots.  
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  
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1 of worship.

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?

6 Q. Please.

7 A. **For a church or a house of worship, it**  
8 **requires 5 acres of property. And our total is 2.86**  
9 **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.

14 But that's listed in the conditional  
15 use ordinance. We're at 7.9 percent on the west, and  
16 4.6 percent -- as you can see, that's a very large  
17 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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1 But I don't think the ordinance really  
2 permits to count the whole thing because they're not  
3 contiguous.

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

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

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.  
16 The minimum is 70 feet, which would be the church  
17 side here.

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

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

25 Heights, we're below 35 feet. So

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1 that's good. The buffer abutting a residential use,  
2 100 foot is required in the conditional use  
3 ordinance.

4 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  
9 expand that to 5 feet, so that's the variance that  
10 we're actually creating. The remainder are existing  
11 nonconforming that we can't really increase.

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  
16 the way. So it is sort of impossible to drive --  
17 have a driveway going to Route 9W.

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

21 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 Q. And the impervious coverage, if we look  
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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.**

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

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

8 Q. I know we didn't talk about off-street  
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 A. **Right.**

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

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

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

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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.

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1 MR. HUBSCHMAN: No.

2 There are 25 at the community center.

3 MR. KUPFERSCHMID: According to this it  
4 says 65 at the community proposed, 65 proposed.

5 MR. HUBSCHMAN: Right, right. No.

6 That's 67 proposed actually, right. Because there  
7 was the one handicap. Then we did count the space --  
8 if you add the space that's in the right-of-way,  
9 that's like the 67th space.

10 MR. CAPIZZI: It's 67 in total when you  
11 count the community center, and another 18 at the  
12 church.

13 MR. HUBSCHMAN: No, no, no. Total.

14 MR. KUPFERSCHMID: That's everything.

15 MR. CAPIZZI: Correct.

16 MR. HUBSCHMAN: Sixth-seven both sides  
17 of the road, yes.

18 MR. KUPFERSCHMID: On this it says  
19 community center.

20 MR. CAPIZZI: Understood.

21 So there's a typo in the bulk table  
22 perhaps?

23 MR. KUPFERSCHMID: The house of worship  
24 says you're looking for 42 spaces of which existing  
25 is -- what is existing?

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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.

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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.

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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  
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1 microphone. I'll leave it to you.  
 2 MR. KATES: Well, if the court reporter  
 3 can hear the witnesses from back there, that would  
 4 work. That would make to your comfort.  
 5 But let's start with the witness who's  
 6 here. Your name please just for the record.  
 7 MR. KELLY: John Kelly, 9 Old Dock  
 8 Road.  
 9 I'm the little house on the top there.  
 10 So what you're telling -- I'm the one  
 11 you're impacting the most.  
 12 MR. HUBSCHMAN: You're right here.  
 13 MR. KELLY: A couple shrubs up there.  
 14 So what you're basically telling me is  
 15 you're not presently in compliance with any of the  
 16 regulations, zoning regulation in town pretty much.  
 17 Because the buffer is not in compliance. None of  
 18 these buildings are in compliance.  
 19 MR. CAPIZZI: Mr. Hubschman, we'll  
 20 leave that to Ms. Bogart to speak to.  
 21 MR. KATES: The planner is going to get  
 22 into that in detail, Mr. Kelly. It's one of the  
 23 reasons that I mentioned there are other witnesses.  
 24 MR. KELLY: And you're going to be  
 25 presenting a traffic plan as well?  
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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  
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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  
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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 requiring -- you said 72 spots are required between  
2 the use of the community house and the church. Who  
3 is that required by? The town?

4 MR. HUBSCHMAN: It's in the ordinance.  
5 The town has a certain requirement, yeah.

6 MR. KELLY: So it's never been in  
7 compliance with that.

8 So you're trying to mitigate that by  
9 basically covering a large portion of the property  
10 with the parking lots.

11 MR. HUBSCHMAN: Well, we're proposing  
12 to create more parking onsite, if that's what you  
13 mean, yes.

14 MR. KELLY: You're going to put a  
15 couple of shrubs up over here.

16 MR. HUBSCHMAN: Well, we were proposing  
17 the green giant arborvitaes there, yeah. There's not  
18 a lot of room on that side.

19 MR. KELLY: Okay. I know these are not  
20 all questions for him. But this impacts me greatly.  
21 Because this is a small community church. It's been  
22 a small community church. And now it's going to be a  
23 car park basically in the middle of Alpine.

24 MR. CAPIZZI: Again, we're not leaving.  
25 So we're trying to find a place in order for us to

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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  
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  
9 mitigation, water mitigation from here. So this is a  
10 slope, right?

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 MR. HUBSCHMAN: Well, everything is  
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 MR. KELLY: Okay. And you're

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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 --

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 an option. They can valet park and they can put it  
21 all in the town parking lot. Nobody's here on  
22 Sunday.

23 MR. CAPIZZI: Depending on how much you  
24 put on the communion plate will determine what we can  
25 do.

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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

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1 Street that 12 days ago we had a rainfall, and the  
2 water from West Main -- which is groundwater, which  
3 this is going to increase the groundwater flow -- is  
4 going down West Main to Main Street, all the way down  
5 Main Street to Closter Dock Road. You can go there  
6 right now; it's still flowing 12 days later. This is  
7 just going to exacerbate it.  
8 MR. KATES: Do you agree,  
9 Mr. Hubschman?  
10 MR. HUBSCHMAN: Well, we submitted a  
11 drainage report. We're actually not paving more than  
12 -- you know, everything presently runs off.  
13 So we're controlling -- we're  
14 controlling what runs off presently. You know, it  
15 will definitely be a positive improvement with the  
16 curbing and the pervious paving.  
17 MR. KUPFERSCHMID: Mike, do we know if  
18 the existing conditions -- how long they've been  
19 existing in that condition, or were they somehow  
20 expanded or added to over time.  
21 MR. HUBSCHMAN: I worked on the church  
22 -- actually, I've been to -- you know, I've been  
23 around for a long time.  
24 As far as I know, probably at least the  
25 last 30 or 40 years, the parking lot has been right,

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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.

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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.

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1 Your question, please.  
 2 MR. GARABET: So my question is, my  
 3 house is right by the gate, right over there,  
 4 15 feet, 20 feet from my gate. The water comes down  
 5 -- down like they put septic in the back over there.  
 6 So when they put the septic, the whole water was on  
 7 my grass. And they destroy things. They don't fix  
 8 it. They don't do nothing. They're supposed to put  
 9 some trees.  
 10 Here now when you're paving, where the  
 11 water is going to go? On my property again, no?  
 12 It's only 20 feet. It's 20 feet from my bedroom.  
 13 MR. KATES: Let him answer you, if he  
 14 can.  
 15 MR. HUBSCHMAN: I know when they  
 16 installed the septic system, there was supposed to be  
 17 more of a wall and swale on top of that.  
 18 Well, there was a supposed to be, I  
 19 said.  
 20 MR. GARABET: Mr. Hubschman, they put  
 21 the septic over there and they did the test pit.  
 22 MR. HUBSCHMAN: Are you going to let me  
 23 answer? All right, thank you.  
 24 And our plan does reflect that, the way  
 25 the wall was supposed to be brought up a little bit

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1 and swale down toward Closter Dock there. It didn't  
 2 look like -- it looked like they added -- there's too  
 3 much of a slope towards your property, I guess is  
 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 have. When they put over there about 100 tons of  
 10 pavers, rocks, whatever they put on the property, do  
 11 they have a permit to put over there 100 pounds of  
 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  
 17 question because it's there. It's right on my gate.  
 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.  
 24 MR. POLICANO: Just to verify. There  
 25 were three truck loads, piles of stone dropped there.

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1 Two piles were leveled off on the wall. There's one  
 2 pile left.  
 3 MR. HUBSCHMAN: Right.  
 4 I've been there.  
 5 I saw the piles. But we had nothing to  
 6 do with that. I had nothing to do with it.  
 7 ACTING CHAIRWOMAN HERRIES: Are there  
 8 any other questions from the audience?  
 9 MR. REEVES: David Reeves, 19 Ridge  
 10 Street.  
 11 MR. KATES: Reeves? I'm sorry.  
 12 MR. REEVES: R-E-E-V-E-S.  
 13 MR. KATES: Your first name,  
 14 Mr. Reeves.  
 15 MR. REEVES: Say it again.  
 16 MR. KATES: Your first name.  
 17 MR. REEVES: David.  
 18 It's hard to see from there,  
 19 Mr. Hubschman.  
 20 Sara and I, and some others, we've been  
 21 going to that church since 1976.  
 22 And it's a wonderful church. You have  
 23 a wonderful building there. And we were witness to  
 24 resurfacing the current parking lot about ten years  
 25 ago.

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1 And my question here is, I see a  
 2 buffer. I could see no buffer from there. I see a  
 3 buffer here. My layman's understanding is that there  
 4 should be a buffer of more than 2 or 3 feet for the  
 5 party right here.  
 6 Am I correct 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

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1 over the -- does the church have any concern as to  
2 the impact to the neighbor next to you, who will be  
3 with -- you said you're not moving.

4 Will you be being a good neighbor by  
5 reducing the buffer by 95 percent?

6 MR. CAPIZZI: We're not reducing the  
7 buffer my 95 percent.

8 As you said, when you were a member of  
9 the church, the parking lot as it stands today is  
10 3 feet off. We're extending that. We're actually  
11 improving the condition from what it was when you  
12 were a member.

13 MR. REEVES: That's a matter of  
14 opinion, I submit to you.

15 MR. CAPIZZI: The numbers are the  
16 numbers. We're going from 3 to 5.

17 MR. REEVES: From 3 feet to 5 feet, so  
18 that's an improvement.

19 What would you say the impact is on the  
20 neighbor that you have there?

21 MR. CAPIZZI: We believe we've  
22 addressed it appropriately.

23 Mr. Hubschman, can you go through the  
24 buffering again, and the adequacy of the buffering.

25 MR. REEVES: Addressing it

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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  
6 answer the question.

7 MR. CAPIZZI: I'm a lawyer. I ask  
8 questions. Mr. Hubschman is the witness. He'll  
9 answer it.

10 MR. HUBSCHMAN: We were proposing the  
11 Green Giant arborvitae hedge along there, which would  
12 be a virtual, you know, solid evergreen hedge through  
13 that whole area.

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.  
22 Maybe it's not appropriate right here.

23 But you had mentioned -- the lawyer had  
24 mentioned that this is improving -- the house of  
25 worship improves the neighborhood. And in a certain

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1 way that's true.

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

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

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

9 MR. CAPIZZI: Matthew Capizzi.

10 MR. REEVES: Mr. Capizzi.

11 MR. CAPIZZI: Yes, sir.

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

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

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

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

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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.

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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  
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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  
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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  
 8 and such would not be qualified as an intensification  
 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.  
 14 If you're increasing coverage, then I would think it  
 15 does matter.  
 16 MR. CAPIZZI: It certainly matters as  
 17 far as being part of the plan set. That goes without  
 18 question.  
 19 And certainly those kinds of things  
 20 should have not occurred. The gravel should not have  
 21 been brought to the property. The sidewalk should  
 22 not have been either established or reconstructed.  
 23 The timber rails should not have happened. Those are  
 24 all things that unfortunately cause certainly some  
 25 bit of aggravation and concern for the neighborhood.  
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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.  
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<p style="text-align: right;">61</p> <p>1 MS. MANGOT: So your plan isn't</p> <p>2 correct.</p> <p>3 MR. HUBSCHMAN: Well, that was added</p> <p>4 after we submitted the plans, yes.</p> <p>5 MS. MANGOT: Well, you said you were</p> <p>6 there so...</p> <p>7 MR. HUBSCHMAN: I was there today. I</p> <p>8 was there.</p> <p>9 MS. MANGOT: You saw it. Well, you saw</p> <p>10 it, right.</p> <p>11 MR. HUBSCHMAN: Well, we're going to</p> <p>12 resubmit an updated plan showing it.</p> <p>13 MS. MANGOT: But you saw it.</p> <p>14 My other question for you is, so since</p> <p>15 then everything is, in quotes, nonconforming, are the</p> <p>16 rules for your parking, is that -- you know, for the</p> <p>17 amount of parking for the community center, for the</p> <p>18 church, et cetera, et cetera -- I didn't know that</p> <p>19 there were rules for the community center, just for</p> <p>20 the church -- does that acreage rule apply for the</p> <p>21 nonconforming size of 2-and-a-half acres or for a</p> <p>22 5-acre lot.</p> <p>23 MR. HUBSCHMAN: No. The parking</p> <p>24 requirements are just based on the number of seats,</p> <p>25 and it doesn't -- it's not part of the conditional</p> <p style="text-align: center;"><b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b> 201-641-1812</p>	<p style="text-align: right;">63</p> <p>1 around --</p> <p>2 MS. MANGOT: I was just curious if</p> <p>3 people are complaining.</p> <p>4 ACTING CHAIRWOMAN HERRIES: Yes.</p> <p>5 MS. REEVES: Sara Reeves, R-E-E-V-E-S.</p> <p>6 MR. KATES: Your first name is.</p> <p>7 MS. REEVES: Sara, S-A-R-A. 19 Ridge</p> <p>8 Street. I'm with him. I have a question.</p> <p>9 You had something about handicap</p> <p>10 parking on Old Dock</p> <p>11 Is that correct?</p> <p>12 MR. HUBSCHMAN: Well, we were proposing</p> <p>13 the one ADA space for the community center on Old</p> <p>14 Dock Road, yes.</p> <p>15 MR. CAPIZZI: It's not on the road,</p> <p>16 Michael.</p> <p>17 MS. REEVES: Why wouldn't you have</p> <p>18 handicap parking in the parking lot where the person</p> <p>19 can get to it.</p> <p>20 MR. CAPIZZI: Michael, you're</p> <p>21 describing it as though it's in the road. It's not</p> <p>22 in the road.</p> <p>23 MR. HUBSCHMAN: It's not in the road.</p> <p>24 It's off of the road.</p> <p>25 MS. REEVES: Why is it not in the</p> <p style="text-align: center;"><b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b> 201-641-1812</p>
<p style="text-align: right;">62</p> <p>1 use ordinance, I don't believe.</p> <p>2 MS. MANGOT: You believe but you're not</p> <p>3 sure.</p> <p>4 MR. CAPIZZI: They're not, Michael.</p> <p>5 MR. HUBSCHMAN: It's not, no. The</p> <p>6 parking section of the ordinance is not in</p> <p>7 Section 200-10.</p> <p>8 MS. MANGOT: So it doesn't -- it's not,</p> <p>9 like, a law that it has be.</p> <p>10 MR. HUBSCHMAN: Well, the city -- or</p> <p>11 the Borough set up certain requirements and</p> <p>12 guidelines for parking, number of spaces per seat,</p> <p>13 and that's how you design those.</p> <p>14 The church has a certain number of</p> <p>15 seats, so they want 40 spaces for 120 seats.</p> <p>16 MS. MANGOT: And has there been any</p> <p>17 studies about the off-street parking, how it affects</p> <p>18 the neighborhood on a Sunday.</p> <p>19 MR. HUBSCHMAN: There hasn't been.</p> <p>20 But the whole reason for the project is</p> <p>21 to try to alleviate a lot of --</p> <p>22 MS. MANGOT: Have there been</p> <p>23 complaints?</p> <p>24 MR. HUBSCHMAN: I don't know.</p> <p>25 But I understand there's parking all</p> <p style="text-align: center;"><b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b> 201-641-1812</p>	<p style="text-align: right;">64</p> <p>1 parking lot of the church where the handicapped</p> <p>2 people can get into the church? You're now requiring</p> <p>3 them to cross Old Dock.</p> <p>4 MR. HUBSCHMAN: No, no. There are two</p> <p>5 ADA spaces on the church side also. It's a</p> <p>6 requirement that for each parking lot they have their</p> <p>7 own ADA requirements.</p> <p>8 MS. REEVES: Is there also one on the</p> <p>9 south side -- on the east side.</p> <p>10 MR. HUBSCHMAN: Right.</p> <p>11 There are two proposed on the church,</p> <p>12 which is the west, and one proposed on the east side.</p> <p>13 So there are three total.</p> <p>14 MS. REEVES: Why would you have one</p> <p>15 away from the church? I'm just asking a question.</p> <p>16 MR. HUBSCHMAN: Well, because each --</p> <p>17 that building requires -- has an ADA requirement to</p> <p>18 have a space.</p> <p>19 MS. REEVES: So that's the community</p> <p>20 house ADA requirement.</p> <p>21 MR. HUBSCHMAN: Yes.</p> <p>22 MS. MANGOT: Those large circles on</p> <p>23 your other plan, were those for lighting.</p> <p>24 MR. HUBSCHMAN: Those were -- let's see</p> <p>25 here.</p> <p style="text-align: center;"><b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b> 201-641-1812</p>

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.

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

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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.

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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.

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1 MR. KATES: Well, no, that's not true.  
2 I mean, it's still -- it's still a valid point as to  
3 the actual use that's taking place in those  
4 buildings. It may not weigh heavily, but it's a fair  
5 question. And it seems to me that if you're  
6 producing somebody representing the church, it's a  
7 fair question to ask of that representative.

8 MR. CAPIZZI: If we provide that  
9 testimony, then that person will speak to that issue.

10 MR. KATES: And if you don't, then the  
11 board will have to decide whether that's --

12 MR. CAPIZZI: Right.  
13 Whether that's material. Whether that  
14 assessment is at all material to a buffer variance or  
15 an improved coverage variance -- I believe it's not  
16 -- but the board will ultimately have to determine  
17 that.

18 MR. GOLDSTEIN: I have another -- just  
19 again going back to the use case. So you'll have to  
20 excuse my naivety to the zoning ordinances and laws.

21 But we have two separate -- two separate  
22 zones with structures on each zone. And it seems  
23 that the numbers are getting blended in some cases  
24 and then are being separated in others.

25 So all of this parking that's being

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1 added to a completely different piece of property is  
2 for the church, itself, and not the community center?  
3 So the church, itself, requires 72 spaces?

4 MR. HUBSCHMAN: No.  
5 The church, itself, requires 42 spaces,  
6 and the community center requires 30.

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

13 MR. CAPIZZI: No.  
14 They're all used -- the site is used in  
15 common, sir.

16 MR. GOLDSTEIN: Okay.

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

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

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

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

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

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

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

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

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

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

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1 lose sight of what they have.

2 MR. CAPIZZI: We have no issue,  
3 Mr. Kates, recording cross easements, essentially  
4 tying the properties to each other, so that if the  
5 one was sold, the other would have to be sold and  
6 vice-versa so that they would...

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

11 MR. KATES: That helps.

12 MR. KUPFERSCHMID: It does.

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

22 MR. KATES: Well, we're going to be  
23 hearing from the operator of the church, itself.  
24 That's a question to reserve for later.

25 MR. GOLDSTEIN: I'll hold that though.

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

3 MR. HUBSCHMAN: Sure.

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

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

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

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

20 MR. GOLDSTEIN: I'm sorry.

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

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

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1 different now, but when the church was purchased, the  
2 church was purchased and there were 100-and-some-odd  
3 seats within the church and there were 20 spaces  
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?

8 MR. CAPIZZI: 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  
20 not material because we have a Certificate of  
21 Occupancy to be here.

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

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

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1 property.

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.

22 But what if we have a commercial  
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

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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 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  
9 a church, whether it's a business. You can't just  
10 say, well, we're busier so we need more. I'm all  
11 about finding solutions for the church. Don't get me  
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  
21 condition is -- not typically -- it's always favored.  
22 To suggest that somehow it's an oddity that we're  
23 taking upon ourselves to voluntarily cure something  
24 we may not have the obligation to do so and somehow  
25 that's negative, I don't understand how that becomes

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

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

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

15 But the law says it.

16 MR. CAPIZZI: Exactly right.

17 ACTING CHAIRWOMAN HERRIES:  
18 Mr. Garabet?

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

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

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1 two rows of -- two or three rows of the arborvitaes,  
2 you know, on a nice berm, which would solve the  
3 problem.

4 MS. MANGOT: The deer eat the  
5 arborvitaes.

6 MR. HUBSCHMAN: The Green Giants.

7 MR. GARABET: I mean, it's too close to  
8 my window. That's what the concern is. The smoke  
9 from all these 42 cars obviously will maybe hurt the  
10 health or whatever it is.

11 MR. POLICANO: I just want to shed some  
12 light on it since there was some discussion about the  
13 activity in the church. This is right off their own  
14 website.

15 MR. KATES: Mr. Policano, it's off  
16 message. We're dealing with only one witness.  
17 You'll have an opportunity to comment at length under  
18 oath. Just hold it.

19 MR. POLICANO: Well, they talked about  
20 the activity.

21 MR. KATES: Well, we won't lose sight  
22 of it. We're going to have a transcript here of  
23 everything that's been stated, and that will be a  
24 record for you to look at as well.

25 ACTING CHAIRWOMAN HERRIES: Yes.

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1 MR. REEVES: David Reeves again. The  
2 individuals in the neighborhood purchased their house  
3 based on the way the neighborhood exists today --  
4 existed when they bought it. We bought it a long  
5 time ago.

6 MR. KATES: Is this a question for  
7 Mr. Hubschman?

8 If it's a comment, I've said now seven  
9 times, you'll have your opportunity to make comment.

10 But this is only the time to question  
11 Mr. Hubschman.

12 MR. REEVES: And my point -- my point  
13 to talk to Mr. Hubschman is that Mr. Hubschman's  
14 proposal in terms of the -- especially the buffer  
15 zones, especially for the neighboring house, okay,  
16 this changes the environment of the neighboring  
17 house. And that's -- so while it may be alleviating  
18 a hardship from the church, okay, it is putting a  
19 hardship on the neighbor and the neighborhood.

20 ACTING CHAIRWOMAN HERRIES: Do any  
21 board members have other questions for Mr. Hubschman?

22 MR. KATES: Just one.

23 Mr. Fergus, in referring the matter to  
24 us, doing his zoning review, mentioned site plan  
25 review as part of this.

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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?

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

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1 One looked like it was either just a septic tank, or  
 2 it could have been just an old seepage pit. That's  
 3 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.  
 6 So if there is adequate room to do that  
 7 and the parking lot is not going to expand it, that's  
 8 an important issue.  
 9 ACTING CHAIRWOMAN HERRIES: Would the  
 10 construction of the parking lot impact those existing  
 11 systems negatively?  
 12 MR. FRENZEL: I don't think so.  
 13 ACTING CHAIRWOMAN HERRIES: Heavy  
 14 equipment or...  
 15 MR. FRENZEL: No. They're located far  
 16 enough away from the area that would be disturbed,  
 17 so.  
 18 I don't see that that's the issue. I see future  
 19 expansion would be more of a concern. I believe that  
 20 -- my opinion was that there is adequate room to do  
 21 that. But I just wanted to make sure that the  
 22 parking lot wasn't going to be on top of one of those  
 23 systems the way it's constructed right now or to be  
 24 constructed.

I have an issue -- and if revised plans  
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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

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1 between the parking lot and the house to the north.  
2 for the property to the north.

3 If that 5-foot buffer was expanded,  
4 would that not so reduce the parking lot to the point  
5 where that row of parking along the northerly edge  
6 would not be usable?

7 If you had a 10-foot buffer on that  
8 side, you cut those spaces down to about 11-feet  
9 deep?

10 MR. HUBSCHMAN: Right.  
11 The proposed -- you would lose all of  
12 the proposes spaces. And the existing is 3 feet.

13 So we tried to hold 5 feet, which would  
14 be adequate for an arborvitae in that area.

15 MR. FRENZEL: So if there was a deeper  
16 buffer on that side, you'd effectively lose what  
17 you're trying to gain by losing that entire row of  
18 parking on that side.

19 MR. HUBSCHMAN: You'd lose the nine  
20 spaces, yeah.

21 MR. KUPFERSCHMID: Mike, why couldn't  
22 the whole thing be shifted closer to the church so  
23 basically the parking lot -- where they have their  
24 paver walk? It's just not a paver walk anymore.

25 MR. HUBSCHMAN: We could do that.

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1 MR. HUBSCHMAN: It was designed for 150  
2 or 140 seats, yes.

3 MR. ABAD: Is that still --

4 MR. KUPFERSCHMID: Well, that's all  
5 brand-new.

6 MR. ABAD: It is brand-new.

7 MR. KUPFERSCHMID: They didn't have  
8 restrooms there before.

9 MR. HUBSCHMAN: Yeah, that's new.  
10 It was just installed a year or so ago.

11 MR. FRENZEL: We have to keep in mind  
12 with that, this is not a 24-hour-a-day, 7-day-a-week  
13 use. This is an occasional use.

14 So we believe it is adequate, more than  
15 adequate actually.

16 MR. KUPFERSCHMID: And it's a brand-new  
17 system.

18 MR. FRENZEL: Right.

19 MR. REEVES: I'll be very quick because  
20 I've talked a lot tonight. My family accuses me of  
21 this all the time.

22 Having been very, very familiar with  
23 this -- this area because we're so close -- we were  
24 involved in the church, okay. And to see the buffer  
25 zone of 5 feet is this much, okay, 5 feet isn't much

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1 But we were trying to align it with the  
2 original, and thought we could jog it to the left.

3 MR. KUPFERSCHMID: If you're doing that  
4 much work, you can change the whole long, move it  
5 over.

6 MR. HUBSCHMAN: Just move the whole  
7 thing over.

8 MR. KUPFERSCHMID: Give some relief to  
9 the neighbors.

10 MR. HUBSCHMAN: You could probably move  
11 it over 8 feet or so, right.

12 MR. BONHOMME: You're going to have to  
13 have some area for plowed snow also to store that.

14 MR. HUBSCHMAN: Right.

15 Now plow it back. No. They're pile it  
16 in a space or at the end of the -- the end of the  
17 row. Even on the row, you know, on the lawn area by  
18 the septic.

19 ACTING CHAIRWOMAN HERRIES: Quiet,  
20 please.

21 MR. ABAD: Perry, you said the existing  
22 -- so the existing occupancy of the church is 120.

23 Mike, I think you told us this. And  
24 the current septic for the church is adequate for  
25 120?

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1 for a buffer zone, okay, for your closest neighbor,  
2 okay. You all know -- Mr. Hubschman, you know as  
3 well -- I'll address it to you as required -- that  
4 there is by layman's guess at least a quarter acre,  
5 maybe more, east of the community house and the  
6 manse, and that has been basically lost land for as  
7 long as we've been here probably 50 or 100 years  
8 more. And we were the parking lot to be positioned  
9 east of the community house so that you cannot  
10 impinge upon the Kelly residence and upon Bob's  
11 residence, which you are doing now in an awful way.

12 That would solve -- that would solve  
13 impinging upon two families who bought this place  
14 with the way it's existing and assumed it would be  
15 kept that way.

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

18 MR. HUBSCHMAN: I think you're talking  
19 about to the east of the -- this area is all steep,  
20 and there's wetlands and transition area. Any  
21 further east, we really can't go any further east  
22 than we're showing here. We're already showing two  
23 5-foot walls in that location on the east in order to  
24 bring it up to a reasonable grade.

25 MR. REEVES: It would take a lot of

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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

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

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1 CERTIFICATE  
 2  
 3 I, RONDA L. REINSTEIN, a Certified Court  
 4 Reporter of the State of New Jersey, authorized to  
 5 administer oaths pursuant to R.S.41:2-2, do hereby  
 6 certify that the foregoing is a true and accurate  
 7 transcript of the testimony as taken stenographically  
 8 by and before me at the time, place and on the date  
 9 herein before set forth, to the best of my ability.  
 10 I DO FURTHER CERTIFY that I am neither a  
 11 relative nor employee nor attorney nor counsel of any  
 12 of the parties to this action, and that I am neither  
 13 a relative nor employee of such attorney or counsel,  
 14 and that I am not financially interested in the  
 15 action.  
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RONDA L. REINSTEIN, CCR No. 30X100217800

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BOROUGH OF ALPINE  
ZONING BOARD OF ADJUSTMENT  
THURSDAY, APRIL 21, 2022  
7:30 P.M.

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

B E F O R E:

- RICHARD GLAZER, CHAIRMAN (ABSENT)  
TONY CLORES, VICE CHAIRMAN (ABSENT)  
ELIZABETH HERRIES, ACTING CHAIRWOMAN  
GEORGE ABAD, JUNIOR, MEMBER  
RICHARD BONHOMME, MEMBER  
ANTHONY BARBIERI, MEMBER  
DAVID KUPFERSCHMID, MEMBER  
AMY LERNER, ALTERNATE 1 MEMBER

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12    PERRY F. FRENZEL, P.E., Board Engineer

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I N D E X

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E X H I B I T S

NO.	DESCRIPTION	IDENT/EVID
A-1	Proof of Publication in The Record: April 10, 2022	17
A-2	Certified mailing to Residents Within 200' on April 8, 2022 per Tax Assessor's List April 7, 2022	17
A-3	Application received January 6, 2022 signed and Dated January 5, 2022 with Rider and attachments: Proposals And Reasons for Relief Tax Collector's Proof of Statement dated June 18, 2021 - Tax Exempt 200' Property Owners' list 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
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 PP Dated December 28, 2021	17

I N D E X (CONTINUED)

E X H I B I T S

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

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



1 brief opening statement on the Church of the Lord  
2 application.

3 ACTING CHAIRWOMAN HERRIES: Of course.

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

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

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

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

1     that services the pastor's manse.

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

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

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

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

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

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

25                The use of the house of worship is a

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

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

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

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

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

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

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

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

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

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

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

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

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

1 before it this evening.

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

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

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

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

25                   Because of the nature of the use, that

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

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

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

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

25 It is only after the board has

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

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

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

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

25           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 M I C H A E L H U B S C H M A N, 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 --

1 MS. MYUNG: Excuse me. I'm sorry.  
2 Can we just unfold the sheets just  
3 because this meeting is taped.

4 MR. HUBSCHMAN: Is everyone done?

5 BY MR. CAPIZZI:

6 Q. Okay, Mike, let's resume.

7 A. Okay.

8 Again, north is up on all of the  
9 sheets. Closter Dock Road is going from left to  
10 right on the bottom.

11 The middle of the sheet is the Old Dock  
12 Road that separates the two sites.

13 The Existing Conditions Plan shows to  
14 the left, or to the west, the existing stone church,  
15 the existing parking lot to the north of that, which  
16 is a 22 spaces, I believe it was.

17 Q. Twenty, I believe, Mike.

18 A. Twenty. Right, 20. It turns into it.

19 Then to the east are the Community  
20 Center building.

21 And then to the -- on the corner to the  
22 south of the Community Center is the existing  
23 parsonage, or the reverend's house.

24 Going to the east, there is some sloped  
25 areas, wooded areas, then wetlands just off the

1 property.

2 Q. Thank you.

3 So I had mentioned in my opening just  
4 some of the limited parking opportunities. They are  
5 just principally on the stone church property.

6 Is that correct?

7 A. Right.

8 There's the existing parking area, yes.

9 Q. Thank you.

10 A. The floor is, like, sloped.

11 Q. As far as the proposal, can you take us  
12 through the parking areas that you're going to be  
13 enlarging?

14 A. 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  
18 would have 42 -- yeah, that lot would have a total of  
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  
24 spaces to the west of that, two handicap stalls.

25 And then on the east side where the



1 Community Center is, we're proposing a small parking  
2 area between the two -- the two buildings. There's  
3 24 spaces in the parking area. And we're providing  
4 one ADA stall in front, because the grades really  
5 didn't work to have the ADA stall in the lot.

6 Q. Thank you, Mike.

7 As far as the landscaping and lighting  
8 components?

9 A. Right.

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

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

17 Q. Just for purposes of the record, Mike,  
18 can you just walk us through each particular lot and  
19 give us a description of the landscaping and lighting  
20 as to which one pertains to stone church and --

21 A. Well, on the stone church, again we're  
22 proposing dark American arborvitaes, or the Green  
23 Giant arborvitaes that I'm sure everyone is familiar  
24 with. They're colored in that darker green color.  
25 They're proposed to be 7- to 8-foot planting height.

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

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

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

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

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

16          Q.       As far as on the stone church property,  
17   is there an ability to enhance the landscaping area  
18   and perhaps provide a double row of arborvitaes along  
19   the west?

20          A.       We're proposing a 20-foot buffer area.  
21   We could easily plant two or three rows of staggered  
22   green giants in that area, yes.

23          Q.       With the enhanced landscaping, would  
24   that buffer the expanded parking area from the  
25   neighboring properties?

1           A.       Right, yes. The one neighboring  
2 property would be to the west.

3           Q.       Would that include a screening of the  
4 headlights from the vehicles?

5           A.       Right.

6                   Most of the activity is during the day,  
7 I guess, when they -- they're going to testify on  
8 that.

9                   So there's not really a lot of  
10 headlight usage there.

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 shows our drainage proposal.

19                  The Community Center side, I think it  
20 drains down towards the east to the wooded area.  
21 That side drains to the Hudson River. And we're  
22 proposing pervious paver. There's a strip of  
23 pervious paver about 30-feet wide that would absorb  
24 most of the water.

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  
5     it. It's really -- rather than just putting basins  
6     in and piping it right to the wetlands to have it  
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            Q.     As far as the soil movement  
13    considerations, can you discuss that for us, please?

14            A.     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,  
19    the soil moving, there's fill required for that rear  
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  
23    Road, then it slopes down to about 6 percent.

24             And the quantities were -- let's see.  
25    There's 1,496 yards of fill on the east parking lot

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

3 Q. Thank you, Mr. Hubschman.

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

10 A. This will, yeah.

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

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

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

21 Q. And having an access point off of the  
22 county road, you'll tell us why that was disfavored,  
23 off Closter Dock?

24 A. It's just a slope. It doesn't work.  
25 There's an existing driveway.

1                   And the sight distance is not good.  
2   You're right about the crest of the hill there when  
3   you're at Old Dock Road.

4                   So you couldn't put an entrance for  
5   sight distance. And just the slope going up really  
6   didn't work.

7           Q.       Can you take us through the bulk table  
8   and tell us what the existing nonconforming  
9   conditions are and how they're going to be impacted  
10   by this application?

11          A.       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-2  
19   Zone. And they're both -- they're both fairly  
20   similar to house sizes and so forth.

21                   The lot sizes are 10,000, and 12- or  
22   14,000-square-foot lots.

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.

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?

6 Q. Please.

7 A. For a church or a house of worship, it  
8 requires 5 acres of property. And our total is 2.86  
9 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.

14 But that's listed in the conditional  
15 use ordinance. We're at 7.9 percent on the west, and  
16 4.6 percent -- as you can see, that's a very large  
17 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.

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

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

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

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.  
16 The minimum is 70 feet, which would be the church  
17 side here.

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

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

25 Heights, we're below 35 feet. So



1 that's good. The buffer abutting a residential use,  
2 100 foot is required in the conditional use  
3 ordinance.

4 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  
9 expand that to 5 feet, so that's the variance that  
10 we're actually creating. The remainder are existing  
11 nonconforming that we can't really increase.

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  
16 the way. So it is sort of impossible to drive --  
17 have a driveway going to Route 9W.

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

21 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 Q. And the impervious coverage, if we look

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.

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

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

8 Q. I know we didn't talk about off-street  
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 A. Right.

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

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

22 The church requires 42 spaces. The  
23 community center requires 30 spaces. It's one per  
24 five seats. So there's 150 seats in that community  
25 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.

1 MR. HUBSCHMAN: No.

2 There are 25 at the community center.

3 MR. KUPFERSCHMID: According to this it  
4 says 65 at the community proposed, 65 proposed.

5 MR. HUBSCHMAN: Right, right. No.  
6 That's 67 proposed actually, right. Because there  
7 was the one handicap. Then we did count the space --  
8 if you add the space that's in the right-of-way,  
9 that's like the 67th space.

10 MR. CAPIZZI: It's 67 in total when you  
11 count the community center, and another 18 at the  
12 church.

13 MR. HUBSCHMAN: No, no, no. Total.

14 MR. KUPFERSCHMID: That's everything.

15 MR. CAPIZZI: Correct.

16 MR. HUBSCHMAN: Sixth-seven both sides  
17 of the road, yes.

18 MR. KUPFERSCHMID: On this it says  
19 community center.

20 MR. CAPIZZI: Understood.

21 So there's a typo in the bulk table  
22 perhaps?

23 MR. KUPFERSCHMID: The house of worship  
24 says you're looking for 42 spaces of which existing  
25 is -- 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



1 microphone. I'll leave it to you.

2 MR. KATES: Well, if the court reporter  
3 can hear the witnesses from back there, that would  
4 work. That would make to your comfort.

5 But let's start with the witness who's  
6 here. Your name please just for the record.

7 MR. KELLY: John Kelly, 9 Old Dock  
8 Road.

9 I'm the little house on the top there.  
10 So what you're telling -- I'm the one  
11 you're impacting the most.

12 MR. HUBSCHMAN: You're right here.

13 MR. KELLY: A couple shrubs up there.

14 So what you're basically telling me is  
15 you're not presently in compliance with any of the  
16 regulations, zoning regulation in town pretty much.  
17 Because the buffer is not in compliance. None of  
18 these buildings are in compliance.

19 MR. CAPIZZI: Mr. Hubschman, we'll  
20 leave that to Ms. Bogart to speak to.

21 MR. KATES: The planner is going to get  
22 into that in detail, Mr. Kelly. It's one of the  
23 reasons that I mentioned there are other witnesses.

24 MR. KELLY: And you're going to be  
25 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

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 --

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  
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  
9     mitigation, water mitigation from here.  So this is a  
10    slope, right?

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                    MR. HUBSCHMAN:  Well, everything is  
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                    MR. KELLY:  Okay.  And you're

1 requiring -- you said 72 spots are required between  
2 the use of the community house and the church. Who  
3 is that required by? The town?

4 MR. HUBSCHMAN: It's in the ordinance.  
5 The town has a certain requirement, yeah.

6 MR. KELLY: So it's never been in  
7 compliance with that.

8 So you're trying to mitigate that by  
9 basically covering a large portion of the property  
10 with the parking lots.

11 MR. HUBSCHMAN: Well, we're proposing  
12 to create more parking onsite, if that's what you  
13 mean, yes.

14 MR. KELLY: You're going to put a  
15 couple of shrubs up over here.

16 MR. HUBSCHMAN: Well, we were proposing  
17 the green giant arborvitaes there, yeah. There's not  
18 a lot of room on that side.

19 MR. KELLY: Okay. I know these are not  
20 all questions for him. But this impacts me greatly.  
21 Because this is a small community church. It's been  
22 a small community church. And now it's going to be a  
23 car park basically in the middle of Alpine.

24 MR. CAPIZZI: Again, we're not leaving.  
25 So we're trying to find a place in order for us to

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 --

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 an option. They can valet park and they can put it  
21 all in the town parking lot. Nobody's here on  
22 Sunday.

23 MR. CAPIZZI: Depending on how much you  
24 put on the communion plate will determine what we can  
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  
2 water from West Main -- which is groundwater, which  
3 this is going to increase the groundwater flow -- is  
4 going down West Main to Main Street, all the way down  
5 Main Street to Closter Dock Road. You can go there  
6 right now; it's still flowing 12 days later. This is  
7 just going to exacerbate it.

8 MR. KATES: Do you agree,  
9 Mr. Hubschman?

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

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

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

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

24 As far as I know, probably at least the  
25 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.

1                   Your question, please.

2                   MR. GARABET:   So my question is, my  
3 house is right by the gate, right over there,  
4 15 feet, 20 feet from my gate. The water comes down  
5 -- down like they put septic in the back over there.  
6 So when they put the septic, the whole water was on  
7 my grass. And they destroy things. They don't fix  
8 it. They don't do nothing. They're supposed to put  
9 some trees.

10                   Here now when you're paving, where the  
11 water is going to go? On my property again, no?  
12 It's only 20 feet. It's 20 feet from my bedroom.

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

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

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

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

22                   MR. HUBSCHMAN: Are you going to let me  
23 answer? All right, thank you.

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

1 and swale down toward Closter Dock there. It didn't  
2 look like -- it looked like they added -- there's too  
3 much of a slope towards your property, I guess is  
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 have. When they put over there about 100 tons of  
10 pavers, rocks, whatever they put on the property, do  
11 they have a permit to put over there 100 pounds of  
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  
17 question because it's there. It's right on my gate.

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.

24 MR. POLICANO: Just to verify. There  
25 were three truck loads, piles of stone dropped there.

1 Two piles were leveled off on the wall. There's one  
2 pile left.

3 MR. HUBSCHMAN: Right.

4 I've been there.

5 I saw the piles. But we had nothing to  
6 do with that. I had nothing to do with it.

7 ACTING CHAIRWOMAN HERRIES: Are there  
8 any other questions from the audience?

9 MR. REEVES: David Reeves, 19 Ridge  
10 Street.

11 MR. KATES: Reeves? I'm sorry.

12 MR. REEVES: R-E-E-V-E-S.

13 MR. KATES: Your first name,  
14 Mr. Reeves.

15 MR. REEVES: Say it again.

16 MR. KATES: Your first name.

17 MR. REEVES: David.

18 It's hard to see from there,  
19 Mr. Hubschman.

20 Sara and I, and some others, we've been  
21 going to that church since 1976.

22 And it's a wonderful church. You have  
23 a wonderful building there. And we were witness to  
24 resurfacing the current parking lot about ten years  
25 ago.

1                   And my question here is, I see a  
2     buffer. I could see no buffer from there. I see a  
3     buffer here. My layman's understanding is that there  
4     should be a buffer of more than 2 or 3 feet for the  
5     party right here.

6                   Am I correct 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

1 over the -- does the church have any concern as to  
2 the impact to the neighbor next to you, who will be  
3 with -- you said you're not moving.

4 Will you be being a good neighbor by  
5 reducing the buffer by 95 percent?

6 MR. CAPIZZI: We're not reducing the  
7 buffer my 95 percent.

8 As you said, when you were a member of  
9 the church, the parking lot as it stands today is  
10 3 feet off. We're extending that. We're actually  
11 improving the condition from what it was when you  
12 were a member.

13 MR. REEVES: That's a matter of  
14 opinion, I submit to you.

15 MR. CAPIZZI: The numbers are the  
16 numbers. We're going from 3 to 5.

17 MR. REEVES: From 3 feet to 5 feet, so  
18 that's an improvement.

19 What would you say the impact is on the  
20 neighbor that you have there?

21 MR. CAPIZZI: We believe we've  
22 addressed it appropriately.

23 Mr. Hubschman, can you go through the  
24 buffering again, and the adequacy of the buffering.

25 MR. REEVES: 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  
6 answer the question.

7 MR. CAPIZZI: I'm a lawyer. I ask  
8 questions. Mr. Hubschman is the witness. He'll  
9 answer it.

10 MR. HUBSCHMAN: We were proposing the  
11 Green Giant arborvitae hedge along there, which would  
12 be a virtual, you know, solid evergreen hedge through  
13 that whole area.

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.  
22 Maybe it's not appropriate right here.

23 But you had mentioned -- the lawyer had  
24 mentioned that this is improving -- the house of  
25 worship improves the neighborhood. And in a certain



1 way that's true.

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

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

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

9 MR. CAPIZZI: Matthew Capizzi.

10 MR. REEVES: Mr. Capizzi.

11 MR. CAPIZZI: Yes, sir.

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

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

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

21 MR. KATES: Well, the law doesn't look  
22 at it that way. It's like a hospital. A hospital is  
23 an inherently beneficial use. Not every patient is a  
24 resident of the community where the hospital is  
25 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  
8 and such would not be qualified as an intensification  
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.  
14 If you're increasing coverage, then I would think it  
15 does matter.

16 MR. CAPIZZI: It certainly matters as  
17 far as being part of the plan set. That goes without  
18 question.

19 And certainly those kinds of things  
20 should have not occurred. The gravel should not have  
21 been brought to the property. The sidewalk should  
22 not have been either established or reconstructed.  
23 The timber rails should not have happened. Those are  
24 all things that unfortunately cause certainly some  
25 bit of aggravation and concern for the neighborhood.

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 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.

1 MS. MANGOT: So your plan isn't  
2 correct.

3 MR. HUBSCHMAN: Well, that was added  
4 after we submitted the plans, yes.

5 MS. MANGOT: Well, you said you were  
6 there so...

7 MR. HUBSCHMAN: I was there today. I  
8 was there.

9 MS. MANGOT: You saw it. Well, you saw  
10 it, right.

11 MR. HUBSCHMAN: Well, we're going to  
12 resubmit an updated plan showing it.

13 MS. MANGOT: But you saw it.

14 My other question for you is, so since  
15 then everything is, in quotes, nonconforming, are the  
16 rules for your parking, is that -- you know, for the  
17 amount of parking for the community center, for the  
18 church, et cetera, et cetera -- I didn't know that  
19 there were rules for the community center, just for  
20 the church -- does that acreage rule apply for the  
21 nonconforming size of 2-and-a-half acres or for a  
22 5-acre lot.

23 MR. HUBSCHMAN: No. The parking  
24 requirements are just based on the number of seats,  
25 and it doesn't -- it's not part of the conditional

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.

1                   Has the fire department given a  
2                   required count, people count, for that church on how  
3                   many is allowed in that church?

4                   MR. KATES: Did you receive anything?

5                   MR. CAPIZZI: For our certificate.  
6                   Within the building it's already posted with an  
7                   occupancy limitation.

8                   MR. POLICANO: It's posted.

9                   MR. CAPIZZI: Within the building.

10                  ACTING CHAIRWOMAN HERRIES: Are there  
11                  any -- oh, go ahead.

12                  MR. GOLDSTEIN: Lane Goldstein,  
13                  23 Ridge Street.

14                  Will we hear later with regards to the  
15                  active count of parishioners at the church, families  
16                  that are currently worshiping there?

17                  MR. CAPIZZI: Undecided at this point,  
18                  sir.

19                  MR. GOLDSTEIN: Also, there were no  
20                  parking studies done to date with regards to on a  
21                  random Sunday, holidays, any kind of -- do we have  
22                  any idea as to how many vehicles are entering the  
23                  property or entering the church area.

24                  MR. CAPIZZI: Michael, have you spoken  
25                  to somebody from the church who has told you what the

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.

1                   MR. KATES: Well, no, that's not true.  
2     I mean, it's still -- it's still a valid point as to  
3     the actual use that's taking place in those  
4     buildings. It may not weigh heavily, but it's a fair  
5     question. And it seems to me that if you're  
6     producing somebody representing the church, it's a  
7     fair question to ask of that representative.

8                   MR. CAPIZZI: If we provide that  
9     testimony, then that person will speak to that issue.

10                  MR. KATES: And if you don't, then the  
11     board will have to decide whether that's --

12                  MR. CAPIZZI: Right.

13                  Whether that's material. Whether that  
14     assessment is at all material to a buffer variance or  
15     an improved coverage variance -- I believe it's not  
16     -- but the board will ultimately have to determine  
17     that.

18                  MR. GOLDSTEIN: I have another -- just  
19     again going back to the use case. So you'll have to  
20     excuse my naivety to the zoning ordinances and laws.

21                  But we have two separate -- two separate  
22     zones with structures on each zone. And it seems  
23     that the numbers are getting blended in some cases  
24     and then are being separated in others.

25                  So all of this parking that's being

1 added to a completely different piece of property is  
2 for the church, itself, and not the community center?  
3 So the church, itself, requires 72 spaces?

4 MR. HUBSCHMAN: No.

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

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

13 MR. CAPIZZI: No.

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

16 MR. GOLDSTEIN: Okay.

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

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



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

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

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

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

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

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

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

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

1     lose sight of what they have.

2                   MR. CAPIZZI:   We have no issue,  
3     Mr. Kates, recording cross easements, essentially  
4     tying the properties to each other, so that if the  
5     one was sold, the other would have to be sold and  
6     vise-versa so that they would...

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

11                  MR. KATES:   That helps.

12                  MR. KUPFERSCHMID:   It does.

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

22                  MR. KATES:   Well, we're going to be  
23    hearing from the operator of the church, itself.  
24    That's a question to reserve for later.

25                  MR. GOLDSTEIN:   I'll hold that though.

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

3 MR. HUBSCHMAN: Sure.

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

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

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

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

20 MR. GOLDSTEIN: I'm sorry.

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

24 For 156 years the church remained the  
25 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  
3 seats within the church and there were 20 spaces  
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?

8 MR. CAPIZZI: 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  
20 not material because we have a Certificate of  
21 Occupancy to be here.

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

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

1 property.

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.

22 But what if we have a commercial  
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

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  
9 a church, whether it's a business. You can't just  
10 say, well, we're busier so we need more. I'm all  
11 about finding solutions for the church. Don't get me  
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  
21 condition is -- not typically -- it's always favored.  
22 To suggest that somehow it's an oddity that we're  
23 taking upon ourselves to voluntarily cure something  
24 we may not have the obligation to do so and somehow  
25 that's negative, I don't understand how that becomes

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

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

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

15 But the law says it.

16 MR. CAPIZZI: Exactly right.

17 ACTING CHAIRWOMAN HERRIES:

18 Mr. Garabet?

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

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

1 two rows of -- two or three rows of the arborvitaes,  
2 you know, on a nice berm, which would solve the  
3 problem.

4 MS. MANGOT: The deer eat the  
5 arborvitaes.

6 MR. HUBSCHMAN: The Green Giants.

7 MR. GARABET: I mean, it's too close to  
8 my window. That's what the concern is. The smoke  
9 from all these 42 cars obviously will maybe hurt the  
10 health or whatever it is.

11 MR. POLICANO: I just want to shed some  
12 light on it since there was some discussion about the  
13 activity in the church. This is right off their own  
14 website.

15 MR. KATES: Mr. Policano, it's off  
16 message. We're dealing with only one witness.  
17 You'll have an opportunity to comment at length under  
18 oath. Just hold it.

19 MR. POLICANO: Well, they talked about  
20 the activity.

21 MR. KATES: Well, we won't lose sight  
22 of it. We're going to have a transcript here of  
23 everything that's been stated, and that will be a  
24 record for you to look at as well.

25 ACTING CHAIRWOMAN HERRIES: Yes.



1                   MR. REEVES: David Reeves again. The  
2 individuals in the neighborhood purchased their house  
3 based on the way the neighborhood exists today --  
4 existed when they bought it. We bought it a long  
5 time ago.

6                   MR. KATES: Is this a question for  
7 Mr. Hubschman?

8                   If it's a comment, I've said now seven  
9 times, you'll have your opportunity to make comment.

10                   But this is only the time to question  
11 Mr. Hubschman.

12                   MR. REEVES: And my point -- my point  
13 to talk to Mr. Hubschman is that Mr. Hubschman's  
14 proposal in terms of the -- especially the buffer  
15 zones, especially for the neighboring house, okay,  
16 this changes the environment of the neighboring  
17 house. And that's -- so while it may be alleviating  
18 a hardship from the church, okay, it is putting a  
19 hardship on the neighbor and the neighborhood.

20                   ACTING CHAIRWOMAN HERRIES: Do any  
21 board members have other questions for Mr. Hubschman?

22                   MR. KATES: Just one.

23                   Mr. Fergus, in referring the matter to  
24 us, doing his zoning review, mentioned site plan  
25 review as part of this.

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?

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.

1 One looked like it was either just a septic tank, or  
2 it could have been just an old seepage pit. That's  
3 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.

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

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

12 MR. FRENZEL: I don't think so.

13 ACTING CHAIRWOMAN HERRIES: Heavy  
14 equipment or...

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

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

25 I have an issue -- and if revised plans

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

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

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

18 MR. KUPFERSCHMID: Perry, you just  
19 brought up something I didn't think about. Here I am  
20 thinking this expansion of parking to regulations.  
21 But if we've got this greater use now we're looking  
22 at this expansion, if we don't have septics that are  
23 up to current code and dealing with it. You're going  
24 to have a problem with the septic fields because the  
25 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

1 between the parking lot and the house to the north.  
2 for the property to the north.

3 If that 5-foot buffer was expanded,  
4 would that not so reduce the parking lot to the point  
5 where that row of parking along the northerly edge  
6 would not be usable?

7 If you had a 10-foot buffer on that  
8 side, you cut those spaces down to about 11-feet  
9 deep?

10 MR. HUBSCHMAN: Right.

11 The proposed -- you would lose all of  
12 the proposes spaces. And the existing is 3 feet.

13 So we tried to hold 5 feet, which would  
14 be adequate for an arborvitae in that area.

15 MR. FRENZEL: So if there was a deeper  
16 buffer on that side, you'd effectively lose what  
17 you're trying to gain by losing that entire row of  
18 parking on that side.

19 MR. HUBSCHMAN: You'd lose the nine  
20 spaces, yeah.

21 MR. KUPFERSCHMID: Mike, why couldn't  
22 the whole thing be shifted closer to the church so  
23 basically the parking lot -- where they have their  
24 paver walk? It's just not a paver walk anymore.

25 MR. HUBSCHMAN: We could do that.

1 But we were trying to align it with the  
2 original, and thought we could jog it to the left.

3 MR. KUPFERSCHMID: If you're doing that  
4 much work, you can change the whole long, move it  
5 over.

6 MR. HUBSCHMAN: Just move the whole  
7 thing over.

8 MR. KUPFERSCHMID: Give some relief to  
9 the neighbors.

10 MR. HUBSCHMAN: You could probably move  
11 it over 8 feet or so, right.

12 MR. BONHOMME: You're going to have to  
13 have some area for plowed snow also to store that.

14 MR. HUBSCHMAN: Right.

15 Now plow it back. No. They're pile it  
16 in a space or at the end of the -- the end of the  
17 row. Even on the row, you know, on the lawn area by  
18 the septic.

19 ACTING CHAIRWOMAN HERRIES: Quiet,  
20 please.

21 MR. ABAD: Perry, you said the existing  
22 -- so the existing occupancy of the church is 120.

23 Mike, I think you told us this. And  
24 the current septic for the church is adequate for  
25 120?



1                   MR. HUBSCHMAN: It was designed for 150  
2 or 140 seats, yes.

3                   MR. ABAD: Is that still --

4                   MR. KUPFERSCHMID: Well, that's all  
5 brand-new.

6                   MR. ABAD: It is brand-new.

7                   MR. KUPFERSCHMID: They didn't have  
8 restrooms there before.

9                   MR. HUBSCHMAN: Yeah, that's new.

10                   It was just installed a year or so ago.

11                   MR. FRENZEL: We have to keep in mind  
12 with that, this is not a 24-hour-a-day, 7-day-a-week  
13 use. This is an occasional use.

14                   So we believe it is adequate, more than  
15 adequate actually.

16                   MR. KUPFERSCHMID: And it's a brand-new  
17 system.

18                   MR. FRENZEL: Right.

19                   MR. REEVES: I'll be very quick because  
20 I've talked a lot tonight. My family accuses me of  
21 this all the time.

22                   Having been very, very familiar with  
23 this -- this area because we're so close -- we were  
24 involved in the church, okay. And to see the buffer  
25 zone of 5 feet is this much, okay, 5 feet isn't much

1 for a buffer zone, okay, for your closest neighbor,  
2 okay. You all know -- Mr. Hubschman, you know as  
3 well -- I'll address it to you as required -- that  
4 there is by layman's guess at least a quarter acre,  
5 maybe more, east of the community house and the  
6 manse, and that has been basically lost land for as  
7 long as we've been here probably 50 or 100 years  
8 more. And we were the parking lot to be positioned  
9 east of the community house so that you cannot  
10 impinge upon the Kelly residence and upon Bob's  
11 residence, which you are doing now in an awful way.

12 That would solve -- that would solve  
13 impinging upon two families who bought this place  
14 with the way it's existing and assumed it would be  
15 kept that way.

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

18 MR. HUBSCHMAN: I think you're talking  
19 about to the east of the -- this area is all steep,  
20 and there's wetlands and transition area. Any  
21 further east, we really can't go any further east  
22 than we're showing here. We're already showing two  
23 5-foot walls in that location on the east in order to  
24 bring it up To a reasonable grade.

25 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.

2 (Whereupon, a brief recess is held.)

3 ACTING CHAIRWOMAN HERRIES: We'd like  
4 to reconvene.

5 MR. CAPIZZI: So, Madame Chair, we'd  
6 like to take the opportunity to carry the matter to  
7 the next hearing date so we can have an opportunity  
8 to clean up the plan set to see what we can do to  
9 modify the parking area on the church property so as  
10 to put it on an angle and see if we can increase that  
11 buffer and address some of the other concerns that  
12 the board and the neighbors have raised this evening.

13 MR. KATES: That said, we're going to  
14 continue this hearing. Our May date is May 19.

15 MS. MYUNG: Yes.

16 MR. KATES: May 19th.

17 If the applicant can please get your  
18 revised plans filed. I know there's no ten-day  
19 requirement, but if you can do a ten-day requirement,  
20 considering the publication of this application, it  
21 would be very helpful to these people.

22 MR. CAPIZZI: Understood.

23 ACTING CHAIRWOMAN HERRIES: For the  
24 public, the plans will be available in the Borough  
25 Clerk's office and also on the borough website if

1     you'd like to see them in advance of the next  
2     meeting.

3                     MR. CAPIZZI:   So that will be 5-19-22  
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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## C E R T I F I C A T E

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.

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RONDA L. REINSTEIN, CCR No. 30X100217800