

**ALPINE ZONING BOARD OF ADJUSTMENT**

Regular Meeting

Thursday, March 18, 2021 - 7:30 P.M.

(This meeting was held virtually due to COVID-19 and taped in its entirety).

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/PUBLIC ANNOUNCEMENT**

This regular meeting of the Alpine Zoning Board of Adjustment was called to order by Chairman Glazer at 7:41 p.m., Thursday, March 18, 2020 at the Alpine Borough Hall, the Pledge of Allegiance recited and the Public Announcement read according to the requirements of N.J.S.A. 10:4-6 et seq.:

*In accordance with the provisions of the Open Public Meetings Law and the Governor's Emergency Declaration Adequate and electronic notice of this Regular and Reorganization meeting of the Alpine Zoning Board of Adjustment held on Thursday, March 18, 2021 at 7:30 PM along with instructions to the public on how to access this meeting which is being held using the Zoom Webinar platform due to the COVID-19 pandemic has met the requirements of the law by means of the date and time being e-mailed to The Record and The Suburbanite on January 6, 2021 and published in The Record on January 11, 2021 as part of the Annual Notice along with the agenda posted on the bulletin board of the lobby in the Borough Hall and on the door of the main public entrances and on the Borough website along with applications, if any, for matters to be heard this evening and a copy filed in the office of the Borough Clerk and Board Secretary. Instructions for how the public can access the meeting and documents has been included in the posted agenda. A notice has also been placed on the front page of the Borough website directing the public to the Municipal Clerk page for access to all public meeting agendas and instructions on how the public can participate.*

**ROLL CALL**

Richard Glazer	Present	Tony Clores	Present
David Kupferschmid	Absent	Richard Bonhomme	Present
Steve Cohen	Present	Anthony Barbieri	Present
George Abad, Jr,	Present	Elizabeth Herries, Alt I	Present

**Staff Present:** Attorney Michael Kates, Borough Engineer, Perry Frenzel, Board Secretary Nancy Wehmann. Meeting hosted by Cara Landolfi, Esq., partner, Kates, Nussbaum, Ellis, Farhit & Earle, LLP

**COMMUNICATIONS**

Letter 2/24/2021 from Azzolina & Feury re: Haring residence / addition Block 40 Lot 7 45 Alpine Drive. Noted without comment.

**MEMORIALIZATIONS** - none

**PROCEDURAL MOTIONS**

**Resolution: Approval of Minutes: Regular Meeting January 21, 2021** upon a motion by Mr. Clores, seconded by Mr. Barbieri, and approved by all those eligible to vote.

**Resolution: Approval of Bills and Claims** Upon a motion by Mr. Glazer, seconded by Mr. Abad at the regular meeting of the Alpine Zoning Board of Adjustment held on March 18, 2021 to approve the following Bills and Claims:

Azzolina & Feury Eng., Inc.	Haring 40/7	Inv. 74233	\$ 370.50
North Jersey Media Group	Haring 40/7 Notice of Decision	Inv. 4569242	\$12.60
North Jersey Media Group	Haring 40/7 Prof Serv Apptmt	Inv. 4569226	\$11.70
Azzolina & Feury Eng., Inc.	Roncati/Arris 74/5 – Jan	Inv. 74238	\$513.00
Azzolina & Feury Eng., Inc.	Roncati/Arris 74/5 – Feb	Inv. 74350	\$598.50

**Vote: Ayes:** Abad, Barbieri, Bonhomme, Clores, Cohen, Glazer, Herries

**MOTION APPROVED**

**Resolution: Return of Escrow** Upon a motion by Mr. Barbieri, seconded by Mr. Clores and approved by all those eligible to vote at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, March 18, 2021 to return the following escrow which has been reviewed and approved by the Board Attorney and Borough Engineer.

John P. McCaffrey Trust AC 70181	Block 42 Lot 2 1010 Closter Dock Road	Withdrawn without Prejudice 1/21/2021	\$1,860.00
-------------------------------------	---	--	------------

**Vote: Ayes:** Abad, Barbieri, Bonhomme, Clores, Cohen, Glazer, Herries

**MOTION APPROVED**

**HEARINGS** Arris Corporation Block 74 Lot 5 – 11 Dogwood Lane

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

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

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

Applicant Architect: Conrad Roncati of Architectura One Executive Drive, Suite LL 100, Fort Lee, NJ 07024. Erwin Cortezano of Architectura sat in on the meeting but did not testify.

Members of the public appeared on the zoom attendee list and were instructed on how to participate. "SR" posed two questions via chat. Erik Metzger provided comments in opposition on behalf of Aase Metzger, 35 Dogwood Lane.

Application seeks demolition of older home and redevelopment with a new single-family two and a half story home. The property is subject to NJDEP regulation as approximately 12,000 square feet of the 40,758 square foot lot is designated by NJDEP as Freshwater Wetlands and the entire property lies within a 300-foot riparian zone of the Demarest Brook. DEP Approvals obtained for a Flood Hazard Area Individual Permit and Freshwater Wetlands TWA Reduction. Property is in the R-1 Zone. Relief requested and issues to be addressed:

- Building Coverage 10.63% requested where 9% is maximum permitted
- Building Height 38.42 feet requested where 35 feet maximum permitted
- Garage Doors Combined Width 36 feet requested where 30 feet maximum permitted
- Garage Doors Maximum Number 4 doors requested where 3 maximum permitted
- Soil Moving Permit Approval for 1,693 cubic yards (more than 1,000 cubic yards)
- Waiver from Tree Ordinance for minor regrading in a part of the tree buffer
- Verification house is only two and a half stories

Exhibits read and marked as follows:

- A- 1 Proof of Publication in The Record February 26, 2021
- A - 2 Certified Mailing to Residents within 200' on March 5, 2021 per Tax Assessor's List dated February 25, 2021
- A - 3 Application received December 9, 2000 signed and dated October 23, 2020 with attachments:
  - Proposals and Reasons for Relief
  - Letter dated February 11, 2021 with tax collector's notation dated February 16, 2021 that taxes paid through 1<sup>st</sup> quarter 2021.
- A - 4 Zoning Review letter August 21, 2020
- A - 5 Set of three-color photographs not dated or labeled.
- A - 6 Soil Moving Permit Application signed and dated August 21, 2019

- A – 7 Soil Moving Report prepared by Michael J. Hubschman, PE, PP dated April 4, 2019
- A – 8 Drainage Report prepared by Michael J. Hubschman, PE, PP dated November 20, 2017 last revised #1 April 12, 2019
- A – 9 Set of Engineering Plans signed and sealed by Michael J. Hubschman, PE, PP of Hubschman Engineering, PA consisting of three pages dated November 20, 2017 with revisions as noted:
- Drawing No. 3634-1 entitled "Site Plan / Septic System Plan last revised #9 July 7, 2020 annotated "per Alden Blackwell's letter dated May 28, 2020
  - Drawing No. 3634-2 entitled "Soil Erosion & Sediment Control Plan; Details" last revised #9 July 7, 2020 annotated "per Alden Blackwell's letter dated May 28, 2020
  - Drawing No. 3634-3 entitled "Existing Conditions Plan" last revised #2 annotated "Modified riparian zone limits" dated December 3, 2018
- A – 10 Set of Architectural Plans signed and sealed by Conrad Roncati, Jr. RA of Architectura, consisting of three pages dated August 2016 last revised October 2, 2020
- Sheet No. A-101 entitled "Floor Plans" (Basement, First Floor)
  - Sheet No. A-102 entitled "Floor Plans" (Second Floor, Roof/Attic)
  - Sheet No. A-201 entitled "Elevations" (Right, Left, Rear, Front)
- A – 11 Azzolina & Feury letter January 28, 2021
- A – 12 Letter from Mr. Chewcaskie requesting meeting be rescheduled to March 18, 2021 and extending time constraints under MLUL
- A – 13 NJDEP Permit; Flood Hazard Individual Permit & Freshwater Wetland TWA – Reduction
- A – 14 Seven additional renderings and photographs received March 9, 2021.
- A – 15 Roof exhibit received March 9, 2021
- And marked during the course of these proceedings:**
- A – 16 Plan entitled "Riparian Zone Disturbance Plan" Drawing No. 3634-4 by Michael J. Hubschman, PE, PP of Hubschman Engineering, PA dated November 20, 2017 last revised January 24, 2019 with DEP-DLUR approval stamp 0202-16-0002.1
- A – 17 Plan entitled "Transition Area Waiver Plan" Drawing No. 3634-5 by Michael J. Hubschman, PE, PP of Hubschman Engineering, PA dated November 20, 2017 last revised January 24, 2019 with DEP-DLUR approval stamp 0202-16-0002.1

**Conrad Roncati** was sworn, credentials recalled from prior appearances before the Board, and qualified in architecture. He is also the contract purchaser. **Michael Hubschman** was also sworn and deemed qualified having appeared numerous times as a professional engineer and planner. As Mr. Hubschman noted Mr. Roncati had made a thorough presentation the following offers a combined summary to reduce redundancy in repetitive testimony. Mr. Roncati referred to his architectural drawings **[Exhibit A-10]** and Mr. Hubschman engineering drawings **[Exhibit A-9]** as they reviewed requested relief. Other exhibits displayed as noted.

**Existing Conditions** As shown in photos **[Exhibit A-5]** the site has a Cape Cod style home with the first floor near the elevation of Dogwood Lane with a side loading garage below the main living level where the property falls off. Current owner moved, the house has been abandoned close to five years and is in a state of disrepair. The existing house was set much lower and flooding issues against the garage door from standing water are apparent. The existing septic system as located in the wetlands was grandfathered but no longer permitted by DEP.

**DEP / Approvals** The property is regulated by NJDEP whom Mr. Roncati has worked, along with his experts, since 2017 to obtain approvals to redevelop. He intends to create and live in this home with his family. The Demarest Brook and tributary are located to the rear of the property. A stormwater inlet on Dogwood runs to a drainage ditch that parallels the rear property line. The riparian buffer encompasses this entire lot extending into lot frontages across Dogwood. The rear of this property is wetlands. Property slopes about ten feet from front to rear. The wetlands Transition Area runs through the middle of the proposed house requiring their application to DEP

for permission to move the line back. The new line ends ten foot from the rear of the proposed house and they had to increase areas to the side resulting in a very restricted, odd shaped building envelope. These features constrained their limit of disturbance, building envelope and the impervious coverage allowed within which he was permitted to design the home. Mr. Roncati opines his design is for a modest size home in keeping with other homes in the neighborhood and responsive to the unique nature of the site while satisfying all the NJDEP requirements. He worked hard to eliminate or minimize variance relief providing mitigation for the limited relief requested. The slope and DEP constraints required stretching the house out along the front of the property as it did not permit a deeper, more compact or efficient rectangular design. To comply with NJDEP guidelines the existing septic system currently grandfathered into the wetlands will be abandoned and two new septic systems installed at the front of the property. The house conforms to lot area, front, rear and side setbacks. Lot area is just over the 40,000 square feet required, lot width is 201 feet where 120 feet required and frontage is double the 96 feet required at 201 feet. DEP Approvals were obtained [**Exhibit A-13**] based on the site plans before the Board. The approved DEP plans were displayed and marked during Mr. Hubschman's testimony [**see Exhibits A-16 and A-17**]. It was clarified that the proposed plans as shown to the Board accurately reflect what was approved by DEP irrespective of the phrasing in the written DEP permit which references "reconstruction and expansion of the existing single-family dwelling..."{emphasis added}.

**Maximum Building Coverage.** They propose 10.63% where 9% is the maximum allowed. This is 1.63% or 664 square feet of their modest 4,332 square foot footprint. The main dwelling is about 48 feet wide and 45 feet deep. A wing stretches out to the right for 88 feet that is only 24 feet deep to remain inside DEP constraints. NJDEP would not permit additional impervious coverage for driveways or depth of footprint. To mitigate the excess building coverage, he designed a covered courtyard open to air at the front and rear from which cars can access two garages on the left and two on the right providing for one drive area for all four garages; "stacking" or doubling the use. While limitations on building coverage serve to limit excessive size and volume, this open courtyard design actually decreases the appearance of mass. Further mitigation is provided by separation of two Mansard roofs, one over the main structure and one over the courtyard that break up the design so it doesn't look like one long wall with an all-encompassing roof. He feels the 1.63% is *de minimus* in this case.

**Garage doors number and width.** Requesting 4 garages where 3 are permitted and 36 linear feet of garage doors where 30 feet is permitted. He opined the ordinance seeks to limit the number of garage doors facing the street or neighbors. The doors face each other internally inside the covered courtyard, are not really visible to the street or neighbors and this mitigates that variance with zero impact. A four-car garage is typical for this area.

**Height.** Request variance for 38.5 feet where 35 feet is the maximum permitted. Sheet A-201 [**A-10**] shows the slope along the left side elevation looking west to east. The property slopes about nine feet to the rear of the proposed house and about eleven feet total from the front to the rear of the property. While the slope affords natural air and light to the exposed rear lower level they incur a penalty calculating average grade around the perimeter to define the height. This is mitigated by the front or street view of the house where the height measurement of the separated Mansard roofs is 28 feet 4 inches or about 7 feet lower than the allowable 35 feet and as testified to later by Mr. Hubschman with lower roof spaces in-between and at the far right that are only 24 feet high, 11 feet and all less than the 35 feet permitted. Internal ceiling heights are modest for Alpine being nine feet for first floor and eight feet for second floor which is not excessive. This design differs from the larger homes across the street with all-encompassing roofs.

**Number of Stories / Review of Attic and Basement**

**Mansard Roof Attic Space.** Mr. Roncati designed Mansard roofs compliant with the Borough ordinance. The Zoning Officer's letter **[A-4]** cited a need to clarify calculations for the right-hand attic where notated "Open Below" which Mr. Frenzel echoed in his letter **[A-11]**. Mr. Roncati explained as the second-floor ceiling is only eight-foot high he designed a tray ceiling over a small area above the master bedroom bed, taking back a foot or two of attic space for just that room. He believes the Zoning Officer was unsure how to apply the rule but he is not looking to involve the entire attic and if eliminated the Mansard roof would still meet the definition of habitable attic and qualify as a half story. The house complies as a two and half story residence.

**Basement / Story Above Grade** During the response period Mr. Frenzel reviewed the definition of Story Above Grade and concurred with calculations Mr. Hubschman included on the plans **[Exhibit A-9]** Drawing No. 3634-1 which demonstrate the basement does not qualify as a story under either Zoning or International Building Codes. The building is technically two and a half stories satisfying that part of the height definition. It was noted during testimony they cannot lower the house where the basement is just above the flood plain level required by DEP to avoid the issues that are apparent with the existing house (water pooling by the garage).

**Tree Ordinance Waiver to disturb Tree Buffer**

There is a ten-foot tree buffer on the left and they are proposing some small grading in that area but they are not removing any trees. This is relative to the septic system installation which has to go in the front. DEP will not permit the grandfathered septic system to remain in the wetlands or allow them to remove any trees in the rear protecting that area in perpetuity.

**Stormwater management** Referencing **[Exhibit A-8]** Drainage Report Mr. Hubschman noted the proposed only increases impervious coverage by 307 square feet. Two Cultech chambers in the rear will collect and store roof water for gradual release. The lot naturally drains to the wetlands. Due to constrictions, improved lot coverage is only 16.16% where 25% is the maximum permitted

**Consistency with Neighborhood** The proposed is consistent with other homes in the neighborhood being 136 feet wide. Two newer homes (#8, #16 Dogwood Lane) across the street are 145- 155 wide, have bigger footprints and larger all-encompassing roofs albeit on much larger lots with 120 to 130 foot front yard setbacks. Mr. Roncati provided renderings and photos he took March 8, 2021 collectively marked **Exhibit A-14** to show the home is well screened and the configuration with two stories at street level and three stories at the rear is consistent with other homes to the side and rear.

**Planning** Mr. Hubschman put forth the DEP restrictions constitute a classic hardship under NJSA 40:55:70(c)(1) and the proposed affords the benefit of protecting the regulated areas in perpetuity. The proposed also meets criteria under NJSA 40:55:70c(2) where the width of the house is more aesthetically pleasing, the courtyard conceals the garage doors, the size of the home is consistent with the neighborhood and this represents an enhancement from the existing home. The home is modest and has less square footage than the larger lots across the street. He opined benefits of granting the limited relief substantially outweigh any detriments. The building coverage is *de minimus* in this case as the area taken up by the courtyard is really a drive through area, garages are standard size, the home is a modest size and this is not an overly aggressive plan. The proposed would not impair the intent of the Borough's Zone Plan or Ordinance.

Opened to the public for questions. Using the chat feature "SR" asked material for the façade and building coverage variance and was advised brick material and 1.63% or 664 square feet.

Opened to the Board

Chairman Glazer opened to the Board.

In response to questions from the Board to Mr. Roncati and Mr. Hubschman it was clarified the home is located directly at the front yard setback and could not be pushed back due to slopes and the DEP constraints regarding limit of disturbance and the wetlands buffer. Except for some small terraces there is no room for any development outside of the home's footprint; the rear yard is not really usable. The indoor pool is not very big and would be a nice amenity. Per DEP they cannot put a pool or lawn in the rear of the property. If they removed the two garages to the far right there is nowhere to put a third garage anywhere else on the property and remain compliant with DEP. The Board noted the right wing also includes a laundry room, home office, study, master bedroom suite and big walk-in closets. Attorney Nabbie and Mr. Roncati asserted he is not building this house on spec but as his dream forever home. The house is nicely sized and modest by Alpine standards. Removing square footage would impair the aesthetics and throw off the balance of the home. The garages don't face the street and the bedrooms are modest at twelve by fourteen feet with en suite bathrooms.

Ms. Herries questioned their Proposal and Reasons for Relief **[Exhibit A-3]** which states "The coverage request is a direct factor related to the wetlands as more coverage was required as there were significant limitations in the area where the house could be constructed." How does more limitation lead to more coverage rather than less coverage? Mr. Roncati stated it has to do with the geometry of the house. If he could create a more efficient rectangular footprint, which he couldn't here, he wouldn't have had to stretch the house out as much and there would be less loss space within the volume of the house, such as less hallways and things would have been more compact around a central stair. The width at 136 is not inconsistent with the neighborhood but leads to a certain amount of inefficiency in the floor plan.

Chairman Glazer and Mr. Abad further questioned the need for variance relief offering compromises could be made to reduce the footprint by reconfiguring the design of the master suite, sitting, area, study, walk-in closets closet space and reducing the number of garages.

Mr. Barbieri thought it was well presented. Mr. Clores noted they comply with side yard setback requirements and cannot build in the rear. They did not feel the garage design was a factor

Mr. Roncati reiterated the mitigation components of his design breaking up the front façade with the varying roofs and the open courtyard so its not one long wall and his inability to remove the garage wing and construct a garage facing the street because DEP wouldn't permit him to put pavement in front of a garage door at that location.

The Board reviewed surrounding properties based on their personal site visits and Mr. Hubschman's aerial view [part of **Exhibit A-9**]. To the west, the neighbor's pool is screened by a heavy evergreen bamboo forest and the home is 150 feet away facing Warren Lane; it is not visible. Home to the east is 40 – 50 feet away and angled towards the corner. Home behind them to the northwest is oriented closer to its fronting street and includes the Demarest Brook and a grandfathered tennis court in the rear yard. Across the street 12 Dogwood has a ranch of similar length. Newer homes on either side are 145 – 150 feet wide and set back 120 – 130 feet on larger lots. Mr. Roncati again reiterated his design will mitigate perceptions of the variances so there is no adverse effect on the neighbors.

Mr. Bonhomme wondered if knowing the wetlands were there constituted a self-created hardship and questioned how would they prevent basement flooding on the lower level where they propose a gym and family room. The basement floor will be raised to elevation 396.6 to be above any flooding. Lifting the building out of the flood plain will allow groundwater to flow unimpeded plus all the roof drainage will be collected and put into a stormwater management system. The indoor pool is only four feet deep and will have a waterproof underside. DEP required they remove the septic from the wetlands and mitigate stormwater flow to the stream. Over all these years Mr. Roncati has observed the property finding it is generally dry except for the back twenty to thirty feet which sometimes gets spongy but he's never seen standing water.

Opened to the public for questions: No one signaled a wish to speak.

Opened to the public for comments:

**Erik Metzger**, son of Aase Metzger, read her letter into the record. Attorney Nabbie objected. Attorney Kates had Mrs. Metzger confirm she was also present on the call, the owner of 35 Dogwood Lane and had asked her son to read her letter on her behalf.

*"Good evening Mr. Chairman and Zoning Board Members,*

*My name is Aase Metzger. I am the owner of 35 Dogwood Lane the rear of which abuts the rear yard of 11 Dogwood Lane. It pains me to learn that you are dealing with an attempt to overdevelop 11 Dogwood Lane.*

*According to Section 4 of Schedule E of this application, the contract purchaser proposes to create a home "more suitable" for the borough of Alpine. I have lived in Alpine for 53 years and find the two story home at 11 Dogwood Lane perfectly suitable and in fact far more appealing than a commercial like structure or some of the recently overbuilt homes in this neighborhood. But if this were merely a matter of personal taste, I would not be spending my time or taking yours tonight.*

*Section 4 of Schedule E of the application goes on to cite WETLANDS as the reason the applicant REQUIRES 4 variances. Just as there is no need (other than profit driven) to knock down a two story house that could easily be renovated, perhaps expanded or even somewhat rebuilt entirely within the borough's ordinances, there is absolutely no need to do an optional total rebuild that "requires" 4 variances and 2 waivers in an environmentally sensitive, wet area.*

*The contract purchaser from the start has been fully aware that wetlands would limit where improvements on the property could be located and nonetheless has gone for a larger structure than would have been permitted on a lot without wetlands, a structure designed to include 6 bedrooms, 4 garages, an indoor swimming pool, and possibly a 3<sup>rd</sup> story all within a building 10% higher than allowed. To me this is a purely optional, profit driven pursuit without any hardship much less one for which 4 variances and 2 waivers can or should be granted.*

*If any hardship exists here it would be to me and the neighborhood in the form of increased runoff and wetness from the construction of such a large structure. After all, and as we all know, even the best designed stormwater management systems eventually fail.*

*I am emphatically opposed to the granting of any variances, and think that this project, if necessary, can easily be scaled down and done within the existing borough ordinances. I hope you will vote unanimously to deny.*

*Thank you for your attention and also for your volunteer service to this town. Also I am happy to provide copies of both letters I have already written to the DEP in this regard."*

### Board discussion

Chairman Glazer questioned use of the term "modest" and the Board again reviewed the nearby houses noting houses across the street were larger but on larger properties and set further back. Mr. Abad and Ms. Herries maintained 1.63% is substantial, in particular, the garage wing on the right side. Mr. Glazer observed they have traditionally been a difficult Board when it comes to requests for violating the Borough's coverage requirements. In conjunction with a wetland limited property, he does not consider the proposed "modest" having a volume of approximately 8000 square feet and is having difficulty with all the requests including the height variance.

Mr. Barbieri and Mr. Clores noted the constraints on the property. Mr. Clores noted the corner house has the same situation yet because it is on the diagonal it is visible to the people on either

side where no one will see the rear of this house. Mr. Clores asked what is the difference if they take off the garage wing? The house would still be the same but they would have more driveway and garages facing the front.

Attorney Kates provided guidance explaining the Board's function is to apply the criteria that allows them to vary from the ordinance if, in their justification those criteria exist and the burden of proof has been met by the applicant also taking into consideration opposition if, in fact, it is valid. It is the Board's determination, as judges, not to deny an application because it violates provisions of an ordinance but to consider the criteria that the law imposes upon an applicant to justify their varying from those provisions.

Mr. Clores agreed noting all applications require variances and he recalled instances where the Board either approved or required downsizing. Chairman Glazer did not believe in this case the hardships cited prevented the applicant from constructing a compliant house. Mr. Bonhomme noted originally larger homes were going to stay on the larger properties as found in Timberline or Rio Vista but now they're going everywhere; even on the smaller streets like Miles Street.

Being no further comments Attorney Nabbie was offered an opportunity for summation.

Attorney Nabbie wished to respond to Mr. Metzger's reading to say that Mr. Roncati is not profit driven. He intends to live in this home with his family. His intentions are good and he just wants to improve the site with a dwelling that can be his forever home. The proposed will improve stormwater runoff and offers a better development. However, having heard all the concerns and comments they would like to carry this matter to afford an opportunity for them to confer and see if they can accommodate some of the concerns and requests addressed by the Board. No further public notice is required.

**Motion to Carry.** Upon a motion by Mr. Cohen, seconded by Mr. Bonhomme and approved by all this matter will be carried to the next regular meeting scheduled for April 15, 2021 at 7:30 PM with no need for additional public notice and conditioned upon the Applicant's extending the time for the Board to act within the provisions of MLUL.

All participants at this evening's virtual meeting will automatically receive an invitation to that virtual meeting.

#### **OTHER BUSINESS**

**2021 Annual Report** – Attorney Kates requested discussion be deferred at this time.

Attorney Kates advised Mr. Jo as plaintiff has filed an appeal upon the Zoning Board and the Harings regarding the recently decided Haring application. The Board will have 35 days from the date of official service (which has not yet occurred) to file a responsive brief.

Thanks to Attorney Kates' partner, Cara Landolfi, Esq. for helping to host this meeting.

**ADJOURNMENT** at 10:09 p.m. upon motion by Ms. Herries, seconded by Mr. Barbieri and approved by all.

Respectfully submitted,  
Nancy Wehmann, Secretary