

Approved
9/11/12

**New Milford Zoning Board of Adjustment
Work Session
August 14, 2012**

Chairman Schaffenberger called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:32 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Appice		Present
Mr. Binetti		Present
Ms. DeBari		Present
Mr. Denis		Present
Father Hadodo		Absent
Mr. Loonam		Present
Mr. Rebsch		Present
Mr. Stokes	Vice Chairman	Present
Mr. Schaffenberger	Chairman	Present
Mr. Fordham	Engineer	Present
Mr. Grygiel	Planner	Absent
Mr. Sproviero	Attorney	Present

REVIEW OF MINUTES – June 21, 2012 SPECIAL MEETING

The Board Members reviewed the minutes for the Public sessions and there were no changes.

REVIEW OF MINUTES – July 10, 2012

The Board Members reviewed the minutes for the Work and Public sessions and there were no changes.

OLD BUSINESS

12-04 – Gospel Fellowship Church – Block 913 Lot 1 – 111 Henley Avenue –

The Board Members had no questions or comments regarding the application.

12- 01 - New Milford Redevelopment Associates – Block 1309 Lot 1.02 – Mixed use Development.

The Board Attorney had concerns with the nature and the duration of the public comments to the extent there has been significant repetition of questions. He felt it was beginning to compromise the ability of the Board to adjudicate the application and the applicant to present the application. The Board Attorney stated he was not necessarily recommending this but thought the Board should have a discussion on it. He stated the law permits reasonable time limitations on the length of public comments as well as the limitation with regard to repetitive nature of questions. Mr. Stokes asked for clarification on the questioning of witnesses. Mr. Sproviero answered cross examination should to be limited to the scope of the testimony. The Board Attorney stated the Board for all applications has tried to be as liberal as possible in affording the public to be heard and understand the application. The Board has not compromised the applicant's ability to diligently present the application but has a common interest to move the application forward.

There were discussions on scheduling two Special Meetings in September for New Milford Redevelopment Associates. Ms. DeBari felt five minutes was a sufficient amount of time for questioning a witness. The Board Attorney stated the Court has determined that a reasonable amount of time but that was for the Board to decide. Mr. Loonam felt the audience might take note of this discussion and the Board would not have to officially do anything but have the option if necessary. He felt the public should be asking questions but at the same point they need to understand the concerns of repetitive questioning.

12-03 – 105 New Bridge Properties, LLC – Block 113 Lots 4, 5, 6 –Parking Lot/Restaurant Expansion

The Chairman stated the Board had concerns last month regarding the traffic pattern in the parking lot which had been amended and the Board has revised plans.

The Board Attorney suggested the Board consider two special meetings for September for New Milford Redevelopment and set aside the regular scheduled meeting to be dedicated to only Gospel Church and New Bridge Properties.

Motion to close was made by Ms. DeBari, seconded by Mr. Stokes and carried by all.

**New Milford Zoning Board of Adjustment
Public Session
August 14, 2012**

Chairman Schaffenberger called the Public Session of the New Milford Zoning Board of Adjustment to order at 8:00 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Appice		Present
Mr. Binetti		Present
Ms. DeBari		Present
Mr. Denis		Present
Father Hadodo		Absent
Mr. Loonam		Present
Mr. Rebsch		Present
Mr. Stokes	Vice Chairman	Present
Mr. Schaffenberger	Chairman	Present
Mr. Fordham	Engineer	Present
Mr. Grygiel	Planner	Absent
Mr. Sproviero	Attorney	Present

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE PUBLIC SESSION for Special Meeting – June 21, 2012

Motion to accept the minutes were made by Mr. Loonam, seconded by Mr. Binetti and carried by all.

OFFICIAL MINUTES OF THE WORK SESSION – July 10, 2012

Motion to accept the minutes were made by Mr. Loonam, seconded by Mr. Binetti and carried by all.

OFFICIAL MINUTES OF THE PUBLIC SESSION – July 10, 2012

Motion to accept the minutes were made by Mr. Rebsch, seconded by Mr. Loonam and carried by all.

Mr. Binetti certified he listened to the recordings from the July 10, 2012 meeting.

OLD BUSINESS

12-04 – Gospel Fellowship Church – Block 913 Lot 1 – 111 Henley Avenue

Mr. Denis had recused himself from the application and stepped down from the dais. Mr. Urdang representing the Gospel Fellowship Church had one witness from the Church.

The Board Attorney swore in Mr. Lee - Deacon of the Gospel Fellowship Church 10 McDermott Pl., Bergenfield.

Mr. Urdang asked what kind of church was the Gospel Fellowship Church. Mr. Lee answered it was a Korean Presbyterian Church and was presently located in Bergenfield. Mr. Lee explained Sunday services at the present location were crowded and it was difficult to conduct the service and it was even harder to conduct holiday services. He stated they did not have a multipurpose room or kitchen area in their current location. Mr. Lee stated the multipurpose room in the new facility would give them a benefit of serving lunch and it was tradition after the main service on Sunday to provide food such as soup and rice. The Deacon explained they have to rent space a couple blocks from their current facility for Sunday school.

Mr. Urdang asked if they were under contract to purchase the property from the Racquetball Club. Mr. Lee agreed. Mr. Urdang asked Mr. Lee to explain the activities of the church. Mr. Urdang marked as Exhibit A-8 sheet with weekly religious services at the Gospel Fellowship Church. Mr. Lee discussed the Sunday services and times. The Deacon said after the main service there was a lunch served which lasted approximately 45 minutes. Mr. Lee said in the new facility there would be separate classes for each grade for the children. The Deacon explained they would have a prayer service Monday thru Saturday at 5:30 am to 6:30 am. There were also Bible studies during the week. Mr. Urdang asked if the multipurpose room would be used sparingly for weddings or funerals. Mr. Lee agreed and said they only have one or two weddings. Mr. Urdang clarified this would not be a catering hall. Mr. Lee answered it was strictly a multipurpose room and the sanctuary was for the church members. Mr. Urdang asked if they had contemplated leasing out space for a nursery school. Mr. Lee responded they would not rent space out for a nursery school but they would provide a crying room for services for parents and children.

Mr. Urdang questioned people coming to the site in cars. Mr. Lee said usually there were three to four people per car because they came as a family. Mr. Urdang asked if the church had any vans. Mr. Lee answered there was one small van. The attorney asked if he anticipated any growth in their congregation in the new facility. Mr. Lee answered there would be new growth and when the church members reached 400 they would split the church. He explained their direction was to have a small tight church.

The Chairman questioned that Mr. Lee said they only have a few weddings but would they have more weddings in the new church because there would be more room. Mr. Lee said they only do weddings for church members and if anyone from their church wants to be married in the church they would be allowed but it would not be opened for the public. The Chairman asked about funeral services. Mr. Lee answered they only had a few funerals and it was a small service of about 40 people. Mr. Urdang asked if he would be having larger receptions at the new proposed facility than at the old facility. Mr. Lee said there would be weddings for the congregation but they would not be opening the facility to anyone not attending their church. The Chairman asked if it would be typical to have the wedding and reception at the facility now that there was space. Mr. Lee agreed it was for the congregation. The Chairman clarified that there would be more people at a wedding than was typically at a service. Mr. Lee agreed and stated that weddings usually were on Saturdays. The Chairman asked if they would be preparing food at the site for the receptions or would they be catered at the new facility. Mr. Lee said they would use a catering service.

Ms. DeBari asked how much larger was this facility than the present facility. Mr. Lee answered approximately 4 times. Ms. DeBari asked if they were having any kitchen facilities at the new location. Mr. Lee said they would like a new kitchen in the new building. Ms. DeBari asked if they would be preparing food. Mr. Lee said they would provide food but they would not be cooking. Ms. DeBari asked if they would be receptive to a church member renting out the facility for a party. Mr. Lee said probably not. Mr. Urdang clarified it was not their intention to use the facility unless it was religious oriented events. Ms. DeBari asked how far people travel to come to their church. Mr. Lee answered mostly from Bergen County. Ms. DeBari questioned that he said they had only a few funerals and asked where the members went for their funerals. Mr. Lee answered the funeral house.

Mr. Loonam asked if he was referring to the current facility when he testified he only had a microwave oven. Mr. Lee said the new facility would have an oven. Mr. Urdang clarified it would be used to warm foods. Mr. Loonam asked if New Milford residents would be welcomed to join the congregation. Mr. Lee answered yes. Mr. Loonam asked how many people in the congregation were from New Milford. Mr. Lee answered the pastor was from New Milford and there were only a few people from New Milford.

Mr. Rebsch asked if anyone would be staying overnight. Mr. Lee answered no. Mr. Rebsch asked how many people belong to the church in Bergenfield. Mr. Lee answered 300. Ms. DeBari asked if the pastor would spend the night or would there be a capability of someone staying overnight. Mr. Lee answered no.

Mr. Binetti asked if they would be using the parking lot for any flea markets, fairs or fund raisers. Mr. Lee said they had a flea market last year but had no plans for one.

Motion to open to the public was made by Mr. Binetti, seconded by Mr. Rebsch and carried by all.

Gail Ablamsky 557 Mabie Street asked how many parking spaces were proposed for the church. Ms. DeBari answered 115. Mr. Urdang agreed. The resident had concerns of 12 hours of people coming and going down a tight street. Mr. Urdang answered there would be a traffic expert to testify but they did not anticipate any problems.

John DeSantis 190 Powell Drive asked why the Board had concerns about the funerals. The Chairman answered the concerns were traffic and they were trying to get as much information about their church and funerals as possible.

Motion to close to the public was made Ms. DeBari seconded by Mr. Binetti and carried by all.

Ms. DeBari questioned the four-stacked parking spaces that were discussed at the previous meeting and was the applicant keeping those spaces. Mr. Urdang answered they were not going to be heavily used spaces and they were over in parking so if the Board wanted they could eliminate those parking spaces.

The Board Attorney said some members had questions on the application and asked Mr. Urdang to briefly review and rearticulate the configurations that exist in the site plan that trigger the application with regard to the conditional use. Mr. Urdang explained prior to this application everyone was proceeding under the assumption that the site plan was identical to that approved by the Planning Board in the Racquetball application. He stated what failed to be recognized at the Planning Board level was even though the site plan was identical the status of the applicant had changed. Riverview Racquetball Club was a permitted use and all the variances granted were C variances and within the jurisdiction of the Board but a house of worship was a conditional use with seven conditions. He explained the two conditions were parking in the front yard and a variance was granted to the Racquetball Club and the other was setback from the side yard and that variance was also granted because it was an existing condition. Mr. Urdang stated this became a D variance and that was way the application at the Planning Board was a nullity and it came to the Zoning Board.. Mr. Sproviero said the prior granting of the variances does not satisfy the conditional use compliance because there was a D variance vs. a C variance. Mr. Urdang agreed and added it was a change in status dictated by New Milford's ordinance. The Chairman asked if another Racquetball Club were going in would they have their variances. Mr. Urdang said if it was a Racquetball Club there would be no need for any proceeding but perhaps be reviewed by the Planning Board and no additional variances would be needed. The Chairman clarified they would need a super majority. Mr. Urdang agreed and stated the rules of inherently beneficial use trumps the conditional use criteria.

The application would be carried to the September 11, 2012 meeting.

Recess

12- 01 New Milford Redevelopment Associates – Block 1309 Lot 1.02 - Mixed Use Development

Having already recused himself from the New Milford Redevelopment Associates application, Chairman Schaffenberger turned the meeting over to Vice Chairman Stokes.

Mr. Rebsch, Mr. Appice and Mr. Loonam certified they listed to the recordings from the July 30, 2012 meeting which they did not attend. Mr. Sproviero said it was brought to his attention that Ms. DeBari had a SOD sign on her property. Ms. DeBari answered she did not.

Mr. Del Vecchio member of the firm of Beattie Padovano on behalf of the applicant requested an additional special hearing for September because of the enormous latitude given on questioning and cross examination of the public at the last meeting. The Board Attorney stated in the work session there was discussion about the need to impose some restraints and the Board had not come to any conclusion. He said it was the intent of the Board to move diligently to prosecute and conclude the application and reserve the rights of the public. The Board Members polled the members and confirmed the Special Meeting for Thursday August 23, 2012 at 7 PM. The Board Attorney recommended the applicant have two special meetings in September and the regular scheduled meeting reserved for the other two applications. The members discussed two special meetings on September 19th and September 27th.

Mr. Del Vecchio stated Mr. Dipple was on vacation and would return at one of the September meetings. The Attorney stated at this meeting Ms. Elizabeth Dolan from Dolan and Dean will be supporting her traffic report.

The Board Attorney sworn in Ms. Elizabeth Dolan 792 Chimney Rock Road Martinsville NJ.

The Board Members accepted the qualifications of Ms. Dolan as an expert in the field of traffic engineering.

Ms. Dolan stated she had been asked to participate in the land use application and was retained to evaluate the traffic impacts, traffic characteristics and review the site layout and circulations. Mr. Del Vecchio asked if there had been any restrictions, constraints or predeterminations placed upon her services. Ms. Dolan did not believe so and she had visited the site on several occasions.

Mr. Del Vecchio asked if she prepared the traffic report and a Trip Generation and Level of Service Calculation dated November 9, 2011. Ms. Dolan agreed. Mr. Del Vecchio asked her to explain the scope of services that she recommended for this type of project. Ms. Dolan said they focused on the peaks hours for the proposed land uses for residential exhibiting maximum driveway activity during the weekday mornings and evenings associated with commuter activity and retail and banks generating maximum driveway activity during the weekday evenings and midday Saturdays. They also evaluated the afternoon weekday period because of the proximity of the high school. The scope of the study area extended along River Road at the Main Street intersection to the north, the Demarest intersection opposite the site and Cecchino / Milford intersection. The traffic engineer stated at the request of Boswell Engineering in their February 2012 review they supplemented their November 2011 analysis with the counts at River Road and Madison intersection to the South.

Ms. Dolan stated the Institute of Transportation Engineers (ITE) outlined traffic study suggestions and guidelines and they relied on data published by the ITE. She stated they estimated their traffic volumes for each specific use. Mr. Del Vecchio asked if individual counts of retail uses yield a higher trip generation than a shopping center category. Ms. Dolan answered yes the cumulative trip generations for the separate supermarket and bank would yield a more conservative estimate than using the ITE shopping center classification. Mr. Del Vecchio questioned if the Residential Site Improvement Standard (RSIS) dictate the trip generation rate for the residential component on the site. Ms. Dolan agreed and said the RSIS reflected back to the ITE standards.

Mr. Del Vecchio asked how the traffic counts were obtained and who prepared them. Ms. Dolan said her firm had counters stationed at each of the various intersections and recorded right, left and thru movements. The counts were performed from 7 – 9 am, 2-4 pm, 4-6 pm on weekdays to obtain school dismissal peak hours and the rush hour period and 11-2pm on Saturdays. The counts were performed in September 2011, February, March and April 2012. She stated the traffic impact assessment and traffic engineering was to look at these peak hours. The peak hours were weekday morning, afternoon and evening and midday Saturday. Ms. Dolan stated they counted continuously from 7 – 9 weekday mornings and at each intersection they summarized through the traffic volumes and determined peak hours at each intersection. The traffic engineer stated

the first step in the study was to identify the existing activity. The next step was to look at the existing activity in terms of the operational characteristics and look to grow the traffic volumes to account for background traffic growth that had nothing to do with the development and also to generate driveway volumes associated with the supermarket, bank and apartment units. Ms. Dolan said trip generation characteristics were developed by using data published from ITE. The traffic engineer said there was an ITE supermarket land use category which has trip generation rates based on building area calculated through driveway counts from other supermarkets and there were also categories in the ITE manual called drive in bank and apartment. She explained the categories were reviewed and the ITE rates were applied to the proposed building sizes number of units to develop a series of trip generations for each of the uses.

Mr. Del Vecchio asked if her trip generations that she compiled were in her report. Ms. Dolan referred to Table II in the report, which summarized the individual trip generations for each of the uses for each of the peak hours. Mr. Del Vecchio asked after the traffic was grown what happens to the projection that was formulated using the base traffic counts and adding the background growth of 2%. Ms. Dolan said the 2% was a conservative number, which was the NJDOT current number for the Bergen County area. Mr. Del Vecchio said there were credits taken for shared trips within the center but not for pass-by traffic. The traffic engineer said they took a modest pass-by credit of 10% for only the supermarket.

Ms. Dolan said the traffic engineering methodology for analyzing impact was a level of service criteria with levels of A-F. The levels of A and B were little or no delay, C and D were design levels and F exceeding capacity with roadway improvements. The levels of service calculations were performed using higher capacity methodology and there were analysis for signalized intersections and unsignalized intersections. The traffic engineer said with River Road and Main Street Table III it summarized the no build and the build conditions. The no build was the existing traffic volume with the 2% per year compounded over two years and the build conditions were the same numbers and all the site generated traffic from the supermarket, bank and apartments. The impact was the comparison of the no build to the build levels of service. Ms. Dolan discussed the delay calculation, which relates to the level of service. She discussed the delay calculations in Table III that showed that it maintained B level of service during peak hours.

The traffic engineer discussed table IV was a similar table prepared for River Road/Cecchino Drive/Milford Avenue Intersection, which had levels of A, B and C. She said there would not be a need for any type of improvement or modification of signal timing at that location. In Table V River Road/Demarest Avenue and Site Driveway was an unsignalized location. Ms. Dolan said this was the main site driveway location and a left hand lane was warranted on River Road to turn into the subject property without holding up traffic northward on River Road. Ms. Dolan stated there was no warrant for a traffic signal at that location. The combination of traffic volumes and combination of the number of driveways around the property allowed the traffic to distribute. Mr. Del Vecchio asked if she consulted with Mr. Dipple regarding the existing width of the right of way for a left hand lane. Ms. Dolan did and said based on the left turn lane warrant analysis a 75 to 100 ft was warranted to accommodate a left hand turn lane to accommodate up to 5 cars. Mr. Del Vecchio asked if they looked at Madison Avenue. Ms. Dolan answered at the request of Boswell Engineering they looked at the Madison Avenue/River Road intersection. She

said that intersection was busier under signalized conditions and overall the intersection would benefit from retiming. There was also added the intersection of Washington Avenue/Main Avenue where they were proposing a site driveway, which was an unsignalized intersection. Ms. Dolan said all critical movements under unsignalized conditions operate at level of service D or better during evening peak hours and C during morning, afternoon and Saturday peak hours. Ms. Dolan corrected that the northern driveway on River Road would be right in right out driveway.

Ms. Dolan was in touch with the County for clarification on the roadways. She stated River Road north of Cecchino Drive was local but to the south it was a County Road, Madison to the north of Cecchino was a County Road and Milford Avenue was County and the County had jurisdiction of the bridge on Main Street. Mr. Del Vecchio asked about the signal along River and Cecchino Drive. The traffic engineer said that was County jurisdiction.

The traffic engineer felt with the four points of access the traffic would not be forced through any one access. At this site they had the ability to distribute all three frontages, which would help reduce the burden on any individual intersection and driveway. Mr. Del Vecchio asked if traffic would be able to operate on the roadways in a safe and efficient manner. Ms. Dolan said yes.

Mr. Del Vecchio asked what the trip generations were for the existing Shop Rite. Ms. Dolan said the existing building was 62,100 sq ft and they took the driveway volumes and prorated them up to the 70,500 for the proposed Shop Rite. When comparing the ITE supermarket estimates with the actual Shop Rite data during the morning peak hour there were 255 trips vs. 261, afternoon and evening peak hours the ITE generate an additional 205 trips, evening peak hour an additional 178 trips, Saturday the ITE data would generate 253 more trips.

Mr. Del Vecchio asked if there would be any impact caused by this project to its close proximity to the high school from any of the projected volumes. Ms. Dolan answered she had been there during dismissal times. The parking, bus activity and pedestrian activity all existed and there was an existing infrastructure that accommodated the high school activity in place. They were designing their driveway so they were as far as practical from the school activity.

The Attorney asked what the required number of parking spaces was for the residential component controlled by the Residential Site Improvement Standards (RSIS). Ms. Dolan answered 426 were required and the applicant was providing 428 for the residential units. The bank and supermarket's standard for New Milford was one every 150 sq ft. building area. Ms. Dolan said this standard was high and the typical retail parking demand range was between 4 and 5 spaces for every 1000 sq ft and for a supermarket 5 for every 1000 and 4 for every 1000 for a bank. The traffic engineer found at the existing supermarket a maximum parking demand of 2.7 spaces for every 1000 sq ft. Mr. Del Vecchio stated the applicant satisfied the parking requirement for the residential and bank but was seeking a variance for the reduction of spaces associated with supermarket 470 required parking spaces proposed 354. Ms. Del Vecchio asked if the 70,500 supermarket would operate sufficiently without having an offsite parking problem. The traffic engineer believed it would operate sufficiently and appropriately because the ratio provided was 5 spaces to 1000 sq ft which was the ITE ratio and exceeded the demands at the existing supermarket in town.

Mr. Fordham questioned that Ms. Dolan mentioned a supplemental analysis and was that submitted to the Board. Ms. Dolan responded not yet. Mr. Fordham requested the report be submitted by the next meeting. Ms. Dolan agreed.

12-03 - 105 New Bridge Properties, LLC – Block 113 Lots 4, 5, 6 – Parking lot/Restaurant Expansion

Mr. Carmine Alampi, representing New Bridge Properties for the Sanzari's New Bridge application, stated they made changes to the access to the proposed parking area and the revisions have been submitted to the Board. Mr. Costa was recalled and previously sworn in.

Mr. Costa stated revisions were on the site plan, landscape, lighting, soil erosion and soil movement. Mr. Alampi asked if any changes were done to the footprint of the building. Mr. Costa answered no. Mr. Alampi clarified the changes were to the access to the new proposed driveway area. Mr. Costa explained the dialogue at the last meeting with the Board was suggestions to close off the driveway closest to New Bridge Road. He explained they sent a couple of concept sketches to the Board Engineer and this was the configuration agreed upon by both the Board Engineer and himself.

Mr. Alampi marked Exhibit A-6 revisions on the site plan July 12, 2012
Exhibit A-7 colorized enlarged plan

Mr. Costa testified they received the approval from the County, the Bergen County Soil Conservation and the revised plans were at the Bergen County Planning Board tonight for approval. The Engineer stated the July 26, 2012 Boswell Engineering letter discussed the striped out parking stall which when not being used by valet would be used for vehicle turnaround area. He explained they closed off the egress driveway and enlarged the driveway further from the intersection which would be a two way ingress/egress, the parking aisle would be widened, a landscape island was removed and in the center they put triangles with bollard lightings. Mr. Costa stated the County wanted the guard rail removed. There would be a sidewalk moved away from the curb line of New Bridge Road, a picket fence and landscaping in the front. The Engineer stated the NJDEP received the application on July 3, 2012 and the 90 day would be September 28, 2012.

The Chairman questioned the reason the County wanted the guard rail removed along River Road. Mr. Costa speculated some of the guard rails installed did not meet code. The Chairman asked if he anticipated any issues with the DEP and did they visit the site. Mr. Costa answered he did not anticipate any problems and typically the DEP did not visit the sites but he has seen them at sites. Mr. Costa stated the DEP had visited parts of this area in the past because of the River Project.

Mr. Alampi discussed the variances. Mr. Alampi asked if the applicant was creating new variances with regard to the footprint of the building, the setback of the building or the side yard of the building. Mr. Costa answered no. Mr. Costa reviewed the impervious coverage provided included the pavers. Mr. Alampi clarified the parking spaces provided were 9x18 required 9x20. He asked if it would be detrimental to have the 9x18 parking spaces. Mr. Costa answered no. Mr.

Alampi asked if that would help maintain proper drive aisles. Mr. Costa answered yes and because of the cut down of the length of space they would be able to add more green area and landscaping which he thought would be a positive benefit. Mr. Alampi stated the driveway aisles were 20 ft and 24 ft in some instances and did they require a variance. Mr. Costa answered none that he knew of. Mr. Costa stated the concept before the Board was agreed on between him and the Board Engineer. The Engineer explained they proposed a 6' board on board fence on the westerly side adjacent to the residential property and in the front a 3' white picket fence.

Mr. Alampi asked if the 960 sq ft addition implicated any new variances. Mr. Costa answered no. Mr. Costa said 65 parking spaces were required and they were providing 65 and had one striped space for valet. Mr. Alampi clarified they filed for a use variance. Mr. Costa agreed. Mr. Alampi stated the parking lot would replace two residential structures. Mr. Costa agreed and explained there were two residential properties for sale with willing buyers and sellers. He stated if they were successful and got into a program under Blue Acres the state would provide the funds, demolish them, get them off the tax rolls and ultimately the town would become responsible for the maintenance of the lots. Mr. Alampi asked if this was a DEP initiative to try to remove people from residents in the floodway and would it be good planning and design. Mr. Costa answered yes and pointed out there was an existing restaurant with a need for parking. There were two residential structures that the owners wanted to sell and because of the circumstances it was difficult to sell. Mr. Alampi said to remove the residents from the floodplain was one of the goals and asked if this was the basis for his analysis as to why there was special reasons to allow the variances. Mr. Costa agreed and said the site was adjacent to the restaurant and the parking lot was designed properly and the parking lot was suitable and they felt confident it would not be a detriment to the drainage. He stated they were using different materials, different lighting and trying to buffer the site not to have an impact. The Engineer felt the parking lot was better because it controlled the parking off the street and on site. He said the Board could vote affirmative because it was a positive benefit. Mr. Costa did not think there was a negative impact on the neighborhood because the restaurant would stay intact whether this was built or not, they were adjacent to a county road, they were in a heavily travelled area and people use the street to bypass the traffic on Hackensack Avenue and River Road which would constantly happen. Mr. Costa stated the impact was negligible and thought it was more positive than negative. Mr. Alampi asked if extending the commercial parking lot in a residential zone would do harm to the intent of the zoning. Mr. Costa stated this area was not the best suited for true single family residential.

The Chairman asked if the applicant was previously granted impervious lot coverage. Mr. Alampi did not know. Mr. Costa thought they had to. The Chairman clarified that they were still over the permitted impervious coverage even though it was better than it was. Mr. Costa agreed and said they were proposing 68.87% and it was 71.41% and permitted 58%. The Chairman asked if the residents in the two houses applied for Blue Acres. Mr. Costa did not know.

Mr. Fordham questioned how often valet service would be used. Mr. Costa answered Friday, Saturday and Sunday if there were parties and during the week there would be no valet unless there was an event. Mr. Fordham stated the Board Engineer's letter asked for foot candle distribution of lighting. Mr. Fordham requested that if an approval was granted a condition would be to address the rest of the comments in the letter including the lighting.

The Chairman questioned that there was an existing condition previously granted that required valet parking all the time. Mr. Sproviero asked the applicant if they were looking to have that condition excinded. Mr. Alampi requested that the Board revisit the issue of valet parking and modify the condition.

Motion to open to the public was made by Ms. DeBari, Seconded by Mr. Binetti and carried by all.

Joseph Losardo 777 Riverview Avenue, Teaneck had concerns on drainage/flooding, traffic and home values. The resident asked if increasing the pavement would affect where the water went. Mr. Alampi believed this would relieve some of the issues. Mr. Costa answered the DEP considers this tidal at that location and it was controlled by tidal influences. The Engineer stated they were using an impervious paver installed in 22” stone in depth underneath and any small storm would go into the stone voids, stay there and sink into the ground. He stated it would be better than the existing condition. The resident had concerns with the traffic and safety of the children in the area. He asked why there was not an entrance off of New Bridge Road. Mr. Costa answered the County would never allow it because of the blind curve.

Michael Goldschmidt 796 Old New Bridge Road, Teaneck stated he spoke to Blue Acres and they were not interested in homes in New Milford. He discussed homes sales in the area and questioned if those houses were difficult to sell. Mr. Costa only knew the homeowner was happy to sell. The resident asked if there had been any studies on the health issues regarding the dust in digging up the area. Mr. Costa answered there was no study that he knew of but they had to have a soil conservation permit which goes towards dust control. The Town Engineer would oversee the project to make sure dust did not impact the area. The resident asked how many feet from the corner of New Bridge Road was the proposed driveway. Mr. Costa answered about 75 ft. The residents had concerns with the traffic and speed of the cars and safety issues with regard to the children in the area. Mr. Costa suggested the resident contact the city manager and request speed tables that would slow the traffic down. The resident questioned that the lot would not be permitted for self-parking. The applicant answered when there was valet. Mr. Goldschmidt questioned how much higher the lot was. Mr. Costa thought about a foot. The resident had concerns about safety. Mr. Costa was willing to look at his property to see if they could place landscaping on their lot for buffering. Mr. Goldschmidt had sound concerns with cars at late hours. Mr. Costa would recommend to the owner to install sound boarding on the fence.

Dominick Mazzella 804 Old New Bridge Road, Teaneck had concerns with all the parking in front of his house from workers and customers and problems getting out of their driveway. The applicant answered that was why they needed a parking lot. The resident thought it was a good idea but they did not have enough parking spaces. Mr. Costa stated that was the point of a valet service.

Motion to close to the public was made by Ms. DeBari, seconded by Mr. Rebsch and carried by all.

The Board Attorney swore in John Gilchrist 210 Summit Avenue Montvale NJ .

The Board Attorney accepted the qualifications of John Gilchrist as a professional architect.

Mr. Alampi asked the architect if he prepared the architectural plans filed with the Board. Mr. Gilchrist answered yes and stated the plan consisted of four sheets dated May 22, 2012. He stated addition was a one story addition 24x40 ft.

Motion to open to the public was made by Ms. DeBari, seconded by Mr. Stokes and carried by all.

Michael Goldschmidt 797 Old New Bridge Road ,Teaneck questioned the signage. Mr. Sproviero answered this was not the witness to answer the question.

Motion to close was made by Ms. DeBari, seconded by Mr. Rebsch and carried by all.

The Chairman stated the application would be carried to September 11, 2012. The Board Attorney stated the public would be able to make their comments at the next meeting.

As there was no further business to discuss, a motion to close was made by Ms. DeBari, seconded by Mr. Denis and carried by all.

Respectfully submitted,
Maureen Oppelaar