

**New Milford Zoning Board of Adjustment
Special Meeting
October 18, 2012**

Vice Chairman Stokes called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:20 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Appice	Present
Mr. Binetti	Present
Ms. DeBari	Absent
Mr. Denis	Present
Father Hadodo	recused
Mr. Loonam	Absent
Mr. Rebsch	Present
Mr. Stokes Vice Chairman	Present
Mr. Schaffenberger-Chairman	recused
Ms. Batistic- Engineer	Present
Ms. Leheny Planner	Present
Mr. Sproviero – Board Attorney	Present
Mr. Tombalakian	Present

PLEDGE OF ALLEGIANCE

OLD BUSINESS

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

Chairman Schaffenberger and Father Hadodo have already recused themselves from this application.

Mr. Loonam requested to have a field trip arranged for the site. Mr. Del Vecchio stated they would have to notice for a Special Meeting and he would have to confer with United Water and get back to the Board with an answer on that request. There was a request from a resident for the public to also attend. Mr. Sproviero thought it would be an Open Public meeting noticed under the Sunshine Law and would research if the public could attend.

Mr. Del Vecchio member of the firm of Beattie Padovano on behalf of the applicant requested two special hearings for November. The Board scheduled a special meeting on Monday November 19, 2012. Mr. Del Vecchio stated there was a letter submitted on behalf of the Borough of Oradell to the Board Secretary and Counsel which he had responded to and had not received a response from the Borough of Oradell or the Board Attorney. The Board Attorney stated the letter had not been distributed to the Board Members. Mr. Sproviero agreed with some

of Mr. Del Vecchio's positions in his responses to the letter that some of this was testimony and should be presented by the witness during public questions or comments.

Mr. Del Vecchio stated the traffic engineer's testimony was concluded. Mr. Sproviero asked if Ms. Dolan would return to address the Board's traffic engineers report. The Board Attorney stated their traffic engineer was present and the Board would release Mr. Tombalakian if they were not dealing with traffic issues. Mr. Del Vecchio did not anticipate any traffic issues and did not have any opposition if the Board wanted their traffic expert to address his review letter. The Board Attorney thought it would make sense to have both traffic experts present so there could be a dialogue and exchange of ideas between the two experts. Mr. Del Vecchio thought the review letter was clear so they would gather the additional information and present it to the Board. Mr. Del Vecchio hoped to come back with the traffic information and resolve it at the next special meeting or the regular meeting in November.

The Board Attorney stated Mr. Flora was here in behalf of Mr. Giblins office. Mr. Flora agreed with Counsel that additional information was needed and it was appropriate to hold off on the traffic issues and he would like to issue a report. The Board Attorney was not sure how a third party report would come in at this point but the appropriate protocol would be developed.

Mr. Del Vecchio called the next witness.

The Board Attorney swore in Mr. Joseph Pagano 520 Ridge Road Mahwah, NJ, Inserra Supermarkets.

Mr. Pagano stated he was affiliated with Inserra Supermarkets for 12 years and was the director of produce and a supervisor who checked the stores on a regular basis. He stated he owned his own supermarket in Bayonne for 30 years. Mr. Pagano said he was the supervisor for the New Milford store and was familiar with the operations of the store. Mr. Del Vecchio clarified that Mr. Pagano advised him that the sales area on the first floor was approximately 43,050 sq ft, an additional 7,500 sq ft of storage on the first floor, a mezzanine of 475 sq ft and basement storage 18,000 sq ft. Mr. Pagano agreed. Mr. Del Vecchio asked if he would characterize the store with a gross number of approximately 61,000 sq ft. Mr. Pagano agreed.

Mr. Del Vecchio asked if he was familiar with the delivery operations of the supermarket. Mr. Pagano answered yes. Mr. Del Vecchio asked how often a typical modern supermarket was served by tractor-trailers. Mr. Pagano answered Monday thru Friday three deliveries a week, Saturday one delivery and no receiving on Sunday. Mr. Del Vecchio asked where the tractor trailers came from that served Inserra. Mr. Pagano answered Elizabeth, Newark and Pennsylvania and Wakefern was a cooperative that controlled and dispatched their deliveries to all their stores. Mr. Pagano stated the tractor trailers deliver all the groceries, dairy, frozen, meat, deli and produce. Mr. Del Vecchio asked if he was familiar with New Milford's restrictions on delivery hours and operations. Mr. Pagano answered 7 am to 10 pm. Mr. Pagano stated there were step up vans used for outside vendors for delivery of bakery products. He added there were approximately 15-20 vendors a day on Monday, Tuesday, Thursday, Friday and Saturday. The majority of the deliveries were fresh bread and were delivered typically between 7 am and 2:30 pm. Mr. Del Vecchio stated there was a proposed delivery route shown on Exhibit A-25 and he

asked Mr. Pagano if it would be possible for Wakefern to mandate and dictate the route for the vehicles. Mr. Pagano agreed and said the drivers get a route to use for each store. He added the same was true for the step up vans. Mr. Del Vecchio questioned what would happen if roads become impassable due to floods or snow. Mr. Pagano answered the trucks were sent back. The dispatcher would be called and they would not make any deliveries if roads were impassable for any reason. Deliveries would be rescheduled in a proper order so there would not be too many trailers coming at one time.

Mr. Del Vecchio asked Mr. Pagano if the dumpster was accessible from the exterior of the store. Mr. Pagano answered no because it was a closed dumpster for security reasons and the door opened into the store. He added they were fully sealed and had no odor and would be changed about two times a week. Each dumpster was cleaned and sanitized before it was returned. Mr. Pagano stated that food products that were out of code but acceptable were given to food pantries. He stated that all Inserra Supermarkets were opened from 7 am to midnight 7 days a week. They had a night crew that consisted of 5-7 people and they came in between 10 pm and midnight and left in the morning. He added the dumpster was locked at night and nothing could be put in or taken out.

Mr. Del Vecchio questioned why provide a new store rather than deal with the current store. Mr. Pagano answered the old store was not efficient and the people of New Milford deserved a state of the art supermarket. Mr. Pagano was not proud of the New Milford store because it did not meet the Inserra standards. Mr. Del Vecchio asked if the goal in providing the extra amenities and additional product selections was to increase the traffic of visitors to the store. Mr. Pagano answered it would not increase the traffic much because most of the stores in the area were close but it would give people other things to buy. Mr. Del Vecchio stated the existing supermarket had prior approval for modifications and asked why not just take advantage of the approvals instead of moving to a new location. Mr. Pagano stated there were currently two existing stores with parking underneath and most of the people did not like using the parking underneath. It was not conducive to supermarket shopping and most suburban stores do not have it. He added most of the supermarkets today that were on one floor made the operation efficient. He stated the Fair Lawn Supermarket had nothing but problems with the parking underneath. There were also problems with the carts on the escalators having a lot of accidents.

There were discussions regarding the different shifts of the employees. Mr. Pagano stated there were approximately 140 people employed with 40-50 people during a shift with a store of this size. He stated there were 3-4 shifts and most of the employees were part time working 4-5 hours at a time. Mr. Del Vecchio stated with a store of this size parking was proposed for 5 per 1,000 sq ft of space and asked if that was sufficient parking for Inserra for a supermarket at this size. Mr. Pagano answered yes. Mr. Del Vecchio asked if they experienced any parking problems at the existing Shop Rite. Mr. Pagano answered no. Mr. Del Vecchio clarified that the receiving area for the vendor trucks were located at the rear of the proposed supermarket. Mr. Pagano stated they did not allow any vendors in the front of the store. He added because the existing store was an inadequate situation the deliveries in the morning were through the front door. Mr. Del Vecchio asked if the Lodi supermarket with the colonial brick façade was what Inserra proposed for this supermarket. Mr. Pagano agreed. Mr. Del Vecchio asked if all the modern Inserra supermarkets were equipped with all the modern updates in terms of minimizing energy

usage and minimizing all the noise sources that might come from a commercial operation. Mr. Pagano agreed and said the newer stores had departments with doors and skylights because of the cost of energy.

Mr. Loonam asked when the Bayonne supermarket was constructed with the escalator ramp and underground parking. Mr. Pagano answered 3-4 years ago. Mr. Pagano described the moving sidewalk ramps used with the carts and added they had someone at the bottom of the escalator to remove the carts so there were no accidents. Fairlawn was the first store to use them around 15 years ago. Mr. Loonam stated he was on the Board for the original application for the existing Shop Rite and there was much discussion regarding the underground parking. He had expressed his concerns about those things at that time and was assured that those ramps would have no problems. Mr. Pagano stated with 30 carts there might be a problem with 2. Mr. Loonam stated they were assured that the parking spots would be utilized in the garage but now he testified it is known that people don't like to use them. Mr. Pagano stated there was no other opportunity at that time. He added now there was a better opportunity to have at this site a state of the art store that people would be able to pull in and pull out at the front of the store. The Board Attorney said several years ago when Inserra came for the expansion of the existing supermarket the Board Members were told the escalators and parking worked great and there were no problems. Mr. Sproviero had a problem with this and asked why the Board should believe this was not so great because now there was this opportunity for them to do something better. Mr. Pagano said the Fair Lawn escalator goes down quite a bit. Mr. Binetti asked if this new opportunity was not available would they build the new store. Mr. Pagano did not think they would build it. Mr. Binetti questioned the safety issues if Inserra decided to do the remodel. Mr. Pagano's opinion was that New Milford would not like that kind of store and said the issues were not safety and they take care of safety issues. He added someone was always present at the escalators. Mr. Pagano said 90 percent of the people in Bayonne did not want to go down to the parking lot. He stated this was an upscale community in Bergen County which needed this new kind of store and not a store with parking underneath. He stated previously they had no choice and they were trying to make the building better for New Milford.

Mr. Loonam stated a lot of people have brought up flooding and traffic issues and his fear was they were making the best of the situation again. Mr. Loonam asked if this was the best place for the supermarket. Mr. Pagano could not answer the question but referred to Lodi and said they dealt with those flooding conditions. Mr. Loonam asked from an infrastructure standpoint did the roads support the type of delivery services that they need. Mr. Pagano answered yes.

Mr. Appice asked at the proposed supermarket on a busy day how many employees would they have for a shift. Mr. Pagano answered maximum 40-50 for a shift. Mr. Appice asked what the busiest day was for the store. Mr. Pagano answered Sunday. Mr. Appice asked if there was an accident on that road how would the trucks get in. Mr. Pagano stated they would call and tell them not to come. Mr. Appice asked how many stores Inserra had. Mr. Pagano answered 22 and the largest one was in Hackensack on River Road and next largest was Bayonne. Mr. Appice questioned if other towns would be using the store. Mr. Pagano stated it would get business from other communities like the existing store did now. Mr. Appice did not think a lot of communities go to the existing store. Mr. Appice asked if they would be getting a lot more people coming to

the proposed store. Mr. Pagano didn't think they would get that many more customers because there were Shop Rites all around it.

Mr. Binetti asked if there would be liquor at the store. Mr. Pagano did not think so. Mr. Binetti asked if there were any added concerns with a Shop Rite being located next to a school. Mr. Pagano did not think so because some of their stores were near schools and they didn't have any problems. Mr. Binetti questioned trucks coming in during sporting events. Mr. Pagano said notify the Shop Rite and they would work with their schedule. He added they were trying to make things easier for the community.

Mr. Stokes questioned how many times the driver breaks the route schedule. Mr. Pagano answered they would get written up and suspended. Mr. Stokes clarified there would be 140 employees at the new store with a maximum shift of 40-50 people. He asked how many people work at the existing store and what the maximum shift was. Mr. Pagano answered 115 employees with a maximum shift of 30 employees for the existing store. Mr. Pagano stated at the new store they would have more departments like an expanded deli, hot foods, sushi, probably a coffee bar with yogurt. Mr. Stokes asked what the differences were with the ramps at the Fair Lawn and Bayonne store. Mr. Pagano said the escalators in Bayonne were newer which had better operations than the Fair Lawn store in relation to break downs. Mr. Pagano stated they went with a different manufacture in Bayonne because of the problems in Fair Lawn. He stated Fair Lawn had 50% more breakdowns than Bayonne.

Mr. Rebsch asked what their plan B would be if the application was denied. Mr. Pagano did not know but said the New Milford store would probably stay open. Mr. Rebsch asked if they looked into any other places. Mr. Pagano did not know.

Mr. Denis asked how he felt about a 221 residential building being next to the Shop Rite. Mr. Pagano did not know if it was a good or bad idea.

Recess

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

Frances Tozzi 556 Columbia Street thought it would be wonderful to have the store modernized but asked why they picked such a controversial site. Mr. Pagano could not answer that because he did not pick the locations. Mr. Pagano thought this store would be the best for them.

Marc Leibman asked if they intended to have more customers than they currently had. Mr. Pagano answered they would have more customers but thought the increase of business would be from giving the customers more varieties and more opportunities with a state of the art store. Mr. Leibman asked if the coffee shop and yogurt would be Inserra owned. Mr. Pagano answered yes. Mr. Leibman asked if Inserra would be the tenant or owner. Mr. Pagano did not know. Mr. Leibman asked if Inserra operated any housing projects. Mr. Pagano did not know. Mr. Leibman asked with the proposed 70,000 sq ft building how much would be retail space. Mr. Pagano

thought it would be approximately 62,000 sq ft. Mr. Leibman stated there would be approximately 20,000 sq ft more retail space than the existing supermarket.

Michael Gadaleta 270 Demarest Avenue asked how often he visited the New Milford store. Mr. Pagano answered once a week. The resident asked how he verified the size of the existing Shop Rite. Mr. Pagano said there were the plans from Mr. Inserra for the existing store. Mr. Gadaleta questioned the number of trucks coming to the site. Mr. Pagano estimated 33 trucks a day. Mr. Gadaleta asked if it was easier for the trucks to get to the existing supermarket or easier to get to the proposed supermarket. Mr. Pagano said they were both the same but the further north they would come in a different way. Tractor trailers were only allowed on certain roads and they follow the laws in the town.

Mr. Gadaleta questioned if the dumpster created any rodent problems. Mr. Pagano answered none of the stores had any rodent problems. Mr. Gadaleta asked if there were any records from exterminators and was it something they could divulge to the Board. Mr. Pagano would have to ask Mr. Inserra. He stated the New Milford Board of Health Department inspects them and the quality assurance comes on a monthly basis. The resident asked if the full time and part time employees were offered benefits. Mr. Pagano answered yes. Mr. Gadaleta asked if he knew of another Inserra supermarket similar to this location which was in a bedroom community without highway access. Mr. Pagano answered Emerson and Hillsdale. Mr. Gadaleta asked if there were any stores with a two-lane street. Mr. Pagano answered Hillsdale. The resident asked if he was familiar with the surrounding area of the proposed Shop Rite. Mr. Pagano answered yes. Mr. Gadaleta asked if the docks at the proposed site would be able to accommodate the step in vans in the back. Mr. Pagano answered yes. The resident asked if there would be any rooftop equipment. Mr. Pagano answered probably air conditioners and inside the store they had racks of motors. Mr. Gadaleta asked if he reviewed the New Milford ordinance on parking because he made testimony on parking. Mr. Pagano did not know the ordinance and only knew what Mr. Del Vecchio told him. Mr. Pagano clarified that Mr. Del Vecchio had asked him if he thought there was enough parking and he answered yes. Mr. Gadaleta said he was not an expert to make that opinion and it should be stricken from the record. Mr. Del Vecchio objected and said he asked Mr. Pagano for a lay opinion. The Board Attorney said that was a better explanation. Mr. Gadaleta questioned that there was testimony that there was a lack of recreation area for children at the residential site so he asked if a truck has ever hit a child. Mr. Pagano answered never in all his years doing business. Mr. Sproviero clarified on the Inserra property. Mr. Pagano answered definitely not.

Mr. Rebsch asked if there were any refrigeration trucks. Mr. Pagano answered yes and when they come in they would probably shut off the refrigeration according to the ordinance. Mr. Rebsch asked how many trucks. Mr. Pagano thought there was one refrigeration truck a day. He said on the trailer there were four or five store deliveries. Mr. Rebsch asked if they were heavy. Mr. Pagano said there were heavy and had to adhere to the requirements of the roads that they go on. Mr. Rebsch asked if they stay overnight. Mr. Pagano answered they do not stay overnight and added the only trucks that park overnight were the grocery trucks. Mr. Rebsch asked about security at the loading docks. Mr. Pagano answered they would probably have a security guard back there.

Miriam Pickett 222 Baldwin Avenue questioned his testimony on what Inserra wants or what New Milford wants. Mr. Pagano said it was the same thing because what was best for New Milford was what Inserra wants. He added they were a very good corporate partner with the community. Ms. Pickett asked how the proposed store compared to Emerson and Paramus in size and the numbers of cars anticipated at the proposed supermarket. Mr. Pagano answered Paramus was not their store and the Emerson store was approximately 55,000-60,000 sq ft. Ms. Pickett asked how many trash compactors were proposed. Mr. Pagano answered one outside of the store and the door opens in the store. He clarified a dumpster was a trash compactor and a cardboard compactor was in the store. Ms. Pickett asked if the compactor could be used at 9 PM. Mr. Pagano answered yes. Ms. Pickett questioned if there were insect issues. Mr. Pagano answered no but there were sometimes flies. Ms. Pickett asked how many shopping carts would be on site. Mr. Pagano did not know but estimated around 150-200. Ms. Pickett asked if he anticipated any carts ending up in the street. Mr. Pagano responded that there was a gatekeeper and once the cart hits the perimeter of the store the wheels locked. Ms. Pickett questioned that the trucks would be arriving during school hours and asked his opinion on the noise generated from the trucks. Mr. Pagano did not know. The resident asked if the lights were on all night. Mr. Pagano answered the exterior lights were on a photoset and go off around midnight. The interior lights were always on. The Board Attorney asked if there would be diminished lighting at night. Mr. Pagano responded yes. Ms. Pickett asked if all the trucks turn off their engines in the rear. Mr. Pagano answered yes there was a sign posted. Ms. Pickett asked if there would be sufficient garbage receptacles available for the patrons and how many times were they emptied. Mr. Pagano said they were emptied as needed all day long. Mr. Pagano asked her what she would think if she saw garbage all over the place. Ms. Pickett answered she doesn't go to Shop Rite anymore because the parking lot was filthy.

Mr. Sproviero asked for clarification relating to the in store food services and if there would be in store seating to accommodate the amenities. Mr. Pagano did not know because he did not see the plans. Mr. Sproviero stated it was critical to determine what the use would be. The Board Attorney asked if the seating was constrained to the coffee shop area. Mr. Pagano answered yes. The Board Attorney questioned if the hot foods would be consumed on the premises. Mr. Pagano answered it was to go as it stands now. Mr. Sproviero questioned the operations of the sushi department. Mr. Pagano answered it was an outside company.

Mr. Rebsch questioned how the people from Brookchester would be able to get to the shopping center when a lot of the them don't drive and they used to be able to walk to the supermarket. Mr. Pagano felt the town would provide a bus. Mr. Rebsch answered the town did not have any money. Mr. Pagano answered they would provide a bus. Mr. Rebsch was concerned with the safety of the people with the bus. Mr. Pagano said they would let the people out and come back and get them.

Mr. Loonam questioned how many tables and chairs would be at the coffee shop area. Mr. Pagano believed there would be four or five tables with chairs. Mr. Loonam felt they needed to look into that. Mr. Pagano said they would take that into consideration. The Board Attorney asked if he anticipated the Board receiving a copy of the layout of the store before a determination was made. Mr. Del Vecchio answered he would take it under advisement.

John DeSantis 190 Powell Drive asked how many hearings had he testified before. Mr. Pagano answered about four and he was the Chairman of the Planning Board in Secaucus. Mr. DeSantis asked if the proposed store was 50 percent larger than the existing store. Mr. Pagano answered not 50 percent. Mr. DeSantis questioned the reason for the extra space was for coffee shops and sushi. Mr. Pagano answered it was also for more varieties of groceries and there would be extensive areas for the frozen and dairy departments with healthy choices. He stated the sections in the stores would be larger with more varieties and there would be all the things a modern supermarket had. Mr. DeSantis felt that Shop Rite has been a good neighbor to the community and asked how he felt about doing something in the community that the people did not want. Mr. Del Vecchio objected that the question assumed facts not in the evidence and stated the personal opinion of this witness was not relevant.

John D'Ambrosio 482 Luhmann Drive clarified that the retail space was 43,000 sq ft. Mr. Pagano agreed. Mr. D'Ambrosio asked if he agreed that counting ceiling tiles would allow him to come to a square foot. Mr. Pagano did not know. Mr. D'Ambrosio asked if it was possible that the retail space was 32,000 sq ft. Mr. Pagano answered the information from their records was the store was 42,000 sq ft selling. Mr. D'Ambrosio asked if assuming the store was 32,000 sq ft and the proposed store was 62,000 would he believe they were doubling the number of people visiting the store. Mr. Pagano answered no.

Sam Tripsas 327 Maple Avenue, Oradell asked where the warehouse was located that supplied the existing supermarket. Mr. Pagano answered the same place that would supply the new Shop Rite. He said the groceries were from Elizabeth or Carteret, dairy would come from Keasbey, deli, meat, produce would come from Newark or Elizabeth and non-foods were from Pennsylvania. Mr. Tripsas questioned what the current route was for the existing store. Mr. Pagano answered River Road. Mr. Tripsas asked if it was possible that the route would change rather than coming up Kinderkamack Road for the new store. Mr. Pagano stated they were not allowed to change their route. Mr. Tripsas asked if he was aware of the Public Service and NJ Bus transit location to the site. Mr. Pagano answered yes and it existed.

Louis Flora Counsel from the Firm of Giblin and Giblin representing the Borough of Oradell asked if they anticipated this new store would be serving the surrounding communities. Mr. Pagano answered that all of their stores did. Mr. Flora clarified his testimony was the existing store had 115 employees with a maximum shift of 30-35 people and at the proposed store there would be maximum 140 employees with approximately 40-50 employees at a shift. Mr. Pagano agreed. Mr. Flora questioned if there would be a need for more employee parking spaces due to the shifts overlapping. Mr. Pagano stated there would be a small overlap of about 30 minutes. Mr. Flora asked if he thought in the ½ hour they might need 5-10 more spaces. Mr. Pagano agreed. Mr. Flora clarified that his peak business was on a Sunday. Mr. Pagano agreed.

John Rutledge 335 River Road asked if the trucks had GPS. Mr. Pagano answered yes as well as cell phones. The resident asked if in addition to the 15 Shop Rite trucks were there any tractor-trailer trucks that were not Shop Rite trucks coming to the site. Mr. Pagano answered maybe about two. Mr. Rutledge asked if the tractor-trailer trucks were 48-50 ft long and what the maximum load capacity was. Mr. Pagano answered probably 48 ft. and about 22 pallets of weight. Mr. Rutledge asked if he would assume a truck was not empty when they arrived. Mr.

Pagano said they could just have just New Milford on the truck. Mr. Rutledge asked if there could be an additional 600,000 lbs of additional traffic traveling thru New Milford and if they took into account the long term wear and tear on the infrastructure. Mr. Del Vecchio objected that this was not his realm of knowledge. Mr. Rutledge clarified that his testimony was that Sunday was his busiest day and asked what the next busiest day was. Mr. Pagano answered Saturday, Sunday and Monday were the busiest days. Mr. Rutledge asked if Tuesday and Wednesday were the weakest day. Mr. Pagano answered yes.

Mr. Rutledge asked how many checkouts were at the existing store and the proposed store. Mr. Pagano thought 12-13 checkouts at the existing store and probably 17-18 checkouts at the new store but they don't have the plans. The resident asked for the checkout receipt information. Mr. Pagano said that would be the accounting information. Mr. Rutledge asked if he was anticipating that there would be a huge jump in traffic. Mr. Pagano thought the number of customers would increase by a small amount but the size of the orders would increase. Mr. Rutledge asked for a number for a customer purchase per 2.2 times per week that a customer went to a Shop Rite. Mr. Pagano asked how he knew that. Mr. Rutledge answered he worked close with the Food Marketing Institute. Mr. Pagano said he also was a member but the Food Marketing Institute was a national organization and those numbers were national numbers and they need a northeast number. Mr. Rutledge said the figures in the northeast for weekly transactions of 10,430 people checkout with average sales of \$29.54. Mr. Pagano stated the northeast included New York City and they would have a higher checkout sale. Mr. Rutledge asked if there were any lawsuits pending from the escalators that he testified were dangerous. Mr. Pagano did not know and he said it was dangerous because of the weight of the cart. The resident asked if there were any professional studies regarding this situation. Mr. Pagano said no this was his opinion. Mr. Rutledge questioned the portion of food waste going to food banks. Mr. Pagano answered it was different in every store. He stated with produce approximately 2-3 shopping carts went to food banks daily. Mr. Rutledge asked if there would be any impact from the proposed store to the local retailers. Mr. Pagano answered none at all. Mr. Rutledge asked how many bays would be at the proposed supermarket. Mr. Pagano answered 7 bays and there were 3 at the current store.

Tom Berthoff 74 Beechwood Road, Oradell asked if he kept any statistics for the amount of foot traffic. Mr. Pagano did not know. Mr. Berthoff asked how often the police or first aid were called to the New Milford Shop Rite. Mr. Pagano did not know. Mr. Berthoff questioned that he was supervisor of operations and assumed he would know what happened within the store. Mr. Pagano answered he was in the store one day a week and had 22 stores to call on and did not receive that information. He said that information would be given to the office and forwarded to the insurance providers. Mr. Berthoff asked if big was better. Mr. Pagano answered no but state of the art was better. Mr. Berthoff asked the Board Attorney if he was sworn in as an expert in testimony. The Board Attorney believed he was a fact witness. Mr. Berthoff questioned that there had been a number of percentages and statistics given by Mr. Pagano. Mr. Berthoff could not separate fact from fiction. The Board Attorney said it was the role of the Board to determine that credibility and determine the quality of the predicate of the statements being made. Mr. Berthoff felt Mr. Pagano was an honest person but couldn't separate opinion from fact. Mr. Berthoff asked if the percentages and statistics were his experience or fact. Mr. Pagano answered it was from his experience.

Todd Ghiosay 334 Morris Lane asked if he ever had a supermarket sharing the same parking lot with an apartment building complex. Mr. Del Vecchio objected that the supermarket and residential component did not share a parking lot. The resident said on the site plan there was a driveway between a supermarket and residential building and asked how traffic would traverse. Mr. Pagano did not know. Mr. Ghiosay asked if any stores had a 221 apartment next to a supermarket and bank. Mr. Pagano did not know. The resident stated he measured the rooftop of the area of the existing Shop Rite and had an area under 40,000 sq ft. and clarified that Mr. Pagano had plans that said the area was 42,000 sq ft. Mr. Ghiosay asked if he was able to provide those plans to the Board so the engineer could review it. Mr. Pagano would convey the message to Mr. Inserra. The Board Attorney asked how he measured the roof. The resident stated he used google earth. Mr. Del Vecchio objected the witness introduced evidence that was not sworn testimony. The resident asked if the Shop Rite would have a pharmacy. Mr. Pagano was not sure but the other Shop Rite stores did. Mr. Ghiosay asked if they would be selling garden supplies. Mr. Pagano answered yes as they do now. He added outside plants require a license from the town. Mr. Ghiosay asked if this was to be one stop shopping. Mr. Pagano stated that is what it's supposed to be. The resident felt they would cannibalize the surrounding area stores. Mr. Pagano's opinion was the customers who go to local stores would continue to go to them. They would not go to a supermarket just to get a cup of coffee or yogurt. He said this store would help the other stores because they draw people.

Evelyn Wiseman 251 Summit Avenue asked if the proposed store would have a generator and possibly have to listen to it in a flood. Mr. Pagano said in the last flood they threw out everything. Ms. Wiseman asked if there was a possibility there would be no generator. Mr. Pagano stated they had an agreement with a generator company but there were so many generators and so many stores. He stated the size of a generator for the store would be the size of a tractor trailer to run the refrigeration.

Ulises Cabrera 659 Columbia Street thanked the Board Members for their dedicated service to New Milford. The resident stated the Main Street exit had a bridge and questioned if it could sustain the weight of the trucks. Mr. Pagano stated they would evaluate it and if there was a problem they would take care of it. He would try to get an answer for the Board. Mr. Cabrera asked if there would be rodent traps by the trash compactor at the current store. Mr. Pagano answered yes but at the new store there would be a different compactor. The resident asked if there would be a rodent problem because of the proximity to a river. Mr. Pagano did not know but if there was a problem they had a good exterminator company. Mr. Cabrera asked if they put out poison. Mr. Pagano said no it was against the law. Mr. Cabrera asked if he was aware the traffic engineer was not requiring a traffic signal for the entrance at the site. Mr. Pagano was not qualified to answer that. Mr. Cabrera asked what other stores had a school next to them. Mr. Pagano said Bayonne. The resident asked if Mr. Inserra did not get this proposal would he leave New Milford. Mr. Pagano was not sure of it.

Carol DeSantis 190 Powell Drive asked how many home delivery vans the supermarket would have. Mr. Pagano answered two. Ms. DeSantis thought people would go into the proposed Shop Rite and sit down and eat. Mr. Pagano did not know if there would be sit down areas because he has not seen the plans. The resident had concerns about the tractor trailers and their motors running. Mr. Pagano stated they were not allowed to the store until 7 am. Ms. DeSantis had

concerns with the tractor trailers in the rear of the high school and a student being hit by a car. Mr. Pagano's opinion was that they would not be hit by a car. Ms. DeSantis stated there was no crossing guard for the high school.

Lori Barton 399 Roslyn Avenue questioned if all the increased amenities would attract customers. Mr. Pagano answered it would increase the size of their orders. The resident asked if a new large store would attract more customers. Mr. Pagano answered yes they would come in the beginning and then go back to their shopping habits. Ms. Barton asked if customers in the store might purchase items instead of leaving the store and patronizing the local stores. Mr. Pagano answered yes if they were already in the store. Ms. Barton asked how big the Hackensack and Ramsey Inserra stores were. Mr. Pagano thought they were 72,000 sq ft and they were larger than the proposed store. Ms. Barton asked why the Shop Rite in the current location could not be a state of the art store. Mr. Pagano stated the land was not large enough. Ms. Barton clarified that they could not provide a state of the art store unless it was 70,000 sq ft. Mr. Pagano agreed. Ms. Barton asked why the current Shop Rite did not have the gatekeeper feature for the carts. Ms. Pagano answered because it was an old store and gatekeepers were only for new stores. Ms. Barton asked if this community deserved to have a safe area adjacent to the High School, to breathe clean air and to have safe traffic conditions in the other part of town. Mr. Pagano agreed but said he was not an expert in this. Ms. Barton asked if he testified that Sunday was the busiest day. Mr. Pagano answered yes for all Shop Rites. The resident asked if he was aware they just approved a church that would bring traffic on Sunday. Mr. Pagano answered no.

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

Mr. Rebsch had questions on signage when they receive the plans. He asked how Inserra determined the size of a store in relation to how many customers went to the store and purchased items. Mr. Pagano said there was a formula but he did not know it. Mr. Rebsch asked if they knew how many customers shop at their store during the week. Mr. Pagano did not know but said Inserra does not give out that information.

The Board Attorney asked what the relationship was between Inserra Shop Rite and Wakefern. Mr. Pagano responded Mr. Larry Inserra was on the Board of Directors of Wakefern foods which was a retail owned cooperative with many owners. The Board Attorney clarified Wakefern supplied to all Shop Rites not just Inserra Shop Rites. Mr. Pagano stated that was why he could testify to the fact that the trailers would be coming when they were supposed to. He stated it was one of the strongest retail cooperatives in the United States.

Mr. Del Vecchio stated this matter would be carried to the special meeting on October 29, 2012 at 7 pm without further notice. Mr. Stokes agreed.

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

Respectfully submitted,
Maureen Oppelaar