



**New Milford Zoning Board of Adjustment
Work Session
February 12, 2013**

Chairman Schaffenberger called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:06 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Binetti	Present
Ms. DeBari	Absent
Mr. Denis	Present(7:15)
Fr. Hadodo	Present
Mr. Ix	Present
Mr. Loonam	Present
Mr. Rebsch	Present
Mr. Stokes	Present
Mr. Schaffenberger-Chairman	Present
Ms. Batistic- Engineer	Present
Mr. Grygiel Planner	Present
Mr. Sproviero - Attorney	Present

REVIEW OF MINUTES – January 8, 2013

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

ANNUAL REPORT OF 2012 APPLICATIONS

The Chairman asked the Members if they reviewed or had questions on the annual report. Mr. Ix made a correction on the report. Chairman Schaffenberger commented although there were a total of 20 meetings for 2012 there were only five new applications with two carried over from 2011. The Board Attorney explained this was the traditional form sent to the Planning Board which was a presentation of what was done the preceding year. Mr. Sproviero said he mentioned last month for the Board to have this discussion on the bigger overview and commented that over the past several years there had been major applications before the Zoning Board that affect the long term vision of the community. He thought given the volume and body of work the Board has dealt with it would be appropriate to share the Board’s experiences with the Planning Board as part of this report process.

The Chairman said the Board had five new applications last year that all involved water and thought the Board should suggest the Planning Board address it. The Board Attorney agreed and asked Mr. Grygiel how this would fit into the larger equation. Mr. Grygiel said it was a great question and felt it would be something he would take a closer look at because there were certain state regulations that supersede local zoning regulations. He added that maybe the municipality

could come up with something to address flooding issues or any impacts on the rivers. The Board Attorney asked if it was appropriate in the context of examining or reexamining their current zoning structure to take those issues into account and modify it to acknowledge there was a situation and try to make their ordinance the best it could be. Mr. Grygiel agreed and said the Planning Board could either reexamine or prepare a new master plan to address issues of concerns like water and flooding issues. He said it could deal with the land use, conservation and natural feature elements depending on what elements were included in the master plan. Mr. Grygiel thought it would be worth the Zoning Board telling the Planning Board this was a significant issue and have them look into it. Mr. Sproviero questioned if there were any steep slope areas. Ms. Batistic answered no but other municipalities have environmental sensitive areas and restrictions within those areas.

The Chairman asked if they could reach out to areas like Wayne that flood and how they have dealt with it. Mr. Sproviero thought Wayne had done some significant planning work around their flood zone areas. Mr. Grygiel thought it would be appropriate to look into examples elsewhere. Mr. Sproviero said he did not want to inject the Zoning Board into the planning element but to inject the Zoning Board into issue identification.

Mr. Stokes discussed commercial use and how it would impact the residents. The Chairman agreed. Mr. Stokes commented the Board had a lot of applications with use groups. The Board Attorney said that was why the Board exists and this was why he encouraged this discussion. The Chairman questioned if he was suggesting rezoning. Mr. Stokes thought they need to look at how the developments should plan in the future. The Board Attorney said more significant was how the more involved applications have the potential to change the landscape of the community and that was the challenge of what the Zoning Board does and striking a balance to adhere to the planning vision and goals of the community and apply the law to allow for the balance to take place to grant relief where relief was appropriate.

Father Hadodo thought each house should contain their own water on their property. Ms. Batistic answered there was an ordinance in town that there was net zero increase for runoff. The Board Engineer said it was illegal for the residents to pump water into the sanitary sewer.

Mr. Loonam said he understood the issue of water but said the town was set up so the business district was along River Road and felt the commercial applications were a byproduct of their location. He felt the idea of this review was to see if the Board was getting an influx of certain type of applications because of current restrictions in the ordinance. He had concerns about going to the planning board with these commercial recommendations and felt the Board needed to be prudent with their suggestions because although the intention was good he thought it might affect the homeowners.

The Board Attorney felt they needed to prepare a resolution that contained their sentiments and adopt the resolution at the next meeting. He would constrain it to the particular issues that the planner articulated topically not specifically that during the past several years these were the issues of concerns.

The Chairman asked if the way they establish a story was more complicated than it need be. Ms. Batistic said it was not complicated but the story issue was more the look of it from the front but it did not protect the people in the back because it was taken from the curb level. There was discussion on prior three story applications. The Board Engineer said they changed the way it was measured to address some of these issues. There was discussion among the Board Members on the definition of story.

NEW BUSINESS

13-01 Farrell – 218 Zabriskie Place – Block 910 Lot 4

Expand Detached garage – coverage, rear and side yard variances

The Chairman asked the Board Members if they had any comments on the application. Chairman Schaffenberger said if they were enlarging the garage they would need to make the driveway larger and he did not see any reference to the driveway or impervious calculations in the application. Ms. Batistic said they were widening the driveway but did not give any dimensions to calculate it. The Board Attorney and Chairman felt that was an issue.

OLD BUSINESS

12-01 New Milford Redevelopment Associate, LLC – Block 1309 Lot 1.02

Supermarket, Bank and Multifamily Residential Units

Height, stories, building and impervious coverage, use and parking

The Chairman said there were two letters from Boswell Engineering one from Margita Batistic on the revised plan dated February 7, 2013 and Berge Tombalakian on the traffic review dated February 11, 2013.

NEW BUSINESS

13-02 Alex and Sons Real Estate, LLC – 391 Madison Avenue - Block 1211 Lot 32

Three story 14 unit multiple dwelling with parking underneath building

Use, building coverage, front yard and height

The Chairman asked the Board Members if they had any comments on the three story 14 unit multiple dwelling. He clarified two D variances were required. The Board Attorney agreed and felt the Mr. Alampi would only be able to introduce the predicate proofs and they would not get to the witnesses tonight.

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

**New Milford Zoning Board of Adjustment
Public Session
February 12, 2013**

Chairman Schaffenberger called the Work Session of the New Milford Zoning Board of Adjustment to order at 8:08 pm and read the Open Public Meeting Act.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE WORK SESSION – January 8, 2013

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

OFFICIAL MINUTES OF THE PUBLIC SESSION – January 8, 2013

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

NEW BUSINESS

13-01 Farrell – 218 Zabriskie Place – Block 910 Lot 4

Expand Detached Garage – coverage, rear and side yard variances

The Chairman asked the applicant if he was the owner of the house and to state his name and address for the record. Kevin Farrell 218 Zabriskie Place answered he was the applicant and owner. Mr. Sproviero asked if he would be offering the testimony in support of the application. Mr. Farrell agreed. The Board Attorney swore in the applicant.

Mr. Farrell wanted to expand the garage because it was extremely small and they needed the extra parking space and storage. He explained it very difficult to get in and out of the driveway because it was extremely narrow. Mr. Farrell said that was one of the reasons to keep the 3'

setback was to make it easy to pull into the existing garage. He added the garage would extend into the side yard and would not infringe on the neighbors or the look of the property.

The Chairman asked if they would demo or expand the existing garage. The applicant felt knocking it down would be the better way to go because he could purchase a prefab garage, which would be put on a concrete slab. The Chairman mentioned his application said it was an expansion of his existing non-conforming detached garage and questioned that a knock down would not be what he was proposing. Ms. Batistic and Mr. Sproviero agreed. The Chairman asked if that would matter. The Board Attorney said the Board had the ability to amend it and the bulk variances and setbacks would remain the same. He added they would need to deal with the impervious coverage issue because they did not have a definitive answer on it. The Board Attorney clarified they had a non-conforming garage and would be replacing it with an even more non-conforming garage.

The Chairman clarified there were rear and side yard variances and they were proposing to enlarge the driveway adding more impervious surface. Ms. Batistic said they were exceeding the building coverage for the proposed garage but they did not have enough information on the sketch to see if the applicant was exceeding the impervious lot coverage. The applicant thought his existing driveway was 100' long by 10.2' wide. The Chairman questioned if they knew what the impervious coverage was now. The Board Attorney answered no because they did not know the other impervious elements located on the property.

Father Hadodo asked the applicant if he would consider a 5' setback for the garage to eliminate the rear and side setbacks. Mr. Farrell thought that could be a compromise.

Mr. Farrell explained it was a shared driveway between two properties with a fence so it was difficult to back up. Mr. Loonam asked how far past the front of the garage would the driveway extend. The resident said 6"-8". Mr. Loonam asked the Board Engineer if they could figure out the coverage with the house and driveway. Ms. Batistic answered there was also a concrete patio, concrete walkway and shed without dimensions and she could not scale it because the survey was not to scale. Mr. Farrell added that about 4-5' of the patio would be removed to accommodate for the driveway. Ms. Batistic's concern was the applicant might already be exceeding the existing impervious coverage. The applicant thought the patio was about 12'x14'. The Chairman explained they needed to grant a variance with nothing to base it on but did not think it was his fault. Mr. Farrell apologized and said he would have been prepared with the calculations if he knew the Board would need it. The Board Attorney explained to the applicant what he was requesting was not the problem but the Board needed the numbers to grant a variance.

The applicant presented photos of the property to the Board Members. The Chairman asked if he took photos of the property himself and if they were altered in anyway. Mr. Farrell responded he took the photos himself and they were not altered.

The Board Attorney marked the photos as exhibits:

- A-1 - Photo of existing driveway and garage
- A-2 - Photo of the applicant's and neighbors existing garages
- A-3 - Photo of backyard showing shed

The Chairman asked how they could grant this without definite numbers. Mr. Loonam asked if the Board could entertain a variance for impervious coverage for a certain number that he could not exceed and check the as built. The Board Attorney wanted to get it right now. The applicant understood the Board did not want to estimate the numbers but Mr. Farrell felt he was far below the allowable impervious coverage. Ms. Batistic felt the building, garage and existing driveway was approximately 2,900 sq ft but it did not include the walkway, patio, steps and front walkway and the maximum would be 3,750 sq ft.

Mr. Loonam said if the applicant moved the garage in 2 more feet as suggested to eliminate the rear setback that would also remove part of the driveway. Mr. Loonam also questioned if the applicant had the ability to say he would not exceed the impervious. The Board Attorney agreed and they could condition the resolution for that. Mr. Sproviero stated the Zoning Officer did not implicate it nor was it on the denial letter so it would be subject to compliance with the requirement of the impervious coverage ordinance. Mr. Farrell assured the Board he would not go over the impervious and would remove the patio and walkway if needed.

The Chairman asked Mr. Farrell if he wanted to move his garage 5' in from the rear and side to eliminate those variances. Mr. Farrell requested the 3' side yard variance and the 5' setback for the rear. The applicant added he was trying to copy the neighbor's garage on the one side and neither neighbor showed up tonight to express any objections and verbally they told him they had no objections.

Motion to open to the public was made by Mr. Loonam, seconded by Fr. Hadodo and carried by all.

John DeSantis 190 Powell Drive asked if the Board Engineer could measure with a triangular engineer scale and come up with a number. Ms. Batistic answered it would take time because there were so many things missing.

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

The Chairman stated the height requirement was 15' and the application was proposing 13'5" and reviewed that the applicant was seeking two variances one for a side yard setback and building coverage for a 20'x24' garage. The Board Attorney said no variances were implicated for impervious coverage.

Mr. Loonam made a **motion**, seconded by Fr. Hadodo to grant the variances because the applicant eliminated a variance at the suggestion of the Board, the proposed building kept in line with the neighborhood, it was undersized lot and the applicant would not exceed the impervious coverage.

The motion passed on a roll call vote as follows:

For the Motion: Members Loonam, Hadodo, Binetti, Denis, Stokes, Ix, Schaffenberger
Approved 7-0

The Chairman stated the resolution would have conditions and be memorialized next month but he could apply for permits but should not do any work until the resolution was memorialized.

OLD BUSINESS

12-01 New Milford Redevelopment Associate, LLC. – Block 1309 Lot 1.02 Supermarket, Bank and Multifamily Residential Units Height, stories, building and impervious coverage, use and parking

The Chairman and Father Hadodo recused themselves from the application.

Mr. Del Vecchio member of the firm of Beattie Padovano on behalf of the applicant requested special meetings. The Board scheduled a special meeting for February 28, 2013 at 7:30 PM and a tentative date for Thursday March 28, 2013.

Mr. Del Vecchio marked as **Exhibit A-42** Traffic Impact Analysis revision date 1/4/13

The Board Attorney stated the Board had received the Boswell letters from Margita Batistic dated 2/7/13 and Mr. Tombalakian dated 2/11/13 and a Shade Tree letter. Mr. Del Vecchio said he has received all of them but would need to discuss the shade tree letter because they were having meetings that they were not told about and never invited to appear. The Board Attorney stated they would take up that issue on the 28th.

Ms. Dolan was recalled and previously sworn in and qualified. Mr. Del Vecchio asked Ms. Dolan what the intent was to submit a revised report. The Traffic Engineer said to address the prior traffic review from Boswell Engineering dated October 15, 2012 and to reflect the modified site plan that reduced the number of residential units to 24. Ms. Dolan said they have updated some of their counts to verify the accuracy of the data previously testified and to look at Sunday traffic volumes because that was subject to some questions. They had studied the entire month of September 2012 transactions to get a handle on daily and hourly activity on River Road. Ms. Dolan clarified they received the new edition of the trip generation and the latest traffic study marked as exhibit A-42 included estimates using the 9th edition of the trip generation manual.

Ms. Dolan stated the traffic counts were updated on December 22, 2012 performed at River Road, Milford Avenue and Cecchino during the 2-6 pm period. She added the prior and revised study focused on weekday morning, afternoon and weekday evening and Saturday peak hours. They updated the school peak hour and the evening peak hour and counted the location on Sunday October 21, 2012 from 11am-3 pm. The 2012 volumes validated the continued use of the peak hour volumes from the 2011 count data and balancing act. They also determined the Sunday traffic counts were comparable or lower than what was reported for peak hours along River Road and concluded that an analysis of the Sunday peak hour was not necessary.

The Traffic Engineer said the appendix also had the pedestrian activity, which was counted and they included heavy vehicle and pedestrian counts. The pedestrian counts showed during 3-4pm, a maximum of 12 pedestrians crossed River Road at Demarest Avenue and the majority of pedestrian activity was at the traffic signal at Cecchino Drive/Milford Avenue. The 9th edition of the trip generation manual has been published and Ms. Dolan testified they have used it to update

the trip estimates for the residential, bank and supermarket. She explained there was a table that summarized the individual trip generations for each of the peak hours and uses and there has been a reduction from 15 trips per hour to 62 trips per hour based on the change in the manual. The Engineer said the ITE data came out higher than the actual Shop Rite data in all but the morning peak hour. Ms. Dolan testified that they looked at the Shop Rite transaction data for the month of September 2012 and over the four Sundays there were 319 peak hour transactions recorded compared to 286 during Saturday peak hour. Ms. Dolan concluded that based on the actual driveway counts and transaction data for a month they still came up with higher estimates when using the ITE data.

Ms. Dolan said with the 24 apartment units there were not as much anticipated internal or shared trips between the uses so the results had not changed dramatically. They took a modest credit for pass-by activity consistent with the prior study. Ms. Dolan explained they were not able to do counts at Elm Street but they did include an assignment of potential site traffic that might use Elm Street when the bridge was open.

The Traffic Engineer said they used a 2.0% per year growth rate over two years to create their future no build volumes and added the site traffic onto no build to create build volumes. Ms. Dolan discussed the various intersections and levels of service calculations. She said the River Road, Demarest Avenue and Site Driveway had only one level D for the site driveway approach during the evening peak hour otherwise level C or better for the four leg intersection. The Engineer said the proposed driveway opposite Demarest Avenue and River Road did not warrant a traffic signal but did warrant a left turn slot on River Road, which was incorporated into the revised plan. Ms. Dolan said the intersection of River Road and Madison was the one location they needed to mitigate their site traffic impacts. She explained during the afternoon peak hour westbound approach it dropped from a D to an E but with changing traffic signal operation they maintained level D for that one peak hour. They were proposing a site driveway at the unsignalized intersection on Main Street and Washington Avenue to create the fourth leg of the intersection.

Ms. Dolan said regarding the parking calculations on the residential component there were 48 parking spaces required and 48 parking spaces would be provided.

Mr. Del Vecchio asked Ms. Dolan if she reviewed the Boswell letter dated February 11, 2013. Ms. Dolan agreed and discussed the review letter. Ms. Dolan responded to the question on traffic Count Data and that the supermarket would be opened 7 days a week from 7am to midnight, the bank and lobby Monday thru Thursday 9 am –5pm, Friday 9am-6pm and Saturday 9 am-noon. The Traffic Engineer addressed a comment regarding trip distribution percentages. Another comment addressed was regarding the potential of cut through traffic using the proposed driveway that would connect Madison Avenue to River Road, which Ms. Dolan did not see the potential of any substantial cut through traffic. Mr. Del Vecchio commented that a person not intending to visit the site but used the driveway as a cut through would be violating Title 39 by cutting through private property to avoid a traffic signal. Ms. Dolan agreed. The issue on capacity analysis of the Main Street/Elm Street intersection was discussed and Ms. Dolan commented if Boswell had any traffic volumes available they would perform the analysis.

Ms. Dolan said they have shown the site triangles on the site plan at 15' x 175'. The Engineer stated Mr. Dipple presented the truck circulation plan and it did not show the need to increase the radii at the Madison Avenue driveway.

Mr. Del Vecchio marked as **Exhibit A-43** SK04 Updated truck turning exhibit dated 11/14/12 revision 2/12/13.

The Traffic Engineer discussed the exhibit and explained under the design it showed the Madison Avenue driveway radii at 25' would be sufficient but if Boswell felt a larger radius would be appropriate they would probably be able to accommodate a larger radius. Ms. Dolan agreed with the recommendation for a left turn bay at Main Street and stated it was warranted and shown on the revised site plan. They also agreed to the additional no left turn sign on River Road.

Ms. Dolan said there would be 2-3 tractor-trailers and 10- 15 vendors per day, 2-3 dumpster pickups per week and 2 non-Wakefern tractor trailers per week. It was also Ms. Dolans's understanding if there was flooding, the deliveries would be halted. Regarding comments on the parking lot design, Ms. Dolan said there was sufficient parking at both the bank and supermarket and there would not be a need for overlapping of parking at the different uses and no need to revise the design. They would also provide more crosswalks if requested. The Traffic Engineer addressed comments on the off site improvements and said the 13 ft receiving lane was typically provided and that was what they incorporated in their site plan. Ms. Dolan testified to the mitigation plan on River Road/Madison Avenue intersection, which was a signal timing adjustment.

Mr. Tombalakian's letter requested a sidewalk be extended from the northwest corner of the proposed residential building to Madison Avenue and between the Madison Avenue site driveway and John Cecchino Drive and Ms. Dolan said that sidewalk connection was incorporated and shown on the revised site plan and they would provide more crosswalks and appropriate signage. Ms. Dolan said she was in receipt of the police referral letter dated 1/9/13 recommending a crossing guard at the current entrance at River Road.

Mr. Del Vecchio asked if the site would operate in a safe and efficient manner and if the site and site generated traffic could be accommodated on the adjacent roadway network with the timing modification for the one signal. Ms. Dolan answered yes.

Mr. Stokes asked for an explanation regarding the intersection on Madison Avenue/ River Road going to a level D to an E and the proposed change in signal timing. Ms. Dolan said the afternoon peak hour was the maximum impact and during that period the westbound approach dropped from a D level to an E and to maintain the D level they had to give more green time. She added they take some of the time from River Road approach and give it to Madison Avenue approach. Mr. Stokes felt there would be an impact west to east with the development. Ms. Dolan answered there was a traffic volume increase on all four approaches as a result of site generated traffic. Mr. Stokes asked if they need approval from the County to take time away from a light . Ms. Dolan said if the County had jurisdiction than the County would have to approve it.

Mr. Loonam clarified that the light for north south traffic on River Road would have less time and the time would be given to the east west light at the same intersection. Ms. Dolan agreed. Mr. Loonam thought it was illogical to take time away from that light because there were so many residents crossing Madison/River to pick up children at the high school between 3-4 pm. Ms. Dolan said the westbound approach dropped a grade level during that afternoon peak hour. Mr. Loonam questioned if they anticipated the number of cars to be greater going into a larger supermarket as opposed to the current store. Ms. Dolan answered yes and she explained her analysis was based on Sunday peak transactions of 319 and prorated it based on the increase of building area and came up with 362 and used 368 for their busiest supermarket hour. Mr. Loonam asked how they arrived at the number of the trucks visiting the site. Ms. Dolan said that number was what the supermarket anticipated and provided to her.

Mr. Tombalakian had questions on the performance of the intersection of Madison and River during the school dismissal period and commented that the north southbound approach with a 10.5 second stop delay with mitigation was an improvement over no mitigation but felt it was a big change and it would be noticeable to the public. He felt that needed to be studied in more detail to see what the impact would be. The Board's Traffic Engineer said in regard to cut through traffic motorists might get frustrated and potentially cut through the site to avoid the intersection especially during the school time. Mr. Tombalakian also commented on Ms. Dolan's testimony of no deliveries during floods and said the Borough had experienced some recent flooding events but thought there was prior testimony about alternate routing during flood events for truck deliveries. He questioned radii improvements mostly on River Road to make sure if Madison was inundated the site would be able to get resupplied. Mr. Tombalakian felt River Road and Madison Avenue needed to be studied in more detail because they were shifting time and said they can't solve one problem and create a new one. Ms. Dolan agreed.

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

Louis Flora on behalf of the law firm Giblin and Giblin 2 Forest Avenue Oradell NJ on behalf of the objector Borough of Oradell, asked if there was a total traffic volume study of vehicles per hour traveling through the intersections. Ms. Dolan said there were hourly traffic volumes at each of the intersections found in the appendix. Mr. Flora asked if there was an analysis on what impact the changing of the timing of the light on River Road would impact the traffic volumes traveling north to south. Ms. Dolan answered they did at the Madison Avenue intersection. Mr. Flora questioned if there was no significant change in the level of service north to south on River Road. Ms. Dolan said there was a southbound change of 10 seconds. Mr. Flora questioned the report that transactions on Sunday were used to predict what the volume of traffic would be based on transaction volumes. Ms. Dolan agreed. Mr. Flora clarified that the report assumed 319 transactions (319 cars) based upon an existing 62,100 sf supermarket and asked if there was an adjustment made to square footage of retail space in the proposed supermarket. Ms. Dolan answered no that their adjustments were on the existing total building area and the proposed total building area. Mr. Flora asked if they assumed there was not another supermarket taking the place of the existing supermarket. Ms. Dolan said they made no deduction for existing supermarket traffic that would be relocated because if the existing supermarket relocated to the

site a new use would be at that property so there was no credit or deduction for the elimination of the supermarket. Mr. Flora questioned if the numbers anticipated that whatever use was there now would continue. Ms. Dolan agreed that some use would continue at that location. Mr. Flora asked what the parking variance was for the supermarket Ms. Dolan answered 470 required 354 provided. Mr. Flora asked what the proposed number of spaces was for the parking generation by the ITE. Ms. Dolan said 5 spaces per 1,000 sf which exceeded the experienced demands for New Milford and the 4th Edition of Parking Generation by the ITE which was 3.92 spaces per 1,000 sq ft. Mr. Flora asked what that would equate to. Mr. Del Vecchio noted for the record that Ms. Dolan already offered testimony on the parking variance. Ms. Dolan said 277 spaces for the 70,500 sq ft supermarket. Mr. Flora noted there was an adjustment for traffic coming from the Elm Street Bridge. Ms. Dolan answered it was an estimate.. Mr. Flora commented other intersections might need to be studied and why not study the intersection at Kinderkamack/New Milford Avenue. Ms. Dolan said as they go further from the site the traffic volume contribution was reduced so they studied the intersections surrounding the property and they added Madison and River by the request of Boswell. Mr. Flora asked why they chose not to do an orientation survey. Ms. Dolan replied it would be a very labor intensive study to track existing Shop Rite customers all the way up to Kinderkamack Avenue.

Al Alonso 45 Clover Court, clarified Ms. Dolan's testimony was that only 12 pedestrians crossed at Demarest Avenue and the bulk of pedestrians crossed at the signals intersection. Mr. Dolan agreed. Mr. Alonso stated currently there was nothing at the subject site and questioned if the number would increase if there was a Shop Rite there. Ms. Dolan agreed and said that was why the police department recommended a crossing guard during school hours and mentioned if the town was interested in providing a mid block crosswalk that was something they would pursue. Mr. Alonso questioned that there was an increase in transactions due to the increase in square footage. Mr. Dolan agreed the number of transactions increased based on the increase in building area but they did not get into any specifics of the offerings. Mr. Alonso asked if she would assume new offerings would attract new customers to the Shop Rite. Ms. Dolan thought there would be new customers and they expected an increase in traffic. Ms. Dolan added they have supplemented the ITE data with the driveway counts and now the transaction data and they assumed every transaction equaled one car. Mr. Alonso asked if finding out how many registers were at the current and proposed supermarket would be something to determine whether or not the number of transactions would increase. Ms. Dolan did not think so. Mr. Alonso questioned Ms. Dolan's testimony regarding the cut through traffic and their experience with Title 39. Ms. Dolan said the cut through came up often in the corner site developments. Mr. Alonso asked what the distance was along River Road up to Main. Ms. Dolan answered 650'. Mr. Alonso thought Title 39 did not apply. Ms. Dolan said she did not know it didn't apply. Mr. Alonso said Mr. Dipple provided turning radii for driveways in the event the trucks had to use them due to flooding. Ms. Dolan did not recall that testimony. Mr. Alonso said Ms. Dolan's testimony that the trucks would halt in the event of flooding conflicted with Mr. Dipple's testimony. Ms. Dolan answered she was told trucks would not be delivering in the event of flooding.

Mr. Loonam questioned the testimony regarding traffic at the Kinderkamack/Main Street intersection and said that Shop Rite had the zip codes for residents that apply for their price plus cards. He felt with that information it would be easy to find out how many customers were currently coming from the Oradell and New Milford zip codes and could they determine a

baseline from that information. Mr. Dolan said it could be reviewed but she did not know if the zip code information was available but she would consult with the project team and see if they could get an answer.

Gail Ablamsky 557 Mabie Street, questioned if Madison Avenue would be open. Ms. Dolan answered it would be open. The resident thought a new store would bring new people and more traffic from other towns because people would want a new Shop Rite. Ms. Ablamsky asked if it was possible to find a supermarket about the same size in another town and get their numbers and average it out. Ms. Dolan said they used the data from ITE for a supermarket use and that database came from actual counts from other existing supermarkets. Ms. Dolan noted that a comment in the Boswell letter stated the trip generation analysis for the project appeared to be reasonable and representative of the proposed uses. Ms. Ablamsky had concerns with the students and truck traffic in the back of the high school.

Mr. Del Vecchio confirmed they would carry to the Special Meeting on February 28, 2013 at 7:30PM.

RECESS

NEW BUSINESS

13-02 Alex and Sons Real Estate, LLC- 391 Madison Avenue- Block 1211 Lot 21 Three story 14 unit multi-dwelling with parking underneath building Use, Building Coverage, Front Yard and Height

Mr. Carmine Alampi representing the applicant Alex and Sons Real Estate LLC explained the applicant was a local developer in New Milford for many years. He stated they have provided notice to the public by certified mail and published in the newspaper for the proceeding. Mr. Alampi stated this was use variance in a one family zone and they were proposing a 14 unit multiple dwelling. He stated they were also deviating from the height and they measured the building at two stories for 38' and they noticed for three stories because of the dramatic drop in the grade they could argue the parking level was exposed and it was three story building. Mr. Alampi explained from Madison Avenue the building would not appear to exceed the 30' height but from the rear it would average 38'. The variances the applicant was requesting was a 14 unit multiple dwelling instead of a single family home, height of the building was 38', the coverage permitted was 18% requesting 21% and the front setback allowed was 45' where 55' was required. He added they have filed a preliminary technical review plan with Bergen County Planning Board.

Mr. Alampi stated they have received review letters from the Police, DPW and Shade Tree Commission. He explained the Shade Tree Commission commented that they were removing 18 trees and asked them to replenish 12 trees. He did not think this project would generate a high volume of traffic and he did not think the 14 units would make a significant negative impact. Mr. Alampi stated they have retained Mr. Dean from Dolan and Dean Traffic Engineering Co and Azzolina & Feury Engineering, Inc. The applicant's attorney explained the property had some

designated wetlands and they have gone to the DEP and secured the delineation and approval and permits required from the DEP.

Mr. Alampi stated there was a three page architectural plan and a four page engineering plan which would be marked at the next meeting. He stated the building was two stories 7 dwelling units on each floor facing Madison Avenue with a property sloping to the back and from the side elevation there was driveway on the side of the building with parking underneath. The attorney described the location of the building was on a one acre piece of property with single family homes behind them, to the side was a private school and to the other side of the property was a garden apartment complex. Ms. Batistic stated adjacent to the property was single-family homes.

The Chairman asked if the height was a D variance. Mr. Alampi stated it was noticed as a D1 variance and a height variance pursuant to D6 with bulk variances.

Mr. Binetti asked if these would be rentals. Mr. Alampi said the economy would dictate that and they would not commit to either rentals or condominiums at this stage because it was very hard to forecast what would happen with the multiple dwelling market.

Mr. Alampi stated the next meeting would be March 12, 2013 at 7:30 PM.

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

Respectfully submitted,
Maureen Oppelaar