

Approved
8/14/12

**New Milford Zoning Board of Adjustment
Work Session
July 10, 2012**

Chairman Schaffenberger called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:41 pm and read the Open Public Meeting Act.

ROLL CALL

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

REVIEW OF MINUTES – June 12, 2012

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

RESOLUTION

12-02 Fresh & Fancy Farms – Block 904 Lot 43 - 575 River Road

The Board Members reviewed and discussed the resolution and there were no changes.

OLD BUSINESS

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

The Board Members had no questions or comments regarding the application. Mr. Santo Alampi would be representing the applicant. The Chairman explained there had been letters sent to the Board regarding the application. The Board Attorney stated one of the letters was from Mr. Mazzella and unless he was prepared to read it into the record the Board would not be able to consider the letter. The Chairman stated there was also a letter from Friends of the Hackensack River Greenway through Teaneck. The Board Attorney stated the same rules applied. The Chairman said they were in receipt of a letter dated June 19, 2012 from the Bergen County Soil Conservation District and the June 27th letter from the Department of Planning and Economic Development. The Board Attorney explained Sanzari's New Bridge Inn made application for Soil Erosion and Sediment Control Plan certification and was granted conditional approval. Mr. Alampi stated they need to secure approval from the municipality.

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 Members had no questions or comments regarding the application.

Motion to close was made by Ms. DeBari, seconded by Fr. Hadodo and carried by all.

**New Milford Zoning Board of Adjustment
Public Session
July 10, 2012**

Chairman Schaffenberger called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:54 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Appice		Present
Mr. Binetti		Absent
Ms. DeBari		Present
Mr. Denis		Present
Father Hadodo		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 – June 12, 2012

Motion to accept the minutes were made by Ms. DeBari, seconded by Mr. Stokes and carried by all.

OFFICIAL MINUTES OF THE PUBLIC SESSION – June 12, 2012

Motion to accept the minutes were made by Ms. DeBari, seconded by Mr. Stokes and carried by all.

RESOLUTION TO BE MEMORIALIZED

12- 02 Fresh & Fancy Farms – Block 904 Lot 43 - 575 River Road

Motion to memorialize the resolution was made by Mr. Stokes, seconded by Fr. Hadodo and carried by all.

The motion passed on a roll call vote as follows:

For the motion: Stokes, Hadodo, DeBari, Denis, Rebsch, Schaffenberger

OLD BUSINESS

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

Mr. Santo Alampi, representing Sanzari’s New Bridge Inn, recalled Mr. Costa who was previously sworn in.

Mr. Costa reviewed some of his testimony from the last hearing.

Mr. Alampi marked as Exhibit A-4 Enlarged colorized cross section permeable paver parking lot
A-5 3- page brochure of permeable pavers

Mr. Costa passed around a sample of the proposed paver for the parking lot. The Engineer explained the construction of the parking lot using the permeable pavers. He stated what they spec out was for a 100 year storm in the storage medium. The Chairman clarified it was not the brick that was different but the spacing between them. Mr. Costa agreed. Ms. DeBari asked if the pavers would be on sand or stone. Mr. Costa answered they would excavate the existing material and put back gravel and gain more storage capacity. Father Hadodo asked if the whole parking lot would be pavers. The Engineer responded that the entire proposed parking lot would be that material and they were proposing a soldier course, Belgium block curbing and herringbone pattern in the center. Ms. DeBari asked if they would stripe it when it was complete. The Engineer answered they could either stripe it or do the stripes with a white paver.

The Chairman asked if the parking lot was in the flood plain. Mr. Costa answered it was and explained it was not in the floodway but the flood fringe. He explained under the rules of DEP they were allowed to develop in that area. The Engineer stated they were trying to hold the grades as close as to what existed now. He stated they were removing the garage and the two houses. The Chairman asked if the new elevation would be higher than the existing elevation. The Engineer answered slightly higher in certain areas. The Chairman asked if there was another storm like hurricane Irene would the parking lot be underwater. Mr. Costa answered yes. The Chairman's concerns were the flood calculations used from the DEP were about 30 years old and would not represent what was actually happening. Mr. Costa answered this area was tidal and explained the flooding at the northern end of town was influenced by the reservoir but that was not what was happening in this area. He stated this area was influenced by the tides. The Chairman asked if he was confident that the numbers from the DEP accurately represent the conditions in that area. Mr. Costa answered 100 percent and explained water has never got into the restaurant.

Mr. Costa stated the DEP application for the waterfront development permit had been filed but had not been deemed complete and notice had been served to the town. He explained in 30 days they would be deemed complete or incomplete. The Engineer explained the process for filing for the permit.

Mr. Alampi asked if he had dealt with the DEP in residential zone scenarios and were there special criteria for residential structures. Mr. Costa answered yes and explained this was commercial and the DEP through Blue Acres was to get some residents out of the flood prone acres and buy them out. He explained for a town buying homes ratables were taken away, entire neighborhoods and blocks go back into some sort of a park system which created more impact on the community creating more maintenance. Mr. Costa stated in this scenario they would take the residential out replace it with parking on an existing restaurant which had parking problems on the weekends. The applicant was proposing to remove the houses and build 40 more additional parking spaces and now meet the criteria of the parking in the community. The Engineer felt this was a good application because it achieves the purpose of the Blue Acres and the applicant was

not creating open space that would burden the community but helped an ongoing existing restaurant and would get the cars off the street and into a parking lot. The Chairman questioned if the no parking signs on the south side of the street in Teaneck had been removed. Mr. Scuderi said the signs were still there but further down the block someone could park. There was no parking across from the restaurant.

Mr. Costa reviewed the site plan and explained they were proposing 40 parking spaces on Lots 4 and 5, and lot 6 was the restaurant and parking lot attached to the restaurant. He explained the applicant proposed to demolish two existing homes and a garage and create a 960 sq ft addition to the existing restaurant.. He explained the parking requirement was 1 space for 4 seats and they were proposing 66 parking spaces where 65 were required. The Engineer explained they were removing 4 spaces along the existing restaurant, relocating the grease traps, restriping the existing lot, proposing a pedestrian bridge to connect to the new restaurant. He stated they changed the traffic pattern that was originally sent to the town at the request of the County, removing the guard rail along New Bridge Road at the request of the County. They were creating a sidewalk on New Bridge Road and replacing handicap accessible ramps at the intersection of Old and New Bridge Road and all the way towards the restaurant. He discussed the traffic circulation and valet service. Mr. Alampi clarified that traffic circulation on both lots were one way traffic.

Mr. Alampi asked if there were any standards for size of stalls and drive aisles. Mr. Costa answered yes and stated Boswell Engineer had commented and they have revised the plan in accordance with the Board's Engineer review letter dated May 8, 2012. He discussed comment 13 in the letter regarding a recommendation that the proposed curb along the westerly line of the new parking lot be shifted five feet to the east. The area shall provide screening between residential and commercial. The change resulted in the elimination of one parking stall and a reduction of the parking aisle width from 22 to 17 feet. The Engineer reviewed the Boswell Engineering plan review section in the comment letter. Mr. Costa commented that the permeable pavers needed to be approved by the NJDEP and he expected no problem with an approval at this proposed location. There was discussion on the ingress and egress to the site. They commented on the police and fire department referral letters.

Mr. Costa stated there was a resolution from the Zoning Board adopted on July 12, 2005. Mr. Alampi clarified he was the engineer on that project and asked if there were certain features of that application being relocated. Mr. Costa stated they were relocating grease traps, relocating three parking spaces on the side where they were proposing the addition, extending the green area, replacing steps for the patio and some of the sanitary facilities were being relocated. There would be reorientation of the parking lot with a loss of 4 parking spaces. The Engineer reviewed the zoning schedule.

The Chairman questioned how many employees were working at the restaurant during a shift because the parking spaces were based on the amount of tables. Mr. Scuderi stated the kitchen staff take the bus and there were about 10-15 cars used by waiters who park in the street, in front of the restaurant and sometimes on Riverview.

Mr. Costa stated they were requesting a 9' high ground sign at the corner of New Bridge Road and Old Bridge Road. He discussed the sign details.

Mr. Costa reviewed the lighting plan and stated they were proposing lighting bollards to be placed on the perimeter of the parking lot. They were 36" high with a 10" lighting fixture on top with grills to shine the light downward. The Engineer discussed the plantings for the site and they would also be willing to install a fence if recommended by the Board.

The Chairman questioned the proposed driveway and the line of sight traveling east on New Bridge Road making a right hand turn into the parking lot. Mr. Costa stated this was the recommendation of the County who had jurisdiction. Mr. Loonam also questioned the corner and the possibility of backup of cars on New Bridge Road from the parking lot. Mr. Loonam suggested the ingress be down further with no left turn. The Chairman suggested moving the ingress down from the corner to the egress driveway and make a double driveway for both ingress and egress. Mr. Costa discussed how they could comply with the request. Mr. Hadodo requested that the Board Engineer discuss the changes with Mr. Costa. The Engineer answered he would put together some concepts and send copies to the Board Engineer. Mr. Costa also discussed the proposed board on board 6' fencing, landscaping and buffering.

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

Mr. Urdang representing the Gospel Fellowship Church asked the Board to make a determination that it does have jurisdiction over this matter. The Board Attorney explained there was a prior application before the planning board and the planning board did not consider the conditional use issues. He explained by way of that request for conditional use relief brings the applicant before the zoning board and it implicated different issues. The Board Attorney stated this was a different application with different issues implicating that which was previously decided by the planning board. Mr. Sproviero recommended the Board acknowledge their jurisdiction in this matter. The Chairman polled the board members and all members voted in agreement that the Board had jurisdiction over this matter.

Mr. Loonam informed the Board that he had been on the planning board when this application was heard and he agreed it was a different issue and he did not have any conflict hearing this application. Mr. Sproviero asked if he would be impartial when rendering a determination with regard to the evidence heard at the proceeding. Mr. Loonam answered yes. Mr. Sproviero did not see any conflict that existed.

Mr. Michael Hubschman, Hubschman Engineering, 263 S. Washington Avenue was sworn in by the Board Attorney.

The Board Members accepted the qualifications for Mr. Hubschman as an expert in engineering.

Mr. Urdang asked Mr. Hubschman if he previously prepared a site plan for an application for Riverview Racquetball Club. Mr. Hubschman did in 2007 approved in 2008.

Mr. Urdang marked an Exhibits A-1 Riverview Colorized site plan
A-2 Planning Board Resolution for Riverview Racquetball Club
A-3 NJDEP Permit
A-4 Gospel Fellowship Colorized site plan
A-5 Hubschman Drainage Report
A-6 Shade Tree Commission Report
A-7 Bergen County Planning Board Letter

Mr. Hubschman discussed exhibit A-1 site plan for parking expansion, grading and drainage plan, parking lot expansion Riverview Racquetball Club prepared November 12, 2007 revision 2 January 23, 2008. Mr. Urdang clarified this was an application before the planning board. Mr. Hubschman responded it was and there was site plan approval, some parking lot waivers and a parking variance that was requested at that time. Mr. Hubschman stated the application was approved by the planning board and a resolution was adopted dated June 17, 2008. The Engineer stated subsequent to the approval they obtained a Stream Encroachment permit because of the construction within the flood plain, a letter of interpretation for the wetlands adjacent to the property on the north and a Transition Area waiver because there is a 50' buffer to the wetlands. Mr. Hubschman stated they obtained a NJDEP Flood Hazard Area Individual Permit On March 10, 2008 expiration March 10, 2013.

Mr. Urdang asked if the approval for the site obtained in 2007-2008 was viable. Mr. Hubschman answered that the permit extension act would extend it through this year.

Mr. Urdang asked the engineer if he submitted an application to the planning board on behalf of Gospel Fellowship Church. Mr. Hubschman answered he prepared the plan. Mr. Urdang asked what differences were there in the Riverview Racquetball plan and the Gospel Fellowship plan. Mr. Hubschman reviewed the plan and stated some of the recommendation were they deleted four parking spaces because of the fire department comments and the Riverview plan had the handicap spaces at the northeast corner of the building which were removed, westerly center aisle removed, space removed in front of the dumpster pad. Mr. Hubschman clarified the parking spaces were now 115 stalls and a small maintenance shed requested by the Gospel church. Mr. Urdang asked if there were any differences between Exhibit A-4 and the site plan submitted to the zoning board. Mr. Hubschman answered it was the same site plan with the exception of the updated zoning notes to identify the conditional use requirements and the D3 variance required.

Mr. Urdang stated the ordinance requires 7 conditions for the D3 variance. Mr. Hubschman agreed. Mr. Hubschman stated out of the 7 conditions the applicant was seeking relief from 30-21.8(e) minimum buffer strip side yard where 10' side yard was required and they were proposing an 1' existing condition along spaces 109 – 115 and 30-21-8(f) parking in the front yard not permitted and were proposing existing space in the front yard at Henley and 9 full spaces and 2 half spaces in Harvard Street which were approved on the prior site plan at the planning board.

Mr. Hubschman discussed the site was in a light industrial park zone, Henley and Harvard were dead end streets, there was a power sump station, parking lot at Jersey Boys, small commercial

businesses, borough property of wooded area and a one story racquetball building. The Engineer indicated where the flood hazard area and wetlands area were located. There was discussion on the ingress and egress which was approved by the planning board. Mr. Hubschman stated the internal circulation was both safe and efficient. The Engineer stated they were proposing 115 parking spaces where 107 spaces were required which was based on the square footage of the largest assembly area. The parking spaces were existing 9x18 the required 9x20 but it was part of the approval given to the Riverview racquetball club.

Mr. Urdang asked if a drainage report was submitted to the planning board. The engineer agreed. Mr. Hubschman said the parking lot drains towards the west so they were providing a new parking area drain towards the center island, two catch basins collect run off from the new northerly parking lot, 2 existing basins collect from the existing parking lot, new inlet and seepage pits with an overflow to the Harvard Street drainage. The Engineer stated this drainage plan was approved at the time of the Riverview application. The Engineer stated the Board Engineer reviewed this design and recommended that the pits were not put in but pipe storage and routing be used. Mr. Hubschman stated they could comply with that recommendation. The Engineer stated there was also another request that instead of going to Harvard they would outlet to the larger pipe at Henley.

Mr. Urdang asked how the residential homes would be effected regarding flooding by this development. The Engineer responded it was a regional problem and 72,000 acres drain to the Hackensack so they did not really contribute to the overall flooding since they were only 2 acres. He explained they were increasing flood storage at their site and would help the situation slightly.

Mr. Hubschman discussed the lighting plan and there would be a sufficient number of foot-candles at the parking lot for illumination. The Engineer stated there was some spillage of light onto the Jersey Boy's parking lot and that could be corrected by shielding. Mr. Urdang asked if there were any light poles in the right of way. Mr. Hubschman answered no. The Engineer discussed the landscaping plan and stated there were 36 trees proposed. Mr. Hubschman commented on the letter from the Shade Tree Commission approving 36 trees. Most of the landscaping was a buffer on the north and there was some shade trees proposed within the parking area.

Mr. Urdang stated most of the referral letters referred to their prior letters to the planning board and the Shade Tree Commission was one of them. Mr. Urdang stated The Environmental Commission report said because this was a flood hazard area the development was ill advised. Mr. Urdang said there was nothing that the development at this site would adverse the effect of the flood hazard situation. Mr. Hubschman added there was an improvement from this development.

Mr. Hubschman asked if this plan was submitted to the Bergen County Planning Board. The Engineer stated it was and there was a letter from Bergen County Planning Board dated November 7, 2011 which was a letter waiving jurisdiction.

The Chairman asked if it was their testimony that the new part of the parking lot would be removed. Mr. Hubschman agreed it would be removed to match the grade of the adjoining parking lot. The Chairman asked how many cubic yards would that be. The Engineer answered the flood storage was 308 cubic yards.

Ms. DeBari questioned four of the parking spaces directly behind a row of parking spaces. Mr. Hubschman answered they were spaces for the pastor or someone who would be there all day. Ms. DeBari clarified that anyone parking behind them would be blocking them in. The Engineer agreed. Ms. DeBari asked if there would be curbing separating the other lot. Mr. Hubschman stated there was a curb island with light poles, wood chips and trees.

Mr. Rebsch asked what material would be used to pave the parking lot. Mr. Hubschman answered macadam. Mr. Rebsch asked about using pavers. The Engineer answered they would be using macadam.

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

Ulises Cabrera 659 Columbia Street wanted to confirm that the storage piping would be going to Henley Avenue and not Harvard Street. Mr. Hubschman answered it was going to the Henley system. Mr. Cabrera asked how many trees would be removed from this expansion. The Engineer answered approximately 36 trees. Mr. Cabrera asked if the Shade Tree Commission allowed all those trees to be removed. The Engineer answered the Shade Tree Commission reviewed the plan and had no comments on it. The Engineer answered they were replacing 35 trees.

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

The Chairman questioned the traffic pattern and if you were able to enter and exit at either one of the driveways. Mr. Urdang answered one was an entrance only and the other was an exit and entrance.

Mr. Urdang stated they would carry the application to August 14, 2012.

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. Father Hadodo also had recused himself from the application and stepped down from the dais.

Mr. Del Vecchio member of the firm of Beattie Padovano on behalf of the applicant requested a special hearing date for August. The Board Members scheduled a Special Meeting on August 23, 2012 Thursday at 7 PM.

Mr. Stephen Eisdorfer from Hill Wallack LLP representing New Milford Redevelopment Associates recalled Mr. Sussman who was previously qualified and sworn in and remained under oath.

Mr. Eisdorfer asked Mr. Sussman to explain usable valuations. Mr. Sussman stated the usable and non-usable sale categories come out of the Division of Taxation and had to do with whether or not sales should or should not be included in the sale ratio study conducted by the State. Many of the categories had to do with technicalities as they relate to the assessment vs. the value or the sale price of a property. Mr. Eisdorfer asked if it was appropriate to use non-usable assessments. Mr. Sussman answered absolutely. Mr. Eisdorfer asked what the confirmation process was. Mr. Sussman explained it was speaking to someone involved in the transaction being either the buyer or seller, listing broker or one of the parties' attorneys. Mr. Eisdorfer asked if the descriptions of the conditions of properties on multiple listing sheets by themselves were sufficient. Mr. Sussman answered no they do not go by that alone but also through their own inspections and own analysis of the sales and the confirmation process. Mr. Eisdorfer stated he had been previously questioned about using an earlier sale than a later sale showing a higher valuation at 124 Cypress Street in Westwood. Mr. Sussman answered on the later sale the house was larger because of an addition.

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

Betty Verdejo 24 South William Street Bergenfield stated her son's house was at 551 Columbia Street. Ms. Verdejo asked who decided as to which properties would be used and did his clients influence him on his selections. Mr. Sussman answered it was his decision and he was not influenced at all. Ms. Verdejo asked what the composition of the residential section restricted to senior housing was and if it was limited to income or market rental. Mr. Sussman believed it was affordable housing. Ms. Verdejo had questions on parking. Mr. Sussman had not examined the parking layouts. The resident asked for the sizes of each of the selected supermarkets compared to the proposed supermarket. Mr. Sussman answered the Washington Town Center was approximately 160,000 sq ft, Boulder Run was expanded to 75,000 sq ft and Emerson Plaza was 90,000 sq ft. Ms. Verdejo asked what the size of the selected properties were compared to the proposed 13.5 acres. Mr. Sussman answered he did not have the acreage of the sites. Ms. Verdejo asked how a 2 story residence with 16 units could be compared to a 4 story 221 unit residence. Mr. Sussman answered the comparison was with the shopping centers. He stated if he could find in the marketplace a shopping center with a 221 unit apartment complex he would have done an analysis on the property. The residence asked if this proposed project was the only one that he knew existed. Mr. Sussman answered yes.

Michael Gadaleta 270 Demarest Avenue asked if he had been able to analyze and make a comparison on homes that did not have a shopping center and now have a shopping center. Mr. Gadaleta stated that the homes in the New Milford area are across from open space not a shopping center. Mr. Sussman answered he had not done additional research or look for additional sales. Mr. Gadaleta asked if he could do a comparison on what was happening in New Milford with this application with homes that do not have 13 acres of asphalt across the street and now do. Mr. Sussman stated he would need a large enough data base to analyze and he tried

to find it in Bergen County. Mr. Gadaleta asked again if he could return with this information. Mr. Sussman answered that would be up to his client.

John Rutledge 335 River Road noted that he was previously asked for the size of the other supermarkets not the size of the site. Mr. Sussman commented that he gave the sizes of the entire shopping center. Mr. Rutledge asked for the size of the supermarkets done in his analysis. Mr. Sussman only had the size for the Emerson Plaza supermarket which was 53,450 sq ft.

Ulises Cabrera 659 Columbia questioned if there were similar homes on a street would the home that had a structure next to it be worth less than the other homes. Mr. Sussman answered he would have to go to market, look at sales and analyze the data.

Anna Leone 505 Boulevard asked how he verified his market data. Mr. Sussman answered he starts by using the multiple listing services, checked deeds and SR- 1A forms, verified sales, and checked tax records for the size of the house.

Miriam Pickett 222 Baldwin asked if did any appraisals of the homes in the commercial area as opposed to the homes in the residential area where the proposed development would be. Mr. Sussman answered no. Ms. Pickett asked why homes were not used across from the high school rather than directly in front of the proposed development. Mr. Sussman stated homes across the street from a high school would not be comparable to homes across from a shopping center. Ms. Pickett asked if he really believed that the homes now in a residential area would remain the same after the development. Mr. Sussman answered based on his analysis that was what the figures showed.

Lori Barton 399 Roslyn Avenue questioned if the property in his report on Harding Avenue in Westwood was in the 100 year flood plain. Mr. Sussman answered yes it had listed flood insurance required. Ms. Barton asked if he felt this was comparable to a house across the street from a shopping center. Mr. Sussman did. Ms. Barton asked how it was comparable. Mr. Sussman stated the fact it was in the 100 year flood plain was mapping from FEMA. He explained that meant if the buyer needs a mortgage the bank would require flood insurance.

Betty Verdejo 24 South William Street Bergenfield asked if any of the three properties used in the comparison were across from the high school. Mr. Sussman did not believe so.

John Rutledge 335 River Road asked if land appraisals were an exact science. Mr. Sussman answered it was not a science. Mr. Rutledge asked if the data could be flawed. Mr. Sussman answered it was not e flawed and it was not defined as a science but an art and this was his professional opinion based on the data analyzed.

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

Mr. Rebsch said his report stated the proposed mixed use development appeared to be a well designed attractive project in keeping with the character of the neighborhood and asked if he thought that was true. Mr. Sussman clarified that he was speaking of the attractive design of the architecture.

Mr. Del Vecchio recalled Mr. Dipple who was previously qualified and under oath.

Michael Gadaleta 270 Demarest Avenue said his testimony was this was an irregular shaped lot but questioned that the lot was subdivided to be an irregular shaped lot. Mr. Dipple said it was more irregular before it was subdivided. Mr. Dipple explained in the northeast corner there was a large triangle of the property owned by others, in the northwest corner the site was bordered by the Hackensack Bypass. Mr. Gadaleta questioned that the irregular shaped lot was created by the subdivision. Mr. Gadaleta stated it was bordered by four streets and plenty of frontage and subdivided. Mr. Dipple agreed. The resident asked how many times he had been to the site. Mr. Dipple answered about a dozen times. Mr. Gadaleta asked permission to show photos on the flooding that he took off of Patch online. Mr. Del Vecchio answered the foundation was inadequately laid and an unknown source and objected to the photos being used at this time. Mr. Sproviero agreed with Mr. Del Vecchio and they would need the person to testify that they took the photo and it accurately depicted the conditions that was shown in the photo. Mr. Sproviero recommended that he find other means of documentation to cross examine Mr. Dipple. Mr. Gadaleta had concerns he would not be able to attend the next meeting.

Mr. Del Vecchio extended the time through the hearing of July 30, 2012 at 7PM and no further public notice was required.

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