

**New Milford Zoning Board of Adjustment  
Special Meeting  
August 23, 2012**

Vice Chairman Stokes called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:02 pm and read the Open Public Meeting Act.

**ROLL CALL**

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

The Board Attorney stated the Board had received a request from a SOD objector requesting the Board to direct the applicant to recall the architect for further cross examination. Ms. Miriam Pickett 222 Baldwin Avenue stated they were not organized when the architect gave his testimony and there were questions regarding the design of the project. The Board Attorney answered neither the law or protocol of the bylaws permits that to happen. The architect testified and was made available for cross-examination and it was opened and closed to the public Ms. DeBari questioned if the applicant was obliged to bring back the architect if some of the questions cannot be answered by a witness. Mr. Sproviero answered no and did not think the Board could require them for the purpose of continued cross examination once it was opened and closed to the public.. Mr. Loonam stated the applicant might not be required to bring the witness back but could the Board ask if they were willing to recall the architect. The Board Attorney asked the Counsel if they were willing to bring back the architect. Mr. Eisdorfer answered the architect was available for cross-examination and they were not predisposed to bring back the architect. Mr. Sproviero explained it was the burden of the applicant to convince the Board that

they have presented all the required fact circumstances necessary for the Board to make a competent determination on the relief they were seeking. Ms. DeBari asked if there were questions raised by the Board that could not be answered by any of the experts the applicant could bring him back understanding our decision lies within the information and facts and the Board had to be satisfied with the questions and answers. Mr. Sproviero agreed. Mr. Stokes added at the end when they give their summation the Board still had the right to ask specific questions. Mr. Sproviero agreed and they might determine to bring him back. Mr. Rebsch commented their witnesses come back out of sequence.

Stephen Eisdorfer verified the special meetings were for September 19 and September 27<sup>th</sup>. The Board Members agreed. The Attorney stated this was a continuation of the New Milford Redevelopment LLC application and he recalled Mr. Dipple who was still under oath.

John D'Ambrosio 482 Luhmann Drive asked how long he had been working on this project. Mr. Dipple answered since 2010. The resident asked why he was using a 30 year old map when FEMA says that 80% of NJ flood maps were more than 10 years old and may not show current risks and had he seen the 2005 map. Mr. Dipple answered he was mixing maps and the law required him to use this map and he had seen the FEMA map which had no jurisdiction in this matter. The resident stated he sent FEMA a question and read the response regarding the 2005 map. The Board Attorney stated the applicant was following DEP regulations and FEMA was taking the position that their information pre-empt that of the state jurisdiction. Mr. D'Ambrosio asked if he could enter the email as evidence. The Board Attorney asked the Counsel to give his position if it was admissible. Mr. Eisdorfer did not think it was admissible because it was hear say and third party correspondence but did not object to the Board receiving it. The email was marked as Exhibit O-4. The resident had questions on contaminants. Mr. Eisdorfer objected because there were no facts of record that there were any hazardous chemicals on the site. Mr. Dipple answered he was not an environmental engineer and did not perform testing at the site. The resident asked if he felt flooding to be a threat to the health, safety and welfare of the public. Mr. Dipple answered yes. Mr. D'Ambrosio asked if believed even rumors of flooding deserved an investigation. Mr. Dipple answered he was aware of flooding conditions and he intended to file for a flood hazard area permit and was following the law and regulations of a flood hazard area permit. The resident asked if he agreed with FEMA that construction and development could increase flood risk. The Engineer believed that was a general and poor statement. The resident asked if he was aware from 2002 – 2010 the Hackensack River reached flood levels in New Milford twice and in 2011 it reached flood levels 6 times. Mr. Dipple was aware that it had reached flood levels two times. He asked the Engineer if he was aware the site had 100 hundred-year storms. The engineer answered yes which is a hypothetical storm that arrives once every 100 years or a one percent chance of occurring. The resident asked if he visited the site after Hurricane Irene. Mr. Dipple had not and did not think it was of any validity to see the storm event. The resident asked if he was familiar with the New Milford gauging station and did he see the chart of the annual peak gauge height. Mr. Dipple believed he viewed the gauging station data and numbers on a website. Mr. D'Ambrosio asked if he was aware the flood level reached 18.61 in 2007 flood event. Mr. Dipple was not aware of that number.

Michael Gadaleta 270 Demarest Avenue asked for the square footage of the ground floor for the residential building. Mr. Dipple did not have the ground floor footage but the architect would

have it on his plans. The resident did his own calculations and came up with about 250,000 sq ft of floor area for the residential building with a footprint of approximately 60,000 sq ft. He questioned the size and scope of the residential area and how many parking spaces were dedicated to the residential units. The Engineer responded 428 parking spaces. Mr. Gadaleta commented that New Milford had five residential zones and asked if his design met any of the criteria of any of the zones. Mr. Dipple did not have the criteria on hand. The Board Attorney asked what zone was utilized in the calculation for parking. Mr. Dipple answer he used RSIS for residential and the general ordinance for the retail for the supermarket and bank and the requirement for both of them was one space for 150 sq ft. Mr. Gadaleta asked which zone did the residential building fall into and were they also asking for a zoning variance.. Mr. Dipple answered only Mayor and Council could make a zoning change. The Board Attorney said the resident was asking when the applicant was seeking variances what zoning designation did he seek the variances from. Mr. Dipple answered they have done their zoning analysis and compared the project to the zone the property was in which was the R-A zone. He explained they were seeking variances for use, some dimensional variances and parking. Mr. Gadaleta asked if they were seeking residential variances. Mr. Dipple answered he could not choose the residential zone. They were in the R-A zone and they were seeking use variance because only single-family homes were permitted. He stated they complied with the majority of the bulk standards. There were questions and answers on the residential units facing the bank, access way and detention and infiltration basin. The resident questioned the need for a fence for safety around the basin. Mr. Dipple answered they could be fenced. Mr. Gadaleta asked if any of the other basins were safeguarded. Mr. Dipple stated they did not show fencing but it was not a bad idea to have a decorative fence. The resident asked if they took any perk tests. Mr. Dipple answered they used the perk tests from a previous engineer's work. Mr. Dipple said the Board Engineer commented that additional perk tests would be required and they concur that more data should be done. Mr. Gadaleta asked if there were any geotechnical drawings or soil logs. Mr. Dipple said there were soil logs. The resident asked if there were any heritage trees at the site and the ordinance requires a management plan to Shade Tree Committee. Mr. Dipple had a plan in the set. The Board Attorney read a comment letter from the Shade Tree Committee stating they reviewed the plan and had no problems with it. Mr. Gadaleta asked how many load bays were at the Supermarket. Mr. Dipple showed there were 9 or 10 bays and he believed there would be a representative from Shop Rite to give testimony on the loading schedule. Mr. Gadaleta had concerns about refrigeration trucks running overnight and creating noise. The Engineer did not think the truck would be running through the night. Mr. Gadaleta asked about the locations of trucks leaving the site. Mr. Dipple foresees trucks entering from Madison and exiting onto Main. The resident asked about road improvements for Madison and the need for curbs and sidewalks. Mr. Dipple answered there were no proposed roadway improvements to Madison because it was a County Road and the Board could request sidewalk improvements. Mr. Gadaleta had concerns about noise and location of refrigeration units. Mr. Dipple believed there would be some rooftop mechanical equipment but he did not design the building only the site and he could ask the architect if he came back. The Board Attorney believed the architect testified he did not know what would be on the roof at that time and the architect might have to come back to offer testimony on what will be on the roof. Mr. Gadaleta questioned why many of the trees bordered the perimeter. Mr. Dipple stated the prior use was for settlement of chemicals within the water during the treatment process. Mr. Gadaleta agreed and stated they were using the trees to shield that unsightly use. Mr. Gadaleta said with their project those trees were gone and most of them

were heritage trees. Mr. Dipple disagreed and said there were less than 10 heritage trees. He discussed the location of trees that remained. Mr. Gadaleta asked if there were any residential amenities outside of the pool that share with the balance of the lot. Mr. Dipple answered the courtyards and pedestrian walkways. The resident questioned that the residential building stood alone and should the density be amended to exclude the Shop Rite. Mr. Dipple answered no. Mr. Gadaleta asked hypothetically if the residential building sold someone would ask for a subdivision. He asked if there could be some recreational area that could be shared. Mr. Dipple said a supermarket should not share an amenity and they did not provide additional amenities other than landscaping and passive recreation.

#### Recess

Al Alonso 45 Clover Court asked if there have been any revisions to the site plan. Mr. Dipple answered no. Mr. Alonso stated Exhibit A-4 was the subdivision plan. The Engineer answered yes and it was prepared by an Engineer hired by United Water. Mr. Alonso asked if the Planning Board approved that and was it perfected. Mr. Dipple believed so but did not know if the subdivision was perfected. Mr. Alonso stated the lot area in the approved subdivision was 596,459 sq ft. Mr. Dipple referred to the minor subdivision and said the lot area was 596,459 sq ft. Mr. Alonso asked for the square footage on his lot. Mr. Dipple answered 592,801 sq ft. Mr. Alonso pointed out a discrepancy and stated his plan was different from the lot approved on the subdivision plan. Mr. Dipple disagreed and said he was aware that there was an original and an amended subdivision plan. There was discussion on what was the original or amended plan. Ms. Batistic thought the discrepancy was on Cecchino Drive and he subtracted the easement to the county, which now the road was not being widened. Mr. Alonso said the metes and bounds description on Cecchino Drive were different from the subdivision plan approved on his plan. Mr. Dipple was not sure that was the discrepancy. Mr. Alonso referred to CO-2 the metes and bounds description along Madison which had a distance of 175.32 ft and asked what the distance was on the subdivision. Mr. Dipple answered 180.4'. Mr. Alonso also noted the distance along the river was 715.50 ft and asked the distance of the subdivision. Mr. Dipple responded 723.5'. Mr. Dipple did not know the status of the subdivision approval and he was aware there was an amended subdivision and the lot area changed. Mr. Dipple believed the change was reflected on this map. Mr. Alonso asked the Engineer to advise the Board if A-4 was the subdivision approved or the lot in his site plan. The Board Attorney answered this might not be in the expertise of this witness but he would ask Mr. Del Vecchio next week for the answer. Mr. Alonso said this was important because if his lot area was incorrect the zoning table was incorrect. Mr. Dipple agreed.

Mr. Alonso said his testimony was there were no criteria for density. Mr. Dipple agreed. The resident questioned he testified that the zone permits one unit for every 7500 sq ft. Mr. Dipple disagreed and clarified he said the minimum lot area in R-A zone was 7500 sq ft. Mr. Alonso questioned they were not requesting a density variance. Mr. Dipple was not officially requesting a maximum density variance. Mr. Alonso objected to the Board having jurisdiction because there was a density requirement in the zone and it was not requested. The Board Attorney answered the Board had jurisdiction on what was before them but the issue was have they requested all required variances. His objection was noted.

Mr. Dipple asked if he recalled his April testimony was to provide certain information that was requested in the Boswell Letter. Mr. Dipple agreed. Mr. Alonso asked if he made revisions or submitted the documentation. Mr. Dipple answered no. Mr. Alonso noted the Fire Committee memo requested information and did they provide that information and revise plans. Mr. Dipple answered no and if the Board would like the information the Board could request it. He explained it was typically handled as conditions of approval. Mr. Alonso said in April he testified he would comply with all the conditions in the Boswell letter with the exception of number 37 but comments 6-10 were not addressed and would he comply with them. Mr. Alonso asked if he would be providing information on comment 6 regarding a detailed garage rooftop parking layout substantiating the number of proposed parking stalls. Mr. Dipple answered that would be provided by Lessard. Mr. Alonso asked if he submitted revisions regarding the retaining walls. Mr. Dipple answered no they were typically submitted during the construction phase. The resident asked if he provided a driveway profile as requested by the Board Engineer. Mr. Dipple recollected his response was the design was very close and might need minor tweaks within the first 25 ft. Mr. Alonso asked when he anticipated providing all the revisions on the plans. Mr. Dipple repeated it was typical these would be conditions of approval and should the project be approved they would need to comply with the resolution and submit revisions. Mr. Dipple stated if he was asked for the revisions he would not object. Mr. Alonso said the current Shop Rite was approximately 34,000 sq ft and they were planning to double it. Mr. Alonso questioned the Engineer on the current parking spaces and requirements at the existing Shop Rite. Mr. Dipple did not know the parking ratio of the current supermarket but it was his opinion and the industry standard that retail including supermarkets generally park at 5 spaces per 1000.

Mr. Alonso asked if he was required to design the site so the clients and neighbors property would be protected. Mr. Dipple agreed. Mr. Alonso asked if he was responsible if there was damage resulting from faulty engineering site plans. Mr. Dipple answered he would be if he did not follow the regulations and was negligent. Mr. Alonso asked if a prior owner of the property indicated the property floods because of overdevelopment would he look into it. Mr. Dipple answered if someone told him it floods he would look at proper documentation and would be obligated to follow the laws. Mr. Alonso questioned that gasoline would enter into the infiltration system. Mr. Dipple answered they were required to provide means of water quality and they addressed that through water quality basins and one mechanical device which accomplishes the required 80% of total suspended solid removal. Mr. Alonso asked how the site would operate if Main, Madison and Cecchino were flooded. Mr. Dipple answered it would operate from the east side. Mr. Alonso asked if there were turning templates for those driveways to see if trucks could enter and exit the site. Mr. Dipple answered no but he believed if the access to the loading docks were under water trucks would not try to get there.

Todd Ghiosay 334 Morris Lane asked if the project required pile driving. Mr. Dipple answered he did not believe so. The resident asked what the elevation was of the small basin in the southwest corner. Mr. Dipple answered the bottom elevation 9 and the upper rim elevation of the berm was elevation 15. Mr. Ghiosay asked if he recommended fencing around the basin. Mr. Dipple thought fencing was a good idea. The resident questioned an infiltration basin west of the pool and the ground water contour map having between 14 and 15 elevations. Mr. Dipple answered he had provided a surface contour map not a ground water contour map. Mr. Ghiosay believed that infiltration basins would become flooded and would not be able to accept storm

water. The Engineer stated the small basin only took run off from a small number of inlets and if the DEP asked for it to be raised he would comply. The resident asked if he was aware that there was data and reports showing the ground water to be contaminated. Mr. Dipple did not perform any environmental work on the site and was aware there was a clean up effort by United Water. The resident thought that he should be involved and understand the ground water conditions. Mr. Dipple answered it did not pertain to the work he does.

John DeSantis 190 Powell Drive asked if he looked at the gauge in New Milford. The Engineer was aware of the gauge but had not reviewed the data. The resident asked why he did not review it. The Engineer explained he was not required to find out if a larger flood event occurred other than the regulatory flood event. The resident asked if it was unethical not to look into it. The Engineer thought that was an accusation. The Board Attorney thought the question was if he had an obligation to take the information into consideration. Mr. Dipple answered there might be data on a larger storm but it did not mean he should redesign the site. The resident asked if he would look at the flood gauge before he returned. The Engineer answered he would do what the Board, Counsel and applicant asked him to do.

Lori Barton 399 Roslyn Avenue asked if he thought the updated FEMA map to be relevant. The Engineer answered no. The resident asked if he calculated the flood storage for the Sheffield project and had it flooded. Mr. Dipple answered yes to both questions. Ms. Barton asked if he was aware the site flooded to the front steps of the building. Mr. Dipple answered yes. The resident asked why the infiltration basins did not work at that site. The Engineer stated there were no infiltration basins.

The resident asked if he testified that the proposed infiltration system would carry water away from the property. Mr. Dipple answered that was not what they do. Ms. Barton asked if he testified that the backflow preventer would alleviate the water from pooling onto the property. Mr. Dipple answered coming from the River to the property. The resident asked where the water went that was being carried away from the property. The Engineer repeated his testimony was that the site was designed with five-infiltration systems. He explained runoff runs to the basins and two of them were dead end systems. The other systems were detention and infiltration systems where the water goes to them it is held there and the rate is slowed down and it flows out an existing pipe to the Hackensack River. The resident asked if properties to the north, south and west might experience more flooding due to the water being prevented to the site. Mr. Dipple answered no. The resident asked if it was true that the Storm Water Management rules necessitate zero runoff from the property. Mr. Dipple answered no. The resident had questions on the AC mechanicals and trash compacter. The Engineer answered the mechanicals were part of the architectural design. He was asked if the trash compacter would be operating 24 hours a day. The Engineer said it might be but it was loaded internally. Ms. Barton asked if he was aware that the high school was not air-conditioned and had concerns about the dust from the site. Mr. Dipple said there was a standard for controlling dust. The resident had concerns about the increase traffic and impact of the air quality for the students on the fields. Mr. Dipple had not done an air quality analysis. Ms. Barton asked how he was complying with the Clean Water Act during construction. Mr. Dipple answered they needed Soil Erosion Sediment Control Certification and a Storm Water Discharge during construction activity permit.

The resident asked for the height of the trees proposed in front of the apartments on Cecchino Drive. Mr. Dipple thought they were about 8 and 10'. Ms. Barton asked if the noise and light pollution for the residents had been considered. Mr. Dipple explained the lighting at the site referring to Exhibit CO- 8 .He stated there was a little spillage of lighting on the United Water property by the river. Ms. Barton questioned the location of the trash compactor at the residential building. Mr. Dipple answered it was handled internally and removed by a private hauler. Ms. Barton questioned if there would be an increase in rodents due to the location of the trash compactor relative to the river. Mr. Dipple answered he did not anticipate a huge population of rodents. Ms. Barton asked if he was aware of another 70,000 supermarket, an adjoining 221 unit apartment building, parking garage and bank on 13.5 acres. Mr. Dipple answered no. Ms. Barton thought new development had to achieve zero runoff. Mr. Dipple answered it was incorrect. They were allowed to analyze the existing conditions and then under the two-year storm event they had to reduce it in half, under the 10 year storm event they had to reduce it by 25% and the 100 year storm event they had to reduce it by 20%. Ms. Barton asked if he was 100% confident that this could be achieved at this location. Mr. Dipple had submitted his drainage report to the borough that showed his calculations. He stated the Borough's Engineer and the DEP would review it. Ms. Barton commented that he calculated flood storage at the Sheffield project which flooded. Mr. Dipple answered it did as designed. Ms. Barton had concerns the DEP standards were not enough. Mr. Dipple answered to lobby DEP for additional standards.

Miriam Pickett 222 Baldwin Avenue questioned the water pressure in New Milford and Oradell due to this project. The Engineer answered he did not believe there would be a significant drop in water pressure. He said there would be water usage and they would make sure the water pressure and flow was adequate in the apartment building for the domestic use and fire flow. The resident asked the location of the electrical wiring. Mr. Dipple answered underground. The resident spoke of her concerns regarding standing water and mosquitoes. Mr. Dipple answered there would be some water in the basins for a period of time and it must be designed that mosquito breeding did not occur. Mr. Sproviero asked if there were other detention basins in the area that the members and public could look at. Mr. Dipple said the residential property in Tenafly along Piermont Road.

Nick D'Amelio 349 Trench asked if there would be elevators in the building. Mr. Dipple thought so but that was an architectural question. The resident asked what the plans were to evacuate the residents in the event of a flood. Mr. Dipple showed one access point one foot above the flood hazard area elevation. The plan was adequate to provide emergency access.

John D'Ambrosio 482 Luhmann Drive asked if he acknowledged elevation 18 was the level of the water on the grade. Mr. Dipple answered no and he has only heard that elevation at the meetings but had not established that elevation as an elevation that occurred. He said the flood hazard elevation was 14. Floods could be higher or lower.

John Rutledge 335 River Road asked how closely he would be working with the traffic engineer. Mr. Dipple answered the traffic engineer was a subconsultant of his. The resident asked if trees act to improve water quality and reduce stormwater flow. Mr. Dipple agreed. The resident asked if he was aware that a single tree would intercept about 760 gallons of water during an average rainstorm. Mr. Dipple was not aware of it. Mr. Rutledge questioned his testimony that

contaminants went into a holding basin. Mr. Dipple said the contaminants would go to the basin where there was a water quality component in each basin that was handled by either the infiltration or by the mechanical treatment device proposed on one of the basins. The mechanical treatment device would remove 80% of the total suspended solids and the other 20% would stay in the detention basins. He explained the DEP determines which device he was permitted to use. The resident understood that it would absorb 80% of particular matter but what happened to the balance of the other chemicals. Mr. Dipple described the use of the Isolator Row that was a chamber wrapped in fabric and when the water came in it took out some of the remaining particular matter. Mr. Rutledge had concerns that the underground soil was the receptors of the chemical byproduct of the parking lot. Mr. Dipple answered not all of it and any parking lot had some silt and fluid.

Sharon Hillmar 568 Columbia Street asked if the detention basins release at the same time. Mr. Dipple answered the basins function the same but some hold more water before they release and the smaller one releases quicker. The resident asked if they all released at the same time would it increase the flow to the Hackensack River. Mr. Dipple answered no the dynamic model used time as a function. The resident had questions on wastewater and pipes. The Engineer said during the preliminary investigation he had conversations with the DPW regarding mapping. Mr. Dipple stated the sanitary sewer required approval from New Milford, Bergen County Utilities Authority and DEP. Ms. Hillmar asked if he thought there would be any issues because there would be additional wastewater coming through the current systems. Mr. Dipple did not think this site would exacerbate any sanitary sewer issues.

Sam Tripsas 327 Maple Avenue Oradell asked if the flooding on Marginal Road had been considered in this project. Mr. Dipple answered no. He asked if he was aware the entire road including the tracks flooded. Mr. Dipple would not disagree with him. Mr. Tripsas asked if this project would increase the flooding on Marginal Road. Mr. Dipple answered no. Mr. Tripsas asked if he was aware across the street where the Hackensack Water Company was now there was a similar proposed project in 1993 for a supermarket and senior housing. Mr. Dipple was not aware of it.

Todd Ghiosay 334 Morris Lane asked where the mechanical treatment would be located. Mr. Dipple answered at the southwest corner of the bank parking lot. The resident questioned the two northern basins would have no treatment. Mr. Dipple said the infiltration of storm water would provide the necessary suspended solid removal. The resident asked if the chemical compounds found in petroleum products would be filtered out before they enter the river. Mr. Dipple answered they would go to the basin which included a water quality component. The first flush takes the contaminants and that water infiltrates down into the ground water below and the contaminants were captured by the vegetation and through the maintenance of the basin they were removed. Mr. Ghiosay asked what kind of maintenance was done. Mr. Dipple answered there was mowing, lawn maintenance, debris was removed which was provided quarterly and after every rainfall exceeding one inch. The resident asks if the DEP required sampling of the discharge. The Engineer answered no. The resident asked where the sanitary sewer was discharged to. Mr. Dipple explained the sanitary sewer system runs down the access roadway between the residential building and supermarket to Madison Avenue where it connects to an existing sanitary sewer system, which runs southerly. Mr. Ghiosay had concerns with the



manholes and flooding. Mr. Dipple answered the water goes down into the sanitary sewer. He added that any sanitary sewer within the flood hazard area was required to have watertight covers which would be up to the municipality. The resident asked if the municipality does not comply for budget reasons and the sanitary sewer became surcharged that would prevent the proper flow of sewage off the property. Mr. Dipple would suggest the municipality comply. The Board Attorney noted there was no mention in this record that the municipality was out of compliance in regard to the sanitary sewer system. The resident asked if a brick sanitary manhole leaks all the time. Mr. Dipple answered inflow and infiltration was a serious problem for a lot of sanitary sewer systems. The Board Attorney answered especially in Bergen County. Mr. Dipple stated they were held to higher standards on sewers they would install and there were pressure tests to show it meets criteria to prevent infiltration. Mr. Ghiosay asked if you have a surcharge manhole and were trying to put sewage into an old leaky system it would backup. The engineer responded that if it was filled with water and additional water was brought to the system it might backup.

Tom Berthoff 74 Beechwood Road Oradell questioned his testimony that said the site has extensive storm water management and his calculations were correct based on models. Mr. Berthoff asked about the storm water management at the Sheffield property and the proposed site. Mr. Dipple stated the Sheffield project had no storm water management basins. Mr. Berthoff questioned that the Sheffield property did flood. Mr. Dipple answered it was intentionally designed it to flood. He explained that the entire property was in a floodplain and if they could not reduce flood storage they would need to manage it properly. The resident asked if water went into the proposed site what design was used to get it out of the property. Mr. Dipple answered the flood stays outside along the berm on the Hackensack River and they would not decrease the flood storage. Mr. Berthoff clarified the property would not flood using their design and calculations because the project was based on seasonal high water tables, DEP map, and calculated models. Mr. Dipple answered seasonal high groundwater had nothing to do with a storm event. The Engineer repeated that flood water could exceed the regulatory flood elevation and it may have happened but the fact was it was a regulatory flood elevation and he was bound to the regulatory flood elevation 14. Mr. Berthoff asked if he had done studies on the truck traffic and wear and tear on the roads outside the project. Mr. Dipple did not do any studies. He stated there were municipal and county roads and if the municipality felt the pavement was inadequate they could suggest that as a condition or the County could request anything. Mr. Dipple has not seen a request from the Board or the Engineer. The Board Attorney stated the Traffic expert was a civil engineer and believed his issue would be addressed.

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

Mr. Sproviero said to Mr. Eisdorfer that they closed the cross examination of Mr. Dipple but said before this application was called to a vote he felt it imperative that the site plan modifications and responses to the Engineers comments letter be submitted and not be met with a potential post approval condition. He said they were not discharging this witness until those revisions were submitted. Mr. Eisdorfer took note of it.

Mr. Loonam asked Mr. Dipple if he was hired by the attorney or the applicant directly. Mr. Dipple answered the applicant. Mr. Loonam asked if applicant asked if there was any concern of flooding that was greater than on the DEP map. Mr. Dipple did not recall. Mr. Loonam asked if the representative from Shop Rite asked if there was any concern of flooding that was greater than on the DEP map. Mr. Dipple answered no.

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