

**New Milford Zoning Board of Adjustment
Special Meeting
September 27, 2012**

Vice Chairman Stokes called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:05 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Appice	Present
Mr. Binetti	Present
Ms. DeBari	Present (7:15)
Mr. Denis	Present (7:10)
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.

Mr. Loonam certified he listened to the recording of September 19, 2012 meeting which he did not attend.

Mr. Loonam questioned the status of the application regarding rezoning with the Mayor and Council and his ability to speak at the Mayor and Council Meetings. He also voiced his opinion on two meetings per month being difficult to attend because he works a lot of hours but would continue to do it when possible. The Board Attorney stated he did not know what was or maybe happening with respect to the Mayor and Council and in the context of his representation of the Board they proceed without regard to what was happening. There was an application before the Board and the members have taken an oath and he was paid to prosecute the application fairly, unbiased and impartially. He stated they could not be swayed or concerned with what maybe happening. The Board Attorney stated the Board had an application they were hearing and if given the opportunity to make a full, fair and unbiased determination based on the facts that were on this record. Mr. Sproviero added in regard to attending or speaking at a Mayor and Council

meeting a member's rights were not abridged as a citizen but by expressing an opinion on that record a member could put themselves in a position on this Board where it could be argued that they had expressed an opinion that would affect their determination in this matter before they have heard all the evidence.

Mr. Stokes stated the Board was trying to accommodate this case and questioned at what point were they giving too much or not enough regarding special meetings. Mr. Sproviero answered they were under an obligation to diligently prosecute this application by holding a regular scheduled meeting and a special meeting was a satisfactory and sufficient show of good faith.

Mr. Del Vecchio member of the firm of Beattie Padovano on behalf of the applicant requested two special hearings for October. The Board Members discussed and confirmed special meetings for the application would be October 18 and 29 at 7 pm. The Board Attorney stated there was an email from an objector regarding questions on zoning board hearings that were procedural in nature. Mr. Del Vecchio stated it was the applicant's position that questions concerning the application from objectors or public needs to be put on the record here and not handled outside this room. He appreciated his position and his response being procedural in nature but he thought all should hear the answer. Mr. Sproviero appreciated his position but they were procedural in nature and he had planned to spread it on the record. The Board Attorney read the email and his response into the record.

Mr. Del Vecchio stated he received communication from the Shade Tree Commission through the Board Secretary. Mr. Del Vecchio questioned what they had been doing for nine months and the plans had been filed for nine months including the landscape plans. He requested that any and all agencies that the Board relied upon immediately issue reports to the Board so they could be considered in a timely manner. Mr. Stokes and the Board Attorney felt the letter was issued because their witness commented on a possibility of a widening of the road, which might affect the trees. The Shade Tree Commission would then request a plan be provided. Mr. Del Vecchio stated the report could be read that way and respected that interpretation. Mr. Sproviero stated that any initial reports be issued by October 9th by any departments that wish to comment on the application unless there were any revisions. Mr. Del Vecchio asked when the Board's traffic engineer's review would be completed. Ms. Batistic answered their traffic engineer did not have enough time to review the revised reports and listen to the recordings of Ms. Dolans testimony at the meetings. It was her understanding the traffic engineer has been in contact with their expert. Ms. Batistic answered prior to the next hearing there would be a report.

Ms. Elizabeth Dolan, the traffic engineer, was recalled for cross-examination and remained under oath.

Mr. Alonso 45 Clover Court questioned that certain counts were acceptable in their field to be performed based on certain criteria of the ITE. Ms. Dolan agreed. Mr. Alonso questioned that they did not know exactly what the conditions would be so they estimate. Ms. Dolan said the counts were of existing traffic movements and the estimation from the ITE data was for a projected development. Mr. Alonso clarified that it was her opinion there was no substantial negative impact with respect to levels of service. Ms. Dolan agreed and explained she compared the no build conditions with build conditions. Mr. Alonso questioned she indicated in her report

that they conducted traffic counts during anticipated peak periods. Ms. Dolan explained because they had retail and residential development and across the street from a school they added a school peak hour. Mr. Alonso asked if she submitted any revisions to the trip generation and levels of service document with the new report. Ms. Dolan answered the new report had an appendix with the calculations but did not include the trip generations calculations. The traffic engineer stated they added the additional intersection in the revised report. Mr. Alonso asked if that was included in the trip generation and level of service calculations document. Ms. Dolan answered no. Mr. Alonso asked what balancing meant in her report. Ms. Dolan stated that was with regard to the volumes recorded on Main Street. She explained they originally counted at River Road and then later at Main and Washington. They increased the 2011 original volumes to match the slightly higher 2012 volumes. Mr. Alonso questioned that the comparisons on the traffic counts from 2011 and 2012 during different peak hours had increased at every intersection. Ms. Dolan agreed they factored them upwards to balance between the locations. Mr. Alonso answered that she balanced them instead of performing a count. Ms. Dolan agreed and said that balancing was appropriate and acceptable in traffic engineering. She did not feel it necessary to go back and perform the counts since there was an increase in them. Mr. Alonso asked if the 2011 counts were incorrect or the traffic volume increased. The Traffic Engineer did not think the 2011 counts were incorrect but that there was a modest increase. Mr. Alonso asked if 69 additional trips at one of the intersections was a modest increase in a year. Ms. Dolan did not think it was significant and the definition of significant in New Jersey was 100 or more trips in an hour. Mr. Alonso questioned that without performing counts for the volume of traffic on Madison how could she form an opinion as to whether or not the trucks could safely be accommodated on Madison Avenue. The Traffic Engineer stated she formulated her opinion on the maneuverability and the templates that showed the delivery vehicle activity but they did not perform traffic counts along Madison Avenue but looked at site distances and driveway placement with regard to truck maneuvering.

Mr. Alonso asked if she was aware that the intersection at Madison and Cecchino Drive and Madison and Main Street flood. Ms. Dolan heard about it but was not familiar with the flooding issues. She added if it floods it would be like a snowstorm and there was a period of time when roads would be impassable. Mr. Alonso asked if trucks would be able to enter the other driveway. Ms. Dolan believed they could but the radius might have to be widened at the driveway to accommodate the larger trucks. Mr. Alonso asked if she used the ITE manual to determine the projected trips for a supermarket. Ms. Dolan agreed. Mr. Alonso stated the data did not account for site-specific conditions. Ms. Dolan agreed. Mr. Alonso stated that trip generation projections were not an exact science. Ms. Dolan agreed. Mr. Alonso questioned Ms. Dolan's testimony regarding the size of the existing Shop Rite being 62,100 sq ft. Ms. Dolan stated that was the size off the site plan from Neglia Engineering and the traffic study and she calculated the parking demand based on that building area. Mr. Alonso thought that the correct size of the existing Shop Rite building was 34,000 sq ft. Ms. Dolan did not know that to be correct. Mr. Alonso questioned if the existing Shop Rite was smaller the demand would go up. Ms. Dolan agreed.

Mr. Alonso asked if she obtained any information from the daily sales to determine what the highest peak hour was. Ms. Dolan answered no. Mr. Alonso asked if they contacted any Inserra representative for any data on the projection of new customers expected for the new store, the

current delivery schedules, the increase on volume of merchandise, additional trips required for deliveries, new departments or services at the supermarket. Ms. Dolan answered no she used the proposed building area and ITE rates. Mr. Alonso questioned that the residents at Brookchester Apartments walk to the existing supermarket and some of the residents would have to drive to the new supermarket. Ms. Dolan thought some of them would drive to the new location. She stated they have projected this as a new 70,500 sq ft supermarket with no credits to vehicular trip generation. Mr. Alonso asked if the report was just as conservative by using actual data to determine peak hours of operation as using the ITE data. Ms. Dolan said the data from the actual traffic counts during several hours during a weekday and weekend showed lower rates than the ITE so she believed the ITE projections were conservative.

Recess

Mr. Alonso stated at the last hearing the traffic engineer indicated that she based the analysis on the 2008 ITE manual and there was a new manual coming. Ms. Dolan agreed and was still waiting. Mr. Alonso questioned that her report said the intersection of River Road and Demarest Avenue would operate at a level of service A and a left hand lane was warranted. Ms. Dolan explained she performed a left turn warrant analysis and based on turning in and thru volumes they qualified for a left turn lane. Mr. Alonso clarified it was based on the increase of volumes not the level of service. Ms. Dolan agreed and said the level of service indicated it was not needed but they did perform the warrant analysis.

Mr. Alonso questioned that she said three 10' lanes would operate safely. Ms. Dolan answered it would be a minimum design and believed it could operate safely at 25 mph. She added that widening would be required for 11' or 12' lanes. Mr. Alonso questioned that three trucks with their mirrors would not be able to pass each other on a 10' wide road. Ms. Dolan agreed that three 10' lanes with three trucks simultaneously would not work.

Mr. Alonso questioned the delays for the intersections in the traffic impact analysis for the different peak hours at River Road and Demarest Avenue. He questioned that River Road and Demarest Avenue had a level of service A with an 8.3 second delay for the morning peak hour. Ms. Dolan responded that was an 8.3 second delay for the left turn movement from River to the site driveway. The calculated levels of service and delay were based on the level of service criteria and they were comparing the no build to the build conditions. Ms. Dolan explained the impact evaluation was the before and after with the addition of site traffic. Mr. Alonso questioned the afternoon peak hours had 415 vehicles travelling north. Ms. Dolan agreed there were 415 northbound on the approach to Demarest Avenue which was a higher volume than the morning peak hour. Mr. Alonso questioned even with the increase in volume the level of delay hardly changed. Ms. Dolan agreed for that particular movement. Mr. Alonso asked if her report took credit for pass by traffic for the supermarket. Ms. Dolan replied there was a 10% credit on River Road. Mr. Alonso clarified the evening hours at that intersection were 488 vehicles. Ms. Dolan agreed. Mr. Alonso asked if there would be a traffic jam with 170 vehicles turning left with an 8.3 second delay. Ms. Dolan answered the calculations do not work that way. The calculations take into account the turning in thru volumes at the proposed 4 leg intersection and the potential for gapping opportunities to exist which was the northbound left turning vehicles to get into the site. She said there was some impact from the adjacent intersections with the green

and red phases changing and the model assumed random gap arrival in the southbound flow. Mr. Alonso asked if the model assumed human nature. Ms. Dolan answered there was many factors put into the development of it and acceptable gap time was based on driver behavior. Mr. Alonso asked if her opinion was only based on the computer models. Ms. Dolan said it was based on roadway and intersection geometry and control, the existing traffic volumes, the projected development volumes and then the results and analysis and combination of those volumes and levels of services calculations. Mr. Alonso questioned that she did not form an opinion in terms of substantial negative impact with respect to the impact on the roads, the character and nature of the road, or the neighborhoods but it was basically on the what the computer model says whether or not the levels of service was acceptable. Ms. Dolan agreed that was the way the report had been structured and they have used the acceptable standards, the actual traffic counts and the ITE data and performed the analysis based on the information.

Mr. Alonso asked if her testimony was that the internal circulation of the garage would operate safely. Ms. Dolan answered her testimony was the onset circulation for all elements would operate safely. Mr. Alonso asked to see on the site plan where the 428 parking spaces were located. Ms. Dolan showed on Exhibit A-25 that the parking garage was located in the middle south and surrounded by the residential building and labeled as 428 parking spaces. Mr. Alonso asked how many parking spaces were actually shown on the plan. Ms. Dolan counted 117. Mr. Alonso asked if she accepted Mr. Dipple's notation on the plans for 428. The Traffic Engineer did accept it. Mr. Alonso asked how many handicap spaces were provided. Ms. Dolan did not know the total on the deck. She stated they had to comply with the residential site improvements standards and it was her understanding the design was compliant. Mr. Alonso asked if there was parking on the ramp, what the slope and length of the ramps where and the turning radius within the garage. Ms. Dolan did not know. Mr. Alonso asked if she had other experience in designing other shopping centers that attracted customers from neighboring communities. Ms. Dolan answered with DOT studies and larger developments they do gravity models with a 10 minute travel time which would include Oradell and River Edge. Mr. Alonso had questions on flooding and alternate routes. Ms. Dolan did not have specific knowledge of flooding and did not look at alternative routes.

Mr. Alonso asked if the site as designed could accommodate the trucks. The traffic engineer answered the radii on River Road driveway would have to be widened for the larger trucks. Ms. Dolan explained the site was designed for the larger trucks to access the back of the supermarket. Mr. Alonso asked if a truck used another driveway to get into the site how would the truck get to the back of the supermarket. Ms. Dolan explained if the truck used the southern River Road driveway it would proceed westward and turn right into the back loading area. Mr. Alonso questioned if the corner of the Shop Rite had enough turning radius for a truck. Ms. Dolan thought there was sufficient geometry for the truck but would have to verify it. Mr. Alonso stated if Main and Madison was flooded the trucks would have to exit and turn right coming out of the site and questioned where the trucks would go. Ms. Dolan had not studied flooding and what would happen during flooding.

Mr. Alonso asked if she obtained any information with regard to the operations of the supermarket. Ms. Dolan obtained building areas, site plan and traffic study but not transactions data. Mr. Alonso asked if her opinion would change if the existing Shop Rite was 32,000 sq ft

retail space and 32,000 sq ft in the basement. Ms. Dolan looked at it from a parking generation prospective not from a trip generation. She stated with regard to parking the area associated with sales only would change the parking demand ratio from 2.7 spaces per 1000 to 3.9. Mr. Alonso asked what that area was. Ms. Dolan answered 43,050 sq ft.

Marc Leibman asked if she was familiar with any other 70,000 sq ft supermarkets in Bergen County. Ms. Dolan responded no. Mr. Leibman asked if she had ever returned to count the traffic to confirm if their projections were correct. Ms. Dolan answered not typically for the larger ones. Mr. Leibman questioned that once its built they could not go back and add parking to the site. Ms. Dolan stated in this location the roads were established around the property. Mr. Leibman questioned what would happen if the traffic was worse than projected. Ms. Dolan prepared an appropriate traffic evaluation and was waiting for comments from the Board's traffic engineer and felt they conservatively projected the traffic volumes.

Louis Flora from the law firm Giblin and Giblin representing the Borough of Oradell questioned the amount of retail space at the existing Shop Rite and if the amount of retail space would generate traffic. Ms. Dolan answered for the purpose of estimating traffic they use the gross building area which would include basements, cellars, mezzanines, and any enclosed areas so it would be inclusive of the sales and storage area. Mr. Flora asked what the actual retail space was at the existing supermarket. Ms. Dolan answered the retail space was 43,050 sq ft. Mr. Flora asked what the actual retail space at the proposed supermarket was. Ms. Dolan did not know but they had projected that it would generate more traffic. They based their projections on the proposed 70,500 sq ft supermarket and ITE rates applied to the building area and studied for reference the existing store.

Howard Berner 145 North Terrace Place was stopped by Mr. Del Vecchio's objection that the resident was a member of the governing body who had recused himself and believed case law would require counsel to be present. Mr. Sproviero stated that would be prudent but thought the Councilman could proceed at his own risk. The Board Attorney did not believe that case law prevented Councilman Berner from appearing but thought his interests and interests in his official capacity would be best served if he was represented by counsel but that was the Councilman's determination to make on his own. He did not think the consequences of his actions would affect the record of this proceeding but it could have an impact on other proceedings not related to what was happening before this Board. Councilman Berner stated he could not afford to obtain his own counsel so he would proceed and ask his questions. He questioned if they could determine what would be the peak amount of cars traveling pass the high school and proposed development on a 30' road. Ms. Dolan replied that she had not calculated that but she calculated for the various intersections, what the operations were without the site developed and then compared it with what happens when the site was developed and generates traffic. The Councilman asked if there was a computer model that would calculate the total amount of cars that the area could handle on a daily basis. Ms. Dolan did not know if they could calculate it that way and it was typically in peak hour increments as opposed to a daily analysis. They focused on the peak hour and the impact assessments was the measuring the added delay that was occurring with the addition of the site traffic. They had not done any 24 hour traffic counts and the focus was to look at the peak hours instead of a daily basis. The Councilman asked how many cars could travel through that area during the peak hours. Ms.

Dolan answered during the evening peak hours there were 722 vehicles for the two way flow on River Road, 660 vehicles during the school or afternoon peak hour and 547 vehicles for the morning peak hour two way flow.

Councilman Berner asked if she was aware that in 2004 the Borough of New Milford submitted an application to the Department of Transportation for a grant to repave the area from Madison Avenue to the Oradell border. Ms. Dolan was not aware of it. He stated the town borrowed a County road counter and in a three day period 18,000 vehicles travelled that area. Mr. Del Vecchio objected it was not evidence. The Councilman asked if he could submit as evidence the applications to the DOT to secure grants to do road work in the proposed area. The Board Attorney swore in the Councilman. The Board Attorney recommended it not be moved into evidence but identified for the record and used for factual predicate for questions. The Board Attorney marked it for identification purposes as OB-1 and OB-2. Mr. Del Vecchio responded that OB-1 and OB-2 had no date and was unsigned. It contained no backup information relative to traffic counts and he did not think they could be authenticated. The Board Attorney asked what he wanted to use the documents for. The Councilman asked the engineer if 2000 vehicles were travelling thru the peak hours on an average day would it seem reasonable that another 4000 cars would travel throughout the rest of the day during non peak times. Ms. Dolan answered that the peak hours were about 8-10% of the daily volumes so it seemed reasonable. The Councilman stated that if they reapplied for a similar grant the DOT would allow them to use the 2004 traffic counts and increase it by 10% per year which would bring it to roughly 10,000 vehicles per day. He asked what the effect would be on the pressure on the roads for 10,000 vehicles per day if that development was built. Ms. Dolan responded she did not know where they came up with 10% factor because DOT issues a growth rate table of 1.5-2.5% per year. The traffic engineer did not have an opinion on 24 hour activity but she had looked at their peak hour volumes which were more current than the 2004 data. Councilman Berner asked if the counts considered different activities happening on a particular day that would have an effect on the number of cars passing thru the area. Ms. Dolan had testified on this at the last meeting and their goal was to aim for periods of fair weather, no construction, no holidays and to have school in session.

Mr. Stokes asked what the Board's determination would be on residents who have already spoke and wanted to ask more questions. Mr. Sproviero responded that the laws provided for members of the public to be given an opportunity to cross examine the witness. He stated they were looking to avoid the repetition of questions but did not want to curtail anyone from the opportunity to pose their own questions. The Board should avoid the public to take numerous opportunities to question the witness. The protocol should be the lawyers first ask the questions because generally they will have the most intensive form of cross examination and then the public could ask any additional questions. They should avoid subjecting the witness to multiple cross examinations by the same member of the public. The Board Attorney stated the application needs to proceed. Mr. Stokes asked the public if there was anyone else with questions for the witness who has not previously questioned this witness.

Celeste Scavetta 635 Mabie Street asked if the Gibb School traffic had been analyzed in conjunction with the anticipated increase in traffic that the new development would generate. Ms. Dolan answered no and they were waiting for the Board traffic consultant to complete a

review. The resident asked if they considered the delays that would impact the students during bad weather for the High School, Gibbs and St Josephs School. Ms. Dolan said they have not any specific weather related analysis. Ms. Scavetta asked if they studied traffic patterns around St. Joseph's Church at Elm Street or Sunday services. Ms. Dolan answered no and there have been no counts for Sundays. The resident asked if there would be a traffic light installed at the intersection of Main Street and Elm Street. Ms. Dolan did not know.

Sam Tripsas 327 Maple Avenue, Oradell asked why the intersection at Kinderkamack Road and New Milford Avenue was not considered. Ms. Dolan answered they focused their analysis on the intersections closest to the subject property. They have not taken their analysis any further unless the Board requested it. Mr. Tripsas said it was not an insignificant road. Ms. Dolan stated they have routed traffic in that direction but went as far as Main and Madison. Mr. Tripsas questioned why the Elm Street Bridge was not considered. Ms. Dolan repeated that the road was not open so no counts could be taken.

Ms. Flanagan 289 Berkshire Avenue questioned if she accounted for the business activity in the area when performing the traffic study. Ms. Dolan answered no but they have counted for River Road and Main Street which would account for the existing activity generated for those businesses and counted in the morning and all afternoon which would account for school activity and errands.

Emily Rostkowski 103 Fulton Street asked if she was aware that the proposed development was larger than the Brookchester Strip Mall. Ms. Dolan answered she did not know how large Brookchester was. The resident questioned why there was a traffic light at the main entrance of the Brookchester shopping center and not at the entrance to the proposed site. Ms. Dolan answered the plan was designed to have driveways on all three frontages so the site traffic was distributed differently. She added there have been discussions on pedestrian crossings so it was still up for review. The resident expressed her concerns with the lack of crossings, pedestrian hand signals and stop signs and questioned if the ITE manual had a calculation on how many accidents need to occur before the hand signals were installed. Ms. Dolan stated there would be stop signs and there were warrants for signals from the Federal Highway Administration Publication. Typically they focus on traffic volumes on the main road and side road. She added there were warrants for pedestrians and accidents. The resident questioned that after the project was built how long would it take for someone to take responsibility if accidents or injuries occurred to get a signal or pedestrian hand crossing. Ms. Dolan responded that this was still being looked at thru the application process and if something is up and operating and there was an operational deficiency at that time counts could be done again and evaluation of signal warrants could be made to see if the volume combinations met the criteria. She added there were pedestrian warrants would also be taken into consideration. Ms. Rostkowski questioned who would take responsibility for that. Ms. Dolan stated there was an existing signal next to the high school and at this stage it was the applicant's responsibility. The Traffic Engineer added the Board could condition an approval that after so many months the applicant would have to go back and study the post development conditions.

Chun Lau 185 Summit Avenue questioned the proposed 10' lanes outside of the site. Ms. Dolan answered they showed a concept with three 10' wide lanes and currently River Road was two

lanes 30' wide. She explained it was not a proposal and it was not shown on the site plan but it was a concept provided for discussion purposes. The resident asked if a 70,500 supermarket on the large or small size. Ms. Dolan answered it was the current trend in supermarkets. Mr. Lau asked if her conclusion was based on the computer model and calculations that were generated. Ms. Dolan agreed and added also on the review of calculations on the site plan. Mr. Lau asked if a 70,500 sq ft supermarket could use a minimum width lane outside the site. Ms. Dolan repeated that a conventional width lane would be 11'-12' and would require widening. The Board Attorney stated they were waiting for the Board's traffic engineer review. The resident questioned if two of the roadways were closed in a flood how traffic would exit River Road. Ms. Dolan answered if there was a flooding condition there would not be the same normal traffic volumes. The resident questioned that there were residents in the apartment that would be leaving during a flood. Ms. Dolan agreed but there would not be as much traffic generated for the retail and bank.

Mr. Lau questioned the training for the traffic counters and who employed them. Ms. Dolan answered they train them and they were their employees contracted by L2A. Mr. Lau asked if the counter numbers were verified. Ms. Dolan stated they draw up diagrams, sketches, notes and photographs. Ms. Dolan thought they were doing a good job and they compare data when they have the ability to so. Mr. Lau expressed his concerns regarding discrepancies with numbers used and referenced the size of the existing Shop Rite. Ms. Dolan answered that 62,100 sq ft was the number in both the site plan and traffic study. Mr. Lau asked why that information was not verified. Ms. Dolan spoke with an engineer at Neglia Engineering since this issue was discussed at the last meeting. The Traffic Engineer clarified that the numbers used in the analysis were not the counts from the existing supermarket. The numbers used in the analysis were from the ITE data base. Mr. Lau also questioned that she took for granted the number of parking spaces on the plan were accurate. Ms. Dolan answered they had to comply with RSIS. The Board Attorney asked if they do hand counts or a counting device. Ms. Dolan responded they perform hand counts. Mr. Lau expected the counters to be an independent entity to be objective and felt logic was not used in their conclusion.

John D'Ambrosio 482 Luhmann Drive questioned that Mr. Dipple's testimony was that the traffic engineer would handle all of the traffic issues due to flooding. Ms. Dolan answered she was not involved with flooding issues. Mr. D'Ambrosio felt it should be part of the study. The resident questioned if she agreed there would be congestion at the entrance without a traffic light. Ms. Dolan did not think the queues would extend back to the residential driveway because of the other accesses. She did not expect any gridlock or queuing.

Mary McElroy 297 Greve Drive asked if they did any traffic counts along Boulevard and Main Street and traffic counts during pick up or drop off hours at the Gibbs School. Ms. Dolan answered no. The resident questioned that her testimony was that she rarely went back to do an analysis after a development was complete so how would she know if the counters were doing a good job. Ms. Dolan answered she compared their counters work with counts from previous traffic studies or DOT data and when they had the ability to compare it they did.

Mr. Rutledge protested that he could not question the witness again. The Board Attorney explained the traffic engineer had not given any new testimony and he already had a few opportunities to cross examine the witness.

Recess

The Board Attorney thought that once Ms. Dolan heard from the Board' traffic engineer she would be back. Ms. Dolan answered that once the report was received they would put together an amended analysis. Mr. Sproviero explained when there was new testimony offered everyone would be able to question the witness. The Board Attorney stated it was not the Board's intention to preclude anyone but the Board must keep the procedures moving forward to be able to get to the new testimony. The Board Attorney stated they discussed earlier they were not going to entertain repeat questions based upon the same testimony.

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

Mr. Loonam asked from a traffic standpoint what would be the most efficient, ideal design for the roadway if there was the room. Ms. Dolan said ideally three 12' lanes and thought that a provision of a left turn lane would have a benefit by allowing the bypass so people could continue travelling northbound and 12 feet was a typical lane width. Mr. Loonam asked what would be most practical design in that area for the least impact of traffic for the current roadway. Ms. Dolan answered the existing conditions were two 15' lanes and for the proposed conditions the best design would be three 12' lanes.

Mr. Appice questioned that there were four driveways and if she thought the back driveway would be used as much as the other driveways. Ms. Dolan felt it would be used by some of the residents and would be the least used driveway and the driveway on Main Street was busier than the Madison driveway. Mr. Appice asked if the River Road driveway would be used the most. Ms. Dolan said the primary ones would be the two proposed driveways on River Road.

Mr. Del Vecchio stated Ms. Dolan's cross examination was complete subject to any new direct being offered. He stated they would convene October 18, 2012 no further public notice being required. The Board Attorney clarified that he would extend the period of time for this Board to issue a determination through that date. Mr. Del Vecchio agreed.

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

Respectfully submitted,
Maureen Oppelaar