



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

Chairman Schaffenberger called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:33 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Binetti		Present
Ms. DeBari		Present (7:55)
Mr. Denis		Present
Fr. Hadodo		Present
Mr. Ix		Present
Mr. Loonam		Present
Mr. Rebsch		Present
Mr. Stokes		Present
Mr. Schaffenberger	-Chairman	Present
Ms. Batistic-	Engineer	Present
Mr. Grygiel	Planner	Present
Mr. Sproviero -	Attorney	Present

REVIEW OF MINUTES – January 31, 2013 and February 12, 2013

The Board Members reviewed the minutes for the Work and Public session and there were changes.

RESOLUTIONS

2012 ANNUAL REPORT REVIEW

The Chairman asked the Members if they reviewed or had questions on the resolution for the 2012 annual report. The Chairman stated that water issues were a focal point of many applications and questioned why it was not included in the resolution. The Board Attorney said he discussed it with the planner and they tried to constrain the Board’s recommendations to a general statement and let the planning board do the planning and raise topically what the statute tells the Board to do which was on the basis of the applications identify the areas of the zoning ordinance that appear to require focus. Mr. Sproviero stated the majority of the 2012 applications seem to require use relief which was what the resolution focused on.

**13-01 Farrell – 218 Zabriskie Place – Block 910 Lot 4
Expand Detached garage – coverage, rear and side yard variances**

The Chairman asked the Board Members if they had any comments on the application and Mr. Ix made a correction on the resolution.

OLD BUSINESS

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

Supermarket, Bank and Multifamily Residential Units

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

Mr. Sproviero stated they have received correspondence from New Milford Superintendent Polizzi on March 11, 2013 and it was distributed to the Board Members, applicant's counsel and all objectors' counsel.

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

Three story 14 unit multiple dwelling with parking underneath building

Use, building coverage, front yard and height

The Chairman said the Board Members received referral letters and a Boswell letter.

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

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

Chairman Schaffenberger called the Work Session of the New Milford Zoning Board of Adjustment to order at 8:02 pm and read the Open Public Meeting Act.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE SPECIAL MEETING – January 31, 2013

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

OFFICIAL MINUTES OF THE WORK SESSION – February 12, 2013

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

OFFICIAL MINUTES OF THE PUBLIC SESSION – February 12, 2013

Motion to accept the minutes with change were made by Mr. Loonam, seconded by Mr. Binetti and carried by all.

RESOLUTIONS TO BE MEMORIALIZED

Resolution for the 2012 ANNUAL REPORT REVIEW

The Chairman read into the record the Statute N.J.S.A. 40:55D-70.1 stating the board of adjustment shall at least once a year review its decisions on applications for variances and prepare and adopt by resolution a report on its findings and recommendations which should be sent to the governing body and planning board.

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

Motion to memorialize the resolution was made by Joseph Binetti, seconded by Fr. Hadodo.

The motion passed on a roll call as follows:

For the Motion: Members Binetti, Hadodo, Denis, DeBari, Loonam, Stokes, Schaffenberger.

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

Expand Detached Garage – coverage, rear and side yard variances

Motion to memorialize the resolution with change was made by Joseph Loonam, seconded by Fr.Hadodo.

The motion passed on a roll call as follows:

For the Motion: Members Loonam, Hadodo, Binetti, Denis, Stokes, Ix, Schaffenberger

Father Hadodo recused himself from the application because someone involved in the application was a parishioner.

OLD BUSINESS

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

Supermarket, Bank and Multifamily Residential Units

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

The Chairman and Father Hadodo recused themselves from the application.

The Board Attorney stated the Board has received correspondence issued by New Milford School District Superintendent Michael Polizzi dated March 11, 2013 to the Members of the Zoning Board. Mr. Sproviere stated it raised four issues of inquiries/concerns. The Board Attorney said it was not deemed evidence at this point and the letter indicated that Mr. Polizzi would be prepared to ask questions. The Board Attorney stated that Mr. Stokes, Vice Chairman and acting Chair of this application, is an employee of the New Milford School District. Mr. Sproviere asked Mr. Stokes if upon reading the correspondence had he formed an opinion as to his ability to continue to hear the application and has this correspondence and the subject matter in it in any way affect his ability to fairly and impartially continue to hear the application. Mr. Stokes stated he did not feel there was a problem and said he always takes all the evidence into accord and based his opinion on the evidence and added a letter would not impede his judgment.

Mr. Del Vecchio said the submittal and existence of the memorandum was entitled to no greater treatment than the treatment afforded other transmittals from the public outside of the record of the proceedings. The Board Attorney agreed. Mr. Del Vecchio said this memorandum shall not, should not and may not be considered by the Board in any way in these deliberations. He added that the submittal of this written format of this document was an inappropriate submittal to the Board. Mr. Del Vecchio said they checked out the website for the Board of Education and found no indication in the minutes available to the public that indicated the Board of Education had discussed or sanctioned the transmittal of this letter. Mr. Del Vecchio stated because the Board of Education was a body politic it was required to appear in proceedings by Counsel. He added that the existence of the memo and the potential that the Board of Education may follow the proper protocol to make a position known raises a conflict between employer and employee. Mr. Del Vecchio agreed with Mr. Stokes that his opinion to judge this case, his fairness and the manner in which he has run these proceedings were above question and he had no doubt that he could continue to do so. Mr. Del Vecchio said they would waive it on behalf of the applicant if he could but he could not. Mr. Sproviere stated it leaves all with a potential problem and said

Mr. Del Vecchio had a client to represent seeking to have a development project approved and he was representing a quasi judicial board charged to make findings of facts and conclusions with respect to the application. The Board Attorney stated the one goal they shared in common was to preserve the integrity of the proceedings. He added from both of their perspectives to have any event render what they have done a nullity at this point, necessitating a restart, would be a travesty. Mr. Del Vecchio said the Board of Education was given notice and has known of this application, so knowledge of this property was not a surprise to excuse the lateness of a position. Mr. Del Vecchio agreed with the Board Attorney that they shared the diligence that the record will reflect has occurred over the course of the proceedings in protecting the integrity of the hearing. The applicant's attorney stated he would submit a letter brief to the Board on the conflict issue. Mr. Sproviero understood if a public conflict exists neither the applicant nor the public entity could waive it. Mr. Del Vecchio needed to reserve the right to invoke a judicial declaration. Mr. Sproviero explained to the Board and the public that to invoke a judicial declaration was to start a lawsuit to seek a judgment of a superior court judge to determine whether or not Mr. Stokes can or cannot continue. Mr. Del Vecchio agreed and thought Mr. Stokes could continue to administer the hearings this evening while they determine whether one does or doesn't exist. Mr. Del Vecchio agreed to bring back witnesses to answer Mr. Stokes questions and the record would remain intact and unblemished should there be a conflict. Mr. Stokes was concerned if he could chair the application. Mr. Del Vecchio said an alternative would be to stay present in the room and step down from the dais. Mr. Sproviero felt that would be the more cautious route to pursue but added that Mr. Stokes was not conceding in any way that a conflict existed but it was for the sole purpose of allowing the issue to come to a full determination. Mr. Del Vecchio agreed. Mr. Sproviero stated if this was an issue that was confronted at the outset of the application it could have been appropriately dealt with. Mr. Loonam said the memorandum was nothing more than a piece of paper and the Board was not to any attention to it so how there could be a conflict. Mr. Sproviero stated that Mr. Polizzi was here and wanted to be heard and he was afforded the same right as any other member of the public. He added if he wanted to cross examine Ms. Dolan he could do that as a member of the public.

Mr. Stokes said for the record he was still here and would not have to listen to any recordings and he removed himself from the dais and sat in the audience. Mr. Sproviero clarified that he was stepping down from the dais for the purpose for today's proceeding without prejudice that he could continue to hear the proceeding in an unprejudiced and impartial manner. Mr. Stokes agreed.

Ms. DeBari took over the Chair.

The Board Attorney told the Board that correspondence received was not evidence and it was correspondence that had raised a series of procedural issues and does not raise substantive issues with respect to the subject matter of the application at this juncture. Mr. Sproviero said any substantive issues that were addressed by way of this correspondence should not be considered nor addressed at this time.

The Board Attorney stated that they were approximately 30 hearings into this application and said the vast majority of the time that has been spent has been entertaining questioning from the

public. He added it has been redundant and repetitive and there was prior discussion regarding this about six months ago and everyone was cooperating but it seemed to have eroded again. The Board Attorney felt the time has come to consider time limitations on questions and enforcing the discontinuation of repetitive questions. He felt it was unfair to everybody. The Board Attorney said new and valid questions were always welcome but when it appears to be a conscious effort to delay, actions should be taken. He did not believe it should apply to objector's counsel. Mr. Del Vecchio wanted to remind the Board that he strongly indicated there have been a lot of repetitive questions that were tantamount to a filibuster. He found it unfair, inappropriate and put him in a position to ask for two special meetings a month. Ms. DeBari felt this was an important application and the public had a right to ask questions and when they become repetitive Mr. Del Vecchio objects and they move forward. She felt the board has taken up 40 minutes and they should be listening to the traffic engineer and questions from the public. Mr. Loonam felt there should be a limited amount of questions and time imposed. Mr. Del Vecchio said Ms. Dolan was here for questioning from the public.

Mr. Dan Ferretti 163 River Road asked if there have been any traffic studies during storm times. Ms. Dolan answered no. The resident asked if she thought it would be beneficial to do a study with Bergen County or town officials to see which arteries would be closed off during storms and how they would deal with traffic. Ms. Dolan said that would not be for the applicant but it would be an emergency response study.. Mr. Ferretti asked if truck traffic would be restricted coming in from Kinderkamack Road to Main Street during storm conditions. Ms. Dolan understood that testimony from operations was there would be no deliveries during flooding conditions. The resident questioned if the corners surrounding the proposed site meet the requirements for trucks that exceed 50' to make turns. Ms. Dolan said Mr. Dipple provided the truck circulation route that showed there was sufficient geometry to accommodate the delivery vehicles. The resident questioned if it would be appropriate to do a study more southbound. Mr. Del Vecchio objected that the question was asked about six times. The resident asked if she ever surveyed a similar sized project that they exceeded the boundaries to a further radius to accommodate traffic. Ms. Dolan said in DOT traffic studies they have to tract the traffic thru a system. The traffic engineer added they provided an initial traffic study and the Board's consultant reviewed it. They provided an additional requested intersection and addressed additional comments. The resident had concerns about the exact amount of children crossing River Road at 7-8am. Ms. Dolan said they did pedestrian counts at the various intersections and the latest report summarized the hourly pedestrian crossings at various locations and it did include Cecchino/Milford at River Road.

Mr. Mc Mackin 400 Madison Avenue, said on Friday nights in the fall they block roads for football from 6-9 pm and asked if it would have an effect on the traffic flow. Ms. Dolan answered she was not aware of the road closures but it was outside the study periods they looked at. The traffic engineer added it would affect existing and future conditions. The resident said the same thing happened in the spring season for certain events. Ms. Dolan said that was a management issue vs something taken into consideration in a traffic study. Mr. Mc Mackin questioned if they took into consideration when people flock to a store to purchase items when there was a storm predicated. Ms. Dolan said they look at average typical conditions and it is recognized that there will be fluctuations in spikes. The resident asked if that should be

considered and submitted to the board because it was an ongoing event. Ms. Dolan answered not necessarily.

Ulises Cabrera 659 Columbia Street, asked how many traffic reports have been done. Ms. Dolan answered the original and two revisions. The resident asked if the revisions were caused by an oversight on their part. Ms. Dolan answered no they responded to the Board Engineer review and questions from the Board. Mr. Cabrera asked how they calculated average daily traffic. Ms. Dolan said typically it was based on a continuous count over a 24-hour period over several days and added they testified previously that they did not collect 24 hour volumes.

Emily Rostkowski 103 Fulton Street, asked if a left hand turn was more dangerous than a right hand turn. Ms. Dolan answered in general a thru movement on a four way intersection was crossing two way traffic and a left turn was crossing over so they were more conflicting movements. The resident asked if there was a standard on how many accidents occurred before a signal would be installed. Ms. Dolan was not aware of any standard. Ms. Rostkowski asked if her traffic study took into consideration any heavy machinery in or around the development during construction. Ms. Dolan answered no. The resident asked if she was aware that 33% of accidents occur in locations with no traffic signals. Ms. Dolan answered no. Ms. Rostkowski had concerns with the students crossing at the northbound side of River and asked where they did their traffic counts. Ms. Dolan said they did not count the activity specific at the school but they counted the school traffic through the various intersections. Ms. Rostkowski asked if she called the school to find out what time students were using the field and if that would be a safety concern. Ms. Dolan answered she did not call the school and they performed the traffic and pedestrian count during various hours and the school activity was counted given the proximity of the school to the site. The resident asked what safety measures were installed to protect the students. Ms. Dolan said they spoke of mid block crossing and the plan has been revised to incorporate additional sidewalks.

Mr. Del Vecchio interrupted to say someone in the public whispered tic tock and said he asked the Board to reconsider time constraints. The Board Attorney said his recommendation was to do it but it was the Board's determination. Mr. Loonam and Mr. Binetti agreed. Ms. DeBari said it would be seven minutes.

Steven Tencer 701 William Bliss Drive, asked why the applicant should be exempt from the parking ordinance. Mr. Del Vecchio said this was a repetitive question and if the resident was questioning about variance proofs it was outside of Ms. Dolan's expertise.

Michael Polizzi the Superintendent of Schools, 145 Madison Avenue. Mr. Sproviero asked if he was here in an individual capacity or as a representative of the Board of Education. Mr. Polizzi said he was asked to come and speak on behalf of the Board. Mr. Sproviero asked how that happened. The Superintendent said it happened in conversations after the last meeting and will be reflected in the minutes from the Monday night meeting. The Board Attorney clarified it did not happen during a regular meeting. Mr. Polizzi agreed. The Board Attorney said if he was appearing on behalf of the Board, which is a corporate body politic, the MLUL said any corporation must appear by way of legal counsel. The Superintendent said that could be arranged but he could appear as an individual. The Board Attorney agreed and said he wanted to do it

right and not jeopardize the integrity of the proceeding. Mr. Del Vecchio inquired as to the individual's municipality residence. Mr. Polizzi said it was not New Milford. Mr. Del Vecchio objected that he was not a tax payer or resident. The Board Attorney stated they have listened to individuals from other towns. Mr. Del Vecchio said he objected to that as well. The Board Attorney was going to be consistent and would recognize this individual.

Mr. Polizzi 226 Mable Ann Avenue ,Franklin Lakes, asked if the plan was presented to the police department and have they reviewed the traffic analysis. Mr. Del Vecchio said this was a repetitive question. The Board Attorney said the application was submitted to the police department and they issued comments. Mr. Polizzi questioned how the traffic would be controlled regarding pedestrian traffic particularly on Madison. Mr. Del Vecchio said this was outside this witness's expertise and it was testified by Mr. Pagano. Mr. Polizzi said he would stop now and bring Board Counsel for the next meeting.

Tom Belthoff 74 Beechwood Road Oradell, asked if 15 minutes was the smallest band of time used in their trip generation. Ms. Dolan answered yes and it showed the number of vehicles counted in the 15 minutes. Mr. Belthoff asked if the 15 minutes was a normal increment to use. Ms. Dolan answered yes. Mr. Belthoff asked if any safety issues were addressed in getting New Milford Ambulance and Fire Equipment from New Milford to Oradell during high traffic times. Ms. Dolan answered no.

Todd Ghiosay 334 Morris Lane, asked if it would be pertinent to create a fourth revision to study the traffic at Elm Street Bridge should the bridge open before they conclude this application. Ms. Dolan said it would be informative and something for the project team to discuss.

Peggy Saslow 278 Ridge Street, said she was a member of the Board of Education but was not representing the Board. The resident asked if they considered a sleeping policeman behind the school were the children cross and commented the students need help with crossing. The traffic engineer stated they have counted high volumes crossing from the school side across the street. They were crossing on the south side of Cecchino and crossing in high volumes after school so if they need help it should be there for them now. Ms. Saslow asked if she could concede it was a dangerous area. Ms. Dolan said she could not concede to that because she was not aware of any accident history in that location.

Gail Ablamsky and John Rutledge asked to question the witness again.

The Board Attorney asked the Board if they would permit the same witness to appear more than one time for each witness or would the Board impose a restriction on a questioner's appearance to one opportunity per witness. Mr. Loonam felt a restriction was already in place. Mr. Binetti agreed with one time. Ms. DeBari polled the members and the Board agreed on one time for each witness.

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

Mr. Del Vecchio stated they concluded the testimony of Ms. Dolan. The Board Attorney reserved the right to bring back Ms. Dolan in the event Mr. Tombalakian had additional

questions. Mr. Del Vecchio stated this matter would be carried to the March 28, 2013 Special Meeting without any further public notice.

RECESS

NEW BUSINESS

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

Mr. Carmine Alampi, representing the applicant Alex and Sons Real Estate LLC, explained this was a development for a 14 unit multiple dwelling.

Mr. Alampi said Mr. Albert Dattoli, architect, would give an overview and preview the plans. The Board Attorney swore in Mr. Albert Dattoli, architect, 70 Chestnut Ridge Road, Montvale NJ.

The Board Members accepted the qualifications for Mr. Dattoli as an expert in architecture.

Mr. Alampi marked as exhibits:

A-1 Presentation drawing #1 dated 3/11/13

A-2 three sheet exhibit on file with the board prepared 1/4/13

Mr. Dattoli described the front elevation facing Madison Avenue showing earth tones colors and felt they presented a residential look to stay consistent with the residential feel of the neighborhood. The architect stated the facade was 82'4" from one side to the other and was residential in scale. Mr. Dattoli said the roof would be fiberglass asphalt shingle with a cultured stone finish and stucco or horizontal siding. Mr. Alampi asked if the front entrance shown on the front elevation was the main entrance to the units. Mr. Dattoli said it was an entrance into a hallway that serviced the first floor but most of the residents would use the underground parking entrances.

Mr. Alampi asked the architect to review the floor plan. Mr. Dattoli stated the first and second floors were essentially identical. There was 9,985 sf per floor or 20,000 sf of total living area. They were proposing 7 units per floor with five 2 bedroom units and two 1 bedroom units. The two bedroom units were approximately 1200-1300 sf per unit and the one bedroom units were approximately 978 – 1006 sf. The architect stated that each unit would have a balcony, living/dining area, kitchen and laundry closet. The one bedroom unit had a single bathroom and the two bedroom unit had two full baths. Mr. Alampi clarified that the mechanical operation of the heating and a/c would not have a unit on top of the building. Mr. Dattoli agreed and said they had units located in a closet and accessible from the balconies with 18"x30" grills on the outside of the building. The architect stated the building would be fully sprinkled and each unit had its own set of sprinkler heads. He added all the units were fire separated from each other as required by the building code with two staircases and an elevator.

Mr. Dattoli described Exhibit A-2 showing measurements on the elevations. He said the measurement from the first floor to the midpoint of the roof was 26'1" and from the first floor to the high point of the roof was 31'11". The architect said the left side elevation showed the property grade dropping down from the street towards the back of the building. They were proposing a driveway along the left side which leads to a lower level parking area. Mr. Dattoli said the length of the building from the front to the rear wall was 142' deep. There was a covered walkway to a side entrance into the building. The lower level parking area was an open area with no garage door. The architect explained the rear elevation showing the lower level was open on the ground level except where the stairwell came down. Mr. Alampi asked if there would be any vehicular activity exiting from the under the building in the rear. Mr. Dattoli answered no. The architect said on the right side and rear elevations the measurement from the parking level to the first floor was 10' and the first floor / second floor to the ceiling was 9'. Mr. Alampi said this was the element of the building that was three stories because it was an exposed parking area.

The architect described the parking level floor plan and said the parking spaces were 9x18, five spaces were not under the building, two handicap accessible spaces provided with a 24' drive aisle. Mr. Dattoli said 2 spaces were required for two bedroom units, 1.8 space for a one bedroom unit with a total of 27.2 spaces required and 28 spaces provided. Mr. Alampi asked if visitor parking was incorporated in the plan. The architect agreed.

Mr. Dattoli said the units were handicap adaptable which meant they were designed spatially to provide for handicap accessibility. Mr. Alampi clarified he was referring to hallways, corridors and counters in kitchen. The architect agreed and added they had 3' doors into all bedroom and 5' turning radius in one bath.

Mr. Stokes clarified they were using RSIS requirements for the parking spaces and questioned what the New Milford ordinance required. Mr. Dattoli would defer that to the engineer. Mr. Stokes clarified that the RSIS gave the amount of parking spaces including guests. Mr. Dattoli agreed. Mr. Stokes questioned his testimony that the façade would be either stucco or siding and questioned if there was an ordinance that would hold them to what was shown on the plans. Mr. Alampi said there was nothing in their ordinance but most Board's based on the sworn testimony ask the applicant for a resolution compliance plan.

Chairman Schaffenberger asked what was in the area above the second floor and was it accessible to anyone. Mr. Dattoli answered it was attic space and there was accessibility only for emergency purposes but not used for storage. The Chairman clarified that the walls from the second floor apartment go thru the ceiling to the roof. Mr. Dattoli agreed and said it was compartmentalized and there would be access thru the ceiling in the stairwell.

Mr. Ix questioned if there would be room for the garbage truck to turn around or would they have to back up. Mr. Dattoli answered they would back into the driveway and pull out forward. The Board Attorney asked if there was a parking space next to the dumpster. Mr. Dattoli agreed.

The Board Engineer asked what the room next to the elevator was. Mr. Dattoli said it was a janitorial area for the general cleaning of the common area. Ms. Batistic asked if the recycling

would be handled at the dumpster area. The architect did not know but thought the janitorial closet might be used for storage of recycling and handled internally by management.

Mr. Grygiel asked if the grills were shown on the exterior elevations. Mr. Dattoli had not shown them but said they blend it very well. The planner asked if any of the units would be affordable units. Mr. Dattoli did not know.

The Chairman asked if there was a noise that came from the grills. Mr. Dattoli said there was a fan running inside the unit and it was a similar noise to a forced air unit. The Chairman commented there were 14 units in the building and asked him to get the information on the amount of noise it would create. Mr. Dattoli would check into it.

Ms. DeBari asked if these were rental units. Mr. Alampi said they would be offered as a rental because of the economy but there might be a time they would be developed as a condominium.

The Chairman said the entire building had a parking lot underneath it. The architect agreed.

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

Terence Mc Mackin 400 Madison Avenue, asked how many trees would be removed from the property. Mr. Alampi said they had a landscape plan. Mr. Mc Mackin submitted photos that he took three weeks ago. The Board Attorney asked if the photos fairly and accurately represent the property. The resident agreed.

The Board Attorney marked the photos as exhibits:

- P1 - north edge Madison Ave facing northwest
- P2- north edge Madison Ave facing northeast
- P3- Madison Avenue facing north, western property line
- P4 - Facing north, east property line
- P5 - west property line facing north
- P6- northeast property line showing additional fill after house demo
- P7-northeast property line showing additional fill after house demo

Mr. Mc Mackin said he counted 400-500 trees surrounding the perimeter as well as contained on the property. The resident asked how many trees would be removed and what would they be replaced with and would it have any environmental impact. Mr. Alampi said this witness was not qualified to give that testimony but they will be prepared to give an exact number once they determine what constitutes a tree under the ordinance. Mr. Alampi said the Shade Tree Commission had already commented on the trees and replenishing trees. He added they received referral letters from DPW, Police, Shade Tree and Fire and as well as a letter from Mr. Grygiel and Boswell Engineering. Mr. Mc Mackin asked who would be able to answer environmental questions. Mr. Alampi said they had an application that was approved by the DEP but they did not have an environmental impact statement.

Mr. Mc Mackin asked how many toilet, sinks, dishwashers, washer/dryers and what was the average consumption/dischARGE into the sewer system. The architect answered 24 toilets, 34 sinks, 14 dishwashers, washers/dryer and the discharge would comply with code requirements.

Lorraine Mc Mackin 400 Madison Avenue, asked when they designed the building did they look at the neighborhood. Mr. Dattoli said there were some commercial development, an apartment complex and a school. Ms. Mc Mackin asked how many homes were 82' across the front. Mr. Dattoli did not take any measurements of existing homes. Ms. Mc Mackin did not think it was designed to conform to the neighborhood because she said a majority of the homes in the area were on 50x100 lots. The architect said he designed a residential building for multiple family use with residential type materials. Ms. Mc Mackin asked what the requirement was if they were to become condominiums. The architect answered condominiums were a form of ownership. The Board Attorney answered that the form of ownership did not affect density. The residents asked how many units would be permitted on the lot. Mr. Dattoli said this was residential and he believed two residences were permitted on the lot. Mr. Alampi added that the engineering plan was a comparison on the multifamily zone. Mr. Grygiel said his opinion was the comparison was not valid that the affordable housing zone was a much higher density than on a typical multifamily zone as he discussed in his review letter.

The Chairman asked if the architect would be back. Mr. Alampi agreed because the public had not finished with questions. Mr. Alampi said they would work on a survey of the larger scaled trees that would be removed.

The next meeting would be April 9, 2013 at 7:30 PM.

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