

John De Simone, Inc.

through an existing swale towards the Spring Brook or down Lion Gate Drive towards Spring Brook. Additional floodwaters would flow through the site and reenter the River at the downstream end of the applicant's property. These floodwaters would not be able to flow back into the River until this point because of higher ground on the adjoining site that essentially bisects the River's flood plain.

Under existing conditions, it is anticipated that floodwaters would drop in elevation as they spread out in different directions across the project site and that floodwaters would be similar in elevation to what they are in the River's channel. In previous application(s) the applicant was advised by the Department what the flood elevations for their property would be. However, even during the review of the previous application(s), when the topographic plan noted above was not available, it became evident to the Department based upon a review of the applicant's plans and the State flood delineation for the Third River, that the buildings and fill proposed on the applicant's property would block or impede floodwaters thereby not allowing the flood elevations to drop as quickly across the project site in proposed conditions. For this reason, the applicant was previously asked to raise their lowest floor elevations of the proposed townhouses and to provide a safe pathway for floodwaters to move through the project site. This would ensure that the townhouses would not be flooded and would minimize flooding of proposed roadways and parking areas.

In response to the Department's previous guidance, the plans submitted with the current application proposed higher floor elevations for the townhouses but only provided a narrow swale behind the townhouses for the passage of flood waters through the project site. Due to the limited capacity of this swale and a lack of any supporting calculations to demonstrate that the swale would be able to safely pass floodwaters, the Department remained concerned that the project as proposed could create a very dangerous situation whereby there would be extensive flooding in the proposed streets and parking lots and that the flooding may also impact the townhouses. During the review of the current application, the topographic plan for the adjoining site became available to the Department. A review of this topography only solidified the Department's concerns that significant floodwaters from the River could indeed flow towards the project site.

During the current 90-day review period, due to the concerns as outlined above, it became evident to the Department, that the submitted application could not be approved as designed. However, being cognizant of the fact that this is the fourth application submitted by the applicant for the site, the Department agreed to extend the review application by 30 days to provide the applicant yet another opportunity to address the Department's concerns. On March 10, 2006, the Department met with the applicant and his engineers to explain the Department's continued concerns about the potential for significant flooding of the proposed townhouse development.

At this meeting, the Department directed the applicant to utilize the topography from the adjoining site to calculate the amount of floodwaters that could flow from the adjoining site towards the applicant's property during the flood hazard design flood. Once this amount of flow was determined, the applicant was asked to revise their plans to provide