



**BOROUGH OF NEW MILFORD
PLANNING BOARD
COMBINED SESSION MINUTES**

JUNE 17, 2014

Chairman DeCarlo called the work session of the New Milford Planning Board to order at 7:40 pm. The Chairman read the Open Public Meetings Act. All recited the Pledge of Allegiance.

ROLL CALL

Chairman DeCarlo	Present
Mayor Subrizi	Present
Secretary Scavetta	Present
Council Liaison Grant	Absent
Vice Chairman Pecci	Present
Mr. Appice	Absent
Mr. DaCosta	Present
Mr. Mottola	Present
Mrs. Prisendorf	Present
Mr. Tsakalis, Alt. 1	Present
Mr. Prendergast, Alt. 2	Absent
Mr. Grygiel	Present
Mr. Abrahamsen - Attorney	Present
Mrs. Batistic – Engineer	Present

WORK SESSION

Discussion of RC Zone Ordinance

Paul Grygiel, Planner advised members that the Governing Body referred back to the Planning Board the RC Zone Ordinance due to a legal challenge with regard to proper noticing. Mr. Grygiel stated nothing in the ordinance has changed from the previous ordinance that the board voted on and recommended it to the Mayor and Council. He said now the ordinance complies with, and is consistent with, the recently adopted Master Plan. Mr. Abrahamsen said the Municipal Land Use Law states that this was part of the legislative process. Mr. Grygiel stated due to legal challenges the Borough Attorney recommended that everyone within 200' of all existing apartment zones in the RC Zone should be notified. The Mayor asked if the noticing of everyone within 200' of a garden apartment was done in order to

avoid additional legal issues and fees regarding the dispute of the original noticing. Mr. Grygiel said yes that would no longer be an issue because the ordinance would be re-noticed for the Planning Board, and the Mayor and Council meeting. Mr. Grygiel said the zoning for the proposed Garden Apartment Zone includes all of the garden apartments within the town, the regulations that changes height and such pertain to only to the Brookchester garden apartments. In answer to Chairman DeCarlo's question if any other existing garden apartments were to combine properties to have the necessary area, Mr. Grygeil said they still would need to comply with certain stipulations and all the other bulk requirements regarding setbacks, height, buffering, affordable housing, adequate parking, etc. Board Attorney stated the public is being notified due to a proposed zone change before the Mayor and Council meeting on July 28, 2014.

Mr. Abrahamsen said part of the Municipal Land Use Law requires the governing body sends to the Planning Board anything that relates to planning which is why this is being sent back to the Planning Board for its review to see if it is consistent with the Master Plan. Chairman DeCarlo asked Mr. Grygiel if he felt the ordinance was consistent with the Master Plan. Mr. Grygiel said yes.

Mr. Grygiel said the Planning Board and the Governing Body have been recently challenged legally by Mr. Delvecchio and Mr. Eisdorpher. Mayor Subrizi said the legal issue was now a non-issue now that the ordinance was consistent with the newly adopted Master Plan. Mr. Abrahamsen said the Mayor was correct. In answer to Mayor Subrizi, Mr. Abrahamsen said there was a number of legal challenges regarding spot zoning, noticing, and affordable housing issues. Mayor Subrizi clarified that the document was more complainant now that COAH regulations and the Master Plan had recently been revised.

Updates were needed to the RC Zone due to decade's old and archaic language. Mr. Grygiel advised the Board garden apartments are very limiting he said it is rare that anyone would want to build a garden apartment complex anymore, typically they are now called multifamily units. He said that the proposed zone would include low rise, midrise and high rise units and needing twenty-five acres and setbacks, buffers etc. Mr. Grygiel said the new zone changes also protect the neighboring properties.

After much discussion by the board members, Mr. Abrahamsen advised the board the document before the board was to make sure it was consistent with the Master Plan.

Motion by Mr. Mottola seconded by Vice Chairman Pecci that the RC Zone document was consistent with the Master Plan which was to be forwarded onto the Mayor and Council.

Mayor Subrizi	For the Motion
Secretary Scavetta	For the Motion
Vice Chairman Pecci	For the Motion
Mr. DaCosta	For the Motion
Mr. Mottola	For the Motion
Mrs. Prisendorf	For the Motion
Mr. Tsakalis	For the Motion
Chairman DeCarlo	For the Motion

Decks and patios

Board Engineer stated she checked with numerous Boswell Engineers and neighboring towns which all confirmed decks were considered building coverage. She advised that the Borough of Tenafly’s ordinance stated any paved surface, or any patios, except a walkway more than 5% total lot area where that square footage would be calculated into building coverage. She felt that was extreme but she wanted to advise the members of the area towns ordinances. Chairman DeCarlo said they had documentation from the Board Secretary showing the proposed definitions and existing definitions.

After much discussion the Board members felt that the decks should be considered building coverage which has been the past practice in New Milford for numerous years. They felt that all decks shall be subject to the same setbacks. After much discussion the board members wanted to add the setbacks with the definitions but it was already covered in section 30-28.15 (c) which states - *Patios and Decks. - Patios may be located in any required rear or side yard setback. Decks must meet the yard requirements of the principal building to which it is attached.*

Board Attorney requested at the next meeting the Secretary prepare the definitions in the format of our ordinances. Mr. Abrahamsen said the action could be taken at the next meeting.

Official Minutes

Motion by Joanne Prisendorf seconded by John DaCosta and carried by all to approve the amended minutes with the changing the title to combined minutes and minor grammatical changes regarding the italicized verbiage from the “New Illustrated Book of Development Definitions”

As there was no further business to be conducted by the Board, a **motion** to adjourn was offered by Mr. Mottola seconded by Secretary Scavetta, and carried by all. Chairman DeCarlo said the next meeting will be tentatively held on July 15,

2014 at 7:30 pm and directed the secretary to keep the board posted if an application is submitted.

Respectfully submitted,



Maria Sapuppo
Recording Secretary