



BOROUGH OF NEW MILFORD
PLANNING BOARD
COMBINED/ PUBLIC & WORK SESSION MINUTES

December 30, 2013

Chairman DeCarlo called the work session of the New Milford Planning Board to order at 7:36 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	Present
Mr. DaCosta	Absent
Mr. Mottola	Present
Mrs. Prisendorf	Absent
Mr. Rasulo	Present
Mr. Prendergast, Alt. 2	Present
Mr. Abrahamsen - Attorney	Present
Mrs. Batistic – Engineer	Present

PUBLIC SESSION

APPROVAL OF MINUTES

Motion by Secretary Scavetta, seconded by Vice Chairman Pecci, and carried by all to approve the November 26, 2013 minutes, as amended with minor grammar changes and changing Borough Attorney to Board Attorney.

CLOSED SESSION

Motion by Secretary Scavetta, seconded by Mayor Subrizi and carried by all to go into the closed session to discuss a legal matter.

The members reconvened the public session of the meeting at 7:58 p.m.

Motion by Mr. Mottola seconded by Mayor Subrizi to open the meeting to the public.

No one wished to be heard

Motion by Mayor Subrizi seconded by Mr. Mottola to close the meeting to the public.

WORK SESSION

Board Engineer advised the members that she composed the proposed soil removal ordinance because the current ordinance was antiquated. In answer to Chairman DeCarlo, Board Engineer advised the whole ordinance had to be rewritten because there were too many revisions that needed to be addressed.

The members reviewed proposed Soil Removal Ordinance definitions, exceptions, minor and major soil moving permit, application fees, factors in considering applications, performance bonds, inspection fees, hours of operation, general regulations, inspections, and violations and penalties.

Mr. Mottola said the word top soil should be revised to be just the word soil. All members were in agreement. Chairman DeCarlo felt that 21-13 should be clearer and that the verbiage permit closeouts should be added to the title.

Board Engineer said the majority of the proposed ordinance was incorporated from the Borough of Tenafly's soil moving permit. She suggested the members revise the hours of operation due to numerous complaints the Borough has consistently received with noise the trucks make. The members suggested in making the hours more stringent than what the current ordinance which is 10 p.m. After much discussion the members agreed upon 8 a.m. -6 p.m.

Board Attorney recommended that the applicant or developer should demonstrate that the soil-moving permit would not have any substantial detrimental impact upon any person, surrounding property or the Borough. All members agreed to include that recommendation.

Chairman DeCarlo wanted to clarify what the steps should be taken to close out a permit and any outstanding monies returned. Board Engineer said 21-13 (e) language states how to release bonds, and any unused escrow fees. Chairman DeCarlo suggested that the permit closeouts should be added to the title of that subchapter. All Board members were in agreement.

Under subsection 21-19 violations and penalties, Mr. Mottola felt a new summons may be issued for each consecutive one (1) day period instead of two. The Mayor agreed with the suggestion and felt it would be consistent with the code. Board Attorney also suggested under the same subsection that language should be added where the Borough may seek legal and equitable remedies in Superior Court to cover any additional costs of restoration damages or legal fees associated if an applicant damages or does not repair anything broken over and above the bond fee. He felt the Borough would be more protected if a sewer pipe was badly damaged among other Borough infrastructures. All Board members were in agreement with the Board Attorney's suggestion.

Chairman DeCarlo asked the Board Secretary to make the corrections that the Board members discussed, so the soil moving permit ordinance could be reviewed at the January 21, 2014 reorganization meeting.

Chairman DeCarlo announced that the Board Secretary packaged the RFQ's for the Planning Board attorney he recommended the members to review the packets in time for the reorganization meeting.

Mayor Subrizi updated the members that the Mayor and Council reviewed the Planning Board recommendations for the RC Zone. She said at the meeting the governing body reviewed the changes and agreed with everything except for two issues. She said the signage was not changed after clarification that the signs would be smaller and they are proposing to have the same amount of signage that currently exists. She said the planner recommended the signage remain the same to allow people easier accessibility to the site.

Mayor Subrizi also updated that it was clarified to the Governing Body that the clubhouse was also the renting/leasing office. She said it was explained that the building should be a little closer to the front yard setback to allow people to notice the rental office. In answer to Chairman DeCarlo, Mayor Subrizi said the Borough Attorney stated if the governing body were to change the ordinance to comply with the planning board recommendations, they would have to start from square one and re-notice. In answer to Chairman DeCarlo, Board Attorney said to the Mayor that the Mayor and Council minutes have to explain as to why the governing body did not utilize the Planning Board recommendations on those two issues. Mayor Subrizi said she would notify the Borough Clerk.

Chairman DeCarlo thanked the Board members for their hard work in the past year. He wished everyone a Happy New Year. He announced the reorganization date for the Mayor and Council was January 6th, the new chiefs being installed at the Fire Company on Saturday January 4th and the PB reorganization meeting would be January 21st.

As there was no further business to be conducted by the Board, a **motion** to adjourn was offered by Frank Mottola seconded by Mayor Subrizi, and carried by all. Chairman DeCarlo said the next meeting will be held on January 21, 2014 at 7:30 pm in the upstairs conference room and directed the secretary to notice it as a combined meeting.

Respectfully submitted,



Maria Sapuppo
Recording Secretary