

**NEW MILFORD PLANNING BOARD  
COMBINED SESSION  
April 17, 2012**

Vice Chairwoman Grant called the Work Session of the New Milford Planning Board to order at 7:30 p.m. The Chairwoman read the Open Public Meetings Act. All recited the Pledge of Allegiance. Vice Chairwoman Grant said Chairman DeCarlo was unable to attend tonight's meeting due to him being away for his job.

**ROLL CALL:**

Mayor Subrizi	Absent
Councilman Berner	Present
Vice Chairwoman Grant	Present
Mr. Castronova	Present
Mr. Pat Santino	Present
Ms. Thea Sirocchi-Hurley	Present
Ms. Carol Hudak	Present
Mr. Pecci	Present
Mr. Commerford	Absent
Mrs. Prisendorf	Present
Chairman DeCarlo	Absent
Arthur M. Neiss, Board Attorney	Present
Margita Batistic, Board Engineer	Present

**NEW BUISNESS**

Application 11-01 United Water minor subdivision

Mr. Tom Herten from, Herten and Burnstein, Sheridan, Cevasco, Bottinelli, Litt & Harz with offices located in Hackensack said he wanted to give a preliminary explanation of the plans that the Board Members received with regard to the minor subdivision on Block 1309 Lot 1, known as the United Water property. He said this was a minor subdivision with no variances. Mr. Herten said when they proposed this subdivision last year the Zoning Officer suggested if we would consider treating this application for a public hearing and notice and publish the meeting due to the nature of the property and its prominence to the community. Mr. Herten agreed and that is why they are handling this minor subdivision as a public hearing, he said he would notice all the neighbors within 200' and the public hearing is scheduled for May 17, 2011.

Mr. Herten said the property lies between, River Road, Main Street, Madison Avenue and John D. Cecchino Drive. He said, the property was formally used as sludge lagoons and had a residual area for the byproduct of the filtration system from first from Oradell, the

property was later abandoned and the infiltration system was moved to Haworth. He said the sediment was brought to New Milford to dry then blended and removed from the site. The remediation procedure has been approved by the NJ Department of Environmental Protection. He said there is a no further action filed with the State and will be filed with the County. He said there is letter of interpretation from the NJDEP indicating that there would be no wetlands on proposed lot 1.02, and there are some wetlands along the Hackensack River on proposed lot 1.01.

Mr. Herten said the proposed subdivision line has been established by a sewer easement that has been there for years, which runs through the Borough of New Milford. He said historically in the early 2000 when New Milford was considering this property for a potential site to accommodate senior housing. He said they were due to come to the Planning Board for a minor administrative subdivision at that time, but for whatever reason that was never done, so they are before the board at this time because there is a contract in place with S. Hekemian Group to purchase the property subject to a limited period of time to subdivide the property.

Mr. Herten said whether the town in exercising its rights years ago to purchase the property and, or, whether the developer wishing to purchase the property the subdivision line has not changed. Mr. Herten said this plan has not changed for ten years, he said this is not a development application. He said on May 17, 2011 at the public session he will advise the public who may show up wanting to ask questions regarding the development of the property, that this application is only for an administrative minor subdivision with no variances. Mr. Herten said this is a simple application it does not need Mayor and Council approval and the application does not need nor seek any future planning board meetings.

He said they indicated on the plans there are several existing buildings on the property, they were used as landscape sheds. Mr. Herten said he go on record on May 17<sup>th</sup> that they will have all those buildings raised prior to the planning board application being perfected. He said in dealing with the County Road, he said they do need Bergen County Planning Board approval and will be filing with them this week.

Mr. Herten explained to the board members that the County expressed their interest on parcel 1.01 to create a recreational trail; he said this is in the preliminary stages and at this time they have not gone any further, but they have indicated that proposed walkway on the plans.

In answer to Board Engineer Mr. Herten said the letter of interpretation was with regard to storm water management where some of the property dips, he said DEP wants them to properly re-grade the property. In answer to Board Attorney, Mr. Herten said he would attend the meeting as well as the surveyor Peter Moore. Board Engineer asked a question with regard to the application where the proposed buildings are listed on the application as remaining. Mr. Herten said that was an error on the application. All the existing buildings will be removed and he would have the paperwork corrected in time for the May meeting. Board Engineer questioned if John D. Cecchino Drive was a County Road, she said she seemed to remember around the early 2000's that the County vacating that street to the Borough. Mr. Herten said he would check with Mr. Moore and the County to see if there was a change in title. Board Engineer said she would check her file

and send to Mr. Herten. Planning Board Recording Secretary said she would check in the Borough Clerk files for clarification and notify Mr. Herten.

Board Attorney asked about the un-recording nature of the sewer easement. Board Engineer said she checked with the DPW and they could never find any actual evidence or recording of the whereabouts of the sewer easement. She said she recalled at some point in time there was a sewer pump station, and that pump station was eliminated and there was a need to cut through this property to add to the sewer line. She said approximately fifteen years ago this was done and they never could find a record of the easement. Board Attorney asked Mr. Herten if he knew if the client would be against recording the easement. Mr. Herten couldn't imagine why the client would not want it to be recorded. Board Attorney said he would like to protect the rights of the Borough and have that easement recorded. Mr. Herten said minor subdivisions get recorded by deed and not by plat which might be the reason of it not being recorded. In answer to Vice Chairwoman Grant's question if the subdivision were granted on May 17<sup>th</sup> if it could be recorded by plat, Mr. Herten said minor subdivisions can only be recorded by deed.

Ms. Prisendorf wanted clarification on one of the buildings on the property. Mr. Herten answered that all existing structures would be demolished. Ms. Sirocchi-Hurley asked if one of the buildings at one time was a garage for trucks. Mr. Herten said he was unaware but they will all be removed. Councilman Berner asked if the macadam parking area was going to be removed. Mr. Herten said that would remain but he will make sure before the next meeting. Ms. Hudak wanted clarification on the proposed recreational trail. Board Engineer clarified the location of the proposed recreational trail. Mr. Herten said as part of the storm water management plan he said they were required to berm some of the property around the bank in the river to an elevation of approximately 17 feet with it being 5-6 feet wide. After reviewing the DEP requirements for United Water, the County suggested berming a little bit wider for a future recreational walking trail. He said whether or not the County wants it or it would be a proposed County future project, Mr. Herten said his client agreed to widen the width to approximately 12 feet wide which would be adequate for a walking trail. Mr. Herten said he would make the corrections and asked Vice Chairwoman Grant if he needed new plans. Vice Chairwoman Grant said she would prefer all the changes to be on new plans so as to be clear because there were new members on the board this year. Mr. Herten said he would have the revised plans delivered to the Board Secretary before the deadline. Vice Chairwoman Grant thanked Mr. Herten for his explanation of the application for the board members.

### **DEFINITION OF BUILDING AND IMPERVIOUS COVERAGE ORDINANCE**

Chairman DeCarlo asked Board Engineer to clarify the problems with the existing ordinance definition. Board Engineer stated it became apparent that the ordinance was

unclear while they were hearing an application before the Zoning Board of Adjustment. She said, the applicant proposed a concrete patio with a roof hanging over with no walls. She said the applicant's engineer stated the patio could not be considered building coverage. Board Engineer said after reviewing the definitions with the Zoning Officer the definition was not clear. She suggested to the Zoning Board that she would refer to the Planning Board to have more clarity with regard to decks, patios, and roof coverings. The Zoning Officer said past practice has always considered decks to be under building coverage, yet the ordinance does not stipulate decks to be considered or how high a patio can be before it is considered a deck. Board Engineer said she was unsure if structures were unattached to the main dwelling, if decks could be considered under building coverage. She felt in her opinion they should be considered building coverage and she would like the members to review the ordinance and consider changing it for clarity purposes. She said she would like a clear definition because if applicant's are going to consider decks, patios as impervious coverage they can encroach into the side and rear yard setbacks. Vice Chairwoman Grant said she thought a patio with a roof covering it was called a Lanai, Chairman DeCarlo said that is a big concern of his, if the wordage stipulates different terms, some developer will always figure another term to use as a loophole.

Chairman DeCarlo asked the Recording Secretary and the Board Engineer to analyze other town ordinances and present them at the next meeting for the members to review and discuss.

**Motion** by Mr. Berner, seconded by Mayor Subrizi and carried by all, to open the meeting to the public.

### **CONDENSING MINUTES**

### **APPROVAL OF OFFICIAL MINUTES**

**Motion** by Mr. Castronova seconded by Ms. Grant and carried by all, to approve the January 18, 2011 minutes with the correction of Ms. Gregory's first name.

**Motion** by Mr. Castronova, seconded by Ms. Sirocchi-Hurley, to open the meeting to the public.

**Motion** by Mr. Castronova, seconded by Ms. Grant, to close the meeting to the public.

### **REORGANIZATION - 2011**

All offices and committees from 2010 were dissolved. Mr. DeCarlo officially welcomed all the new members on the board, Mayor Subrizi, Councilman Howard Berner, Mr. Chris Pecci and Mrs. Joanne Prisendorf.

Board Attorney said he received the oaths of alliance and he had the honor to swear in all the new members and returning member Angelo DeCarlo. Board Attorney asked those

specific members to stand and recite, then sign the oaths. In answer to Mrs. Prisendorf who acknowledged the misspelling in her name, Board Attorney said for her sign the oath and initials the correction. Everyone applauded, congratulated, and welcomed the new Planning Board members.

Mr. DeCarlo called for nominations for the position of Planning Board Chairperson. Mr. Castronova nominated Angelo DeCarlo; Mayor Subrizi seconded said nomination and as there were no other nominations, Mr. DeCarlo was elected to the position of Planning Board Chairman.

The Chairman wished the Board a Happy New Year, and thanked everyone for their vote of confidence. He said he was looking forward to working with the Board.

The Chairman asked for nominations for Vice-Chairperson. Mr. Castronova nominated Hedy Grant, Ms. Hudak seconded said nomination and as there were no other nominations Ms. Grant was elected to the position of Vice-Chairwoman.

**2011 MEMBERS ROLL CALL:**

Mayor Subrizi	Present
Councilman Berner	Present
Vice Chairwoman Grant	Present
Mr. Castronova	Present
Mr. Pat Santino	Present
Ms. Thea Sirocchi-Hurley	Present
Ms. Carol Hudak	Present
Mr. Pecci	Present
Chairman DeCarlo	Present
Mr. Commerford	Absent
Mrs. Prisendorf	Present

**APPOINTMENT OF PROFESSIONAL PLANNER**

**Motion** by Vice Chairwoman Grant, seconded by Ms. Hudak, to appoint Burgiss Engineering as Planning Board Planner.

Mayor Subrizi	Against the motion
Councilman Berner	Against the motion
Vice Chairwoman Grant	For the motion
Mr. Castronova	Against the motion
Mr. Pat Santino	Against the motion
Ms. Thea Sirocchi-Hurley	For the motion
Ms. Carol Hudak	For the motion
Mr. Pecci	Against the motion
Chairman DeCarlo	Against the motion

Vote 3-6 – Burgiss Engineering not approved

**Motion** by Mayor Subrizi seconded by Councilman Berner and carried by all to appoint Dennis Kirwan as Planning Board Planner.

Mayor Subrizi	For the motion
Councilman Berner	For the motion
Vice Chairwoman Grant	Against the motion
Mr. Castronova	For the motion
Mr. Pat Santino	For the motion
Ms. Thea Sirocchi-Hurley	Against the motion
Ms. Carol Hudak	Against the motion
Mr. Pecci	For the motion
Chairman DeCarlo	For the motion

Vote 6-3 to appoint Dennis Kirwan

**Motion** by Mayor Subrizi, seconded by Mr. Castronova, and carried by all to appoint Margita Batistic, of Boswell Engineering as Planning Board Engineer.

Both professionals received a round of applause, and they thanked the members for their vote of confidence and were looking forward to working with the Board.

Chairman DeCarlo said, one firm was proposed for the Planning Board planner. However, in closed session, they were made aware that more RFQ's have been received by the Borough and copies were not provided to the Planning Board Secretary. Chairman DeCarlo said Mr. Dennis Kirwan, the Borough Planner is present to answer any of the members' questions or concerns. In answer to Mr. Kirwan, Chairman DeCarlo advised that the Borough had their last planner for past ten years. Chairman DeCarlo said it has been past practice to appoint the same planner as the Governing Body. He advised the members that the Planning Board is an autonomous board and can choose to appoint the Borough Planner or choose another planner. Mr. Kirwan said he was aware of this procedure and welcomed the members' questions.

Mr. Dennis Kirwan, proprietor of Dennis Kirwan LLC planning firm. He said he has been involved in land use development since 1987. He said he worked many of those years as a civil engineer, and he got into the planning aspect of the field about ten years ago. Mr. Kirwan said he more interested in the municipal side of planning and now he only concentrates his efforts in municipal planning.

Mr. Kirwan said he does not do any private work. He said if the board retains him; his services would include more of a full time planner, rather than a consultant planner who gets paid by the hour or job. Mr. Kirwan said he prefers to remain small and has turned down larger private jobs because he rather concentrates his effort with municipalities. He said the members might find him in the audience just listening to a particular application. Mr. Kirwan said he was the planner in Clifton and he prefers the service side of working with a Borough, where Board members and residents would call him daily. In answer to Chairman DeCarlo, Mr. Kirwan said he had an office in the Borough Hall and was situated there as a full time employee. Mr. Kirwan said he is retained with Clifton, Bogota and New Milford as the Borough Planner. Mr. Kirwan said he asked the recording secretary to have his website forwarded to all the members. He liked informing members as soon as he found current legislative news that would pertain to his clients via his website. Mr. Kirwan said he has had numerous compliments with regard to his website from clients and associates.

Mr. Kirwan said he partnered with Kathryn Gregory who was formally affiliated with Kauker, and Kauker. Mr. Kirwan said he had a degree in civil engineering with an architectural background. He said a lot of strengths he feels he brings to the borough are his redevelopment thoughts and different ideas that have been used throughout the State. In answer to Chairman DeCarlo, Mr. Kirwan said his office was located in Passaic County. Chairman DeCarlo asked Mr. Kirwan how he knew of New Milford. Mr. Kirwan said he was introduced to New Milford through Kevin Kelly and Daniel Howell. Mr. Kirwan said they are both residents of New Milford and Mr. Kelly was the Municipal Judge and Mr. Howell was Bogota's Construction Official and Clifton's Zoning Officer. He said Mr. Howell and Mr. Kelly advised him of hot spots in New Milford, such as the Shop Rite and United Water sites. In answer to Vice Chairwoman Grant, Mr. Kirwan said Mr. Howell drove him by to view those two particular sites among other sites in the Borough.

In answer to Vice Chairwoman Grant, Mr. Kirwan said he submitted his RFQ to the Clerk's office for the Borough Planner position that was advertised by the Borough Administrator. Ms. Hudak welcomed Mr. Kirwan. Ms. Hudak asked what projects has he worked on with regard to other communities. Mr. Kirwan said there were numerous jobs, however he was proud of a particular redevelopment project in Clifton which could be viewed on his website. Vice Chairwoman Grant said she visited his website but a lot of documents were inaccessible due to being password protected. Mr. Kirwan said while he is working on a site or changing documents into .pdf files that error might come up but the documents would typically be unlocked.

Vice Chairwoman Grant commented how she was unclear with some written reports located on Mr. Kirwan's website. Chairman DeCarlo said this board was fortunate to have the assistance of Vice Chairwoman Grant who was a professional editor. Chairman DeCarlo noted that the Master Plan re-examination reports among other documents are permanent records for the municipality. Chairman DeCarlo said the members held themselves to a certain standard with regard to writing not only grammatical but also with content. Vice Chairwoman Grant said she was concerned because of past problems about having to spend time correcting documents. Chairman DeCarlo asked Mr. Kirwan if he would have assistance in preparing documents for the Borough. Mr. Kirwan said would have assistance if needed.

Mr. Kirwan said yes, in answer to Ms. Hudak question if the redevelopment site in Clifton in accordance with the Master Plan. In answer to Ms. Hudak, Mr. Kirwan said he has been on the Council and a Planning Board member for his town. Mr. Kirwan said he has had land use experience since 1984. Chairman DeCarlo advised Mr. Kirwan with one of the areas of concern with New Milford is with the town being built out. He asked Mr. Kirwan if he had any experience with any towns that was not a blighted situation such as the one he described in Clifton. Mr. Kirwan said he did have experience with various projects in Clifton such as owners who wanted to expand their existing businesses, as well as total redevelopment projects.

Mr. Kirwan advised the members that he is a different type of planner because; he has civil engineering background, as well as architect background, also including the planning aspect which he felt made him unique. In answer to Vice Chairwoman Grant, he said the he has been a licensed planner since 2002. In answer to Vice Chairwoman Grant, Mr. Kirwan said he took course specific classes for planning at Rutgers. Mr.

Kirwan said he had an associate degree in Architectural Engineering from New Hampshire Technical Institute. Vice Chairwoman Grant asked if Kathryn Gregory and Jill Hartmann were paid employees in his firm. Mr. Kirwan said no they both have individual firms and they collaborate if they are needed. He said he liked to call them network partners with his firm. In answer to Vice Chairwoman Grant, Mr. Kirwan said he is a single employee in his firm with his wife helping at times, that is how he keeps the costs down. Mr. Kirwan said no, he did not have a support staff, he said he does his own reports and billings. In answer to Ms. Grant, Mr. Kirwan said he currently represents three towns, Bogota, Clifton and New Milford. Ms. Grant asked Mr. Kirwan why Ms. Gregory was present. Mr. Kirwan said she was formerly employed with Kauker and Kauker and is familiar with New Milford; she prepared the 2004 Master Plan document with the firm. He felt it was important Ms. Gregory were in attendance to show continuity as well as for support, because she was part of his team. Mayor Subrizi clarified with Mr. Kirwan that he would be the Borough's Planner and only if Ms. Gregory was needed for assistance she and Ms. Hartmann would be relied upon.

In answer to Chairman DeCarlo, Mr. Kirwan said he is familiar with the history of New Milford through reviewing the Master Plan on the Borough's website. He said he was also familiar with the COAH issues, New Milford was dealing with. Mr. Kirwan said he also has been informed by residents of certain aspects of New Milford such as flooding, schools, fields, among other various issues. Ms. Hudak said she had concerns with Mr. Kirwan listening to random residents who might be in flood zoned areas or problematic areas in the town. She asked if he could get a feel of the whole community instead of just a random few residents, and perhaps getting the Mayor's overview of the town as opposed to resident's concerns. Mr. Kirwan said the residents he spoke to were for informational purposes only, prior to submitting his RFQ for the town planner position.

Chairman DeCarlo asked Mr. Kirwan if he had knowledge with various traffic studies, due to New Milford having County Roads. Mr. Kirwan said typically a board hires their own traffic study to confirm an applicant's traffic report. Mr. Kirwan said he could recommend a firm to the board who deals with traffic results. Mr. Kirwan added as a civil engineer he has done traffic counts in the past but it is not an area he would like to pursue. In answer to Vice Chairwoman Grant, Mr. Kirwan said that his job was to be a tool for advice with regard to Planning Board members concerns of trees, ponds, etc., he advised that the Board would always be in control of development.

Board Attorney asked Mr. Kirwan how long it took him to get from Upper Passaic County to New Milford, Mr. Kirwan answered about thirty-five to forty-five minutes. Board Attorney said he appreciated that Mr. Kirwan reviewed the Master Plan and the recently adopted Re-examination report the Board members just finished working on. He reiterated Chairman DeCarlo's concern about New Milford being built out, and asked Mr. Kirwan his view for New Milford. Mr. Kirwan said what he would bring to the board culminates of his twenty-five years of being in the land use business in New Jersey. He said his ideas come from economic development background where towns are striving to increase their ratable index. Board Attorney said he is convinced of Mr. Kirwan's lengthy experience with land use background however, he questioned if Mr. Kirwan had a view for New Milford as it currently exists on how it would develop. Mr. Kirwan answered that he was the planner for only two weeks and he didn't have the opportunity to form a vision as of yet. Mayor Subrizi said she would rather the planning board have a vision for what they see for New Milford and not the planner's vision. Board Attorney said he



understood how it is the planning board members vision for the town; he wanted to see if Mr. Kirwan had any vision to share his thoughts with the members on some fresh new ideas for the members to think about.

Councilman Berner asked if Mr. Kirwan would express his thoughts if he felt the planning board members ideas were not wise ideas. Mr. Kirwan answered that he highly doubted that the members would jeopardize the health or welfare for the residents; such as if you proceed with this thought this may over burden the residents with traffic issues. He said yes he would voice his concerns and comment, except he would let the board make their own decision.

Chairman DeCarlo thanked Mr. Kirwan for his honesty and efforts in answering all their questions and concerns as this was some members first time to choose a new planner.

**Motion** by Councilman Berner seconded by Ms Sirocchi-Hurley, and carried by all to go into close session.

**Motion** by Ms. Sirocchi-Hurley seconded by Mr. Santino, and carried by all to open into public session.

No one wished to be heard.

Chairman DeCarlo advised Mr. Kirwan that the members agreed to hold off of on a vote due to not being able to review the other RFQ's. He said at this point all they could do was compare his firm to the old planners firm and he felt reviewing the other documents would be more impartial. He advised the recording secretary to e-mail all the RFQ's to the members and any member who would like a hard copy to call her to give her time to make the sufficient copies. Chairman DeCarlo thanked Mr. Kirwan for the opportunity to get to know him. All the members thanked Mr. Kirwan and Ms. Gregory for their time.

### **MANDATORY CLASSES**

Chairman DeCarlo asked the recording secretary to hand out the mandatory class schedule for the upcoming classes. Chairman DeCarlo asked the new members to review the schedule and inform the recording secretary if they would like to attend that class. Chairman DeCarlo advised Ms. Prisendorf of the duties of being an alternate member and how it was important for her to attend because at any time if a member could not attend she would be called upon to vote. Ms. Prisendorf thanked Chairman DeCarlo for his explanation.

As there was no further business, a **Motion** to adjourn was offered by Vice Chairwoman Grant, seconded by Councilman Berner and carried by all. Chairman DeCarlo said the next Planning Board meeting would be combined session on February 15, 2011.

Respectfully submitted,



Maria Sapuppo  
Planning Board Recording Secretary