



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

**November 26, 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	Absent
Secretary Scavetta	Present
Council Liaison Grant	Present
Vice Chairman Pecci	Present
Mr. Appice	Present
Mr. DaCosta	Present
Mr. Mottola	Absent
Mrs. Prisendorf	Present
Mr. Rasulo	Present
Mr. Prendergast, Alt. 2	Present
Mr. Abrahamsen - Attorney	Present
Mrs. Batistic – Engineer	Present
Mr. Grygiel – Planner	Present

**PUBLIC SESSION**

**APPROVAL OF MINUTES**

**Motion** by Secretary Scavetta, seconded by Councilwoman Grant, and carried by all to approve the October 22, 2013 minutes, as amended with a grammar change on page 2 and to correct the spelling of Peetzburg. Chairman DeCarlo abstained.

**APPROVAL OF 2014 SCHEDULE OF MEETINGS**

**Motion** by Mrs. Prisendorf, seconded by Vice Chairman Pecci and carried by all to approve the 2014 schedule of Planning Board meetings as submitted.

**Motion** by Councilwoman Grant seconded by Mrs. Prisendorf, and carried by all to open the meeting to the public.

Mr. Rutledge, 335 River Road, questioned if he could comment during the work session portion. Chairman DeCarlo said typically the meeting is open to the public during the

public portion of the meeting, however he would take into consideration after the members are advised of the content during the work session portion of the meeting.

**Motion** by Secretary Scavetta seconded by Councilwoman Grant, and carried by all to close the meeting to the public.

At this time the members went into the work session portion of the meeting.

### **WORK SESSION**

Mr. Grygiel advised the members that the Mayor and Council asked the Planning Board to review the revised Ordinance regarding the amendment of Section 30-2, 30-23, 30-24A entitled Residential C/Multifamily Zone, Definitions and word usage and Residential E/Multifamily townhome zone.

Chairman DeCarlo gave an overview of the past few months of Mayor and Council meetings where he recapped that Mr. Brunetti was seeking to revitalize his apartment complex. He said Mr. Grygiel played an important role in crafting the ordinance. The Mayor and Council have moved forward to discuss amending the regulations to the Residential C Garden Apartment Zone for a different type of development. Chairman DeCarlo said it was the Planning Board's jurisdiction to review the verbiage and contents and to show it complies with the Master Plan.

Mr. Abrahamsen advised the members this is part of the planning process. He said it was required for every planning development be sent to the planning board so they can review it, and make comments and recommendations to see if it was consistent with the Master Plan.

Mr. Abrahamsen said the Planning Board can make recommendations but the governing body does not have to follow the recommendations. He said if the governing body does not follow the recommendations of the Planning Board or found to be they are inconsistent with the Master Plan, the governing body has to articulate why the Planning Board's recommendations were not followed. Mr. Abrahamsen said the Planning Board's role is quite important from a planning perspective. He said the Mayor and Council have reviewed this document from an ordinance perspective and they wanted to hear from a planning perspective from this board. In answer to Chairman DeCarlo, Mr. Abrahamsen said the Planning Board could have a hearing if the Council would allow them the time to prepare for a hearing.

Mr. Grygiel said the ordinance before the Planning Board implements the vision outlined by the petitioner (Brunetti) for rezoning a particular portion of the Residential C Zone. Mr. Grygiel said it also impacts the entirety of this zone due to other garden apartments in this zone. He said the Mayor and Council has asked the Planning Board to look into the ordinance as the current ordinance and bulk regulations are not up to date for a modern multifamily housing. He said this new development is new to New Milford, however there are these types of apartment developments currently throughout the State.

He said the revised ordinances will allow garden apartments as they are currently, two and one half stories, or less to continue to be permitted, but if any applicant has adequate property to modernize to improve the facilities it would be permissible under this ordinance as long as a number of criteria are met. He said some criteria would be to make sure housing is up to current standards, parking standards, open space availability, and affordable housing needs to be provided. He said this ordinance is intended to be consistent with the Mayor and Council's objective of upgrading the housing within the Borough and the Master Plan's objectives of upgrading housing, modernizing, providing for affordable housing and providing for housing that is currently not available in New Milford.

Chairman DeCarlo said the ordinance does not include specifics such as driveway widths, accessibility and exactly where the buildings would be situated. He said this is just legislation. He said a site plan would be brought before either the Planning or Zoning Board at a later date.

Board Attorney asked if this ordinance complies with the current prior round affordable housing figures noting that the growth share obligation issue was not settled in the State as of yet. Mr. Grygiel said assuming development took place, the 10% or the number of units would be in line with covering what the second round obligation was. Board Attorney asked if there was language added to the document in case the regulations increase the Borough's affordable housing obligation. Mr. Grygiel said yes, however he said it is difficult to craft an ordinance because no one knows what the Borough's growth share obligations will be.

Councilwoman Grant had concerns with the language for lots under 40,000 square feet, and not providing for affordable housing. Mr. Grygiel said they would have to appear before a board for being under the allowable two acres to develop. Board Attorney felt the language needed to be tightened. Mr. Grygiel suggested adding a sentence to 30-23.3(b) to say *but shall provide a contribution to affordable housing trust fund in lieu of providing units on site.* Mrs. Prisendorf had questions not knowing what the contribution amount would be. Board Attorney suggested to make the burden of proof on the applicant. He said they should demonstrate to the Board how they will comply with the regulations. Board Attorney suggested verbiage to be added, *in connection with the housing element the developer must demonstrate the burden of proof that their development is compliant with the rules and regulations and laws satisfying the housing element and that the burden is not being shifted to the municipality in connection with the approval of the development.* All members were in agreement and felt the Borough would be better protected.

At this point the Board members thoroughly reviewed the document page by page. The Board members had concerns with the following:

30-23.1 (c) 1. Signs. Board members had concerns with the amount of signage. They also recommended the sign ordinance be updated to include the new Residential C/Multi-

family zone.

30-23.2 (a) & (b) 2. Minimum front yard. Board members wanted verbiage added to include, the minimum front yard shall be *along all public streets* on any portion of a property facing a street.

30-23.2 (b) 2. Minimum front yard. Board members had objections to the clubhouse/recreation building being located within a front yard and only set back 10 feet.

30-23.2 5. Minimum space between buildings: 25 feet. Board members wanted verbiage added to prohibit their concerns that this may form alleyways between buildings.

30-23.2 9 (a) maximum principal building height. Board members wanted the verbiage to be changed to; *(a) one story not to exceed 10 feet in height shall be permitted.*  
*(b) Two stories not to exceed 20 feet in height shall be permitted.*

30-23.3 Affordable Housing. Board members discussed changing verbiage earlier in the meeting.

30-23.4 f Other Regulations – Trash and recycling facilities. Board members had concerns and wanted the verbiage to be changed to, all trash and recycling facilities *shall be appropriately screened from view.*

30-23.4 (h) 1: Environmental impact statement. Board Engineer and Board members had concerns and felt the environmental impact study statement should be specifically defined stating what should be contained in the study.

Chairman DeCarlo said it is difficult to draft an ordinance which is only a conceptual plan. He said the intention of the Board is not to poke holes in the ordinance. He said the most important part was to check if the ordinance was consistent with the Master Plan and to minimize the impact on the neighborhood. He said these new buildings are going to be a neighborhood as well. He said we cannot only think of the surrounding existing neighbors. He said we have to think of aesthetics and light and air space. He said we are not a city, and he doesn't think anyone on the Board wants to change to be a city. He said Brookchester is a very important part of the municipality and we want to keep that going, but we want to make sure it's being done right. Chairman DeCarlo said he knew some members wanted the document to be restrictive, but if the board makes the changes to restrictive the Mayor and Council could override their recommendations. He said he would like to work together with the governing body. He also felt that the developer should he need to, could ask for a variance if they felt the suggestions the Planning Board made were too restrictive. He felt the board was very thorough and he felt comfortable with the changes that were made. He thanked the Board.

After much discussion the Board felt strongly the document would be better with the recommended changes, updates and corrections. Chairman DeCarlo authorized the secretary and Mr. Grygiel to draft a letter to the governing body finding the ordinance to

be consistent with the Master Plan and with the recommendations noted above.

As there was no further business to be conducted by the Board, a **motion** to adjourn was offered by Celeste Scavetta seconded by Councilwoman Grant, and carried by all. Chairman DeCarlo said the next meeting will be held on December 17, 2013, 2013 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