**BOROUGH OF NEW MILFORD**

Approved

May 24, 2016

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**PLANNING BOARD**

**PUBLIC SESSION MINUTES**

**April 19, 2016**

Chairman DeCarlo called the meeting of the New Milford Planning Board to order at 7:37 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

Councilman Colucci Present

Vice Chairman Pecci Present

Mr. DaCosta Present

Mr. Mottola Present

Mrs. Prisendorf Present

Mr. Thomas Present

Mr. Bresa Alt. 1 Absent

Mr. Seymour Alt. 2 Present

Mr. Leibman - Attorney Present

Mrs. Batistic – Engineer Present

Mr. Grygiel – Planner Present

As first order of business Chairman DeCarlo suspended the approval of the February 23, 2016 official minutes as they were not available.

Chairman DeCarlo indicated a few items are on the agenda and in deference to an applicant we are reversing the order of business. 800 River Road also known as Woodcrest Center is here for an extension request. Mayor Subrizi asked to recuse herself from this application and left the meeting. Donna Erem and John Tamasi from Chiesa Shahinian & Giantomasi representing the applicant stated they were here a few years ago for approval to add some terraces, parking and signage improvements. Most of the parking has been completed. Care One is looking at the building and considering some modifications and for that reason they are requesting discretionary approval for an extension of one year which would protect the approvals they have already received. Chairman DeCarlo asked how drastic the changes would be and where they stand on the signage and streetscape. Ms. Erem explained they are looking at possible changes to the interior which is driven by the operations function of the building which is driven by regulations from the health department and market demands as to what kind of rooms people are looking for. The need to maximize parking is still a work in progress as a small piece of the parking and 5 or 6 spots were not constructed, they just need some time. The signage and streetscape is status quo, the tree had to be taken down as it was not healthy. A question was asked about the interior changes affecting the addition on the south corner, the terraces. Ms. Erem does not have details but changes would be interior. Chairman DeCarlo stated and Ms. Erem agreed the purpose of the request tonight is to extend the approval of the application which was granted almost 3 years ago in the event it is decided to proceed with the plan.

Chairman DeCarlo asked the board attorney, Mr. Leibman, if there is any benefit to grant or not grant the extension. Mr. Leibman expressed there is no reason not to grant the extension three one year extensions are allowed under the statute, it is discretionary. Councilman Colucci asked if this sets a precedent. Our attorney answered no, each application stands on its own. There is one other informal request expected which we can judge on its own merits. Mr. Mottola inquired about the subsection referred to in Mr. Leibman’s correspondence with Ms. Erem. Mr. Leibman clarified the subsection being referred to was subsection A not D which he had originally referred to. Councilman asked if other approvals were needed and Ms. Erem stated the application has been sent to the county. Chairman DeCarlo noted the county’s approval is also needed before the June 30 deadline. All present are able to vote on this request being considered. The 2008 Permit Extension Act is due to expire in June and there is no expectation of any more extensions. Ms. Batistic commented that the site improvements are mostly done with the exception of six parking spaces.

**Motion** by Ms. Prisendorf seconded by Ms. Scavetta and carried by all present to approve the extension.

Mayor Subrizi was asked to return.

Chairman DeCarlo – there is nothing more under New Business, refer back to Old Business – review COAH Fee Ordinance. Mr. Leibman had met with a small committee to discuss changes to the Fee Ordinance. This was requested by the Mayor of Mr. Leibman as this was urgent. Chairman DeCarlo requested Mr. Mottola, Mr. Grygiel, Mayor Subrizi to attend along with Mr. Leibman and himself. A letter was crafted to Mr. Madaio outlining the changes which he signed earlier today. The Revised Ordinance covers everything that was discussed. It will be on the governing body’s agenda shortly. Changes include – an addition to residential one or two family structure home less than a 500 sq. ft. expansion and less than 25% expansion, add a non-residential COAH Fee, change the language in the banking section as the bank mentioned is no longer used.

Mr. Grygiel gave a background on COAH. In 2008 when the Housing Element Fair Share Plan was adopted New Milford adopted the Affordable Housing Fee Ordinance which was adopted after the COAH mode but fees have not been collected. Now we find money is needed to pay for affordable housing activity, fees must be collected but not to hit homeowners doing minor modifications so the ordinance has to be amended to allow for this exception and to allow for the non-residential fees which are allowed to be collected.

Chairman DeCarlo asked Mr. Grygiel to explain the purpose of this fee. Mr. Grygiel continued that COAH allowed for municipalities to create affordable housing trust fund. A percentage of increased development 1.5% of increase of assessed value, non-residential 2.5%, and D variance is 6%. The funds go into Affordable Housing Trust Fund that can pay for creation of units by either purchasing land, building units, rehabilitating existing units; pay for professionals, administration costs that is in your housing element. It allows the governing body to pay for this type of housing without going into tax payers pockets.

Setbacks for front yards was brought up by Councilman Colucci as to why the neighbors’ measurements are needed when doing work in the front yard. Ms. Batistic explained it is not left and right of a property in question but within the block. The set back is 55 feet from the central line. The idea behind the ordinance is to have consistency within that block. Depending on where the houses on a particular block were built that could impact the aesthetic look. The set back is the average of the homes on that block and applies to the building not the stairs and some encroachment is allowed. When there is an application the surveyor supplies the information. Councilman Colucci feels the Zoning forms need to be changed. At the end of the year the Zoning Board reports on all variances which have been granted Ms. Batistic informed us. The amount of variances granted are looked at and if the Board feels the ordinance is not serving the intended purpose they can propose the need to change.

Another item Councilman Colucci brought forward is the current end to end commercial zone building to the property line. It concerns Main Street primarily and it could be dangerous. Mr. Leibman suggested to look further into it by taking a closer look at the area, drive through town and keep in mind what the town wants. Zoning would be needed to make changes. Ms. Batistic commented this only applies to the business use and not the residential properties.

There were no members of the public present for comments.

**Motion** by Mr. Mottola seconded by Ms. Scavetta and carried by all present to go into closed session at 8:06 p.m.

**Motion** by Ms. Scavetta seconded by Ms. Prisendorf and carried by all present to go into open session at 8:42 p.m.

Chairman DeCarlo reminded all the April 26 work session and the May 17 public session are both cancelled. The May 24 meeting will be combined and advertised as so.

As there was no further business **Motion** to adjourn was offered by Mr. Mottola seconded by Ms. Prisendorf and carried by all present.

Respectfully submitted,

Lisa C. Sereno

Recording Secretary