

**New Milford Zoning Board of Adjustment  
Special Meeting  
April 24, 2014**

Acting Chairwoman DeBari called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:30 pm and read the Open Public Meeting Act.

**ROLL CALL**

Mr. Binetti	Recused
Ms. DeBari	Present
Mr. Denis	Present
Father Hadodo	Recused
Mr. Ix	Present
Mr. Loonam	Present
Mr. Rebsch	Absent
Mr. Stokes	Recused
Mr. Schaffenberger-Chairman	Recused
Ms. Batistic – Board Engineer	
Mr. Sproviero – Board Attorney	Present

The Board Attorney said that Mr. Schaffenberger was in the audience but since he has recused himself from this application he would not enter an appearance on the dais for this meeting.

**PLEDGE OF ALLEGIANCE**

**OLD BUSINESS**

**12-01 New Milford Redevelopment Associates, LLC- Block 1309 Lot 1.02-  
Mixed Use Development- Supermarket, Bank and Residential Multifamily Housing  
Height, stories, building and impervious coverage, use and parking**

The Board Attorney said the purpose of this special meeting was to memorialize the resolution with respect to 12-01 New Milford Redevelopment Associates, LLC designated as Block 1309 Lot 1.02. There was a resolution that has been disseminated to the voting Board Members which is titled as *A resolution of the Zoning Board of Adjustment of the Borough of New Milford, New Jersey, memorializing the Board's denial of the application of New Milford Redevelopment Associates, L.L.C. for use variance, height variance, parking variance, building coverage variance, impervious coverage variance, permitted stories variance, signage variance and preliminary and final site plan approval regarding a proposed inclusionary mixed use development at properties known and designated as lot 1.02, block 1309 in the Borough of New Milford, New Jersey.* The Board Attorney said the resolution was comprised of 28 pages attached

to it was a table of exhibits marked as “schedule A”. Mr. Sproviero said the resolution was disseminated yesterday to the Board Members which he asked them to read and share their comments with him. The Board Attorney received comments from Mr. Ix, Mr. Loonam and Ms. DeBari. Mr. Sproviero stated that he also went over the resolution with Ms. Batistic and Mr. Grygiel. He supplied a copy of the resolution to Mr. Del Vecchio. The Board Attorney read into the record correspondence received April 24, 2014 from Mr. Del Vecchio reading *Dear Mr. Sproviero: Thank you for the courtesy of forwarding a draft copy of the resolution intended to be considered by the Board at this evening’s meeting. We received your final draft earlier this afternoon. We do not endorse the account of the evidence or legal analysis presented at the hearings as set forth in the draft resolution. Please provide me with a copy of the resolution as adopted by the Board this evening by email tomorrow if at all possible. Very truly yours, Antimo A. Del Vecchio*

The Board Attorney believed the resolution was the recount of the evidence and legal analysis that accurately reflects their finding of facts and conclusion of all with respect to the application. Mr. Sproviero said what he thought was not important but rather what the Board Members thought was important. He asked the Board members if they all reviewed the resolution. All members acknowledged they reviewed the resolution.

Ms. DeBari asked the members if they had any questions regarding the resolution. The Board Attorney asked the members if they all agreed and were satisfied with the recitation of the evidence, legal analysis and the conclusion to the findings contained in the resolution and in particular with respect to paragraph 42 which embodied those factual findings and legal conclusions. Ms. DeBari felt the Board Attorney did an outstanding job with the resolution and that he covered everything. She did not think anything was missing and was very pleased with the resolution. The Board Attorney thanked Ms. DeBari but added that Ms. Batistic and Mr. Grygiel were instrumental in helping him with the resolution.

Mr. Sproviero asked the Board if they had any questions, comments, concerns or any hesitation with the adoption of the resolution. The Board Attorney said the record would reflect that no one has expressed any concerns, reservations or comments. He said the time has come to consider a motion for the adoption of memorializing the resolution.

Ms. DeBari said this needed to be or close to be a perfect resolution because this would be something he would have to defend when this went to an appeal. She felt confident that Mr. Sproviero would be able to defend their standing and thought he did a wonderful job.

The Board Attorney said this resolution was right for a motion to approve and vote thereon:

Motion made by Mr. Denis, seconded by Mr. Ix.  
**The motion** passed on a roll call vote as follows:  
For the motion: Members Denis, Ix, Loonam, DeBari.  
Approved 4-0

The Board Attorney said this resolution was accordingly memorialized.

As there was no further business to discuss, a motion to close was made by Mr. Ix, seconded by Mr. Loonam and carried by all.

Respectfully submitted,  
Maureen Oppelaar