

New Milford Zoning Board of Adjustment

Work Session

10 13 20

Virtual meeting (zoom)

Approved
11/10/20

Chairman Weisbrot called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:32 pm and read the Open Public Meeting Act.

ROLL CALL

| | |
|-------------------------------|---------|
| Mr. Adelung | Present |
| Jared Birnbaum | Present |
| Ms. DeBari | Absent |
| Ms. Hittel | Present |
| Mr. Levine | Absent |
| Mr. LoPorto | Present |
| Mr. Rebsch | Present |
| Mr. Weisbrot -Acting Chairman | Present |
| Mr. Sproviero - Attorney | Present |
| Ms. Batistic-Engineer | Present |

The Chairman stated they were swearing in a new/old member. He added that the zoning board has been a significantly better body because of his presence and was extremely grateful that he was back.

The Board Attorney was in receipt of correspondence issued by the Borough Administrator dated August 25, 2020 confirming that the Mayor and Council has appointed Mr. Joseph Loonam as a member of the Zoning Board of Adjustment for the unexpired term of their former Chairman Karl Schaffenberger which expires on December 31, 2020.

The Board Attorney asked Mr. Loonam if he was prepared to assume this appointment. Mr. Loonam agreed. The Board Attorney swore in Mr. Loonam.

The Chairman spoke about leadership and organization.

REVIEW MINUTES OF THE WORK SESSION – August 08, 2020

The Board Members reviewed the minutes and there were no changes.

REVIEW MINUTES OF THE PUBLIC SESSION – August 08, 2020

The Board Members reviewed the minutes and there were no changes.

DISCUSSION ON REVISIONS OF FILING FEE AND ESCROW MODIFICATIONS

The Board Attorney stated that the board was out of step with what they were charging by way of filing and escrow fees. It was his understanding that the Planning Board has recently made a recommendation that their filing and escrow fees be modified and increased. The Board Attorney said any action taken with regard to this, had to be by way of request for an ordinance before the

Mayor and Council. The Board Attorney said the zoning board, planning board and mayor and council recognize that this fee structure has not been modified for at least 15 years.

Ms. Batistic recommended that the board look at different municipalities fee schedules.

Ms. Hittel asked what was the purpose of the fees. Mr. Sproviero answered to cover the costs of the professionals.

The Board Attorney said they want to be in the position, in those applications where the relief was denied, that the professionals are paid what they have billed.

Mr. Adelung was concerned if the initial escrow check becomes problematic because of the dollar amount.

The Chairman suggested that next month, the members be prepared to discuss what other neighboring towns were charging in way of fees. The Board would then be in a better position to make a request to the Mayor and Council.

Mr. Loonam also said some applications might need a few meetings. He asked if the fee schedule should be based on a combination of simple vs super majority and the anticipated number of meetings for the initial escrow.

Ms. Batistic said for a simple residential add a level application there was no engineering involved. If there was drainage involved, she would need to review seepage pit and drainage calculation.

Mr. LoPorto thought we should look at some of the larger municipalities that have some complex applications instead of just the adjacent towns. The Chairman agreed they need a mix.

The Board Attorney said the application regarding the challenge to the zoning officer's determination at 680 Plypmtton would be on the agenda in November. The Board conducted a lengthy public hearing in February 2020 and there were discussions on soil and height calculation. The Board Attorney said now all that has been completed. Since there was not going to be a meeting in advance of the November meeting for issue identification purposes and potentially resolution of those issues, the board attorney's recommendation was to put the application on the November agenda. The board would hear from the zoning officer on a timeline of what has happened since February. The board will make a determination on the appeal. The Chairman asked the board members to review the February minutes.

Motion to close the work session was made by Mr. Rebsch, seconded by Mr. Birnbaum and carried by all.

**New Milford Zoning Board of Adjustment
Public Session
October 13, 2020**

Chairman Weisbrot called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:40pm and read the Open Public Meeting Act.

ROLL CALL

| | |
|-------------------------------|---------|
| Mr. Adelung | Present |
| Mr. Birnbaum | Present |
| Mr. DeBari | Absent |
| Ms. Hittel | Present |
| Mr. Levine | Absent |
| Mr. Loonam | Present |
| Mr. LoPorto | Present |
| Mr. Rebsch | Present |
| Mr. Weisbrot -Acting Chairman | Present |
| Ms. Batistic -Engineer | Present |
| Mr. Sproviero - Attorney | Present |

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE WORK /PUBLIC SESSION – August 11, 2020

Motion to accept the minutes was made by Mr. Rebsch, seconded by Ms. Hittel and carried by all.

The Chairman said the resolution for the modifications of filing and escrow fees were discussed in the work session and would be tabled to November or December to revisit the filing fees and escrow modifications.

The Board Attorney said without getting into the specifics of an application, it was his understanding that the applicant did a lot business in town as a mortgage/insurance broker. The Board Attorney gave the name of the applicant and asked if any board members foresee any conflict with respect to the ability to render a fair and unbiased determination with regard with this applicant.

Some of the members had done business with the applicant but felt they could hear the application. There was discussion on the actual conflict and the appearance of a potential conflict in which the integrity of the board might be questioned. The Chairman said the members could think about it for a month and did not have to decide today.

Mr. LoPorto asked on a procedural basis does a recusal on a specific application or a specific vote within a meeting affect our ability to have a quorum. Mr. Weisbrot said a quorum is voting

members so if you don't vote you would not be counted in the quorum. The Board Attorney said it would be only for that application.

Motion to open to the public was made by Mr. Rebsch, seconded by Mr. Birnbaum and carried by all.

No one wished to speak.

Motion to close to the public was made by Mr. Loonam, seconded by Ms. Hittel and carried by all.

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

Respectfully submitted,
Maureen Oppelaar