

Approved  
October 20,  
2020

## BOROUGH OF NEW MILFORD

### PLANNING BOARD PUBLIC SESSION MINUTES VIRTUAL MEETING September 15, 2020

Chairman DeCarlo called the meeting of the New Milford Planning Board to order at 7:30 p.m. The Chairman read the Open Public Meeting Act, The Pledge of Allegiance was recited.

#### ROLL CALL

**Members Present:** Mr. Howard Berner, Ms. Kerri Capasso, Mr. John DaCosta, Councilwoman Hedy Grant, Councilman Ira Grotzky, Mr. Frank Mottola, Mr. Tomy Thomas, Ms. Tina DeLucia Alt. 1, Mr. Nicholas Ramirez Alt. 2, Mr. Arthur Neiss – Atty., Mr. Kevin Boyer – Engineer and Chairman Angelo DeCarlo. **Absent:** Ms. Joanne Prisendorf **Excused:** Mr. Paul Grygiel – Planner

Chairman DeCarlo announced with the absence of one member, Ms. DeLucia first alternate, would be a voting member for tonight.

**Minutes:** Chairman DeCarlo entertained a motion to adopt the May 26 minutes as printed. Ms. DeLucia made the motion second by Mr. Berner all in favor none opposed. Chairman DeCarlo entertained a motion to adopt the July 28 minutes as printed. Ms. DeLucia made the motion second by Ms. Capasso all in favor none opposed.

**Application #20-01:** Site plan and variance approval, Bank of America, 904 River Road Due to the interruption of the last meeting board attorney, Mr. Neiss, and the applicant's attorney, Ms. Diane Hickey agreed the need to put on record the unanimous decision that the application is complete. Chairman DeCarlo entertained a motion, Mr. Berner made the motion second by Ms. DeLucia all in favor none opposed.

Ms. Diane Hickey of Riker Danzig Sherer Hyland Perretti LLP representing Bank of America, 904 River Road Block 502 Lot 5 for preliminary and final site plan approval and bulk variance to upgrade existing site lighting. Mr. Anthony Albano of Stonefield Engineering & Design, project manager, 92 Park Avenue, Rutherford, New Jersey was introduced as witness and sworn in by Mr. Neiss. His qualifications include: degree in engineering Rensselaer Polytechnic Institute, practicing in field of engineering over 10 years, licensed profession in New Jersey, and accepted as witness in front of multiple boards. Mr. Albano's qualifications were accepted by the board with no objections. Mr. Albano described the site and existing lights. To upgrade the site lighting and bring it into compliance with state code 2-foot candles are needed when there is an ATM and additional 10-foot candles are needed near access points. Pole lighting will be upgraded. The utility poles are not considered as the bank has no control of those. The remaining lights will be upgraded. Mr. Neiss questioned the Y1 light which is not bank owned and is a utility pole. There is no history known as to the reason for that pole being on the bank

property. At this time Mr. Albano mentioned the historical society's concern of disturbance to the cemetery located next to the property. The light pole is a significant distance but if there are any special construction provisions the town would like them to follow they will work with the town. Per the engineer's letter the bank will show the conduit runs proposed and how they tie in. The bank has a national system that monitors lights which enables them to stay in compliance. Chairman DeCarlo questioned the possibility of removing the utility pole from the property and the bank placing their own which would enhance the site. After much discussion Mr. Boyer suggested adding a conforming light pole. The members agreed to the finger location by the driveway of the parking. Mr. Boyer will make the request to Mayor and Council and PSE&G to have their light pole removed. In agreement to add the additional lighting there will be no additional cost to the applicant for the removal. The resolution should reflect language that will not delay the project.

Ms. Hickey and Mr. Albano addressed the bulk variance which provides a safe environment to use an essential service to the general public and conforms to state mandates. There is no impact to adjacent properties. The tree and shrub trimming are to ensure the lighting requirements are met and lights are not obstructed. One tree will be relocated and will clarify with board professionals for the new location.

At this time Ms. Hickey asked the board approve the bank's application for preliminary and site plan approval with the variance. As conditions they will work with the board's professionals to relocate the tree, work with the board engineer to locate an additional light pole adjacent to the driveway entrance, join with the town request to have the utility pole removed by PSE&G at their expense, would work with the HPC if necessary.

Per Chairman DeCarlo let the record reflect there are no members of the public present.

There being no further questions or comments Chairman DeCarlo entertained a motion. Ms. Capasso made a motion to accept the plan and variance with the conditions Ms. Hickey set forth second by Ms. DeLucia. Roll call vote in favor: Mr. Berner, Ms. Capasso, Mr. DaCosta, Councilwoman Grant, Councilman Grotsky, Mr. Mottola, Mr. Thomas, Ms. DeLucia and Chairman DeCarlo, none opposed.

**Ordinance:** the recommendations were sent to the zoning board. Chairman DeCarlo expressed that the fees should be established by the Mayor and Council and should be separate. Mr. Mottola commented all the fees for the boards should be one menu which members agreed. It was suggested and agreed to include all applications to also be submitted digitally.

Mr. Neiss indicated these recommendations can be submitted to the Mayor and Council by memo. We will wait for response from the zoning board.

In reference to fees Mr. Boyer indicated our fees are similar to the majority of the surrounding communities. He suggested to base fees on size such as acreage/parking.

The next public meeting is scheduled October 20, 2020 at 7:30 p.m.

The September 22 meeting is cancelled.

There being no further business Chairman DeCarlo entertained a motion to adjourn. Motion made by Mr. DaCosta second Ms. Capasso at 9:30 p.m., all in favor none opposed.

Respectfully submitted,  
Lisa C. Sereno