

Approved  
January 17,  
2023

**BOROUGH OF NEW MILFORD**  
**PLANNING BOARD**  
**Public Session – Online Virtual Meeting**

**April 19, 2022**

Chair Mottola called the meeting of the New Milford Planning Board to order at 7:37 pm. The Chair read the Open Public Meeting Act, there was no flag available to salute.

At this time board attorney Arthur Neiss administered the oath to Art Zeilner our new member.

**ROLL CALL**

**Members Present:** Mr. John DaCosta, Ms. Tina DeLucia, Mr. Jeffrey Forster, Councilperson Hedy Grant, Councilperson Ira Grotsky, Ms. Tammi Kaminski, Mr. Frank Mottola, Mr. Chirag Trivedi, Mr. Art Zeilner,

Mr. Arthur Neiss – Atty., Mr. Kevin Boyer Eng., and Mr. Paul Grygiel – Planner

**Absent:** Mr. Jim McCarten **Excused:** Mr. Avery Hoffman

**Minutes:** January 18 – after minor corrections a motion was made by Councilperson Grotsky to approve the minutes with changes second Ms. DeLucia All in favor, none opposed. Abstained: Mr. DaCosta.

**Communications** – New Jersey Planner - January/February issue. Chair Mottola recommended the cover article about combined uses be read by all members.

**New Business:** - 265, 269, 273 Main Street application.

Benjamin Wine, attorney for the applicant, block 1307 lot 6, 7 & 8 located in the B business zone is applying preliminary and final site plan relief with a variance for parking. The property consists of 3 separate lots to remain. Lot 6 is a 2story mixed use, 1 dwelling unit above ground floor commercial-nail salon. Lot 7 is a two-story mixed use, 1 dwelling unit above ground floor commercial space, accountant office plus detached garage in rear. Lot 8 which is the substance of this application consists of 1 ½ half story commercial space which houses the applicant's office and storage facility with ½ story attic space. The applicant proposes to construct full second story addition in order to utilize the ground floor as commercial with 3 residential dwellings on the second floor. Site improvements will include added parking to decrease the deficiency per borough ordinance.

Stormwater management infrastructure although not required, the removal of the detached garage from lot 7 to add proposed parking plus correcting shared access and parking to formalize and legalize an access and parking easement.

The variance is for the number of parking spaces, proposed is 20 for entire property of a 29.3 required spaces.

Per Mr. Grygiel's comments for needed variances 1 of 3 units was proposed under the dwelling unit size requirement which will be corrected. The proposed canopy will be within the 2 ft overhang permitted.

Mr. Wine indicated letters were received from the engineer, planner, environmental commission, police and fire departments and DPW. All items will be addressed.

Chairman Mottola confirmed with board attorney Mr. Neiss found notices to be adequate for board jurisdiction, the notice included statement for any other variance the board deems necessary. Mr. Boyer, borough engineer, stated the application was substantially complete although the application checklist was not included with submission. Noted Borough Land use regulations sections 30-11.2 & 30-16.5 have technical requirements, what has been provided and what exceptions are requested.

The chairman indicated the site plan was found to be lacking in details, the checklist was not included as the waivers were not indicated. The standard for determination of the site plan is based on the checklist.

Per the chairman's question the board did agree to continue with the application to hear the testimony of the professionals as they were present.

Attending are Robert Zampolin – project architect, Josh Klein – Stonefield Engineering (civil and traffic), John McDonough – professional planner also in attendance the applicant is with Mr. Zampolin.

Sworn in by Mr. Neiss, Robert Zampolin, 187 Fairview Avenue, Westwood, licensed in New Jersey since 1985 oversaw plans submitted and testify as expert in architecture has appeared and accepted previously by other boards license is current. Mr. Zampolin most changes will be on lot 7 with no change of footprint to the ground floor. The lobby/entrance to the second-floor apartments and a new 9' x 8' overhead access door to the commercial storage space are the changes to the first floor. The second floor will cantilever over the front and will consist of 3 one-bedroom apartments.

Chair Mottola opened to members of the public for questions to the architect.

Paul Tsao 213 Eagle Avenue west of lot 8. No issues with neighbor. Mr. Tsao expressed concern of condenser location/noise. Mr. Zampolin expressed the owner stated if 2<sup>nd</sup> condenser is issue theoretically they can put a ptaq as well. Mr. Tsao questioned the 2<sup>nd</sup> story window on west side are recessed compared to others. Mr. Zampolin the fire codes indicate the need to be 5' away from property line. The 2<sup>nd</sup> story wall will be 1-hour fire protected. All egress requirements are met.

There are no other questions from public.

Mr. Wine introduced Josh Kline, civil and traffic engineer whom Mr. Neiss swore in as an expert in his field. Mr. Kline is with Stonefield Engineering and Design, 92 Park Avenue, Rutherford, NJ 07070, educated at University of Vermont, 8 years of experience, licensed in good standing New Jersey, has been qualified as licensed civil and traffic engineer by numerous New Jersey

land use boards.

Chair Mottola accepted Mr. Kline as an expert in the field of civil and traffic engineering.

Mr. Kline stated he has reviewed plans being presented which are from a different firm. He is starting with the site plan. Mr. Neiss questioned the aerial view which was not submitted previously. Mr. Wine asked this to be introduced as a demonstrative exhibit. Per Mr. Neiss this will become part of the record which may need a redesign for the board's consideration. Mr. Kline described the changes to the site plan indicating bringing entrances and parking to ADA compliance. Improvements to storm water management, intrusion to neighbors, traffic and pedestrian flow and centralized parking.

Chair Mottola opened to members of the public for questions to the architect.

Following the testimony and discussions of each professional for the applicant the board requested the following items to be addressed and included on an updated plan:  
Signage, landscaping, lighting, stormwater, fencing, ADA parking, size of condensers and location, size of dwelling unit to eliminate variance, canopy to conform, ADA doorways, size of parking spaces, garage entrance conflict with residential parking, traffic flow for resident parking, number of parking spaces required per ordinance,

There being no further questions from the board members or board professionals it was decided due to all the technical/completeness comments and corrections/additions/revisions requested to the plans more time will be needed to prepare for the next meeting.

The application will be carried to May 24, no further public notice is needed. This meeting will be virtual.

It was decided to carry this application to May 24 no further public notice is needed. This will be virtual.

**Old Business:** application form and checklist. Frank page 1 add lines for preliminary site plan no variance and preliminary site plan variance along with final site plan variance and final site plan no variance to be checked by applicant. The checklist is not found in the borough ordinance and this needs to be corrected. Paul was asked to review the checklist and see if it is included in the borough ordinance.

**Other Business** – none

**Public comments** – there are no members of the public present.

Next week meeting on May 17 is cancelled.

There being no further business Chairman Mottola entertained a motion to adjourn. Motion made by Mr. DaCosta second by Ms. DeLucia at 10:45 p.m., all in favor.

Respectfully submitted,  
Lisa C. Sereno

