

Approved  
12/20/2022

## BOROUGH OF NEW MILFORD

### PLANNING BOARD

Public Session

November 15, 2022

Mr. John DaCosta called the meeting of the New Milford Planning Board to order at 7:30 pm. Mr. John DaCosta read the Open Public Meeting Act. The Pledge of Allegiance was recited.

#### **ROLL CALL**

**Members Present:** Mr. John DaCosta, Mr. Jeffrey Forster, Ms. Casey Hittel, Mr. Avery Hoffman, Councilperson Hedy Grant, Councilperson Ira Grotsky, Ms. Tammi Kaminski, Mr. Lee King, Mr. Kevin Boyle, and Mr. Jason Cherchia - Attorney

**Absent:** Chirag Trivedi

**Excused:** Mr. Art Zeilner, Mr. Arthur Neiss – Attorney and Mr. Paul Grygiel – Planner

A motion was made to approve the Minutes for the October 18, 2022 by Ms. Tammi Kaminski, seconded by Ms. Casey Hittel All in Favor. None opposed. Motion passed.

#### **eCommunication:**

Chairperson DaCosta discussed the draft ordinance from our planner Mr. Paul Grygiel regarding the Master Plan review which was introduced to the Mayor and Council on October 17, 2022. Engineer Kevin Boyle offered information about the flood hazard ordinances regarding homes in the floodplain and the elimination of variances for houses being raised.

#### **New Business:**

Chairperson DaCosta asked if there is anything in this ordinance that we should consider as part of the master plan. Mr. Kevin Boyle stated that we should look at other properties in the town for comparison and decrease the burden of having homeowners to apply for variances for height above the floodplain. Councilperson Grotsky stated that the actual ordinance is creating a new zoning zone which is AE.

Ms. Casey Hittel asked a question about 30-21.9 Base of Structures “b” regarding why place something in a flood zone that would require maintenance in the event of a flood (i.e. siding, all things enclosing the structure). Kevin Boyle stated that it is for aesthetics but there will be flood gates on any façade to allow flood waters to pass through freely. Ms. Casey Hittel stated that in the past she witnessed a displaced water heater that rolled down the river and doesn’t necessarily agree with the thought that large objects wouldn’t be going through these structures. Mr. Kevin Boyle replied to the concern stating that the AE zone is a floodplain, there are zones within that –

that are called floodways where high velocity water flows through and that's where you get objects that cause damage.

Councilperson Hedy Grant stated that the board's primary responsibility is to determine if this ordinance is consistent to the Master Plan.

Mr. Jeffrey Forster asked the question if the 30-21.9 covers residential A, is there something that covers residential B. At this time, it was discussed whether the engineer meant AE zone.

Ms. Casey Hittel asked about the importance of eliminating open air visibility in a structure in a residential area and if it is preferred. Mr. Kevin Boyle replied stating that it is preferred because if left open underneath it will become a habitat for wildlife and enclosing it will eliminate that as well for aesthetics. Ms. Casey Hittel then asked if it's a flood prone area, would enclosing the structure cause a habitat for bacteria, mold and after effects of flooding. Mr. Kevin Boyle replied that since it's an open structure so that flood banks that do allow airflow and waterflow through it, that you could get mold and bacteria there but it is more maintenance nothing different than a crawl space. Ms. Tammi Kaminski added that there are shore houses that are raised to allow airflow and the water doesn't affect the first floor and the air is able to dry within. Chairperson DaCosta added that the problem is when you enclose it and it is exposed to moisture; you're going to want to leave the exterior open so it does breathe. Mr. Kevin Boyle stated that the building code requires two things, one is flood vents below to allow flood waters in and out and two is air vents higher up to allow air flow from the interior leading to the basement/crawl space to eliminate stagnant area of air where it does get wet.

Chairperson DaCosta stated that we need to get clarification from Mr. Paul Grygiel whether the forth bullet point of the draft ordinance was meant to state "Residential AB" or "Flood Hazard Zone AE". Board secretary was asked to verify with Mr. Paul Grygiel and will get back to the board.

Chairperson DaCosta called for a motion to recommend to the Mayor and Council that the draft ordinance is consistent with the Master Plan. Councilperson Grotsky stated recommendation with change of AE, it was then brought up that the AE was on the memo and not the ordinance.

Chairperson DaCosta again asked if could make a motion to make the recommendation to inform the Mayor and Council. Ms. Casey Hittel then asked Councilperson Hedy Grant if there is anything that would be inconsistent with the Master Plan, Councilperson Hedy Grant answered that since the board will be reviewing the Master Plan next year that this ordinance would be part of if so if there is something inconsistent it could be addressed at that time.

A motion was made to recommend the draft ordinance is consistent with the Master Plan to the Mayor and Council by Ms. Casey Hittel, seconded by Mr. Jeffrey Forster.

The motion passed on a roll call as follows:

Members	Yes	No	Abstain	Absent
Councilman Ira Grotsky - C I	√			
Tammi Kaminski - C II	√			
Councilwoman Hedy Grant - C III	√			
Casey Hittel - C IV	√			
John DaCosta, Jr. - C IV	√			
Jeffrey Forster - C IV	√			
Avery Hoffman - C IV	√			
Art Zeilner - C IV				√
Alt. 1. Lee King	√			
Alt. 2 Chirag Trivedi				√

Motion Approved 8-0 at 7:53 pm.

**Active Business:**

**Master Plan Re-examination:**

Chairperson John DaCosta asked Attorney Jason Cherchia if the Master Plan needs to be reviewed and published by May 2024 at which time Attorney Jason Cherchia confirmed that to be true since it has to be done every ten years and the last re-examination was done in May of 2014. Chairperson DaCosta asked Attorney Cherchia to advise the board what their roles and responsibilities are as the Planning Board to the Master Plan re-examination. Attorney Cherchia explained that the board will oversee the process with the planners as they will consider items such as development trends, affordable housing in the borough, and potential areas that need to be redeveloped. The attorney went on to explain that the planner will then put a proposal together based on those factors that the board will review, determine how much in resources should be put into those items and oversee the process.

Councilperson Grotsky stated that a budget is needed and asked Chairperson DaCosta to speak with Mr. Paul Grygiel and get a cost to review the plan. Also stated, the planning board secretary is responsible for getting the copies of the Master Plan to the board members and that needs to be added to the budget. Chairperson DaCosta asked the engineer Mr. Kevin Boyle for his budget for the re-examination. Mr. Kevin Boyle indicated that it is mostly the planner that is involved but he will be there to answer questions. Councilperson Ira Grotsky stated the attorney will be there to review the Master Plan and Attorney Cherchia agreed.

Councilperson Hedy stated that Mr. Paul Grygiel is very familiar with plans since he's been the borough planner for several years. Mr. Kevin Boyle indicated the engineer Mr. Paul Grygiel will

need the year end reports of variances from both the Planning Board and Zoning Board to see if there are any trends in any variances.

Chairperson John DaCosta stated that he will get the budget in and will work with Councilperson Hedy Grant. Mr. Lee King asked if the entire re-examination process takes one year. Mr. Kevin Boyle answered that it depends how much is being updated and changed but he would anticipate a year. Councilperson Grant also stated that if it hasn't been done in a long time there have been changes and that it is an intense process.

**Dates for the Environmental Resource Index:**

Ms. Tammi Kaminski spoke about the ERI presentation that was done by the Environmental Energy Commission and the Northern NJ Community Foundation. She stated that the presentation will be posted on the website (*The planning board members had copies of the slides from the presentation at the meeting*). Ms. Kaminski stated that the presentation is just giving an idea of what the goals are in creating the ERI. Chairperson DaCosta asked Ms. Kaminski to explain what the ERI is. Ms. Kaminski explained that the Environmental Resource Inventory (ERI) is taking a snapshot of your natural resource inventory such as, types of trees, types of animals, endangered species, flood areas and such. The ERI is an intensive detailed report and the goal to its completion is March 2023. The ERI has already been started this month with a series of tasks assisted by Mr. Paul Grygiel and will be meeting monthly to make sure all the processes are going through. Ms. Kaminski stated that she can give a monthly status if requested and ERI is still in the beginning stages and Chairperson DaCosta stated that this would be great input for the re-examination of the Master Plan. Ms. Kaminski agreed, stating that it is well needed to understand the scope of New Milford and what we have so that the proper decisions can be made in the future. Chairperson DaCosta asked the board if they would be open to a presentation when the ERI is completed, several voiced their approval.

Councilperson Ira Grotzky stated that dates for next year's meetings need to be voted on. Chairperson DaCosta stated that it will be discussed after the by-law model rules in active business.

**By-law model rules and appointment of subcommittee:**

Chairperson DaCosta asked if there were any restrictions with the number of members in a subcommittee, Councilperson Grant stated that typically you don't want any more than three. Chairperson DaCosta and Councilperson Grant volunteered to be on the subcommittee. Councilperson Grant stated that Mr. Arthur Neiss would also work with them on the subcommittee. Councilperson Grotzky asked if a committee is formed at the end of the year, does it expire and would it have to be redone again in January. Discussion amongst the board indicated that it wouldn't be a problem. Chairperson DaCosta stated that dates would be worked out for the subcommittee to meet and have it ready for the team in January.

**Next year's meeting schedule:**

A motion was made to approve and publish next year's scheduled meetings by Ms. Tammi Kaminski, seconded by Ms. Casey Hittel. All in favor. None opposed.

**Public Session:**

A motion to Open the meeting to the public was made by Councilperson Hedy Grant and seconded by Ms. Tammi Kaminski. All in Favor. None opposed. The meeting is now in public session.

Jason Cojamarco – First St. Hackensack, NJ. Mr. Cojamarco asked in terms of the Master Plan, if there are any plans for roadway, asphalt, and re-pavement programs. Chairperson DaCosta explained that it's not part of the Master Plan. Councilperson Grotsky also replied, telling Mr. Cojamarco that those programs go through the Mayor and Council but that the planning board does have discretion. Mr. Cojamarco stated that Teaneck has a program where streets get chosen to get redone, then asked if New Milford has a similar program. Councilperson Grotsky stated that it is done every year in New Milford. Councilperson Grant asked if that was done through the planning board or the council, Mr. Cojamarco was not sure. Councilperson Grotsky explained that it is done with grant money, that in 2024 the county is supposed to pave all the county roads in New Milford. Ms. Casey Hittel went on to explain to Mr. Cojamarco what some of the functions of the planning board are and that the ordinances are being followed.

No other members of the public.

A motion to Close the meeting to the public was made by Councilperson Hedy Grant and seconded by Ms. Casey Hittel. All in favor. None opposed. The meeting is now closed for a public session.

At this time, it was decided by the board to cancel the work session meeting scheduled on November 22, 2022, and keep the meeting scheduled for December 20, 2022.

Mr. Jeffrey Forster wanted to make a note of the passing of Tina DeLucia, that the board give an expression of sympathy and condolences to her family or a statement of gratitude for her service to the borough and planning board. Councilperson Grant spoke how Tina was an extraordinary, long-term member of the planning board and how her analytical abilities were amazing. Tina's family asked any donations be made to the New Milford Public Library.

There being no further business, a motion to adjourn the meeting at 8:17pm was made by Chairperson DaCosta and seconded by Mr. Lee King. All in favor, none opposed.

Respectfully submitted,

Yunyska A. Prediger