

Approved
5/12/15

**New Milford Zoning Board of Adjustment
Work Session
March 26, 2015**

Chairman Schaffenberger 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

Ms. DeBari-Vice Chairwoman	Present
Mr. Denis	Present
Mr. Joseph	Present
Mr. Loonam	Present
Mr. Rebsch	Present
Mr. Stokes	Present
Mr. Weisbrot	Absent
Mr. Schaffenberger-Chairman	Present
Mr. Sproviero - Attorney	Present

REVIEW OF MINUTES

The Board Members reviewed the minutes for February 10, 2015 and there were no changes.

OLD BUSINESS

**13-02B Alex & Sons Real Estate – 391 Madison Avenue – Block 1211 Lot 32
Two duplexes on a single lot with two units per building
Use, front yard and height**

The Chairman noted there was a letter from Boswell Engineering regarding the soil moving permit calculations. The Board Attorney added it also stated, in the event approval be granted, a developer's agreement should be prepared to memorialize the applicant's responsibilities and obligations.

The Chairman stated there was a DPW referral letter dated 1/28/15.

The Board Attorney noted it has been the applicant's position in the past to have all seven voting members. Mr. Sproviero anticipated that because there was not a seven member board ready to vote on the application, they would not be moving forward on a vote this evening.

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

**New Milford Zoning Board of Adjustment
Public Session
March 26, 2015**

ROLL CALL

Mr. Adelung	Present
Ms. DeBari- Vice Chairwoman	Present
Mr. Denis	Present
Mr. Joseph	Present
Mr. Loonam	Present
Mr. Rebsch	Present
Mr. Stokes	Present
Mr. Weisbrot	Absent
Mr. Schaffenberger-Chairman	Present
Mr. Sproviero - Attorney	Present

PLEDGE OF ALLEGIANCE

The Chairman was in receipt of a letter dated March 5, 2015 addressed to the Mayor, Council and Zoning Board Members from Joseph Binetti. He read the letter into the record regarding his resignation due to personal reasons. The Chairman stated that he spoke to Mr. Binetti and thanked him for his dedicated service and wanted to make the comment publically.

The Board Attorney explained that Mr. Rebsch was appointed to fill the unexpired term of Mr. Binetti at the March 23rd Mayor and Council meeting. This created a vacancy for the Alternate 2 member which was previously held by Mr. Rebsch. The Mayor and Council appointed Mr. Adelung to fill that unexpired term.

The Board Attorney swore in Mr. Rebsch as a full member with a term expiring 12/31/18 and Mr. Adelung as an alternate with a term expiring 12/31/15.

OFFICIAL MINUTES OF THE WORK SESSION – February 10, 2015

Motion to accept the minutes were made by Mr. Loonam, seconded by Mr. Stokes and carried by all.

OFFICIAL MINUTES OF THE PUBLIC SESSION – February 10, 2015

Motion to accept the minutes were made by Mr. Stokes, seconded by Mr. Rebsch and carried by all.

OLD BUSINESS

13-02B Alex & Sons Real Estate, LLC – 391 Madison Avenue – Block 1211 Lot 3 Two duplexes on a single lot with two units per building

The Board Attorney said it has been the applicant's position in the past to request a full complement of seven board members to vote on the use variance application. He explained Mr. Adelung would be the seventh member. Mr. Sproviero presumed the new member has not had the opportunity to listen to the tape or read the transcript from the prior proceeding with respect to this application. Mr. Adelung agreed. The Board Attorney clarified there were six voting members this evening. Mr. Alampi said this was a case that has been adjourned from time to time by himself on behalf of the applicant but since tonight was not a regular scheduled meeting date they did provide notice of publication. The applicant received the Boswell letter regarding the soil movement permit. He added if this application was approved for the use variance and site plan, the Board would be authorized to approve the soil movement permit. The Board Attorney agreed and added there was also a recommendation for the developer's agreement.

Mr. Alampi felt the new member would need a couple of weeks to review the matter. Mr. Alampi would rather sum up and encapsulate the case after the board member has had an opportunity to review all the evidence. He added there was no new testimony or evidence but indicated to the Board that they were attempting to reconcile some issues. He said there might be some adjustment to the site plan and if it was minor due to field changes, he would not resubmit it with new publication. If it was significant, he would have a new notice to the public. Mr. Alampi said there is some discussion regarding the position of the structures. Mr. Alampi asked to have the meeting carried to the May 12, 2015 meeting and agreed to extend the time period for the board to render a decision through May 30th.

Ms. DeBari had a conflict for the May 12th meeting. The Board Attorney said the two new members recused themselves from this application. He added their recusal was predicated upon a vote that was anticipated to take place within days after their appointment. Those circumstances no longer exist and Mr. Joseph was asked if he felt he was in a position to go thru the prior transcripts and recordings. Mr. Joseph would listen to the recordings.

The Chairman clarified there was a personnel change on the Board which was not anticipated. The applicant needs five affirmative votes for this application and wants the full seven board member vote. Mr. Alampi had a conflict with the April 14th meeting date so the application would be heard on the May 12th agenda.

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

Respectfully submitted,
Maureen Oppelaar