

Approved
8/12/14

**New Milford Zoning Board of Adjustment
Work Session
July 8, 2014**

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

Mr. Binetti	Absent
Ms. DeBari-Vice Chairwoman	Present
Mr. Denis	Present
Fr. Hadodo	Recused
Mr. Ix	Present
Mr. Loonam	Present
Mr. Rebsch	Present
Mr. Stokes	Present
Mr. Schaffenberger-Chairman	Present
Ms. Batistic – Engineer	Present
Mr. Sproviero - Attorney	Present
Also attending	
Mr. Grygiel-Planner	Present

REVIEW OF MINUTES –

The Board Members reviewed the minutes for June 10, 2014 and there were no changes.

OLD BUSINESS

13-02 Alex and Sons Real Estate, LLC – 391 Madison Avenue - Block 1211 Lot 32

Three story 10 unit multiple dwelling with parking underneath building

Use, building coverage, front yard and height

The Chairman and Ms. DeBari thought they were here to deliberate and vote. Mr. Sproviero agreed but said the applicant might propose something different but no revised plans have been submitted.

Mr. Rebsch and Mr. Denis stated they listened to the recordings of the meeting they did not attend.

Motion to close the work session was made by Ms. DeBari, seconded by Mr. Loonam and carried by all.

**New Milford Zoning Board of Adjustment
Public Session
July 8, 2014**

Chairman Schaffenberger called the Public Session of the New Milford Zoning Board of Adjustment to order at 8:02 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Binetti	Absent
Ms. DeBari- Vice Chairwoman	Present
Mr. Denis	Present
Fr. Hadodo	Recused
Mr. Ix	Present
Mr. Loonam	Present
Mr. Rebsch	Present
Mr. Stokes	Present
Mr. Schaffenberger-Chairman	Present
Ms. Batistic – Engineer	Present
Mr. Sproviero - Attorney	Present
Also Present	
Mr. Grygiel - Planner	Present

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE WORK SESSION – June 10, 2014

Motion to accept the minutes were made by Ms. DeBari, seconded by Mr. Ix and carried by all.

OFFICIAL MINUTES OF THE PUBLIC SESSION–June 10, 2014

Motion to accept the minutes were made by Ms. DeBari, seconded by Mr. Ix and carried by all.

OLD BUSINESS

**13-02 Alex and Sons Real Estate, LLC – 391 Madison Avenue – Block 1211 Lot 32
Three Story 14 Unit Multiple Dwelling with parking underneath building
Use, Building Coverage, Front Yard and Height**

The Chairman confirmed that Mr. Rebsch and Mr. Denis listened to the recordings of the meetings not attended.

Mr. Alampi stated the meetings have gone on for 18 months with the applicant making various adjustments to the plans as they have listened to the community, board members and consultants. Mr. Alampi said they have come to the conclusion that the original plan was overly ambitious. Mr. Alampi explained he would not have accepted this case if it was a town that did not have multiple dwellings. He added there were garden apartments, townhouses and other types of multiple dwellings. Mr. Alampi said this site on Madison Avenue was a single family zone but

noted there was a large garden apartment complex within walking distance, several commercial developments and commercial uses in close proximity and schools. He thought it to be an intelligent use of land development and a good fit because it was not exceeding the height limitation. Mr. Alampi said from the reactions to the existing plan, questions and continued objections from the neighbors it might still be too aggressive. Mr. Alampi said a suggestion was made that they look at possibly developing the site with two duplexes but he said that did not make sense given the size of the property and cost of construction. He said they could probably develop two buildings facing each other with a central driveway which would reduce the appearance of the bulk. Mr. Alampi thought the previous revisions to the plans were not being appreciated because they were off the back of the building. He thought it would be two buildings townhouse style with three or four in each. There would be less disturbance, three stories and no parking underneath.

Mr. Alampi said they would be coming back with a major redesign in scale and in function. Each of the townhouses would be about 2,000 sf, said Mr. Alampi. The attorney asked the Board to defer taking any action on this plan because they did not see a future with the existing plan. The Chairman asked for a timeframe. Mr. Alampi said September or October. The Chairman asked if he would have to renotice. The Board Attorney said yes. Mr. Alampi agreed because the plan was substantially different. Mr. Sproviero questioned if they deem this to be a complete and a new application. He added the basis of the relief was the same and there were no changes with regard to the main variances. Mr. Alampi said there was still a use variance and some bulk variances. Mr. Alampi agreed to amend the application forms filed. The Board Attorney agreed.

Mr. Loonam questioned if two buildings vs one effect a new or amended application. Mr. Sproviero agreed it was a substantial modification and required renotice. Mr. Alampi thought Mr. Loonam asked if there was a restriction on two structures on a single lot. Mr. Sproviero said it did not make it a new application but it would require a different level of relief. Mr. Grygiel said they would have to look at the plan but there was a requirement that did not allow a building in front of a dwelling and maximum number of families in a building. Mr. Alampi thanked the board.

Ms. DeBari asked if there has been any development in NMRA. Mr. Sproviero said they have been served and the complaint has been sent to the borough clerk. The Board Attorney said the complaint said the board acted with prejudice and with a predetermined outcome to deny the application and let the public speak too long. All board members would have the complaint emailed/sent to them.

As there was no further business to discuss, a motion was made by Mr. Ix, seconded by Mr. Loonam and carried by all.

Respectfully submitted,
Maureen Oppelaar