



**BOROUGH OF NEW MILFORD**

**PLANNING BOARD  
PUBLIC SESSION MINUTES**

**August 15, 2017**

Chairman DeCarlo called the meeting of the New Milford Planning Board to order at 7:07 pm. The Chairman read the Open Public Meeting Act, The Pledge of Allegiance was recited.

**ROLL CALL**

Chairman Angelo DeCarlo	Present	
Councilman Al Alonso	Present	
Secretary Tomy Thomas	Absent	
Council President Hedy Grant	Present	
Mr. John DaCosta	Present	7:09
Mr. Frank Mottola	Present	
Ms. Joanne Prisendorf	Present	
Mr. Dominic Colucci	Present	
Mr. Matthew Seymour	Present	7:34
Ms. Kerri Capasso Alt. 1	Present	
Mr. Ray Cottiers Alt. 2	Present	
Mr. Marc Leibman - Attorney	Present	
Ms. Margita Batistic – Engineer	Present	
Mr. Paul Grygiel – Planner	Present	

**NMRA, LLC** – continuation of site plan review. Mr. Del Vecchio noted: exhibit **A26** Suez plan of markup of water main labeled L2A dated 6-1-17; exhibit **A27** sketch of dedicated turn lane River Road prepared by L2A dated 8-15-17; exhibit **A28** updated site plan drawing prepared by L2A dated 8-03-17; exhibit **A29** updated architectural plan prepared by Thomas Ashbahian dated 7-19-17; exhibit **A30** plan revision summary prepared by L2A dated 8-14-17.

Ms. Dolan described exhibit A27, left turn lanes on River Road which depicted a left turn northbound into the shopping center and a left turn southbound onto Demarest Avenue. To accommodate the turning lanes trees would be removed on the site side only, sidewalk and curbing would be replaced with a grass strip between. It was noted the Main and Madison entrances which are also exits will reduce demand on River Road. The board’s discussion included concerns for protecting the residents from additional traffic,

Demarest Avenue impact, students/parents arriving and leaving the high school and current use of parking on the area streets for the existing businesses. Event traffic was included in the discussion. A letter from the high school athletic director was read by Mr. Del Vecchio indicating parking is not a problem. Police are used to control parking, traffic and are there if an emergency should occur. Board members and applicant agreed the event traffic would be reviewed by police and addressed with the high school and management of ShopRite as needed.

A motion to open to the public was made by C.P. Grant second by Ms. Prisendorf all in favor none opposed.

*Lori Barton* - 399 Roslyn Avenue, expressed concern the athletic field will be borough property not Board of Education. It is anticipated the high school will play on the new field but they could remain where they are. Madison Avenue is closed between Main Street and River Road during games allowing for pedestrian traffic. Could this be an issue? Ms. Dolan stated that would be worked out with the police department. The site entrances were questioned noting Madison Avenue is the primary entrance. Ms. Dolan responded the ingress only lanes on River Road are part of the settlement agreement. Also questioned was the need to alter River Road and trees if Madison Avenue is primary entrance, if the traffic counts are updated, the average que for that entrance and who is responsible for if changes are needed on the road. Ms. Dolan noted the counts are updated, the average que is 1 car waiting and that is a county road.

*Joe Looman* - 469 Marion Avenue, asked if the board receive a response from Peewee football. Mr. Alonso responded he had asked for numbers but they did not get back in time for tonight's meeting. Mr. Looman commented Peewee football is on Saturdays starting afternoon till 5 to 7 at night. He asked if that would come into play with Saturday traffic. Ms. Dolan commented they would benefit from the new parking lot and traffic would not likely have a substantial change. If need arises that is something to work out with police.

A motion to close to the public was made by C.P. Grant second by Mr. Mottola all in favor none opposed.

Mr. Colucci commented Junior Football operates differently with numerous games with arrival and departure overlapping and 100-200 attendees per game. Ms. Dolan agreed police presence may be considered.

Mr. Del Vecchio gave an overview of changes that have been made related to signage on the site. Peter G. Steck, 80 Maplewood Avenue, Maplewood, New Jersey professional planner with license in good standing who has testified and accepted as an expert in front of numerous municipalities was introduced by Mr. Del Vecchio. Exhibit **A31**, prepared

by Mr. Steck consisted of five pages including general graphics of new zone, signage, reproduction of table in site plan, portion of settlement agreement and provisions of land use law with response the board needs to make certain findings. Mr. Steck did visit the site, reviewed ordinances, planning documents and settlement agreement. He spoke of the specialized zoning for this project framed as Planned Unit Development (PUD) with site A the recreation field, site B ShopRite and bank and site C which is the current ShopRite and bank for low/moderate income housing and retail space. Housing will be 135 multifamily units with 20% required affordable housing. He continued noting for this application pedestrian walkways, truck path, utility plan, sanitary sewerage and storm water management. The ShopRite and bank are the engines that drive the funding to subsidize the housing units on site C and is all tied together by the settlement agreement making this a MUPUD zone. Mr. Steck expressed his opinion that adequate protections for open space and timing of components that the board can approve and meet standards without substantial detriment to the public good and without substantial impairment of the zoning plan and ordinance because of remoteness from the street. Board planner, Mr. Grygiel, reviewed presented material and concur adequate information was provided, zoning was written to apply to the site, the bank setback was an oversight as the bank's location has not changed. Only one pylon sign is permitted by ordinance Mr. Grygiel commented generally boards accepted signage due to the size of the building.

A motion to open to the public was made by C.P. Grant second by Mr. DaCosta all in favor none opposed.

*Lori Barton* - 399 Roslyn Avenue, questioned the number of signs on the ShopRite building commenting by law only a pharmacy and liquor sign are required. Mr. Steck answered it is the choice of the applicant and they would like to keep those signs which they have on the existing building. Mr. Leibman indicated and Mr. Steck agreed it is up to the board to approve.

*Michael Gadaleta* - 270 Demarest Avenue, asked Mr. Steck to describe the signs on River Road. Mr. Steck described the sign to be 11'6" height, 3'9" wide with ShopRite 8.46 sq. ft. for a visual Mr. Gadaleta compared the sign to be the height of the courtroom and the width of the door. He questioned if this was appropriate for River Road with houses across the street. Mr. Steck commented the side of the sign would be seen by the homes and traffic would see the face. Mr. Gadaleta addressed the 25 MPH zone in a residential neighborhood and the need for such a large sign where Mr. Steck responded the site is zoned commercial and is appropriate in scale to the driveway entrance.

*Gene Murray* - 425 Madison Avenue, questioned the impact of the power draw of a big box supermarket and felt this was not addressed. Mr. Steck had stated his opinion is there is no substantial detriment. This is not something addressed by a planning board. Mr. Leibman agreed these are valid concerns, the details are done in the final planning by electricians. He also advised Mr. Murray can offer testimony and be sworn in at the conclusion of the applicant proofs for the board to consider.

A motion to close to the public was made by Mr. Alonso second by Mr. Mottola all in favor none opposed.

Placement, size, type, C1 and C2 standards, sight line and ordinance was discussed. With the many questions from the board Mr. Leibman asked if another type of sign could meet the needs of the applicant. Mr. Steck was unable to render an opinion on a verbal presentation. When asked the board's planner did answer in general a monument sign is an acceptable alternative. The applicant was asked to consider a monument sign. Mr. Del Vecchio indicated the sign was made smaller with considerations of integrating sign features with building, impairment of visibility by trees and possible damage by pedestrian traffic this seemed the best solution. He will ask the applicant to look at this sign again.

Mr. Dipple addressed the overview letter which was provided to the board exhibit A30. This letter described the adjustments made to the site plan. Some of those items being: the canopy area, the 497 parking spaces which exceed the standard, curb radii, lighting reduced to 3000k and fire hydrant location. They are waiting on county comments and the board's decision of changes to River Road which will be the only revisions anticipated.

A motion to open to the public was made by Ms. Prisendorf second by Mr. Colucci all in favor none opposed. There being no questions/comments from the public a motion was made to close by C.P. Grant second by Ms. Prisendorf all in favor none opposed.

Mr. Ascolese, the board's traffic engineer by testimony expressed his concerns the site will be successful where the numbers projected are not high enough. He asked for more information where Mr. Del Vecchio sited the settlement agreement pg. 12 paragraph 12 reports previously submitted would be relied upon and the River Road expansion could be withdrawn. Ms. Batistic noted Mr. Tumblelochein did not accept the original report and had found the intersection of Madison and River failed and recommended improvement. Chairman DeCarlo expressed it is not the board's intention to cause additional costs rather to regret a decision which will impact the area. Mr. Del Vecchio expressed the opportunity to make the improvement now is difficult balance save trees versus widening the road is a long term choice but in his opinion traffic will never get better. Mr. Leibman asked for recommendations for next week, Mr. Ascolese will not be able to attend next week's meeting.

A motion to open to the public was made by Ms. Prisendorf second by Mr. Seymour all in favor none opposed.

*Gene Murray* - 425 Madison Avenue, asked Mr. Ascolese if he knew the average daily traffic on River Road in front of the development, Mr. Ascolese responded he would have

to add the numbers. Also asked if he would agree to maintain the 30ft. roadway with one lane in each direction with 4 ft. shoulders would be safer, 4 ft. shoulders are not safe. Did you review the numbers and do you agree with the numbers of Mrs. Dolan's report with the assumptions regarding northbound traffic on River Road at Madison Avenue? He did and agrees with the numbers in part, numbers are realistic. Last question will you review the information in figure 9 and compare to figure 12, the reply was they are the same.

Mr. Del Vecchio indicated they would conclude next week.

Mr. Leibman asked for a written report from the borough traffic engineer and a traffic engineer to attend next week to cover cross examination.

Next meeting is August 22<sup>nd</sup> at 7 p.m. This is notice, no further notice is needed.

A motion to adjourn was made by C.P. Grant second by Mr. DaCosta all in favor none opposed.

Adjourned 10:49

Respectfully submitted,

Lisa C. Sereno