

**New Milford Zoning Board of Adjustment
Special Meeting
May 23, 2013**

Acting Chair DeBari called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:04 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Binetti	recused
Ms. DeBari	Present
Mr. Denis	Present
Father Hadodo	recused
Mr. Ix	Present
Mr. Loonam	Present (7:04)
Mr. Rebsch	Present
Mr. Stokes Vice Chairman	recused
Mr. Schaffenberger-Chairman	recused
Mr. Sproviero – Board Attorney	Present

PLEDGE OF ALLEGIANCE

**12-01 New Milford Redevelopment Associates, LLC- Block 1309 Lot 1.02-
Mixed Use Development- Supermarket, Bank and Residential Multifamily Housing
Height, stories, building and impervious coverage, use and parking**

Karl Schaffenberger, Ronald Stokes, Joseph Binetti and Father Hadodo have previously recused themselves from the application.

The Board Attorney read into the record correspondence received and dated on May 23, 2013 from Beattie Padovano, LLC. The letter requested the Board to adjourn the meeting and continue the public hearings at the next regularly scheduled meeting on June 11, 2013 at 7:30 pm and no further public notice would be required.

Mr. Sproviero said he had a conversation with Mr. Del Vecchio and explained a proposed form of amendment to the application had not been fully developed. The Board Attorney added that upon the presentation of an amendment, one of the issues to be determined by the Board was if this was an amendment or a new application. The Board Attorney shared his feelings with Mr. Del Vecchio that it would put the Board in a difficult position if documents were presented for the first time at a meeting where the members would have to make an immediate determination as to whether it constituted an amendment or a new application. The Board Attorney recommended if an amendment was contemplated, it be provided to the Board in advance of the June 11, 2013 meeting.

Ms. DeBari clarified that if they received the amendment prior to the next meeting they would be able to make a determination at the June 11, 2013 hearing. Mr. Sproviero agreed providing it was received several days in advance where he could review and research it to provide the members with an opinion as to what factors they should consider for the Board's determination.

Ms. DeBari said they would carry the NMRA application to the June 11, 2013 hearing and they were scheduled last on the agenda.

The Board Attorney said for the record, the applicant has requested this application be carried to June 11, 2013. The Board would not be moving forward because there were no witnesses and no representatives for the applicant. The applicant would not be required to renotice. The Board Attorney anticipated if an amendment would be filed prior to the June 11 meeting, new notice would be issued to all affected property owners which may not be constrained to the current list of property owners.

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

Respectfully submitted,
Maureen Oppelaar