



**BOROUGH OF NEW MILFORD**

**PLANNING BOARD  
WORK SESSION MINUTES**

**JULY 23, 2013**

Chairman DeCarlo called the work session of the New Milford Planning Board to order at 7:36 pm. The Chairman read the Open Public Meetings Act. All recited the Pledge of Allegiance.

**ROLL CALL**

Chairman DeCarlo	Present
Mayor Subrizi	Present (7:40)
Secretary Scavetta	Present
Council Liaison Grant	Present
Vice Chairman Pecci	Present
Mr. Appice	Absent
Mr. DaCosta	Present
Mr. Mottola	Present
Mrs. Prisendorf	Present
Mr. Prendergast, Alt. 2	Present
Mr. Abrahamsen - Attorney	Present
Mrs. Batistic – Engineer	Present
Mr. Grygiel – Planner	Present

Chairman DeCarlo and the Board members welcomed Mr. Grygiel. Chairman DeCarlo explained to the planner how the board has many new members and asked him if he could give an overview of what the board expected to do while reviewing the Master Plan for a full re-examination report. Chairman DeCarlo said this is an important document and he wanted to make sure the board members understood the process.

Mr. Grygiel handed out a Master Plan update fact sheet, which stated the basics of what a master plan is. He said a master plan was a document that guides the growth, redevelopment and enhancement of a community. It represents a community's vision for what type of place it will be ten or twenty years from now. He said Master Plans usually include three general components;

- 1) What a community is
- 2) What it wants to be
- 3) How it will become what it wants to be

He said the final component is particularly important as a master plan is a policy document, and not a legal tool. Instead it is the basis for zoning and other legal documents and it guides public officials in making decisions regarding development and capital improvements. He said master plans are required to be periodically updated every ten years. He said the municipal land use law 40:55D-89 mandates that the municipal planning board adopt a general reexamination where

there are five elements which the reexamination report must include;

- 1) A section outlining the major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report
- 2) A section describing the extent to which such problems and objectives have been reduced or have increased.
- 3) A section discussing the extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations, regarding to density, population, land uses, housing conditions, recyclable materials, and changes in state, county and municipal policies.
- 4) A section recommending changes to the master plan and development regulations, including underlying objectives, polices and standards or whether a new plan or regulations should be prepared.
- 5) A section setting forth the recommendations of the planning board concerning the incorporation of redevelopment plans adopted into the land use plan element of the municipal master plan and recommended changes in local development regulations necessary to effectuate the redevelopment plans of the municipality.

In answer to Mrs. Prisendorf , Mr. Grygiel said he would have to check if the town would get any credit for a religious establishment that change its use from an existing business. Mr. Grygiel said it is not as drastic a credit change as housing units, he said the formula would be based on jobs. In answer to a Councilwoman Grant, Mr. Grygiel said the number of housing units required for the Shop Rite application before the zoning board was 8 units. In answer to Chairman DeCarlo, Mr. Grygiel said if the Shop Rite were not built it would be the Borough's obligation to make sure those units are constructed. Mayor Subrizi asked whether the developer have to put up development fees in a trust fund so the borough would not be financially obligated. The Mayor said currently the trust fund has no balance. Mr. Grygiel agreed with the Mayor.

Mr. Grygiel said COAH determined our affordable housing obligation is 45 units for rehabilitation share, 23 units for prior round obligation, and 47 units for growth share. He also explained how New Milford requested a reduction due to the limited developable land in the municipality. He said the borough's 2008 housing plan designated the United Water property as an inclusionary housing site that would address this obligation. The plan proposed 40 low and moderate income dwelling units, 6 units applied to prior round obligation with the other 34 units addressing the Borough's growth share combined with the 11 anticipated rental bonus credits for the 45 affordable housing units which would satisfy the requested growth share of 43 units and even result in a two-unit surplus. Mr. Grygiel also said that currently the New Jersey Supreme Court is reviewing the validity of the growth share requirements in COAH's third round rules; therefore, it is not clear if New Milford's third round obligation would be based on growth share or another methodology. Mr. Grygiel summarized New Milford's non-rehabilitation affordable housing obligation that needs to be addressed at this time is 14 units. This figure is based on the 6 units of the prior round obligation proposed to be addressed on the United Water property and the 8 unit obligation resulting from new development that occurred between 2004 and July 2008. The remainder of the prior round obligation has been met through credits for group homes and the enactment of inclusionary zoning for 1070 River Road (Gramercy project). The remainder of

the growth share of 43 units per COAH , 39 units per New Milford's 2008 housing plan will only need to be addressed if/when actual growth occurs. These figures assume the growth share methodology remains in place. He said if the New Jersey Supreme Court determines growth share is invalid, the Borough's third round obligation could be completely different. He said there is also the topic of the rehabilitation obligation which needs to be addressed. However ,it is unknown if the figure will be 5 units as asserted in the 2008 housing plan or a larger number unit COAH evaluates the Borough's housing plan. He said assuming the current uncertain climate is resolved and COAH resumes work, COAH may raise issues that require relooking at the compliance mechanisms in the 2008 housing plan and potentially modifying some of these.

In answer to Ms. Scavetta, who asked if the Brookchester proposal would change the density, Mr. Grygiel said yes. Mr. Grygiel said the density of the apartments is already over what the zoning permits. He said currently the zone states 5 units per acre are permitted, whereas they have approximately 22.8 units per acre existing. He said they are proposing 1202 units which would be an increase of 14 units per acre. In answer to Ms. Scavetta, Mr. Grygiel said that that figure is in line with what is being allowed throughout the state but much higher than New Milford currently allows. Board Engineer said 5 units per acre is less than a single family home. She said she didn't know how that zoning calculation was approved. Board Attorney said he would recommend that the Board re-examine the zoning for the garden apartment zone. He said the Planning Board should study some garden apartment zones from other towns and they would possibly be able to provide guidance for the Brookchester redevelopment plan. In answer to Ms. Grant, Mr. Grygiel said different apartment zones could be made with different densities. He said however, you need to explain why each zone should be allowed to be different.

Chairman DeCarlo asked what would deter a homeowner from selling their property to a developer to build a multifamily apartment or town home, and completely changing the intended single family residential use. Mr. Abrahamson said policy statement could be included in the Master Plan to discourage changing a single family home into a multi-family use. He said the applicant would still have to appear before the Zoning Board of Adjustment for a D-variance or use variance but it would be difficult for the board to approve an application when the Master Plan discourages changing that use. The Board members were in agreed they wanted to research that clause and include into the Master Plan.

Mr. Grygiel said the existing Master Plan encourages Brookchester to change a portion of their property into commercial use. Chairman DeCarlo said that was discussed years ago after much discussion it was agreed to research that issue further. Mr. Grygiel said he would look into some other areas of town where he could suggest multifamily uses due to a limited amount of rateables. He also would be gathering information from the Planning Board members' recommendations of different areas of town that could be good candidates for redevelopment.

The Zoning Officer recommended the Planning Board to revisit the Business zone code. She noted that a developer wanted to knock down a retail use and construct a residential use in its place, and a loophole in the code where they could build out right to the side yard and not adhere to residential side yard setbacks. The Board members agreed that should be looked into further. Mr. Grygiel these types of issues are found when re-examining the Master Plan. He suggested that the Planning Board recommen that the Mayor and Council a change in the ordinance to

prevent residential dwellings being built with no side yard setbacks. He said this strengthens the ability of the various Boards to refrain from granting variances. Ms. Scavetta asked if a pending application would be affected by a change in an ordinance. Mr. Grygiel replied no. Mr. Grygiel said nothing is too small to bring to his attention he would look at all the members' recommendations.

Chairman DeCarlo said the recreation spaces are tired, some fields are in disrepair and dangerous. He asked if that could be brought into the Master Plan under rehabilitation. Chairman DeCarlo said a field by David E. Owens middle school was put on the ballot but voted down. In answer to Mr. Grygiel, Mayor Subrizi said that New Milford does have an open space trust fund but the amount is limited. Mayor Subrizi said a lot of municipalities in Bergen County put their fields by rivers because people would prefer a field to flood rather than a house. The Board Attorney said policy could be written to recommend rehabilitation of the recreation fields. In answer to Mr. Grygiel's question about whether board members would be interested in policy regarding bike paths, Chairman DeCarlo said right now there are wooden horses to block the roadway from Kennedy Field and he felt that was dangerous as there was no safe corridor for kids to walk or ride their bikes. The Board members were in agreement they were interested in policy changes regarding bike paths and walking paths. In answer to Mr. Mottola, the Borough Engineer said that New Milford does have a storm water management ordinance in place.

Mayor Subrizi reported that the Brookchester proposed application is pending a fiscal study. She felt the board members do not have to concentrate on the garden apartments at the moment until they find out more about what the plan specifies. After much discussion, it was agreed to wait until the fiscal study and Mr. Brunetti's proposal are presented. Meantime she said they should concentrate on other matters.

Mr. Grygiel said he would work with the Board secretary to gather some needed information and discuss that at the next planning board meeting. Mr. Grygiel said he would look into the apartment zone and inappropriate zoning, discouraging change of uses in single family home zones, sustainability, New Bridge Landing Historic zone, and the train access to the River Edge station. In answer to Chairman DeCarlo's question about how long the process takes, Mr. Grygiel said the members' discussion should take about two months then recommendations should be written. He said the board could have an opportunity to meet with the public to gather their input. He said the process could potentially take three to six months. He said he also has been involved in municipalities who have taken two to three years to complete a master plan review.

In answer to Chairman DeCarlo, Mr. Grygiel felt that doing a Master Plan re-examination would be appropriate at this time due to certain items still be unknown such as the COAH requirements, the applications currently before the Zoning Board, and the Brookchester proposal. After much discussion all board members were in agreement. Mr. Grygiel said the only reason to do a full Master Plan redo would be if the Board were interested in moving the entire COAH obligation off the United Water property. Board Attorney said he would recommend not doing that because the Board would have to refile the prior round submittals and that could leave the Borough liable.

**Motion** by Mayor Subrizi seconded by Ms. Scavetta, and carried by all to open the meeting to

the public.

John Rutledge, 335 River Road, thanked the board. He felt the board was taking the Master Plan matter very serious and he found the meeting very enlightening.

Ulises Cabrera, 659 Columbia Street, questioned why the Board attorney felt they should not remove the COAH obligation from the United Water site. Board Attorney explained that the Master Plan Round 2 and Round 3 certifications have been submitted to the State and if there were to be an adjustment that could leave the Borough liable for a developer's lawsuit. He said he had to inform the members on the legal issues of removing the COAH obligation from the 2008 submittal.

**Motion** by Mayor Subrizi seconded by Mr. Scavetta, and carried by all to close the meeting to the public.

As there was no further business to be conducted by the Board, a **motion** to adjourn was offered by Celeste Scavetta seconded by Frank Mottola, and carried by all. Chairman DeCarlo said the next meeting will be held on August 27, 2013 at 7:30 pm in the upstairs conference room and directed the secretary to notice it as a combined meeting.

Respectfully submitted,



Maria Sapuppo  
Recording Secretary