

Approved
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New Milford Zoning Board of Adjustment Work Session June 14, 2011

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	Absent
Mr. De Congelio	Present
Mr. Denis	Absent
Mr. Grotsky - Vice Chairman	Present
Fr. Hadodo	Present
Mr. Stokes	Present
Mr. Schaffenberger- Chairman	Present
Ms. Batistic- Engineer	Present
Mr. Sproviero - Attorney	Present

REVIEW OF MINUTES –May 10, 2011

The Board Members reviewed the minutes for the work and public session and there were no changes.

RESOLUTION

09-01+B – Pascali/Stancato - 725 River Road – Block 607 Lots 2.01 portion of 2.04 – Requesting Relief from condition in resolution for no food services and requesting to replace existing sign.

The Board Members reviewed and discussed the resolution. Vice Chairman Grotsky made a correction.

NEW BUSINESS

11-01 Schwartz – 478 Arbor – Block 814 Lot 4 – Rear addition/second story bath-Building coverage – building lot coverage 1584 sq. ft. required 1320 sq. ft.

The Board members reviewed and discussed the application.

The Board Engineer distributed to the Board Members a flow chart on granting a use/bulk variance for their reference.

Motion to close was made by Mr. Grotsky, seconded by Fr. Hadodo and carried by all.

**New Milford Zoning Board of Adjustment
Public Session
June 14, 2011**

Chairman Schaffenberger called the Public Session of the New Milford Zoning Board of Adjustment to order at 8:01 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Binetti		Absent
Ms. DeBari		Absent
Mr. De Congelio		Present
Mr. Denis		Absent
Mr. Grotsky	-Vice Chairman	Present
Fr. Hadodo		Present
Mr. Stokes		Present
Mr. Schaffenberger-	Chairman	Present
Ms. Batistic-	Engineer	Present
Mr. Sproviero -	Attorney	Present

PLEDGE OF ALLEGIANCE

The Chairman acknowledged the passing of John Thomsen. He read a note to the Zoning Board from the family of John Thomsen thanking the members for the flowers. The Chairman asked for everyone's thoughts and prayers for John and his family.

OFFICIAL MINUTES OF THE WORK SESSION–May 10, 2011

Motion to accept the minutes were made by Mr. Grotsky, seconded by Mr. De Congelio and carried by all.

OFFICIAL MINUTES OF THE PUBLIC SESSION–May 10, 2011

Motion to accept the minutes were made by Mr. Stokes seconded by Fr. Hadodo and carried by all.

RESOLUTION

09-01+B – 725 River Road – Block 607 Lots 201 portion of 2.04 – Requesting Relief from condition in Resolution for no food services and requesting to replace existing sign.

Motion to memorialize the resolution with a change was made by Mr. Stokes, seconded by Fr. Hadodo, and carried by all

The **motion** passed on a roll call vote as follows:

For the motion: Members Stokes, Hadodo, Schaffenberger

Against the motion: Members Grotsky

Approved 3-1

NEW BUSINESS

11-01 Schwartz – 478 Arbor – Block 814 Lot 4 – Rear addition/second story bath-Building coverage – building lot coverage 1584 sq. ft. required 1320 sq. ft.

Mr. Carmine Alampi from Alampi & De Marrais, appearing on behalf of the applicant, stated there would be a professional witness John D'Ambrosio to testify on the plans he prepared. Mr. Alampi stated for the record, Mrs. Schwartz started to file the application on her own and then consulted him. He assisted in completing the application. The Attorney stated they provided notice to the public within 200' and published in the newspaper. Mr. Alampi explained because the addition to the home included enlarging the kitchen and sunroom it triggered a variance for coverage. The attorney stated in the upper level there was an existing room being converted to a habitable space and it would comply with the construction code for egress windows. He explained the finished upstairs bedroom and bath would only be 250 sq ft. Mr. Alampi stated this was a dwelling space and on an upper level and because he could not find a criteria in the ordinance as to a percentage he determined to request a variance for three stories. The Attorney stated there were two existing deficiencies for lot width and lot size unrelated to the construction and not being increased by construction. The applicant's attorney explained the upstairs room would be occupied by a health provider.

The Board Attorney swore in Mr. John D'Ambrosio 482 Luhmann Drive, New Milford NJ.

The Board Members accepted the qualifications for Mr. John D'Ambrosio as an architect.

Mr. Alampi marked as Exhibit A-1 the site plan existing and proposed, Exhibit A-2 a 6 page exhibit which contained the zoning notes, plot plan and elevations, Exhibit A-3 which highlighted the existing floor plan and the proposed floor plan, Exhibit A-4 Series of photos marked A-4a –A4e.

The Architect reviewed the zoning work sheet. Vice Chairman Grotsky questioned that the proposed impervious coverage was 40.2%. There were corrections made on the worksheet. Mr. D'Ambrosio stated the expansion of the kitchen and sunroom was in the rear of the home. The Board Members reviewed the photos submitted by the applicant.

Mr. Alampi stated from the rear of the property it appears to be a two story building but because in the front the grade was different from the street level it could be considered a third story. The Vice Chairman questioned that the proposed zoning sheet on the plan stated the height was 24'6" and the elevation plans stated 27'6". Mr. D'Ambrosio corrected that the existing average height from the 4 corners of the property was 26' and the proposed roof in the rear would be 27'6". Mr. Alampi stated the building coverage was being increased to 24% instead of the allowed 20%. Mr. Alampi said that the addition on the main floor was 221 sq ft and the upper floor already had a room and the total of the upper floor would be 250 sq ft. The Chairman asked what the existing square footage was for the upper room. The architect did not have the figure. The Chairman

asked if there would be an access door from the upper room to outside. The architect responded no. The Chairman asked the Board Engineer if this would be a third story. Ms. Batistic stated looking at the architectural plans and photos there was not a third story issue. The engineer explained if the third story was more than 60% of the floor area then it would trigger a third story but this was only 20%. Mr. Alampi amended that the application did not implicate a three story variance.

Father Hadodo questioned the number of steps to the new room. The architect answered there would be 13 steps.

Ms. Batistic stated the shed on the site plan should be included in the coverage. Mr. Alampi stated they would add 108 sq ft. Ms. Batistic felt that was the reason their impervious coverage was 40.2%.

Motion to open to the public was made by Mr. Grotsky, seconded by Mr. Stokes and carried by all.

No one wished to be heard in the audience.

Motion to close to the public was made by Mr. Grotsky, seconded by Fr. Hadodo and carried by all.

Mr. Alampi stated the applicant was requesting a slight increase in the building coverage although the total impervious coverage was below the maximum allowed. He stated the application did not violate the height and the addition did not exacerbate the two existing conditions. He added the existing stairs were not to code and the new stairway would be code compliant. Mr. Alampi asked for the Board's consideration to allow for the variance.

The Chairman asked how many bathrooms were presently in the home. The architect stated two full baths and a half bath. The Chairman clarified they were proposing a full bath for upstairs. The architect agreed.

The Board Attorney asked for testimony authenticating the photographs.

The Board Attorney swore in the applicant and owner Barbara Schwartz.

The applicant explained the photographs to the Board Members. She stated she took the photographs which accurately depict the house and she did not alter them.

The Chairman asked if there were plans to put any type of kitchenette in the new proposed upstairs area. Mr. Alampi stated the only plans proposed are a habitable bedroom, bath and closet. There were no plans to create a direct means of ingress/egress for the proposed addition.

A **motion** was made by Fr. Hadodo, seconded by Mr. De Congelio to request a variance for building coverage as per the plans. There were also preexisting conditions – lot size,

two side yards, and lot width. The conditions were no ingress/egress to outdoors from upstairs room and no kitchenette or cooking facilities allowed upstairs.

The **motion** passed on a roll call vote as follows:

For the motion: Members Hadodo, De Congelio, Grotsky, Stokes, Schaffenberger
Approved 5-0

The Board Attorney would not be able to attend the July meeting but would have a cover for the meeting.

As there was no further business to discuss, a **motion** to close was made by Mr. Stokes, seconded by Fr. Hadodo and carried by all.

Respectfully submitted,
Maureen Oppelaar