

**New Milford Zoning Board of Adjustment
Work/Reorganization Session
January 10, 2017**

Chairman Schaffenberger called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:33 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Adelung	Present
Mr. Denis	Present
Mr. Joseph	Absent
Mr. Loonam- Vice Chairman	Present
Mr. Rebsch	Present
Mr. Stokes	Present
Mr. Weisbrot	Present
Mr. Schaffenberger- Chairman	Present
Ms. Batic - Engineer	Present
Mr. Sproviero - Attorney	Present

REORGANIZATION – 2017

The Board Attorney swore in Ms. Hittel for a two year term as alternative 2 with term expiring 12/31/17.

The Board Attorney swore in Mr. Adelung for a four year term as a full member with a term expiring 12/31/20.

The Board Attorney swore in Mr. Schaffenberger for a four year term as a full member with a term expiring 12/31/20.

The Chairman called for a motion to dissolve the Firm of Boswell Engineering.

Motion made by Mr. Rebsch, seconded by Mr. Weisbrot and carried by all.

The Chairman called for a motion to dissolve the legal counsel of Scott Sproviero, Esq.

Motion made by Mr. Weisbrot, seconded by Mr. Denis and carried by all

The Chairman called for a motion to dissolve Chair and Vice Chair from their obligation to the Zoning Board.

Motion made by Mr. Denis, seconded by Mr. Stokes and carried by all.

Meeting turned over to the senior member, Mr. Schaffenberger.

Mr. Schaffenberger called for a motion to nominate a Chairman for 2017.

Motion made by Mr. Stokes to nominate Karl Schaffenberger, seconded by Mr. Loonam.

The motion passed on a roll call as follows:

For the motion: Members Stokes, Loonam, Adelung, Denis, Rebsch, Weisbrot, Hittel.

No other nominations.

The Chairman called for a motion to nominate a Vice Chairman for 2017.
Motion made by Mr. Loonam to nominate Mr. Stokes, seconded by Mr. Rebsch.
The motion passed on a roll call as follows:
For the motion: Members Loonam, Rebsch, Adelung, Denis, Weisbrot, Hittel, Schaffenberger.
No other nominations.

The Chairman called for a motion to nominate a Board Attorney for 2017.
Motion made by Mr. Weisbrot to nominate Scott Sproviero, seconded by Mr. Denis.
The motion passed on a roll call as follows:
For the motion: Members Weisbrot, Denis, Adelung, Loonam, Rebsch, Stokes, Schaffenberger.
No other nominations.

The Board Attorney explained it has been the Board's practice that the Zoning Board, although an autonomous agency, has recognized and accepted the borough engineer as selected by the Mayor and Council to serve as the Zoning Board of Adjustment Engineer. The Board Attorney said that he prepared a resolution that memorializes that practice and recognizes the board's utilization of Boswell Engineering as the Zoning Board of Adjustment Engineer for the year 2017. The Board Attorney stated that it has been discussed in the past to advise the Mayor and Council that on a going forward basis, the board would be interested in exercising its autonomous rights to engage in its own procurement process or engineering services to serve the Zoning Board of Adjustment. Mr. Sproviero stated he has been asked by the Chairman to determine the appropriate course that could be undertaken to effectuate that procurement of professional services. Throughout the course of the year, the Board Attorney said he would raise the issue with the Mayor and Council to advise of the board's intentions and move forward in that direction.

The Chairman called for a motion to approve the resolution for Boswell Engineering for 2017.
Motion made by Mr. Stokes, seconded by Mr. Rebsch.
The motion passed on a roll call as follows:
For the motion: Members Stokes, Rebsch, Adelung, Denis, Weisbrot, Schaffenberger
Against the motion: Member Loonam

REVIEW MINUTES OF THE WORK AND PUBLIC SESSION – December 13, 2017

The Board Members reviewed the minutes and there were changes.

ANNUAL REPORT – 2016

The Board Attorney suggested not to vote on the report at this meeting but the Board Members should look it over. Mr. Sproviero would present the board with a resolution at the February meeting where the Board would accept the report and authorize its transmittal to the governing body.

OLD BUSINESS

16-08 Layne – 222 Main Street – Block 1311 Lot 1- Mixed Use Building Use and parking variances

The Chairman understood this application would be carried and not be heard at this meeting and the applicant's Council would address the board in the public session.

NEW BUSINESS

17-02 Joseph - 1117 Alessandrini – Block 205 Lot 16 – 2 story addition

The Chairman asked the board if they had any questions on this application. No one had any comments. The Chairman noted the applicant was requesting building coverage and 2 existing side yard variances.

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Motion to close the work session was made by Mr. Rebsch seconded by Mr. Denis and carried by all.

**New Milford Zoning Board of Adjustment
Public Session
January 10, 2017**

Chairman Schaffenberger called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:54 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Adelong	Present
Mr. Denis	Present
Mr. Joseph	Absent
Ms. Hittel	Present
Mr. Loonam	Present
Mr. Rebsch	Present
Mr. Stokes- Vice Chairman	Present
Mr. Weisbrot	Present
Mr. Schaffenberger-Chairman	Present
Ms. Batistic – Engineer	Present
Mr. Sproviero - Attorney	Present

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE WORK SESSION – December 13, 2016

Motion to accept the minutes with changes was made by Mr. Rebsch, seconded by Mr. Denis and carried by all.

OFFICIAL MINUTES OF THE PUBLIC SESSION – December 13, 2016

Motion to accept the minutes with changes was made by Mr. Rebsch, seconded by Mr. Denis and carried by all.

ANNUAL REPORT

The Chairman stated the annual report would be voted on in February.

OLD BUSINESS

**16-08 Layne – 222 Main Street – Block 1311 Lot 1- Mixed Use Building
Use and parking variances**

Mr. Giblin stated last month they presented part of the application and there was discussion that the applicant would need to present a site plan. He also asked his professionals to prepare additional plans to submit to the board. The plans have been forwarded to the Board Engineer but not in time to have it reviewed for this meeting. Mr. Giblin asked the Board to consent to carry the application to the February meeting and would waive any right to a default approval and extend the time for the Board to act. The Board Attorney clarified that they have forwarded the plans and site plan to Ms. Batistic and asked if they have been filed with the board secretary. Mr. Giblin answered no because he did not want to burden the Board with additional copies if changes needed to be made.

The Board Attorney stated no new notices would be necessary and the application will be carried to the February 14th meeting at 7:30 pm. There was a discussion that there would six members present at the February meeting and Mr. Giblin was agreeable.

NEW BUSINESS

17-02 Joseph - 1117 Alessandrini – Block 205 Lot 16 – 2 story addition, add a level Building coverage and 2 existing side yard variances

Mr. Matthew Capizzi, 11 Hillside Avenue, Tenafly, on behalf of Mr. and Mr. Joseph, stated this was an application located at 1117 Alessandrini. He added the applicant purchased this property a few months ago and were seeking to redevelop the site in similar fashion to what is on the block. Mr. Capizzi said they were seeking two variances. There was a building coverage variance relating to the addition in the rear left corner of the building of about 171 sf in excess of what was allowed. He noted the existing building wall at the left side yard encroaches a little further into the side yard than allowed by about 1 ½". The proposed addition at the back left corner would follow the existing building wall. There was a covered porch in the back right corner that was being removed so there was no development within the nonconforming right side yard.

Mr. Joseph Donato, 14 Route 4 West, River Edge, NJ was sworn in by the Board Attorney.

The Board Members accepted the qualifications for Mr. Donato as an expert in the field of architecture.

Mr. Donato reviewed the plans submitted labelled A-1, 2 and 3 dated 11/15/16. He explained they were proposing an addition in the rear left corner and an open proposed porch in the front. Mr. Donato explained the layout of the house on the plan on A-3. There was an existing covered patio at the rear right corner and they proposed to remove the roof area and keep the patio and have an addition at the rear left corner. Mr. Donato noted that currently the house was a four bedroom two bath Cape Cod house. They were proposing to remove the roof of the existing structure. He stated the addition to the left of the kitchen would be a family room and it would be 12'4" by 14'4" (176.95 sf). Mr. Donato said on the first floor they were proposing an open front porch and the rear addition.

Mr. Sproviero marked exhibit A-1 architectural plans A-1,2,3.

Mr. Donato said the left side yard was 9.9' were 10' was required.

The Chairman asked if the distance from the property line to the building changed at all. Mr. Donato said no it was straight across. The Chairman asked if the new addition was also parallel. Mr. Donato said it was also 9.9 ft. and on the south side (garage side) it was 9.7 ft. where 10' was required. The Chairman asked if it was a 2 story addition. Mr. Donato said yes.

Mr. Donato reviewed the second floor plan stating they were proposing 5 bedrooms, laundry room and 3 bathrooms. He noted everything on this floor would be new. The Board Attorney

asked how many kitchens were in the house. Mr. Donato said one. The Board Attorney asked if there were plans for a kitchen in the basement. Mr. Donato said they were proposing to finish the basement with an open area, utility room, bathroom and bedroom. He added there was no kitchen or access to the rear yard but there was an egress window for the bedroom.

The Board Attorney asked if it was the intention of the applicant to utilize the proposed structure as a single family dwelling. Mr. Capizzi agreed. The Board Attorney asked if they would be opposed to a condition that would prohibit its use for anything other than a single family dwelling. Mr. Capizzi said no.

The Board Attorney wanted to know the permitted square footage and the proposed square footage. Mr. Donato said the lot was 7,865 sf which permitted 20 % coverage (1,573 sf). The total proposed building is 1,744.76 sf which is 22.18%.

Ms. Batistic asked if the front porch was existing. Mr. Donato said no. Ms. Batistic asked if the applicant included the front porch in their calculations. Mr. Donato said the Zoning Officer told him not to include it in the zoning calculations because it was an open porch. Ms. Batistic disagreed and said it should be part of the calculations. Mr. Sproviero noted that a condition contemplated would be that the porch would not be enclosed at any time without coming back to the board. Mr. Capizzi agreed. Mr. Donato figured out that the front porch would be an additional 175 sf. He noted the total coverage with the front porch would be 1,919.76 sf which was 24.4% where 20% was permitted.

Mr. Adelung asked what the dimensions were for the front porch. Mr. Donato said 5'x35'.

Mr. Weisbrot asked if he deducted the roof from the rear patio in their calculations. Mr. Donato said they did not include it in his initial building calculations.

The Chairman questioned the sightline of the front of the homes on the street from the proposed front porch. Mr. Donato said the Zoning Officer said a 5' projection was permitted. Mr. Donato believed there were some 10' porches with columns.

Ms. Batistic said a 4' projection for a front stoop was permitted in the front yard. Mr. Adelung was concerned, if looking down the block that all the houses were in line. He felt this 5' porch and steps would be non-conforming. The Board Attorney clarified that it was the average setback line of the buildings.

Mr. Loonam asked if the 5' porch triggered a front yard setback. The Board Attorney believed it does. Mr. Loonam clarified that there was no living space under the roof on the porch. Mr. Donato said no living space above or below. Mr. Loonam asked if this front porch would be 5' forward from the existing structure. Mr. Donato said the front porch setback would be 25.65. Mr. Loonam asked if the roof was just a cover to assist with the rain water. Mr. Donato said it was an extended covered entry. Mr. Loonam stated a porch could be built without a roof because it was mostly for aesthetic reasons. Mr. Donato agreed. Mr. Loonam said the applicant could find a way not to trigger the additional variance without the roof. Mr. Donato said it would be building coverage with or without the roof.

The Board Attorney clarified that the current front yard setback is 30', currently at 30.8 and the proposed porch putting the applicant at 4.2' into the setback. The Board Attorney questioned if it was not covered would it trigger a variance. Ms. Batistic said if it was a patio without a roof it would not be building coverage.

Mr. Loonam said he did not have a problem with this roof because they could remove this roof, redesign it and it would be as functional.

Mr. Weisbrot asked if there were other houses in that area that extend beyond the line of the house without the 5' porch. Mr. Donato said there were 10' entry porches with columns but not as wide. Mr. Weisbrot asked if there would be excavation at this site. Mr. Donato said in the back rear corner. Mr. Weisbrot asked if there were any drainage plans because there has been problems in the neighborhood with excavation and runoff into neighboring properties. Mr. Donato said the amount of square footage did not trigger a seepage pit but they would look into it.

Ms. Batistic said the back was not too much additional area but with a front porch there was a total of approximately 300 sf. Ms. Batistic recommended a seepage pit be put in.

Mr. Adelung stated that the Board Members do not know if the front of the house was in line with the other homes. Mr. Adelung said it would be fine if the porch was in line with the average of the other homes.

RECESS

Mr. Capizzi said after speaking with his client, they would like to carry the matter to February 14, 2017 to address these open items and submit a revised cover sheet with an updated zoning sheet.

The Chairman shared the concerns of Mr. Adelung and thought this was the best course of action.

The Board Attorney stated this application would be carried to the next regularly scheduled meeting February 14, 2017.

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

Respectfully submitted,
Maureen Oppel