

Approved  
9/9/14

**New Milford Zoning Board of Adjustment  
Work Session  
August 12, 2014**

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	Present
Ms. DeBari-Vice Chairwoman	Present
Mr. Denis	Present
Fr. Hadodo	Present
Mr. Ix	Present
Mr. Loonam	Present
Mr. Rebsch	Present
Mr. Stokes	Present
Mr. Schaffenberger-Chairman	Present
Mr. Morris – Engineer	Present
Mr. Sproviero - Attorney	Present

**REVIEW OF MINUTES –**

The Board Members reviewed the minutes for July 8, 2014 and there were no changes.

**NEW BUSINESS**

**14-03- Marino – 175 Huguenot Drive – Block 114 Lot 24 - Construct an add a level  
Variances for side yard, corner side yard and frontage**

The Board Members reviewed the application. The Chairman said there was a side yard variance existing 3.98 required 7.5 and a corner side yard required is 30' existing 20.62. The Board Attorney said it was an add a level and it did not appear to be any expansion of the footprint. Mr. Sproviero said the architect and lawyer were present. The Chairman added that the applicant would not be present. Mr. Morris would be covering for Ms. Batistic, said the Chairman.

The Board Attorney gave a brief litigation update in the NMRA vs Zoning Board case.

Motion to close the work session was made by Ms. DeBari, seconded by Mr. Ix and carried by all.

**New Milford Zoning Board of Adjustment  
Public Session  
August 12, 2014**

Chairman Schaffenberger called the Public Session of the New Milford Zoning Board of Adjustment to order at 8:00 pm and read the Open Public Meeting Act.

**ROLL CALL**

Mr. Binetti	Present
Ms. DeBari- Vice Chairwoman	Present
Mr. Denis	Present
Fr. Hadodo	Present
Mr. Ix	Present
Mr. Loonam	Present
Mr. Rebsch	Present
Mr. Stokes	Present
Mr. Schaffenberger-Chairman	Present
Mr. Morris – Engineer	Present
Mr. Sproviero - Attorney	Present

**PLEDGE OF ALLEGIANCE**

**OFFICIAL MINUTES OF THE WORK SESSION-July 8, 2014**

Motion to accept the minutes were made by Mr. Stokes, seconded by Mr. Loonam and carried by all.

**OFFICIAL MINUTES OF THE PUBLIC SESSION – July 8, 2014**

Motion to accept the minutes were made by Mr. Stokes, seconded by Ms. DeBari and carried by all.

**NEW BUSINESS**

**14-03 - Marino – 175 Huguenot Drive – Block 114 Lot 24 - Construct an add a level  
Variances for side yard, corner side yard and frontage**

Mr. Timothy Tuttle, attorney for the applicant, stated the applicant was not present due to his vacation. He stated that this application was a corner lot which has problems with side yard requirements. The application was for an existing Cape Cod with an addition to the second level. He added the footprint of the building will be no different than it is and the non-conformities will not be increased.

Joseph F. Sarra Jr., 168 Cozy Lake Road, Oak Ridge, NJ was sworn in by the Board Attorney.

The Board Members accepted the qualifications of Mr. Sarra as a licensed architect and professional Engineer.

Mr. Sarra explained his client was planning to take the existing 1.5 story Cape Cod and renovate slightly the first floor keeping the existing brick exterior and removing the partial second floor and making a complete full second floor. They would be adding siding, an asphalt shingle roof and the front would have some roofs and decorative shutters.

Mr. Tuttle clarified there would be no change to the existing footprint. Mr. Sarra agreed. Mr. Sarra stated there were two preexisting conditions. The architect said the required side yard setback was 7.5' with 3.98' existing and the corner lot requires a 30' setback with 20.62 existing. Mr. Sarra said they were not increasing the footprint and the second floor would be built exactly on top of the first floor. He added there would be no overhangs for the second floor. The Board Attorney said there was an additional variance for a preexisting condition for the minimum lot area. Mr. Tuttle agreed this was an undersized lot.

Mr. Denis asked if there was a house next to this site. Mr. Tuttle said yes. Mr. Denis asked how far his house was from the neighbors. Mr. Tuttle believed that house was no closer than five feet to the property line and a garage abuts this property. Mr. Denis asked what direction the house faces. Mr. Tuttle said the front of the house faces east. The Chairman also had that concern because the house to the south of this site had a smaller side yard. The Chairman understood there was a garage at the neighbor's property but those houses were very close. His concern was neighbors come and go and if the house to the south did what this applicant proposed, there would be two houses incredibly close.

Mr. Sarra said his client spoke to his neighbor with regard to the location of a fence. The Board Attorney asked if his client intends on selling the house. Mr. Sarra did not know. The Board Attorney said for the record that there was also a minimum lot width that was a preexisting non-conforming condition.

Mr. Tuttle asked the architect what style homes were in the neighborhood. Mr. Sarra said there were some Cape Cods and some have been expanded and raised similar to what they have proposed. He said this house would fit within the overview of the block.

The applicant's attorney and members looked at a photo that the Board Engineer had on his phone from google earth of the property. Mr. Tuttle submitted a location survey to the Board. The Board Attorney marked as Exhibit A-1 the google earth photo and Exhibit A-2 the site survey.

Father Hadodo stated if they pushed in the addition on the second floor 3.5' it would eliminate a variance. Mr. Sarra said that was an option they considered but it would be cost prohibitive because they would need tremendous beams to support the second floor.

Mr. Loonam had a concern with the left side of the house because of how close it was to the neighbors. He questioned the height on the left side of the house. Mr. Sarra said it was approximately 9-10' at the gutter line. Mr. Loonam asked for the height of the new construction. Mr. Sarra said 18-19'. Mr. Loonam said that it would double in size.

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

Margaret Lawler, 179 Huguenot Drive, asked if it would be a two family house. Mr. Sarra answered it would be a one family home. The Board Attorney noted that the layout on the plans was indicative of a single family home.

Louis Colangelo, 177 Huguenot Drive, wanted to see the plan on what would be overlooking on his property. Mr. Sarra explained the first floor would not change and on the second floor there would be a bedroom in the front, a bathroom and a bedroom in the back. Mr. Sarra said the first floor windows would remain but would be replaced with new windows the same size because he was not going to replace any of the brick. The second floor facing the neighbor would have three windows. The resident asked if this application would have any impact on them doing a dormer. The Chairman said he would have to before the Board. He added there was no precedence in zoning and every application stands on their own. Mr. Colangelo asked if they established the footage being 8' between homes. The Board knows what the applicant's side yard setback is, said the Board Attorney. The Chairman asked the resident if he knew his side yard setback. The resident thought it was 4'8" to the property line off the corner of the garage and it tapered to 5'2" towards the back. The Chairman thought it was less by looking at it. Mr. Colangelo thought the fence was on their property. The Chairman asked whose fence was it. The resident thought it was the neighbors. Ms. DeBari asked if the fence would be removed. Mr. Sarra said his client talked to the neighbor and they would work out the correct placement. The resident said there was a conversation on maybe replacing the fence but they were fine with the height.

Motion to close to the public was made by Ms. DeBari, seconded by Mr. Binetti and carried by all.

Mr. Morris asked the architect if they were changing the downspouts or the amount of water going off each side. Mr. Sarra said no. Mr. Morris did not think they need a seepage pit because it was the same footprint and same location downspouts. The Chairman asked if seepage pits would help. Mr. Morris said with new construction it would be required but he did not know the groundwater table in this neighborhood. Mr. Stokes said it was high property and drops off. Mr. Loonam said that was his concern and asked if there was an issue with water running down from high property into the lower areas and if a seepage pit would help the problem down below. Mr. Morris did not know if that would help it because seepage pits would be introducing more water into the ground and could make it worse. Mr. Sarra asked if he would prefer his client not to put a seepage pit in if the homeowner wanted to install one. Mr. Morris did not care one way or the other. Mr. Sarra noticed there was a little bit of water in the basement and noted his client might want to put in a tank. Mr. Morris suggested if they install a seepage pit, it should be located on the Clinton Avenue side away from the other dwellings.

The Board Attorney clarified if the Board approved this application there were no expressed conditions that were being established by way of this approval if approved. Mr. Morris agreed.

Mr. Tuttle asked if the proposed height for this building would have any increase runoff from the structure. Mr. Sarra answered no.

Father Hadodo thought it should have a seepage pit.

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

Valerie Colangelo, 177 Huguenot Drive, said they fell in love with this street because of the cottage-feel to it and the nice community around the Huguenot and Clinton area. Her main concern was that some gigantic eyesore would be built right next to them. She noted that after they moved in, the neighbor moved out and they have been looking for three years at a property not maintained. Ms. Colangelo was excited to have something done with the property explaining the contractor has been in touch with them with his plans and has been pleasant to deal with. The resident thought the plans looked nice and did not think it would be an eyesore but commented it might be intimidating to look out the window and see something shooting up 10’.

Motion to close was made by Mr. Ix, seconded by Mr. Binetti and carried by all.

Mr. Loonam commented that he did not like applications that were preexisting non-conforming and understood that it was not a further encroachment but at the same time it was because it goes up. He felt it encroaches on site line and light. Mr. Loonam said some of his concerns about this application were ameliorated because the neighbors did not seem to have any issues.

The Chairman said they have had discussions on whether these preexisting non-conformities should come before the board but he agreed with Mr. Loonam that it was further encroaching because it was getting higher. He said he argued these applications should be before the board for those reasons.

Father Hadodo said if they did not exceed the ordinance for 30’ height the Board had no right to tell them they could not do it.

Mr. Stokes said the Board was here to help the citizens be able to develop their property like their neighbors. He understood they had non-conforming conditions but he did not think they have exceeded in developing this property. The design of the site makes it an odd size lot which lends to why they should granted a variance.

Mr. Stokes made a motion to grant four variances as per the plans for the preexisting conditions – corner side yard setback, side yard setback, lot area, lot width, seconded by Ms. DeBari.

The motion passed on a roll call vote as follows:

For the Motion: Members Stokes, DeBari, Binetti, Denis, Hadodo, Loonam

Against the Motion: Chairman Schaffenberger

Approved 6-1

Respectfully submitted,  
Maureen Oppelaar