

**New Milford Zoning Board of Adjustment
Work Session
September 11, 2018**

Chairman Schaffenberger called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:35 pm and read the Open Public Meeting Act.

ROLL CALL

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|------------------------------|---------|
| Mr. Adelong | Present |
| Ms. Hittel | Present |
| Mr. Joseph | Absent |
| Mr. Loonam | Present |
| Mr. Rebsch | Present |
| Mr. Seymour | Present |
| Mr. Stokes - Vice Chairman | Absent |
| Mr. Weisbrot | Absent |
| Mr. Schaffenberger- Chairman | Present |
| Mr. Sproviero - Attorney | Present |

REVIEW MINUTES OF THE WORK SESSION – July 10, 2018

The Board Members reviewed the minutes and there were no changes.

REVIEW MINUTES OF THE PUBLIC SESSION – July 10, 2018

The Board Members reviewed the minutes and there were no changes

NEW BUSINESS

**18-07 KIRSCH – 1086 Arlington Road – Block 104 lot 17 – Vestibule
Front yard setback**

The Chairman asked the Board Members if they reviewed the application and if there were any questions or comments. The Chairman noted that the Board Engineer was not present but she had issued a letter dated 8/30/18 regarding the variances that were associated with this application. The Board Attorney explained that the Board Engineer stated that the zoning officer referenced the old version of the ordinance in the denial letter indicating a single variance for the front yard setback. There was a variance required for the front yard setback of the structure, another variance for the open porch into the front yard setback and a third variance for the open porch width.

The Chairman asked if the applicant was aware of this letter. Mr. Sproviero said yes.

The Chairman noted that the Board Attorney has to give a class on land use liability to the Board Members. The seminar would take place after the application was heard.

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

**New Milford Zoning Board of Adjustment
Public Session
September 11, 2018**

Chairman Schaffenberger called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:43 pm and read the Open Public Meeting Act.

ROLL CALL

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|-----------------------------|---------|
| Mr. Adelung | Present |
| Ms. Hittel | Present |
| Mr. Joseph | Absent |
| Mr. Loonam | Present |
| Mr. Rebsch | Present |
| Mr. Seymour | Present |
| Mr. Stokes- Vice Chairman | Absent |
| Mr. Weisbrot | Absent |
| Mr. Schaffenberger-Chairman | Present |
| Mr. Sproviero - Attorney | Present |

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE WORK SESSION – July 10, 2018

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

OFFICIAL MINUTES OF THE PUBLIC SESSION – July 10, 2018

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

NEW BUSINESS

**18-07 KIRSCH – 1086 Arlington Road – Block 104 lot 17 – Vestibule
Front yard setback**

Mr. Albert Zaccone, architect, and the homeowner, Mr. Jacob Kirsch, was sworn in by the Board Attorney.

The Board Members accepted the qualifications for Mr. Zaccone as a licensed architect.

Mr. Zaccone stated that Ms. Batistic pointed out two additional variances and it was picked up in their notices that went to the property owners as well as the publication in the newspaper.

The architect said this was a home that had been constructed without a front vestibule with no hall closets. They were looking to get a front hall closet and vestibule that would act as a break for wind and weather. They were also proposing to cover the front platform. They were taking

the front platform and steps and moving it out 4'6". They need to widen it because of the closet space and looking to maintain the symmetry for the entrance.

The Chairman said the existing house looks relatively new and asked the homeowner if he did the work. Mr. Kirsch said he bought the house as it is. The Board Attorney confirmed that this was the only addition that they were proposing whether it needed a variance or otherwise. Mr. Kirsch answered it was solely for the vestibule, closet space and covered platform.

The Chairman asked if there were average setbacks. The Board Attorney said that Ms. Batistic determined that the base line was 30' and they were currently at 29.23'. The Chairman noted that they wanted to go to 22.4'. The Board Attorney clarified that it was 22.4 with the steps. The Board Attorney said there was also an issue with width and what is permitted is 20% of the building width. Mr. Sproviero noted that the building width was 41' wide and the applicant was proposing 11.67' and permitted is 8.2' wide.

The Board Attorney marked the architectural plans as A-1.

The Chairman asked if the need for the width was for closet. Mr. Kirsch said yes and said also for the symmetry of the front as shown on the drawing A-1.

Mr. Loonam said the house is on the dead end portion of the street. He had a question on the 30' setback but wondered if that would further impact the house to his right and the one going down the street. His concern was if it triggered a setback for everyone else. Mr. Loonam felt going from 30' to 22' was significant. Mr. Loonam questioned if the proposed closets were in the area that was currently the front yard. Mr. Zaccone said yes. Mr. Loonam said the setbacks exist so we don't keep building forward, sideward and backwards. Mr. Loonam said the applicant has a decent size house and thought there were places to put closets inside the house.

Mr. Zaccone said the vestibule that they were proposing was not across the whole front. It is greater than what is allowed but it is only a portion, said the architect. He felt it was a unique situation because they were at a dead end. He did not think there was an impact to the neighborhood. Mr. Loonam disagreed and said if the average front yard setback is 30' and this house becomes 22' than the new setback would be 26'.

The Chairman agreed.

Mr. Adelung felt the lot across the street does not have anything to do with the average setback. He asked if they could treat their lot 17 as a corner lot the other lots 15 and 16 would not matter because it was a corner lot. Mr. Loonam said lot 16 is right next to it. Mr. Sproviero said what was tricky about this was that lot 17 was on a bend. Mr. Zaccone said they had a pie shapes lot. Mr. Loonam wished the board engineer was present to answer if lot 15 and 16 were affected by it. Mr. Adelung did not think they were affected by it. Ms. Hittel said on the survey his house is situated in the middle of their lot.

Mr. Loonam asked the homeowner if this was something he contemplated when he bought the house. Mr. Kirsch said this was the only complaint about the house. Mr. Loonam asked if he

knew this would be a problem and would need special permission. Mr. Kirsch said the builder acknowledged they would have to apply for a variance.

Mr. Loonam said he would understand if they were proposing an overhang over the platform but his problem was putting closets in the front yard. The Chairman agreed and would like to hear from the Board Engineer. The Board Attorney said it might affect the future computations on the front yard setbacks. Ms. Hittel agreed with Mr. Loonam that it seems to be a linear line to lot 16.

The Board Attorney wanted to arrive at a solution that will put the board members in the best position to make a decision based on the full set of facts and how the facts implicate the other homes and also to be fair to the applicant. He stated there is a busy October meeting scheduled but it might be best served if they had the Board Engineer present so they can get her opinion on the average set backs on the other homes on the block.

Mr. Loonam said this ordinance is in place because a lot people spent a lot of time saying they do not want this. Mr. Loonam added that so far he has not heard anything that there was a legitimate reason as to why this should be done. Mr. Loonam was fine with deferring to hearing from the Board Engineer. Mr. Loonam said if this house was in the middle of the street, he did not think anyone one would consider this. He said maybe there was a unique situation where the house was but he felt it was only a unique situation if it did not impact the other homes.

Mr. Loonam said the applicant might want to the board to vote now. Mr. Zacccone said he did not want to push his client into a decision and felt it fair to get the additional information that the board needs for the board engineer to review the setbacks for lots 15 and 16 and how it will impact them. Mr. Zacccone said they want to work out a solution that will be good for the board and his client.

The Chairman asked the applicant if he was agreeable to carry the application to October 9th meeting. Mr. Zacccone agreed.

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

No one wished to be heard in the audience.

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

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

The Board Attorney gave a training seminar on Land Use Liability required by MEL municipal liability insurance carrier to the Board Members.

Respectfully submitted,
Maureen Oppelaar