

Approved

12/9/14

**New Milford Zoning Board of Adjustment
Work Session
September 9, 2014**

Chairman Schaffenberger called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:30 pm and read the Open Public Meeting Act.

ROLL CALL

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

REVIEW OF MINUTES

The Board Members reviewed the minutes for August 12, 2014 and there were no changes.

RESOLUTION

**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 resolution and there were no changes.

The Chairman brought up three non-related topics that he thought should be discussed.

1) The Chairman suggested that extending a preexisting non-conforming side yard “up”, should be considered further encroaching. The Board Attorney said it is an exacerbation or expansion of a nonconforming condition but it is not an actual further encroachment into the setback. The Chairman said raising a preexisting non conformity was, in fact, making it worse. The Board Attorney agreed. The Chairman discussed a formula that would determine whether or not it was further exacerbating the preexisting non conformity. It was decided that this matter would be discussed at a future meeting with the Board Engineer.

2) There was also a brief discussion on the difference between patios and decks. The Board Secretary believed the Planning Board was still discussing this matter and would try to get more information on it.

3) Chairman Schaffenberger questioned about the rules on recusal. The Board Attorney said the way the law was set up on that was it was a matter of conscience but added there were certain rules that were set forth in the ethics law.

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

**New Milford Zoning Board of Adjustment
Public Session
September 9, 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	Absent
Mr. Denis	Absent
Fr. Hadodo	Present
Mr. Ix	Absent
Mr. Loonam	Absent
Mr. Rebsch	Present
Mr. Stokes	Absent
Mr. Schaffenberger-Chairman	Present
Mr. Sproviero - Attorney	Present
Ms. Batistic – Engineer	-

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE WORK SESSION-August 12, 2014

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

OFFICIAL MINUTES OF THE PUBLIC SESSION – August 12, 2014

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

Mr. Sproviero said there was a quorum but the only members that would vote on the memorialization were those that voted at the time of the application. If a member voted “no” for the application, Mr. Sproviero said voting “yes” for the memorialization did not mean you were changing your vote but that the resolution accurately memorializes the formal action taken by the board.

RESOLUTION

14-03 - Marino – 175 Huguenot Drive – Block 114 Lot 24 - Construct an add a level

Motion to memorialize the resolution was made by Father Hadodo, seconded by Mr. Binetti

The motion passed on a roll call vote as follows:

For the Motion: Members Hadodo, Binetti, Schaffenberger

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

Respectfully submitted,
Maureen Oppelaar

