



BOROUGH OF NEW MILFORD

PLANNING BOARD PUBLIC SESSION MINUTES

FEBRUARY 25, 2014

Chairman DeCarlo called the public session of the New Milford Planning Board to order at 7:35 pm. The Chairman read the Open Public Meetings Act. All recited the Pledge of Allegiance.

ROLL CALL

Chairman DeCarlo	Present
Mayor Subrizi	Absent
Council Liaison Grant	Present
Secretary Scavetta	Absent
Vice Chairman Pecci	Present
Mr. DaCosta	Present
Mr. Mottola	Present
Mr. Santino	Absent
Mr. Newman, Alt. 1	Present
Mr. Prendergast, Alt. 2	Present
Mr. Abrahamsen - Attorney	Present
Mrs. Batistic – Engineer	Present

Board Attorney was in receipt of the oath of allegiance for Mr. DaCosta. He swore in Mr. DaCosta as a Class IV member. Mr. DaCosta recited, and then signed the oath. Everyone applauded, and congratulated him.

NEW BUSINESS

Application # 13-01- 307 Milford Avenue/ 326 Kastler Court – Minor Subdivision

Chairman DeCarlo said the application has been deemed complete at the November 27, 2012 meeting; however the application was not noticed properly for the January 15, 2013 meeting. Board Attorney reviewed the new notices and said the application could now be heard at the public meeting.

Joseph Vigliotti, 21 Main Street, Hackensack, NJ 07601, attorney representing the applicants, Mr. and Mrs. Seung Joon Park, Michael Kane, and Leyla Baloy who are proposing to subdivide out, approximately 663 square feet of Lot 46, and add it to the back of Lot 32. He said the proposed subdivision line will follow an existing fence line.

Mr. Vigliotti was submitting the following exhibits:

- A-1 - A group of sixteen colored pictures depicted of the existing fence and site plan dated 10/11/12
- A-2 – Bergen County Planning Board letter in receipt of the subdivision application
- A-3 – Letter from Christopher Lantelme, PE regarding total impervious coverage
- A-4 – Letter from Boswell Engineering regarding the variances associated with the application

He previously submitted the application for development, the subdivision plat prepared by Lantelme, Kurens, & Associates, P.C. dated March 23, 2012 at the work session meeting in November.

Christopher Lantelme, P.E. offices at 101 West Street Hillsdale, NJ was sworn in by Board Attorney.

Mr. Lantelme said all the variances associated with the subdivision are existing non-conformities of Lot 32, 307 Milford Avenue. He said the required lot size is 7500 square feet where 5,625 is existing and they are proposing 6,288 square feet. He said the front yard requirement is 55' where 51.1 feet is existing and they are proposing no change. He said the required building coverage was 1,257 square feet or 20% where 1,479 square feet was existing, and they were proposing 1,510 square feet. Mr. Lantelme said the rear yard setback requirement was 23.81 feet where 9.5' was existing and they are proposing 18.6 feet. Mr. Lantelme said there was an existing garage 1.5' feet and existing shed 2' 5 feet from the side yard setback where 5' is required. Mrs. Prisdorf said there seemed to be a lot of building coverage on 307 Milford Avenue. He said in speaking with the neighbors the garage and shed has been up for many years. Mrs. Prisdorf said the shed was not in conformance with the zoning code. She questioned if a variance was granted for the subdivision if the shed could be relocated or removed.

In answer to Chairman DeCarlo, Mr. Vigilotti said he represented Mr. and Mrs. Park in June of 2011 with purchasing 307 Milford Avenue. He said during the process, they discovered there was an encroachment fence, block wall, pavers and the detached garage as depicted on the survey. He said they contacted the current owner Helen O'Brien, 326 Kastler Court for an easement of encroachment. He said on June 27, 2012, they were unaware that Mrs. O'Brien had sold the property to Michael Kane and Lela Malloy. Mr. Vigilotti said Richard Brady of Waldwick, NJ is the attorney representing Mr. Kane and Ms. Malloy. The easement of agreement was executed on September, 2011. Mr. Vigilotti said they are seeking to transfer 660 square feet from the 326 Kastler Court to 307 Milford Avenue. He said they are requesting four (4) variances. He said all variances associated with the proposed subdivision are a result of existing non-conformities of 307 Milford Avenue. Board Attorney clarified that the lot is a conforming use that does not meet the bulk requirements. Mr. Vigilotti said the existing lot is 5,625 S.F. they are proposing 6,288 S.F. where 7,500 S.F. is required. He said they are seeking a variance for building coverage, where the existing is 26.3% or 1,479 S.F., the proposed being 24% or 1,510 S.F. where 20% is required or 1,257 S.F. He said they are seeking a front yard setback as the existing and proposed is 51.1' feet where 55 feet is required. He said they are seeking a rear yard setback where 9.5' is existing and where 18.6' is being proposed where 23.81' is required.

In answer to Chairman DeCarlo, Mr. Vigilotti said the title search did not yield anything with regard to the block wall. He said the house was built in the 1920's and the block wall has been erected since then. In answer to Mayor Subrizi, Mr. Vigilotti said the block wall could have been erected to show the property line of the Kastler Court development at the time of construction. In answer to Board Attorney, Mr. Vigilotti said he has been advised that the detached garage has been there ever since they purchased the house. He said the neighbors said the garage has been there since the house has been erected. Mr. Abrahamson said the garage could have been erected before side yard setbacks were required. Mr. Vigilotti agreed.

Board Attorney asked if the fence was existing. Mr. Vigilotti said yes. In answer to Chairman DeCarlo, Mr. Vigilotti said if the proposed subdivision were to be approved the fence would still be in compliance with the zoning requirement for the in ground pool located at 326 Kastler Court. Mr.

Vigilotti said the engineer would testify at the public session with regard to the fence, due to the slope of the property. He said the fence is on the upper portion of the slope. In answer to Secretary Scavetta, Mr. Vigilotti said the fence would be more than six feet to the pool which was in compliance with the zoning requirement. Chairman DeCarlo advised Mr. Vigilotti that pictures would not be required however if they could supply some pictorials at the public session it would be helpful to the members to visualize the fence.

Board Engineer clarified for the members that the impervious figure is larger on the zoning chart due to the detached garage on the 307 Milford Avenue would be additional coverage if the subdivision were to be approved. Chairman DeCarlo thanked the Board Engineer for that clarification. In answer to Board Attorney the additional coverage does not need any variances. In answer to Mayor Subrizi, Mr. Vigilotti said the applicants for 307 Milford Avenue are not proposing any additions or construction projects. Chairman DeCarlo asked if testimony would be given at the public session. Mr. Vigilotti said yes.

Mr. Vigilotti said they were having difficulty scheduling the engineer's appearance for the December public session, he asked if they could be put on the January 15, 2013 public session meeting. Mr. Vigilotti said there would be a chance that the engineer could appear however they were unsure at this date. Chairman DeCarlo said the January 15th meeting was the reorganization meeting he asked the Board Attorney if the case would be heard prior to the reorganization or after. Board Attorney said to contact the Board Secretary if they would convene in December and to submit the proper notices prior the public hearing. He said the Board Secretary would advise the members if there would be a meeting in December or if the matter would be carried to January.

Chairman DeCarlo asked the Borough Engineer if the application was deemed complete. She said she would have a report sent to the members prior to the public session and she deemed the application complete.

As there was no further business to be conducted by the Board, a **motion** to adjourn was offered by Celeste Scavetta seconded by Mayor Subrizi, and carried by all. Chairman DeCarlo said the next meeting will be a combined meeting held on March 19, 2013 at 7:30 pm.

Respectfully submitted,



Maria Sapuppo
Recording Secretary