

NEW BUSINESS

Mr. Neiss swore in new member Joseph Loonam as Alternate #1. Everyone applauded. Mayor Subrizi advised the members that Mr. Loonam was a former Zoning Board member and he has taken and passed the mandatory class required for Board members to take.

Motion by Mayor Subrizi, seconded by Mr. Berner, and carried by all to open the meeting to the public.

Mr. Donly, 904 Boulevard Apt. B, said he and his wife were looking to purchase a home in New Milford. He said he is a professional engineer. He would like to find a home that allows him to have a professional office within the dwelling. He understood from the Zoning Officer that a professional engineer was not an allowable profession in the current ordinance. She told him the Planning Board was discussing revising the ordinance and he would like to give the board an opportunity to hear a professional point of view for a mixed use.

Mr. Donly questioned the twenty-five percent of office space that was being proposed. Mr. Donly also questioned Item C on the proposed definition, which stated no person other than the family engages in occupation. He stated he has a draftsman who comes in approximately 3-5 times a week to do some drafting. He also employs a part time bookkeeper. He said the proposed ordinance isn't clear if he would be allowed to have his employees come to the house. Mr. Donly was also concerned with regard to Item D, which stated there should not be any change to the outside use of the dwelling. He said some houses throughout town have converted their garages into parts of their interior use. He questioned if this would be allowed if this ordinance were to pass.

Mr. Donly said he would like to see what other municipalities in New Jersey Home/Professional office ordinances contain. He asked if he could send any information he gathers to the Board Members for their review. Vice Chairwoman Grant advised him to send them to the Board Secretary and she will make copies for the members for the next work session meeting. Vice Chairwoman Grant thanked Mr. Donly for all his comments and concerns.

Motion by Mayor Subrizi, seconded by Ms. Sirocchi-Hurley, and carried by all to close the meeting to the public.

At this time the members went into the work session portion of the meeting.

WORK SESSION

Definition of Building/Impervious Coverage

Vice Chairwoman Grant agreed with the Board Engineer's e-mail. She suggested a minor change because the previous definition did not specify to which point on the structure the height is measured. She suggested the revision to be:

Deck: A roofless structure having the floor height more than 12" above the finished grade measured at any point of the structure.

Patio: A roofless structure the maximum height of which is no more than 12” above the finished grade measured at any point of the structure.

Motion by Councilman Berner, seconded by Mayor Subrizi, and carried by all, to have the Board Attorney draft a resolution and cover letter to be forwarded to the Governing Body recommending the definition revision to the Land Use Ordinance.

The Board Secretary said she would forward a copy of the recommendation to the Zoning Board for their input and have an answer before the next Planning Board meeting.

Definition of Home/Professional Office

Vice Chairwoman Grant asked if anyone had comments to Mr. Donly’s concerns. Mayor Subrizi said she understood Mr. Donly’s concerns with 25% maximum allowable for professional office. She advised the members of a home office for a dentist on Cedar who has a dwelling perfectly designed for a professional use and she felt it was over 25% percent was designated for the dentist office. Board Attorney said drafting the ordinance would not mean a homeowner could not accommodate a professional office but they might need to seek a variance if they want to exceed the 25% limit.

Ms. Hudak referred to a house on River Road that uses office space on the entire bottom floor while the residential use was on the second floor. She said the second floor had much less square footage than the first floor. She said she would like the new definition to prohibit that.

Mayor Subrizi was concerned about parking. She felt the parking for the use should be contained on the existing driveway. She said she would not like the parking to be on the street or hanging over onto the sidewalk. All members were in agreement about the parking. Mr. Castronova said there was an ordinance stating your car must be three feet in. In answer to Mr. Loonam, Mr. Castronova said there is allowable parking on some streets he referred to the case of workers parking on Graphic Boulevard for Woodcrest.

After much discussion it was suggested by the Zoning Officer, that a maximum square footage limit be determined. She said this would avoid homeowners with very large houses utilizing too much of their home for a professional office, which would create more issues with parking, and more employees.

Mr. Pecci said Ambulatory Surgery Centers should be discussed as part of what is not included, instead of just not including hospitals. He advised the members of ambulatory surgery center information he found on the internet. Councilman Berner asked if this would include mid wives. Ms. Hudak said it was discussed last month and agreed upon that if a funeral home were to be proposed they would have to appear before the zoning board for a variance. She felt the same way about midwives. Mr. Loonam advised the members while he sat on the Zoning Board of Adjustment, an electrolysis applicant came before the board seeking a variance. He said she was granted approval due to her having a nurse’s license. He said he would like the new ordinance definition to be specific on what is allowed and who should not be allowed so as these types of loopholes could be avoided.

Ms. Sirocchi-Hurley asked if prohibiting garage conversions into living or office space could be reexamined. There was much discussion by the members with different opinions and views. Vice Chairwoman Grant suggested the Home/Professional Office discussion to be revisited at the next work session meeting when Chairman DeCarlo would be present to hear his input.

Definition of Family

Vice Chairwoman Grant said she revised the definition after the Mayor's suggestions at last month's meeting. She removed the word permanent and added non-transient. She felt this would still prohibit renting, boarding house or dorm style housing.

Mayor Subrizi said Ms. Grant made the best possible definition for family; however she still had a problem with defining the word family. Ms. Grant said she felt she made the definition very broad. Mayor Subrizi wondered if the current definition had to be changed. Ms. Grant felt the current definition was antiquated. Mayor Subrizi said she couldn't articulate why she didn't like it, she said she probably will vote against it. She felt when a person walked through their door of their house she wasn't sure if anyone should be able to legislate this part of their life. Ms. Sirocchi-Hurley asked the Mayor how we could prohibit a woman renting four rooms of her house to college kids. Mr. Pecci looked up the definition for family and read it aloud to the members.

Councilman Berner said there was case law from Glassboro, he was advised by the Borough Attorney there might have been a definition with regard to family that came out of that law. Board Attorney said he would e-mail the Borough Attorney tomorrow. Ms. Hudak said she felt the intent of this discussion was to prohibit what happened in Leonia, Palisade Park, Cliffside Park with regard to boarding house type issues. She wanted to know what the outcome of those cases. Board Attorney said he thought the board started addressing this issue due to the archaic definition of family with regard to the land use section of our ordinance. He said the word family relates to numerous ordinances, but the Board can only discuss and change zoning context issues.

Board Attorney agreed, however he felt we still need some kind of definition of family due to the terms of single-family, multi-family and two-family homes being used throughout the land use section of the ordinances.

Vice Chairman Grant said a decision is not needed tonight she asked the Board Members to rethink all the issues brought up and at the next meeting come with new suggestions on how to fix the issues to avoid renting rooms, boarding house and dorm type issues.

As there was no further business, a **Motion** to adjourn was offered by Mr. Castronova, seconded by Councilman Berner and carried by all. Vice Chairwoman Grant said the next Planning Board meeting would be combined session on July 26, 2011.

Respectfully submitted,



Maria Sapuppo
Planning Board Recording Secretary