

Approved  
10/9/19

## **New Milford Zoning Board of Adjustment Work Session September 10, 2019**

Chairman Schaffenberger called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:34 pm and read the Open Public Meeting Act.

### **ROLL CALL**

Mr. Adelung	Present
Ms. DeBari	Present
Ms. Hittel	Absent
Mr. Levine	Present
Mr. Loonam	Present
Mr. Rebsch	Absent
Mr. Stokes	Present
Mr. Weisbrot	Present
Mr. Schaffenberger- Chairman	Present
Mr. Ascolese -Engineer	Present
Mr. Sproviero - Attorney	Present

The Board Attorney noted that there was an applicant contemplating filing an application in October. The October 8<sup>th</sup> meeting currently scheduled takes place during Yom Kippur. The resident asked the board to consider an alternate date. The Board Members discussed dates and agreed to reschedule the October 8<sup>th</sup> meeting to Wednesday October 9<sup>th</sup> at 8 pm.

### **REVIEW MINUTES OF THE WORK SESSION – August 13, 2019**

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

### **REVIEW MINUTES OF THE PUBLIC SESSION – August 13, 2019**

The Board Members reviewed the minutes and made a change.

### **RESOLUTION**

#### **19 04 –Perl – 1109 Sheridan Street – Block 202 Lot 27 – side yard - House already built**

The Chairman asked the members if they reviewed the resolution and if there were any questions or changes. There were no changes.

### **OLD BUSINESS**

The Board Attorney stated that Mr. Levine and Mr. Adelung signed certifications that they listened to the recording of the August 13<sup>th</sup> meeting and were now eligible to hear, consider and vote on the application.

**19 03 Chakkappan – 1023 Arlington Road – Block 308 Lot 14**

The Chairman stated that this application returned with new numbers and worksheet. There was also a letter from Boswell Engineering dated 9/3/19.

The Board Attorney noted there were two side yard and lot coverage variances implicated. The Chairman asked if they were voting on the side yard variances. Mr. Ascolese answered that he listed side yard variances in his letter because there was no evidence that the the side yard variances had been established previously. The applicant was not making any changes to the side yards but Mr. Ascolese thought the board might want to include it since it was a preexisting condition. The Board Attorney and Chairman agreed that it made sense.

The Chairman asked for clarification on #5 in his letter stating that the square footage of the tax office will be used for all the site coverage calculations. Mr. Ascolese said that was the decision from Mr. Cahill. The Chairman asked if that was typical. The Board Attorney said it was not typical that there was a deviation between the actual square footage of the lot based on the survey and what is noted in the tax rolls but stated he did not have a problem with Mr. Cahill's decision.

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

**New Milford Zoning Board of Adjustment  
Public Session  
September 10, 2019**

Chairman Schaffenberger called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:52pm and read the Open Public Meeting Act.

**ROLL CALL**

Mr. Adelung	Present
Ms. DeBari	Present
Ms. Hittel	Absent
Mr. Levine	Present
Mr. Loonam – Vice Chairman	Present
Mr. Rebsch	Absent
Mr. Stokes	Present
Mr. Weisbrot	Present
Mr. Schaffenberger-Chairman	Present
Mr. Ascolese-Engineer	Present
Mr. Sproviero - Attorney	Present

**PLEDGE OF ALLEGIANCE**

**OFFICIAL MINUTES OF THE WORK SESSION – August 13, 2019**

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

**OFFICIAL MINUTES OF THE PUBLIC SESSION – August 13, 2019**

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

**RESOLUTION TO BE MEMORIALIZED**

**19 04 –Perl – 1109 Sheridan Street – Block 202 Lot 27 – side yard - house already built**

**Motion** made by Mr. Loonam to memorialize the resolution, seconded by Mr. Stokes.

The motion passed on a roll call as follows:

For the motion: Members Loonam, Stokes, DeBari, Weisbrot, Schaffenberger.

Approved 5-0

**OLD BUSINESS**

**19 03 Chakkappan – 1023 Arlington Road – Block 308 Lot 14**

Mr. Joy Chakkappan, homeowner at 1023 Arlington Road, was continuing his application before the board with revisions to his plans and worksheet.

Mr. Aldrin Alimerao, fact witness, was sworn in by the Board Attorney.

The Chairman stated the zoning worksheet has been revised. The Chairman clarified that there is a building coverage variance but no longer need the impervious. Mr. Ascolese agreed and said it was no longer an issue. There is a building coverage issue which permits 20% coverage (1,610 sf) and is proposing 1,860 sf. which is 23% coverage.

Mr. Ascolese said a new set of plans and zoning worksheet were resubmitted which he thought more correctly indicated what the applicant was proposing. He was impressed how thorough Mr. Chakkappan was with his new calculations. He pointed out that this room was indicated as 18' x 13'-9" in one place and the work sheet showed the addition to be 18' x 13.9'. Mr. Ascolese said to be careful with the feet and inches.

Mr. Aldrin Alimerao, fact witness, was sworn in by the Board Attorney.

The Chairman questioned that it was either 9" or .9'. Mr. Ascolese pointed out that those inches varied from one set of plans to the other. He stated the footing plan sheet showed the addition to measure to 18' x 13' 8 1/2". Mr. Alimerao said that was to the foundation. Mr. Ascolese said the room proposed is at 18' x 13'9". Mr. Alimerao agreed.

The Chairman referred to the plans and asked if the other side would extend from the existing house. Mr. Alimerao said yes. The Chairman asked if there would be a basement or a crawlspace. Mr. Alimerao said just a slab. The Chairman questioned that the Boswell letter said that no seepage pit is required at this time. Mr. Ascolese answered there was a reduction in the impervious coverage because the proposed family room is smaller than the existing patio so no seepage pit would be required. He told the applicant they were already over on building coverage, so if there was any additional work, they would have to return to the board.

The Board Attorney stated that the building coverage component 20% is permitted and with the removal of the patio/pavers and the replacement of the addition proposed is 23%. Mr. Ascolese agreed. The Board Attorney said there were two side yard and building coverage variances proposed. Mr. Ascolese stated that the two side yards were preexisting. The Chairman asked if the pavers along the side of the house were being removed. Mr. Alimerao said no and added there was a door on the side of the addition.

Mr. Adelung asked if the existing patio was done by the applicant. Mr. Chakkappan said he did it. Mr. Adelung asked if he had permits to do the work. Mr. Chakkappan said he did. Mr. Adelung asked if he needed a variance to do that work. Mr. Chakkappan said no. Mr. Adelung asked how did this end up at the board with a coverage issue when there was no variance required prior. The Board Attorney said it was picked up when the applicant came in for permits to do this addition and that was the first time that the excessive lot coverage was picked up.

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

No one wished to speak from the audience.

Motion to close to the public was made by Mr. Stokes, seconded by Mr. Weisbrot and carried by all.

The Board Attorney asked the Board Engineer if there were any special conditions that need to be attached to any potential motion to approve this application. Mr. Ascolese answered no as long as the applicant supplies the required documents to the building department and abides by the local codes.

Mr. Adelung asked if the board needs to know if the applicant had the permits for the existing patio. The Board Attorney said they were approving everything now. Mr. Adelung was trusting that he had the permits to do the patio. The Board Attorney said there was nothing before them and have not heard anything otherwise from the zoning officer.

**Motion** made by Mr. Stokes to approve the application for building coverage and two preexisting side yard variances, seconded by Ms. DeBari.

The motion passed on a roll call as follows:

For the motion: Members Stokes, DeBari, Adelung, Loonam, Weisbrot, Levine, Schaffenberger.

Approved 7-0

As there was no further business to discuss, a motion was made to close the meeting by Ms. DeBari, seconded by Mr. Weisbrot and carried by all.

Respectfully submitted,  
Maureen Oppelaar