

Approved  
8/10/21

**New Milford Zoning Board of  
Work Session  
07 13 2021  
Virtual meeting (zoom)**

Acting Chairman Loonam 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. Adelung	Present
Mr. Birnbaum	Present
Ms. DeBari	Present
Mr. Hicks	Absent
Mr. Levine	Present
Mr. Loonam - Acting Chairman	Present
Mr. LoPorto	Present
Mr. Rebsch	Present
Mr. Sproviero - Attorney	Present
Ms. Batistic- Engineer	Present

The Board Attorney called to the attention of the Board Members that Vice Chairman Loonam has acted in the June meeting as Acting Chairman. The Board Attorney stated that it would not be inappropriate to make appointments of a Chairman and Vice Chairman to serve for the balance of the 2021 term. Mr. Loonam felt that would be the right thing to do. The Board Attorney said that Mr. Schaffenberger has returned to the board on an interim basis. Mr. Loonam said it was not his intention to return to the board in 2022. Ms. DeBari thought the Board should just concentrate on 2021 and vote for a Chair and Vice Chair.

**REVIEW MINUTES OF THE WORK/PUBLIC SESSION – June 08 2021**

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

**RESOLUTIONS**

**21-03 Kozlowski – 515 River Road – Block 1111 Lot 2**

**Second Floor addition – building coverage, side yard setback variances**

The Board Members reviewed the resolution and made no comments or corrections.

**21-04 Dubin – 1114 Korfitsen Road -Block 205 Lot 9**

**Two story addition – building coverage and side yard setback**

The Board Members reviewed the resolution and made no comments or corrections

**21-07 – Aliano – 688 Asbury St– Block 918 Lot 7**

**Two story addition – building and impervious coverage**

The board members reviewed the application and made no comments or corrections.

**OLD BUSINESS**

**21-06 Chavez – 230 Graphic Blvd-Block 610 Lot 1**

**Addition – building coverage**

The Acting Chairman asked if all the members received and reviewed the revised Engineer letter submitted. Mr. Adelung clarified that the June 30<sup>th</sup> letter is replacing the June 2<sup>nd</sup> letter. All agreed.

The Board Attorney clarified that this application has issues with building coverage and impervious coverage. There were reductions made from the original plans. Ms. Batistic had no problems with the calculations submitted by the applicant.

**NEW BUSINESS****21 08 Kollander 1102 Korfitsen Rd- Block 205 Lot 3****Two story addition – building coverage, front and rear setbacks**

The Board Attorney stated that there will be an additional variance required due to filling with soil brought onto the property which implicates the calculation height. Modifications were made as acknowledged by Ms. Batistic that appears to keep the height under 30’.

Mr. Adelung would like Mr. Loonam to remain on the board but said in the event that Mr. Loonam decides not to remain on the board in 2022, he would like the opportunity to be Chairman.. Mr. Loonam appreciated his input. Mr. Loonam stated he was running for the Board of Education in 2022 and felt if he was fortunate to win, it would not be possible to serve two boards. He added if he loses then he would reconsider.

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

**New Milford Zoning Board of Adjustment  
Public Session  
July 13, 2021**

Acting Chairman Loonam called the Public Session of the New Milford Zoning Board of Adjustment to order at 8:00pm and read the Open Public Meeting Act.

**ROLL CALL**

Mr. Adelung – Vice Chair	Present
Mr. Birnbaum	Present
Ms. DeBari	Present
Mr. Hicks	Absent
Mr. Levine	Present
Mr. Loonam - Chairman	Present
Mr. LoPorto	Present
Mr. Rebsch	Present
Mr. Schaffenberger	Present
Ms. Batistic -Engineer	Present
Mr. Sproviero - Attorney	Present

**PLEDGE OF ALLEGIANCE**

The Board Members all agreed to vote on a Chairman and Vice Chairman.

Motion to appoint a Chairman was made by Mr. Adelung to nominate Mr. Loonam, seconded by Mr. Schaffenberger. No other nominations were made.

For the motion: Members Adelung, Schaffenberger, DeBari, Levine, LoPorto, Rebsch

Abstain: Member Loonam.

Motion to appoint a Vice Chairman was made by Mr. Levine to nominate Mr. Adelung, seconded by Mr. Birnbaum. No other nominations were made.

For the Motion: Members Levine, Birnbaum, DeBari, LoPorto, Rebsch, Schaffenberger, Loonam

Abstain: Member Adelung

**OFFICIAL MINUTES OF THE WORK/PUBLIC SESSION- June 08, 2021**

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

**RESOLUTION TO BE MEMORIALIZED**

**21-03 Kozlowski – 515 River Road – Block 1111 Lot 2**

**Second Floor addition – building coverage, side yard setback variances**

Motion to approve the resolution was made by Mr. Schaffenberger, seconded by Mr. Rebsch.

For the motion: Members Schaffenberger, Rebsch, DeBari, Adelung, LoPorto, Loonam.

**21-04 Dubin – 1114 Korfitsen Road -Block 205 Lot 9**

**Two story addition – building coverage and side yard setback**

Motion to approve the resolution was made by Mr. Adelong, seconded by Mr. Rebsch.  
For the motion: Members Adelong, Rebsch, DeBari, LoPorto, Schaffenberger, Loonam

**21-07 – Aliano – 688 Asbury St– Block 918 Lot 7**

**Two story addition – building and impervious coverage**

Motion to approve the resolution was made by Mr. Adelong, seconded by Mr. Rebsch.  
For the motion: Members Adelong, Rebsch, DeBari, LoPorto, Birnbaum, Schaffenberger, Loonam.

OLD BUSINESS

**21-06 Chavez – 230 Graphic Blvd-Block 610 Lot 1**

**Addition – building coverage**

Richard A Joel, Jr., attorney on behalf of Miguel and Georgina Chavez at 230 Graphic Boulevard, stated that the clients, architect and builder were present.

The Board Attorney swore in:

Steven Considine, architect, 63 Prospect St. Bernardsville, NJ  
Georgina Chavez, homeowner, 230 Graphic Boulevard, New Milford  
Chris Lacey, contractor, 253 Linden Place, New Milford

Mr. Joel explained that this was an application where the applicant is seeking to extend out the rear 8' and renovate the second story. The house is very small and they are trying to make it more livable. The application requires a variance for:  
Maximum building coverage required 1,000 sf, existing 1,050 sf and proposed 1,283 sf.

Mr. Joel said there was impervious coverage that exceeds the limits but that was preexisting and the applicant was reducing it.

The Board Members accepted the qualifications for Mr. Considine as an expert in the field of Architect.

The architect explained the application and said this was an existing 2-bedroom cape cod house on a corner lot with an attached single car garage. The applicant wants to expand out the back and convert upstairs into more livable space. Mr. Considine stated this was a non-conforming lot and non-conforming setbacks. They tried to minimize the extent of the expansion so not to aggravate the non-conformities on the side and front. The house is too small for a family today and he felt the size of the 8x29 addition was constrained.

Mr. Joel asked the architect if he took into consideration the surrounding neighborhood. Mr. Considine answered yes and the addition is in the rear and it blends in with the surrounding properties.

The Attorney marked as Exhibit A-1 -photos of the surrounding neighborhood.

Exhibit A-2- architectural plans

Mr. Considine stated homes in the neighborhood were larger and the applicant was adding in the rear and increasing their ceiling height.

The architect reviewed the architectural plans.

The Board Attorney clarified that the property size was 50x 100. The architect agreed.

Mr. Adelung asked what was the size of the house with the addition without the garage. Mr. Considine answered the first floor was 1,013' sf and the second floor would be the same.

Mr. Levine asked how much was he adding to the rear of the house. Mr. Considine said 8' back and the length of the house which was 29.2.

Mr. Schaffenberger had questions on what was existing in the rear of the property. Mr. Considine said there was a deck but it would be removed.

The Board Attorney clarified that the deck and pavers was being removed and the garage was remaining the same.

Mr. Schaffenberger clarified that the deck and barbeque area were being removed. Mr. Joel agreed.

Chairman Loonam asked if the pergola was remaining. Mr. Considine said it would remain.

Mr. Considine said in his experience anyone who had the money would expand their house. The Chairman stated that was not a reason to grant a variance. Mr. Considine agreed that economics does not play into variance but his point was that if people had the opportunity to expand their house they would do so.

Ms. Chavez said she lived in her home for about 25 years. The resident wanted a better house with a nice kitchen. She added it was her husband's dream but unfortunately, he passed July 4<sup>th</sup>. The resident said it would increase the value of the house and the size of the house would be more comfortable. Ms. Chavez said her house was falling apart and the ceiling fell down from the storm.

Mr. Joel asked if she thought this would be bigger than the other homes in the neighborhood. Ms. Chavez answered it would match the other homes and would be nice for the neighbors. The Chairman asked if the variances were granted would she be able to make needed improvements on her house. Ms. Chavez answered yes.

The Board Attorney asked Ms. Batistic questions regarding the application. He clarified that there was a preexisting impervious coverage issue that was a preexisting non-conforming condition. There was also a reduction of the non-conforming element. The Board Attorney

questioned if the impervious coverage variance was still implicated and felt they should consider the impervious coverage variance relief.

Mr. Joel agreed.

Mr. LoPorto asked if it would be the same for the front yard setback. Mr. Sproviero explained it was not changing. The resolution would reflect there were a variety of non-conforming elements.

Mr. Schaffenberger agreed with the Board Attorney and stated it would protect the homeowner down the road to have the variance. He added that even though it was being reduced it was still a non-conformity and felt there should be a variance for it.

The Chairman felt if they were doing building and when it was done it exceeds what was allowed, he also felt it was prudent to request a variance.

Mr. Lacey, contractor, said this proposal is smaller than the surrounding homes. He stated the current house needed repair. He would be improving the house with new siding and roof.

The Board Attorney asked the contractor if the addition was an improvement as proposed consistent with the character of the existing neighborhood. Mr. Lacey answered yes.

Motion to open to the public for the witnesses was made by Mr. Levine, seconded by Mr. Adelung and carried by all.

The record reflects that no members of the public wished to comment.

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

The record reflects that no member of the public wished to comment on the application.

Mr. Joel marked as Exhibit A-3 – survey

Mr. Joel stated that the application was seeking a variance for maximum building coverage and for impervious coverage. They believed that it meets the criteria for D1 and D2. He added that the lots were small and they were limited to what they could do. He felt there was a hardship in that it was a small house to live in. With any deviation from the ordinance, Mr. Joel felt the benefits outweigh the detriment. They believe that it would be an improvement to the general welfare of the community. It would also improve the value which is a purpose of the master plan to upgrade housing. Mr. Joel requested that the variances be granted.

Mr. Sproviero stated that there were two variances implicated by this application. The first was maximum building coverage and the second was for maximum impervious coverage.

Ms. Batistic clarified that the required building coverage is 20% and they were requesting 25.66%. There was a reduction in the impervious lot coverage – required is 40%, existing 46.18% and proposed (reduced) is 42.48%. No seepage pits were required because they were adding less than 300 sf impervious area and they were reducing it.

The Chairman commented that applications requesting to increase building coverage by a large amount which he felt was anything over 22% was a good amount depending on the lot. The Chairman stated when applicants are requesting 25% he is very cautious because it is a 25 to 30 percent increase over what is allowed. With this application, the Chairman said this is a small property of 50x100. As the architect testified, this was a modest improvement that they were seeking and a lot of it was going in the area of the deck. The Chairman felt, in this case, it was warranted to have a house that was functionable.

Mr. Levine agreed with the Chairman and commented on the small size lot and no one was opposing the application.

Mr. Sproviero stated two conditions to be considered:  
The removal of the deck and rear yard pavers.  
Compliance with the 6/30/21 Engineer review letter.

Motion made by Vice Chairman Adelung to approve the application with conditions stated by the board attorney, seconded by Mr. Rebsch  
The motion passed on a roll call as follows:  
For the motion: Members Adelung, Rebsch, DeBari, Levine, LoPorto, Schaffenberger, Loonam  
Vote 7-0

## **NEW BUSINESS**

### **21 08 Kollander - 1102 Korfitsen Rd- Block 205 Lot 3**

#### **Two story addition – maximum building and impervious coverage, front and rear yard setback**

Andrew Kohut from Wells, Jaworski & Liebman, 12 Route 17 North, Paramus N,J on behalf of Jennifer and Samuel Kollander at 1102 Korfitsen Road stated the application was for a two-story addition as well as an addition that includes a covered patio. There were four variances that were required. There was front yard setback required 30', existing 30.6 ft proposed 28.2ft. A rear yard setback 20' required, existing 12.6 ft proposed 11.9 ft. There was a variance for filling in 2.4 ft of fill where 2' is permitted at the southeast corner of the building near the garage. The building coverage variance needs updating. They became aware that the soffits count to building coverage. There was currently 156 sf of soffit around the building so the total building coverage was 1486 sf (18.1%), the proposed building including the soffits which was 184 sf was 2062 sf (25.07%).

The Board Attorney swore in Mr. Kollander, homeowner, Mr. Jeffrey Wertz, architect, 128 Broad St, Red Bank NJ and Kiersten Osterkorn, engineer and planner, 22 Madison Heights, Wyckoff NJ.

Mr. Kollander stated they have lived at this address for five years and have three children. The house currently has five bedrooms with two of them of the main floor. With a growing family, this space does not function to how they would like it. The main floor is small and they were a growing family and would like a more functional and livable space.

Mr. Kollander said they were aware of the zoning parameters and laws and sought to best meet those without over extending those requirements.

The Board Attorney asked for the ages of the children Mr. Kollander answered 7, 4 and 3. The attorney pointed out that sooner or later the children will drive. The Board Attorney stated as they proceed the relevance of that would be made.

Mr. Levine asked for the proposed square footage of the house. Mr. Weltz said the addition size was 756 sf. The addition of the first floor living space was 646.9 and the second floor was 740.6. The overall house size he did not have. Mr. Levine asked if there was a drawing proposed without any variances. Mr. Kohut said regarding the setback variances, there was no way to have an addition without triggering those variances.

**Motion** to open to the public to ask questions of Mr. Kollander was made by Mr. Levine, seconded by Mr. Schaffenberger and carried by all.

The record reflects that no member of the public wished to comment.

**Motion** to close to the public was made by Mr. Rebsch seconded by Vice Chairman Adelung and carried by all.

The Board Members accepted the qualifications of Mr. Weltz as an expert in the field of architecture.

Mr. Kohut said plans were submitted dated 5/12/21 consisting of 5 sheets and a revised sheet that dealt with the elevations dated 5/12/21.

Mr. Weltz said the applicant wanted to expand a house in a modest way to meet all their needs. The architect reviewed the architectural plans. They were proposing to demolish the existing garage and second floor bedroom. They will add an addition that will accommodate a new living room, an expanded kitchen, mudroom, pantry and new storage area. The homeowners wanted a vlarge dining/gathering area. There was currently five bedrooms and they were proposing one extra bedroom which would be in the basement. Mr. Weltz pointed out that the bedrooms were not large and they tried to make this addition as small as possible while recognizing the needs of the applicant's growing family.

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

Mr. Weltz discussed the soffits and said the overhangs that they were proposing/existing were standard soffits not exceeding 1' which keep the water away from the building. To include the overhangs in the coverage, is to prevent any excessive roof extension and what they were proposing were modest overhangs and were standard to any home.

Mr. Weltz said the objective was to have the home sit comfortable within the neighborhood and not look like an addition that was just put on without any thought.

Vice Chairman Adelung asked for the square footage of the house. Mr. Weltz said the first floor was 1,625.7 sf and second floor was 1,612.29 sf. Mr. Adelung asked what was the square footage



of the basement. Mr. Weltz answered 1,412.8 sf. Vice Chairman Adelung said the house is approximately 4,649 sf of living space. They were adding about 1,400 sf to the house.

Ms. DeBari asked if they eliminating the garage and keeping the driveway. Mr. Weltz answered there will be no garage but it is for storage.

The Chairman asked if the area for storage was large enough for a garage. Mr. Weltz answered it was not deep enough for a car. He asked how many cars can fit in the driveway.

Ms. Osterkorn said four cars could fit between the sidewalk and the building but two of the cars would go over their property line.

The Chairman said there was testimony that the two bedrooms were not functional on the main floor. He asked how was a bedroom in the basement functional. Mr. Weltz said they proposed five functional bedrooms on the second floor. The basement bedroom would be used occasionally. The Chairman said there was a room in the basement marked as an office and asked if that one could be also used as a bedroom. Mr. Weltz said they testified it would not be used as a bedroom. The room designated as a bedroom in the basement has an egress window and designed as a proper place to sleep.

The Chairman said they were redesigning a house that approximately 4,600 living area and had no garage. There would be six bedrooms and relying on cars encroaching into the right away. The Chairman asked the architect if there was something he could have designed for cars and how could they design something that relies on the borough to allow for cars to be parked in the right of way. The Chairman said he had no problem with building a house this size as long as it makes sense.

The architect said they discussed the garage but other things were more important than the garage. He understood his point and stated they were valid.

The Chairman said he understands “they want” and “their needs” but how does the applicant ask for something with this much living space without adequate parking. This would put a burden on the neighborhood.

Mr. Kollander said they currently fit three cars. Mr. Kollander asked his engineer if the width of the proposed driveway would allow for a fourth car. Ms. Osterkorn answered no, they would have to add more pavement. The Board Attorney said that would implicate impervious coverage.

Vice Chairman Adelung thought the applicant and professionals should take a minute to speak with each other to see if they want to revise the plan. Mr. Adelung felt this application has to be functional. Mr. Kohut was looking for guidance on the building coverage and the proposed soffits. The Chairman said if he was to give him a guide it would be a sensible application. Every application is different, there is no precedence and each application are looked at on its own merits.

Ms. DeBari thought they should reconsider and put in a garage and she did not think it made sense.

Mr. Birnbaum had concerns about the parking and how it would impact the neighborhood. He mentioned that maybe another owner might want six cars and that would be an issue.

Mr. Rebsch had concerns about visitors and felt most houses have garages with this type of living space. He did not feel comfortable with this application.

Mr. Levine said he was all for a large house but commented most houses of that size have two car garages. He felt having no garage was odd for that size house.

Mr. LoPorto thought there were ways to enhance the practicality of the house. He felt it needs to be sensible.

Mr. Schaffenberger felt that the present owners or new owners would eventually be before the board looking for another variance for a larger driveway. He also felt it would make the house hard to sell because houses of this size have at least a two-car garage. Mr. Schaffenberger thought it to be a bad design.

The Chairman also did not think it was a functional design.

Recess for the attorney to confer with his client

The Chairman asked Ms. Batistic if this application could be designed to eliminate the variance for the excess fill. Ms. Batistic said currently the garage slopes down below the street level and they are proposing a driveway that drains to the street. The Chairman asked if the applicant came back with a design for a garage, would it eliminate the need for the fill. Ms. Batistic answered yes if they continued to have the garage below the street level but they could design a garage above the street level.

Mr. Kohut appreciated the comments of the board and they will see what they could do to address the boards concerns. Mr. Kohut asked the board if there was anything else they would like them to look at. The Chairman said it should be appropriate and sensible and his opinion was if there was a way to incorporate a garage and eliminate a variance that would be a positive thing.

Mr. Adelung agreed and felt they need to do a sensible application within the guidelines for the least number of variances.

The Board Attorney said the applicant would carry the application to August 10, 2021 and no new notice was required.

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

Respectfully submitted,  
Maureen Oppelaar