

Approved  
3/8/22

**New Milford Zoning Board of  
Work Session  
02 08 2022  
Virtual meeting (zoom)**

Chairman Adelung called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:33 pm and read the Open Public Meeting Act.

**ROLL CALL**

Mr. Adelung - Chair	Present
Mr. Birnbaum	Present
Ms. DeBari	Absent
Mr. Hicks	Present
Mr. Levine	Present (745)
Mr. Loonam	Present
Mr. LoPorto	Absent
Mr. Rebsch	Present
Mr. Schaffenberger	Present
Mr. Daniel Lagana	Present
Ms. Batistic – Engineer	Present

Chairman Adelung called for a motion to nominate Daniel Lagana, Esq as board attorney for the calendar year for 2022.

Motion made by Vice Chairman Karl Schaffenberger, seconded by Mr. Rebsch  
For the motion: Members Schaffenberger, Rebsch, Loonam, Birnbaum, Hicks, Adelung

**REVIEW MINUTES OF THE WORK/PUBLIC SESSION – January 11, 2022**

The Board Members reviewed the minutes and there was a change.

**NEW BUSINESS**

22-01 308 Myrtle Avenue – Quinones – Block 1214/14

New Home – Building and Impervious Variances

The Board Members reviewed the application and had no questions or comments.

The Chairman told the board members to review the annual report that was sent to the members and it would be discussed at a future date.

**New Milford Zoning Board of Adjustment  
Public Session  
February 8, 2022**

Chairman Adelung called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:55pm and read the Open Public Meeting Act.

**ROLL CALL**

Mr. Adelung - Chair	Present
Mr. Birnbaum	Present
Ms. DeBari	Absent
Mr. Hicks	Present
Mr. Levine	Present
Mr. Loonam	Present
Mr. LoPorto	Absent
Mr. Rebsch	Present
Mr. Schaffenberger	Present
Mr. Daniel Lagana	Present
Ms. Batistic – Engineer	Present

**PLEDGE OF ALLEGIANCE**

**OFFICIAL MINUTES OF THE WORK /PUBLIC SESSION- January 11, 2022**

Motion to accept the minutes with a change was made by Mr. Schaffenberger, seconded by Mr. Levine and carried by all.

**NEW BUSINESS**

**22-01 308 Myrtle Avenue – Quinones – Block 1214/14  
New Single-Family Home – Building and Impervious Variances**

The Chairman swore in Mark Stefanelli, 375 Murry Hill Parkway, East Rutherford NJ 07073. The Board Attorney asked Mr. Stefanelli, architect, for his qualifications which were accepted.

Mr. Lagana clarified that the architectural plans submitted to the board consisted of five sheets dated 12/3/21. Mr. Stefanelli agreed and discussed the proposed application. The architect stated that the existing home was a small cape cod style house and renovating the home to achieve what the applicant required was not feasible. He said they were improving the home for today's standards. The architect reviewed the basement plan, first floor, second floor plan and elevation plans. He noted that they were changing the roof design to fit more to the neighborhood.

Mr. Stefanelli stated the applicant needed two variances – building and impervious coverage variances. The proposed house met all the set back requirements. He reviewed the zoning information on the plans:

Maximum building coverage required 1,500 sf proposed 2,112 sf (28.2%)  
Maximum impervious coverage Required 3,000 sf proposed 3,575 (47.6%)

Front yard setback - Required 25 ft existing 25 ft and proposed 25.1 ft.  
Rear yard setback - Required 25 ft existing 335 ft to bay and proposed 29.9 ft.  
Side yard setback - Required 10 ft proposed 10 ft.  
Height - Required 30 ft existing 18 ft proposed 29 ft.

Mr. Stefanelli entered new exhibits:

The Board Attorney marked exhibits:

- A-1 photo array of neighbors
- A-2 colorized rendering front elevation
- A-3 colorized rendering of angle front of house
- A-4 colorized rendering angled rear of house
- A-5 colorized rendering rear of house
- A-6 colorized rendering entrance to garage

The Board Attorney swore in Mr. Quinones, homeowner and applicant at 308 Myrtle Avenue.

Mr. Quinones told the board that the house was too small for their large family. They also wanted to plan to age in place. He discussed some of the features that they were proposing. They were proposing a wrap around porch that they could enjoy sitting on.

The architect thought 20% for building coverage and 40% for impervious seemed stringent. He discussed the patio, paver areas and driveway. They were proposing a 20' curb cut and a driveway to fit two cars with a garage. They were also proposing a vinyl fence.

Mr. Stefanelli stated that they were not impeding on the neighbors and it was not a detriment to the neighborhood. They were updating and improving the house.

Mr. Loonam questioned that the wood platform/stairs was 47 sf on the proposed site plan and the proposed number on the zoning worksheet was 58 sf. The Borough Engineer stated on the proposed site plan there was also 11 sf for wood steps for the porch.

Mr. Loonam asked if the driveway ended at the house. Mr. Stefanelli stated there was an 8x8 area of driveway on the side of the house to help with the parking of the cars.

Vice Chairman Schaffenberger stated this is a new house with a blank slate. The ordinance allows for 20% building coverage and 40% impervious coverage. They were proposing 28.2% building coverage which is almost 50% over what is allowed. He asked why they could not build this house within the requirements of the town.

The architect stated that to build a new 1,500 sf home would not be worth it because they were spending a lot of money to build this new home. The applicant did not want to move because they loved New Milford.

Mr. Levine asked how many square feet were they over for the building and impervious coverage. The Chairman stated that 1,500 sf building coverage was required and they were proposing 2,112 sf so they were over 612 sf. Impervious required is 3,000 sf and they were proposing 3,575 so they over 575 sf.

Mr. Loonam noted that the covered porch was 200 sf and if this application was approved, would the applicant agree to never enclose the porch. Mr. Quinones said they would agree to that condition and had no intention on enclosing the porch.

The architect stated they positioned the home to get the most out of the parking and a back yard. He stated Mrs. Quinones wanted a piano room since she plays the piano and gives lessons.

The Board Attorney asked where were they proposing the fence. The architect stated the fence would be along the rear and side of the property to the garage door. They would follow the zoning ordinance for the installation of the fence.

Mr. Lagana asked if they were removing any trees. The homeowner said they were removing a large tree and would contact the Shade Tree Commission to get approval. The Board Attorney asked if they were proposing any landscaping along the property lines. Mr. Stefanelli said, if approved, they would submit a landscaping plan. The applicant had no objection to a landscape plan to be reviewed by the shade tree committee.

The Board Attorney asked if there was lighting proposed for the site. The architect said the front porch/front door, along the patio and the covered porch.

The architect noted that that they were proposing a generator on the site but it was not on the plans. He stated they would install a seepage pit if required by DPW. The board engineer stated that it is required to install a seepage pit.

As a condition, if approved, they would comply with the board engineer requirements.

Motion to open to the public to question the architect was made by Mr. Rebsch, seconded by Mr. Schaffenberger and carried by all.

No one in the public to question the homeowner.

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

Motion to open to the public to question the homeowner was made by Mr. Schaffenberger, seconded by Mr. Birnbaum and carried by all.

No one in the public to question the homeowner.

Motion to close to the public was made by Mr. Levine, seconded by Mr. Birnbaum and carried by all.

Motion to open to the public for comments and questions on the applications was made by Mr. Loonam, seconded by Mr. Rebsch and carried by all.

No one in the public.

Motion to close was made by Mr. Rebsch, seconded by Mr. Levine and carried by all.

Mr. Loonam asked if the application needed to be amended to include the square footage for the generator. Ms. Batistic stated they would need an additional impervious for 3x6 pad. Mr. Loonam asked if 20 sf would be sufficient. Ms. Batistic agreed.

There was discussion on the location of the generator by their window well. Ms. Batistic stated a generator needs to be 5' from doors and window wells. The applicant amended the application for an additional 20 sf impervious coverage for the installation of the generator to be approved for its location. The architect amended the impervious coverage to include an additional 20 sf for the generator pad. The amended impervious coverage was 3,595 sf (47.93%).

Mr. Loonam stated when he first looked at this application and noted how high the coverages were for the building and impervious coverages, he did not think he would approve the application. But after hearing the testimony, and seeing that the applicant had no issues with any side yard, rear or height variances, he feels different about it.

Mr. Levine agreed and said no neighbors showed up to object.

The Board Attorney stated conditions for this application:

Landscaping plan required

Amended to include a generator to be approved for location

Comply with the conditions set forth in the Engineer letter dated 12/31/21

Seepage pit required

Wrap around porch may never be enclosed.

Motion made by Mr. Levine to approve the application, second by Mr. Loonam with conditions:

The motion passed on a roll call as follows:

For the motion: Members Levine, Loonam, Birnbaum and Adlung

Against the motion: Members Rebsch, Hicks, Schaffenberger

Vote-4-3

The Chairman asked the board members if they would prefer meetings to begin at 7 PM. There were no objections. The Board Secretary would notice the change.

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

Respectfully submitted,  
Maureen Oppelaar