

Approved
4/5/22

**New Milford Zoning Board of
Work Session
03 08 2022
Virtual meeting (zoom)**

Chairman Adelung 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 - Chair	Present
Mr. Birnbaum	Present
Ms. DeBari	Present
Mr. Hicks	Present
Mr. Levine	Present (745)
Mr. Loonam	Absent
Mr. LoPorto	Present
Mr. Rebsch	Present
Mr. Schaffenberger -Vice Chair	Present
Ms. Marina Stinely	Present
Ms. Batistic – Engineer	Present

Marina Stinely, Esq would be covering for Daniel Lagana, Esq. for this meeting.

REVIEW MINUTES OF THE WORK/PUBLIC SESSION – February 8, 2022

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

RESOLUTION

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

New Home – Building and Impervious Variances

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

The Chairman discussed the changes to the 2022 Schedule of Meetings. All meetings, as of April, will start at 7 PM. April will be a virtual meeting and the board is anticipating as of May to be in person.

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

**New Milford Zoning Board of Adjustment
Public Session**

March 8, 2022

Chairman Adelung called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:40pm and read the Open Public Meeting Act.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE WORK /PUBLIC SESSION- February 8, 2022

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

REVISED SCHEDULE OF MEETINGS 2022

Motion made by Mr. Birnbaum, seconded by Mr. Rebsch and carried by all to approve the revised schedule of meetings 2022.

RESOLUTION TO BE MEMORIALIZED

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

New Single-Family Home – Building and Impervious Variances

Motion to memorialize the resolution was made by Mr. Schaffenberger, seconded by Mr. Hicks. For the motion: Members Schaffenberger, Hicks, Rebsch, Birnbaum, Adelung

NEW BUSINESS

22-02 – 367 Vomel Drive – Integrity Bergen LLC – Block 202 Lot 20

Two Story Addition – Building coverage and side yard setback

The Board Attorney swore in Mr. Gene Menechino, Managing member of Integrity Bergen LLC, 41 Dundee Court, Mahwah, NJ.

The Board Attorney swore in Mr. Thomas Mesuk, architect, 197 Valley Boulevard, Wood-Ridge, NJ.

The Board Members accepted the qualifications of Mr. Mesuk as a licensed architect.

The Board Attorney swore in Carl Tortora, General Contractor, 541 Clinton Road, Paramus NJ.

The Board Members accepted the qualifications of Mr. Tortora as a licensed contractor.

Mr. Menechino stated that the existing structure was a small one-story home which no longer fits the character of the neighborhood in style, size and condition. The neighborhood has significantly changed with new and larger homes. He pointed out all the homes surrounding this site have been or being renovated, expanded or rebuilt. Photos of neighboring homes were provided in the packets to the board members.

Mr. Menechino said that extending the existing building coverage would allow the site to fit the character of the neighborhood and accommodate the needs of a larger family without any detriment to the public good. He stated that the plans were tastefully designed to fit within the neighborhood. The applicant had submitted an updated plan with the revision showing the 40% coverage requirement as per the board's engineer letter. Mr. Menechino stated the plan requires two variances. The building coverage existing 17% proposed 21.90% where 20% allowed. He explained there was a need for a garage and a larger dining room/ kitchen that required the footprint to be extended 4' on the right side while squaring off the front of the right side which increased the building coverage. The second variance was for a preexisting non-conforming condition. There was an existing 10.7ft rear yard setback and the 10.7 ft line would be extended 4 ft where 20' was required.

Mr. Menechino noted that they had a disadvantage with this property being a corner lot.

Ms. DeBari asked if this was his home. Mr. Menechino answered that he purchased the home but his intention was to develop and sell it. Ms. DeBari asked if he had a buyer for the home. Mr. Menechino said they had a buyer in contract pending the outcome of the variance approval for the plans.

Motion to open to the public for comments or questions for Mr. Menechino was made by Mr. Rebsch, seconded by Mr. Hicks and carried by all.

No one wished to speak in the public.

Motion to close was made by Mr. Schaffenberger, seconded by Mr. Birnbaum and carried by all.

Mr. Mesuk, architect, discussed the revised plan dated 2/22/22. He stated that they had incorrectly stated that the impervious lot coverage permitted was 60%. As per the ZB engineer, they corrected it to 40%. He noted that it did not change anything with the application but they updated the plan to show the 40% impervious coverage. They still remain compliant.

He discussed rear yard setback stating that since they were a corner lot they had two fronts. He showed on the plot plan what was considered the back of the house. The house currently did not have a garage and they were proposing a one car garage. They were proposing a second floor on the home. He stated that the back of the existing main dwelling was 21.5' off the rear yard. Mr. Mesuk said the second floor would technically be compliant with setbacks.

Ms. Mesuk discussed the building coverage: **Existing 17.0% Proposed 21.3% Required 20%.**

Mr. Mesuk reviewed the proposed plans discussing the location of the garage. He noted that there currently was a preexisting non-conforming rear yard setback. The architect stated they had a hardship because they were a corner lot and loss a bit of the property by the radius of the curb.

Mr. Schaffenberger had questions on the hatched area on the plans in the rear of the house. Mr. Mesuk said there was a breezeway in that area.

Ms. DeBari asked how many cars can park in the driveway. Mr. Mesuk said two cars in the driveway and one in the garage.

Mr. Adelung said the building coverage, according to the board engineers review letter, was 21.34% (1,860 sf) proposed. Ms. Batistic agreed. Mr. Adelung pointed out that the required coverage was 2,046.9sf. on the engineer letter. Ms. Batistic corrected it to 1742.8 sf. Ms. Batistic added that they were 117.2 sf over the allowed.

Mr. Adelung asked the architect why he could not take off 117.2 sf. Mr. Mesuk answered they needed the extra square footage to have the 12' garage and enlarged dining room. The architect said they were adding 4 sf to the right side of the house.

Motion to open to the public for comments or question for the architect was made by Mr. Levine, seconded by Mr. Rebsch and carried by all.

No one in the public to question the architect.

Motion to close to the public was made by Mr. Schaffenberger, seconded by Mr. Hicks and carried by all.

Mr. Carl Tortora, general contractor, thought the professionals did a great job to keep within the envelope to try to make this work for the buyers. He said the buyers were looking for more and they told them they could not do it. The buyers had a large family and needed for a larger dining room to accommodate everyone. He said to get a car in the garage and have space to open a door, this was the minimum size to make it work. Mr. Tortora said they had to tell the buyers that this was all they could do and they accepted it.

Motion to open to the public to question the Mr. Tortora was made by Mr. Birnbaum seconded by Mr. Rebsch and carried by all.

No one in the public to question the homeowner.

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

Mr. Rebsch asked if the building was going to be demolished. Mr. Tortora said no they were only expanding and raising the roof. Mr. Menechino said they were adding a second story and trying to keep as much intact. They would be demolishing some interior walls.

Mr. Schaffenberger told Mr. Tortora that he really appreciated that he told his client that they could not do everything that they wanted. The Vice Chairman said just because someone wants something, it doesn't mean it will happen and thought it was sound advice. Mr. Tortora appreciated the comment.

Motion to open to the public for comments and questions on the applications was made by Mr. Birnbaum seconded by Mr. Levine and carried by all.

No one in the public wished to speak.

Motion to close was made by Mr. Schaffenberger, seconded by Mr. Hicks and carried by all.

Mr. Schaffenberger said he was not a fan of applicants building over the limit but felt what they were proposing was reasonable and did not think they were over building the lot. He felt it was a nice design and a good idea and was in favor of the application.

Mr. Schaffenberger asked Ms. Batistic if there were any conditions. Ms. Batistic said they would need to provide a seepage pit. The Vice Chairman said the variance for the lot coverage made sense and the rear yard was a preexisting non-conformity. He thought what they were proposing was sensible and modest.

Mr. Adelung asked if the changes on the plan (T-1) were correct. Ms. Batistic answered yes.

Motion made by Mr. Schaffenberger to grant the two variances, second by Mr. Rebsch with the condition:

The motion passed on a roll call as follows:

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

Vote-7-0

The Board Attorney asked if the applicant would consent to any extension of the time frame for the board to act until the resolution was prepared and memorialized by the Board. Mr. Menechino would accommodate what was necessary but hopefully it will be done as soon as possible.

Mr. Schaffenberger said if the project is not started within two years of the application being memorialized, the variances will be null and void.

The Chairman reminded the board that the April meeting will be the first Tuesday of the month at 7 PM. The April meeting will still be virtual since Mr. Cahill will be attending the April meeting.

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

Respectfully submitted,
Maureen Oppelaar