

Approved
11/1/22

**New Milford Zoning Board of Adjustment
Work Session
September 06, 2022**

Chairman Adelung called the Work Session of the New Milford Zoning Board of Adjustment to order at 7:00 pm and read the Open Public Meeting Act.

ROLL CALL

Mr. Adelung - Chair	Present
Mr. Birnbaum	Present 7:15
Ms. DeBari	Present
Mr. Hicks	Absent
Mr. Levine	Present 7:15
Mr. Loonam	Present
Mr. LoPorto	Present
Mr. Rebsch	Present 7:10
Mr. Schaffenberger -Vice Chair	Present
Mr. Lagana - Attorney	Present
Ms. Batistic – Engineer	Present 7:15

REVIEW MINUTES OF THE WORK/PUBLIC SESSION – August 02, 2022

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

RESOLUTION

22-03 – 198 Center Street – Hollywood – Block 1518 Lot 4

Interpretation/Appeal from the zoning officer for change in tenancy

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

22- 08 680 Asbury Street – Buckman – block 908 Lot 5

Addition and second level – side yard setback variance

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

22- 09 – 384 Knierim Place – McCann – block 1408 Lot 4

Sunroom – building coverage, side yard variances

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

NEW BUSINESS

22-10 – 1121 Sheridan St- Schwartz- Block 202 Lot 23

Two Story Addition – Building coverage

Mr. Loonam noted that on the zoning worksheet had the proposed building coverage was at 25.2% and the Board Engineer’s review letter had the proposed building coverage at 37.42%.

The Chairman stated they would have the Board Engineer clarify this issue.

Discussion of revision of ordinances

The Board Members would discuss at a future date.

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

**New Milford Zoning Board of Adjustment
Public Session
September 6, 2022**

Chairman Adelung called the Public Session of the New Milford Zoning Board of Adjustment to order at 7:22 pm and read the Open Public Meeting Act.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

OFFICIAL MINUTES OF THE WORK/PUBLIC SESSION – August 02, 2022

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

RESOLUTIONS TO BE MEMORIALIZED

22-03 – 198 Center Street – Hollywood – Block 1518 Lot 4

Interpretation/Appeal from the zoning officer for change in tenancy

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

22- 08 680 Asbury Street – Buchman – Block 908 Lot 5

Addition and second level – side yard setback variance

Motion to memorialize the resolution was made by Mr. Rebsch seconded by Mr. Schaffenberger.
For the motion: Members Rebsch, Schaffenberger, DeBari, Levine, LoPorto, Adelung.

22- 09 – 384 Knierim Place – McCann – Block 1408 Lot 4

Sunroom – building coverage, side yard variances

Motion to memorialize the resolution was made by Vice Chairman Schaffenberger seconded by Mr. Rebsch

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

NEW BUSINESS

22-10 – 1121 Sheridan St- Schwartz- Block 202 Lot 23

Two Story Addition – Building Coverage

Mr. Andrew Kohut, Esq, Wells, Jaworski & Liebman on behalf of the applicant Simi and Jay Schwartz at 1121 Sheridan Street stated that there would be two witnesses for this application.

Cesar Padilla, architect, 875 Alexandria Court Ramsey NJ was sworn in by the Board Attorney. Steven Lydon, planner, 25 Westwood Avenue, Westwood, NJ was sworn in by the Board Attorney.

Ms. Batistic stated when she reviewed the plans, the zoning schedule show a proposed maximum impervious coverage of 42%. After receiving the survey and reviewing the revised plan, only building coverage is required.

Mr. Kohut said they submitted a revised plan and eliminated the deck and now they were at 37.42% impervious coverage which conforms with the code. Mr. Kohut clarified that the only variance that they were requesting was for the building coverage at 25.2%.

The Chairman clarified and corrected that the engineer review letter should read that the maximum impervious coverage is out and the proposed building coverage is 25.2% not 37.42%. The Chairman and engineer verified that the correct numbers were as follows:

The Maximum Building Coverage Required: 20% or 19,06 sq. ft
Existing: 20.07% or 1912 sq. ft
Proposed: 25.2% and 2,410 sq. ft.

The Revised Plan A-0 submitted was marked as Exhibit A-1.

The Board Attorney stated the board would need a set of revised plans. The plan had required maximum impervious coverage at 60%. Mr. Kohut said if the board approved this application, they will submit revised plans with all the correct information.

Mr. Kohut stated this was a two-story addition in the rear of the house with only a building coverage variance for 25.2%. No other variances were required. Mr. Kohut stated that even though they exceeded the building coverage, they complied with impervious coverage and all the setbacks. He stated regarding the side yard setback it was set back further than the existing house. Where the addition was proposed, they were at 14.8' for the property line.

The Board Members accepted the qualifications of Cesar Padilla as an expert in the field of architecture.

Mr. Padilla discussed the floor plans. Mr. Kohut said they realize that personal hardship is not a reason for a variance but asked the architect what was their reason for this addition. Mr. Padilla said there was a parent that stayed there that they bring through the garage. Mr. Kohut asked if that was the reason for the bedroom on the first floor. Mr. Padilla agreed. The architect said it was 498 sf and tried to minimize it as much as possible. The second floor now has the office that used to be on the first floor above the addition and will be part of the master bedroom. They did not on the second-floor use all of the 498 sf. The addition was all in the rear of the house. Mr. Kohut asked if this would have any visual impact along Sheridan Street. The architect answered

no. The attorney asked if this addition provides the minimum amount of accessibility that you were hired to design. The architect believed so.

Mr. Loonam clarified that on the second floor they were proposing to just bump out the master bedroom above the addition and they were creating an office. Mr. Padilla agreed. Mr. Loonam clarified that the basement was not being changed. Mr. Padilla answered it was not.

Mr. Schaffenberger questioned if their testimony was that the square footage on the second floor was less than the addition. Mr. Padilla showed on A2 of the plan, that they only bumped out the master bedroom area which did not take up the full width of the first-floor addition. Mr. Schaffenberger clarified that part of the first-floor addition would have a roof. Mr. Padilla answered yes.

Mr. Lagana asked what would be used on the exterior of the building. Mr. Padilla said it was stucco all around and it would match what was existing.

The Chairman commented that the plan showed five existing bedrooms. Mr. Padilla answered yes. The Chairman clarified that there will be six bedrooms. Mr. Padilla said yes. Mr. Kohut added that there were four children.

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

No one wished to speak in the public.

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

The Board Members accepted the qualifications of Steven Lydon as a planner.

Mr. Lydon said this was an interior lot on the east side of Sheridan Street. It is a dead-end street with single family homes. The applicant is the owner of a single-family dwelling. It is an oversized lot with a frontage along Sheridan Street of 80.2'. They are proposing to construct a two-story addition in the rear yard and from the front there will be no change to the streetscape. The applicant is seeking one variance. He felt what was important was that all construction was limited to the rear yard. All setbacks were being met. Mr. Lydon said the setbacks give people the sense of openness and from the neighbor's perspective it gives light, air and open space that the master plan suggests that you are entitled to. He believed the negative criteria has been met.

Mr. Lydon said the approval can be granted by this board and there will be no setback encroachments. He added the building height conforms. The planner felt it was important that the impervious coverage after construction was satisfied. Mr. Lydon said this applicant was not over building on this oversized property. The residential goal in the master plan was to maintain the borough as a predominately single family residential community.

The planner said the architect spoke of the need for accessibility. There will a larger kitchen, and be able to get into the bathroom and get around hallways. The older family member who lives with them, sometimes needs a wheel chair. The planner thought this addition could be granted advancing the goal of the master plan. He felt the application could be granted and meet the

negative criteria because the development furthers the New Milford Zoning Ordinance because the house will contain to be used as a single-family dwelling. The applicant is not over building on the property. He felt the individual setbacks from the street, rear and two side lines were more important than building coverage. Mr. Lydon stated that the setbacks define the neighborhood. There was no substantial detriment to the public good and all the neighbors are receiving the light air and open space intended by the zoning ordinance. The positive criteria for the C1 was the fact that the property was oversized so the board could grant the building coverage variance. He urged the board to approve the application and grant the one variance for building coverage. The planner said this development fits in well in the neighborhood.

Ms. DeBari asked if it would be a handicap accessibility. Mr. Lydon said the Schwartz's have a portable ramp.

Mr. Lagana questioned if this would be the C1 criteria and/or the C2 criteria. The planner said it could be both C1 and C2 because the setbacks are met and the C1 because of the oversized nature of the lot.

Motion to open to the public for comments or questions for the planner was made by Mr. Rebsch seconded by Mr. Loonam and carried by all.

No one wished to speak in the public.

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

Mr. Levine had asked what was the existing square footage of the house and what is the increase of the square footage for the first and second floor.

Mr. Padilla answered that both existing floors were 3800 sf with the garage. The chairman clarified that there was an increase of 498 sf on the first floor and about 300 sf on the second floor. It was about 4,600 sf when the house was done and 4200 livable space.

Mr. Kohut respectively requested that the application be approved as submitted.

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

No one wished to speak in the public.

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

Ms. DeBari noted that the Board Engineer review letter required the application to address the Borough storm Water Management ordinance requirements. Ms. Batistic stated that they were adding more than 300 sf so therefore they are required to provide seepage pit details and calculations. Mr. Kohut said anything required by code for the engineer, they will provide.

The Chairman summarized that this is a house that will increase by approximately 798 sf which will result in a house approximately 4600 sf. This is an existing 5-bedroom house proposed 6

bedrooms. The reason for the increase in the first floor is a handicap individual that lives in the house.

Mr. Loonam said in general he did not favor applications that were 25% building coverage but, in this case, it was an oversized lot with no change to the streetscape, not setback variances and no one in the public attended the meeting.

Motion made by Mr. Loonam to grant the variance with the conditions discussed, seconded by Mr. Rebsch.

The motion passed on a roll call as follows:

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

Approved 7-0

The Chairman asked the board members to think about ordinances to be revised which will be discussed at a future meeting.

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

Respectfully submitted,
Maureen Oppelaar