

**Zoning Board of Adjustment
Borough of New Milford**

Application # _____

Date: May 11, 2021

NOTICE OF APPEAL

Property Address 230 Graphic Blvd., New Milford, NJ 07646 Subject to Sale agreement (YES – NO X)
Block 610 Lot 1 Zone (Residential – Business- Townhome – other _____)

Size of Lot 5,000 sf Present use (Residential – Business- Townhome- other _____)
Owned / Leased - If property is within 200' of Borough line name adjacent municipality(ies) N/A

Name of Owner Miguel Chavez and Georgina Chavez Telephone 551-486-2397

Owner's Address (if different from above) _____

Name of Applicant (if not homeowner) _____

Applicant address 230 Graphic Blvd., New Milford, NJ 07646 Phone Number 551-486-2397

Name of Attorney Richard A. Joel, Jr., Esq. Phone Number 201-599-0588 Attending Meeting Yes

Name of Architect Steven Considine, Architect Phone Number 908-655-7781 Attending Meeting Yes

The applicant/homeowner hereby seeks relief from section (s) 30-21.4(c)(1)
of the New Milford Borough Ordinance. (statute numbers from denial letter)

The proposed application is contrary to the ordinance in the following way(s). Be specific attach a separate sheet if necessary. (What you are proposing and why it violates the zoning ordinance).

Owners are proposing an addition to their home providing for 24.98% (1,249 sf) of building coverage on their lot. The maximum building coverage permitted by ordinance on owners' lot is 20% (1,000 sf).

	Lot Area	Front	Right Side	Left Side	Corner	Rear	Height	Building Coverage
Required	<u>7,500 sf</u>	<u>30'</u>	<u>10'</u>	<u>10'</u>	<u>30'</u>	<u>20'</u>	<u>30'</u>	<u>1,000 sf</u>
Existing	<u>5,000 sf</u>	<u>26'3"</u>	<u>12'4"</u>	<u>7'10"</u>	<u>12'4"</u>	<u>48'3"</u>	<u>20'</u>	<u>1,014 sf</u>
Proposed	<u>n/a</u>	<u>26'3"</u>	<u>12'4"</u>	<u>7'10"</u>	<u>12'4"</u>	<u>40'3"</u>	<u>30'</u>	<u>1,249 sf</u>
Difference	<u>n/a</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>8'</u>	<u>10'</u>	<u>235 sf</u>

* No change-existing

Driveway Width Required _____ Existing * Proposed * Curb Cut [Y/N] Size * _____
Are trees being removed YES/NO How many _____ Shade Tree Commission date approved _____

Signature of Applicant X Georgina Date 4/21/2021

Filed on behalf of Applicant by [Signature] Title ATTORNEY



**Borough of
New Milford
Department of Public Works
&
Recycling**

850 Robert K. Chester Way, New Milford, New Jersey 07646
Tel.: (201) 967-8172 Fax: (201) 967-1741
Mailing address:
930 River Road, New Milford, New Jersey 07646

VINCENT A. CAHILL, CPWM, CFM, CRP
Director of Public Works
Zoning Officer
Recycling/Clean Communities Coordinator
Property Maintenance Officer

SYL BRESA, CPWM
Superintendent of Public Works
Property Maintenance Officer

September 4, 2020

Miguel and Georgina Chavez
230 Graphic boulevard
New Milford, New Jersey 07646

Re: Block 610 lot 1

Dear Miguel and Georgina Chavez,

This letter is to inform you that your application to construct an addition at the above address is denied. Your maximum building coverage is 1000 square feet your current square footage is 1014 and your request is for 1249 square feet.

The addition will violate Borough codes 30-21.4(c)(1), and any other that the Board may deem necessary.

30-21.4 Area Requirements.

c. *Maximum Building and Impervious Coverage Requirements.* Within the Residential A and Residential B Zones, maximum building coverage requirements shall be as follows:

1. Maximum building coverage: 20 percent.

If you wish to schedule a meeting with the Zoning Board please contact Board Secretary, Maureen Oppelaar, at 201-967-5044 extension 5560.

Please contact me if you have any questions.

Sincerely,

Vincent A Cahill, CPWM, CFM, CRP
Director of Public Works
Zoning Officer

BLOCK: 607 LOT: 3
BLOCK: 607 LOT: 7

BLOCK: 607 LOT: 5

BLOCK: 606 LOT: 9

BLOCK: 606 LOT: 12

BLOCK: 606 LOT: 17

Trenton St

Rockton St

Graphic Blvd

BLOCK: 611 LOT: 9

River Rd

BLOCK: 611 LOT: 2

BLOCK: 611 LOT: 7

BLOCK: 611 LOT: 4

BLOCK: 610 LOT: 10



BLOCK: 610 LOT: 10

BLOCK: 610 LOT: 9

BLOCK: 610 LOT: 4

BLOCK: 610 LOT: 7

Maple St

BLOCK: 609 LOT: 1

BLOCK: 609 LOT: 7

BLOCK: 609 LOT: 2

BLOCK: 609 LOT: 6

BLOCK: 609 LOT: 3

Walnut St

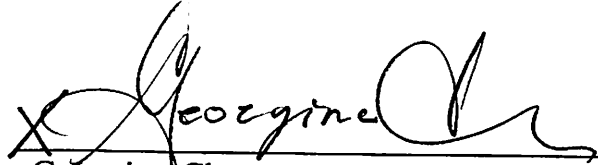
Zoning Board of Adjustment
Borough of New Milford

Application # _____
Date: May 11, 2021

AFFIDAVIT OF OWNERSHIP

Borough of New Milford)
)ss:
County of Bergen)

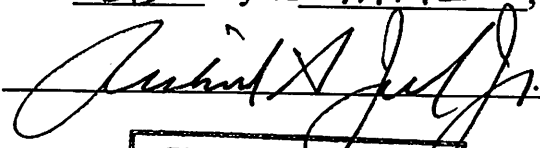
Georgina Chavez being duly sworn, deposes and says that Miguel Chavez and Georgina Chavez are the owners of the land known as Block 601, Lot 1, commonly known as 230 Graphic Boulevard, New Milford, New Jersey and/or any building or structure located on same, and does approve and agree to the terms and conditions of the plans submitted and approved by the State of New Jersey, County of Bergen, and Borough of New Milford.

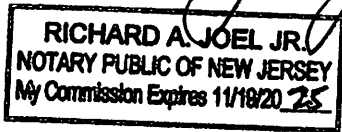


Georgina Chavez

Sworn and subscribed to before me on

This 21st day of APRIL, 2021.





NEW INTERIOR RENOVATION/ADDITION

230 GRAPHIC BLVD

NEW MILFORD, NJ

FOR
MIGUEL & GINA CHAVEZ
230 GRAPHIC BLVD
NEW MILFORD, NJ

Steven Considine

STEVEN CONSIDINE
ARCHITECT
NJ LICENSE NO. A11454
63 PROSPECT ST
BERNARDSVILLE, NJ 07924
908-655-7781

FOR
MIGUEL & GINA CHAVEZ
230 GRAPHIC BLVD
NEW MILFORD, NJ

NEW RENOVATION/ADDITION
230 GRAPHIC BLVD
NEW MILFORD, NJ

DATE: 02/31/20
SCALE: NOTED

T 1





DRAWING LIST

- T-1 TITLE SHEET
- S-1 SITE PLAN
- A-1 EXISTING/DEMO PLAN
- A-2 FOUNDATION PLAN
- A-3 FIRST FLOOR PLAN
- A-4 SECOND FLOOR PLAN
- A-5 ROOF PLAN
- A-6 ELEVATION
- A-7 ELEVATION
- A-8 ELEVATION
- A-9 ELEVATION
- A-10 BUILDING SECTION
- A-10 SECTION/DETAILS
- E-1 FIRST FLOOR ELEC PLAN
- E-2 SECOND FLOOR ELEC PLAN
- P-1 PLUMBING RISER DIAGRAM

NOTES

1. ALL CONSTRUCTION WORK TO BE DONE ACCORDING TO ALL LOCAL AND STATE REGULATIONS HAVING JURISDICTION.
2. ALL WORK TO BE IN ACCORD WITH THE NJUCC (IBC/2018 NJ EDITION)
3. USE GROUP R-5
4. CONSTRUCTION TYPE - 5B
5. LOADS - 40 PSF LIVE LOAD/DEAD LOAD 10 PSF WIND LOAD - 115 MPH

SYMBOL LEGEND

-  BATT INSULATION
-  NEW CONSTRUCTION - TYP
2x4 WD. STUD WALLS
W/ 1/2" GYP BD
-  2x6 WD. STUD WALLS
W/ 1/2" GYP BD (EXT ONLY)
-  EXISTING CONSTRUCTION
TO REMAIN
-  CONCRETE MASONRY UNITS

GENERAL NOTES

1. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO ANY DEMOLITION OR NEW CONSTRUCTION AND WILL BE RESPONSIBLE FOR THE CORRECTNESS OF ALL DIMENSIONS.
2. ALL FINISHES TO BE SELECTED BY OWNER. CONTRACTOR TO PROVIDE COLOR SAMPLES FOR APPROVAL BY OWNER FOR ALL PAINTED, STAINED, AND PRE-FINISHED ITEMS.
3. THE OWNER MAY EMPLOY OTHER CONTRACTORS DURING THE COURSE OF THE WORK. THIS CONTRACTOR SHALL AFFORD ALL REASONABLE COOPERATION WITH OTHER CONTRACTORS.
4. PATCHING SHALL BE DONE BY CONTRACTOR. PATCHING SHALL MATCH AS CLOSELY AS POSSIBLE TO EXISTING SURFACE CONDITION.
5. ALL ABANDONED PIPING SHALL BE CUTBACK AND CAPPED. ALL ABANDONED WIRING SHALL BE TAKEN BACK TO THE NEAREST JUNCTION BOX OR PANEL BOARD.
6. ALL TRIM WORK AND DOOR JAMBES SHALL BE PINE TRIM. TRIM SHALL BE IN SIZES AND SHAPES AS SELECTED BY OWNER. MATERIAL SHALL BE PUTTED, SANDED, STAINED, AND GIVEN TWO COATS OF SATIN FINISH URETHANE.
7. ALL ELECTRICAL WORK AND EQUIPMENT SHALL BE IN ACCORDANCE WITH CABO AND THE NATIONAL ELECTRICAL CODE (NEC) AND VARIOUS LOCAL ELECTRICAL CODES. ALL ELECTRICAL WORKING AND BIDDING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL UTILITY COMPANIES. ALL LIGHTING FIXTURES SHALL BE CHOSEN BY THE OWNER.
8. ALL PLUMBING WORK AND FIXTURES SHALL BE IN ACCORDANCE WITH CABO AND THE REQUIREMENTS OF THE NATIONAL PLUMBING CODE. FIXTURES SHALL BE AS SELECTED BY THE OWNER.
9. THE CONTRACTOR SHALL CONTACT ALL PUBLIC UTILITIES FOR PROPER SHUTOFF WHERE REQUIRED, PRIOR TO COMMENCING THE WORK. RELOCATIONS OF EXISTING SERVICES, EXPOSED PIPING, CONDUIT, ELECTRICAL BOXES, ELECTRICAL PANELS, RECEPTACLES, ETC., SHALL BE RESOLVED WITH THE OWNER.
10. MATERIALS SPECIFIED MAY CHANGE AT OWNERS ELECTION. OWNER SHALL NOTIFY CONTRACTOR.
11. PROTECT ALL WORK UNTIL FINAL ACCEPTANCE BY THE OWNER. CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT ALL WORK AND TO BE RESPONSIBLE TO THE CONTRACTOR OR HIS EMPLOYEES FOR ANY DAMAGE TO OR INJURY TO HIS OWN EMPLOYEES OR ANOTHER PERSON RESULTING FROM WORK OF THE CONTRACTOR OR HIS EMPLOYEES.
5. ALL LUMBER TO BE DOUGLAS FIR LARCH OR EQUAL.

LOT ZONING

ZONE: A RESIDENTIAL
 USE: SINGLE FAMILY RESIDENCE
 FLOOD ZONE: C
 LOT AREA: 5000 SF

* MINIMUM LOT SIZE REQUIRED: 7,500 SF
 ACTUAL LOT SIZE: 5,000 SF

* MINIMUM LOT WIDTH REQUIRED: 75'-0"
 ACTUAL LOT WIDTH: 50'-0"

* MINIMUM LOT DEPTH REQUIRED: 100'-0"
 ACTUAL LOT DEPTH: 100'-0"
 MIN FRONT SETBACK 1 REQUIRED: 30'-0"
 PROPOSED FRONT SETBACK: 26'-3"

* MIN FRONT SETBACK 2 REQUIRED: 30'-0"
 PROPOSED FRONT SETBACK: 12'-4"
 MIN REAR SETBACK REQUIRED: 20'-0"
 PROPOSED REAR SETBACK: 40'-3"

* MIN SIDE SETBACK REQUIRED: 7'-6"
 PROPOSED SIDE SETBACK: 7'-10"

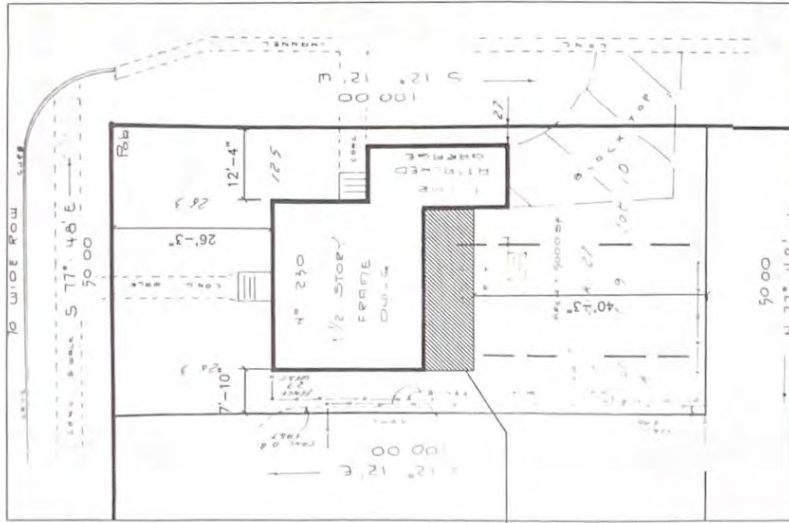
* MAX BUILDING HEIGHT - 35'-0"
 PROPOSED BUILDING HEIGHT - 30'-0"
 ALLOWABLE BUILDING COVERAGE - 20%
 = 1,000 SF

* PROPOSED BUILDING COVERAGE - 25%
 = 1,249 SF

EXIST HOUSE = 774 SF
 EXIST GARAGE = 240 SF
 NEW ADDITION = 235 SF

* EXISTING NON-COMFORMITY

GRAPHIC BLVD



SITE PLAN
 SCALE: 1"=20'-0"

Steven Condine

STEVEN CONDINE
 ARCHITECT
 NJ LICENSE NO. A11454
 63 PROSPECT ST
 BERKRAIDSVILLE, NJ 07924
 908-655-7781

MIGUEL & GINA CHAVEZ
 230 GRAPHIC BLVD
 NEW MILFORD, NJ

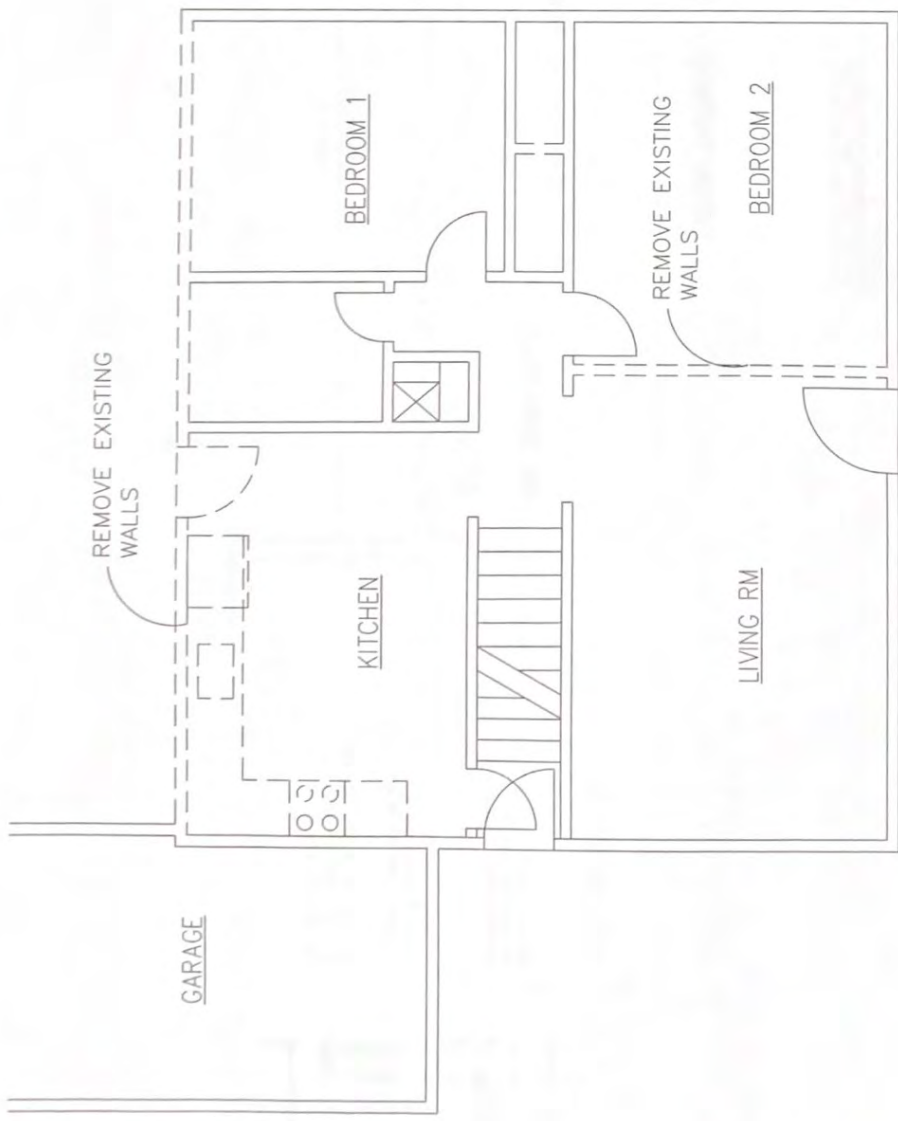
NEW RENOVATION/ADDITION
 230 GRAPHIC BLVD
 NEW MILFORD, NJ

DATE: 02/31/20
 SCALE: NOTED

51

STEVEN CONSIDINE ARCHITECT NJ LICENSE NO. A11454 63 PROSPECT ST BERNARDSVILLE, NJ 07924 908-655-7781	MIGUEL & GINA CHAVEZ 230 GRAPHIC BLVD NEW MILFORD, NJ	NEW RENOVATION/ADDITION 230 GRAPHIC BLVD NEW MILFORD, NJ	DATE: 02/31/20	A1
			SCALE: NOTED	

Steven Considerine



FIRST FLOOR EXISTING DEMO PLAN
 SCALE: 3/16"=1'-0"

Steven Green

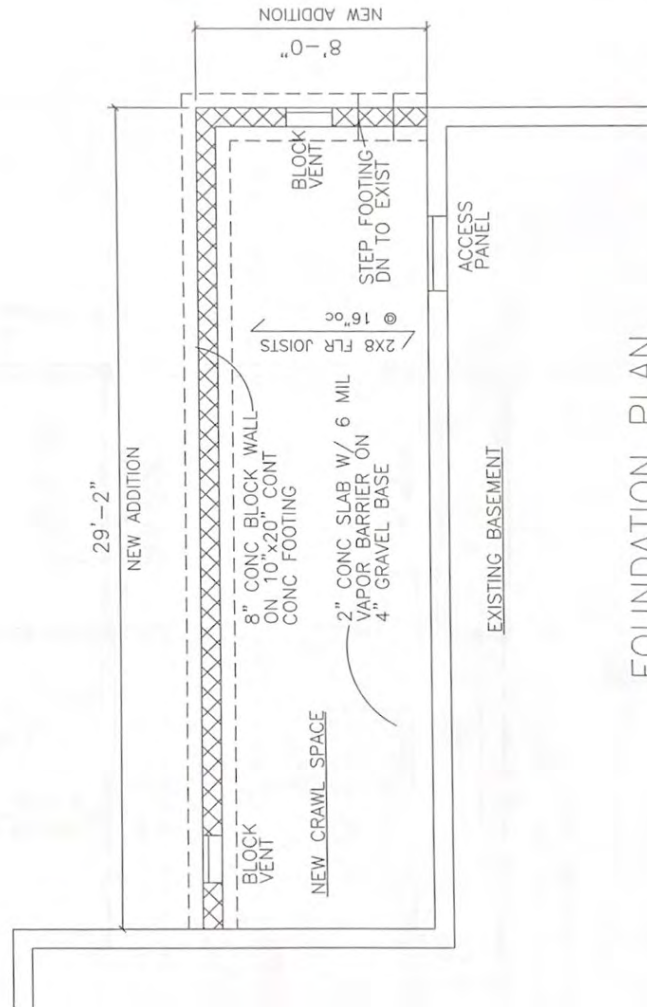
ARCHITECT
 NJ LICENSE NO. A11454
 63 PROSPECT ST
 BERNARDSVILLE, NJ 07924
 908-655-7781

MIGUEL & GINA CHAVEZ
 230 GRAPHIC BLVD
 NEW MILFORD, NJ

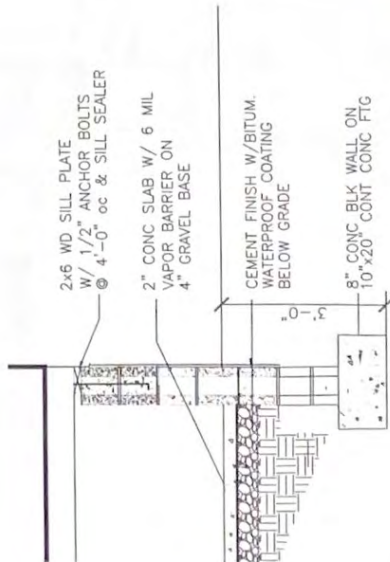
NEW RENOVATION/ADDITION
 230 GRAPHIC BLVD
 NEW MILFORD, NJ

DATE: 02/31/20
 SCALE: NOTED

A2



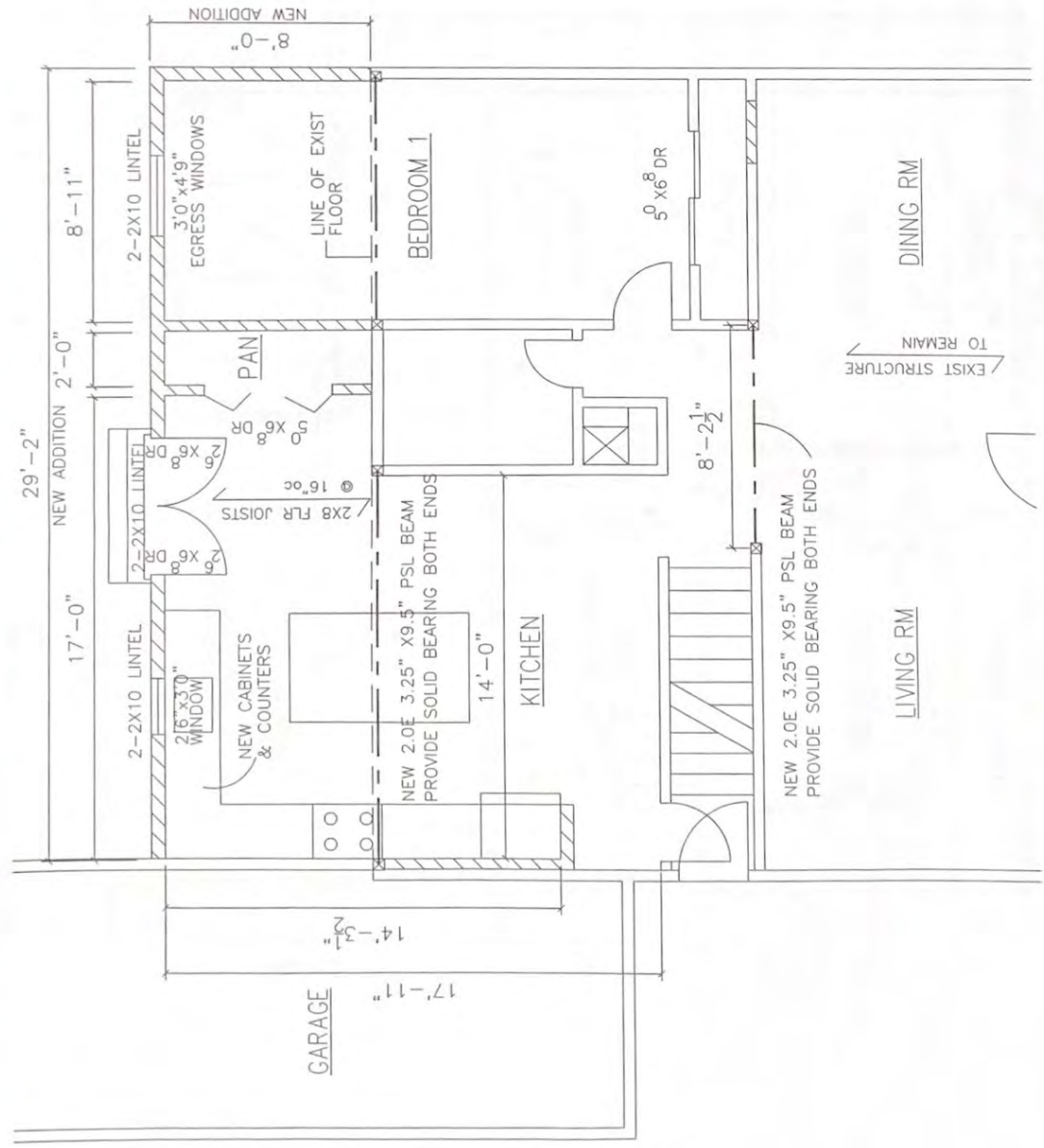
FOUNDATION PLAN
 SCALE: 1/4" = 1'-0"



DETAIL @ FOUNDATION
 SCALE: 1/2" = 1'-0"

Stuart Brown

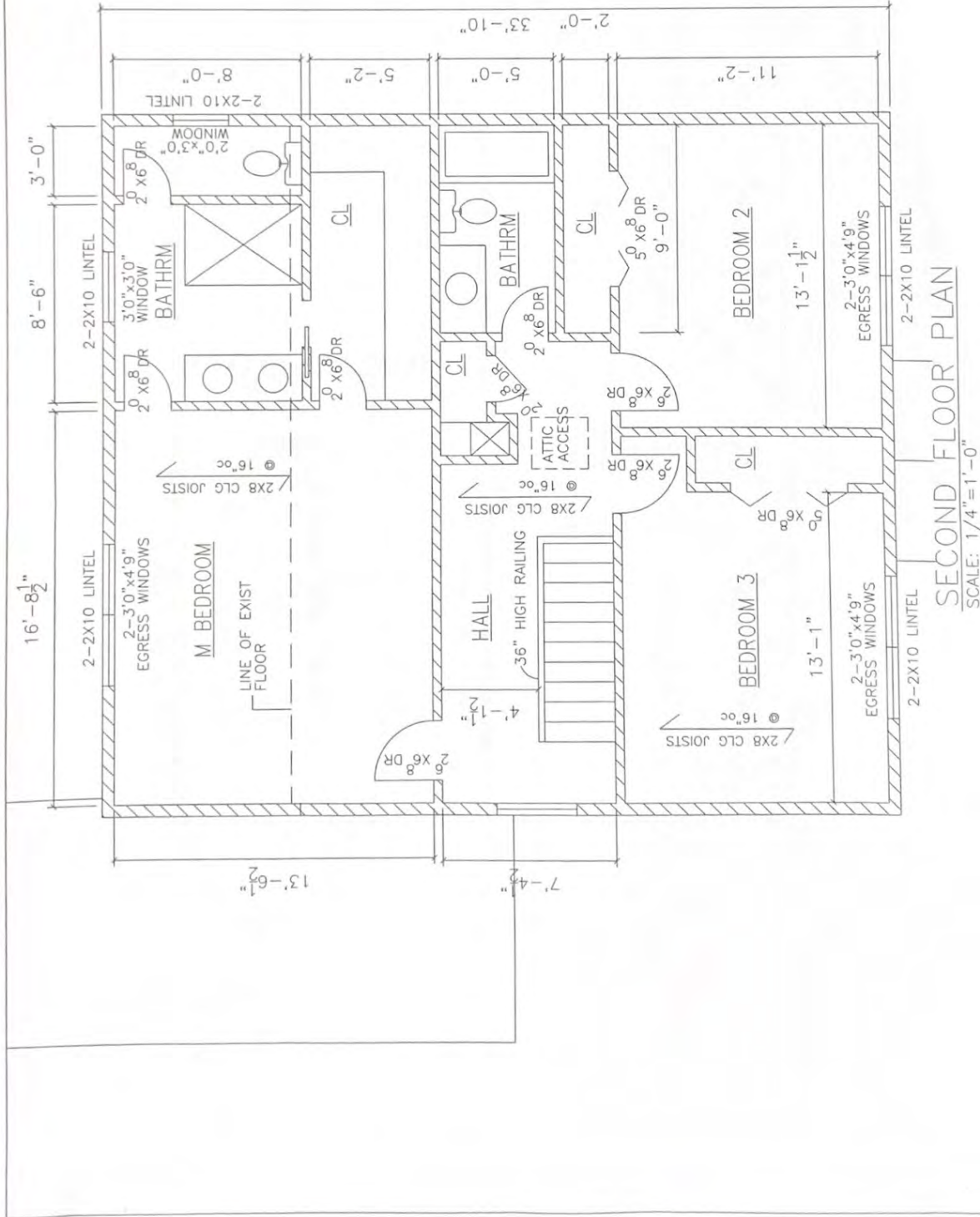
A3



EXIST STRUCTURE
TO REMAIN

FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"

Stewart Green



SECOND FLOOR PLAN
 SCALE: 1/4"=1'-0"

A5

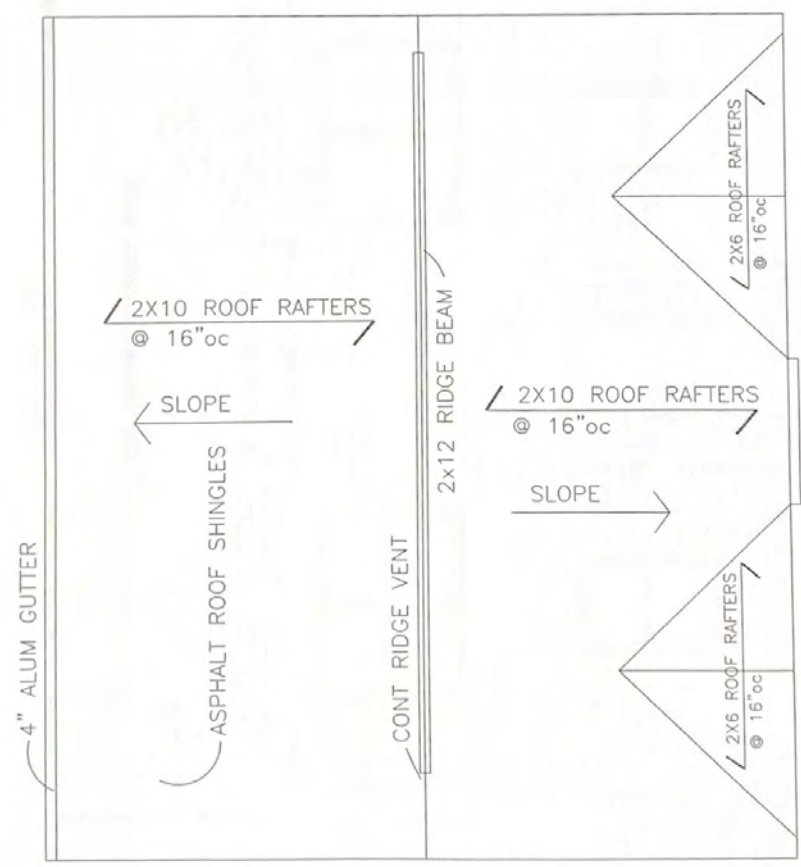
DATE: 02/31/20
SCALE: NOTED

NEW RENOVATION/ADDITION
NEW MILDORF, NJ
230 GRAPHIC BLVD

MIGUEL & GINA CHAVEZ
230 GRAPHIC BLVD
NEW MILDORF, NJ

ARCHITECT
NJ LICENSE NO. A11454
63 PROSPECT ST
BERNARDSVILLE, NJ 07924
908-655-7781

Steven Brown



ROOF PLAN
SCALE: 1/4"=1'-0"

DATE: 02/31/20
SCALE: NOTED

NEW RENOVATION/ADDITION
230 GRAPHIC BLVD
NEW MILFORD, NJ

MIGUEL & GINA CHAVEZ
230 GRAPHIC BLVD
NEW MILFORD, NJ

ARCHITECT
NJ LICENSE NO. A11454
63 PROSPECT ST
BERNARDSVILLE, NJ 07924
908-655-7781

Stuart Brown



FRONT ELEVATION
SCALE: 1/4"=1'-0"

A7

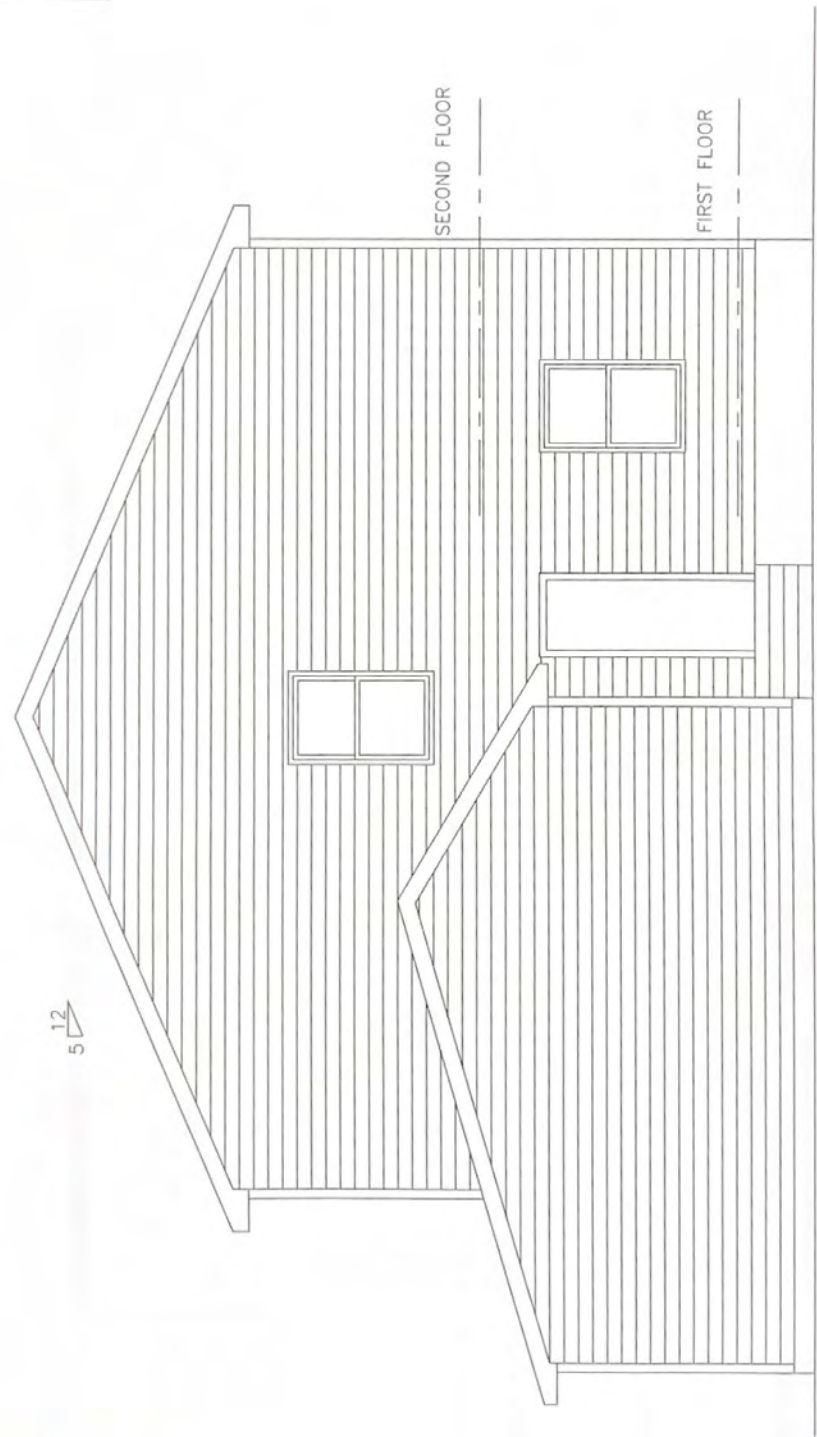
DATE: 02/31/20
SCALE: NOTED

NEW RENOVATION/ADDITION
NEW MILDFORD, NJ
230 GRAPHIC BLVD

MIGUEL & GINA CHAVEZ
230 GRAPHIC BLVD
NEW MILDFORD, NJ

ARCHITECT
NJ LICENSE NO. A11454
63 PROSPECT ST
BERNARDSVILLE, NJ 07924
908-655-7781

Steven Brown



SIDE ELEVATION
SCALE: 1/4" = 1'-0"

A8

DATE: 02/31/20
SCALE: NOTED

NEW RENOVATION/ADDITION
230 GRAPHIC BLVD
NEW MILFORD, NJ

MIGUEL & GINA CHAVEZ
230 GRAPHIC BLVD
NEW MILFORD, NJ

ARCHITECT
NJ LICENSE NO. A11454
63 PROSPECT ST
BERNARDSVILLE, NJ 07924
908-655-7781

Sturtevant



REAR ELEVATION
SCALE: 1/4"=1'-0"

A9

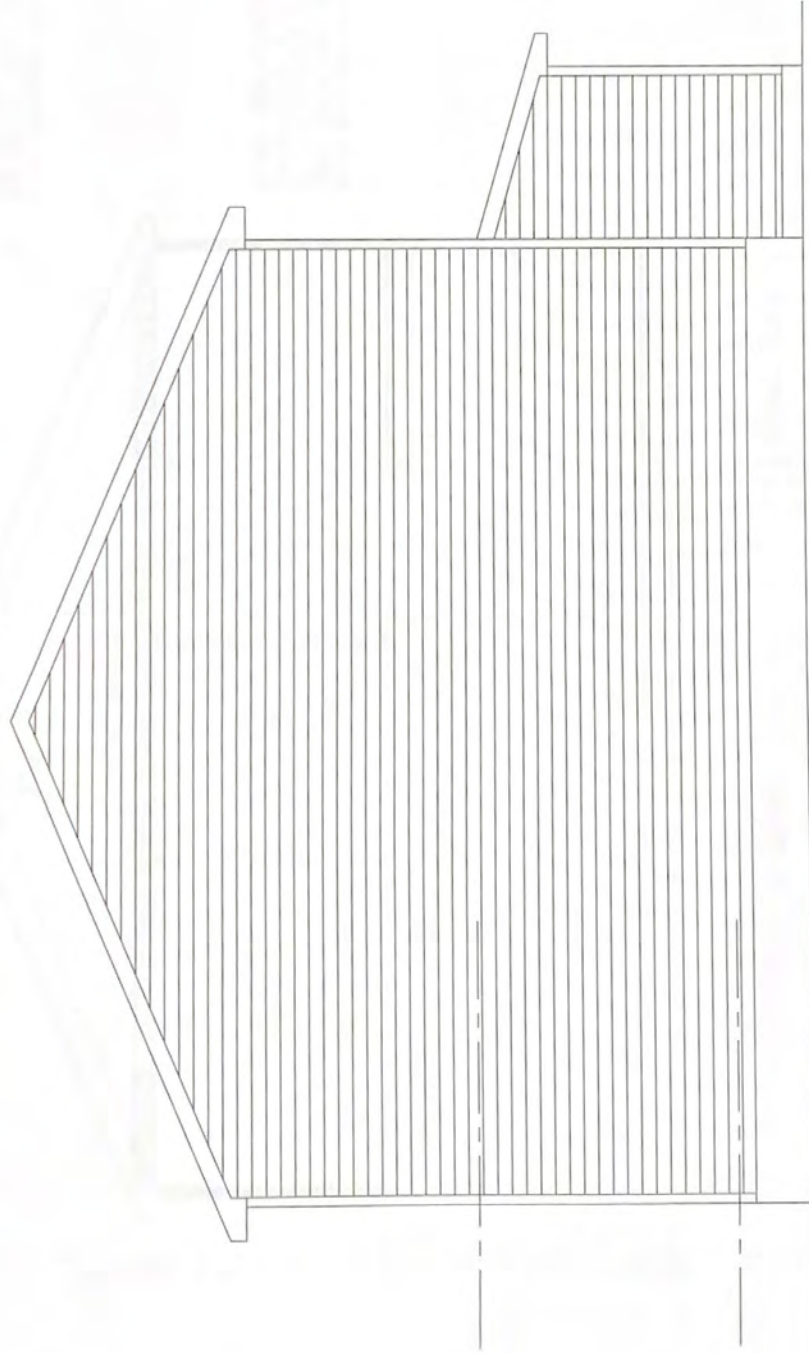
DATE: 02/31/20
SCALE: NOTED

NEW RENOVATION/ADDITION
230 GRAPHIC BLVD
NEW MILFORD, NJ

MIGUEL & GINA CHAVEZ
230 GRAPHIC BLVD
NEW MILFORD, NJ

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NJ LICENSE NO. A11454
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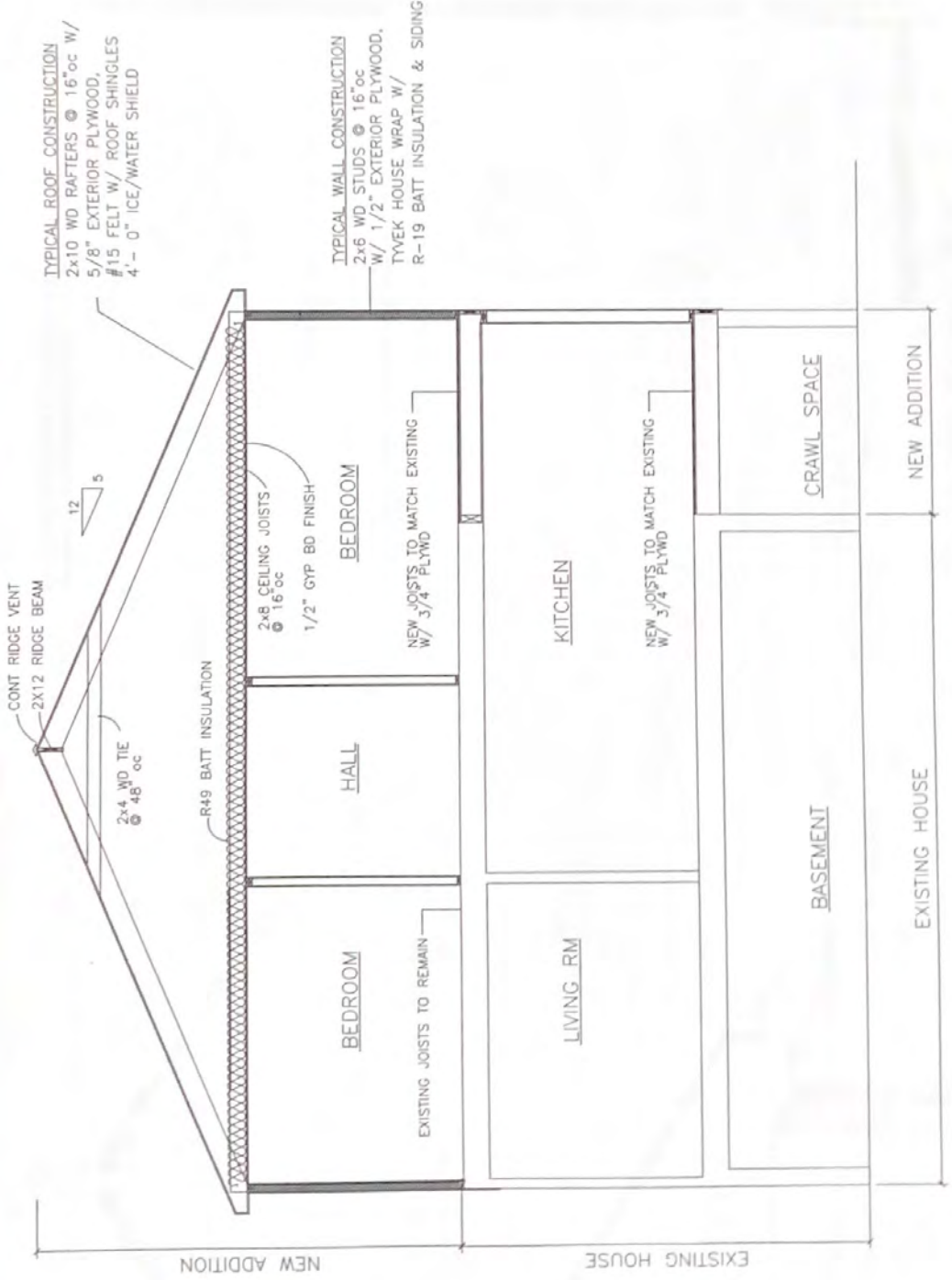
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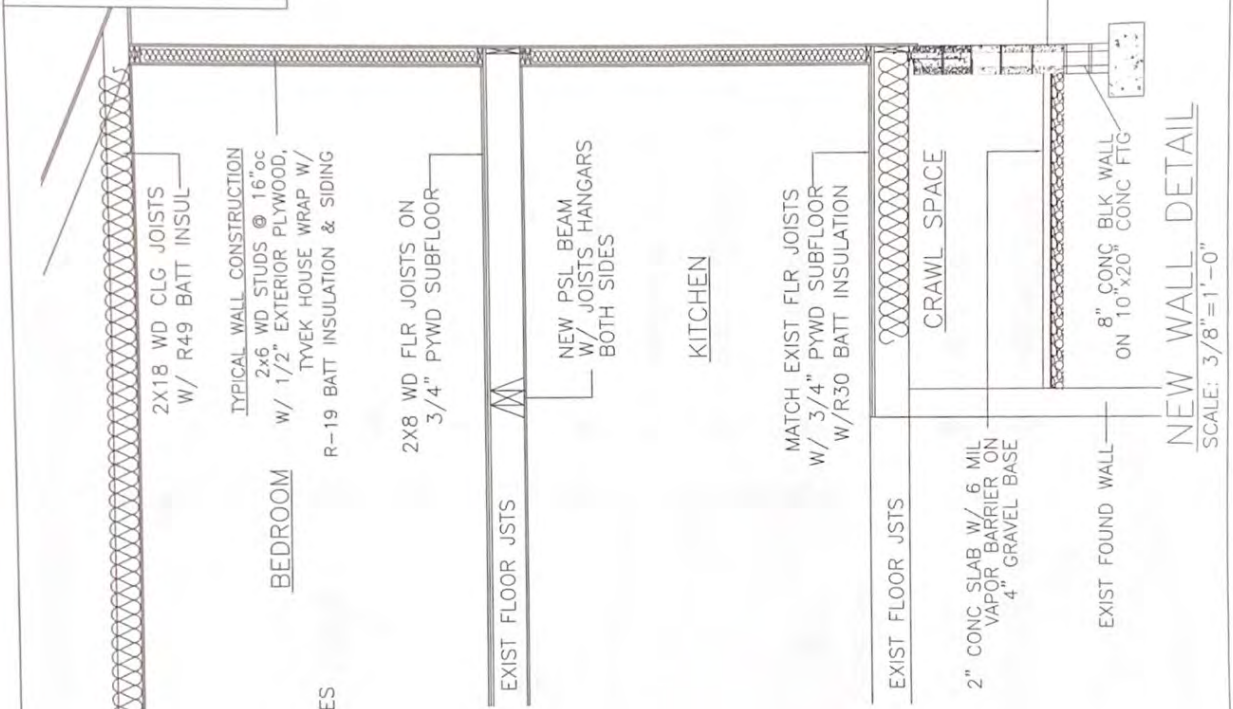
SIDE ELEVATION
SCALE: 1/4"=1'-0"

ARCHITECT NJ LICENSE NO. A11454 63 PROSPECT ST BERNARDSVILLE, NJ 07924 908-655-7781	MIGUEL & GINA CHAVEZ 230 GRAPHIC BLVD NEW MILFORD, NJ	NEW RENOVATION/ADDITION 230 GRAPHIC BLVD NEW MILFORD, NJ	DATE: 02/31/20	A10
			SCALE: NOTED	

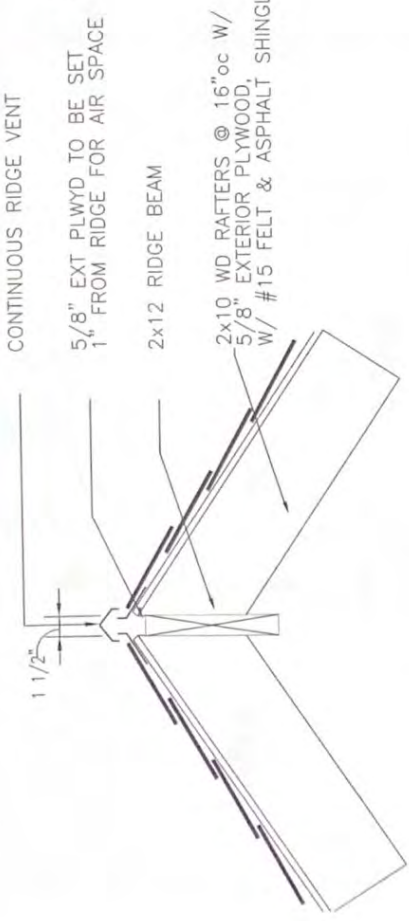
Steven Brown



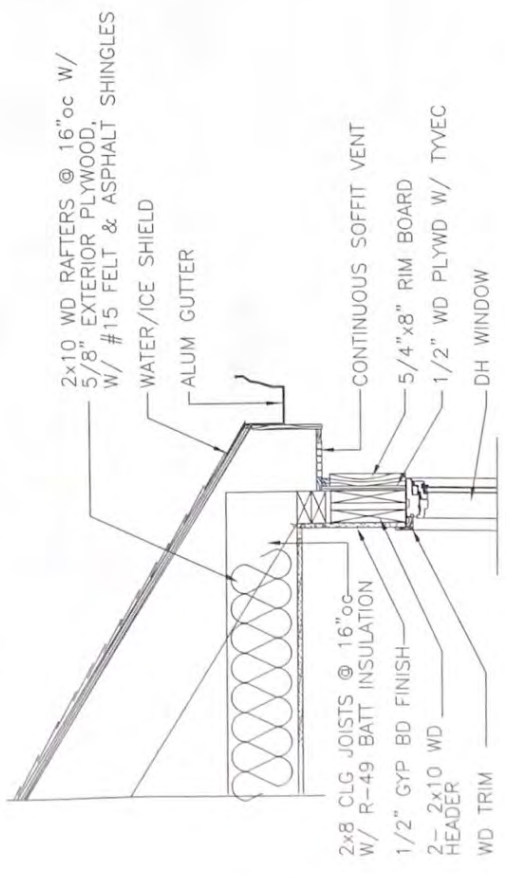
BUILDING SECTION
 SCALE: 1/4" = 1'-0"



NEW WALL DETAIL
 SCALE: 3/8"=1'-0"



○ DETAIL @ ROOF RIDGE
 SCALE: 1"= 1'-0"



○ DETAIL @ ROOF EAVE
 SCALE: 1"= 1'-0"

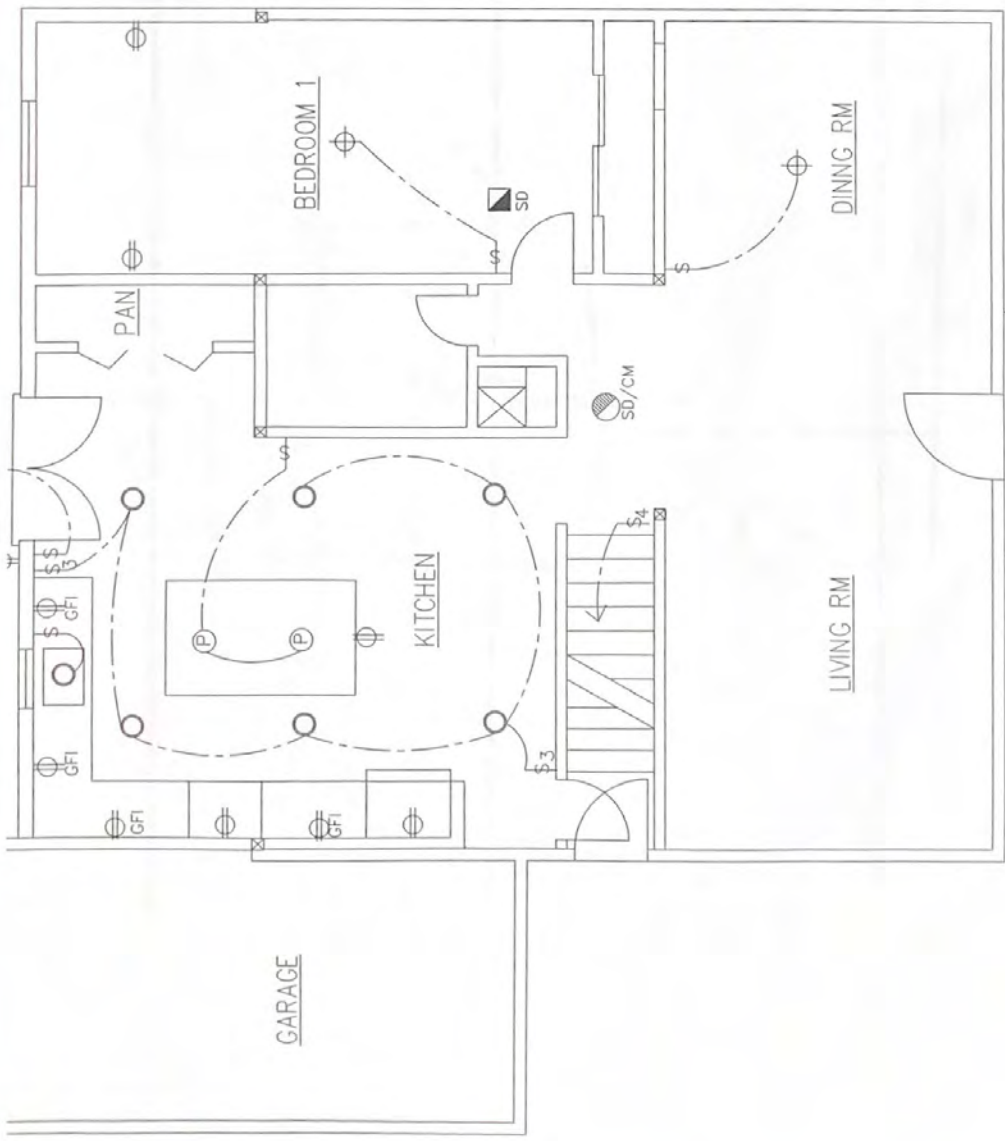
Steven Crandall

DATE: 02/31/20
 SCALE: NOTED
 NEW RENOVATION/ADDITION
 230 GRAPHIC BLVD
 NEW MILFORD, NJ
 MIGUEL & GINA CHAVEZ
 230 GRAPHIC BLVD
 NEW MILFORD, NJ
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 908-655-7781

E1

Sturtevant

- LEGEND
- ⊕ DUPLEX OUTLET
 - ⊕ GFI GFI OUTLET
 - ⊕ SWITCH
 - ⊕ 3 THREE-WAY SWITCH
 - ⊕ P PENDANT LIGHT FIXTURE
 - ⊕ W WATERPROOF LIGHT FIXTURE
 - ⊕ S SURFACE MOUNTED LIGHT FIXTURE
 - FLUSH MOUNTED LIGHT FIXTURE
 - ⊠ EXHAUST FAN/LIGHT COMBO
 - ⊠ SD HARD WIRED SMOKE DETECTOR W/ BATTERY BACK-UP
 - ⊠ SD/HARD WIRED SMOKE DETECTOR & CARBON MONOXIDE DETECTOR W/BATTERY BACK-UP



FIRST FLOOR ELECTRICAL PLAN

SCALE: 1/4" = 1'-0"

ARCHITECT
NJ LICENSE NO. A11454
63 PROSPECT ST
BERNARDSVILLE, NJ 07924
908-655-7781

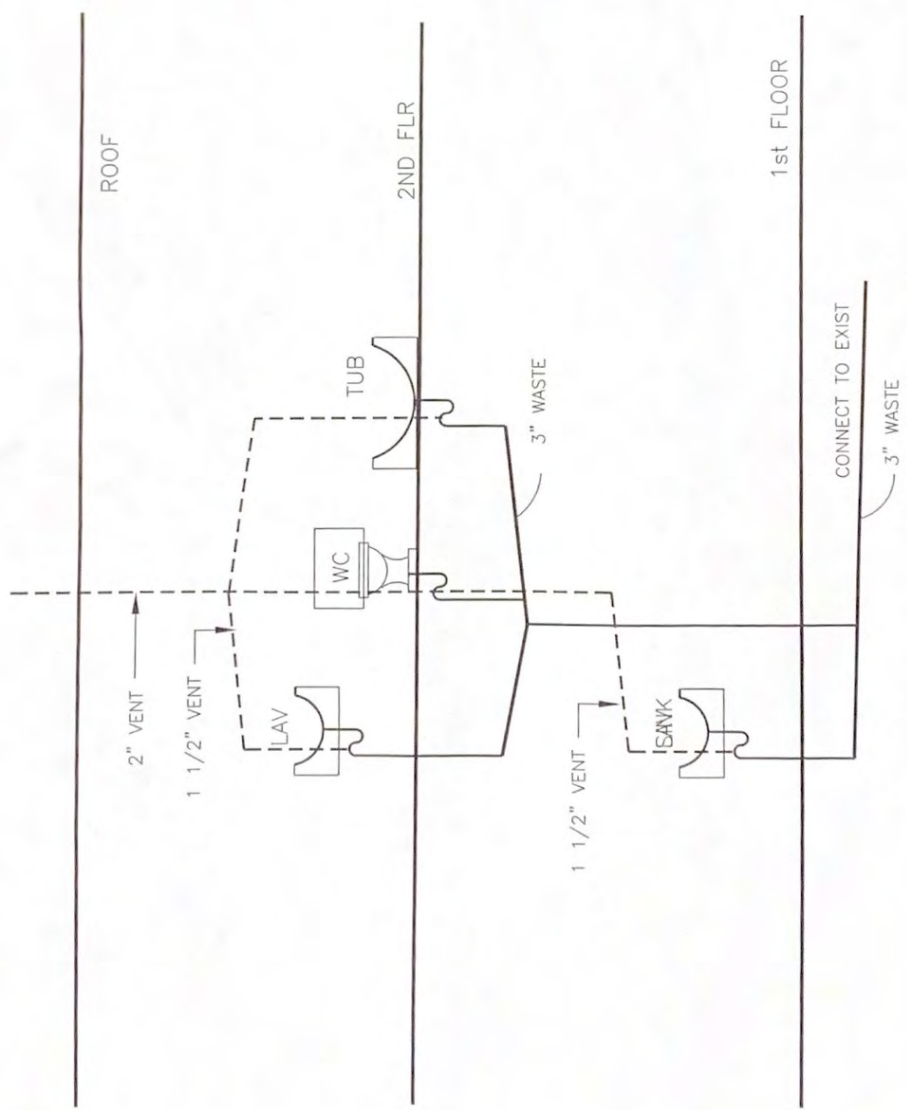
MIGUEL & GINA CHAVEZ
230 GRAPHIC BLVD
NEW MILFORD, NJ

NEW RENOVATION/ADDITION
230 GRAPHIC BLVD
NEW MILFORD, NJ

DATE: 02/31/20
SCALE: NOTED

P1

Steven Gonzalez



PLUMBING RISER DIAGRAM
SCALE: NTS

JOEL & JOEL, LLP
COUNSELLORS AT LAW
700 KINDERKAMACK ROAD, SUITE 203
ORADELL, NEW JERSEY 07649
(201) 599-0588
FACSIMILE (201) 599-0179
www.joelandjoel.com

April 22, 2021

Zoning Board of Adjustment
Borough of New Milford
930 River Road
New Milford, New Jersey 07646

Re: Application of Miguel Chavez and Georgina Chavez
for 230 Graphic Blvd., New Milford, New Jersey (Block 610, Lot 1)
Calendar #
Hearing Date – May 11, 2021

Dear Chairperson and Members of the Zoning Board of Adjustment:

I represent the applicants, Miguel Chavez and Georgina Chavez, who reside at 230 Graphic Blvd., New Milford, New Jersey (Block 610, Lot 1). Applicants are seeking to construct an addition that will extend a portion of the back of their house eight feet and renovate the second story. The application requires a variance from the maximum building coverage requirement. 1,000 sf is required, 1,014 sf is existing, and 1,249 sf is proposed. The applicants will also be seeking any other needed variances, approvals, waivers, and any other relief which may be deemed necessary.

The applicants have submitted their application with drawings prepared by their architect, Steven Considine. I am attaching the following exhibits to further assist in reviewing this application:

- Exhibit 1 - Map depicting location of applicants' property
- Exhibit 2 - Photos of applicants' and neighboring properties
- Exhibit 3 - N.J. Stat. § 40:55D-2
- Exhibit 4 - Borough of New Milford Land Use Regulations § 30-1.2.

Exhibit 5 - Excerpts from 2014 Master Plan Update and 2010 Reexamination Report

The applicants are seeking the following variance:

	Maximum	Existing	Proposed
Maximum Building Coverage	20%	20.28%	24.98%

Set forth below are the reasons why the applicants' request for a variance should be granted.

1. C(1) and C(2) Variances.

Applicants are seeking a variance from the maximum building coverage requirement. A bulk variance may be granted if an applicant demonstrates that it meets the positive and negative criteria. Applicants can meet the positive and negative criteria under N.J.S.A. 40:55D-70(c)(1) or (c)(2).

a. Positive Criteria – C(1) Variance.

In order to meet the positive criteria under c(1), an applicant must show that failure to grant the variance will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of the property arising out of (a) exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon. N.J.S.A. 40:55D-70(c)(1). Thus, a hardship can be created by the property's natural physical features or by existing structures which may create an "exceptional situation."

The applicants' property is unique in that the house is existing nonconforming and is smaller than neighboring homes. It has a 50 feet lot width when 75 feet is the minimum required lot width in this zone. Other properties in the zone have the same size lots but have much larger homes. This is an extraordinary situation uniquely effecting this specific piece of property and the structures lawfully existing thereon. There is a hardship in that applicants do not have full use of the property as do other properties and the applicants are unduly burdened and effected by their property dimensions and the structure existing thereon.

Applicants live on a small lot with a small house and are extremely limited on what they can do and their proposal takes into account the dimensions of the property and the structure thereon. Applicants simply want to add on to the back of a portion of their home by extending it

8 ft. and renovating the second floor. The net effect is that they are not reducing the side yards and are only minimally increasing building coverage.

Applicants have satisfied the positive criteria for a c(1) variance.

b. Positive Criteria – C(2) Variance.

N.J.S.A. 40:55D-70(c)(2) provides that a variance may be granted where an application or appeal relates to a specific piece of property wherein the purpose of the act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment. It is notable that undue hardship is not a requirement for the grant of a variance under c(2). What must be shown is that the application (1) relates to a specific piece of property; (2) that the purposes of the Municipal Land Use Law (“MLUL”) would be advanced by a deviation from the zoning ordinance requirement; (3) that the variance can be granted without substantial detriment to the public good; (4) that the benefits of the deviation would substantially outweigh any detriment; and (5) that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. See Kaufman v. Planning Bd. for Warren Tp., 110 N.J. 551 (1988); Ketherick v. Bor. of Mountain Lakes, 256 N.J. Super 647, 657 (App. Div. 1992); Green Meadows v. Planning Bd., 329 N.J. Super. 12, 22 (App. Div. 2000).

This application specifically pertains to 230 Graphic Boulevard. The purpose of the MLUL would be advanced by deviating from the zoning ordinance requirement. The addition would promote the general welfare by harmonizing with the existing properties. The other properties in the area are larger which causes the applicants’ house to appear out of place, inordinately small, and out of scale with the neighboring properties. The proposed addition and renovations are tastefully designed, would present a desirable visual environment, would fit in perfectly with the surrounding homes, and reinforce and preserve the character of the neighborhood and would increase values. This would reinforce the purposes of N.J.S.A. 40:55D-2(a), (e), and (i), Borough of New Milford Land Use Regulations § 30-1.2 a., e., and i., and the Master Plan objectives of upgrading housing while maintaining present community character and maintaining the quality of housing.

Applicants have satisfied the positive criteria for a c(2) variance.

c. Negative Criteria – C(1) and C(2) Variances.

Under both criteria of a c(1) and c(2), an applicant must also demonstrate that the statute’s negative criteria are satisfied -- that the variance “can be granted without substantial detriment to the public good” and that it “will not substantially impair the intent and purpose of

the zone plan and zoning ordinance.” N.J.S.A. 40:55D-70. This criteria was part of the positive criteria for a c(2) variance above and was discussed in that section.

The variance could be granted without substantial detriment to the public good and the benefits of the deviation would substantially outweigh any detriment. The proposed addition is a perfect and logical use of the property and would match the character, scale, size, and density of surrounding homes and further preserve and enhance the character of the neighborhood. This would reinforce the purposes of N.J.S.A. 40:55D-2(a), (e), and (i), Borough of New Milford Land Use Regulations § 30-1.2 a., e., and i., and the Master Plan objectives of upgrading housing while maintaining present community character and maintaining the quality of housing. There is no detriment attached to applicants’ proposed addition and variance.

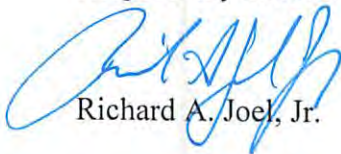
To grant the applicants’ variance would not substantially impair the intent and purpose of the zone plan and zoning ordinances. The applicant’s proposal would further the master plan’s goals and objectives of upgrading the housing within existing neighborhoods while maintaining the present community character and maintaining the quality of housing in regard to appearance. It also furthers the zoning ordinances by encouraging appropriate use and development of land in a manner which promotes the general welfare and promotes a desirable visual environment.

Without the proposed addition, the house is left disadvantaged and inordinately small and out of place. The proposed addition and renovation would upgrade the home to match the character and quality of surrounding homes and would create a pleasing appearance in this section of the community.

The applicant’s variance request can be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance.

In view of the foregoing, it is respectfully requested that the Board grant the variance that the applicants seek.

Respectfully submitted,



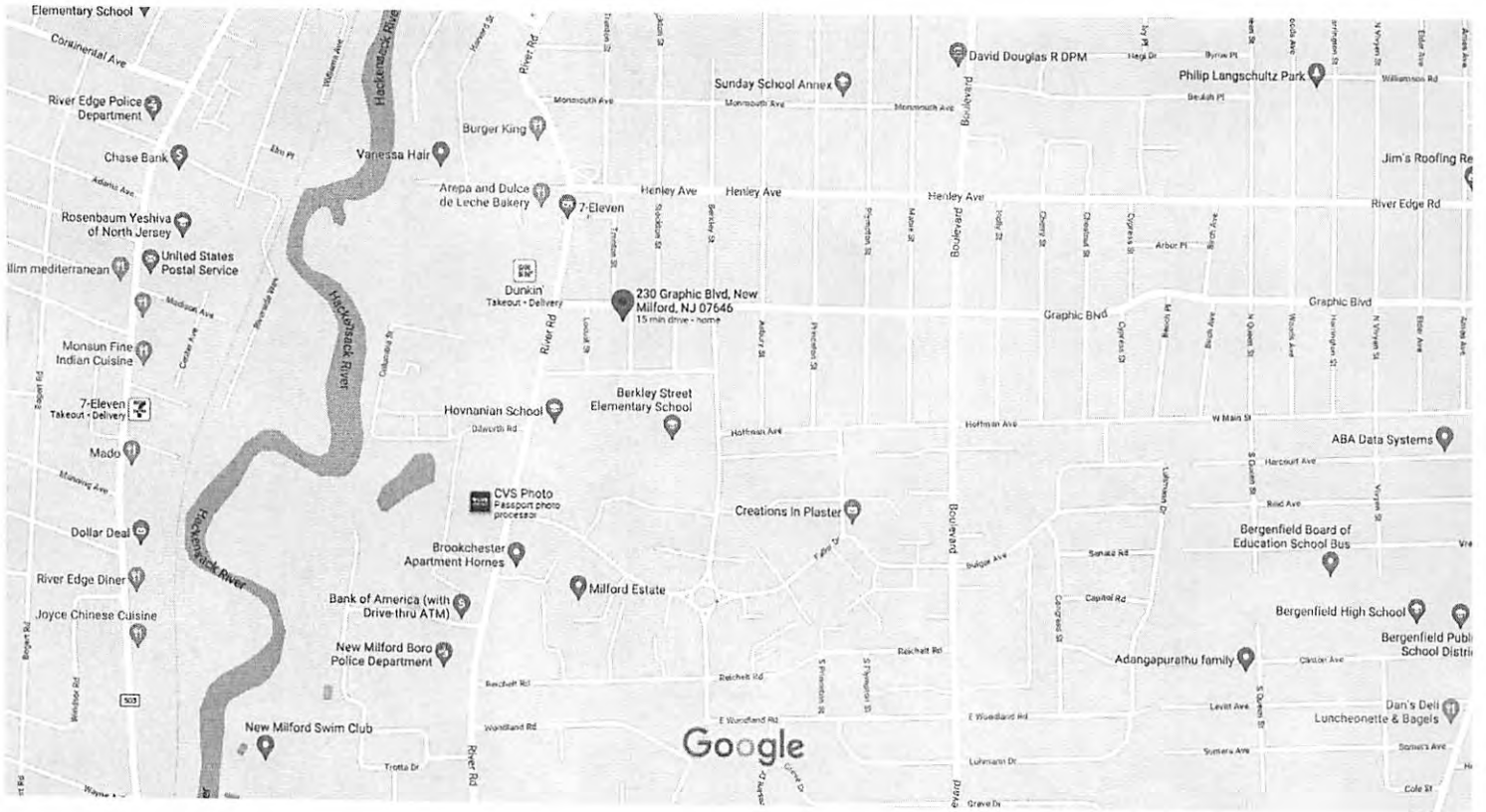
Richard A. Joel, Jr.

RAJ/kap

Cc: Miguel and Georgina Chavez

EXHIBIT "1"

Google Maps 230 Graphic Blvd



Map data ©2021 500 ft

EXHIBIT “2”



230 GRAPHIC BLVD. - APPLICANTS' HOME - FRONT

50' X 100' LOT

PHOTO 1



230 GRAPHIC BLVD. - APPLICANTS' HOME - FRONT/SIDE

PHOTO 2



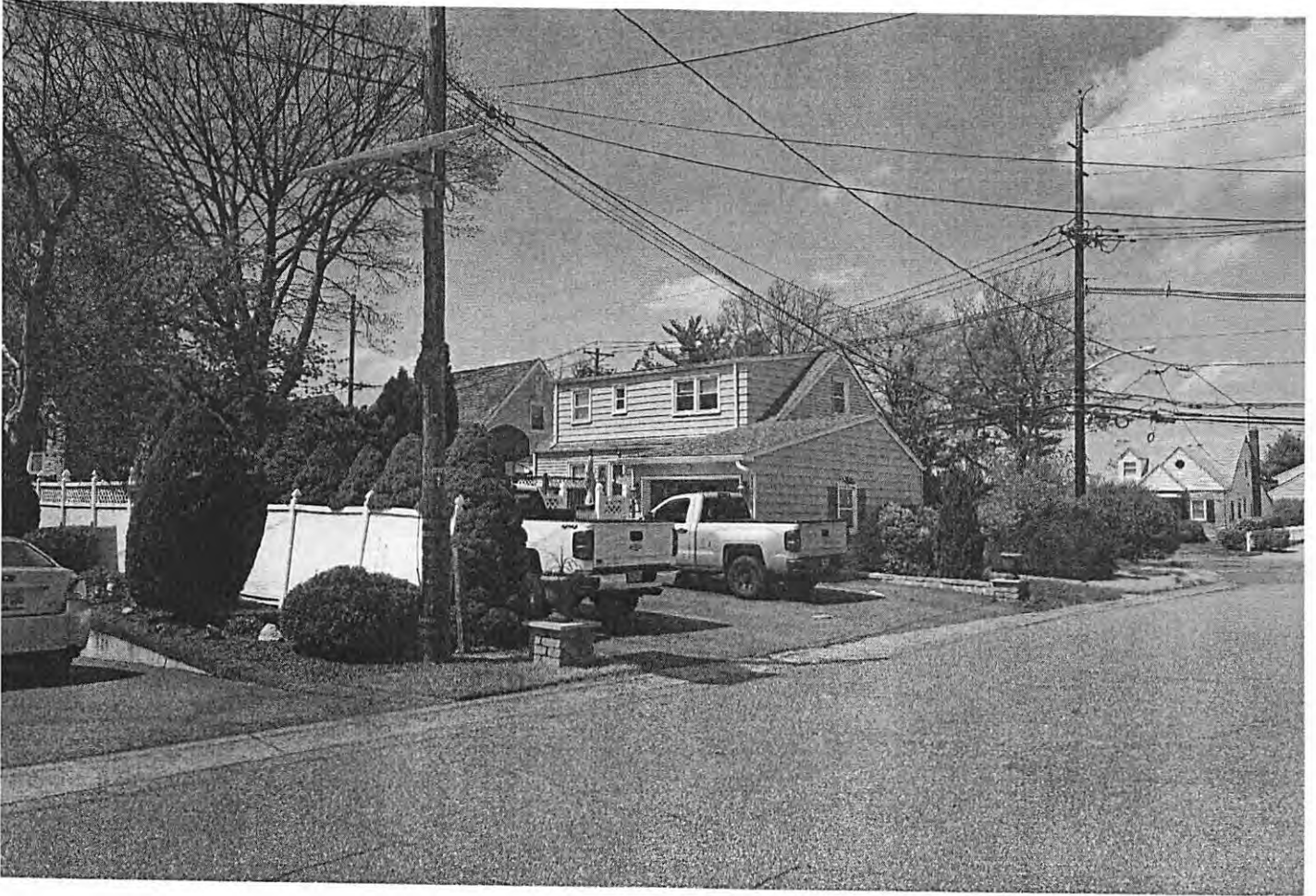
230 GRAPHIC BLVD. - APPLICANTS' HOME - FRONT

PHOTO 3



230 GRAPHIC BLVD. - APPLICANTS' HOME - SIDE

PHOTO 4



230 GRAPHIC BLVD. - APPLICANTS' HOME - REAR

PHOTO 5



230 GRAPHIC BLVD. - APPLICANTS' HOME - REAR

PHOTO 6



230 GRAPHIC BLVD. - APPLICANTS' HOME - BACK YARD

PHOTO 7



236 GRAPHIC BLVD. & 230 GRAPHIC BLVD. (APPLICANTS' HOME)

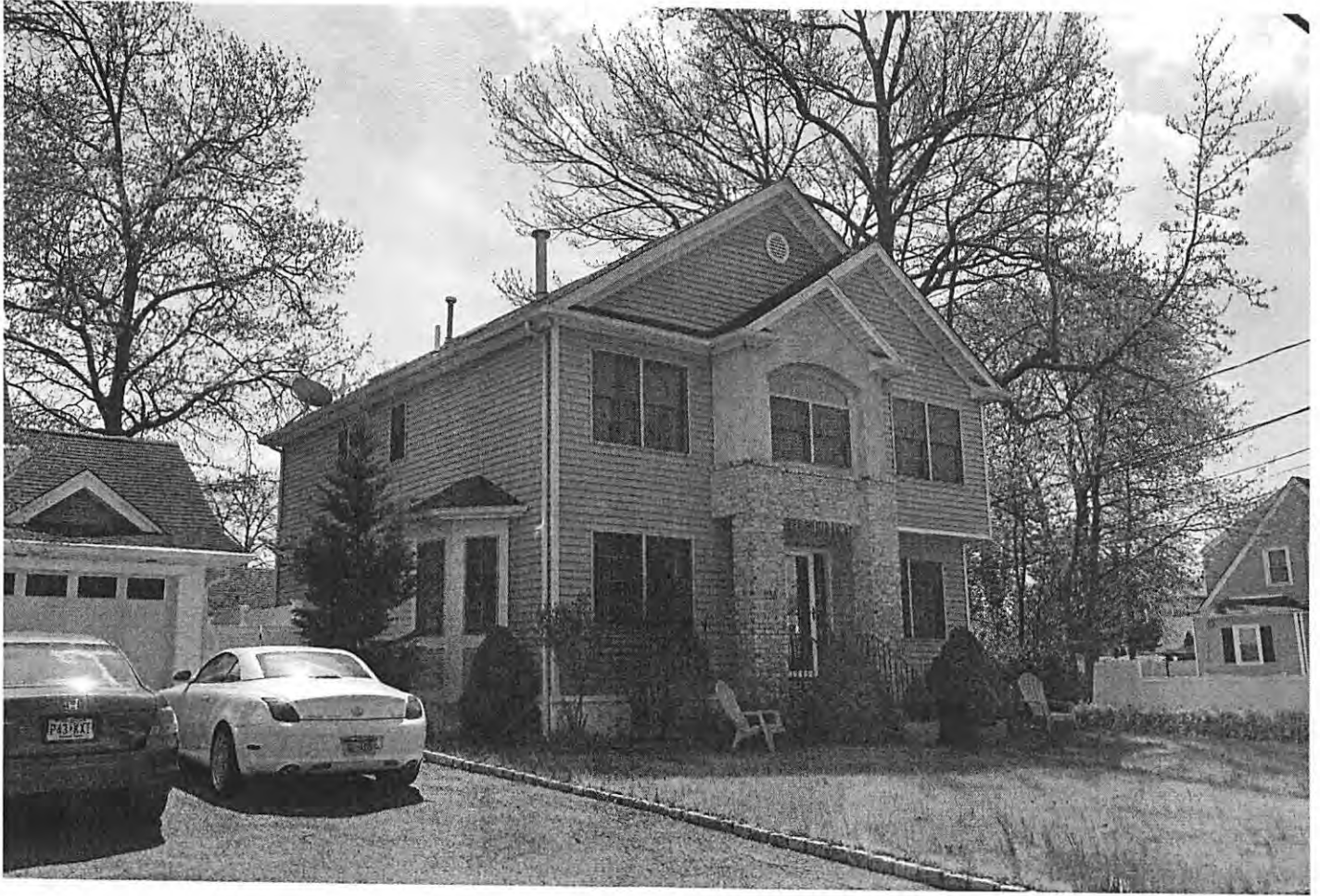
PHOTO 8



236 GRAPHIC BLVD. - VIEW FROM SIDE ON MAPLE ST. -
DIRECTLY ACROSS THE STREET FROM EASTERLY
SIDE OF 230 GRAPHIC BLVD. (APPLICANTS' HOME)

50' X 100' LOT

PHOTO 9



216 GRAPHIC BLVD.

THIRD HOUSE WEST OF APPLICANTS' HOME

50' X 100'

PHOTO 10



216 GRAPHIC BLVD.

FRONT

PHOTO 11



216 GRAPHIC BLVD.

SIDE

PHOTO 12

EXHIBIT “3”

New Jersey Statutes Annotated
Title 40. Municipalities and Counties
Subtitle 3. Municipalities Generally (Refs & Annos)
Chapter 55D. Planning, Zoning, Etc.
Municipal Land Use Law (Refs & Annos)
Article 1. General Provisions (Refs & Annos)

N.J.S.A. 40:55D-2

40:55D-2. Purpose of the act

Effective: August 1, 2016

Currentness

Purpose of the act. It is the intent and purpose of this act:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n. To promote utilization of renewable energy resources;
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs;
- p. To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites; and
- q. To ensure that the development of individual municipalities does not unnecessarily encroach upon military facilities or negatively impact the operation of military facilities, and to those ends, to encourage municipalities to collaborate with military facility commanders in planning and implementing appropriate land use controls, thereby improving the vitality of military facilities and protecting against their loss through the Base Realignment and Closure process or mission loss.

Credits

L.1975, c. 291, § 2, eff. Aug. 1, 1976. Amended by L.1979, c. 216, § 1, eff. Feb. 1, 1980; L.1980, c. 146, § 1, eff. Nov. 20, 1980; L.1985, c. 516, § 1, eff. March 22, 1985; L.1987, c. 102, § 25, eff. April 20, 1987; L.2013, c. 106, § 1, eff. Aug. 7, 2013; L.2016, c. 21, § 1, eff. Aug. 1, 2016.

Editors' Notes

2020 Electronic Update

ASSEMBLY HOUSING AND LOCAL GOVERNMENT COMMITTEE STATEMENT

Assembly Bill No. 3761--L.2013, c. 106

DATED: MARCH 7, 2013

EXHIBIT “4”

Chapter 30. Land Use Regulations

Article I. General Provisions

§ 30-1. TITLE; PURPOSE AND SCOPE.

§ 30-1.1. Short Title.

[Ord. No. 77:1]

This chapter shall be known and may be cited as the "1977 Borough of New Milford Land Use Regulations."

§ 30-1.2. Purpose.

[Ord. No. 77:1]

It is the intent and purpose of this chapter to:

- a. Encourage action to guide the appropriate use or development of all lands in the Borough in a manner which will promote the public health, safety, morals and general welfare.
- b. Secure safety from fire, flood, panic and other natural and man-made disasters.
- c. Provide adequate light, air and open space.
- d. Ensure that the development of the Borough does not conflict with the development and general welfare of neighboring municipalities.
- e. Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods and the entire municipality as well as the preservation of the environment.
- f. Encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- g. Provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements.
- h. Encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.
- i. Promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- j. Promote the conservation of open space and valuable natural resources and prevent urban sprawl and degradation of the environment through improper use of land.

- k. Encourage coordination of the various public and private procedures and activities shaping land development with a view to lessening the costs of such development and to the more efficient use of land.
- l. Establish orderly and uniform procedures relating to land use and development regulation.

§ 30-1.3. Scope.

[Ord. No. 77:1]

- a. It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.
- b. Where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage or requires greater lot area or larger yards or other open spaces than are imposed or required by such rules, regulations or permits or by such private restrictions, the provisions of this chapter shall control.

EXHIBIT “5”

II. PROBLEMS AND OBJECTIVES SET FORTH IN PRIOR MASTER PLAN DOCUMENTS AND THEIR CURRENT STATUS

A. Overview

The 2010 New Milford Master Plan Reexamination Report includes all of the statutorily required components of a reexamination report. The Reexamination report consolidates the 2004 Master Plan's overall goals, and updates the status of specific properties and problems addressed. This chapter outlines the major problems and objectives set forth in the 2010 Reexamination Report and the 2004 Master Plan, and their statuses.

B. 2010 Master Plan Reexamination Goals and Objectives

The 2010 Master Plan Reexamination provides a consolidated set of goals and objectives, which are listed in the Reexamination as follows:

1. Maintain and enhance sound residential neighborhoods through implementation of neighborhood planning principles such as provision of needed neighborhood facilities, routing through traffic around residential neighborhoods, and reduction and eventual elimination of incompatible uses where present.
2. Provide for the upgrade of housing within existing neighborhoods, while maintaining the present community character through good subdivision design and neighborhood planning principles.
3. Maintain the quality of housing and non-residential buildings in regard to safety, health, and appearance through administrative measures such as property maintenance code enforcement and design control.
4. Provide for continued establishment of small shops and preferred service facilities compatible with residential neighborhoods.
5. Provide for improved facilities for neighborhood businesses by grouping such businesses in areas that will have a minimal adverse impact on residential areas.
6. Provide adequate educational, cultural, and recreational facilities and open space for the Borough's changing population.
7. Provide for adequate sewage, storm water disposal and an adequate water supply for homes and businesses.
8. Provide for safe and efficient movement of all modes of transportation throughout the Borough.
9. Preserve the Borough's historic and scenic sites.
10. Maintain the quality of the environment especially with respect to open space, noise, and air and water quality.
11. Encourage senior citizen housing consistent with the character of the Borough.

The 2010 Master Plan Reexamination also lists the following major planning and zoning problems:

1. To maintain and upgrade retail and service commercial facilities as an important part of the Borough's tax base.
2. To provide for a balanced housing supply and secure substantive certification from the Council on Affordable Housing (COAH) for the Borough's Round Three Application.
3. To continue to address the need for flood mitigation in areas adjacent to the Hackensack River, Hirshfeld Brook, French Creek and their tributaries.
4. To take proactive measures to provide for additional recreation facilities.

A. MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN NEW MILFORD AT THE TIME OF THE LAST MASTER PLAN

New Milford's Overall Master Plan Goals

The last Master Plan prepared in 2004 provided separate goals and objectives for each of the Master Plan's elements. This reexamination report includes the following planning and zoning objectives:

1. Maintain and enhance sound residential neighborhoods through implementation of neighborhood planning principles such as provision of needed neighborhood facilities, routing through traffic around residential neighborhoods, and reduction and eventual elimination of incompatible uses where present.
2. Provide for the upgrade of housing within existing neighborhoods, while maintaining the present community character through good subdivision design and neighborhood planning principles.
3. Maintain the quality of housing and non-residential buildings in regard to safety, health, and appearance through administrative measures such as property maintenance code enforcement and design control.
4. Provide for continued establishment of small shops and preferred service facilities compatible with residential neighborhoods.
5. Provide for improved facilities for neighborhood businesses by grouping such businesses in areas that will have a minimal adverse impact on residential areas.
6. Provide adequate educational, cultural, and recreational facilities and open space for the Borough's changing population.

7. Provide for adequate sewage, storm water disposal and an adequate water supply for homes and businesses.
8. Provide for safe and efficient movement of all modes of transportation throughout the Borough.
9. Preserve the Borough's historic and scenic sites.
10. Maintain the quality of the environment especially with respect to open space, noise, and air and water quality.
11. Encourage senior citizen housing consistent with the character of the Borough.

New Milford's Major Planning and Zoning Problems

The purpose of this reexamination report is to address the following planning needs and to maintain the existing goals of the Borough:

1. To maintain and upgrade retail and service commercial facilities as an important part of the Borough's tax base.
2. To provide for a balanced housing supply and secure substantive certification from the Council on Affordable Housing (COAH) for the Borough's Round Three Application.
3. To continue to address the need for flood mitigation in areas adjacent to the Hackensack River, Hirshfeld Brook, French Creek and their tributaries.
4. To take proactive measures to provide for additional recreation facilities.