



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

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, CIS, CRP
Director of Public Works
Zoning Officer
Recycling/Clean Communities Coordinator
Property Maintenance Officer
vcahill@newmilfordboro.com

SYL BRESA, CPWM
Superintendent of Public Works
Property Maintenance Officer
sbresa@newmilfordboro.com

May 5, 2021

Jennifer and Samuel Kollander
1102 Korfitsen Road
New Milford, New Jersey 07646

Re: Permit Application block 205 lot 3 REVISED

Dear Mr. and Mrs. Kollander,

This letter is to inform you that your application to construct a two-story addition at the above address has been denied. The construction violates Borough codes 30-21.4 (c) (1) building coverage, 30-21.5 (a), front yards, 30-21.5 (b) rear yards, and any other that the Board may deem necessary. A soil movement permit, seepage pit review, and as-built surveys will be required along with the appropriate fees and escrows.

You are requesting building coverage of 23%, or 1,891 square feet where 20% or 1,645 square feet is allowed.

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.
2. Maximum total impervious coverage: 40 percent

You are requesting a front yard setback of 28.2 feet where a minimum of 30 feet is required.

30-21.5 Yards.

a. *Front Yards.*

1. No new building shall be erected and no existing building shall be altered or reconstructed to project beyond the average setback line of the buildings situated within the same block and within two hundred (200') feet of either side lot line and measured in a direction parallel to the street on which the lot faces.

You are requesting a rear yard setback of 12.6 feet where a minimum of 20 feet is required.

30-21.5 Yards.

- b. *Rear Yards.* There shall be a rear yard of not less than twenty-five (25%) percent of the depth of the lot at the ground level, except that a rear yard shall not be less than twenty (20') feet deep. A building on a lot extending through from street to street shall observe the front yard restrictions on each street in lieu of a rear yard as provided above.

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

Sincerely,

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

Owner John Eric Samuel Kollander Proposed Project Addition to SF-Dwell Corner Property YES NO

Job Location 1102 Kautson Road Phone Number 516-946-7964

Sam.kollander@gmail.com

INSTRUCTIONS Please fill in the zoning work sheet in the spaces where applicable based on your construction project. Include a copy of your survey with your project sizes, dimensions and setback figures drawn on it. You are certifying the below figures are true.

Setback Requirements

- Sheds/Detached Garages** 5' from rear & side yard (Sheds 9' high, Garages/ Gazebos 15' high)
- Pools** 6' from rear & side yard (everything associated with pool, such as walkways, heater, filter, etc.)
- IN GROUND POOLS -** Two typography site plans are required & \$500 escrow deposit for engineer review, inspection fees.
- Drainage retention systems may be required to comply with the new zero run off law, to be determined after engineer review.
- Front yard setback** The average setback line of the buildings situated within the same block & within (200') feet of either side lot line or 30 feet if no building exists within (200') feet & measured in a direction parallel to the street on which the lot faces. For any proposed front yard project please **include front yard worksheet**.
- Rear yard setback** 25% of lot depth, 20' minimum if your lot is less than 100' deep.
- Side yard setback** 10' setback for lots 65' or more of the front width of your property
7.5' setback for lots 64' or less front width of your property
- Corner setback** 30' setback
- Height** 30' high, measured from the average of four corners from the grade to the highest point of the roof.
- Story -** Where the basement ceiling is at least 3 feet above the average finished grade along any side of the building the basement shall count as one story.

SETBACK WORKSHEET

Front Yard Setback (30-21.5) (Include separate front yard worksheet for all porches, porticos)	Variance Needed
Requirement <u>30 Ft</u> Existing <u>30.6 Ft</u> Proposed <u>28.2 Ft</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Rear Yard Setback (30-21.5b)	
Requirement <u>20 Ft</u> Existing <u>12.6 Ft</u> Proposed <u>11.9 Ft</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Right Side Yard Setback (30-21.5c) (L&R Porch)	
Requirement <u>30 Ft</u> Existing <u>30.4 Ft</u> Proposed <u>30.4 Ft</u> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	
Left Side Yard Setback (30-21.5c)	
Requirement <u>10 Ft</u> Existing <u>25 Ft</u> Proposed <u>10 Ft</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Corner Setback (30-21.5c1 & c2)	
Requirement <u>30'</u> Existing <u>30.4 Ft</u> Proposed <u>30.4 Ft</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Height (30-21.6)	
Requirement <u>30'</u> Existing <u>28 Ft</u> Proposed <u>29.8 Ft</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Stories (30-21.6) & definition of story	
Requirement <u>2 1/2 stories</u> Existing <u>2</u> Proposed <u>2</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Maximum Building Coverage Requirements determined by lot size (30-21.4)

Your lot size 8225 SQ. FT. x 0.20 = 1645 SQ. FT. ← Your requirement (A)

Maximum Total Impervious Coverage Requirements (30-21.4)

Your lot size 8225 SQ. FT. x 0.40 = 3290 SQ. FT. ← Your requirement (B)

LOT COVERAGE WORKSHEET (FOR ALL NEW HOUSES, ADDITIONS, DECKS, PORCHES, ETC.)

ITEM NO.	DESCRIPTION	EXISTING (SQUARE FEET)	PROPOSED (SQUARE FEET)	REMARKS
1	BUILDING FOOTPRINT	1288 SF	1750 SF	
2	DETACHED GARAGE			
3	ROOFED PORCHES, PATIOS AND BREEZEWAYS <i>overhangs</i>	78 SF	141 SF	
4	STORAGE SHEDS			
5	OTHER ACCESSORY BULDINGS			
6	DRIVEWAYS AND PARKING AREAS	603 SF	669 SF	
7	OPEN PORCHES, TERRACES, PATIOS AND DECKS	242 SF	385 SF	
8	STEPS AND WALKWAYS	315 SF	312 SF	
9	SWIMMING POOLS			
10	OTHER IMPERVIOUS SURFACES	13 SF	31 SF	
11	TOTAL BUILDING COVERAGE (ADD ITEMS 1 THROUGH 5)	1366 S.F. 16.6 %	1891 S.F. 23 %	DIVIDE THE TOTAL SQUARE FOOT AREA BY THE LOT AREA TO DETERMINE % OF COVERAGE
12	TOTAL IMPERVIOUS COVERAGE (ADD ITEMS 1 THROUGH 10)	2539 S.F. 30.9% %	3289 S.F. 40% %	

BUILDING COVERAGE: Required 1645 SF (A), Proposed: 1,891 SF (11) Variance Needed Yes No

TOTAL IMPERVIOUS LOT COVERAGE Required 3290 SF (B), Proposed: 3,289 SF (12) Variance Needed Yes No

Pools (23-3.2) (In ground, Above ground, Semi-in ground) and everything associated with the pool (filters, heaters, and walkway)
 Side Requirement 6' Existing N/A Proposed _____ Type of pool:
 Rear Requirement 6' Existing _____ Proposed _____ INGROUND ABOVE GROUND SEMI

The determination of the need or lack of need for a variance is not binding on the Borough of New Milford. That determination may only be made by the appropriate land use board or through the judicial process, the applicant, by making this request for a zoning determination expressly waives any argument of municipal estoppel.

Survey and as built plans may be required for this project.

Homeowner/ Architect/ Contractor Signature [Signature] Phone Number 516-946-7964

For Office Use Only:

Approved Denied Variances Needed: 30-21.4(c)(1) 30-21.5(A)(B)
[Signature] DATE 4-21-2021

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

Meeting Date _____ Deadline Date _____ Application # _____

THE FOLLOWING INSTRUCTIONS ARE FOR AN APPLICATION FOR A VARIANCE OR SPECIAL EXCEPTION BEFORE THE NEW MILFORD ZONING BOARD OF ADJUSTMENT.

I. OBTAIN FORMS FROM THE BUILDING DEPARTMENT

When you are denied a building permit because of non-compliance with the Zoning Ordinance, obtain the following forms from the Building Department:

- A letter of Denial from the Zoning Officer
- A Zoning Appeal Application (\$200.00)
- A Block Diagram and List of Property Owners within a 200' radius of the property (\$10.00)

II. HOW THE FORMS ARE PROCESSED

A. Building Permit Letter of Denial

Keep original for your records. Return two copies to the Building Department with your completed application.

B. Notice of Appeal (Page 4)

Complete form in its entirety. Owner and/or agent must sign the form.
Return the original and 17 copies to the Building Department

C. Notice of Hearing to Property Owners (Page 5)

1. Upon request of the applicant and receipt of the \$10.00 fee, the Zoning Officer or representative shall within 7 days, make and certify a list of property owners within a 200' radius of property under appeal.
2. Complete the Notice of Hearing to Property owners in its entirety.
3. One copy of the notice must be served upon any owner/agent, of real property, with 200' of the property under appeal. Owners must be served personally or by certified, return receipt mail at the address shown on the certified list of property owners. This service must be completed 10 days prior to the hearing date.
4. If the subject property is within a 200' radius of another municipality, the property owners that fall within the 200' radius must be notified. This list of owners must be obtained from the adjoining municipality. The Borough Clerk of the adjoining municipality must be notified as well.
5. If the subject property is within 200' of a county road, the applicant must notify the County Planning Board at One Bergen County Plaza, 4th floor, Hackensack, NJ 07601.
6. Completed original and 2 copies of the Notice of Hearing to Property Owners must be returned, with the completed application to the Building Department.

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

D. Affidavit of Proof of Service (Page 6)

1. This form must be signed and notarized by a Notary Public after you have served the property owners within 200' of the property under appeal. Applicant must show proof of service to the notary, in the form of signatures of the property owners and/or stamped certified return receipts from the Post Office.
2. Notarized form and one copy must be returned with the list of property owners with signatures and/or the postal receipts.

E. Legal Notice – Newspaper Advertisement (Page 7)

- 1 Complete the form in its entirety.
2. Notice must be published in the Record newspaper at least 10 days prior to the hearing date. Allow 3 days lead time for the newspaper to publish this notice.
3. Subsequent to publication the newspaper will provide you with an affidavit of publication. Return the affidavit and one copy to the Building Department with the completed application.

Note: Do Not wait to receive the affidavit of publication to submit your application. The affidavit can be submitted at a later date, provided the ad ran ten(10) days prior to the hearing date.

F. Affidavit of Ownership (Page 8)

1. This form must be notarized by a Notary Public upon proof of ownership of the subject property.
2. Return original affidavit with the completed application.

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

III. THE FOLLOWING CONSTITUTES A COMPLETED APPLICATION

The following to be dropped off 10 business days prior to the meeting:

- | | |
|--|-----------|
| 1. Letter of Denial from Zoning Officer | 17 copies |
| 2. Zoning Schedule Worksheet with Zoning Officer's Denial | 17 copies |
| 3. Completed Notice of Appeal | 17 copies |
| 4. Block Diagram (supplied with 200'list) | 17 copies |
| 5. Property Survey Existing and Proposed Construction
depicted to scale | 17 copies |
| 6. Plans of the proposed construction, in the form of detailed,
scaled drawing of existing and proposed project with exact
dimensions, or architectural plans. | 17 copies |

All of the above must be collated in individual packets (1 letter of denial, 1 zoning schedule, 1 block diagram, 1 survey, 1 set of plans FOLDED(not rolled) to make 17 sets and dropped off no later than ten(10) days prior to the meeting.

The following to be dropped off before the meeting:

1. Completed Notice of Hearing to Property Owners
2. Affidavit of Proof of Service with list of property owner's signatures and/or postal receipts for return receipt registered mail (green receipts).
3. Affidavit of Publication from the newspaper and a copy of the publication.
4. Affidavit of Ownership
5. Completed W-9 Form (Signed in Blue Ink)
6. Check for Escrow Fund (fund for attorney and engineer costs related to your application, remainder of balance to be returned 6 months after resolution is memorialized)

IV. MEETINGS

The Zoning Board of Adjustment holds its regular meeting the second (2nd) Tuesday of every month at 7:30 pm with the Public Session to follow. Meetings are held at the Borough Hall, Council Chambers, 930 River Road, New Milford, NJ 07646.

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

Application # _____
Date _____ 20__

NOTICE OF APPEAL

Property Address 1102 Kufitska Road Subject to Sale agreement (YES ~~(NO)~~)
Block 205 Lot 3 Zone (Residential) Business- Townhome - other _____

Size of Lot 8,225 SF Present use (Residential) Business- Townhome- other _____
(Owned) Leased - If property is within 200' of Borough line name adjacent municipality (ies) Bergenfield

Name of Owner Jennifer & Samuel Kullander Telephone c/o attorney

Owner's Address (if different from above) c/o Attorney, see below

Name of Applicant (if not homeowner) _____

Applicant address 12 Route 17N, Paramus, NJ 07652 Phone Number 201-587-0888

Name of Attorney Andrew S. Kohut, Esq. Phone Number 201-587-0888 Attending Meeting Yes

Name of Architect Joseph Molinari Phone Number 732-899-8000 Attending Meeting Yes

The applicant/homeowner hereby seeks relief from section (s) 30-21.4 & 30-21.5
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).

See attached

	Lot Area	Front	Right Side	Left Side	Corner	Rear	Height	Building Coverage
Required	<u>7,500 sq.ft.</u>	<u>30 Ft</u>	_____	<u>10 Ft</u>	<u>30 Ft</u>	<u>20 Ft</u>	<u>30 Ft</u>	<u>20%</u>
Existing	<u>8,225 SF</u>	<u>30.6 Ft</u>	_____	<u>25 Ft</u>	<u>30.4 Ft</u>	<u>12.6 Ft</u>	<u>28 Ft</u>	<u>16.6%</u>
Proposed	<u>n/a</u>	<u>28.2 Ft</u>	_____	<u>10 Ft</u>	<u>30.4 Ft</u>	<u>11.9 Ft</u>	<u>29.8 Ft</u>	<u>23.0%</u>
Difference	<u>n/a</u>	<u>1.8 Ft</u>	_____	_____	_____	<u>8.1 Ft</u>	_____	<u>3.0%</u>

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 [Signature] Date 5/10/21

Filed on behalf of Applicant by _____ Title _____

EXHIBIT A

The Applicant is proposing an addition to the existing single-family dwelling along with a covered patio. Three variances are required as a part of this application which includes:

1. Front Yard Setback – 30 ft. required and 28.2 ft. proposed;
2. Rear Yard Setback – 20 ft. required and 11.9 ft. proposed; and
3. Building Coverage – 20% permitted and 23.0% proposed.+

The Applicant will provide professional, expert testimony justifying the relief requested but would like to point out the following. With regard to the front yard setback, the proposed addition aligns with the existing dwelling. The variance is required due to the property's irregular shape caused by the orientation of Korfitsen Road. With regard to the rear yard setback, the proposed addition also aligns with the existing dwelling. The variance is required due to the irregular shape of the property and the existing dwelling's orientation to the rear property line. With regard to the building coverage, it is important to note that included in that 23% is the building overhangs, covered stoop and proposed coverage porch. Therefore, the Applicant believes that this variance, along with the other variances requested, can be granted without substantial detriment to the public and in keeping with the other dwellings located in the surrounding neighborhood.