

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

Application # 23-03
Date 1/20/2023

NOTICE OF APPEAL

Property Address 353 Trenech Drive Subject to Sale agreement (YES - NO)
Block 1606 Lot 31 Zone (Residential) Business- Townhome - other _____

Size of Lot 7,500 sqft Present use (Residential - Business- Townhome- other _____)
Owned / Leased - If property is within 200' of Borough line name adjacent municipality (ies) _____

Name of Owner Craig Layne Telephone _____

Owner's Address (if different from above) _____

Name of Applicant (if not homeowner) _____

Applicant address _____ Phone Number _____

Name of Attorney _____ Phone Number _____ Attending Meeting _____

Name of Architect T. E. F. CUSANELLO FILLETI Phone Number _____ Attending Meeting _____

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).

Add-a-level over the existing footprint and interior renovation

	Lot Area	Front	Right Side	Left Side	Corner	Rear	Height	Building Coverage
Required	7,500 sq.ft.	30'	10'	10'	30'	25'	30'	1500
Existing	7,500 sqft	30.	12.70'	9.74'	N/A	25'	19'	1602
Proposed	n/a	30.38'	12.70'	9.74'	N/A	25'	29.71'	1602
Difference	n/a	.38'	N/A	N/A	N/A	N/A	10.71'	N/A

Driveway Width Required _____ Existing 19' Proposed 9' Curb Cut [Y/N] Size _____
Are trees being removed YES NO _____ How many _____ Shade Tree Commission date approved _____

Signature of Applicant [Signature] Date 1/20/23

Filed on behalf of Applicant by _____ Title _____



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

December 27, 2022

Craig and Hannah Layne
353 Trench Drive
New Milford, New Jersey 07646

Re: Permit Application 353 Trench Drive Block 1606 lot 31.

Dear Mr. and Mrs. Layne,

This letter is to inform you that your application to construct a second level at the above address has been denied. The construction violates Borough codes 30-21.4 (c) (1) maximum building coverage, 30-21.5 (c) side yards, and any other that the Board may deem necessary.

Your lot size is 7,500 square feet (sq ft) and you are permitted 1,500 sq ft of building coverage and your request is 1,602 sq ft or 21.3% where 20% is allowed. This is 102 sq ft over the allowed. Your side yard setback is 10 feet and your request is, right side 9.74 feet.

If your variance is approved by the Board, you will be required to post escrow fees, plans and specifications for seepage pit and soil movement permit review as well as permit fees.

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

30-21.5 Yards.

c. *Side Yards.*

1. There shall be two (2) side yards. The least dimension of either side yard shall be not less than ten (10') feet; provided, however, that in the case of a corner lot, the exterior side yard shall be not less than thirty (30') feet in width and the interior side yard not less than ten (10') feet in width.
2. Each side yard of an interior lot having a frontage of sixty-five (65') feet or more shall be not less than ten (10') feet; where a lot has a frontage less than sixty-five (65') feet, each side yard shall be not less than seven and one-half (7 1/2') feet. However, in the case of a corner lot, the exterior side yard shall be not less than thirty (30') feet.

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
Zoning Officer

BOROUGH OF NEW MILFORD ZONING WORK SHEET

930 River Road, New Milford, NJ 07646 - (201) 967-8172 fax (201) 967-1741

Owner CRAIS LAVINE Proposed Project Add-a-Level/Renovate Corner Property YES [] NO [X]

Project address 353 Trench Dr Phone Number _____

E-mail address _____

INSTRUCTIONS. Fill in the zoning work sheet in the spaces provided all items must be completed. **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 and \$1000 escrow deposit for engineer review, inspection fees. Drainage retention systems may be required to comply with the zero run off ordinance, 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 _____	Existing <u>30'</u> Proposed <u>30.38'</u>	Yes [] No [X]
Rear Yard Setback (30-21.5b)		
Requirement _____	Existing <u>25'</u> Proposed <u>25'</u>	Yes [] No [X]
Right Side Yard Setback (30-21.5c)		
Requirement _____	Existing <u>12.70'</u> Proposed <u>12.70'</u>	Yes [] No [X]
Left Side Yard Setback (30-21.5c)		
Requirement _____	Existing <u>9.74'</u> Proposed <u>9.74'</u>	Yes [] No [X]
Corner Setback (30-21.5c1 & c2)		
Requirement <u>30'</u>	Existing <u>N/A</u> Proposed <u>N/A</u>	Yes [] No [X]
Height (30-21.6)		
Requirement <u>30'</u>	Existing <u>19'</u> Proposed <u>29.71'</u>	Yes [] No [X]
Stories (30-21.6) & definition of story		
Requirement <u>2 1/2 stories</u>	Existing <u>1</u> Proposed <u>2</u>	Yes [] No [X]

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

Your lot size 7,500 SQ. FT. x 0.20 = 1500 SQ. FT. ←Your allowable see page 2 (A)

Maximum Allowable Total Impervious Coverage Requirements (30-21.4)

Your lot size 7,500 SQ. FT. x 0.40 = 3000 SQ. FT. ←Your allowable see page 2 (B)

Lot Coverage Worksheet (for all projects, additions, decks, porches, etc.)

ITEM NO.	DESCRIPTION	EXISTING (SQ. FEET)	PROPOSED (SQ. FEET)	REMARKS Explain any increases or decreases
1	BUILDING FOOTPRINT	1602	1602	No INCREASE
2	DETACHED GARAGE	—	—	
3	ROOFED PORCHES, PATIOS AND BREEZEWAYS	—	—	
4	STORAGE SHEDS	—	—	
5	OTHER ACCESSORY BUILDINGS	—	—	
6	DRIVEWAYS AND PARKING AREAS	433	433	
7	OPEN PORCHES, TERRACES, PATIOS AND DECKS	44	606	
8	STEPS AND WALKWAYS	421	97.6	
9	SWIMMING POOLS	—	—	
10	OTHER IMPERVIOUS SURFACES	—	—	
11	TOTAL BUILDING COVERAGE (ADD ITEMS 1 THROUGH 5)	1602 SQ. FT. 21.3 %	1602 SQ. FT. 21.3 %	DIVIDE THE TOTAL SQUARE FOOT AREA BY THE LOT AREA TO DETERMINE % OF COVERAGE
12	TOTAL IMPERVIOUS COVERAGE (ADD ITEMS 1 THROUGH 10)	2500 SQ. FT. 33.3 %	2738 SQ. FT. 36.5 %	

Variance Needed

BUILDING COVERAGE: Allowable: (A) 1500, Proposed: (11) 1602 Yes [] No []

TOTAL IMPERVIOUS LOT COVERAGE Allowable: (B) 3000, Proposed: (12) 2738 Yes [] No []

If proposed is greater than the required then check YES under variance if it is less then check NO.

Pools (23-3.2) (In ground, above ground) and everything associated with the pool (filters, heaters, and walkway)

Side Requirement 6' Existing _____ Proposed _____ Type of pool:
Rear Requirement 6' Existing _____ Proposed _____ INGROUND [] ABOVE GROUND []

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, as-built plans and escrow funds may be required for this project.

Homeowner/ Architect/ Contractor Signature [Signature] Email _____

For Office Use Only:
 Approved [] Denied [] Variances Needed: 30-21.4(c) 30-21.5(c)
[Signature] DATE 12/27/2022
 Vincent A. Cahill – Zoning Officer