

CAPIZZI LAW OFFICES

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Reply to New Jersey Office

June 2, 2022

Initial Submittal for Completeness Review

Via Overnight Mail

Maureen Oppelaar – Secretary
Borough of New Milford Zoning Board of Adjustment
930 River Road
New Milford, NJ 07646

Re: Buchman – New Milford ZBA (the “Applicant”)
680 Asbury Street; Block 918, Lot 5 (the “Property”)

Dear Ms. Oppelaar:

This office represents the Applicant regarding their variance application before the New Milford Zoning Board of Adjustment seeking variance relief relative to the renovation and expansion of the existing dwelling. To that end, enclosed please find the following for completeness review:

1. Notice of Appeal Zoning Board of Adjustment with Letter prepared by Home Vision Design & Built dated May 25, 2022 attached thereto (17 copies);
2. Borough of New Milford Zoning Work Sheet with Letter of Denial dated May 9, 2022 attached thereto (17 copies);
3. Block Diagram (17 copies);
4. Architectural Plan prepared by Home Vision Design & Built dated April 21, 2022 consisting of two (2) sheets (17 copies); and
5. Applicant’s Checks and W9:
 - Check # 2215 in the amount of \$200.00 (Application Fee)
 - Check # 2213 in the amount of \$1,500.00 (Escrow Fee).

Kindly advise when this matter has been deemed complete and assigned a hearing date before the New Milford Zoning Board of Adjustment.

Maureen Oppelaar – Secretary
June 2, 2022
Page 2 of 2

Thank you.

Very truly yours,

Gloria Duby

Gloria Duby, Paralegal

MGC/gd
Enclosures

Application # _____

**NOTICE OF APPEAL
ZONING BOARD OF ADJUSTMENT
BOROUGH OF NEW MILFORD, BERGEN COUNTY, NJ 07646**

Property Address 680 Asbury Street, New Milford NJ 07646 Subject to Sale agreement (YES NO)

Block 918 Lot 5 Zone (Residential) - Business- Townhome - other _____

Size of Lot 6,250 Sq. Ft. 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 Gina and Christian Buchman Telephone _____

Owner's Address (if different from above) _____

Name of Applicant (if not homeowner) Gina and Christian Buchman c/o Matthew G. Capizzi, Esq.

Applicant address 11 Hillside Avenue, 2nd Floor, Tenafly NJ 07670 Phone Number 201-266-8300

Name of Attorney Matthew G. Capizzi, Esq. Phone Number 201-266-8300 Attending Meeting Yes

Carlos Gutierrez from Home Vision
Name of Architect Design Phone Number 908-447-5543 Attending Meeting Yes

The applicant/homeowner hereby seeks relief from section (s) 30-21.5(c)(2) 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).

Minimum Right Side Yard Setback (10' Minimum Required v. 4.9' Proposed).

	Lot Area	Front	Right Side	Left Side	Corner	Rear	Height	Building Coverage
Required	<u>7,500 sq.ft.</u>	<u>Prevailing</u>	<u>10'</u>	<u>10'</u>	<u>N/A</u>	<u>20'</u>	<u>30'</u>	<u>20%</u>
Existing	<u>6,250 Sq. Ft.</u>	<u>24.6'</u>	<u>4.9'</u>	<u>14'-10"</u>	_____	<u>75'</u>	<u>24'</u>	<u>12%</u>
Proposed	<u>n/a</u>	<u>No change</u>	<u>4.9'</u>	<u>No change</u>	_____	<u>62'</u>	<u>29'-6"</u>	<u>18%</u>
Difference	<u>n/a</u>	_____	_____	_____	_____	_____	_____	_____

N/A Driveway Width Required _____ Existing _____ Proposed _____ Curb Cut [Y/N] Size _____

Are trees being removed YES/NO NO How many _____ Shade Tree Commission date approved _____

Signature of Applicant [Signature] Attorney for Applicant Date 6/2/2022

Filed on behalf of Applicant by Matthew G. Capizzi, Esq. Title Applicant's Attorney



May 25, 2022

Zoning Board of Adjustments
Borough of New Milford
Municipal Building
930 River Road
New Milford, NJ 07646

Re: Buchman Residence, 680 Asbury St. New Milford.

This letter is to address the front yard setback for the residence noted above.

The ordinance Section 30-21.5 points that the require setback shall be the average setback line of the buildings situated within the same block and within two hundred (200') feet of either side.

To determine the average setback for this section, I have measured the property in question, and the neighboring houses from the curb. My measurement corresponds to the survey for the 680 Asbury St property at 24.6' from the front property line to the house.

These are my measurement that were measured from the curb to the front most portion of the houses, on May 24, 2022.

680 Asbury St. – 28.0' from the curb
681 Asbury St. – 21.5' from the curb
684 Asbury St. - 27.0' from the curb
685 Asbury St. - 28.0' from the curb
689 Asbury St. – 22.5' from the curb
688 Asbury St. – 15.5' from the curb
692 Asbury St. - 30.0' from the curb
695 Asbury St. – 16.5' from the curb

The average front yard setback of the houses within 200' on each side of 680 Asbury St. is 23.6'
Subtracting the 10' of the right away, and adding the 25' to the street centerline, the average front yard setback of the houses in the neighborhood would be 38.6' to the street centerline.

Sincerely,

Carlos Gutierrez
Home Vision Design & Built LLC

A handwritten signature in black ink, appearing to read "Carlos Gutierrez", is written over the typed name.

Home Vision Design & Built LLC. 37 Oak Lane Randolph NJ 07869
908-447-5543. info@homevisiondesignbuilt.com
<http://www.homevisiondesignbuilt.com/>

BOROUGH OF NEW MILFORD ZONING WORK SHEET

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

\$65.00 Fee _____

Gina Buchman

Renovate and expand
the existing dwelling

Owner c/o Matthew G. Capizzi, Esq. Proposed Project _____ Corner Property YES [] NO [X]

Job Location 680 Asbury Street, New Milford NJ 07646 Phone Number 201-266-8300

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>Prevailing</u>	Existing <u>24.6'</u> Proposed <u>No change</u>	Yes [] No [X]
Rear Yard Setback (30-21.5b)		
Requirement <u>20'</u>	Existing <u>75'</u> Proposed <u>62'</u>	Yes [] No [X]
Right Side Yard Setback (30-21.5c)		
Requirement <u>10'</u>	Existing <u>4.9'</u> Proposed <u>4.9'</u>	Yes [X] No []
Left Side Yard Setback (30-21.5c)		
Requirement <u>10'</u>	Existing <u>14'-10"</u> Proposed <u>No change</u>	Yes [] No [X]
N/A Corner Setback (30-21.5c1 & c2)		
Requirement <u>30'</u>	Existing _____ Proposed _____	Yes [] No []
Height (30-21.6)		
Requirement <u>30'</u>	Existing <u>24'</u> Proposed <u>29'-6"</u>	Yes [] No [X]
Stories (30-21.6) & definition of story		
Requirement <u>2 1/2 stories</u>	Existing <u>2.5 Stories</u> Proposed <u>No change</u>	Yes [] No [X]

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

Your lot size 6,250 SQ. FT. x 0.20 = 1,250 SQ. FT. ← Your requirement (A)

Maximum Total Impervious Coverage Requirements (30-21.4)

Your lot size 6,250 SQ. FT. x 0.40 = 2,500 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	775 Sq. Ft.	1,131 Sq. Ft.	
2	DETACHED GARAGE			
3	ROOFED PORCHES, PATIOS AND BREEZEWAYS			
4	STORAGE SHEDS			
5	OTHER ACCESSORY BUILDINGS			
6	DRIVEWAYS AND PARKING AREAS	450 Sq. Ft.	450 Sq. Ft.	
7	OPEN PORCHES, TERRACES, PATIOS AND DECKS		240 Sq. Ft.	
8	STEPS AND WALKWAYS	215 Sq. Ft.	215 Sq. Ft.	
9	SWIMMING POOLS			
10	OTHER IMPERVIOUS SURFACES			
11	TOTAL BUILDING COVERAGE (ADD ITEMS 1 THROUGH 5)	775 S.F. 12 %	1,131 S.F. 18 %	DIVIDE THE TOTAL SQUARE FOOT AREA BY THE LOT AREA TO DETERMINE % OF COVERAGE
12	TOTAL IMPERVIOUS COVERAGE (ADD ITEMS 1 THROUGH 10)	1,440 S.F. 23 %	2,036 S.F. 33 %	

BUILDING COVERAGE: Required 1,250 Sq. Ft. (A), Proposed: 1,131 Sq. Ft. (11) Variance Needed Yes [] No [x]

TOTAL IMPERVIOUS LOT COVERAGE Required 2,500 Sq. Ft. (B), Proposed: 2,036 (12) Yes [] No [x]

N/A 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 _____ 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 Aina Buchman Phone Number 201-446-7818

For Office Use Only:
 Approved [] Denied [x] Variances Needed: 30-21.5(c)(1)
Vince Cahill DATE 5-9-2022
 Vince Cahill - Zoning Officer 201-967-8172



**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 9, 2022

Christian and Gina Buchman
680 Asbury Street
New Milford, New Jersey 07646

Re: Permit Application denial block 918 lot 5.

Dear Mr. and Mrs. Buchman,

This letter is to inform you that your application to construct a two-story addition and a second level at the above address has been denied. The construction violates Borough codes 30-21.5 (c) (2) side yard setback, and any other that the Board may deem necessary. If this project is approved by the board it will require a seepage pit and soil movement permit.

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
Director of Public Works
Zoning Officer

BLOCK: 904 LOT: 33.02

LOT: 36

BLOCK: 904 LOT: 25

BLOCK: 904 LOT: 28

BLOCK: 904 LOT: 26

BLOCK: 905 LOT: 18

BLOCK: 905 LOT: 20

BLOCK: 905 LOT: 19

BLOCK: 905 LOT: 16

BLOCK: 1011 LOT: 14

BLOCK: 917 LOT: 2

BLOCK: 917 LOT: 4

BLOCK: 917 LOT: 5

BLOCK: 917 LOT: 6

BLOCK: 917 LOT: 7

BLOCK: 917 LOT: 8

LOT: 11

Monmouth Ave

BLOCK: 918 LOT: 1

BLOCK: 918 LOT: 4

BLOCK: 918 LOT: 1

BLOCK: 918 LOT: 15

BLOCK: 918 LOT: 7

BLOCK: 918 LOT: 8

BLOCK: 918 LOT: 12

BLOCK: 918 LOT: 9

BLOCK: 919 LOT: 2

BLOCK: 919 LOT: 14

BLOCK: 919 LOT: 13

BLOCK: 919 LOT: 12

BLOCK: 919 LOT: 11

BLOCK: 801 LOT: 1

BLOCK: 801 LOT: 2

BLOCK: 801 LOT: 3

Henley Ave

BLOCK: 605 LOT: 1

BY ST

RY ST

CON ST

680 ASBURY ST NEW MILFORD BERGEN COUNTY, NEW JERSEY 1 FAMILY BUILDING

SCOPE OF WORK:
-SECOND FLOOR ADDITION
-AND REAR 2 STORY ADDITION



HOME VISION
Design & Build

Carlos Gutierrez
ARCHITECT - DESIGNER
37 Oak Lane
Randolph NJ, 07869
908-441-5543
info@homevisiondesign.com
NJ Lic. No. 12609
Asghar Ali Qureshi
ARCHITECT OF RECORD

PROJECT
680 ASBURY ST,
BERGEN COUNTY, NJ.

BLOCK: 918
LOT: 5

DATE:	4.21.22
PROJECT NO.:	02-325
REVISION	DATE
1	
2	
3	
4	
5	
6	

NOTES:
1. ALL DIMENSIONS SHOWN ARE TO F.G. STUD UNLESS OTHERWISE NOTED.

GENERAL NOTES,
CODE DATA & ZONING.
SITE PLAN &
PROPOSED FLOOR
PLANS
SCALE: 1"=1'-0"

A1.0

DRAWN BY: C.G.
REVISED BY: A.Q.

ZONING DATA:

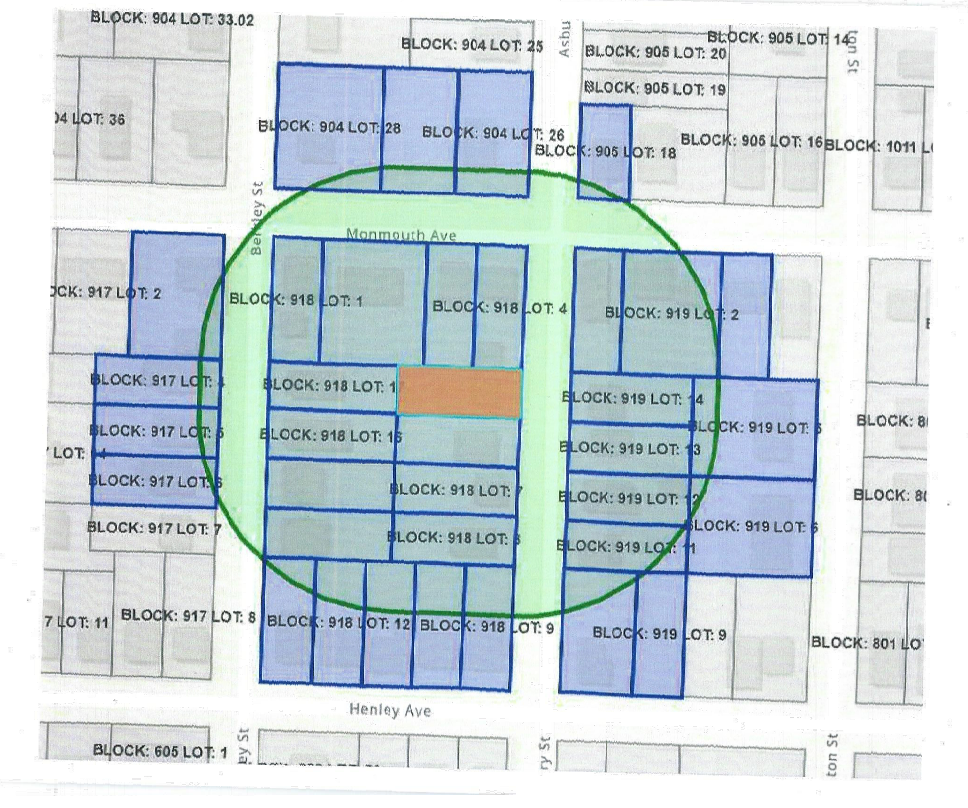
- LOT: 5
- BLOCK: 918
- ZONE: A
- CITY: NEW MILFORD
- COUNTY: BERGEN

CODE DATA:

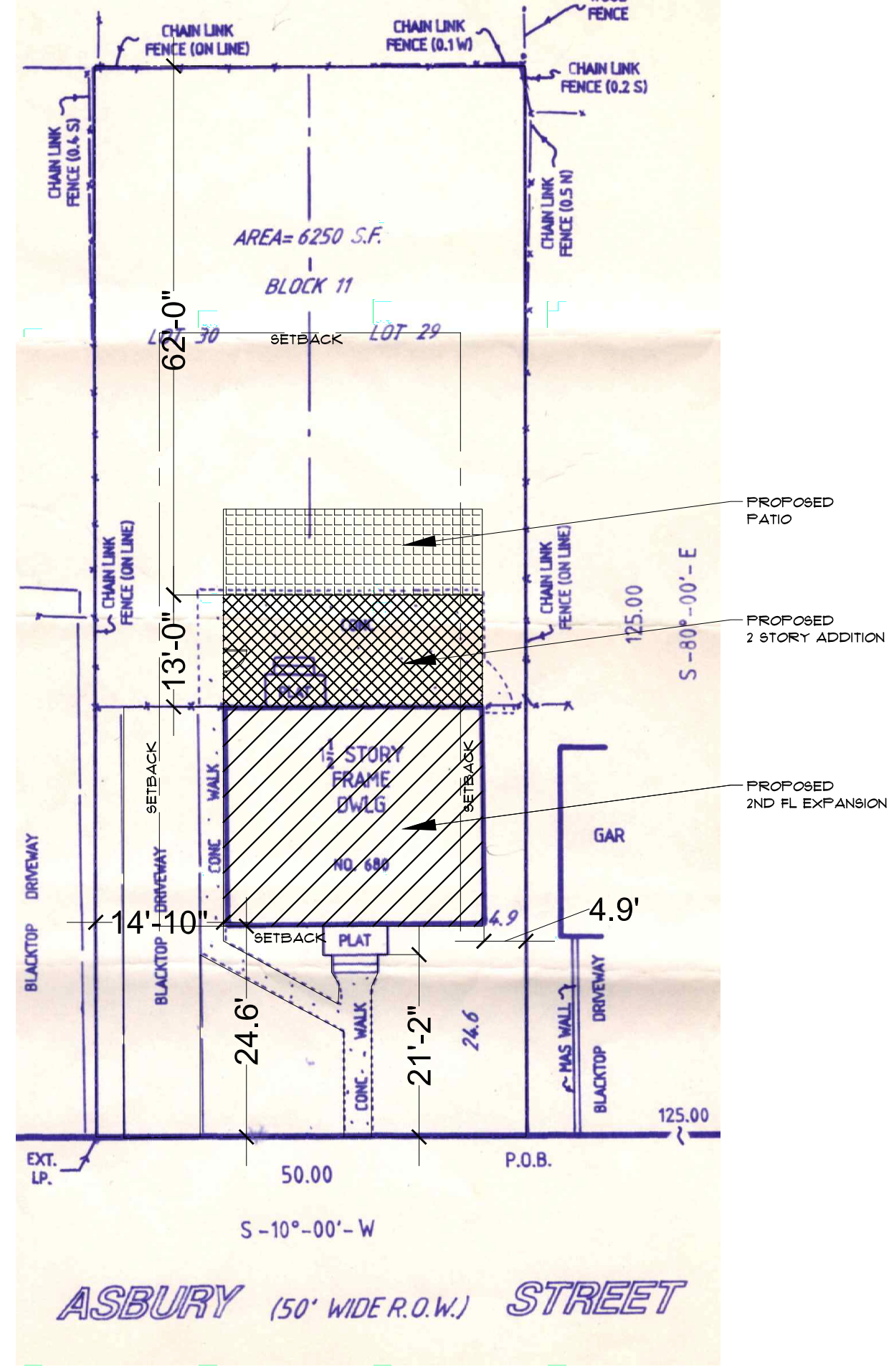
- CONSTRUCTION CLASSIFICATION: V-B
- USE GROUP: R-5
- AREA CALCULATIONS:
 - BASEMENT FLOOR EXIST: 715 SQF
 - GROUND FLOOR EXIST: 715 SQF
 - GROUND FLOOR (EXIST.+ADDITION): 1136 SQF
 - SECOND FLOOR EXIST: 500 SQF
 - SECOND FLOOR (EXIST.+ADDITION): 1136 SQF
- FIRE RESISTANCE RATINGS:
 - A. ROOF: 0 HOUR
 - B. STRUCTURAL MEMBERS SUPPORTING ROOF: 0 HOUR
 - C. EXTERIOR WALLS: 0 HOUR
 - D. STRUCTURAL MEMBERS SUPPORTING WALLS: 0 HOUR
- ADDITION BUILDING VOLUME: 11632 CU. FT.
- BUILDING HEIGHT EXISTING: 24'-0"
- BUILDING HEIGHT PROPOSED: 29'-6"
- NUMBER STORES: 2 1/2
- MAX. LIVE LOAD: 40 LPS/LFT

ZONING WORKSHEET:

DESCRIPTION	REQUIRED	EXISTING	PROPOSED
PRINCIPAL BUILDING:			
LOT:			
MIN. AREA		6,250 SQF	NO CHANGE
MIN. FRONTAGE		50'	NO CHANGE
MIN. DEPTH		125'	NO CHANGE
BUILDING:			
MAX. HEIGHT	30' 2 1/2	24' 2 1/2	29'-6"
SETBACKS:			
MIN. FRONT YARD	PREVAILING	24'-6"	NO CHANGE
MIN. SIDE YARD	15'	4.9'	4.9'
MIN. REAR YARD	25% DEPTH	15'	62'
31'-3"			
MAX. BLDG. COVERAGE	20%	12%	10%
MAX. LOT COVERAGE	40%	23%	36%

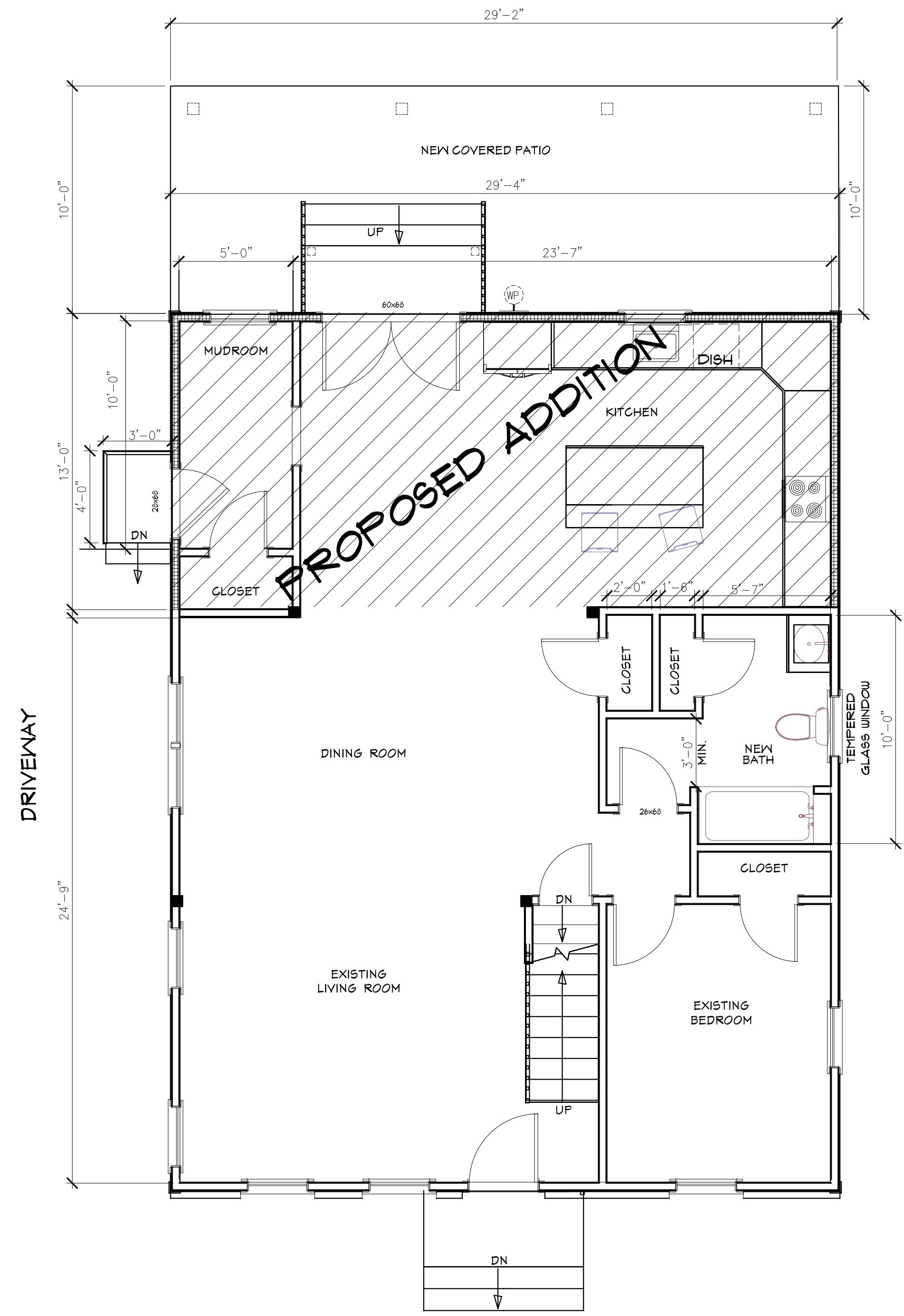


1 200' RADIUS PROPERTIES
SCALE: NOT TO SCALE

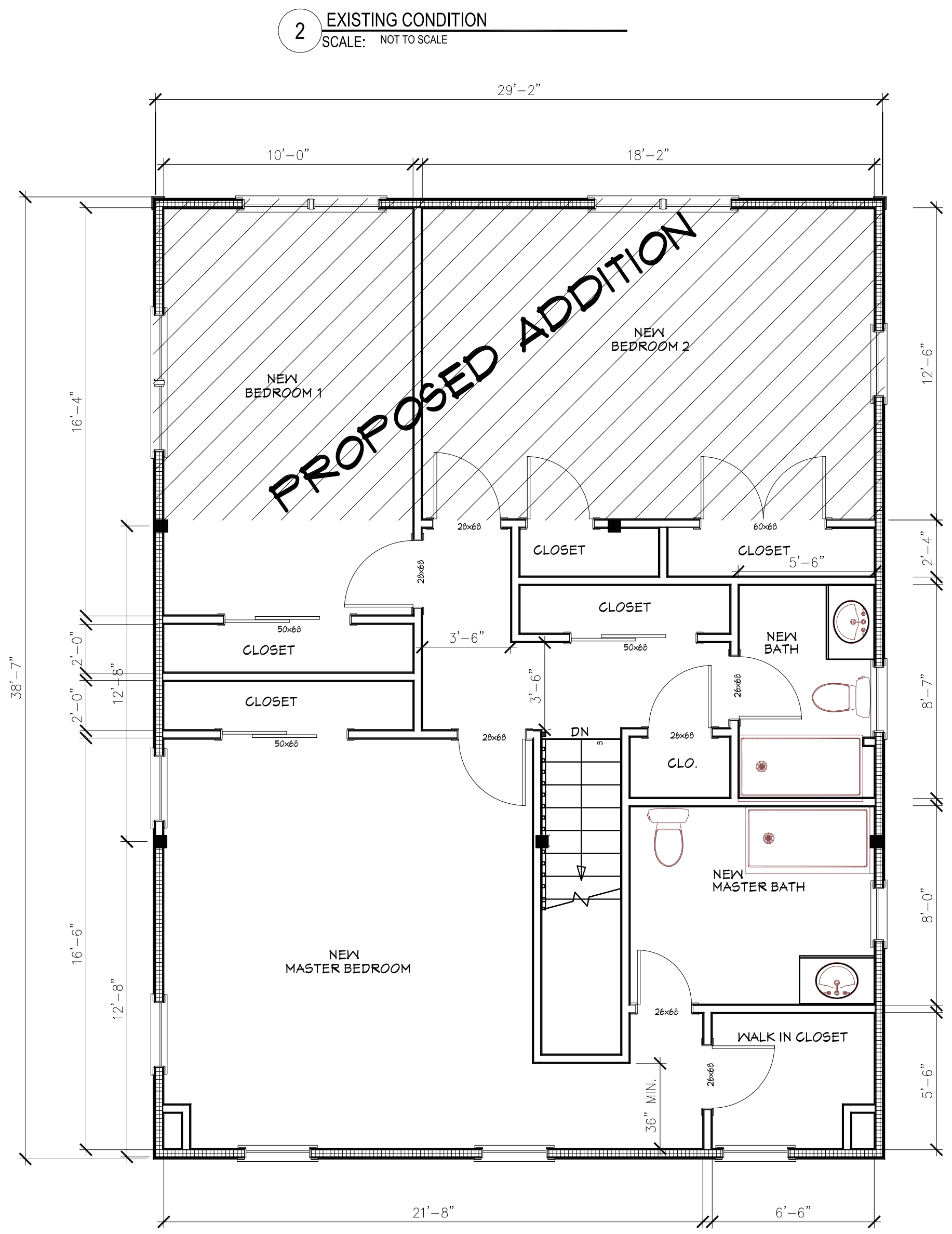


THIS IS NOT A SURVEY. PLOT PLAN INFO IS TAKEN FROM AN EXISTING SURVEY PREPARED BY TROAST SURVEYING, SADDLE BROOK NEW JERSEY, DATED 6/23/93. SEE ORIGINAL SURVEYS FOR ADDITIONAL INFORMATION.

3 SITE PLAN
SCALE: 1/4"=1'-0"



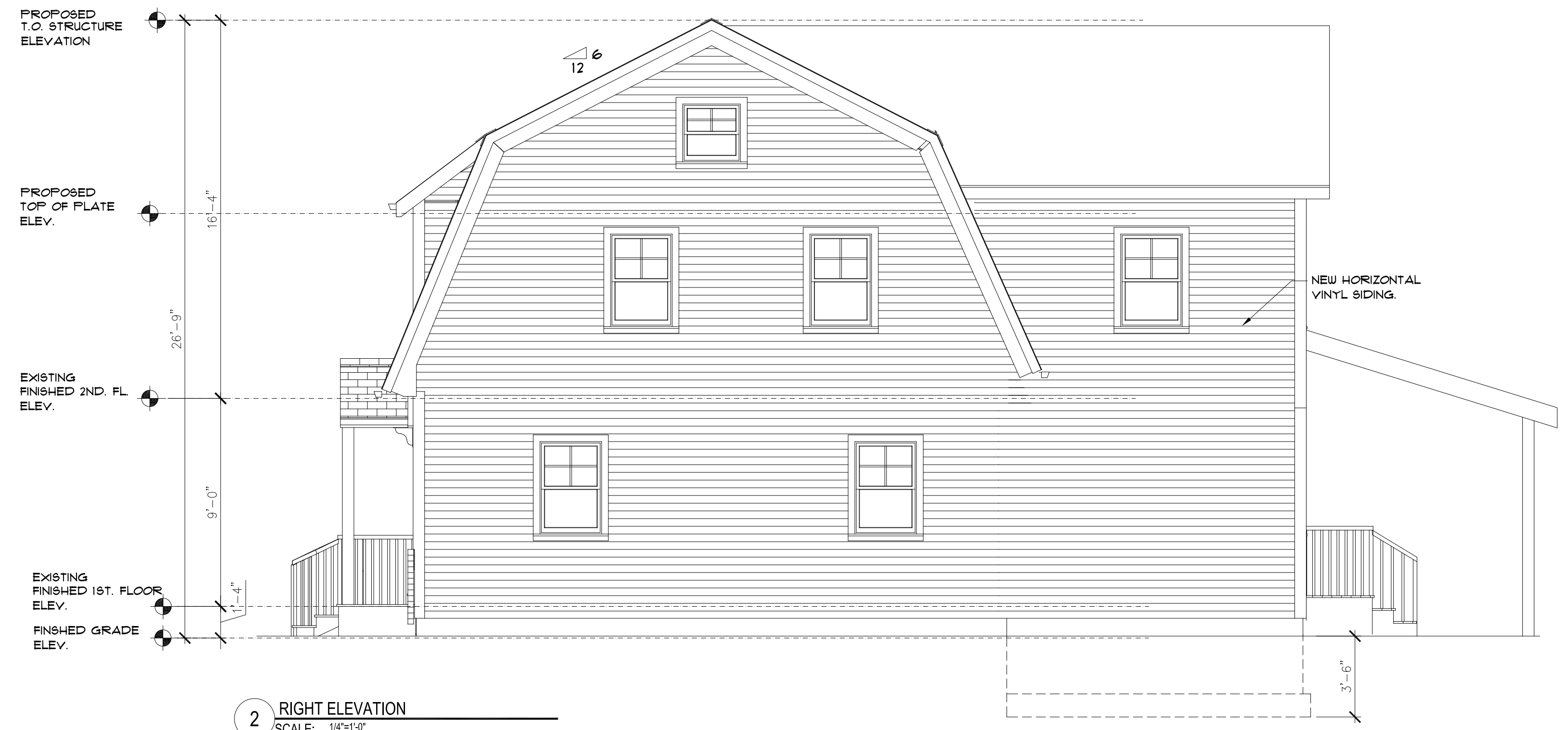
4 PROPOSED FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"



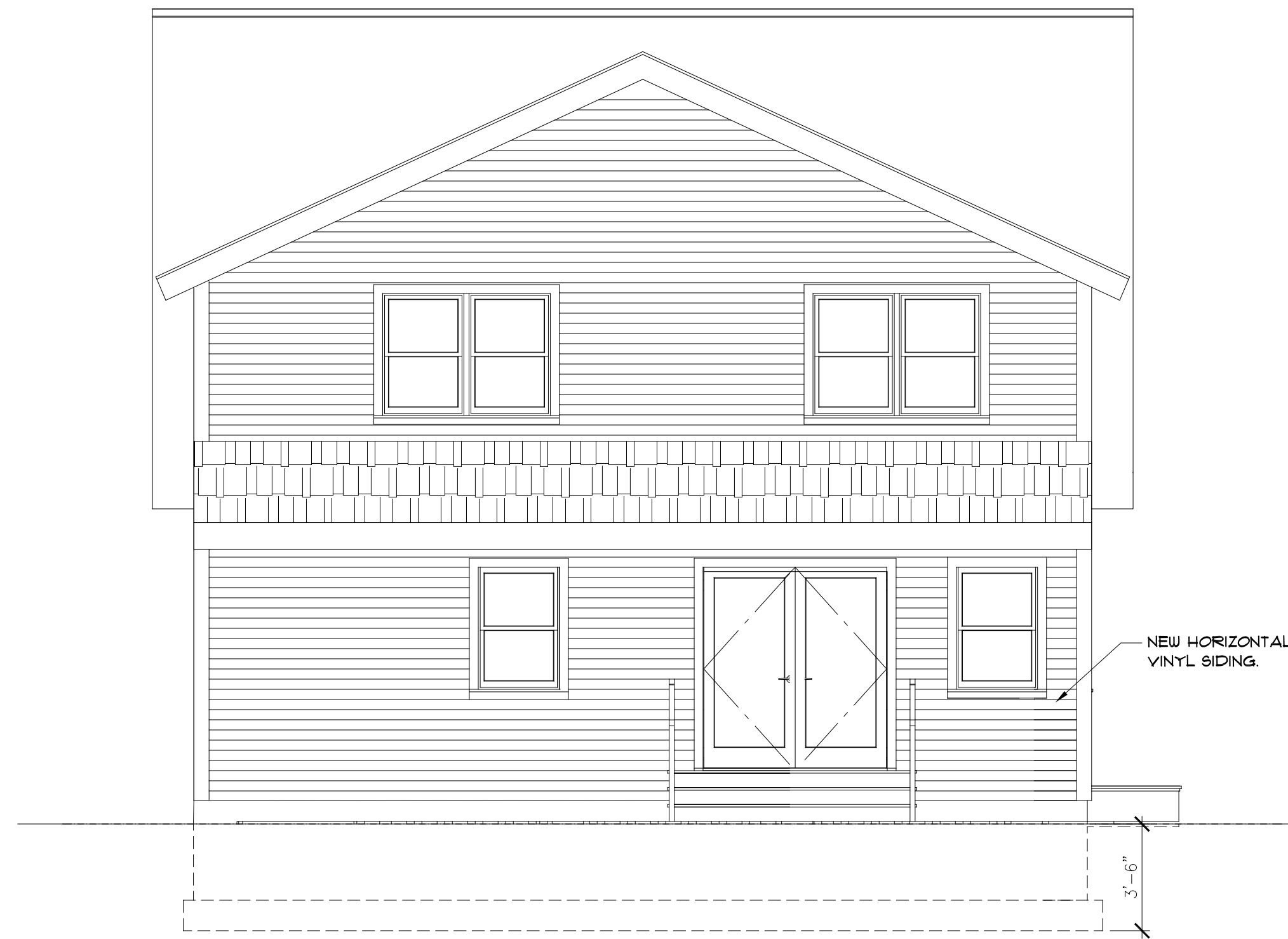
5 PROPOSED SECOND FLOOR PLAN
SCALE: 3/16"=1'-0"



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



2 RIGHT ELEVATION
SCALE: 1/4"=1'-0"



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



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



5 FRONT RENDERING
SCALE: FOR ILLUSTRATION ONLY



6 REAR RENDERING
SCALE: FOR ILLUSTRATION ONLY

DATE	4.21.22
PROJECT NO.	02-325
REVISION	DATE
1	
2	
3	
4	
5	
6	

NOTES:
1. ALL DIMENSIONS SHOWN ARE TO F.A. STUD UNLESS OTHERWISE NOTED.