

**BRANCHVILLE BOROUGH PLANNING/ZONING
BOARD OF ADJUSTMENT**

**ANNUAL REPORT ON APPLICATIONS HEARD BY THE BRANCHVILLE
BOROUGH PLANNING/ZONING BOARD OF ADJUSTMENT
FOR THE CALENDAR YEAR 2015
PURSUANT TO N.J.S.A. 40:55d-70.1**

WHEREAS, the Planning/Zoning Board of Adjustment of the Borough of Branchville is required by N.J.S.A. 40:55D-70.1 to review its decisions on applications for variances and appeals and prepare and adopt by resolution an annual report of its findings concerning the Zoning Ordinance provisions which were the subject of applications in the year 2015 and its recommendations for Zoning Ordinance amendments or revisions, if any; and

WHEREAS, the Planning/Zoning Board of Adjustment has conducted this review as required by the State Statutes;

NOW, THEREFORE, BE IT RESOLVED by the Branchville Borough Planning/Zoning Board of Adjustment that the following constitute its annual report for the calendar year 2015:

A list of the applicants to the Planning/Zoning Board of Adjustment, the tax lot and block of the property which is the subject of the application, the provisions of the Zoning Ordinance from which variances or appeals were sought, the type of variance or relief sought and the date of the Board's decision, and whether the application was granted or denied, is as follows:

BRANCHVILLE BOROUGH PLANNING/ZONING

BOARD OF ADJUSTMENT

2015 Annual Report

The Branchville Borough Planning/Zoning Board of Adjustment heard the following applications for variances in 2015:

1. 13 Newton LLC and 15 Newton LLC.

The Board granted approvals for a use variance and other required variances to construct a new gasoline service station and a mini-mart store and other improvements on land known and designated as Block 604, Lots 1 and 2 on the Branchville Borough Tax Map by Resolution dated July 11, 2012. The Applicant applied for an amendment to preliminary and final site plan approval and additional variances in order to increase the number of signs and increase the maximum area of signs over and above the signs previously approved by the Board. The property fronts on both State Route 206 and County Route 519. The property is located in the HC Highway Commercial Zone District. The Board granted the variances under the provisions of N.J.S.A. 40:55D-70 (c) (1).

**2. In the Matter of the Sussex County Municipal Utilities Authorities,
Site Plan Approval, Variances and Minor Subdivision Block 705,
Lot 19 and Block 705, Lot 22, Branchville Borough Tax Map.**

Application for site plan approval to construct a pump station to be utilized as part of the Branchville Borough Sewage Treatment System to be operated by the Sussex County Municipal Utilities Authority. A new Lot 19.01 was formed after

subdividing a portion of Block 705, Lot 22 and merging it with a portion of Block 705, Lot 19. The new lot is located in the C Commercial Zone District. The lots front on Mill Street also known as Main Street. Variances were granted as follows:

1. Variance from the Requirements of Minimum Lot Area.
2. Variance from the Requirements of Minimum Lot Width.
3. Variance from the Requirements of Minimum Lot Depth.

3. In the Matter of the Borough of Branchville Minor Subdivision and Variance Application, Block 705, Lot 19.

Branchville Borough is the owner of Block 705, Lot 19. The Borough applied to this Board for a minor subdivision to subdivide a portion of Block 705, Lot 19 and merge it with a portion of Block 705, Lot 22 to form a new Lot 19.01 which will serve as a site for a pump station as part of the Branchville Sewage Treatment System which will be operated by the Sussex County MUA. The Board granted minor subdivision approval and also granted the following variances:

1. Lot Area Variance;
2. Lot Width Variance;
3. Lot Depth Variance.

Lot 19 fronts on Broad Street and also Mill Street also known as Main Street. The Lot is located in the C Commercial Zone District. Approval was granted May 13, 2015. Approval was also granted for a capital improvement project for the Branchville Sewage Treatment System.

4. In the Matter of Milk Street Distillery LLC, Block 705, Lot 21,
Preliminary and Final Site Approval and Variances.

The Board granted preliminary and final site plan approval and variances to utilize an existing building owned by Ruggiero Realty Associates as a distillery for distilling, manufacture and bottling of liquor. The property fronts on Milk Street and Broad Street. The buildings are pre-existing. The property is located in the C Commercial Zone District. The Board granted the following variances:

1. A Use Variance under N.J.S.A. 50:55D-70 (d) (1).
2. A variance for an outdoor storage container.
3. A variance from the requirements for the number of signs.
4. A variance from the requirements for maximum sign area.

The approvals were granted by Resolution dated September 9, 2015.

5. In the Matter of Mark F. Musilli, Block 704, Lot 11, Variance to
permit the construction of a detached shed under N.J.S.A. 40:55D-
70 (c) (1) & (2).

The property fronts on Broad Street. An older shed which was a pre-existing non-conforming structure was removed which was located closer to the property line than the new shed. The property is located in the R-1 Residential Zone District. The Board Granted a side yard setback variance for the new shed by Resolution dated September 9, 2015.

6. **In the Matter of Pivotal Utility Holdings, LLC d/b/a Elizabethtown Gas Company, Waiver of Site Plan Approval.**

The Board adopted a Resolution waiving site plan approval with conditions by Resolution dated December 9, 2015 for the installation of natural gas lines in the streets of Branchville Borough. The gas lines will be installed entirely underground. The Board finds that the installation of underground natural gas service lines will be a benefit to the property owners in Branchville Borough. The Applicant has posted a performance bond and taken steps to insure the proper installation of the gas lines and to restore the property after installation.

SUMMARY

OVERALL OBSERVATIONS AND RECOMMENDATIONS

Approvals have been granted by this Board to facilitate the construction of the Branchville Borough Sewage Treatment System which will be operated by the Sussex County Municipal Utilities Authority. Once the sewage Treatment System is constructed, the Board expects that it will receive increased applications for development within the Borough.

The Board also granted Elizabethtown Gas Company a site plan waiver to install natural gas lines underground serving most of the Borough. This installation should benefit Borough Land Owners.

Milk Street Distillery received approval for the utilization of an existing building in the Borough for a new business, that of distilling and manufacturing liquor.

No definite trends can be detected based on the applications in 2015. In the past the trend has been mostly to utilize existing improved properties within the Borough. However, once the installation of sewers is complete, the construction of some new buildings can be anticipated.

The Borough continues to address its Affordable Housing Obligations. The Courts have now taken over administration of Affordable Housing.

No Amendments to the Zoning Ordinance or Land Development Ordinances are recommended at this time. However, if the Board undertakes a re-examination of the Borough Master Plan, additional Ordinances may be recommended as part of that review process.

**IN FAVOR OF THE WITHIN RESOLUTION APPROVING THE ANNUAL
REPORT FOR 2015:**

OPPOSED:

ABSTAIN:

I certify that the within Resolution adopting the Annual Report of the Branchville Borough Planning/Zoning Board of Adjustment was adopted by the Board at its meeting on _____, 2016.

**BRANCHVILLE BOROUGH PLANNING/
ZONING BOARD OF ADJUSTMENT**

By: _____
Michael Clune, Chairman

RTM: 01/20/2016