

**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 2019
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 2019 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 2019:

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

2019 Annual Report

The Branchville Borough Planning/Zoning Board of Adjustment heard the following applications in 2019:

1. **Selective Insurance Company of America Preliminary and Final Site Plan .**

The Applicant applied for site plan approval and variance approval to install a solar facility on the site of the Applicant's existing office complex which serves as headquarters for Selective Insurance Company of America. The property is known as Block 101, Lot 1 on the Branchville Borough Tax Map. Part of the solar facility will be installed on top of the existing garage and there will be ground mounted solar panels on approximately eight (8) acres of land located to the northeast of the parking garage. The solar facility will not change the existing business office operations on the property. The property is located in the Professional and Office Zone District.

The Branchville Planning/Zoning Board of Adjustment had to determine whether the solar use was a permitted accessory use to the office use. The Board concluded that the use was an accessory use to the office use and was thus a permitted use in the zone district.

The Applicant also applied for a variance to add the solar use as a 13th accessory structure. Only two accessory structures are permitted by the Zoning Ordinance in the zone district. The Board granted the variance under N.J.S.A.

40:55D-70 (c) (2). The Board found that the benefits outweigh the detriments for the grant of the variance. The solar facility will promote the environment and will advance the provision of renewable energy. It will reduce the carbon footprint. Solar facilities are deemed inherently beneficial uses under the Municipal Land Use Law, N.J.S.A. 40:55D-4.

The Board had a public hearing on the Application December 12, 2018. The Board adopted a Resolution approving the Application on January 9, 2019.

2. Steven & Agnes Shechner.

The Applicant applied for an Interpretation of the zoning ordinance to determine whether a dog grooming business is a permitted use in the R-1 Residential Zone District. The property fronted on Prospect Street and Rossmore Avenue.

The Board found that the use was not a permitted accessory use and therefore the Board decided that the application for a use variance was granted with conditions. The dog grooming business must be conducted entirely indoors. There shall be no boarding of dogs overnight. The maximum number of dogs per day that may be groomed is five (5) dogs. Other conditions applied. The variance was granted on April 10, 2019.

3. Kari Ocejja.

The Applicant applied for a use variance and required variances for the keeping of pygmy goats on a residential lot. The Board determined the application on April 10, 2019 and granted a use variance with conditions. Only two (2) pygmy goats were permitted which shall be neutered males. Manure from the goats was required to

be regularly picked up and stored in a sealed container and disposed of off-site. There were other conditions to the application. The variance was granted on April 10, 2019.

4. Milk Street Distillery LLC.

The Applicant applied for preliminary and final site plan approval and required variances to utilize an existing building owned by Ruggiero Realty Associates for the distilling manufacturing and bottling of liquor. The Board granted a use variance for this use in the C Commercial Zone District on Block 705, Lot 21 on the Tax Map. The Board also granted the variance for an outdoor storage container. The Board granted a variance from the requirement in the Zoning Ordinance which allows one sign. The Applicant applied for two signs. The lot fronts on two streets. The Applicant applied for a variance from the maximum square footage of a sign per side Zoning Ordinance allows a maximum square footage of 30 feet per side. Applicant applied for a variance of 37 square feet per side.

The Board approved the Application by Resolution dated September 9, 2015.

David Korber, a Borough Fire Inspector appeared before the Board on April 11, 2018. He expressed concern with the occupancy limit under the fire code. The Applicant had an event with an occupancy load of 109. He was concerned with the number of persons occupying the site for an event.

Robert Huber, the Borough Construction Official, was concerned about the attendance as well. The original application approved a tasting room accessory to the distillery. Wes Powers indicated that the event which had occupancy of 109 exceeds the spirit and letter of the original approval. He regarded it as a change of use. George

Boesze, the Borough Zoning Official issued a Notice Of Violation.

The Board felt that the issue was safety. The Borough Council could issue a Special Events Permit.

The Board concluded that the Applicant must apply for an Amended Use Variance and Site Plan Approval to have a nightclub. The Applicant must apply, advertise and notice this modified use variance and site plan application. The State Alcoholic Beverage Control Commission wants a written approval from the Borough.

The matter was discussed at the Branchville Borough Planning/Zoning Meeting on April 11, 2018. The Applicant applied for a modified variance to construct an outdoor deck for use by patrons. The Applicant applied to construct a three (3) season deck under the existing canopy with tables and chairs outdoors. Applicant applies to hold events in the building and outside on the deck where members of the public will be present. Applicant may have a band or play recorded music inside the building only. However, Applicant may have speakers outside. The Board granted the variance on June 12, 2019.

5. Wantage Avenue Holding Company, Inc. and Selective Insurance Company of America.

The Applicant Wantage Avenue Holding Company, Inc. owns the building at 2 Broad Street, Branchville, New Jersey. Wantage Avenue Holding Company, Inc. and Selective Insurance Company of America applied for preliminary and final site plan approval and required variances and waivers for the renovation of the existing building at 2 Broad Street and the construction of an addition of the building to

repurpose the building for use as a guest hotel to house employees and guests of Selective Insurance Company of America and for the construction of a conference room and meeting room, warming kitchen and club room. The proposed building will be used to house Selective Insurance Company's employees and guests. The Board granted a use variance for the twelve 12 guest rooms in the C Commercial Zone District on the second floor. The first floor of the building will be used for training rooms, a meeting room and a club room. These uses on the first floor are for permitted commercial uses. The use variance was granted by the Board on September 11, 2019. Also granted were bulk variances for minimum lot width, minimum lot area, minimum side yard, minimum front yard setback, variance for the number of signs, variance for the maximum size of signs and a waiver for the requirement for the number of loading spaces, a waiver from the requirement that the loading space be located on the side or rear yard and a waiver for the requirement for the number of parking spaces. The variances and preliminary and final site plan approval were granted September 11, 2019.

6. Janet Ryan – 12 ½ Maple Avenue.

Janet Ryan applied for required variances for the construction of a garage to be attached to an existing single family residential dwelling. The property is located in the R-1 Residential Zone District. A portion of Dry Brook runs through the property. An existing asphalt driveway leads from the lot through Lot 20 which is located in front of the subject Lot 19. Lot 20 abuts Maple Avenue. Lot 20 is presently used for a veterinarian's office. Lot 19 has no road frontage. Applicant applied for

the following variances: lot area variance, minimum rear yard setback variance, variance to construct a structure on a lot not fronting on an approved street and a lot depth variance. The Planning Board Engineer noted that because of Dry Brook being located on the lot the lot and the proposed addition would be constructed in a flood hazard area, Applicant would have to obtain a special permit from the DEP to construct the garage in the flood hazard area. It appears that he Applicant was unable to obtain the permit. Applicant therefore abandoned the application and the application was not granted.

SUMMARY

OVERALL OBSERVATIONS AND RECOMMENDATIONS

The Borough installed a sewage treatment system which is operated by the Sussex County Municipal Utilities Authority. Elizabethtown Gas Company has also installed natural gas lines. Since the sewage treatment system has been completed the construction of some new buildings can be anticipated.

The Board has addressed its Affordable Housing Obligations. It has received Substantive Certification of its Fair Share Plan. It has adopted development ordinances to implement the Fair Share Plan.

The application of Steven and Agnes Shechner, Milk Street Distillery and Selective Insurance Company for 2 Broad Street involved utilization of existing buildings.

Selective Insurance Company of America applied to install a solar facility which involves renewable energy and is beneficial to the environment.

The Planning Board adopted a new Master Plan on May 9, 2018 and also adopted amendments to the Zoning Ordinance pursuant to that Master Plan.

The Branchville Borough Planning/Zoning Board of Adjustment held a public hearing on January 9, 2019 and advertised the meeting and invited the public to come and discuss possible new uses to be permitted in the Borough of Branchville. The meeting was very constructive. The Board will consider the comments at that meeting for possible future action.

No additional amendments to the Zoning Ordinance or Land Development Ordinances are recommended at this time.

**IN FAVOR OF THE WITHIN RESOLUTION APPROVING THE ANNUAL
REPORT FOR 2019:**

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 _____, 2020.

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

By: _____
Michael Clune, Chairman

RTM: 03/24/2020