

AMENDED MINUTES

MARCH 17, 2015

BOARD OF ADJUSTMENT

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Dr. Behr, called the meeting to order at 8:01 P.M. He then read the following statement: Adequate notice of this meeting has been provided by posting a copy of the public meetings on the municipal bulletin board, by sending a copy to the Courier News and Echoes-Sentinel and by filing a copy with the Municipal Clerk on January 6, 2015.

MEETING CUT-OFF

Chairman Behr read the following statement: Announcement is made that as a matter of procedure, it is the intention of the Board of Adjustment not to continue any matter past 11:00 P.M. at any Regular or Special Meeting of the Board unless a motion is passed by the members then present to extend the meeting to a later specified cut-off time.

CELL PHONES AND PAGERS

Chairman Behr read the following statement: All in attendance are requested to turn off cell phones and pagers as they interfere with the court room taping mechanism.

PLEDGE OF ALLEGIANCE

ROLL CALL

On a call of the roll, the following were Present:

Excused:

E. Thomas Behr, Chairman
Edwin F. Gerecht, Jr., Vice-Chairman
Michael Pesce, Member
Richard Keegan, Member
Michael O'Mullan, Member
Thomas Sims, 1st Alternate
Jeffrey Wills, 2nd Alternate

Jerry Aroneo, Mbr. (recused)
Michael Pudlak, Member

Dan Bernstein, Bd. Attorney
Thomas Lemanowicz, Bd. Engineer
Kevin O'Brien, Bd. Planner
Cyndi Kiefer, Bd. Secretary

Ms. Kiefer advised Chairman Behr that he had a quorum and could proceed.

APPROVAL OF MINUTES

Mr. Gerecht moved approval of the minutes of January 6, 2015 as written. Mr. Wills seconded the motion. A **VOICE VOTE** was taken. All in Favor: Mr. Gerecht, Mr. Keegan, Mr. O'Mullan, Mr. Sims, Mr. Wills, and Chairman Behr. All Opposed: NONE. The minutes were unanimously approved as written. Mr. Pesce was ineligible to vote since he was not present at that meeting.

RESOLUTION OF MEMORIALIZATION (Extension of Approval)

ZHONG MOU CHEN
& YUWEI W. OUYANG
Torbert Rd. & Daugherty Ave.

#12-05z
D-6 Height Variance
Unimproved Road Variance

Present: August N. Santore, Jr., Esq., Attorney for the Applicant
Yuwei W. Ouyang, Applicant
Susan Chen, Daughter of Applicant

Both Mr. Lemanowicz and Mr. O'Brien indicated to Chairman Behr that they had reviewed the resolution and had no problems with it.

Mr. Gerecht motioned approval of the resolution. Mr. Pesce seconded that motion. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Gerecht, Mr. Pesce, Mr. O'Mullan, Mr. Wills,

Chairman Behr. Those Opposed: NONE. The Resolution of Memorialization was passed unanimously.

PUBLIC HEARING

MEAD & ANDREA BRIGGS
42 Highland Avenue
Block 11102, Lot 10

#14-08Z
Bulk Variances

Chairman Behr swore in the applicant, Mead Briggs, along with Mr. O'Brien and Mr. Lemanowicz.

Mead and Andrea Briggs applied to the Zoning Board of Adjustment of the Township of Long Hill for permission to construct a detached three (3) car garage on their residential property which is located at 42 Highland Avenue, Gillette and designated as Lot 10, Block 11102 on the Long Hill Township Tax Map in the R-3 Zone. Previously, the Long Hill Township Zoning Board, in Application No. 08-17Z, approved the construction of a shed on the subject property.

The application was reviewed by Mr. O'Brien and Mr. Lemanowicz. Mr. O'Brien said that staff had no objection to submission waivers 17, 19, and 20 as requested by the applicants. A motion was made by Mr. O'Mullan to accept the submission waivers. Mr. Gerecht seconded the motion. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Gerecht, Mr. Keegan, Mr. Pesce, Mr. O'Mullan, Mr. Sims, Mr. Wills, Chairman Behr. Those Opposed: NONE. The motion to accept the submission waivers was passed unanimously.

The subject property was described as a *through lot* which is defined in *The Complete Illustrated Book of Development Definitions* Fourth Edition as: "A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot." The existing residence faces and is setback 25.34 feet from Highland Avenue, and has a front yard setback of more than 180 feet from Valley Road. A stone driveway provides access to Highland Avenue. The applicants previously had a driveway to Valley Road, which was removed because the access was difficult and unsafe. They have planted nine evergreen trees and some other trees along the Valley Road frontage.

The proposed 24 feet by 34 feet garage would be located approximately 41 feet in back of the home, and 120.5 feet from Valley Road. The plans show an attractive garage with siding, windows, and a pitched roof with architectural shingles which would be in front of the principal building from Valley Road contrary to Section 134.5 of the Zoning Ordinance and in the front yard of Valley Road contrary to Section 134.4 of the Zoning Ordinance. An existing driveway is within five (5) feet of the sideyard, which Mr. Briggs testified would be reduced to provide a five (5) foot setback.

It was determined that a practical difficulty and undue hardship existed under N.J.S.A. 40:55D-70c(1) by reason of the subject property being a *through lot* with two (2) front yards. It was also determined that the application was also justified under N.J.S.A. 40:55D-70c(2) by advancing the following purposes of the Municipal Land Use Law under N.J.S.A. 40:55D-2:

- "b. To secure safety from ... flood ..." *by reason of removing the driveway to Valley Road which has improved drainage.*
- "h. To encourage the location and design of transportation routes which will promote the free flow of traffic" *by the removal of the driveway on Valley Road which provided difficult and unsafe ingress and egress.*
- "i. To promote a desirable visual environment" *by the construction of the attractive driveway.*

The construction of the garage would bring the subject property into compliance with Section 124.4 of the Long Hill Township Zoning Ordinance which provides:

- "a. There shall be provided a garage for each single family dwelling as follows:
 1. In the C, R-2, or R-3 zones, garage space shall be provided for at least two (2) but not more than four (4) automobiles."

In addition, it was determined that the benefits of the deviations would substantially outweigh any detriments.

Based on the testimony of the applicants and the board professionals, the following conditions were suggested by Mr. O'Brien:

1. Revise all plans to reflect accurate height of garage, which must be less than 20 feet, to the approval of the Zoning Board Planner.
2. Provide Drainage Area Map, to the approval of the Zoning Board Engineer.
3. Provide aluminum gutter cap leaf separation device, to the approval of the Zoning Board Engineer.
4. Provide invert elevations, to the approval of the Zoning Board Engineer.
5. Provide outlet protection at the drywell discharge, to the approval of the Zoning Board Engineer.
6. Provide calculations to show adequacy of six (6) inch diameter pipe immediately upstream of the drywell, to the approval of the Zoning Board Engineer.
7. Confirm height of stone retaining wall near Valley Road is less than four (4) feet, to the approval of the Zoning Board Engineer.
8. Driveway area and width may not exceed what is currently shown on plan, to the approval of the Zoning Board Planner.
9. Driveway will conform to the ordinance in setback and any other applicable ordinances, to the approval of the Zoning Board Planner.
10. The height will conform to the ordinance.
11. The driveway shall be narrowed so that it is a minimum of five (5) feet off the property line, to the approval of the Zoning Board Engineer.
12. Applicant shall submit proof of payment of real estate taxes through the first quarter of 2015 to the satisfaction of the Board Administrator.
13. Applicant shall deposit sufficient funds so as to satisfy the escrow charges relating to the application to the satisfaction of the Board Administrator.

A motion was made by Mr. Pesce to approve the application. Mr. Gerecht seconded the motion. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Gerecht, Mr. Keegan, Mr. Pesce, Mr. O'Mullan, Mr. Sims, Mr. Wills, Chairman Behr. Those Opposed: NONE. The application was approved unanimously.

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The board members began reviewing the latest draft (V5) of the "Rules for a Zoning Board of Adjustment of Long Hill Township." Section 1:5-2 "Disqualification of Members" was discussed. Motion was made by Mr. Gerecht to accept the revised language for Section 1:5-2 (b) as read by Chairman Behr. Mr. Pesce seconded the motion. A **VOICE VOTE** was taken. The revised language was accepted by unanimous vote.

Chairman Behr requested a brief recess at 9:30 PM.

RECESS

At 9:37 PM, the Board reconvened and the board members then began reviewing the revised language for Section 1:5-2 (c). Mr. Gerecht motioned acceptance of the revised language. Mr. Pesce seconded. At the suggestion of Mr. Bernstein a **ROLL CALL VOTE** was taken. Those in Favor: Mr. Gerecht, Keegan, Mr. Pesce, Mr. O'Mullan, Mr. Sims, Mr. Wills, Chairman Behr. Those Opposed: NONE. Motion to approve the revised language for Section 1:5-2 (c) was approved unanimously.

Chairman Behr then discussed the new section pertaining to Performance Review of the Board's Consultants. After discussion concerning additional language, Mr. Gerecht moved to add this section to the rules. Mr. Keegan seconded the motion. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. Gerecht, Mr. Keegan, Mr. Pesce, Mr. O'Mullan, Mr. Sims, Mr. Wills, Chairman Behr. Those Opposed: NONE.

Motion to adjourn was made by Mr. Gerecht and seconded by Mr. Pesce. By unanimous **VOICE VOTE**, the meeting was adjourned at 9:50 PM.

CYNTHIA KIEFER
Planning and Zoning Secretary

Date