

**RESOLUTION OF THE BOARD OF ADJUSTMENT  
TOWNSHIP OF LONG HILL  
MORRIS COUNTY, NEW JERSEY**

**STEN L. & HARTINI S. NIELSEN  
127 Gillette Road  
Gillette, New Jersey  
Block 13908, Lot 24.01  
APPLICATION NO. #22-10Z**

**Hearing Date: November 1, 2022  
Board Action: November 1, 2022  
Memorialization: November 15, 2022**

**WHEREAS, STEN L. & HARTINI S. NIELSEN** (the “Applicants”) are the owners of property located at 127 Gillette Road, Gillette, New Jersey, identified as Block 13908, Lot 24.01 (the “Property” or the “Site”) on the Official Tax Map of the Township of Long Hill, in the R-2 Residential Zone; and

**WHEREAS**, the Applicants applied to the Board of Adjustment of the Township of Long Hill (the “Board”) with an application requesting bulk variance relief (the “Relief Requested”), as set forth below, in order to construct a two-story detached garage with a second-floor recreation room and basement, and to permit the presence of a chicken coop enclosure and two sheds at the Property:

- a. A bulk variance for the proposed construction of an accessory (detached garage) structure in a front yard, where such is proposed, but prohibited, pursuant to Section 134.4 of the Township Land Use Ordinance (the “Ordinance”);
- b. A bulk variance for the proposed construction of an accessory structure (detached garage) exceeding the maximum allowable height for such within the R-2 Zone, whereas a height of 34.03 ft. is proposed, and a maximum height of 20 ft. is permitted, pursuant to Section 134.2 of the Ordinance;
- c. A bulk variance for the proposed construction of an accessory structure (detached garage) within a steep slope critical area, whereas such is prohibited, pursuant to Section 142.1a of the Ordinance;
- d. A bulk variance for proposed grading/disturbance within a steep slope critical area, whereas such is prohibited, pursuant to Section 142.1a of the Ordinance;
- e. A bulk variance for a side-yard setback (east) to an accessory structure (existing shed) of 7.5 ft., whereas the minimum required side-yard setback for an accessory structure in a residential zone is 10 ft., pursuant to Section 134.7c of the Ordinance;

- f. A bulk variance for the existence of two sheds, whereas only one shed is permitted upon a property within a residential zone, pursuant to Section 134.7a of the Ordinance;
- g. A bulk variance for the existence of an accessory shed upon a property within a residential zone with an area of 106 sq. ft., whereas the maximum permitted area of an accessory shed in a residential zone is 100 sq. ft., pursuant to Section 134.7b of the Ordinance; and
- h. A bulk variance for an existing side-yard setback (east) to a chicken coop enclosure of 2.6 ft., whereas the minimum required side-yard setback to chicken coop enclosures is 40 ft., pursuant to Section 124.10 of the Ordinance; and

**WHEREAS**, the Applicants submitted the following plans and documents in support of the application, which plans and documents were made a part of the record before the Board, as follows:

- a. Application for Development for 127 Gillette Road, including completed checklists, signed by Sten L. and Hartini S. Nielsen, dated September 23, 2022;
- b. Application addendum, prepared by Fredrick B. Zelle, Esq., dated September 26, 2022;
- c. A series of nine (9) site photographs;
- d. Property survey entitled “Survey & Topographic Map of Lot 24.01, Block 13908, 127 Gillette Road & Long Hill Road, Township of Long Hill, Morris County, New Jersey”, prepared by William G Hollows, PE, PLS of Murphy & Hollows Associates LLC dated November 24, 2021 and consisting of one (1) sheet;
- e. Engineering plans entitled “Variance Garage Plan for Lot 24.01, Block 13908, 127 Gillette Road & Long Hill Road, Township of Long Hill, Morris County, New Jersey” prepared by William G Hollows, PE, PLS of Murphy & Hollows Associates LLC dated May 6, 2022 and consisting of two (2) sheets; and
- f. Architectural plans entitled “Proposed Garage, 127 Gillette Road, Township of Long Hill, Morris County, New Jersey” prepared by Thomas Ellenberger, AIA of Walnut Design, LLC dated July 11, 2022 and consisting of one (1) sheet; and

**WHEREAS**, the Applicants met all jurisdictional requirements enabling the Board to hear and act on the application and appear before the Board on the Hearing Date, as specified above; and

**WHEREAS**, the Board considered the following reports from its professionals:

- a. Memorandum from Board Planner, Elizabeth Leheny, PP, AICP, dated October 27, 2022, same consisting of four (4) pages; and
- b. Memorandum from Board Engineer, Samantha Anello, PE, PP, CME, dated October 17, 2022, same consisting of five (5) pages; and

**WHEREAS**, the subject site includes one tax lot (i.e., Block 13908, Lot 24.01) located on the northeast corner of Gillette Road and Long Hill Road in Gillette. The lot is in the R-2 Residence Zone, is a “L” shaped corner lot, and is approximately ±64,208 sq. ft. (i.e., ±1.47 acres). The Property is improved with a two-story single-family residential home. The lot has ±325.95 ft. of frontage on Long Hill Road and ±176 ft. of frontage on Gillette Road. The home is oriented westward towards Gillette Road and the driveway is located off Gillette Road. A deck is located off the north side of the home. There are two (2) sheds on the Property: one is located approximately 19.1 ft. from the northern property line (the westerly shed); and the second shed is located approximately 7.5 ft. from the eastern property line (the easterly shed). There is also a chicken coop enclosure 2.6 ft. from the eastern property line. The Property frontage on Long Hill Road is characterized by steep slopes, as is the area north of the existing home; and

The Applicants are proposing to develop a two-story detached garage to the west of the deck in the lot’s front yard along Gillette Road. The garage would be 34 ft. by 24 ft. (i.e., 816 sq. ft. in area). The two-car garage would be located along the north side of the driveway and would be oriented toward the southern lot line along Long Hill Road. The garage would be two stories, with an upstairs exercise room with a shower stall full bathroom and a closet. The structure would be 34.03 ft. in height, measured from the base of its partially exposed basement. There would also be a basement with walk-out doors along the northern elevation. The garage would be setback approximately 31 ft. from the northern lot line. The garage would be in an area of the Property characterized by steep slopes; and

In addition to the bulk variance relief related to the proposed detached garage, the Applicants also seek bulk variance relief related to the presence of the chicken coop enclosure, and two sheds on the Property; and

**WHEREAS**, during the public hearing on the application on the Hearing Date, the Applicants were given the opportunity to present testimony and legal argument, and members of the public were given an opportunity to question all witnesses and comment on the application; and

**WHEREAS**, the Applicant presented testimony from the following individuals:

1. Sten L. Nielsen, co-owner of the Property (one of the Applicants), having an address of 127 Gillette Road, Gillette, New Jersey;
2. Thomas Ellenberger, AIA of Walnut Design, LLC, the Applicant’s Architect, having a business address of 4 Walnut Avenue, Stirling, New Jersey; and

3. William G. Hollows, PE, PLS of Murphy & Hollows Associates LLC, the Applicants' Professional Engineer, having a business address of 192 Central Ave., Stirling, New Jersey; and

**WHEREAS**, no members of the public appeared to ask questions about or to comment on the application, as more fully set forth on the record; and

**WHEREAS**, Elizabeth Leheny, PP, AICP, the Board Planner, was duly sworn according to law; and

**WHEREAS**, Samantha Anello, PE, CME, CFM, the Board Engineer, was duly sworn according to law; and

**WHEREAS**, Frederick B. Zelle, Esq., entered his appearance on behalf of the Applicants, provided a brief overview of the proposal, requested relief, witnesses to be presented, and the materials submitted as part of the application, and also confirmed that he took the photographs included with the application and that they represent an accurate depiction of the Property as it exists; and

**WHEREAS**, Sten L. Nielsen, one of the Applicants, was duly sworn according to law.

1. Mr. Nielsen testified that he and his wife, co-Applicant Hartini S. Nielsen, purchased the Property in 2011 and reside there. Mr. Nielsen testified that they were proposing to construct a detached, two-story garage with a basement area to be used as a personal workshop and storage space, a ground floor for the parking of his and his wife's vehicles, and a gym/recreation area with full bathroom on the second floor.

2. Mr. Nielsen further testified that the dwelling on the Property was likely constructed in the 1850s but that it has likely undergone multiple addition projects since that time, based upon its interior and exterior appearance. He also testified that the dwelling's basement has low ceilings and therefore the basement is mostly unusable space. He also stated that the Property lacks ample storage capabilities and that it does not currently host a garage of any sort. The detached garage structure was being proposed, according to his testimony, in order to provide storage and usable space for his family. Also, according to Mr. Nielsen, despite the size of the Property, there is little space to build upon it due to a significant amount of steep slopes thereon and, accordingly, while a basement for the proposed structure is planned, it may ultimately be impossible to add same due to the potential for impenetrable bedrock to exist below the structure's footprint.

3. Mr. Nielsen also testified as to the history of the existing chicken coop and two sheds upon the Property. According to Mr. Nielsen, the previous owner had installed the easterly shed. He also testified that he had spoken with the Township's Zoning Officer prior to installing the westerly shed and chicken coop. According to Mr. Nielsen, he brought up the idea of installing the coop and second shed with the Zoning Officer sometime in 2020, but that the Zoning Officer neither informed him that only one shed would be permitted upon the Property, nor did he mention that a chicken coop needed to be setback at least 40 ft. from the easterly property line.

Mr. Nielsen further testified that he believed the existing easterly shed to be compliant with the setback provisions of the Ordinance and therefore located the chicken coop nearly parallel with the footprint of said shed. Mr. Nielsen also testified that he made the Zoning Officer aware of the location of the chicken coop during the course of their communications.

4. Mr. Nielsen introduced into evidence, as **Exhibit A-1**, a full-color brochure advertising the Property for sale, obtained by him prior to his purchase of it, containing a series of images of the dwelling's exterior and interior, and he confirmed the brochure to be an accurate depiction of the Property.

5. Upon questioning by members of the Board, in relation to the proposed garage structure, Mr. Nielsen testified as follows: that a shower was, in fact, planned for the second floor's bathroom, although not shown on the provided plans; that the dwelling hosted two and one-half bathrooms; that the dwelling has two usable floors of living space; that the proposed garage's basement space would be utilized as a personal workshop and storage area, and not for any sort of commercial activity or business; that, while it would be possible to fit lawn maintenance equipment in the garage basement, the Applicants had no plan to do so; that the basement would not be 'finished' in appearance; that the garage's first floor would be used to park vehicles; that the eastern shed has power running to it; that it would be impossible to use the dwelling's basement as a recreational space due to its low ceiling height; and that the detached garage of the property directly across Gillette Road from the subject Property is in that property's front yard.

6. Upon questioning by members of the Board, in relation to the two the sheds, Mr. Nielsen testified that both sheds were being used for the storage of household items, as well as lawn maintenance equipment, and that the westerly, newer shed does not sit upon a gravel/stone or concrete pad and hosts an attached wooden access ramp that allows for easier movement of lawn equipment..

7. Upon questioning by members of the Board, in relation to the chicken coop enclosure, Mr. Nielsen testified as follows: that the view of the coop from the neighboring lot on Long Hill Road was entirely obscured by evergreen trees on both sides of the easterly property line, even in the winter; that a fence exists upon the eastern property boundary but that it is nearly imperceivable due to the aforesaid evergreen trees; that the coop was home to a brood of pet hens used for eggs that do not regularly exit the enclosure; and that the coop was theoretically moveable, as it sits upon a concrete slab, but that it was not practically moveable due to its awkward size and weight.

8. Mr. Nielsen, as a co-Applicant, stipulated to all of comments and requirements set forth in the Board Engineer's and Board Planner's respective memoranda, as well as the following, as conditions of approval: that the easterly shed would be completely removed from the Property; that the garage structure would never be used as a residential space; that the garage would be used for personal purposes and that no commercial activities would be performed therein; that the exterior staircase connecting the driveway to the basement door of the garage structure, as depicted on the plans, would be removed from the westerly side of the garage structure and repositioned upon the easterly side of the structure at a location to be determined by

the Applicant, subject to the review and approval of the Board's Engineer and Planner; that additional topographical work and grading would occur on the westerly face of the garage structure's basement, such as to shield the concrete exterior from the view of Gillette Road, subject to the review and approval of the Board's Engineer and Planner; that the plans would be revised to detail the proposed shower and closet of the garage structure's second-floor bathroom; that a landscaping buffer, likely to consist of large evergreen trees, would be proposed and erected such as to shield the view of the exterior of the garage structure's basement from neighboring Lot 24.02 and Gillette Road, subject to the review and approval of the Board's Planner and Engineer; that none of the proposed garage's architectural elevations would change from those presented to the Board; that the dormers of the garage structure would retain the same appearance as depicted in the architectural plans; and that the siding on the garage structure will match that of the existing dwelling.

9. Thomas Ellenberger, AIA, was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the field of Architecture. Referencing the Architectural Plans submitted with the application materials, Mr. Ellenberger provided an overview of the proposed improvements.

10. According to Mr. Ellenberger's testimony, he designed the proposed structure and, in so doing, sought to minimize overall height as much as was reasonably possible. Also, according to Mr. Ellenberger, an addition to the existing home, instead of the proposed structure, would be infeasible due to topographic features, setback requirements, and the manner of construction of the existing dwelling.

11. Mr. Ellenberger introduced into evidence, as **Exhibit A-2**, an enlarged, greyscale version of the already-submitted architectural plans entitled "Proposed Garage, 127 Gillette Road, Township of Long Hill, Morris County, New Jersey".

12. On questioning by the Board, Mr. Ellenberger testified as follows: the shower for the second-floor of the garage would be located where the floor plan shows a small closet in the bathroom area to be; that less than 50% of the garage's basement's exterior would be above grade and so would not constitute a story; that the proposed basement door would face the neighboring home on Lot 24.02; that the exterior stairway of the proposed structure would be made of concrete or pavers and used to access the basement from the driveway; that an addition to the home in lieu of the proposal was not considered due to its infeasibility; that an addition to the south side of the dwelling would create a non-conforming 27 ft. setback; that an addition positioned where the existing deck is located would be unworkable and constitute a detriment to the interior of the dwelling; that the height from the base of the driveway to the top of the proposed structure would be 25.1 ft.; that skylights could be added to the existing dwelling; that an addition would be unworkable also due to the difficulty in leveling floors to match the existing dwelling in a visually pleasing manner; that if the proposed structure were to be moved east, additional slopes may be disturbed; and that if the proposed structure were to be only 20 ft. in height, that there would be no almost no usable space therein.

13. Mr. Ellenberger also addressed Comment #2 in the Board Planner's memorandum regarding total building height, testifying that the height of the structure from the basement floor,

detailed in the architectural plans as 33.8 ft. was in error, and that the true measurement of such is 34.03 ft.

14. William G Hollows, PE, PLS, was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the field of professional engineering. Referencing the engineering plans submitted with the application materials, Mr. Hollows provided an overview of the existing and proposed changes to the Property's topography.

15. Mr. Hollows introduced into evidence, as Exhibit A-3, an enlarged, colorized topographic survey map of the Property, and, as Exhibit A-4, an enlarged, colorized version of Sheet 2 of 2 of the provided engineering plans.

16. Mr. Hollows testified that the proposed garage would sit on an existing steep slope critical area and therefore a significant amount of soil would need to be removed to afford for its construction. Mr. Hollows also testified that the garage could be adequately screened on all sides and that additional topographical work could be performed so as to hide the exposed portion of the proposed basement's exterior on its western face. He further testified that there were no designated wetlands areas on the Property.

17. Upon questioning by the Board, Mr. Hollows testified that moving the exterior stairs to the eastern side of the garage would be possible and that those stairs were an important quality of life and safety feature of the design.

18. On questioning by the Board Engineer, Ms. Anello, Mr. Hollows testified that: the roof leaders on the garage would be connected to a drywell system whereby water would run downhill to the north and, accordingly, retaining walls would be added to the Property to prevent excessive runoff onto neighboring Lot 24.02; that potable water and gas lines would be routed from the existing dwelling in a manner that would avoid the existing driveway and steep slope areas; that the waterline servicing the Property is likely to be found off of Long Hill Road; and that the Applicants planned to also connect the proposed structure's plumbing to the existing sewer.

19. On questioning by the Board Planner, Ms. Leheny, Mr. Hollows testified that a landscaping plan was being actively considered by the Applicants, which would call for the planting of rows of large evergreen trees approximately 20 ft. from the proposed structure to the west and north.

20. Upon questioning by the Board, Ms. Leheny testified that if the proposed structure were to be attached to the dwelling, a maximum height of 35 ft. would be permitted and that adding a breezeway to the Property to connect the proposed structure to the existing dwelling would require even more zoning relief than that which was being requested.

21. No member of the public questioned any of the witnesses or Board Professionals, or commented on or objected to the application.

## DECISION

22. After reviewing the evidence submitted, the Board, by a unanimous vote of 7 to 0, finds that the Applicants have demonstrated an entitlement to the requested bulk variance relief sought herein.

23. The Board also notes that, by conditioning approval upon the stipulated to removal of the easterly shed, several of the bulk variances sought by the Applicants in their application are no longer required. Specifically, the variances for an easterly side-yard setback distance to an accessory shed of 7.5 ft., the presence of two sheds upon a residential lot, and the existence of a shed greater than 100 sq. ft. in area would no longer be required.

### The Bulk Variances – Positive Criteria:

24. The Board recognizes that an applicant requesting bulk variance relief under subsection “c” of N.J.S.A. 40:55D-70 must prove that it has satisfied both the positive and negative criteria. The positive criteria in bulk variance cases may be established by the applicant’s showing that it would suffer an undue hardship if a zoning regulation were to be applied strictly because of a peculiar and unique situation relating to the property in accordance with N.J.S.A. 40:55D-70c(1). Under the subsection c(1) standard, an applicant must prove that the need for the variance is occasioned by the unique condition of the property that constitutes the basis of the claim of hardship. Relief may not be granted where the hardship is self-created.

25. The positive criteria for bulk variance relief may also be established by a showing that the granting of an application for variance relief would advance the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (the “MLUL”) and the benefits of the granting such relief would substantially outweigh any detriment associated therewith, in accordance with N.J.S.A. 40:55D-70c(2). Under the subsection c(2) standard, an applicant must prove that the granting of a proposed deviation from the zoning ordinance represents a better zoning alternative and advances the purposes of the MLUL, as set forth in N.J.S.A. 40:55D-2. A c(2) variance should not be granted when the only purposes that will be advanced are those of the property owner. The focus of a c(2) variance is on the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.

26. Here, the Board finds that the requested bulk or “c” variance relief may be granted under either of the alternative criteria set forth in subsection c(1) and subsection c(2) of N.J.S.A. 40:55D-70.

27. Pursuant to N.J.S.A. 40:55D-70(c)(1), the Board finds that granting the requested relief is appropriate as the Applicants would otherwise suffer an undue hardship should the requested relief not be granted and the zoning regulations strictly applied. Specifically, the Board finds that the Applicants would suffer an undue hardship since the Property is not only rife with critical steep slopes, but also a corner lot fronting on both Gillette and Long Hill Roads, thus severely limiting the buildable area thereon and rendering complete compliance with the Ordinance impossible.



28. Pursuant to N.J.S.A. 40:55D-70(c)(2), the Board further finds that the benefits of granting the requested relief substantially outweigh the detriments associated therewith, particularly given the stipulated conditions, which will sufficiently mitigate said detriments. Specifically, the Board finds that benefits of affording a garage and additional living and storage space for the Applicants outweigh the detriments associated with locating the structure in the westerly front yard and building it within a critical steep slope area as the structure will be sufficiently screened and stormwater runoff will be effectively managed so as not to negatively impact surrounding properties.

29. As such, the Board finds that the Applicant has demonstrated the positive criteria for all of the requested variance relief under both subsection c(1) and subsection c(2) of Section 70 of the MLUL.

**The Bulk Variances – Negative Criteria:**

30. In order to satisfy the negative criteria for “c” variance relief, an applicant must prove that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. The focus of the “substantial detriment” prong of the negative criteria is on the impact of the variance on nearby properties. The focus of the “substantial impairment” prong of the negative criteria is on whether the grant of the variance can be reconciled with the zoning restriction from which the applicant intends to deviate.

31. As to the “substantial detriment” prong of the negative criteria, the Board finds that the Applicant has demonstrated that the proposal will not result in substantial detriment to the neighborhood or the general welfare, particularly since the appearance of the Property will be improved, the proposal affords the Applicants additional living and storage space, thus enhancing their enjoyment of the Property, and the proposal will effectively manage stormwater runoff so as not to negatively impact surrounding properties. The Board recognizes that no member of the public objected to the Applicant’s proposal, further evidencing that the proposal is not substantially out of character with the subject neighborhood.

32. As to the “substantial impairment” prong of the negative criteria, the Board finds that granting the requested relief certainly does not rise to the level of a rezoning of the Property, particularly since the proposed improvement to the residential dwelling is not only a permitted use in the R-2 Residential Zoning District, but garages are required for residential lots therein per the Ordinance.

33. Here, the Board finds that the Applicant has satisfied both the positive and both prongs of the negative criteria for the requested bulk variance relief under both of the alternative bases for same under N.J.S.A. 40:55D-70(c)(1) and (c)(2).

**WHEREAS**, the Board took action on this application at its meeting on November 1, 2022, and this Resolution constitutes a Resolution of Memorialization of the action taken in accordance with N.J.S.A. 40:55D-10(g).

**NOW, THEREFORE, BE IT RESOLVED**, on the basis of the evidence presented to it, and the foregoing findings of fact and conclusions of law, that the Board of Adjustment does hereby GRANT the Relief Requested as noted above, subject to the following:

1. The Applicant is required to comply with the following conditions:
  - a. The Applicant shall comply with the Applicant's representations to, and agreements with, the Board during the hearing on this application;
  - b. The easterly shed shall be completely removed from the Property within ninety (90) days of the issuance of the certificate of occupancy for the proposed detached garage;
  - c. No part of the garage structure shall be used as a residential space or apartment of any kind and the Applicants shall file a deed with the Clerk of the County of Morris evidencing such restriction, same to be in the form approved by the Zoning Boards Attorney;
  - d. The garage structure shall be used only for the personal purposes of the Applicants, or their successors in title, and no commercial or business-related activities will be performed therein;
  - e. The exterior staircase and path connecting the driveway to the basement door of the garage structure, as depicted on the plans, shall not be constructed on the westerly side of the garage structure, but shall instead be positioned upon the easterly side of the structure or within the yard area east of the garage structure, at a location to be determined by the Applicants, subject to the review and approval of the Board's Engineer and Planner, should the Applicants ultimately elect to construct such a stairway and/or path;
  - f. Additional topographical work and grading shall be proposed to occur and be performed upon the westerly face of the garage structure's basement, such to shield the concrete exterior from the view of Gillette Road, subject to the review and approval of the Board's Engineer and Planner;
  - g. The plans shall be revised to detail the proposed bathroom with shower stall and relocated closet of the garage structure;
  - h. A landscaping plan, including a buffer to consist of large evergreen trees, shall be proposed to shield the view of the exterior of the garage structure's basement from neighboring Lot 24.02 and Gillette Road, subject to the review and approval of the Board's Planner and Engineer;
  - i. None of the proposed architectural elevations of the garage structure shall change from those presented to the Board;

- j. The dormers of the garage structure shall retain the same appearance as depicted in the Architectural Plans;
- k. The siding of the garage structure shall match the siding on the existing dwelling;
- l. During construction of the garage structure, the following shall be required:
  - i. Upon installation of roofing material on the garage structure, temporary gutters and downspouts shall be immediately installed and connected to the drywells or other stormwater management devices;
  - ii. Secondary soil erosion and sediment control (SESC) measures shall be installed as necessary to act as additional protection of downstream properties in the case of possible breach or failure of primary SESC measures;
  - iii. Disturbance limits shall be staked in the field by a licensed professional land surveyor and snow fencing shall be installed at the proposed limits of disturbance to prevent further disturbance; and
  - iv. All utilized silt fencing shall be "super" silt fence as defined in standards for SESC in New Jersey as promulgated by the NJDA State Soil Conservation Committee, and as noted on the plans;
- m. The engineering plans shall be revised to provide sufficient details regarding the proposed retaining wall(s), a cut/fill analysis for the construction of the garage, the location of the existing water service line to the Property, the limits of disturbance, and to show the installation of a gutter cap leaf separation device;
- n. The Applicants shall obtain approval from New Jersey American Water to connect the garage's plumbing to the existing water service line to the Property;
- o. The Applicants shall provide, to the satisfaction of the Board Engineer, signed and sealed stability calculations for any and all retaining walls to be constructed that exceed 4 ft. in height;
- p. A construction detail for the proposed drywell shall be provided, complying with the parameters in Sections 146.3b and 146.3c of the Ordinance;
- q. Soil borings/pit bail tests shall be conducted in the vicinity of the drywell to verify the soil conditions and suitability of the proposed drywell design, or an alternative stormwater management system shall be proposed, to the satisfaction of the Board Engineer;

- r. The Applicant shall obtain Lot Grading approval from the Township, in accordance with Chapter 14 and Section 146 of the Ordinance;
- s. The Applicant shall submit a Soil Erosion and Sediment Control (SESC) certification, or letter of exemption, from the Morris County Soil Conservation District prior to any land disturbance, if required;
- t. All material excavated in construction of the garage structure not utilized in performing additionally required topographic work shall be removed from the Property;
- u. The Applicant shall comply with all requirements and recommendations set forth in the Board Engineer's Memorandum, dated October 17, 2022, including, all necessary updating and revisions to the previously submitted plans;
- v. The Applicant shall comply with all requirements and recommendations set forth in the Board Planner's Memorandum, dated October 27, 2022, including, all necessary updating and revisions to the previously submitted plans;
- w. The Applicant shall comply with any and all prior conditions of approval to the extent that same would not be inconsistent with the approval granted herein; and
- x. The Applicant shall comply with Section 3-15.8 of the Ordinance, which prohibits construction activities between the hours of 8:00 p.m. and 7:00 a.m.

2. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the Township of Long Hill, other Township Ordinances, or the requirements of any Township agency, board or authority, or the requirements and conditions previously imposed upon the Applicant in any approvals, as memorialized in resolutions adopted by the Township of Long Hill Board of Adjustment or Planning Board except as specifically stated in this Resolution;

3. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code;

4. All fees and escrows assessed by the Township of Long Hill for this application and the hearing shall be paid prior to the signing of the plans by the municipal officers. Thereafter, the Applicant shall pay in full any and all taxes, fees, and any other sums owed to the Township before any certificate of occupancy shall issue for the Property;

5. Pursuant to LU-172.11, any variance from the terms of this Ordinance hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such


construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within 12 months from the date of entry of the judgment or determination of the Board of Adjustment, except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the Township Committee or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding; and

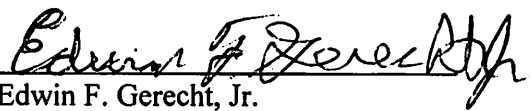
6. The approval herein memorialized shall not constitute, nor be construed to constitute, any approval, direct or indirect, of any aspect of the submitted plan or the improvements to be installed, which are subject to third-party jurisdiction and which require approvals by any third-party agencies. This Resolution of approval is specifically conditioned upon the Applicant' securing the approval and permits of all other agencies having jurisdiction over the proposed development. Further, the Applicant shall provide copies of all correspondence relating to the Application, reviews, approvals and permits between the Applicant and third-party agencies from which approval and permits are required to the Planning/Zoning Coordinator of the Township of Long Hill, or designee, or any committee or individual designated by ordinance or by the Board to coordinate Resolution compliance, at the same time as such correspondence is sent to, or received by, the Applicant.

**WHEREAS**, a Motion was made by Mr. Gianakis and seconded by Mr. Hain to GRANT approval of the Relief Requested as set forth herein.

**BE IT FURTHER RESOLVED**, that this Resolution, adopted on November 15, 2022, memorializes the action of the Board of Adjustment taken on the Hearing Date with the following vote: Yes:, Gianakis, Hain, Rosenberg, Lindeman, Brennan, Johnson, Gerecht; No: None; Recused: None; Not Eligible: None; Absent: Aroneo, Grosskopf.


ATTEST:

  
\_\_\_\_\_  
Debra Coonce,  
Board Secretary

  
\_\_\_\_\_  
Edwin F. Gerecht, Jr.  
Chairman

<b>VOTE ON RESOLUTION</b>					
<b>MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>NOT ELIGIBLE</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
CHAIRMAN GERECHT	X				
VICE CHAIRMAN JOHNSON	X				
ARONEO			X		
GIANAKIS					X
GROSSKOPF			X		
HAIN	2ND				
ROSENBERG					X
LINDEMAN – ALT 1					X
BRENNAN – ALT 2	M				

I hereby certify this to be a true copy of the Resolution adopted on November 15, 2022.

  
 Debra Coonce,  
 Board Secretary

STATE OF NEW JERSEY  
MORRIS COUNTY

SS.

I, Debra Coonce, being of full  
age, being duly sworn upon her oath, certifies:  
that a notice of which the annexed is a true copy, was  
published in the Echoes Sentinel which is a newspaper  
published in Morris County, New Jersey,  
on the 1st day of December, 2022  
in said newspaper.

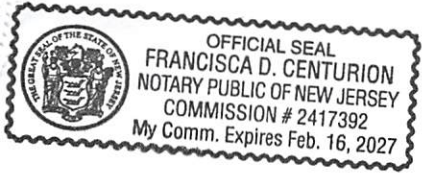


Sworn and subscribed before me this

1st day of DECEMBER, 2022



Notary Public of New Jersey



**Long Hill Township**  
PUBLIC NOTICE  
NOTICE OF DECISION OF THE TOWNSHIP OF LONG HILL  
ZONING BOARD OF ADJUSTMENT

Public notice is hereby given that the following action was taken by the Township of Long Hill Zoning Board of Adjustment at its meeting on November 15, 2022:

**Resolution of Approval Memorialized**  
Bulk Variance  
Block 13098 / Lot 24.01 / Zone R-2  
127 Gillette Road  
Application No. 22-10Z  
Sten & Hartini Nielsen

**Resolution of Approval Memorialized**  
Bulk Variance  
Block 12204 / Lot 2 / Zone R-3  
197 River Road  
Application No. 22-11Z  
Yuri Symczyk

All documents relating to this application may be examined on the website at: <https://longhillnj.gov/BOA/boa-resolutions.html> or by the public by appointment in the Planning & Zoning Office in the Township of Long Hill Municipal Building located at 915 Valley Road, Gillette, NJ. Office Hours are as follows: Monday, Tuesday & Thursday - 8:30 AM to 4:30 PM, Wednesday - 8:30 AM to 6:30 PM and Friday - 8:30 AM to 2:30 PM.

Debra Coonce  
Zoning Board of Adjustment Secretary  
Planning & Zoning Coordinator  
Township of Long Hill

P.F. \$35.19 12/01/21