

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

**SCARLA and ANSAMMA KALAPPURACAL  
142 NORTHFIELD ROAD  
MILLINGTON, NEW JERSEY 07946  
BLOCK 12001, LOT 6  
APPLICATION NO.: 2021-04Z**

**Hearing Dates: June 1, 2021  
June 15, 2021  
Board Action: June 15, 2021  
Memorialization: July 20, 2021**

WHEREAS, Scarla and Ansamma Kalappuracal (the “Applicants”) are the owners of property located at 142 Northfield Road in Millington, identified as Block 12001, Lot 6 (the “Property”) on the Long Hill Township Tax Map, in the R-3, Residential, zoning district; and

WHEREAS, the Applicants applied to the Board of Adjustment of the Township of Long Hill (the “Board”) with an application requesting relief from certain bulk standards in order to construct a two-story addition in an existing single-family home on the Property; and

WHEREAS, the Applicants requested the following relief from the Board (the “Relief Requested”):

Bulk variances in accordance with N.J.S.A. 40:55D-70c(1) and/or c(2) from the requirements in the Township of Long Hill Land Use Ordinance, 1996 (the “Ordinance”), as follows:

Minimum Side Yard Setback (Ordinance Section 131):  
Required: 25’; Existing: 24.6’; Proposed: 12.6’; 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:

Application with addenda, dated January 20, 2021;

Architectural plans, prepared by FJM Architect, LLC, consisting of 6 sheets, dated August 26, 2020.

Location and Topographic Survey, prepared by Allison Engineering and Land Surveying, LLC, dated November 12, 2020; and

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

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

Memorandum from Board Planner, Elizabeth Leheny, PP, AICP, dated April 29, 2021;

Memorandum from Board Engineer, Richard Keller, PE, PP, CME, dated May 2, 2021;  
and

WHEREAS, during the public hearing on the Application on the Hearing Date, the Applicants, represented by attorney, Joshua Koodray, were given the opportunity to present testimony and legal argument, and members of the public were given an opportunity to comment on the Application; and

WHEREAS, the Applicants marked the following exhibits during the Hearings on the Application:

Exhibit A-1: 2 Photographs of the Property entitled “Existing Conditions, 142 Northfield Road, Millington, NJ”, undated;

Exhibit A-2: Aerial image, undated; and

WHEREAS, the Applicants presented testimony from the following individuals:

1. Scaria Kalappuracal, Applicant;
2. Francisco Melendez, Applicants’ Architect;
3. Kathryn Gregory, Applicants’ Planner; and

WHEREAS, a member of the public appeared to ask questions about and to speak with regard to the Application, as more fully set forth on the record; and

WHEREAS, the Applicants’ attorney introduced the Application and the Applicants presented testimony to the Board as more fully set forth on the record, as follows:

1. Scaria and Anamma Kalappuracal were sworn and testified describing the proposed addition. The Applicants propose a two-story addition which will include an office on the first floor and a family room on the second story in order to make the home more functional.

2. Francisco Melendez was sworn, provided the Board with his qualifications and was accepted as a licensed architect. Mr. Melendez testified describing the current layout of the residence and the plans for the two-story addition. The addition was designed to be a seamless addition to the home and to complement the home’s layout. Mr. Melendez testified indicating that the addition will be constructed on the north side of the home. The addition will balance the linear appearance of the existing home and will match the finish of the existing portion of the home. With regard to adjacent property, Mr. Melendez testified that the dwelling appears to be closer than 25 feet to the side property

line. The home on the adjacent property is set back further into its lot than the Applicants' home. If the Applicants were to construct an addition on the rear of the existing home, it would be closer to the neighboring property owner's home.

3. Kathryn Gregory was sworn, provided the Board with her qualifications and was accepted as a licensed professional planner. Ms. Gregory testified describing the location of the Property and the proposal to add a 630 square foot two-story addition to an existing single-family residence. The home is set back from the road and the lot contains existing vegetation. Ms. Gregory testified that the Applicants' proposal to construct the two-story addition requires a variance for an encroachment into the side yard. Mr. Gregory stated that the Applicant's request for relief satisfies both the c(1) and c(2) standards. The Property is narrow and deficient in width. The lot's width is an existing nonconformity. The size of the Property is larger than that which is required for the zone. The lot size helps to mitigate the deficient lot width. Ms. Gregory testified that the addition is modest, will match the home and will not look like an addition. There will be less disturbance with an addition to the side of the house instead of the rear. Ms. Gregory further testified that a variance condition for minimum square footage will be eliminated due to the construction of the addition. Ms. Gregory testified that the Applicants' proposal promotes purposes "c" and "e" of the Municipal Land Use Law. The proposed addition will be located in an area on the Property that provides adequate light, air and open space. The home on the adjacent property will not be impacted by the Applicants' addition, as the home is located 50' from the home currently and will be located approximately 40' away from the proposed addition. An addition constructed on the rear of the existing home will bring the addition in much closer proximity to the home on the adjacent property. The variance will not impact any population density as the lot is oversized. Ms. Gregory further testified that the proposed will not cause any substantial impairment to the neighborhood or to the zone plan and zoning ordinance. The Property is located in the low-density residential area. The proposal to build the addition promotes many of the Master Plan goals. The addition is in keeping with Long Hill's character and is sensitive to the surrounding residential area. Ms. Gregory stated that the benefits of the proposal as a whole outweigh any detriments.

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The Property is comprised of an improved parcel designated as Lot 6 in Block 12001, more commonly known as 142 Northfield Road, in the R-3, residential zoning district. The Property is improved with an existing single-family residence. Although the Property is required to maintain a lot width of 150 feet, the existing width of the lot is 100 feet.

2. The Applicants propose to expand the home with a two-story addition. The Applicants' proposed improvement deviates from the bulk standard requiring a 25 foot side yard, as enumerated in the Relief Requested, therefore the Applicant has requested relief from the Board in the form of a bulk variance in accordance with N.J.S.A. 40:55D-70c(1) and (2).

3. All jurisdictional requirements of the Application were met and the Board proceeded to hear the Application and render its determination which is memorialized herein.

4. An applicant requesting a bulk variance under subsection "c" of N.J.S.A. 40:55D-70 must prove that it has satisfied both the positive and negative criteria, as well. 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 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. The positive criteria may also be established by a showing that the application for variance would advance the purposes of the Municipal Land Use Law and the benefits of the deviation would substantially outweigh any detriment in accordance with N.J.S.A. 40:55D-70c(2). In order to establish the positive criteria for a c(2) variance, an applicant must show that the proposed deviation from the zoning ordinance represents a better zoning alternative and advances the purposes of the Municipal Land Use Law, 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.

In order to satisfy the negative criteria for a “c” variance, an applicant must show 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 requirement that the grant of the variance not substantially impair the intent and the purpose of the zone plan and zoning ordinance focuses on whether the grant of the variance can be reconciled with the zoning restriction from which the applicant intends to deviate. Unlike use variances, reconciliation of a bulk or dimensional variance with the zone plan and zoning depends on whether the grounds offered to support the variance, either under subsection c(1) or c(2), adequately justify the board's action in granting an exception from the ordinance's requirements.

6. The Board finds that relief may be granted for the deviation resulting from the Applicants’ proposal to construct an addition to an existing home in a residential zoning district, as specified in the Relief Requested. The Property contains a deficient lot width and, as such, it is difficult, if impossible, to construct any improvement in a side yard without Board relief. The Board accepts the Applicants’ Planner’s testimony and finds that the proposal to construct the addition satisfies purposes of the Municipal Land Use Law. The Board is satisfied that the Applicants’ proposal, in its proposed location further away from a home on the adjacent property, is a better alternative than an addition to the rear of the existing home that would bring the addition closer to the neighboring home. In addition, the construction of the two-story addition will eliminate a variance condition, specifically, the minimum square footage requirement. The Board is further satisfied that the Applicants’ agreement to comply with the conditions that have been imposed herein further mitigates any negative aspects of the proposed development. The Board finds that the Applicant’s proposal to construct the addition is well suited with the residential zone despite the Property’s narrowness, does not cause substantial detriment to the public good, the zone plan or the zoning ordinance.

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 Applicants are required to comply with the following conditions:

- a. The Applicants shall comply with the Applicant's representations to and agreements with the Board during the hearing on this Application.
- b. The Applicants shall provide appropriate landscaping to screen the new addition, to the satisfaction of the Board Engineer and the Board Planner.

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 Applicants 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 Applicants 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. In accordance with the adopted ordinance provisions and the current requirements of the Township of Long Hill, to the extent applicable, the Applicants shall be required to contribute to the Township's "Affordable Housing Trust Fund" and/or otherwise address the impact of the subject application for development upon the affordable housing obligations of the Township, in a manner deemed acceptable by the Township Committee and in accordance with COAH's "Third Round Substantive Rules" and/or in accordance with enacted legislation and/or in accordance with direction from the Courts.


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 Applicants' securing the approval and permits of all other agencies having jurisdiction over the proposed development. Further, the Applicants shall provide copies of all correspondence relating to the Application, reviews, approvals and permits between the Applicants 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 or received by the Applicants.


BE IT FURTHER RESOLVED, a Motion was made by Mr. Rosenberg and seconded by Mr. Grosskopf to GRANT approval of the Relief Requested as set forth herein.

BE IT FURTHER RESOLVED, that this Resolution, adopted on June 15, 2021, memorializes the action of the Board of Adjustment taken on the Hearing Date with the following vote: Yes: Aroneo, Gianakis, Grosskopf, Malloy, Robertson, Rosenberg, Gerecht; No: Johnson; Recused: None; Not Eligible: Hain, Robertson; Absent: None.

RESOLUTION DATE: July 20, 2021


ATTEST:

  
Debra Coonce,  
Board Secretary

  
Edwin F. Gerecht, Jr.,  
Chairman

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

I hereby certify this to be a true copy of the Resolution adopted on July 20, 2021.

  
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 22nd day of July, 2021  
in said newspaper.



Sworn and subscribed before me this

22<sup>nd</sup> day of JULY, 2021



Notary Public of New Jersey

