

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

**GUSTAVO AND KIRSTEN ALVAREZ
26 MEYERSVILLE ROAD
GILLETTE, NEW JERSEY 07933
BLOCK 13803, LOT 1
FORMER APPLICATION NO.: 18-15Z**

**Hearing Date: January 5, 2021
Board Action: January 5, 2021
Memorialization: February 16, 2021**

WHEREAS, Gustavo and Kirsten Alvarez (the “Applicants”) are the owners of vacant land located at 26 Meyersville Road in Gillette, identified as Block 13803, Lot 1 (the “Property”) on the Long Hill Township Tax Map, in the R-2, Residential, zoning district; and

WHEREAS, the Applicants applied to the Board of Adjustment of the Township of Long Hill (the “Board of Adjustment” or “Board”) on October 2, 2018 with an application requesting relief from height and bulk standards in order to construct a new home on the Property; and

WHEREAS, the Applicants requested relief from the Board in the form of a height variance in accordance with N.J.S.A. 40:55D-70d(6) in order to construct a 39.75’ tall residential house where 35’ is permitted; the Applicants also requested two bulk variances in accordance with N.J.S.A. 40:55D-70c for the proposed residence, specifically, critical area setback variances from the front yard and side yard from Magna Drive where 17’ and 6’ were proposed and 50’ and 25’, respectively, were required: and

WHEREAS, the Board approved the Applicants request on October 2, 2018 and memorialized its approval in a resolution dated November 20, 2018; and

WHEREAS, Section 172.12 of the Land Use Ordinance of the Township of Long Hill, 1996 limits the duration of variances granted by the Board “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...” thus, the variances granted by the Board in Application numbered 18-15Z, adopted by resolution on November 20, 2018, expired on November 20, 2019; and

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

Letter from Attorney Frederick Zelle, dated December 2, 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, during the public hearing on the Application on the Hearing Date, the Applicants, represented by attorney, Frederick Zelle, Esq., 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' attorney introduced the Application and explained the reason for the extension request indicating that the Applicant's inability to obtain financing for the construction of the proposed single-family residence, as proposed in the original application, numbered 18-15Z, prohibited the Applicant from developing the project; and

WHEREAS, no members of the public appeared to ask questions about or to speak with regard to the Application; and

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

1. The Property is comprised of a large, wooded vacant lot designated as Lot 1 in Block 13803 in the R-2, residential zoning district. The Property is located on the southeast corner of the intersection of Magna Drive and Hickory Tavern Road. The Applicants applied for and received approval of the height and bulk variances needed to construct a single-family residential dwelling in 2018 in Application 18-15Z, as aforesaid.
2. The Applicants have applied to the Board for relief from Section 172.12 of the Ordinance in the form of an extension of the variances for one year from the date of this current request. Upon review of the Applicant's testimony, the Board is satisfied that the Applicant was prevented from moving forward with the development by factors not within the Applicant's control. As such, the Board finds that good cause has been shown to approve the extension subject to the conditions imposed in the former approval under Application 18-15Z and herein and subject to the Applicant's representations to and agreements with the Board during the hearing on this Application.

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 extension retroactively to February 16, 2021 and for one additional year from the publication date of this Resolution to the same month and day in 2022, subject to the following:

1. The Applicants are required to comply with all conditions in the previous approving resolution granted by the Board under Application 18-15Z.
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 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.

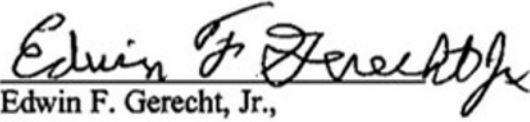
WHEREAS, A Motion was made by Mr. Grosskopf and seconded by Mr. Rosenberg to GRANT approval of the Relief Requested as set forth herein.

BE IT FURTHER RESOLVED, that this Resolution, adopted on February 16, 2021, memorializes the action of the Board of Adjustment taken on the Hearing Date with the following vote: Yes: Gianakis, Grosskopf, Hain, Malloy, Rosenberg, Gerecht; No: None; Recused: None; Not Eligible: None; Absent: Aroneo, Johnson, Pesce.

RESOLUTION DATE: February 16, 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			X		
GIANAKIS	X				
GROSSKOPF	X				
MALLOY	MOTION				
ROSENBERG	2ND				
PESCE – ALT 1			X		
HAIN – ALT 2	X				

I hereby certify this to be a true copy of the Resolution adopted on February 16, 2021.


 Debra Coonce,
 Board Secretary

STATE OF NEW JERSEY

SS.

MORRIS COUNTY

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 25 day of February, 2021 in said newspaper.

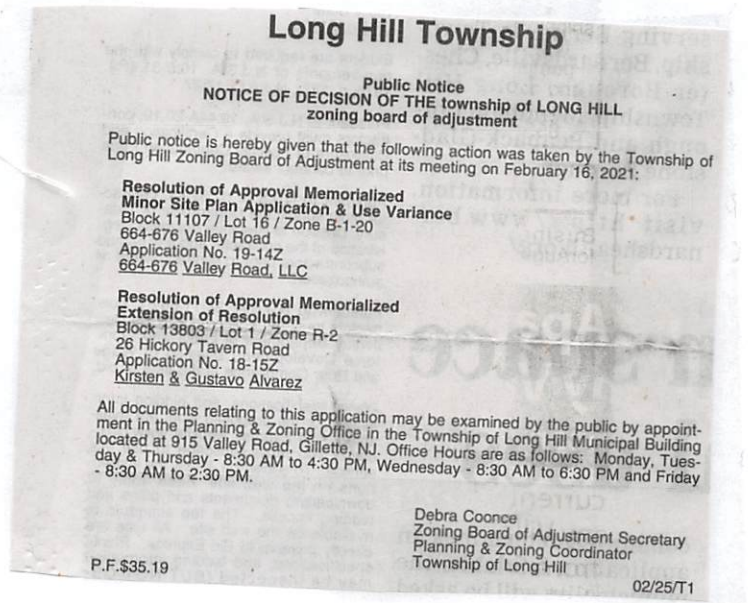
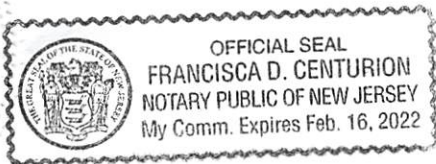
Debra Coonce

Sworn and subscribed before me this

25th day of FEBRUARY 2021

Francisca D. Centurion

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 February 16, 2021:

**Resolution of Approval Memorialized
Minor Site Plan Application & Use Variance**
Block 11107 / Lot 16 / Zone B-1-20
664-676 Valley Road
Application No. 19-14Z
664-676 Valley Road, LLC

**Resolution of Approval Memorialized
Extension of Resolution**
Block 13803 / Lot 1 / Zone R-2
26 Hickory Tavern Road
Application No. 18-15Z
Kirsten & Gustavo Alvarez

All documents relating to this application may be examined 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

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