

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

**NGK INVESTMENTS, LLC
766 Valley Road
Gillette, New Jersey
Block 11102, Lot 13
APPLICATION NO.: #22-02Z**

**Hearing Date: June 7, 2022
Board Action: June 7, 2022
Memorialization: June 21, 2022**

WHEREAS, NGK Investments, LLC (the “Applicant”) is the owner of property located at 766 Valley Road, Gillette, identified as Block 11102, Lot 13 (the “Property” or the “Site”) on the Long Hill Township Tax Map, in the R-3 Residential District; and

WHEREAS, the Applicant 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 single-family dwelling on the Property:

- i. A bulk variance for an existing lot area of 25,000 square feet, whereas a minimum lot area of 30,000 square feet is required in the R-3 Zone as set forth in the Land Use Ordinance of the Township of Long Hill (the “Ordinance”);
- ii. A bulk variance for an existing lot width of 100 feet, whereas a minimum lot width of 150 feet is required in the R-3 Zone, pursuant to the Ordinance;
- iii. A bulk variance for a proposed lot coverage of 22.48%, whereas the maximum permitted lot coverage in the R-3 Zone is 20%, pursuant to the Ordinance;
- iv. A bulk variance for a 16.8-foot setback to critical areas (steep slopes), whereas a minimum setback of 50 feet is required, pursuant to the Ordinance;
- v. A bulk variance for a dwelling height of 38.4’, whereas the maximum permitted dwelling height is 35 feet in the R-3 Zone, pursuant to the Ordinance; and
- vi. A bulk variance for a retaining wall height (western side) of 7 feet (with safety fencing), whereas the maximum permitted wall height in a front yard is 4 feet in the R-3 Zone, pursuant to the Ordinance; and

WHEREAS, the Applicant 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. Land Development Application with addenda, checklists, checklist waiver forms and zoning tables, dated February 2, 2022;
- b. Property Survey prepared by John C. Ritt, PLS, dated February 19, 2020;
- c. Variance Plans prepared by David E. Fantina, P.E., dated August 20, 2021, same consisting of 3 sheets; and
- d. Architectural Plans prepared by Wellisch Architects, LLC dated May 4, 2015, same consisting of 5 sheets; and

WHEREAS, the Applicant 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:

- a. Memorandum from Board Planner, Elizabeth Leheny, PP, AICP, dated June 3, 2022; and
- b. Memorandum from Board Engineer, Samantha Anello, PE, CME, CFM, dated June 1, 2022; and

WHEREAS, during the public hearing on the application on the Hearing Date, the Applicant, represented by Frederick Zelle, Esq., of Bisogno, Loeffler & Zelle, LLC, was 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. David Fantina, PE, the Applicant's Engineer; and
2. Hendel Gonzalez, the Applicant Builder; and

WHEREAS, members of the public appeared to ask questions about and to comment on the application, as more fully set forth on the record; and

WHEREAS, Mr. Zelle introduced the application and called multiple witnesses to present testimony to the Board, as more fully set forth on the record, as follows:

1. The Property includes one tax lot (i.e., Block 11102, Lot 13) located on the north side of Valley Road to the east of its intersection with Western Boulevard Ln Gillette. The lot is in the R-3 Residence zone and is approximately ±25,000 square feet (i.e., 0.574 acres) with approximately ±100 feet of frontage on Valley Road. Across Valley Road from the subject site is the Senior Center, Gillette Elementary School, and Sunrise at Gillette condo and townhome development. Neighboring properties on the north side of Valley Road are predominantly single-family residential dwellings. The Property is currently mostly vacant, wooded, and slopes steeply

upward from Valley Road. Approximately ±8,543 square feet of the ±25,000 square foot lot is shown as having slopes in excess of 15 percent (i.e., steep slopes).

2. Lot 13 was created by subdivision in 1912 as was Lot 16 which is located directly to the west of Lot 13. Both lots consist of several lots shown on the 1912 subdivision map submitted with this application. Present-day Lot 13 consists of Lots 13 and 14 on the 1912 subdivision map; and present-day Lot 16 consists of Lots 15, 16 and 17 on the 1912 subdivision map. Lot 16 is presently improved with a single-family home, detached garage, and driveway leading to Valley Road. The Applicant purchased Lots 13 and 16 in February 2020. The Applicant subsequently executed and recorded a formal Driveway Easement Agreement pursuant to which the owner of Lot 16 may use that portion of its driveway (from Valley Road) which traverses Lot 13, and further pursuant to which the owner of Lot 13 may use any necessary portion of Lot 16 to access (from Valley Road) the single-family residence intended to be constructed on Lot 13. The applicant later conveyed Lot 16 to a third party. As such, although Lot 13 is shown as a vacant lot on the tax records, the southern portion is improved with an asphalt driveway, retaining wall, and landscaping which provides access from Valley Road to Lot 16 and any future home on the subject property, i.e., Lot 13.

3. The Property also neighbors properties fronting on Highland Avenue. The northeast corner of the Property touches Highland Avenue at a point but does not have frontage on that street. Per the addenda submitted with the application, the Applicant has attempted to procure easement rights across an adjacent lot (i.e., Lot 42) which is situated between the subject lot and Highland Avenue. The Applicant has also attempted to acquire that portion of Lot 42 between Lot 13 and Highland Avenue. To date, however, those efforts have been unsuccessful.

4. The Applicant is proposing to construct a single-family residence on the subject Property. The home would be accessed from Valley Road via the driveway that currently serves Lot 16 and traverses the southern portion of Lot 13. The house would be two stories and consist of living space and attached two-car garage on the ground floor; and four bedrooms, two bathrooms, and a laundry room on the second floor. The proposed basement appears to be unfinished. The home's exterior would be clad in wood/vinyl siding. The roof would be clad in asphalt shingles.

5. The requested bulk variance relief is subject to the criteria set forth in N.J.S.A. 40:55D-70(c).

6. The Board Professionals, Elizabeth Leheny, AICP, PP, the Board Planner, and Samantha Anello, PE, CME, CFM, the Board Engineer, were duly sworn according to law.

7. Frederick Zelle, Esq., entered his appearance on behalf of the Applicant and provided an overview of the Applicant's proposal, the requested relief, the witnesses to be presented, and the materials submitted as part of the application.

8. David E. Fantina, P.E., was duly sworn, provided his credentials, and was accepted by the Board as an expert in the field of civil engineering. Mr. Fantina referenced the variance plans and explained the existing conditions (including that the Property is an undersized vacant, buildable residential lot, replete with steep slopes primarily on the southern portion, and no

frontage to the north on Highland Avenue, as well as a driveway that serves the existing dwelling on adjacent Lot 16). He also explained the proposed single-family dwelling and its related site improvements to be constructed by the Applicant.

9. Mr. Fantina explained the reason for the location of the dwelling. He explained that, although the northeast corner of the subject lot touches Highland Avenue at a point, the lot does not have frontage on that street. As it would be more desirable for the proposed home to face and be accessed from Highland Avenue, which would obviate the need for the critical slopes setback variance and the lot coverage variance as well, the Applicant has attempted to procure either easement rights across the triangular portion of Lot 42 that is situated between that lot and the subject lot, or to acquire that portion of Lot 42. To date, however, those efforts have been unsuccessful.

10. Mr. Fantina also explained that the area and width of the subject lot are pre-existing, having been established by the aforementioned 1912 subdivision. He testified that the coverage variance and the critical areas setback variance are interrelated in that, either could be minimized or possibly even eliminated, but doing so would cause the other to be intensified. If the homesite were moved further away from the steep slopes (i.e., further away from Valley Road), the driveway would have to be lengthened accordingly, adding impervious coverage. Conversely, if the homesite were moved closer to Valley Road in order to shorten the driveway and reduce impervious coverage, the home would be closer to, if not within, the steep slopes. Mr. Fantina testified that the Applicant believes that the proposed homesite represents the best compromise of these competing/conflicting concerns.

11. Mr. Fantina addressed the Board Engineer's memo of June 1, 2022 and stipulated as conditions of approval to all of the items contained therein. As to the dwelling height, given the proposed basement access door with steps (despite that it did not constitute either a walkout basement or an additional story), measured from the peak of the roof to the lowest grade, the Applicant requested bulk variance relief up to a height of 38.4 feet and stipulated to amending the architectural and grading plans accordingly. The Applicant also stipulated to compliance with the tree replacement requirements.

12. Mr. Fantina addressed the Board Engineer's Comment #3 regarding the potential difficulty of traffic turning left into the proposed shared driveway entrance from Valley Road to see another vehicle leaving the Site, and the Applicant stipulated to clearing the vegetation on Lot 13 between the road and the driveway and providing ground cover stabilization, subject to the review and approval of the Board Engineer.

13. Hendel Gonzalez, 12 Sunset Drive, Bernardsville, New Jersey, was duly sworn and testified as a member of the Applicant LLC and a builder with 20 years of experience. He confirmed that the Applicant will install fall protection fencing on top of the proposed retaining wall and the Applicant requested the requisite bulk variance relief for a retaining wall of up to 7 feet in height in the front yard of the Property. He confirmed the existence of the access easement for the shared driveway when the Applicant owned both Lots 13 and 16 and provided the easement to the new owners of Lot 16 when the Applicant sold the lot to them. Mr. Gonzalez also explained that Highland Avenue is at a higher elevation than the Property such that the top of the dwelling will appear to be approximately at grade level when viewed from Highland Avenue.

14. On questioning, the Applicant stipulated to providing a landscape plan at the time of building permit application. On discussion of the safety of the shared driveway, particularly given the location of the Property across the street (Valley Road) from the elementary school, the Applicant stipulated to widening the driveway to 18 feet in width for a length of approximately 18 feet north from the driveway's terminus at Valley Road, with the intent of allowing one vehicle to pull in off Valley Road while another vehicle exits the Property onto Valley Road, subject to the review and approval of the Township Engineer. The Applicant also amended the requested impervious coverage upward to 22.48% reflecting this and other modifications to the development plan.

15. The Applicant stipulated, as conditions of approval, to compliance with all items in the Board Planner's June 3, 2022 memo.

16. On questioning, the Applicant stipulated to supplementing the stormwater management for the Property by, *inter alia*, pitching the driveway and installing trench drains or similar facilities along the driveway to capture additional stormwater runoff in the southern portion of the Property, subject to the review and approval of the Township Engineer.

17. On public questioning, the Applicant reiterated the northern and southern portion's stormwater management facilities proposed, and also stipulated that the Zoning Officer could notify the neighbors who appeared at the hearing when the Applicant submits the proposed landscaping plan to the Township Engineer and Construction Department, so that these neighbors may provide input into the proposed landscape plan for the Property, subject to the review and approval of the Township Engineer.

18. Mr. Gonzalez testified that the proposed dwelling, referred to as the "Roosevelt Model," has 2,750 square feet of floor area, 4 bedrooms and 3 bathrooms, with a doorway out from the partially finished basement. He testified the dwelling constructed would be consistent with the architectural plans submitted. The Applicant stipulated to providing a window/window well to provide natural light into the proposed partially finished basement.

19. Mead Briggs, 42 Highland Avenue, expressed concerns regarding the safety of the shared driveway for ingress from / egress to Valley Road, the impact on stormwater runoff and the removal of the existing trees.

20. The Applicant stipulated to installing a sump pump in the basement and tying same into the southern (lower) portion of the drainage facilities.

21. No other member of the public commented on the application.

DECISION

22. After reviewing the evidence submitted, the Board, by a vote of 3 to 1, finds that the Applicant has demonstrated an entitlement to the requested bulk variance relief sought herein.

The Bulk Variances – Positive Criteria:

23. The Board recognizes that an applicant requesting 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. 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.

24. 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 (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.

25. Here, the Board finds that the requested relief for the deficient lot area and lot width is justified under the c(1) criteria, the requested relief for the excessive dwelling height and retaining wall height is justified under the c(2) criteria, and the requested relief for the excessive lot coverage and deficient steep slope setback is justified under both the c(1) and the c(2) criteria.

26. First, as to the existing lot area and lot width, the Board recognizes that the Property is comprised of two (2) lots created by subdivision in the early twentieth century, specifically shown as Lots 13 and 14 in Block K on a map entitled “Map of Gillette, property of Mutual Realty Corporate, made by W.J. Kauffman, C.E., April 10, 1912,” filed in the office of the Clerk of Morris County on September 11, 1913 as Map #B-467. The Board further recognizes that the Property is a buildable residential lot and the proposed dwelling is reasonable in proportion to the size of the lot. Moreover, the Board recognizes that the Applicant was unable to acquire adjacent vacant land to bring the lot area and/or lot width into, or closer to, conformity with the zoning requirements. As such, the Board finds that the Applicant satisfied the positive criteria under subsection c(1) for such bulk variance relief.

27. Second, and similarly, as to the impervious coverage exceedance and the steep slope setback deficiency, the Board recognizes that both deviations are products of the deficient lot area and lot width, and they are interrelated in that either deviation can be minimized or possibly eliminated, but doing so would cause the other deviation to be magnified and intensified. The area and width of the subject lot are pre-existing, having been established by the aforementioned 1912 subdivision. The coverage variance and the critical areas setback variance are interrelated. Either could be minimized or possibly even eliminated, but doing so would cause the other to be intensified. If the homesite were moved further away from the steep slopes (i.e., further away

from Valley Road), the driveway would have to be lengthened accordingly, adding impervious coverage. Conversely, if the homesite were moved closer to Valley Road in order to shorten the driveway and reduce impervious coverage, the home would be closer to, if not within, the steep slopes. The Board concurs with the Applicant and its expert witnesses that the proposed homesite represents the best compromise of these competing/conflicting concerns.

28. Third, as to the dwelling and wall height exceedances, as well as the impervious coverage exceedance and the steep slope setback deficiency, pursuant to N.J.S.A. 40:55D-70(c)(2), the Board further finds that granting the requested relief advances the purposes of the MLUL and that the benefits associated with the proposal substantially outweigh the detriment associated therewith. Specifically, the Board finds that the proposal advances the purposes set forth in subsections (a), (c), and (i) of Section 2 of the MLUL, in that it promotes the public health, safety, morals and general welfare; provides adequate light, air and open space, and promotes a desirable visual environment. The Board further finds that the benefits of granting the requested relief substantially outweigh the detriment associated therewith, particularly given the stipulated to conditions, which will further mitigate such detriment.

29. As to the impervious coverage and steep slope setback deviations, as above, the Board concurs that the proposed location of the dwelling represents the best compromise of those competing/conflicting concerns, and the better of the zoning and planning alternatives. As to the dwelling height, the benefits to a partially finished basement with natural light, which are reasonable residential amenities, to the housing stock, substantially outweigh any very modest detriment associated with the 3.4-foot height exceedance, which itself is a function of how building height is measured under the Ordinance, and will be imperceptible, particularly given the elevation change to the residences on Highland Avenue. As to the excessive retaining wall height, same is a function of the installation of fall protection fencing on top of the wall, the safety purpose of which is substantially beneficial.

30. As such, the Board finds that the Applicant has demonstrated the positive criteria for all of the requested variance relief, some under one, and some under both, of the alternative bases for such bulk variance relief under subsections c(1) and c(2) of Section 70 of the MLUL.

The Bulk Variances – Negative Criteria:

31. 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.

32. 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 proposed dwelling and site improvements are reasonable in relation to the surrounding low density residential neighborhood,

and given the numerous conditions of approval stipulated to by the Applicant and set forth below, sufficiently mitigating all associated detriments. The Board recognizes that only one 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. 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 single-family dwelling use is a permitted use in the R-3 Zone District.

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

WHEREAS, the Board took action on this application at its meeting on June 7, 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 Applicant shall comply with the requirements and recommendations set forth in the Board Engineer's Memorandum, dated June 1, 2022, and the Board Planner's Memorandum, dated June 3, 2022, including, but not limited to the following:
 - i. Due to the proposed construction within steeply sloped critical areas, the following conditions shall be implemented during construction:
 - a) Upon installation of roofing material on a structure, temporary gutters and downspouts shall be immediately installed and connected to the drywells (or other stormwater management devices proposed).
 - b) Construction shall be sequenced such that the total area of steep slopes disturbed at one time is 1,000 square feet or, if approved by the Township, minimized to the maximum extent possible.
 - c) 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.

- d) The limits of disturbance shall be staked in the field by a licensed professional land surveyor. Snow fencing shall be installed at the proposed limits of disturbance to prevent further disturbance.
 - e) All silt fence installed within the critical areas (steep slopes) shall be “super” silt fence as defined in standards for SESC in New Jersey as promulgated by the NJDA State Soil Conservation Committee, as noted on the plans.
- ii. Details for the proposed retaining wall shall be provided on the plans and the following shall be considered:
 - a) Wall height includes retaining wall height plus the height of fall protection above the wall as per LU-154.l(E)3.
 - b) Signed and sealed stability calculations shall be provided for all retaining walls exceeding four (4) feet in height.
- iii. Top and bottom of wall elevations for the proposed retaining wall adjacent to the driveway shall be provided and verified if the retaining wall can be constructed without disturbing and/or requiring access from Lot 16.
- iv. A cut/fill analysis shall be provided for the proposed grading, driveway construction, and basement excavation.
- v. The architectural plans shall be amended to depict the basement door and windows.
- vi. The Applicant shall provide a landscaping plan to the Zoning Officer, the Township Engineer, and Construction Department, and the Zoning Officer may notify the neighbors who appeared at the hearing so that these neighbors may provide input into the proposed landscaping plan for the Property, subject to the review and approval of the Township Engineer and the Construction Department.
- vii. The plans shall be amended to show that all water and sewer service connection details and proposed electric, cable, and internet service locations shall be underground.
- viii. Per Long Hill Township Code Section LU-146, Stormwater Management is applicable to any minor or major site plan or subdivision that requires Planning Board or Board of Adjustment approval for both minor and major development as defined by the Code. The development of Lot 13 will require the submission of a lot grading plan for review and approval, including the necessary stormwater management design.
- ix. The proposed drywell system is located under the proposed driveway/parking area. The drywell system shall be certified for vehicular loading.

- x. As noted on the plans, soil borings/test pits shall be conducted in the vicinity of the proposed drywell to verify the soil conditions and the suitability of the proposed drywell design, or an alternative stormwater system shall be proposed, subject to the review and approval of the Township Engineer.
- xi. Per Long Hill Township Code Section LU-146.3.F, all roof gutters shall be protected from the accumulation of leaves and litter by the installation of a gutter cap leaf separation device within the project area. Gutter screens or louvers are not acceptable. Same shall be noted on the plans.
- xii. The Applicant shall obtain approval from the Morris County Planning Board.
- xiii. The Applicant shall obtain lot grading approval, in accordance with Long Hill Township Code Section LU 183-9, for the development of proposed Lot 13 prior to construction.
- xiv. The Applicant shall obtain approval from New Jersey American Water for the proposed water service and sewer service connections, as well as for review and approval of all water and sewer service details.
- xv. The Applicant shall obtain a Road Opening Permit from the County of Morris for the proposed utility connections within Valley Road CR 512).
- xvi. The Applicant shall make changes to the zoning table on the site plan drawings identified in the footnotes below the zoning table included in the Board Planner's memo.

2. The Applicant shall clear the vegetation on Lot 13 between the road and the driveway and provide ground cover stabilization, subject to the review and approval of the Township Engineer;

3. The Applicant shall comply with the Township's tree replacement requirements;

4. The Applicant shall install fall protection fencing on top of the proposed retaining wall, subject to the review and approval of the Township Engineer;

5. The driveway shall be widened to 18 feet in width for a length of approximately 18 feet north from the driveway's terminus at Valley Road, with the intent of allowing one vehicle to pull in off Valley Road while another vehicle exits the Property onto Valley Road, subject to the review and approval of the Township Engineer;

6. The Applicant shall supplement the stormwater management for the Property by, inter alia, pitching the driveway and installing stone filled trenches, trench drains or similar facilities along the driveway to capture additional stormwater runoff in the southern portion of the Property, subject to the review and approval of the Township Engineer;

7. The Applicant shall provide a window/window well to provide natural light into the proposed partially finished basement;

8. The Applicant shall install a sump pump in the basement and tie same into the southern (lower) portion of the drainage facilities;

9. 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;

10. 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;

11. The Applicant shall comply with Section 3-15.8 of the Ordinance, which prohibits construction activities between the hours of 8:00 PM and 7:00 AM;

12. 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;

13. 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;

14. 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

15. 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

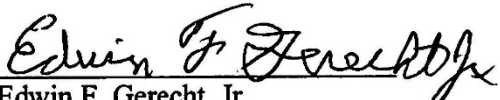
to coordinate Resolution compliance, at the same time as such correspondence is sent to, or received by, the Applicant.

WHEREAS, a Motion was made by Board Member Brennan and seconded by Board Member Lindeman to GRANT approval of the Relief Requested as set forth herein.

BE IT FURTHER RESOLVED, that this Resolution, adopted on June 21, 2022, memorializes the action of the Board of Adjustment taken on the Hearing Date with the following vote: : Yes:, Brennan, Lindeman, Johnson; No: Hain; Recused: Aroneo; Not Eligible: None; Absent: Gianakis, Grosskopf, Rosenberg, Gerecht.

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		
ROSENBERG			X		
HAIN			X		
LINDEMAN – ALT 1	2nd				
BRENNAN – ALT 2	M				

I hereby certify this to be a true copy of the Resolution adopted on June 21, 2022.

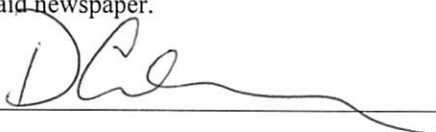

 Debra Coonce,
 Board Secretary

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 30th day of June, 2022
 in said newspaper.

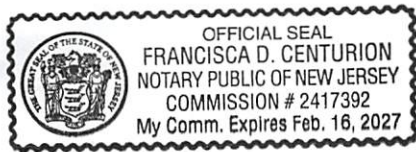
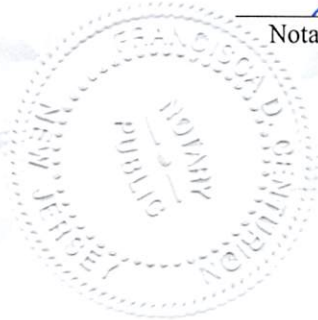


Sworn and subscribed before me this

30TH day of JUNE, 2022



Notary Public of New Jersey



Long Hill Township
PUBLIC NOTICE
NOTICE OF DECISION
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 June 21, 2022:

Resolution of Approval Memorialized
Bulk Variance
 Block 12803 / Lot 33 / Zone R-2
 250 Skyline Drive
 Application No. 22-04Z
Robert Hessels on behalf of David & Maureen Singh

Bulk Variances
 Block 11102 / Lot 13 / Zone R-3
 766 Valley Road
 Application No. 22-02Z
 NGK Investments, LLC

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. \$34.17 06/30/T1