

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

**WALTER THIEVON  
62 CENTRAL AVENUE  
STIRLING, NEW JERSEY 07980  
BLOCK 13001, LOT 3  
APPLICATION NO.: 2020-08Z**

**Hearing Date: February 16, 2021  
Board Action: February 16, 2021  
Memorialization: April 6, 2021**

WHEREAS, Walter Thievon (the “Applicant”) is the owner of property located at 62 Central Avenue in Stirling, identified as Block 13001, Lot 3 (the “Property”) on the Long Hill Township Tax Map, in the R-3, Residential, zoning district; and

WHEREAS, the Applicant 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 an addition to an existing single-family home on the Property; and

WHEREAS, the Applicant 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 Lot Area (Ordinance Section 131) – Existing Condition:  
Required: 30,000 sq. ft.; Existing and Proposed: 8,575;

Minimum Lot Width (Ordinance Section 131) – Existing Condition:  
Required: 150’; Existing and Proposed: 50’;

Minimum Front Yard Setback (Ordinance Section 131) – Existing Condition:  
Required: 50’; Existing and Proposed: +/-25’;

Minimum Side Yard Setback (Ordinance Section 131) – Existing Condition:  
Required: 25’; Existing and Proposed: 9.77’ and 13’;

Maximum Lot Coverage (Ordinance Section 131) – Existing Condition:  
Permitted: 20%; Existing and Proposed: 29%;

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:

Application with addenda, dated September 22, 2020;

Property Survey of “Block 13001 (Old Block 144) Lot 3 (Old Lot 3),” prepared by Martin A. Grant Surveying, Inc., dated 10/19/2020;

Elevations and Floor Plans entitled “Second Floor Addition 62 Central Ave, Long Hill Twp,” prepared by Robert P. Coletta, dated 11/5/2020; 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 report from its Planner:

Memorandum from Board Planner, Elizabeth Leheny, PP, AICP, dated February 12, 2021; and

WHEREAS, during the public hearing on the Application on the Hearing Date, the Applicant, appearing pro se, was 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 Applicant presented testimony from the following individuals:

1. Walter Thievon, Applicant;
2. Crista Bennett; and

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

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

1. Walter Thievon and Crista Bennett were sworn and testified regarding describing the Property. The first floor will remain the same. Ms. Bennett described the rooms on the first floor and the existing rooms on the second floor which consists of a bathroom and a small bedroom. The second floor will be expanded to construct additional room and to add additional height. The second floor will not exceed the first floor footprint. The surrounding homes contain two stories, as well. No changes to the existing lighting is proposed.

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

1. The Property is comprised of an improved 8,575 square foot parcel designated as Lot 3 in Block 13001, more commonly known as 62 Central Avenue, in the R-3, residential zoning district. The Property is improved with an existing 1.5 story single-family residence, a concrete driveway, a paver walkway, a detached garage, a shed, and a multi-level paver patio. The Property is surrounded

by similarly sized single-family residences. The proposed materials will match the existing exterior of the home.

2. The Applicant proposes to construct an addition expanding the second story of the home into a full story within the footprint of the first floor. The Applicant's existing and proposed improvements contain deviations from certain bulk standards in the Ordinance, as enumerated in the Relief Requested. Thus, the Applicant has requested relief from the Board in the form of bulk variances 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 deviations resulting from the Applicant's proposal to construct an addition to the single-family residential dwelling in a residential zoning district, as specified in the Relief Requested. The Property is undersized and, as such, no improvement may take place without Board relief. The Board finds that the requested deviations are existing and not substantial. In addition, the proposed improvements will match the existing home and will be in keeping with the other homes in the neighborhood. The volume and massing of the new addition will be compatible with the neighborhood, as well. The Board further finds that it is not possible for the Applicant to obtain additional land in order to create a

conforming lot as all of the lots surrounding the Property are improved with residences. The Board is satisfied that the Applicant's proposal to construct an addition entirely within the footprint of the existing home in a residential zone despite the physical constraints on the Property, 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 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 amend the architectural plans to reflect the measurements in the survey and shall resubmit said plans.
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. In accordance with the adopted ordinance provisions and the current requirements of the Township of Long Hill, to the extent applicable, the Applicant 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 Applicant's 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 or received by the Applicant.


WHEREAS, A Motion was made by Mr. Aroneo and seconded by Vice Chairman Johnson to GRANT approval of the Relief Requested as set forth herein.

BE IT FURTHER RESOLVED, that this Resolution, adopted on April 6, 2021, memorializes the action of the Board of Adjustment taken on the Hearing Date with the following vote: Yes: Aroneo, Gianakis, Grosskopf, Johnson, Malloy, Rosenberg, Gerech; No: None; Recused: None; Not Eligible: Hain, Pesce; Absent: None.

RESOLUTION DATE: April 6, 2021


ATTEST:

  
 Debra Coonce,  
 Board Secretary

  
 Edwin F. Gerech, Jr.,  
 Chairman

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

I hereby certify this to be a true copy of the Resolution adopted on April 6, 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 15th day of April, 2021 in said newspaper.

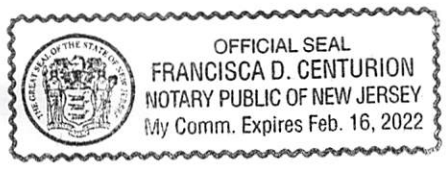
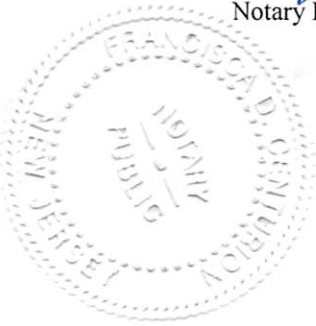
*D Coonce*

Sworn and subscribed before me this

19th day of April, 2021

*[Signature]*

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 April 6, 2021:

**Resolution of Approval Memorialized**  
Use Variance  
Block 10515 / Lot 7 / Zone B-D  
44 Plainfield Road  
Application No. 2020-02Z  
Jonathan Rocker

**Resolution of Approval Memorialized**  
Bulk Variances  
Block 13001 / Lot 3 / Zone R-3  
62 Central Avenue  
Application No. 2020-08Z  
Walter Thievon

**Resolution of Approval Memorialized**  
Bulk Variances  
Block 13204 / Lot 20 / Zone R-2  
58 Delaware Avenue  
Application No. 2020-09Z  
Patrick Dwyer

**Resolution of Approval Memorialized**  
Bulk Variances  
Block 13801 / Lot 69 / Zone R-2  
44 Magna Drive  
Application No. 2020-12Z  
Sean & Kristen Conner

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.\$48.45 04/15/21