

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

**285 MAIN AVENUE, LLC
BLOCK 11511, LOT 32
285 MAIN AVENUE
STIRLING, NEW JERSEY 07946
APPLICATION NO.: 22-09P**

**Hearing Date: October 11, 2022
Board Action: October 11, 2022
Memorialization: November 22, 2022**

WHEREAS, 285 Main Avenue, LLC ("Applicant"), has applied to the Planning Board of the Township of Long Hill ("Board") for minor site plan approval and the variance relief listed below, associated with the proposed installation of a masonry accessibility ramp to access the dental practice located within the existing building, located at Block 11511, Lot 32 in the municipal tax records, and more commonly known as 285 Main Avenue in the B-1-5 – Village Business Zone ("Property" or "Site"):

A variance for lot coverage of 84%, whereas the maximum permitted lot coverage in the B-1-5 zone is 65%, pursuant to Section LU-131 and Attachment 1 of the Township's Land Use Ordinance ("Ordinance"); and

WHEREAS, a duly noticed public hearing was held on this application on October 11, 2022, in compliance with the Open Public Meetings Act ("OPMA") and the Municipal Land Use Law ("MLUL"), at which time members of the public were afforded the opportunity to appear and be heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant, any interested parties, the general public, and its own professionals, has hereby made the following findings of fact and conclusions of law:

FINDINGS

1. All of the application materials and hearing exhibits were made available to members of the public within the requisite timeframes in advance of the hearing.
2. The Applicant submitted the required affidavits of publication and affidavits of service, which the Board's attorney determined gave the Board jurisdiction to hear the application. The application took place in real time at the Board's regularly scheduled October 11, 2022

meeting in the courtroom at the Long Hill Township Municipal Complex, located at 915 Valley Road, Gillette, New Jersey 07933.

3. The Property is a 7,500 square-foot (0.17 acre) parcel with frontage along Main Avenue, between Union and Essex Streets. It is rectangular in nature and developed with an existing one-story masonry building accompanied by an associated driveway and parking lot. The existing building is currently used for the dental practice of Dr. Bridget A. Lang, DMD, who is the managing member of the Applicant. The Property is located within the B-1-5 zone and is surrounded primarily by other commercial uses.

4. The Applicant proposes to install an accessibility ramp leading to the entrance door along the building's Main Avenue frontage, which currently has a stoop with stairs into the front entrance of the building. Because the existing improvements exceed the maximum allowable lot coverage under the Ordinance, the 1% increase in lot coverage associated with the installation of the accessibility ramp necessitates a bulk variance. Said bulk variance relief is governed by N.J.S.A. 40:55D-70(c).

5. The Applicant requested a number of checklist waivers from the municipality's Application for Development Checklist A on the basis of the limited exterior impact caused by the installation of the proposed accessibility ramp. The Board agreed to grant the requested checklist waivers as many of the submission requirements laid out in the minor site plan component of the checklist would be unduly burdensome on the Applicant when considering the lack of major site improvements. The Board thus deemed the application complete and proceeded to hear the matter at the public hearing.

6. As part of its application, the Applicant submitted the following plans and documents, which the Board considered as part of the record:

- a. Township of Long Hill Application for Development, with associated cover letter, narrative, checklist(s) and waiver requests, zoning table, and other required attachments, submitted by the Applicant's counsel on August 31, 2022.
- b. Set of Six Photographs depicting the Site, submitted by the Applicant's counsel with the application.
- c. Property Survey, prepared by John J. Butler, P.L.S., of Butler Surveying & Mapping, Inc., dated December 28, 2017.

- d. Architectural Plans, prepared by Robert P. Coletta, AIA, dated August 19, 2022, and consisting of two (2) sheets.
7. The Applicant did not present any exhibits during the public hearing.
8. The Board also received and considered the following correspondence and memoranda prepared by the Board's and municipality's own professionals, which the Board considered as part of the record:
 - a. Memorandum from Board Engineer Samantha J. Anello, PE, CME, CFM, dated September 21, 2022, and consisting of three (3) pages.
 - b. Memorandum from Board Planner Elizabeth Leheny, PP, AICP, dated September 30, 2022, and consisting of three (3) pages.
9. The Board Planner, Elizabeth Leheny, PP, AICP, and Board Engineer, Samantha Anello, PE, CME, CFM, were both duly sworn according to law.
10. Frederick B. Zelle, Esq., entered his appearance on behalf of the Applicant. Mr. Zelle provided an overview of the application and introduced the witnesses on whose testimony the Applicant relied. He represented that he took the submitted series of photographs depicting the Property and confirmed that they portray an accurate depiction of the Property as it existed at the time of the filing of the Application.
11. The Applicant first called Dr. Bridget A. Lang, DMD, the managing member of the Applicant, to present operational testimony. Dr. Lang was duly sworn according to law, and the Board found her testimony generally credible and generally accepted her testimony as fact.
12. Dr. Lang stated she moved her practice to the Township approximately four years ago and largely operates as a family practitioner serving clients from age two years and up. She stated she has a few clients with mobility issues and seeks to install a handicap access ramp at the front of the building, which currently serves as the primary method of access to her practice. Using pictures previously supplied to the Board by Mr. Zelle, Dr. Lang went through the existing conditions onsite.
13. The dental office is the front suite of the existing building, most easily accessed from the front stoop. There is another unit to the rear that Dr. Lang is seeking to eventually rent out to a tenant, and a common doorway exists on the side of the building by the parking lot. Placing the ramp at this side entrance would be less practical for access to the dental practice and would also involve access from the existing driveway, rather than the front of the building. Because the

ramp would involve removing some existing shrubbery, the Applicant proposes to replace these shrubs with potted plants alongside the sidewalk area in the front of the building. The Applicant stipulated to placing a veneer on the front concrete of the ramp to make the addition more aesthetically pleasing.

14. The Applicant next called Robert Coletta, AIA, who was duly sworn, to present architectural testimony. The Board accepted his credentials in the field of architecture, found his testimony generally credible, and generally accepted his testimony as fact.

15. Mr. Coletta designed the plans for the proposed ramp and confirmed that it was his opinion that the ramp was placed in the most logical spot. The ramp would have to be narrower if placed to the side of the building, due to the existing driveway, and it is more accessible and easier to maneuver if placed to the front. The ramp would be four feet, eight inches (4' 8") wide and slowly pitch up approximately ten inches to the door. The material would be concrete block with a black-painted steel handrail. Mr. Coletta confirmed that the ramp would not cause any visibility issues for clients coming out of the driveway. Street parking is also available. The Applicant also stipulated to maintaining any new shrubbery, such that it would not extend into the public sidewalk.

16. No members of the public appeared to comment on, or ask questions about, the application.

CONCLUSIONS AND DECISION

17. After reviewing the evidence submitted and the testimony presented, the Board, by unanimous vote finds that the Applicant has demonstrated an entitlement to the requisite minor site plan approval and associated bulk variance relief.

The (c)(2) Variance Relief – Positive Criteria

18. As to the positive criteria under N.J.S.A. 40:55D-70(c)(2) governing the requested bulk variance for exceeding the Ordinance's lot coverage limitations, the Board finds that the application advances the purposes of the MLUL and that the benefits of deviating from the zoning ordinance substantially outweigh the detriment associated therewith.

19. The Board finds that this application promotes the purposes of the MLUL as Set forth in N.J.S.A. 40:55D-2. This application promotes the public health, safety, morals, and general welfare by making an existing building more accessible for disabled patrons and allowing said patrons easier access to the beneficial use of dentistry. The Applicant credibly testified that

the installation of the ramp will allow better service for the clients. Furthermore, because the benefits of this deviation are substantial, the Board finds that same substantially outweighs the relatively modest associated detriment. In fact, the Applicant stipulated to making the addition aesthetically pleasing and the variance only exists because of a 1% increase in lot coverage for a lot already improved with an existing parking area, building, and drive aisle.

The (c)(2) Variance Relief – Negative Criteria

20. As to the negative criteria under N.J.S.A. 40:55D-70(c) governing the requested variance relief, the Board finds that this application 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.

21. The Board finds the detriment to this proposal relatively modest. The Board found above the positive aspects of this proposal, and the Applicant credibly testified this would have virtually no impact to the surrounding sites, nor any substantial impact to visibility for traffic purposes. The Board recognizes the 1% increase in coverage is a very modest change when considering the existing conditions of the Site, which is substantially improved. This proposal is not akin to a rezoning of the Property, and in fact, brings the Site more in line with modern regulations by making it more ADA accessible.

22. In conclusion, the Board finds that the Applicant has met its burden in satisfying both the positive and the negative criteria for bulk variance relief under N.J.S.A. 40:55D-70(c)(2), and determines such relief should be granted.

23. Thus, subject to the conditions contained herein, the Board finds the Applicant is entitled to approval of its minor site plan application with the aforementioned bulk variance relief, and determines that such relief should be GRANTED; and

WHEREAS, the Board took action on this application at its meeting on October 11, 2022, and this Resolution constitutes a Resolution of Memorialization of such action taken in accordance with N.J.S.A. 40:55D-10(g);

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Long Hill, on this 22nd day of November, 2022, that the application filed by 285 Main Ave, LLC, for minor site plan approval together with bulk variance relief and any applicable waivers, be granted subject to the following conditions:

1. Any and all outstanding taxes and escrow fees shall be paid in full and the escrow account shall be replenished to the level required by Ordinance within 30 days of the adoption of a Resolution, within 30 days of written notice that a deficiency exists in the escrow account, prior to signing the site plan and/or subdivision plat, prior to the issuance of a zoning permit, prior to the issuance of construction permits, and prior to the issuance of a temporary and/or permanent certificate of occupancy, completion or compliance (whichever is applicable);
2. The Applicant shall maintain all shrubbery onsite, such that it shall not extend onto, or interfere with, the public sidewalk;
3. The Applicant shall install a veneer on the concrete front of the ramp to make the ramp more aesthetically pleasing, said veneer shall be installed to the satisfaction of the Board Planner;
4. The Applicant shall correct the zoning table on the architectural plans to reflect the correct maximum front yard;
5. A breakdown of the existing and proposed lot coverage must be provided to the Board Engineer;
6. The accessibility ramp must comply with all applicable Uniform Construction Code and ADA requirements unless relief is granted by the Construction Official in accordance with applicable State and/or Federal regulations;
7. The Applicant shall comply with all recommendations and conditions stated in the review memorandum of both the Board's Engineer and Professional Planner;
8. The Applicant shall comply with, and be responsible for, any costs associated with any and all Federal, State, County and local ordinances, codes, rules and regulations, with regard to all aspects of the Property, including stormwater management, Affordable Housing compliance and such applicable laws and codes;
9. The Applicant shall post all required performance guarantees, engineering, maintenance, and inspection fees as may be applicable and required pursuant to the MLUL. These amounts shall be calculated by the Board Engineer;
10. The Applicant shall obtain governmental approval from any other governmental agencies with jurisdiction relating to the property;

11. The variance relief granted herein shall expire unless such construction or alteration permitted by the variance relief has actually commenced within two (2) years of the date of this Resolution, since the variance relief was granted in conjunction with minor site plan approval;
12. All representations, commitments, and agreements made by the applicant or its representatives at the hearing in this matter or contained in any document, sketch, plat, or submission delivered to the Board at any time prior to this approval, including notes contained in original or revised submissions, will be considered as conditions of approval of this application for development and are hereby incorporated into this Resolution by reference;
13. The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent same are not inconsistent with the terms and conditions set forth herein; and
14. The aforementioned approval shall be subject to all State, County, and local statutes, ordinances, rules, and regulations affecting development in the municipality, County, and State.

BE IT FURTHER RESOLVED, that this Resolution, adopted on November 22, 202, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes: Motion/Richardson, Second/Dill, Hands, Jones, Pfeil, Sandow; No: None; Recused: None; Not Eligible: None; Absent: Malinousky, Rae, Verlezza.

ATTEST:



Debra Coonce
Board Secretary



Dennis Sandow
Chairman

VOTE ON RESOLUTION					
MEMBER	YES	NO	NOT ELIGIBLE	ABSTAINED	ABSENT
CHAIRMAN SANDOW	X				
VICE CHAIRMAN RICHARDSON	X				
(CLASS I) COMMITTEEMAN RAE			X		
(CLASS II) MS. DILL	X				
(CLASS III) COMMITTEEMAN VERLEZZA			X		
MR. HANDS	2 ND				
MR. JONES	M				
MR. MALINOUSKY			X		
MR. PFEIL	X				

I hereby certify this to be a true copy of the Resolution adopted on November 22, 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.



Long Hill Township
PUBLIC NOTICE
NOTICE OF DECISION OF THE TOWNSHIP OF LONG HILL
PLANNING BOARD

Public notice is hereby given that the following action was taken by the Township of Long Hill Planning Board at its meeting on November 22, 2022:

Resolution of Approval Memorialized
Minor Site Plan
Block 11511 / Lot 32 / Zone B-1-5
285 Main Avenue
Application No. 22-09P
285 Main Avenue LLC

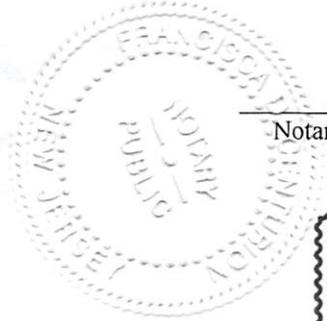
All documents relating to this application may be examined by the public by appointment in the Planning & Zoning Office in the Township of Long Hill Municipal Building located at 915 Valley Road, Gillette, NJ. Office Hours are as follows:
Monday, Tuesday & Thursday - 8:30 AM to 4:30 PM, Wednesday - 8:30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

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

P.F. \$27.03 12/01/T1

Sworn and subscribed before me this

1ST day of DECEMBER, 2022



Notary Public of New Jersey