

**HARDING TOWNSHIP BOARD OF ADJUSTMENT MINUTES**  
**SPECIAL MEETING**  
**May 27, 2021**  
**6:30 PM**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

The Board Chair, Mr. Flanagan called the special meeting of the Board of Adjustment to order at 6:30 and announced that adequate notice of the meeting had been made in accordance with the New Jersey State Open Public Meetings Act and State Executive Order 103.

**ROLL**

Ms. Taglairino called the roll. It went as follows:

Mr. Cammarata	Present(late)	Mr. Newlin	Excused	Mr. Maselli	Present(late)
Mr. Addonizio	Present(late)	Ms. Sovolos	Present	Mr. Boyan	Present
Mr. Rosenbaum	Present	Mr. Symonds	Present	Mr. Flanagan	Present

Mr. Hall, Board Attorney, Mr. Fox, Board Engineer, Ms. Mertz, Board Planner and Ms. Taglairino, Board Secretary were present as well.

Also present were Mr. Mlenak, Mr. Schneider, and Mr. Simon, attorneys involved in the BOA# 17-18 Verizon application.

**REGULAR MEETING**

**ADMINISTRATIVE—Mr. Flanagan**

Mr. Flanagan discussed a possible site inspection from the neighbors surrounding the proposed cell tower site at 8 Millbrook Road. After a brief discourse Mr. Flanagan requested that any neighbors who would like the Board to visit their property contact the Board Secretary.

Mr. Flanagan noted that the BOA Annual Report for 2020 was sent to the Board members and requested that everyone review and prepare comments for the June 17, 2021 meeting.

Mr. Flanagan reminded the members to file their Financial Disclosure forms.

Mr. Hall discussed moving meetings back to public meetings after June 4, 2021 when the Emergency Executive Orders are lifted. The Board will meet virtually for the June 17, 2021 meeting and discuss how to proceed with the July meeting.

**OLD BUSINESS**

Application BOA# 05-21

Colin and Susie Ford  
114 Lees Hill Road, B5/L11

Presenting:

Nicole Magdziak, Attorney  
Patrick Burke, Architect  
Ryan Smith, Engineer  
Colin Ford, Owner

- Ms. Magdziak presented new exhibits representing dimensions of the proposed building.
- Mr. Burke presented photographs of the rear of the property and revised renderings of the elevations for perspective of the roof line.
- Mr. Flanagan noted the fence on the front property line that is partially in the right-of-way and asked if the applicant had plans to alter it.
- After a brief discussion the applicant agreed to replace the fence with one that is consistent with the HPC recommendation within three years of the issuance of building permits.

Mr. Flanagan made a motion to approve the application subject to the above-mentioned fence condition. Mr. Rosenbaum seconded the motion. A roll call vote went as follows:

For: Mr. Flanagan, Mr. Cammarata, Mr. Boyan, Mr. Symonds, Mr. Rosenbaum,  
Mr. Addonizio and Ms. Sovolos.

Against: None

Mr. Hall noted for the record that the meeting started at 6:30 for anyone who joined in late. The Verizon application is carried until the June 17, 2021 meeting.

## **NEW BUSINESS**

### **Application BOA# 10-21**

Todd & Tracey Walters

71 Village Road, B16/L13.03, RR Zone

Applicant is requesting variance relief for building area and lot coverage as per N.J.S.A.40:55D-70(c).

Presenting:

Nicole M. Magdziak, Attorney

Candice Davis, Engineer

Matt Smetana, Architect

Mr. Hall swore in Ms. Davis and Mr. Smetana for testimony.

- Ms. Magdziak noted that the Walters are seeking two variances to construct a pool and covered outdoor area. One is for lot coverage and the other for building area.
- Ms. Magdziak noted that the lot coverage will decrease as they propose to remove hardscape.
- Ms. Magdziak noted that the property has a flag staff which affects the calculation.
- Ms. Davis presented a proposed plan for a rear covered porch addition and an in ground pool and patio.
- Ms. Davis presented an aerial photo of the property.
- Ms. Davis explained the rear covered porch. She noted that it is open on three sides.

- Ms. Davis addressed the existing 10.9% lot coverage and noted that coverage would be removed from the driveway to make that reduction in order to construct the patio and pool.
- Ms. Thompson, from Blue Mill Road had concerns over the screening between the two properties.
- Ms. Magdziak noted that the applicant was willing to add evergreens to help buffer the properties.
- Mr. Symonds requested the any outdoor lighting be in keeping with the lighting ordinance.
- Ms. Magdziak noted that the architectural plans have been submitted.

Mr. Symonds made a motion to approve the application subject to landscape screening and lighting plan in keeping with the lighting ordinance. Ms. Sovolos seconded the motion. A roll call vote went as follows:

For: Mr. Flanagan, Mr. Cammarata, Mr. Boyan, Mr. Symonds, Mr. Rosenbaum, Mr. Addonizio and Ms. Sovolos.

Against: None

The Board took a break until 8:35.

Mr. Maselli joined the meeting at 9:00.

Ms. Taglairino took the role after the break. The following members were present:

Mr. Flanagan, Mr. Cammarata, Mr. Boyan, Mr. Symonds, Mr. Rosenbaum, Mr. Addonizio and Ms. Sovolos.

Application# BOA# 09-21

Chester & Amanda Van Doren

37 Long Hill Road, B17/L41, RR Zone

Application is requesting variance relief for lot coverage for a patio as per N.J.S.A.40:55D-70(c).

Presenting:

John Dusinberre, Attorney

Chet Van Doren, Owner

- Mr. Dusinberre presented proposed plans for a pool and patio and pool house on a pre-existing, non-conforming lot for lot coverage relief of 12% where 10% is allowed.
- Mr. Dusinberre noted that the flagstaff counts as a lot coverage and that the lot is an undersized lot for the zone.
- Mr. Dusinberre noted the applicant sought prior relief for living in a home while a second home was constructed on the lot.
- Mr. Dusinberre noted an easement for Block 17, Lot 41.01, the property behind 37 Long Hill that crosses 37 Long Hill.
- Mr. Dusinberre noted that Block 17, Lot 41.01 came before the Planning Board for a site plan with one of the conditions of approval being the removal of the driveway from 37 Long Hill. He also stated that the prior approval may not be fulfilled.

- Mr. Dusinger stated that Mr. Van Doren planned the construction of the property with the idea that the driveway was going to be removed.
- Mr. Hall explained the Planning Board application for Block 17, Lot 41.
- Mr. Dusinger presented plans and photos of existing and proposed conditions.
- The Board requested that the applicant find a way to consider to reduce the lot coverage on the property.

This application is carried until the June 17, 2021 meeting subject to submission of revised plans by June 7, 2021.

Application BOA# 08-21

Steve & Rachel Fleming

508 Spring Valley Road, B11/L5.01, R-1 Zone

Applicant is requesting variance relief for frontage, front and side setbacks and undersized building envelope as per N.J.S.A.40:55D-70(c).

Presenting:

Rachel and Steve Fleming, Owners

Thomas Chauvette, Architect

Mr. and Mrs. Fleming and Mr. Chauvette were sworn in for testimony.

- Mr. Fleming presented proposed plans for a second floor addition and rear renovation that is seeking relief from front and side setbacks for a non-conforming structure.
- Mr. Flanagan asked if the basement level counts as a story.
- Mr. Fox noted that it depends on how much of the perimeter grade is below the framing of the first floor.
- Mr. Flanagan stated that a third story is not allowed.
- Mr. Fox noted that the area of the top floor can be no more than 60% of the floor below.
- Mr. Fleming noted that there is a 2 foot change in elevation on the right side of the house.
- Mr. Maselli noted that the ½ story ordinance tries to reduce the mass of the house.
- Mr. Maselli asked about the height calculation.
- The Board was ok with the setbacks but had trouble with the third story.

The application will be carried until the June 17, 2021 meeting.

## **OTHER BUSINESS**

None

## **ADJOURNMENT**

Mr. Flanagan adjourned the meeting at 10:10.

*Lori Taglairino*

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Respectfully submitted by Lori Taglairino, Board of Adjustment Secretary