

**HARDING TOWNSHIP BOARD OF ADJUSTMENT MINUTES  
REGULAR MEETING  
NOVEMBER 17, 2022  
7:00 PM**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

The Board Vice-Chair, Mr. Rosenbaum called the regular meeting of the Board of Adjustment to order at 7:00 and announced that adequate notice of the meeting had been made in accordance with the New Jersey State Open Public Meetings Act.

**PLEDGE OF ALLEGIANCE**

**REGULAR MEETING**

---

**ROLL**

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

Mr. Cammarata	Excused	Mr. Newlin	Present	Mr. Maselli	Present (7:04)
Mr. Addonizio	Present	Ms. Sovolos	Present	Mr. Boyan	Present
Mr. Rosenbaum	Present	Mr. Symonds	Present	Mr. Flanagan	Present (9:33)

Board Attorney, Mr. Hall, Board Engineer, Mr. Fox, and Board Secretary, Ms. Taglairino were also present.

**ADMINISTRATIVE**

Mr. Rosenbaum noted that the Board will adjourn into Executive Session at the end of the meeting.

---

**MINUTES**

September 15, 2022 and October 20, 2022

Mr. Symonds made a motion to approve the September 15, 2022 and October 20, 2022 minutes as written. The motion was seconded by Ms. Sovolos. On a voice vote all eligible members were in favor of the minutes.

---

**RESOLUTIONS**

<u>Application BOA# #07-22</u>	Rick & Caroline Michalak 229 Blue Mill Road, B4/L4
--------------------------------	---

Mr. Symonds made a motion to adopt Resolution BOA #07-22 Michalak. It was seconded by Mr. Addonizio. A roll call vote went as follows:

For: Sovolos, Maselli, Rosenbaum, Newlin, Addonizio, and Symonds  
Against: None

<u>Application BOA# #09-22</u>	Granville & Susan Conway 93 Village Road, B16/15
--------------------------------	---

Ms. Sovolos made a motion to adopt Resolution BOA# 09-22 Conway. It was seconded by Mr. Newlin. A roll call vote went as follows:

For: Sovolos, Maselli, Rosenbaum, Newlin, Addonizio, and Boyan

Against: None

The resolutions are appended to the minutes.

---

## **OLD BUSINESS**

### **Application BOA# 16-21**

Ronald & Judith Preiss

110 Village Road, B15/L10.03, R-1 Zone

Applicant is requesting variance relief for a front setback of the principal dwelling, 7 setbacks for accessory structures, 2 variances for accessory structures in front of a principal dwelling, building coverage, and lot coverage as per N.J.S.A.40:55D-70(c). The applicant is also seeking a variance as per the Harding Township Code 225-116.Q(2) for driveway gates and pillars.

Presenting:

David Brady, Attorney

Michael Tobia, Planner

Mr. Flanagan arrived at 8:15

- Mr. Brady noted that the applicant made some revisions to the plans, reducing lot coverage to 11.99%.
- 
- Mr. Brady acknowledged that some structures violated zoning regulations.
- Mr. Tobia noted the changes made to the plan based on the comments from the Board at the last meeting.
- Mr. Tobia presented sheet 2 of the variance plans noting the removal of 2,801 sq. ft of hard surface.
- Mr. Tobia noted that the shed, two parking pads on the driveway, a patio, and several walkways will be removed.
- Mr. Tobia listed the structures built on the property without permits.
- The Board voiced their continued concern with the lot coverage and the garage being situated in front of the principal structure. The Board requested the removal of additional lot coverage.
- The Board requested the applicant return with reduced revised plans with no further notice.

---

### **Application BOA #18-21**

529 Waterfront Properties, LLC

595 Van Beuren Road, B5/L8

Appeal of Tree Officer Decision

Presenting:  
Arnold Lakind, Attorney  
Scott Collins, Defendant Attorney  
John Linson, Tree Officer

Mr. Addonizio recused himself from the application.

Mr. Hall noted last meeting the Board discussed procedure.

Mr. Linson, Mr. Battista and Mr. Gargiulo were sworn in for testimony.

- Mr. Linson recapped what happened since the Judge ordered a follow-up to the prior issued permit. Mr. Linson noted that the only comment received after sending the information to the Shade Tree Advisory Committee came from Mr. Platt. Mr. Platt was in favor of keeping the tree.
- Mr. Linson noted he revisited the tree after the Judge ruling and found a cavity and tested the cavity and found a part of the trunk to be hollow.
- Mr. Linson reviewed his October 2021 report and Mr. Platt's September 2021 letter. Mr. Hall noted this will be Exhibit B-1.
- Mr. Linson noted that in order for a tree to be hazardous, you need a defect and a target. He would recommend the tree for removal.
- Mr. Lakind laid out several issues.
- Mr. Lakind believes the permit issuance was not executed in accordance with the Tree Ordinance.
- Mr. Lakind stated that the planting of the Arborvitae creates a fence.
- Mr. Collins noted the agreed upon arguments from the prior meeting.
- Mr. Lakind stated
- The Board ruled against hearing testimony that the Arborvitae are a fence.
- The Board ruled against hearing testimony the permit issuance was not executed in accordance with the Township Tree Ordinance.
- Mr. Lakind stated the remand order from the Judge will be heard as agreed upon at the October meeting.
- Mr. Lakind questioned Mr. Linson regarding his decision.
- Mr. Linson stated he would not change his decision.
- Mr. Lakind presented Exhibit A-1, a photo of the arborvitae.
- Mr. Boyan questioned the photo, citing there was no markers for height noted on the photo so the actual height would be hard to determine.
- Mr. Collins interjected that the decision should be based on the conditions prior to the remand and not present day.
- Mr. Hall asked for the relevance of this the questions regarding the arborvitae.
- Mr. Lakind questioned Mr. Linson about the size and condition of the Catalpa.
- Mr. Collins asked Mr. Linson if he believed this tree was eligible for removal according to the Tree Ordinance.
- Mr. Lakind asked Mr. Battista about Exhibit A-1. Mr. Battista noted that he took that photo.
- Mr. Battista noted that the arborvitae trees are about 3ft off the property line, and 10-12ft off of the flagstaff.
- Mr. Collins asked Mr. Gargiulo to respond to the safety issue of the tree.
- Mr. Lakind Collins gave his summation.
- Mr. Boyan asked if the tree would become more vulnerable over time. Mr. Linson said it would.
- Mr. Symonds asked if more decay would make for a clearer decision for removal.
- Mr. Collins gave his summation.

The Board deliberated the information from the ordinance and the remand.

Mr. Rosenbaum made a motion to uphold the permit decision of the Tree Officer following the remand. It was seconded by Mr. Newlin. A roll call vote went as follows:

For: Newlin, Rosenbaum, Sovolos, Maselli

Against: Symonds

Abstain: Boyan

Mr. Flanagan joined the meeting at 9:35.

Mr. Addonizio returned to the meeting.

There was a break from 9:37-9:40

The roll was called after the break. The following members were present:

Mr. Newlin, Mr. Maselli, Mr. Addonizio, Ms. Sovolos, Mr. Boyan, Mr. Rosenbaum, Mr. Symonds, and Mr. Flanagan

---

### **RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION--Mr. Flanagan**

Resolution BOA# 12-2022

Resolution to Adjourn into Executive Session

Mr. Flanagan read the resolution into the record.

Mr. Mlenak joined the meeting

A motion was made by Mr. Flanagan to adjourn into Executive session. It was seconded by Mr. Rosenbaum. A roll call vote went as follows:

For: Flanagan, Sovolos, Rosenbaum, Newlin, Maselli, Symonds, and Addonizio

Against: None

### **ADJOURNMENT INTO EXECUTIVE SESSION**

Mr. Flanagan adjourned the meeting into executive session at 9:41

*Lori Taglairino*

Respectfully submitted by Lori Taglairino, Board of Adjustment Secretary

---

#### **HARDING TOWNSHIP BOARD OF ADJUSTMENT RESOLUTION**

**Granville & Susan Conway - Application No. 9-22**

**93 Village Road - Block 16, Lot 15**

**Adopted November 17, 2022**

WHEREAS, Granville and Susan Conway applied to the Harding Township Board of Adjustment for variances from Section 225-122(F) of the Land Use and Development Ordinance, which requires 100' minimum setbacks, and from Section 225-115(B), which prohibits the enlargement of certain nonconforming structures, in order to permit construction of an addition and patio to the rear of their residence and a portico addition to the right side on a lot located in a R-1 Zone at 93 Village Road and designated on the Township Tax Map as Block 16, Lot 15; and

WHEREAS, the Board of Adjustment conducted a public hearing on the application at a meeting on October 20, 2022, at the Harding Township Municipal Building, for which public notice and notice by applicants were given as required by law; and

WHEREAS, the Board of Adjustment determined that a site inspection was not necessary based on the characteristics of this particular property and proposal; and

WHEREAS, the Board of Adjustment considered the testimony and exhibits presented during the public hearing; and

WHEREAS, at the meeting on October 20, 2022, the Board of Adjustment adopted an oral resolution approving the variance application, subject to certain conditions and based on findings and conclusions as memorialized herein;

NOW, THEREFORE, BE IT RESOLVED by the Harding Township Board of Adjustment, this 17th day of November 2022, that approval of the variance application of Granville and Susan Conway is hereby memorialized as follows:

### **Findings of Fact and Statement of Reasons**

1. The applicants' property is located in a R-1 Zone at 93 Village Road. The property has a lot size of 3.27 acres that exceeds the 3-acre minimum.
2. The property is improved with a single-family residence that is nonconforming due to the front setback (19' vs. 100' minimum) and right side setback (99.25' vs. 100' minimum), as shown on an architectural site plan prepared by CA Young Architecture, dated March 24, 2022.
3. The applicants proposed to renovate and enlarge the residence by construction of a one story rear addition, a rear patio, and a separate portico addition to the right side of the residence, as shown on the architectural plans prepared by CA Young Architecture. The current attached garage would be removed and replaced in part by the addition that would expand the building footprint further to the rear and would connect with the current rear family room extension.
4. The proposed portico addition would have a minimum front setback of 35.75', requiring variance relief from the 100' minimum in Section 225-122(F).
5. The proposed portico addition would have a minimum right side setback of 99.45', the rear addition would have a minimum right side setback of 98.77', and the proposed rear patio would have a minimum right side setback of 96.60', requiring variance relief from the 100' minimum in Section 225-122(F).
6. The proposed additions to the residence require a variance from Section 225-115(B) to allow enlargement of a nonconforming structure.
7. Testimony in support of the application was provided by the applicants and by their architect Carolyn Young, who testified that the residence additions and renovations were intended to provide more efficient living areas in relation to modern standards and expectations and provide an enhanced exterior appearance.
8. Ms. Young testified that the need for side setback variance relief was attributable to the angled right side lot line and the location of the current residence. She noted that the additions had been designed to minimize the deviations from the setback requirements. She also noted that the one story design and rear location of the primary addition would limit visibility of the expanded residence from the street.
9. No member of the public or neighbor objected to the application.
10. The necessity for the requested variances from the setback requirements and to permit enlargement of the nonconforming residence is attributable to the unusual lot shape and the nonconforming location of the residence and its orientation on the lot. The side setbacks for the additions will not be significantly different than the current nonconforming side setback for the residence, and the front setback variance will be limited to a modest side portico addition that will have a significantly greater front setback than the existing residence.
11. The enlarged residence will continue to comply with the building area and lot coverage ratio requirements.
12. The addition and related improvements will significantly enhance the appearance and functional utility of the applicants' residence.
13. Under the particular circumstances of this property and proposal, granting requested variance relief will not result in any adverse impacts on adjacent properties.
14. In the case of this specific property, its unusual shape, the orientation of the residence, the nonconforming front and right side setbacks, and the location and characteristics of existing and proposed improvements, strict application of the zoning requirements would impose peculiar and exceptional practical difficulties on the applicants by precluding the proposed additions, thus making variance relief appropriate pursuant to N.J.S.A. 40:55D-70(c)(1).
15. The variance relief requested by the applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Harding.

### **Description of Variances**

1. Variance relief is hereby granted from the 100' minimum side setback requirement in Section 225-122(F) of the Land Use and Development Ordinance to permit construction of a rear addition with a minimum right side setback of 98.77', a rear patio with a minimum right side setback of 96.60, and a side portico addition with a minimum right side setback of 99.45', as shown on plans prepared by CA Young Architecture, dated March 24, 2022.
2. A variance is hereby granted from the 100' minimum front setback requirement in Section 225-122(F) of the Ordinance to permit construction of a side portico addition with a minimum front setback of 35.75', as shown on the plans.
3. A variance is hereby granted from the restriction against enlargement of certain nonconforming structures in Section 225-115(B) of the Ordinance to allow enlargement of the applicants' nonconforming residence by construction of additions, as shown on the plans.

### **Variance Conditions**

These variances are granted subject to the following conditions:

1. The applicants shall obtain Health Department approval, a building permit and any other necessary approvals
2. Any outstanding property taxes, application fees and technical review fees shall be paid prior to issuance of a building permit and certificate of occupancy.
3. These variances are based on and authorize only the specific proposed improvements as set forth in the testimony and plans. New or amended variance approval may be required for any materially different improvements.
4. In accordance with Section 225-35(C)(1) of the Ordinance, these variances shall expire unless the authorized construction is commenced within one year from the date of this resolution and is subsequently pursued in a reasonably diligent manner.

### **Vote on Resolutions**

For the Oral Resolution: Addonizio, Maselli, Newlin, Rosenbaum, Sovolos, Cammarata &

Boyan.

Against the Oral Resolution: None.

Recused: Symonds.

For the Form of the Written Resolution: Addonizio, Maselli, Newlin, Rosenbaum, Sovolos &

Boyan

Against the Form of the Written Resolution: None.

---

**HARDING TOWNSHIP BOARD OF ADJUSTMENT  
RESOLUTION**

**Rick & Caroline Michalak - Application No. 07-22  
229 Blue Mill Road - Block 4, Lot 4  
Adopted November 17, 2022**

WHEREAS, Rick and Caroline Michalak applied to the Harding Township Board of Adjustment for variances from Section 225-122(F) of the Land Use and Development Ordinance, which requires 100' minimum setbacks, Section 225-116(D)(1), which requires accessory structures to be located behind the front façade of the principal structure, and from Section 225-115(B), which prohibits the enlargement of certain nonconforming structures, in order to permit construction of a residence addition, additional/relocated outdoor mechanical equipment, a replacement perimeter pool deck, an expanded patio, and related improvements to their nonconforming residence on a lot located in a R-1 Zone at 229 Blue Mill Road and designated on the Township Tax Map as Block 4, Lot 4; and

WHEREAS, the Board of Adjustment conducted a public hearing on the application at a meeting on October 20, 2022 at the Harding Township Municipal Building, for which public notice and notice by applicants were given as required by law; and

WHEREAS, the Board of Adjustment determined that a site inspection was not necessary based on the characteristics of this particular property and proposal; and

WHEREAS, at the public hearing the applicants agreed to modify their proposal to increase the front setback for the proposed outdoor A/C unit and decrease the size of the proposed expanded patio, thus reducing the extent of requested setback variance relief; and

WHEREAS, the Board of Adjustment considered the testimony and exhibits presented during the public hearing; and

WHEREAS, at the meeting on October 20, 2022, the Board of Adjustment adopted an oral resolution approving the revised variance application, subject to certain conditions and based on findings and conclusions as memorialized herein;

NOW, THEREFORE, BE IT RESOLVED by the Harding Township Board of Adjustment, this 17th day of November 2022, that the oral approval of the revised variance application of Rick and Caroline Michalak is hereby memorialized as follows:

**Findings of Fact and Statement of Reasons**

16. The applicants' property is located in a R-1 Zone at 229 Blue Mill Road. The property has a lot size of 2.86 acres that is less than the 3 acre minimum.

17. The property is improved with a single-family residence that is nonconforming due to the front setback (60.1' vs. 100' minimum) and left side setbacks ( 59.6' for residence & 40.5' for pool patio vs. 100' minimum), as shown on a plot plan prepared by Dykstra Walker Group, PA, dated August 15, 2022 and revised September 6, 2022.

18. The property also contains two detached garages that have nonconforming right side setbacks. No changes are proposed as to these nonconforming accessory structures.

19. The applicants proposed to renovate and enlarge their residence by construction of a 2 story addition to the east (right) side. The expanded first floor would provide a new main entry facing the driveway along the right side, a bathroom, mud room, and laundry room. The expanded second floor would provide a modernized hall bathroom and a new master bathroom and walk-in closet. A walkway would be constructed between the new side entry and the driveway, an existing pool perimeter patio would be replaced, and an enlarged connecting rear patio would be installed, which subsequently was agreed to be reduced in size. An outdoor A/C condenser would be installed in front of the current emergency generator. The proposed improvements as initially proposed were shown on the plot plan and on architectural plans prepared by Boerner Lay Architects, last dated October 3, 2022.

20. The proposed side addition would have a minimum setback from the front lot line of 83.0', requiring a variance from the 100' minimum in Section 225-122(F).

21. The proposed side addition would have a minimum setback from the west (left) side lot line of 91.7', requiring a variance from the 100' minimum in Section 225-122(F).

22. As initially proposed, the expanded rear patio would have a minimum setback from the left (west) side lot line of 39', requiring a variance from the 100' minimum in Section 225-122(F). The revised proposal agreed to by the applicants at the public hearing reduced the size of the proposed expanded patio and increased the proposed left side setback to a minimum of 50', thus reducing the extent of requested setback variance relief.

23. As initially proposed, an A/C condenser unit would be installed in the side yard with a minimum front setback of 68' that was increased to a minimum of 70' by shifting it closer to the existing emergency generator under the revised proposal. This requires a variance from the 100' minimum in Section 225-122(F).

24. Due to the front setback, the proposed new A/C condenser unit might be deemed to be in front of the front building façade, thus requiring a variance from the location restriction in Section 225-116(D)(1).

25. The proposed addition to the residence requires a variance from Section 225-115(B) to allow enlargement of a nonconforming structure.

26. The Township Department of Health issued a memorandum dated June 28, 2022 that indicated the absence of any objections to the proposal, subject to submission of a complete prior approval application before issuance of a building permit.

27. Testimony in support of the application was provided by the applicants and by their architect Cindy Boerner Lay. They testified that the residence addition and renovations were intended to provide a new entry on the right side opposite the driveway area that is used for guest parking and primary access to the residence. It would also provide expanded and modernized interior facilities. The proposed improvements would result in an enhanced exterior appearance and provide expanded outdoor living space.

28. No member of the public or neighbor objected to the application.

29. There was a discussion of the proposed size of the expanded patio that would extend further outside the building envelope, thus reducing the nonconforming side setback. In response, the applicants agreed to reconfigure and reduce the proposed connector patio so that it would not extend further to the left side lot line than a hypothetical extension of the left side line of the replacement pool perimeter patio. This would increase the minimum proposed patio setback from 39' to not less than 50'.

30. There also was a discussion of the location of the proposed outdoor A/C unit, resulting in an agreement by the applicants to shift its location closer to the existing emergency generator unit to the extent permitted by applicable equipment separation restrictions. This would increase the proposed front setback from 68' to not less than 70'. The applicants acknowledged that appropriate screening of all outdoor mechanical equipment will be necessary.

31. The necessity for the requested variances from the setback requirements and variance relief to permit enlargement of the nonconforming residence is attributable to the lot width of less than 300' and the nonconforming location and orientation of the residence on the lot. The side setbacks for the addition and expanded patio will not be significantly different than the current nonconforming side setbacks for the residence, and the front setback for the addition will be significantly greater than the current nonconforming front setback for the residence that will not be changed.

32. The location of the addition to the side and rear will minimize visibility from the street.

33. The enlarged residence will continue to comply with the building area ratio limit, and the property will continue to comply with the lot coverage ratio limit.

34. The addition and related improvements will enhance the appearance and functional utility of the applicants' residence.

35. Under these particular circumstances, the proposed improvements will not result in any adverse impacts on adjacent properties.

36. In the case of this specific property, and the location, orientation, nonconforming setbacks, and characteristics of existing and proposed improvements, strict application of the zoning requirements would impose peculiar and exceptional practical difficulties on the applicants by precluding the proposed addition, patio improvements and outdoor A/C unit, thus making variance relief appropriate pursuant to N.J.S.A. 40:55D-70(c)(1).

37. The variance relief requested by the applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Harding.

#### **Description of Variances**

1. A variance is hereby granted from the 100' minimum setback requirement in Section 225-122(F) of the Land Use and Development Ordinance to permit construction of a side addition with a minimum front setback of 83.1', while maintaining the current nonconforming front setback of 60.1' for the residence, as shown on architectural plans prepared by Boerner Lay Architects, last dated October 3, 2022, and on a plot plan prepared by Dykstra Walker Group, PA, dated August 15, 2022 and revised September 6, 2022, as required to be revised.

2. A variance is hereby granted from the 100' minimum setback requirement in Section 225-122(F) of the Ordinance to permit construction of a side addition with a minimum left side setback of 91.7', as shown on the architectural plans and plot plan, as required to be revised.

3. A variance is hereby granted from the 100' minimum setback requirement in Section 225-122(F) of the Ordinance to allow construction of an expanded rear patio with a minimum setback from the left (west) side lot line of 50', as shown on the architectural plans and plot plan, as required to be revised.

4. A variance is hereby granted from the 100' minimum setback requirement in Section 225-122(F) of the Ordinance to permit installation of an outdoor A/C condenser unit at a location with a minimum front setback of 70', as shown on the architectural plans and plot plan, as required to be revised.

5. A variance is hereby granted from the requirement in Section 225-116 (D)(1) of the Ordinance that requires all accessory structures to be located behind the front building façade to permit installation of an A/C unit at a front yard location, as shown on the architectural plans and plot plan, as required to be revised.

6. A variance is hereby granted from the restriction against enlargement of certain nonconforming structures in Section 225-115(B) of the Ordinance to allow enlargement of the applicants' nonconforming residence, as shown on the variance plan and architectural plans, as required to be revised.

#### **Variance Conditions**

These variances are granted subject to the following conditions:

5. The applicants shall obtain Health Department approval, a building permit and any other necessary approvals.

6. Any outstanding property taxes, application fees and technical review fees shall be paid prior to issuance of a building permit and certificate of occupancy.

7. These variances are based on and authorize only the specific proposed improvements as set forth in the testimony and plans. New or amended variance approval may be required for any materially different improvements.

8. Prior to issuance of a building permit, the applicants shall submit for review and approval revised plans showing the modified proposal reducing the size of the proposed expanded rear patio, the adjusted location of the outdoor A/C unit, and screening of the outdoor A/C unit and existing emergency generator.

9. In accordance with Section 225-35(C)(1) of the Ordinance, these variances shall expire unless the authorized construction is commenced within one year from the date of this resolution and is subsequently pursued in a reasonably diligent manner.

#### **Vote on Resolutions**

For the Oral Resolution: Flanagan, Newlin, Maselli, Rosenbaum, Sovolos, Addonizio & Symonds.

Against the Oral Resolution: None.

For the Form of the Written Resolution: Newlin, Maselli, Rosenbaum, Sovolos, Addonizio & Symonds.

Against the Form of the Written Resolution: None.

---

**RESOLUTION BOA# 12-2022  
BOARD OF ADJUSTMENT, TOWNSHIP OF HARDING  
MORRIS COUNTY, NEW JERSEY  
NOVEMBER 17, 2022  
RESOLUTION AUTHORIZING BOARD OF ADJUSTMENT  
TO MEET IN EXECUTIVE SESSION**

---

**WHEREAS**, N.J.S.A. 10:4-13 of the Open Public Meetings Act permits the exclusion of the public from a meeting under certain circumstances; and

**WHEREAS**, the Board of Adjustment is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS AND STATE OF NEW JERSEY** as follows

1. The public shall be excluded from discussion of an action upon the specified subject matter.

2. The subject matters to be discussed are as follows:

- ☐ Contract Negotiation – None
- ☐ Personnel Matter – None
- ☒ Litigation –NY SMSA Limited Partnership d/b/a Verizon Wireless vs the Harding Township Board of Adjustment
- ☒ Attorney-Client Privilege – Litigation
- ☐ Collective Bargaining Agreement – None
- ☐ Other – as authorized by N.J.S.A. 10:4-12 -- None

3. Minutes reflecting the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, shall be promptly available to the public when the matters discussed are resolved, to the extent that making such matters public shall not be inconsistent with section N.J.S.A. 10:4-12.

4. The Board of Adjustment will not return into open session.

5. This Resolution shall take effect immediately.

**DATED:** November 17, 2022