

**HARDING TOWNSHIP BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
SEPTEMBER 15, 2022
7:00 PM**

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Board Chair, Mr. Flanagan 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	Present	Mr. Newlin	Present	Mr. Maselli	Present(late)
Mr. Addonizio	Present	Ms. Sovolos	Present	Mr. Boyan	Present
Mr. Rosenbaum	Present	Mr. Symonds	Present	Mr. Flanagan	Present

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

ADMINISTRATIVE

Mr. Flanagan announced the following scheduling & procedural matters:

<u>Application BOA #18-21</u>	529 Waterfront Properties, LLC 595 Van Beuren Road, B5/L8 Appeal of Tree Officer Decision (Adjourned until October 20, 2022 meeting).
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<u>Application BOA# 16-21</u>	Ronald & Judith Preiss 110 Village Road, B15/L10.03, R-1 Zone (Adjourned until October 20, 2022 meeting).
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MINUTES

August 2, 2022 & August 18, 2022 Minutes

Mr. Flanagan made a motion to approve the August 2, 2022 & August 18, 2022 minutes as written. It was seconded by Mr. Newlin On a voice vote all were in favor of approving the minutes.

BUDGET

There was a discussion to approve the 2023 budget.

RESOLUTIONS

Application BOA# 04-22

Kunal Singh

95 Pleasantville Road, B15/L21.04, R-1 Zone

Mr. Flanagan made a motion to adopt the Resolution BOA# 04-22 Singh. The motion was seconded by Ms. Sovolos. A roll call vote went as follows:

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

Against: None

The resolution is appended to the minutes.

OLD BUSINESS

Application BOA# 14-20

Donald & Eliza Murphy

49 Meyersville Road, B55/L5, R-1 and R-2 Zones

Applicant is requesting variance relief for a front setback as per N.J.S.A.40:55D-70(c), a temporary d(1) variance as per N.J.S.A.40:55D-70(d)(1) and a temporary d(3) conditional use conditional use variance as per N.J.S.A.40:55D-70(d) (3).

Presenting:

Amanda Wolfe, Attorney

Richard Schommer, Engineer

Eliza Murphy, Owner

John Haeberle, Architect

- Ms. Wolfe noted that there was a site inspection of the property.
- Ms. Wolfe noted that the applicant is looking to re-purpose one of the accessory dwellings on the property and build an addition requiring a front yard setback on the existing principal dwelling.
- The applicant is also seeking a temporary variance to live in an accessory dwelling while the addition to the principal dwelling is taking place. That dwelling will be used for farm use or class use after the construction is complete.
- Mr. Flanagan noted that the temporary structure was once used as a kennel and noted that the bathing unit will be removed.
- The Board requested a 2-year time frame to demolish the bathing unit.
- Mr. Schommer addressed the height issue and confirmed that there is no third story in this project.
- Mr. Fox questioned the design of the septic and noted any new system would need to meet the new guidelines.
- Ms. Mertz confirmed the size of the classes to be 10 – 15 people with regards to possible parking and impervious coverage issues.

- Mr. Schommer listed the additional agency permits required to move forward with this project. They included DEP permits, Septic for the main house, Fresh Water Wetland permits, Riparian and Flood Hazard permits.

Mr. Symonds made a motion to approve the application with the conditions set on the record. It was seconded by. A roll call vote went as follows:

For: Flanagan, Symonds, Sovolos, Addonizio, Newlin, Cammarata and Mr. Rosembaum

Against: None

Ms. Mertz left the meeting at 7:30.

Application BOA# 16-18
Amendment

Phil Poto
52 Blue Mill Road, B16/L20
Applicant is requesting variance relief for a front setback,
and building area as per N.J.S.A.40:55D-70(c)

Presenting:
Amanda Wolfe, Attorney
Cris Miseo, Architect

Ms. Miseo was sworn in for testimony.
Mr. Newlin is recused from the application.

- Ms. Wolf presented revised plans for the dwelling on Blue Mill Road based on the prior feedback of the Board.
- Ms. Miseo detailed the revised plans. Ms. Miseo noted that the dwelling has reduced the setback by 6 feet.
- Ms. Miseo noted that a combination of wetlands and septic prohibit pushing the house further back on the property.
- Mr. Maselli spoke to the historical and architectural elements of the project.

Several neighbors came out in favor of the application.

Mr. Flanagan mad a motion to approve the application with the design changes discussed by the architect on the record. It was seconded by Mr. Rosenbaum. A roll call vote went as follows:

For: Flanagan, Rosenbaum, Sovolos, Addonizio, Symonds, Cammarata and Boyan

Against: None

There was a 5-minute break at 8:58.

A second roll as called at 9:02. The following were present.

Mr. Cammarata	Present	Mr. Newlin	Present	Mr. Maselli	Present
Mr. Addonizio	Present	Ms. Sovolos	Present	Mr. Boyan	Present
Mr. Rosenbaum	Present	Mr. Symonds	Present	Mr. Flanagan	Present

NEW BUSINESS

Application BOA # 08-22

Ryan & Carolyn Bott

112 Jenks Road, B25/L30, R-3 Zone

Applicant is requesting variance relief for expansion of a non-conforming structure as per N.J.S.A.40:55D-70(c)

Presenting:

Terrence Ford, Attorney

Ali Qureshi, Architect

Mr. Qureshi was sworn in for testimony.

- Mr. Ford presented plans for an addition above the attached garage.
- Mr. Ford noted that the work would not increase building area.
- Mr. Ford noted that the applicant is over on building coverage.
- The Board reviewed an aerial photo of the property.
- This property has 2 front yards and 2 rear yards.
- The setbacks for the current patio are unknown.
- Mr. Ford presented Exhibit A-1-A-3 with the existing floor plan and proposed floor plan.
- The Board requested a site plan that accurately depicts the current conditions on the lot.
- The application was tabled at 8:00 pm as Mr. Newlin had to step out.
- The application resumed at 9:02 pm.
- There was a lengthy discussion about the roof line and the massing impact on the street.
- The Board would like to see plans that presented less bulk.

Mr. Bott's father-in-law had questions about the Board's comments for clarity.

The application is carried until the October meeting with no additional notice.

ADJOURNMENT

Mr. Flanagan adjourned the meeting at 9:56

Lori Taglairino

Respectfully submitted by Lori Taglairino, Board of Adjustment Secretary

HARDING TOWNSHIP BOARD OF ADJUSTMENT RESOLUTION

Kunal Singh & Carla Schriver - Application No. BOA 04-22

95 Pleasantville Road- Block 15, Lot 21.04

Adopted September 15, 2022

WHEREAS, Kunal Singh and Carla Schriver applied to the Harding Township Board of Adjustment for variances from Section 225-122(F) of the Land Use and Development Ordinance, which requires minimum front setbacks of 100' in the R-1 Zone, Section 225-122(C), which

permits a maximum building area ratio of 3%, and Section 225-115(B), which prohibits the enlargement of certain nonconforming structures, to permit construction of an addition to the residence, a detached garage to the rear, and related modified site improvements on property located in a R-1 Zone at 95 Pleasantville Road and designated on the Township Tax Map as Block 15, Lot 21.04; and

WHEREAS, the Board of Adjustment conducted an initial public hearing on the application at a meeting on May 19, 2022 at the Harding Township Municipal Building, for which public notice and notice by applicants were given as required by law; and

WHEREAS, the application was revised in response to comments from the Board of Adjustment at the initial hearing to delete the proposed detached garage and make other changes, as shown on revised plans filed with the Board; and

WHEREAS, the Board of Adjustment conducted a public hearing on the revised application at a meeting on June 16, 2022 at the Harding Township Municipal Building, for which public notice was given as required by law; and

WHEREAS, limited additional modifications were made to the proposal as shown on further revised plans; and

WHEREAS, the Board of Adjustment conducted a public hearing on a further revised application at a meeting on August 18, 2022 at the Harding Township Municipal Building, for which public notice was given as required by law; and

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

WHEREAS, at the meeting on August 18, 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 15th day of September 2022, that the oral approval of the revised variance application of Kunal Singh and Carla Schriver is hereby memorialized as follows:

Findings of Fact and Statement of Reasons

1. The property is located in a R-1 Zone at 95 Pleasantville Road. The property is improved with a residence, barn, shed, in-ground swimming pool and related residential improvements.

2. The residential improvements are nonconforming due to the front setback (43' vs. 100' minimum), lot coverage ratio (10.7% vs. 10% maximum), and building area ratio (3.7% vs. 3% maximum), as shown on plans prepared by Yannaccone Villa & Aldrich, LLC, initially dated March 10, 2022, and on a zoning table filed with the application.

3. The applicants proposed to construct a two-story addition to the right side of the residence with a width of 19' in the area between the main section of the residence and the shorter end section that would be moved to the right to accommodate the intervening addition. The expanded first floor would provide a new kitchen and family room, mud room, and other reconfigured and modernized living space. The enlarged second story would provide a master bedroom suite, gym area, powder room and other modifications. The applicants also initially proposed to construct a detached garage, modify the driveway paving, remove a rear patio, remove a shed and make other changes. The initial proposal was shown on the variance plans and on architectural plans prepared by Patrick Burke Architecture LLC, initially dated October 21, 2021 and revised thru November 23, 2021.

4. The proposed side addition would have a minimum front setback of 51', requiring a variance from the 100' minimum setback requirement in Section 25-122(F). This front setback for the proposed addition would exceed the current nonconforming minimum front setback of 43' for the front porch and entry in the center portion of the residence that would remain without alteration.

5. As initially proposed, the nonconforming building area ratio of 3.7% would be increased to 3.97%, requiring a variance from the 3% maximum. The final revised proposal would result in a new building area ratio of 3.81%, thus reducing the magnitude of this requested variance.

6. The proposed addition to the applicants' nonconforming residence requires a variance from the restriction against enlargement of certain nonconforming structures in Section 222-115(B).

7. The Township Historic Preservation Commission ("HPC") commented on the initial development proposal in a memorandum dated March 3, 2022 that noted that the property is an Independent contributing property. Comments suggested design changes to the proposed detached garage, which subsequently was eliminated from the application, and expressed concern as to massing of the initially proposed residence addition, that was reduced in size in response prior to the initial hearing.

8. The applicants were represented in proceedings before the Board of Adjustment by Nicole Magdziak, Esq., of Day Pitney, LLC.

9. Testimony in support of the application was provided by engineer Ryan Smith and by architect Patrick Burke, III, who explained the proposed improvements. Architect Burke testified that the addition proposal had been revised prior to the initial public hearing to reduce the width of the proposed addition by 3' in response to comments from the HPC. He stated that the present end section of the residence would be moved intact to accommodate the intervening addition. If the intended structural relocation did not work, then the current end section of the residence would be replicated. Architect Burke expressed the view that the proposed addition to the residence would maintain its historic appearance and character.

10. Testimony on behalf of the applicants noted that the interior rear section of the barn includes an accessory apartment that would remain. A shed attachment to the rear of the barn would be removed, along with 2 adjacent small patios and a connecting walk as shown on the plans. The initial proposal also provided for removal of a patio next to the left rear of the residence.

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

12. The proposal was revised in response Board feedback to eliminate the proposed detached garage. An interim proposal to construct a new shed in the area of the existing shed to house several dogs was abandoned after further discussion. The initial proposal to remove a patio to the left rear of the residence was deleted from the proposal, since removal of this lot coverage was no longer necessary in order for the revised proposal to provide a conforming lot coverage ratio of less than 10%. The revised proposal was shown on revised plans.

13. The applicants' request to exclude from the building area calculation the area of the existing barn pursuant to the discretionary Board option under Section 225-122(C)(4) was denied after discussion based on the determination that not excluding the building area would ensure that any future proposal for additional building improvements on the property would be subject to review in connection with a new request for variance relief.

14. The residence addition to the side will have a greater front setback of 51' than the current nonconforming front setback of 43' for the covered front entry porch that will remain without alteration.

15. The residence addition will result in a limited increase in the nonconforming building area ratio that will be partially offset by removal of the 2 sheds.

16. Under the particular circumstances of this property and the revised proposal, granting the requested variances will not result in any negative impacts on adjacent properties or the surrounding area.

17. In the case of this specific property and proposal, retention of the nonconforming historic residence and maintaining its historic character will result in community benefits that will substantially outweigh any detriment, thus making variance relief appropriate pursuant to N.J.S.A. 40:55D-70(c)(2).

18. The variances requested by the applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning 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 an addition to the right side of the residence that will have a minimum front setback of 51' that will be greater

than the current nonconforming front setback of 43' for the covered front entry porch that will remain without alteration, as shown on architectural plans prepared by Patrick Burke Architecture LLC, dated October 21, 2021 and last revised May 1, 2022, and on variance plans prepared by Yannaccone Villa & Aldrich, LLC, initially dated March 10, 2022, last revised July 14, 2022, and required to be further revised as a condition of this approval.

2. A variance is hereby granted from the 3% maximum building area ratio limitation in Section 225-122(C) of the Ordinance to permit construction of improvements that will increase the nonconforming ratio from 3.7% to 3.81%, as shown on the revised plans.

3. A variance is hereby from the restriction against enlargement of certain nonconforming structures in Section 225-115(B) of the Ordinance to permit construction of the improvements shown on the revised plans.

Variance Conditions

1. These variances are granted subject to payment of any outstanding technical review fees, issuance of a building permit and any other necessary approvals.

2. These variances are granted based on the particular improvements proposed by the applicants as set forth in the application, testimony and revised plans. New or amended variance relief may be required for any materially different improvements.

3. These variances are granted subject to the condition that prior to issuance of a building permit, the applicants shall submit revised variance plans corrected to be consistent with testimony as to the final proposal, subject to review and approval by the Board Attorney.

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, Sovolos, Flanagan & Boyan.

Recused: Symonds.

Against the Oral Resolution: None.

For the Form of the Written Resolution: Addonizio, Maselli, Newlin, Sovolos, Flanagan & Boyan.

Against the Form of the Written Resolution: None.