

**HARDING TOWNSHIP BOARD OF ADJUSTMENT MINUTES  
REGULAR MEETING  
DECEMBER 21, 2023  
7:30 PM**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

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Board Member, Mr. Maselli, called the meeting of the Board of Adjustment to order at 7:30 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**

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**ROLL**

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

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

Board Attorney, Mr. Hall, was present on the phone and Ms. Taglairino was also present.

**ADMINISTRATIVE**

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**MINUTES**

The November 16, 2023 minutes were tabled until the January meeting.

Application BOA #10-23                      Kunal Singh

Mr. Symonds recused himself from the vote.

Ms. Sovolos made a motion to adopt resolution BOA #10-23 Kunal Singh. The motion was seconded by Mr. Newlin. A roll call vote went as follows:

For: Maselli, Sovolos, and Newlin

Against: None

*Lori Taglairino*

Respectfully submitted by Lori Taglairino, Board of Adjustment Secretary

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**HARDING TOWNSHIP BOARD OF ADJUSTMENT  
RESOLUTION**

**Kunal Singh & Carla Schriver - Application No. BOA 10-23  
95 Pleasantville Road - Block 15, Lot 21.04  
Adopted December 21, 2023**

WHEREAS, by resolution adopted on September 15, 2022, the Harding Township Board of Adjustment approved the application of Kunal Singh and Carla Schriver 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 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, at a public meeting on August 17, 2023, the Board of Adjustment granted a 1 year extension of the variance approval, thus continuing its expiration date until September 15, 2024; and

WHEREAS, the applicants have not yet taken action to implement the variance approval; and

WHEREAS, Kunal Singh and Carla Schriver submitted a new application to the Board of Adjustment requesting variance relief for a similar development proposal involving a modified and less extensive addition to their residence that, if approved, would supersede the prior variance approval; and

WHEREAS, the Board of Adjustment conducted a public hearing on the new development application at a meeting on November 16, 2023 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 considered the testimony and evidence presented during the public hearing on the new variance application; and

WHEREAS, the Board of Adjustment determined that a site inspection of the premises was not warranted under the particular circumstances of this property and proposal; and

WHEREAS, at the meeting on November 16, 2023, the Board of Adjustment adopted an oral resolution approving the new 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 21st day of December 2023, that the oral approval of the new 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 August 8, 2023 and revised September 6, 2023, and on a zoning table filed with the application.

3. The applicants proposed to construct a two story addition to the rear of the residence that would replace in part an existing one story area. The expanded and reconfigured 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 new bedroom and bathroom and other modifications. A shed designated for removal under the prior approval would be retained. The applicants continued to propose to remove a shed attached to the rear of the barn, several patios and walks adjacent to the barn and an artificial pond, as shown on the variance plans and on architectural plans prepared by Patrick Burke Architecture LLC, initially dated October 21, 2021 and revised thru July 1, 2023.

4. The proposed rear addition would have a minimum front setback of 71.3', requiring a variance from the 100' minimum setback requirement in Section 25-122(F). The current nonconforming minimum front setback of 43' for the front porch and entry in the center portion of the residence would remain without alteration.

5. The nonconforming building area would be increased by 50 square feet. Based on rounding, the nonconforming ratio would continue to be 3.7%, requiring a variance from the 3% maximum.

6. The proposed rear 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 commented on the development proposal in a memorandum dated September 7, 2023 that noted that the property is an Independent Contributing Property. The memorandum indicated that location of the addition to the rear of the residence would result in minimal impact on the streetscape.

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, who explained the proposed improvements. Testimony was also provided by architect Patrick Burke, III, who expressed the opinion that the proposed addition to the rear of residence would maintain its historic appearance and character.

10. Prior testimony on behalf of the applicants noted that a portion of the interior of the barn includes an accessory apartment that would remain. As previously proposed and approved, a shed attached to the rear of the barn would be removed, along with 2 adjacent small patios, a connecting walk and an artificial pond structure, as shown on the plans.

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

12. The rear addition to the residence will have a minimum front setback of 71.3' that will be greater than the current nonconforming front setback of 43' for the covered front entry porch that will remain without alteration.

13. The residence addition will result in a minor net increase of 50 square feet of the nonconforming building area after taking into account a partial offset due to removal of the shed attached to the barn.

14. The proposed development will reduce the lot coverage ratio from 10.7% to 9.98%, thus eliminating an existing

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

16. 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).

17. 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 rear of the residence that will have a minimum front setback of 71.3' 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 July 1, 2023, and on variance plans prepared by Yannaccone Villa & Aldrich, LLC, initially dated August 8, 2023 and revised September 6, 2023.

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 building area by 50 square feet that will continue to provide a nonconforming ratio based on rounding of 3.7%, 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 permit construction of the improvements shown on the 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 plans. New or amended variance relief may be required for any materially different improvements.

3. This variance approval supersedes the prior variance approval set forth in a resolution adopted on September 15, 2022 that was never implemented.

4. The lot coverage designated for removal on the plans shall be removed and the property shall be seeded for revegetation prior to issuance of a certificate of occupancy for the residence addition.

5. 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 & Flanagan.

Recused: Symonds.

Against the Oral Resolution: None.

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

Against the Form of the Written Resolution: None.