

**HARDING TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
May 16, 2019
7:30 PM**

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Board of Adjustment Vice-Chair Alf Newlin, 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.

ROLL CALL

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

Ms. Sovolos	Present	Mr. Newlin	Present
Mr. Flanagan	Excused	Mr. Maselli	Present
Mr. Rosenbaum	Present	Mr. Addonizio	Present
Mr. Symonds	Present	Mr. Kearns	Excused
Ms. Chipperson	Present		

Board Attorney, Gary Hall, Board Engineer, Paul Fox, Board Planner McKinley Mertz and Board of Adjustment Secretary Lori Taglairino were also present.

REGULAR MEETING

MINUTES

Mr. Newlin made a motion to approve the April 18, 2019 minutes. The motion was seconded by Mr. Rosenbaum. On a voice vote all eligible members were in favor of approving the minutes.

ADMINISTRATIVE

- Mr. Newlin asked the members to choose their next topic for Ongoing Training.
- Mr. Hall distributed the BOA 2018 Annual Report for discussion at the next meeting.

RESOLUTIONS

Application BOA# 03-19 Robert Schwester & Valerie Hartwyk
19 Alpine Trail, B44/L15, R-4 Zone

Mr. Newlin made a motion to adopt Resolution BOA #03-19 Hartwyk/Schwester with an amendment. It was seconded by Mr. Symonds. On a voice vote all eligible members were in favor of adopting the Resolution.

OLD BUSINESS

Application BOA# 17-18 New York SMSA Limited Partnership d/b/a Verizon Wireless
8 Millbrook Road, B17/L1, PL Zone
Applicant requesting variance relief for use, per NJSA
40:55D-70(d) for a cell tower.

Presenting:
Richard Schneider, Attorney
Mr. James Murawski, Engineer

The Board Attorney, Mr. Hall is recused from this application. Mr. Ed Purcell is providing counsel.

Mr. Rob Simon is an objecting attorney representing several members of the community.

A transcript of the testimony is appended to these minutes.

<u>Application BOA# 01-19</u>	Madeline S. Pitney 2008 Revocable Trust 34 Hunter Drive, B48, L8.01, R-1 Zone Applicant requesting variance relief for a front setback, and pre-existing non-conforming lot and steep slopes as per NJSA 40:55D-70(c).
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Presenting:
Thomas Malman, Attorney
Robert Moschello, Engineer

- Mr. Malman noted several changes to the scope of the project. He stated that the square footage had been reduced, and the septic relocated.
- He noted that the proposed house had been resituated on the lot to cause less of a slope disturbance but then increased the front setback variance required.
- Mr. Moschello presented Exhibit A-6, an aerial of the exiting lot dated May 16, 2019.
- Mr. Mochello presented Exhibit A-7, a color site plan rendering of the property shown with the Bridle Path relocated dated May 16, 2019.
- Mr. Moschello noted that the height and footprint had been reduced as well as the number of bedrooms from 5 to 4.
- Mr. Moschello noted that they removed a retaining wall.
- Mr. Moschello presented Exhibit A-8, a contour/topographic map illustrating the building box and showing the relocation of the septic.
- Mr. Moschello presented Exhibit A-9, a cross-section rendering of the property dated May 16, 2019.
- Mr. Fox expressed that 2 four foot retaining walls neat the septic area would limit the impact of runoff.

Epsey Farrell of 46 Hunter Drive, Michael Gengos of 125 Glen Alpin, Chris Nelson of 43 Hunter Drive and Chris Allyn of 8 Lake Trail West all had questions and concerns. The questions included but were not limited to drywells, runoff, steep slope and septic concerns.

Sean Colquhoun, of the Bridle Path Association asked to see the relocation of the Bridle Path. Mr. Colquhoun was satisfied with the change.

NEW BUSINESS

<u>Application BOA# 04-19</u>	Patricia Gargiulo 595 Van Beuren Road, B5/L8, R-1 Zone Applicant requesting variance relief for a lot coverage as per NJSA 40:55D-70(c).
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Presenting:
Tom Malman, Attorney
Greg Yannacone, Engineer

Tom Addonizio recused himself from this application.

Mr. Yannacone was sworn in for testimony.

- Mr. Malman noted that the applicant was seeking relief of 12.9% lot coverage.
- Mr. Yannacone presented Exhibit A-1 a photo of the 2015 aerial of the property.
- Mr. Yannacone presented Exhibit A-2, a current aerial of the property.
- Mr. Yannacone presented Exhibit A-3, a landscape plan of the property.
- There was a discussion about the property.
- Mr. Fox noted that at the site inspection it will be important to note the visual impact on the neighbors.
- A site inspection was scheduled for June 8, 2019 at 9:00am.

OTHER BUSINESS

ADJOURNMENT

Mr. Newlin adjourned the meeting at 11.00.

Respectfully submitted by

Lori Taglairino, Board of Adjustment

RESOLUTION
Valerie Hartwyk & Robert Schwester - Application No. 3-19
19 Alpine Trail - Block 44, Lot 15
Adopted May 16, 2019

WHEREAS, Valerie Hartwyk and Robert Schwester applied to the Harding Township Board of Adjustment for variances from Section 225-134(F) of the Land Use and Development Ordinance, which requires 25' minimum front setbacks in the R-4 Zone, and Section 225-115(B), which prohibits the enlargement of certain nonconforming structures, in order to permit construction of a front entry and rear deck addition for the nonconforming residence on a lot located in a R-4 Zone at 19 Alpine Trail and designated on the Township Tax Map as Block 44, Lot 15; and

WHEREAS, the Board of Adjustment conducted a public hearing on the application at a meeting on April 18, 2019 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 April 18, 2019, 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 16th day of May 2019, that approval of the variance application of Valerie Hartwyk and Robert Schwester is hereby memorialized as follows:

Findings of Fact and Statement of Reasons

1. The applicants' property is located in a R-4 Zone at 19 Alpine Trail. The property has a lot size of 11,707 square feet, which exceeds the 9,000 square foot minimum.
2. The property is improved with a single-family residence, as shown on plans prepared by Yannaccone Villa & Aldrich, LLC, dated February 16, 2019.
3. The residence is nonconforming due to a minimum front setback of 21.9' versus an applicable minimum of 25'.
4. The applicants proposed to renovate the residence and construct a new front entry and a rear deck addition, as shown on the plans and on architectural sketches dated January 11, 2019 submitted with the variance application.
5. The proposed new front entry would have a minimum front setback of 19.8', as shown on the plans, requiring a variance from the 25' minimum front setback requirement in Section 225-134(F).
6. The proposed front entry and rear deck addition 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 engineer Candace Davis and by applicant Robert Schwester. The testimony indicated that the project had been prompted by the need to provide an enclosed front entry, necessitating a limited reduction of the front setback. The rear deck addition would conform with all setback requirements.
8. There was a discussion of a landing shown on the plans in front of the proposed front entry. The applicant stated that it would be at grade (or less than 1' above grade) and would not serve as an elevated step for the front entry. Therefore, it would be classified as part of the walk and thus would not be subject to the front setback requirement.
9. There was a discussion of the proposed new front setback as shown on the plans and on architectural sketches prepared by Mr. Schwester. This resulted in a determination that the sketches show a second roof overhang extending out beyond the front façade for the new entry. The applicant agreed to limit their proposal to a new front entry with a minimum front setback of 19.8', as shown on the variance plans. They also agreed that the architectural sketches would be revised to eliminate the second roof overhang and be consistent with the variance plans.
10. No member of the public or neighbor objected to the application.
11. The necessity for the requested variances for modifications to the residence is attributable to the nonconforming front setback for the residence. The proposed front entry will only slightly reduce the nonconforming front setback.
12. The proposed front entry and rear deck addition will enhance the appearance and functional utility of the applicants' residence.
13. The property will continue to have building area and lot coverage ratios below the applicable maximums.
14. Under these particular circumstances, the modest proposed improvements will not result in any adverse impacts on adjacent properties.
15. In the case of this specific property, the nonconforming location of the applicants' residence, and the location and characteristics of the existing and proposed improvements, strict application of the zoning requirements would impose peculiar and exceptional practical difficulties on the applicants by precluding the proposed improvements, thus making variance relief appropriate pursuant to N.J.S.A. 40:55D-70(c)(1).
16. 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 25' minimum front setback requirement in Section 225-134(F) of the Land Use and Development Ordinance to permit construction of a front entry addition with a minimum front setback of 19.8', as shown on plans prepared by Yannaccone Villa & Aldrich, LLC, dated February 16, 2019, and on architectural sketches submitted by the applicants dated January 11, 2019, as required to be revised as a condition of these approvals.
2. 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 a new front entry and a rear deck addition, 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. As an express condition of these approvals, prior to issuance of a building permit, the applicants shall submit for review and approval by the Board Attorney revised architectural sketches showing deletion of the second roof overhang and consistency with the minimum front setback of 19.8' as shown on the variance plans.
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: Chipperson, Maselli, Newlin, Symonds, Rosenbaum, Addonizio & Flanagan.

Against the Oral Resolution: None.

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

Against the Form of the Written Resolution: None.