

**HARDING TOWNSHIP BOARD OF ADJUSTMENT  
MINUTES  
June 20, 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	Present	Mr. Maselli	Present
Mr. Rosenbaum	Present	Mr. Addonizio	Present
Mr. Symonds	Present	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. Flanagan made a motion to approve the May 16, 2019 minutes with an amendment of Mr. Colquhoun being a representative of the Bridle Path Association and a change in the verbiage regarding the variance relief for BOA# 01-19. The motion was seconded by Mr. Newlin. On a voice vote all eligible members were in favor of approving the minutes.

Mr. Flanagan made a motion to approve the June 8, 2019 Site Inspection Minutes. It was seconded by Mr. Newlin. On a voice vote all eligible members were in favor of approving the minutes.

**ADMINISTRATIVE**

- Mr. Flanagan asked the members to choose their next topic for Ongoing Training.

**OLD BUSINESS**

Application BOA# 01-19

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).

Presenting:

Thomas Malman, Attorney

Robert Moschello, Engineer

Louis Di Geronimo, Architect

Charles Heydt, Planner

Mr. Di Geronimo and Mr. Heydt were sworn in for testimony.

- Mr. Malman noted reduced revised plans for the application.
- Mr. Malman also noted the addition of retaining walls near the septic and at the front of the property as per the request of the Board engineer.
- Mr. Moschello presented Exhibit A-10, showing the addition of the retaining walls and the reduction in area of disturbance.

Ms. Farrell questioned the limit of the grading disturbance.

Ms. Bierly of 96 Lake Trail East asked how many variances were being requested for this application. It was noted that the applicant is seeking two variances after the revisions to the project.

- Mr. Di Geronimo presented Exhibits A-11 through A-15, all renderings of the proposed dwelling and elevations.
- Mr. Di Geronimo detailed the proposed elements represented in the renderings.
- There was a note that architectural sheet A-5 needs to be revised and re submitted.

Mr. Nelson of 43 Hunter Drive questioned the window and doors on the lower level.

- Mr. Heydt presented Exhibits A-16 through A-31, a series of photographs showing the views from the existing property and the surrounding properties.
- Mr. Heydt presented Exhibit A-32, a copy of the tax map and Exhibit A-33, a lot analysis for the neighborhood.
- Mr. Heydt discussed the irregularities of the lot. He noted the effort made by the applicant to reduce the negative impact from development.
- Ms. Mertz noted that she agreed with the testimony presented by Mr. Heydt. She believes that the applicant has done a lot to reduce the negative impact of the application.
- Mr. Maselli noted that the house could be designed to fit better on the lot.
- Mr. Heydt noted that due to the slope the house was designed to fit into the slope.

Mr. Edgar, from the Mt. Kemble Lake Association, questioned the testimony that most of the house was designed into the building envelope. Mr. Edgar questioned the fact that half of the proposed dwelling appears to be outside the building envelope. Mr. Edgar questioned whether the setback requirements had changed since 1964. Mr. Heydt did not know the answer to that question.

Ms. Bierly asked to be shown the location and path of the stream.

Mr. Nelson asked how much of the proposed building exceeds the permitted building envelope. Mr. Heydt noted that they are not requesting relief from the building envelope.

Ms. Farrell asked what would be the recourse after construction if the storm water management fails. Mr. Fox noted that would be brought to the attention of the Township Engineer.

#### Public Comment

Mr. Gengos of 125 Glen Alpin voiced concerns over the development of this property. The concerns included but were not limited to steep slope land disturbance and silt run off into the stream.

Mr. Edgar believes the variance requests are too excessive and will have detrimental effects on the stream. Mr. Edgar would like to see close monitoring of the run off.

Mr. Moschello noted that the silt fence would be about 180 feet from the stream.

Mr. Fox noted that the vegetative buffer would allow for some storm water treatment.

Mr. Symonds asked about the conditions set forth in the DEP approval to maintain the silt fence.

Ms. Farrell expressed her appreciation over the consideration the Board has taken in hearing this application.

Mr. Nelson noted his concern that the proposed building far exceeds the size of the building envelope. He also expressed his concern about the run off and drainage from this property.

Mr. Malman noted that the applicant was aware of the hardships with the property and acquired approvals from the DEP. Mr. Malman noted the constraints of the property as a result of their approvals. Mr. Malman opined that the proposed house was designed for the property with all of the elements of those constraints in mind. He expressed that the applicant revised the plans to consider and reduce the negative impact of the proposed project on the land.

The Board deliberated the negative and positive criteria. The concerns included the constructability with the steep slopes and the run off. Mr. Newlin noted that the engineering aspects of this proposed project had been addressed to lessen the impact on the property and environment. Mr. Newlin requested a draft resolution with all of the conditions be presented prior to a vote being taken.

Mr. Flanagan made a motion to request that Mr. Hall draft a resolution for a vote with all of the conditions. It was seconded by Mr. Newlin. A roll call vote went as follows:

For: Mr. Newlin, Mr. Rosenbaum, Mr. Maselli, Ms. Chipperson, Mr. Symonds,  
Mr. Addonizio and Mr. Flanagan  
Against: None

Application BOA# 05-19

New Cingular Wireless  
22 Village Road, B 15/L 1 R-3 Zone  
Applicant requesting variance relief for NJSA 40:55D-70(d)3 from  
Sections 225-162 and 163.

Presenting:  
Christopher Quinn, Attorney  
David Revette, Engineer

Mr. Revette was sworn in for testimony.

- Mr. Quinn presented a proposal for modifications to existing antennae at 22 Village Road and prior approval.
- Mr. Quinn noted that these antennae will provide First Net service for first responders.
- Mr. Quinn noted that they will be replacing two antennae with Omni antennae.
- Mr. Revette gave an overview of the replacement antennae.
- Mr. Revette noted that there will be no ground disturbance with this project.
- Mr. Maselli noted that there is more mass with the Omni antennae.

- The prior approval allowed for Whip antennae.

Mr. Flanagan made a motion to accept the consent of the applicant to extend the timeline for the application. It was seconded by Mr. Newlin. A roll call vote went as follows:

For: Mr. Newlin, Mr. Rosenbaum, Mr. Maselli, Ms. Chipperson, Mr. Symonds,  
Mr. Addonizio and Mr. Flanagan

Against: None

The application was carried until the July meeting.

### **NEW BUSINESS**

### **OTHER BUSINESS**

### **ADJOURNMENT**

Mr. Flanagan adjourned the meeting at 11.00.

---

Respectfully submitted by

Lori Taglairino, Board of Adjustment

---