

**HARDING TOWNSHIP BOARD OF ADJUSTMENT MINUTES  
REGULAR MEETING  
AUGUST 18, 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**

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**ROLL**

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

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

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

**ADMINISTRATIVE**

Mr. Flanagan announced the following scheduling & procedural matters:

Application BOA #18-21                      529 Waterfront Properties, LLC  
595 Van Beuren Road, B5/L8  
Appeal of Tree Officer Decision  
**(Adjourned to the September 15, 2022 meeting).**

Application BOA# 14-20                      Donald & Eliza Murphy  
49 Meyersville Road, B55/L5  
**(Carried to the September 15, 2022 meeting).**

Application BOA# 16-21                      Ronald & Judith Preiss  
110 Village Road, B15/L10.03, R-1 Zone  
**(Carried to the September 15, 2022 meeting).**

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**MINUTES**

July 21, 2022 and August 2, 2022 Special Meeting Minutes

Mr. Flanagan made a motion to approve the July 21, 2022 and August 2, Special Meeting minutes as written. It was seconded by Mr. Newlin and Mr. Symonds. On a voice vote all were in favor of approving the minutes.

## **BUDGET**

There was a discussion about the 2023 budget. They decided to review it further and vote to approve a budget at the September meeting.

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## **RESOLUTIONS**

Application BOA# 06-22

John & Joy Dalena  
204 Blue Mill Road, B9/3.01

Mr. Flanagan made a motion to adopt the Resolution BOA# 06-22 Dalena. The motion was seconded by Ms. Sovolos. A roll call vote went as follows:

For: Flanagan, Symonds, and Sovolos

Against: None

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## **OLD BUSINESS**

Application BOA# 04-22

Kunal Singh  
95 Pleasantville Road, B15/L21.04, R-1 Zone  
Applicant is requesting variance relief for a front setback and expansion of a non-conforming structure as per N.J.S.A.40:55D-70(c)

Presenting:

Luke Pontier, Attorney

Mr. Singh, Owner

Ryan Smith, Engineer

Mr. Symonds recused himself from the application.

- Mr. Pontier noted the applicant removed the kennel from the plans.
- Mr. Maselli asked about notations on the variance plan.
- Mr. Smith stated that he would revised the plans to clarify the notations.

Ms Sovolos made a motion to approve the application subject to the correction of sheet #3 on the variance plan. The motion was seconded by Mr. Maselli. A roll call vote went as follows:

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

Against: None

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

BOA# 07-2022 Resolution to Adjourn into Executive Session

Mr. Flanagan read Resolution BOA #07-2022 into the record.

Mr. Flanagan made a motion to adopt the resolution BOA# 07-2022 Resolution to Adjourn into Executive Session The motion was seconded by Mr. Newlin. On a voice vote all were in favor of adjuring into executive session.

The resolutions are appended to the minutes.

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## **OTHER BUSINESS**

There was a discussion about possible edits to the Zoning Table.

## **ADJOURNMENT INTO EXECUTIVE SESSION**

Mr. Flanagan adjourned the meeting at 7:42

*Lori Taglairino*

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Respectfully submitted by Lori Taglairino, Board of Adjustment Secretary

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**HARDING TOWNSHIP BOARD OF ADJUSTMENT  
RESOLUTION  
John & Joy Dalena - Application No. BOA 06-22  
204 Blue Mill Road - Block 9, Lot 3.01  
Adopted August 18, 2022**

WHEREAS, John and Joy Dalena applied to the Harding Township Board of Adjustment for variances from Section 225-122(F)(1) of the Land Use and Development Ordinance, which requires an enhanced minimum front setback of 150' when the total building area exceeds 3,920 square feet, Section 225-122(C)(1), which permits a maximum building area ratio of 3% where the minimum front setback for any structure is less than 150', Section 225-122(H), which permits a maximum lot coverage ratio of 10%, and Section 225-115(B), which prohibits the enlargement of nonconforming structures, to permit construction of a one-story side addition over a portion of an existing open patio on property located at 204 Blue Mill Road in the RR Zone and is designated on the Township Tax Map as Block 9, Lot 3.01; and

WHEREAS, the Board of Adjustment conducted an initial public hearing on the application at a meeting on June 16, 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 conducted a noticed site inspection of the property on July 6, 2022; and

WHEREAS, the Board of Adjustment conducted a continued public hearing on the application at a meeting on July 21, 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 exhibits presented during the public hearing; and

WHEREAS, at the meeting on July 21, 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 18th day of August 2022, that approval of the variance application of John and Joy Dalena is hereby memorialized as follows:

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

1. The subject property is located at 204 Blue Mill Road in the RR Zone. It has a lot size of 3 acres that conforms with the minimum for the R-1 Zone that previously applied, but is nonconforming as to the 5 acre minimum for the RR Zone that currently applies.

2. The property is improved with a single-family residence with a side entry garage. The property has an unusual shape that narrows to the rear of the residence, as shown on a copy of a survey prepared by Braginsky Surveying, LLC, dated September 15, 2020 and last revised January 25, 2021.

3. This property was the subject of Application No. BOA 11-20, approved by resolution adopted by the Board of Adjustment on November 19, 2020 that granted variance relief to permit relocation of an emergency generator and A/C condenser pads from the rear of the residence to a location in front of the residence.

4. The applicants now propose to enclose a portion of an open patio to the right side of the residence, as shown on a plan prepared by CA Young Architecture, dated April 7, 2022 and revised May 5, 2022.

5. Although located by the middle of the right side of the residence, rather than the front of the residence, the proposed addition would have a minimum front setback of 143.37', thus requiring variance relief from the enhanced minimum front setback of 150' under Section 225-122(F)(1) due to a total building area of 4,634 square feet that exceeds the 3,920 square foot maximum that triggers a heightened requirement.

6. The proposed addition would increase the previously approved lot coverage ratio of 11.3% to 11.43%, thus requiring variance relief from the 10% maximum.

7. The proposed addition would increase the nonconforming principal building area ratio from 3.54% to 4.19%, requiring variance relief from the applicable 3% maximum.

8. The proposed addition would enlarge the nonconforming residence, thus requiring variance relief from the restriction against enlargement of nonconforming structures in Section 225-115(B).

9. Testimony in support of the application was provided by the applicants and by their architect Carolyn Young. They stated that the proposed addition was intended to create an outdoor living area enclosed by screens to provide insect protection.

10. No neighbor or member of the public commented on or objected to the application.

11. The proposed side location would mainly occupy the area of an existing patio between two wings of the residence. This design would minimize any appearance of excessive building mass. This represents the only practical location due to the garage and parking area on the opposite side of the residence and the limited usable rear yard area.

12. Construction of a one story screened patio at the proposed location will not result in any adverse impacts on adjacent properties under the particular circumstances of this property and proposal.

13. Based on the unusual lot shape and the location and characteristics of the existing and proposed improvements, denial of the requested variances would impose peculiar and exceptional practical difficulties on the applicants by precluding the proposed enclosed patio addition, thus making variance relief appropriate pursuant to N.J.S.A. 40:55D-70(c)(1).

14. All of 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 enhanced 150' minimum front setback requirement in Section 225-122(F)(1) of the Land Use and Development Ordinance to permit construction of an enclosed patio to the right side of the residence with a minimum front setback of 143.37', as shown on a survey prepared by Braginsky Surveying, LLC, dated September 15, 2020 and last revised January 25, 2021, and on a plan prepared by CA Young Architecture, dated April 7, 2022 and revised May 5, 2022.

2. A variance is hereby granted from the 10% maximum lot coverage ratio requirement in Section 225-122(H) of the Ordinance to authorize construction of an enclosed patio that will increase the ratio of 11.3% to 11.43%, as shown on the survey and plan.

3. A variance is hereby granted from the 3% maximum building area ratio requirement in Section 225-122(C)(1) of the Ordinance to authorize construction of a patio enclosure that will increase the ratio from 3.54% to 4.19%, as shown on the survey and plan.

4. A variance is hereby granted from the restriction against enlargement of nonconforming structures in Section 225-115(B) of the Ordinance to permit enlargement of the applicants' nonconforming residence by construction of an enclosed patio, as shown on the plan.

#### **Variance Conditions**

These variances are granted subject to the following conditions:

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

2. The applicants shall obtain a building permit and any other necessary approvals.

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

4. These variances shall expire unless the authorized construction is commenced within one year from the date of this resolution and subsequently is pursued in a reasonably diligent manner.

#### **Vote on Resolutions**

For the Oral Resolution: Flanagan, Symonds, Sovolos & Cammarata.

Against the Oral Resolution: None.

For the Form of the Written Resolution: Flanagan, Symonds & Sovolos.

Against the Form of the Written Resolution: None.

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**RESOLUTION BOA# 07-2022  
BOARD OF ADJUSTMENT, TOWNSHIP OF HARDING  
MORRIS COUNTY, NEW JERSEY  
AUGUST 18, 2022  
RESOLUTION AUTHORIZING BOARD OF ADJUSTMENT  
TO MEET IN EXECUTIVE SESSION**

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**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 – Review of Professionals

Personnel Matter – None

Litigation –None

Attorney-Client Privilege – None

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:** August 18, 2022

I, Lori Taglairino, Board of Adjustment Secretary, of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Board of Adjustment at the meeting held on August 18, 2022.