

NICOLE M. MAGDZIAK
Attorney at Law

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Parsippany, NJ 07054-2891
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March 19, 2024

VIA E-MAIL & OVERNIGHT MAIL

Lori Taglairino
Board of Adjustment Secretary
Township of Harding
21 Blue Mill Road
New Vernon, NJ 07976

**Re: Stark Kirby ("Applicant")
BOA Application – Subdivision & New Construction Single Family
Block 4, Lots 35 and 36, 613 Spring Valley Road (Lot 35) and 1 Hartley
Farms Road (Lot 36), Harding Township ("Property")**

Dear Lori:

This firm represents the Applicant in connection with the above-captioned matter. In support of this application, enclosed please find the following:

1. Three (3) copies of the completed Variance Application packet, including the Variance Checklist and Technical Review Escrow Agreement;
2. Three (3) copies of the Proposal narrative;
3. Three (3) copies of easements recorded on the Property;
4. Three (3) copies of the Owners Consent Form;
5. Three (3) copies of the "613 Spring Valley Rd & 1 Hartley Farms Rd Minor Subdivision and Variance Plans" dated February 16, 2024, prepared by Ronald A. Kennedy, P.E., of Gladstone Design, Inc.;
6. Three (3) copies of the "Kirby Residence" dated March 15, 2024, prepared by Stephen E. Kowalski, RA, SEK Architects;

Lori Taglairino
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7. Three (3) copies of the "Tree Replacement Plan" dated February 15, 2024, prepared by Jim Mazzucco, L.L.A., of Bosenberg Landscape Architecture;
8. Three (3) copies of the Denial of Application letter issued by Harding Zoning Officer George Byrnes dated March 12, 2024;
9. Three (3) copies of the Hartley Farms Architectural Review Committee Letter;
10. One (1) copy of the list issued by the Harding Tax Assessor of property owners who own property within 200 feet of the Property;
11. One (1) copy of the prior resolutions returned from the OPRA request;
12. One (1) copy of the Health Department Variance Review form;
13. One (1) copy of the request for tax certification submitted to the Harding Tax Collector;
14. One (1) check in the amount of \$2,512.00 in payment of the application fee;
15. One (1) check in the amount of \$12,500.00 in payment of the required escrow deposit;
and
16. One (1) Form W-9 completed by the Applicant.

Thank you for your attention to this application. Please contact me if you have any questions or require additional information.

Very truly yours,



Nicole M. Magdziak

NMM/cmc
Enclosures



**TOWNSHIP OF HARDING
LAND USE APPLICATION**

21 Blue Mill Road, P.O. Box 666
New Vernon, New Jersey 07976
(973) 267-8000 Ext. 723

Appendix 1A

APPLICANT Stark Kirby (Lot 35)

BLOCK: 4 **LOT:** 35 & 36

APPLICATION FOR DEVELOPMENT

☐ Planning Board
☒ Board of Adjustment
Application Number: _____ Date of First Submission: March 19, 2024
Adequate Application Date: _____
Completeness Date: _____

1. NATURE OF THE APPLICATION (Check all applicable items)

- | | |
|--|--|
| <input type="checkbox"/> Conceptual subdivision plan | <input type="checkbox"/> Amendment to approved site plan |
| <input checked="" type="checkbox"/> Minor subdivision | <input type="checkbox"/> Conditional use |
| <input checked="" type="checkbox"/> Lot line adjustment | <input type="checkbox"/> Variance, residential, fence, patio or deck |
| <input type="checkbox"/> Major subdivision, preliminary | <input checked="" type="checkbox"/> Variance, other residential |
| <input type="checkbox"/> Major subdivision, final | <input checked="" type="checkbox"/> Use or other (d) variance |
| <input type="checkbox"/> Amendment to approved plat | <input type="checkbox"/> Variance, other non-residential |
| <input type="checkbox"/> Conceptual site plan | <input type="checkbox"/> Appeal from administrative decision |
| <input type="checkbox"/> Site plan approval, preliminary | <input type="checkbox"/> Interpretation of zoning ordinance |
| <input type="checkbox"/> Site plan approval, final | <input type="checkbox"/> Special flood hazard development permit |
| <input type="checkbox"/> Other _____ | |

2. PROPERTY INFORMATION

Property location: 613 Spring Valley Road (Lot 35) and 1 Hartley Farms Road (Lot 36)

Block: 4 Lot: 35 and 36 Zone: R-1

Existing use: Single Family Residence

Proposed use: The Applicant proposes to obtain a minor subdivision of lots 35 and 36 and construct a single family dwelling on lot 35.

Has there been any previous application involving these premises by the applicant or any other prior owner of the property? ☒ Yes ☐ No ☐ Unknown If yes, nature of application, date and determination: _____
Requested copies of the Hartley Farms Subdivision, OPRA request pending for prior resolutions.

Does the applicant own adjacent property? ☐ Yes ☒ No If yes, address of adjacent property: _____

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
☒ Yes [attach copies] ☐ No ☐ Proposed

Is the property included within a Historic District as shown in the Harding Township Master Plan? ☒ Yes ☐ No
If yes, which district? Hartley Farms Historic District, HPC Meeting was on March 7, 2024.
If yes, please fill out BOA Appendix 1L and make arrangements with the Historic Preservation Commission.

Were any buildings on the property constructed prior to 1915? ☒ Yes ☐ No
If the property is located in the RR, R-1 or R-2 Zone, were any accessory buildings constructed prior to 1945?
☒ Yes ☐ No If yes, please fill out BOA Appendix 1L and make arrangements with the Historic Preservation Commission.

3. APPLICANT INFORMATION

Name of Applicant: Stark Kirby

Mailing Address: 22 East 1st Street

City/State/Zip/: New York, NY 10003

Phone #: c/o Attorney (973) 966-8027

Email: c/o Attorney nmagdziak@daypitney.com

Applicant's Interest in the Property: Stark Kirby Owner Lot 35

Applicant is a(n): ☒ Individual ☐ Partnership ☐ Corporation

4. CONTACT FOR APPLICANT

Name: Please See Attorney Information Below

Address: _____

City/State/Zip: _____

Phone #: _____

Email: _____

5. APPLICANT OWNER DISCLOSURE (if applicable)

Pursuant to N.J.S.A. 40:55D-48.1, the names and addresses of all persons or entities possessing a 10% or greater interest in an applicant that is a corporation, partnership or other entity must be disclosed. In accordance with N.J.S.A. 40:55D-48.2 this disclosure requirement applies to all person or entities possessing a 10% or greater interest in any such entity followed up in the chain of ownership until the names and addresses of all persons or entities possessing a 10% or greater interest have been disclosed. (Attach pages as necessary to comply).

Name: _____	Address: _____	100% Interest: _____
Name: _____	Address: _____	Interest: _____
Name: _____	Address: _____	Interest: _____
Name: _____	Address: _____	Interest: _____

6. APPLICANT'S ATTORNEY (Entities must be represented by an attorney)

Name: Nicole M. Magdziak, Esq., Day Pitney LLP

Address: One Jefferson Road, Parsippany, NJ 07054

Phone #: (973) 966-8027

Email: nmagdziak@daypitney.com

7. APPLICANT'S ENGINEER AND PLANNER

Name: Ronald A. Kennedy, P.E., P.P., CME, LEED AP, Gladstone Design, Inc.

Address: 265 Main Street, P.O. Box 400, Gladstone, NJ 07934

Phone #: (908) 234-0309

Email: rkennedy@gladstonedesign.com

8. APPLICANT'S ~~PLANNER~~ Landscape Architect

Name: Jim Mazzucco, L.L.A., Bosenberg Landscape Architecture

Address: P.O. Box 486, Far Hills, NJ 07931

Phone #: (908) 234-0557

Email: jim@bwbbosenberg.com

9. APPLICANT'S ARCHITECT

Name: Stephen E. Kowalski, RA, SEK Architects

Address: 9 Tulip Street, Summit, NJ 07901

Phone #: (908) 273-1160

Email: stephen@sekarchitect.com

10. BRIEF DESCRIPTION OF PROJECT:

Indicate type of improvement, alteration, structure, or use proposed and describes all structures, improvements, and uses now on the property. For any non-residential, business, or commercial use provides hours of operation, number of employees, number of parking spaces, and other information important for consideration: _____

Please see attached proposal.

11. REQUESTED ZONING VARIANCES:

Identify each deviation and the Township Code section and variance requested and state principal points on which the variance request is made. Use a separate sheet if necessary. Attach any letter or document from the Zoning Officer or any other Township representative which has been issued to you regarding this proposal.

Section 225-178 - D3 Use Variance _____

Section 225-122.F - C Variance side yard setback _____

Section 255-122.H - C Variance lot coverage _____

** See attached Proposal for additional pre-existing non-conforming conditions that will remain as part of this application.

12. LIST ANY OTHER LICENSES, PERMITS OR OTHER APPROVALS REQUIRED BY MUNICIPAL, COUNTY, STATE OR FEDERAL LAW AND THE STATUS OF EACH.

Harding Township Health Department Review - Pending

13. APPLICANT CERTIFICATION

I hereby affirm that all of the statements above and contained in the papers submitted herewith are true.

Signature of the Applicant: Nicole Magdziak
Nicole M. Magdziak, Esq., Attorney for Applicant

Date: March 19, 2024

14. OWNER INFORMATION (If not the Applicant)

Name: Same as Applicant. Please see attached Owner's Consent for Lot 36

Address: _____

Phone #: _____

Email: _____

15. OWNER'S CONSENT TO APPLICATION

I certify that I am the owner of the property that is the subject of this application, that I have authorized the applicant to make this application, and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

Owner: Nicole Magdziak
Nicole M. Magdziak, Esq., Attorney for Applicant

Sworn to and subscribed before me this

_____ day of _____, 20____

Notary Public of the State of New Jersey

PERMISSION BY OWNER FOR ACCESS TO THE PROPERTY

The undersigned Owner, having made or consented to an application for development to the Harding Township Planning Board or Board of Adjustment, understands that Board members and others must have an opportunity upon reasonable advance notice to go onto the property and examine the same in order to be able to fully understand and evaluate the application.

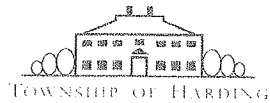
We therefore grant permission to members of the Board and others to go onto our property during daylight hours upon reasonable advance notice to make a thorough examination of the same for the purpose of more effectively deciding the application.

Date: March 19, 2024

Owner: Nicole Magdziak
Nicole M. Magdziak, Esq., Attorney for Applicant

Date: _____

Owner: _____



**TOWNSHIP OF HARDING
BOARD OF ADJUSTMENT
ZONING REQUIREMENTS**

21 Blue Mill Road, P.O. Box 666
New Vernon, New Jersey 07976
(973) 267-8000 Ext.723

Appendix 1E

If multiple districts apply to the property or if more space is needed, please attach additional copies of this table to your application.

IMPORTANT NOTICE: All figures inserted in this table must be based on and consistent with site plans and any architectural plans, which also must be consistent with each other.

Block: 4	Lot: 35	Address: 613 Spring Valley Road		Date: March 19, 2024	
Zoning Requirement or Limitation		Requirement or Limitation	Existing	Proposed	Check off if VARIANCE Requested
Lot size (measured to right of way line)		3.00 acres	3.40 acres	3.40 acres	<input type="checkbox"/>
Lot frontage or lot width		10%	13.98%	13.98%	<input type="checkbox"/>
Principal Structure					
Front yard setback		150 ft	195.1 ft	171.2 ft	<input type="checkbox"/>
Side yard (1) setback		100 ft	26.0 ft	101.3 ft	<input type="checkbox"/>
Side yard (2) setback		100 ft	280 ft	105 ft	<input type="checkbox"/>
Rear yard setback		100 ft	302.8 ft	244.0 ft	<input type="checkbox"/>
Maximum height		35 ft	Existing	24.6 ft	<input type="checkbox"/>
Accessory Structure(s)					
Front yard setback		100 ft	111.3 ft	195.1 ft	<input type="checkbox"/>
Side yard (1) setback		100 ft	122.1 ft	26.0 ft	<input checked="" type="checkbox"/>
Side yard (2) setback		100 ft	180 ft	270 ft	<input type="checkbox"/>
Rear yard setback		100 ft	340.5 ft	302.8 ft	<input type="checkbox"/>
Maximum height		25 ft	Existing	Existing, No Change	<input type="checkbox"/>
Maximum building area ratio or floor area ratio (FAR applies in B-1, B-2 and OB zones), as applicable (list all buildings and existing and proposed square footage (SF) for any additions or new structures)					
1. Residence (or other main structure)			640 SF	4,454 SF	
2. Barn/garage Accessory Residence			0 SF	640 SF	
3. Barn			2,161 SF	0 SF	
4. Shed			32 SF	184 SF	
5. Pump House			66 SF	66 SF	
6.			SF	SF	
Total building area (if applicable)		SF	2,899 SF	5,344 SF	<input type="checkbox"/>
Maximum building area ratio or FAR (as applicable)		4 %	1.96 %	3.62 %	<input type="checkbox"/>
Maximum lot coverage, if applicable (list all impervious surfaces such as pools, patios, walkways, driveways, recreation courts, etc.) Maximum lot coverage excludes R-2, R-3 and R-4 zones.					
1. Total building area (insert SF from above)			2,899 SF	5,344 SF	
2. Driveway			11,392 SF	7,589 SF	
3. Patio / Walkway			803 SF	2,301 SF	
4. Walks			- SF	- SF	
5. Walls			1,165 SF	1,552 SF	
6. Common Driveway to Lot 33			4,439 SF	3,710 SF	
7. Pool			0 SF	86 SF	
8. Miscellaneous			- SF	- SF	
Total lot coverage		10 %	13.98 %	13.89 %	<input checked="" type="checkbox"/>
<input type="checkbox"/> Other (specify below or add additional sheet)					
					<input type="checkbox"/>
					<input type="checkbox"/>



**TOWNSHIP OF HARDING
BOARD OF ADJUSTMENT
ZONING REQUIREMENTS**

21 Blue Mill Road, P.O. Box 666
New Vernon, New Jersey 07976
(973) 267-8000 Ext.723

Appendix 1E

If multiple districts apply to the property or if more space is needed, please attach additional copies of this table to your application.

IMPORTANT NOTICE: All figures inserted in this table must be based on and consistent with site plans and any architectural plans, which also must be consistent with each other.

Block: 4	Lot: 36	Address: 1 Hartley Farms Road		Date: March 19, 2024	
Zoning Requirement or Limitation		Requirement or Limitation	Existing	Proposed	Check off if VARIANCE Requested
Lot size (measured to right of way line)		3.00 acres	3.00 acres	3.00 acres	<input type="checkbox"/>
Lot frontage or lot width		10%	5.37%	5.61%	<input type="checkbox"/>
Principal Structure					
Front yard setback		150 ft	68.5 ft	68.5 ft	<input type="checkbox"/> P
Side yard (1) setback		100 ft	58.6 ft	58.6 ft	<input type="checkbox"/> P
Side yard (2) setback		100 ft	240 ft	240 ft	<input type="checkbox"/>
Rear yard setback		100 ft	N/A	N/A	<input type="checkbox"/>
Maximum height		35 ft	Existing	Existing, No Change	<input type="checkbox"/>
Accessory Structure(s)					
Front yard setback		100 ft	14.7 ft	14.7 ft	<input type="checkbox"/> P
Side yard (1) setback		100 ft	2.2 ft	2.2 ft	<input type="checkbox"/> P
Side yard (2) setback		-	-	-	<input type="checkbox"/>
Rear yard setback		100 ft	N/A	N/A	<input type="checkbox"/>
Maximum height		25 ft	Existing	Existing, No Change	<input type="checkbox"/>
Maximum building area ratio or floor area ratio (FAR applies in B-1, B-2 and OB zones), as applicable (list all buildings and existing and proposed square footage (SF) for any additions or new structures)					
1. Residence (or other main structure)			1,574 SF	1,574 SF	<input type="checkbox"/>
2. Barn/garage - Accessory Residence			0 SF	0 SF	
3. Barn			1,177 SF	1,177 SF	
4. Shed			152 SF	0 SF	
5. Pump House			0 SF	0 SF	
6.			SF	SF	
Total building area (if applicable)		SF	2,903 SF	2,751 SF	<input type="checkbox"/>
Maximum building area ratio or FAR (as applicable)		3 %	2.22 %	2.10 %	<input type="checkbox"/>
Maximum lot coverage, if applicable (list all impervious surfaces such as pools, patios, walkways, driveways, recreation courts, etc.) Maximum lot coverage excludes R-2, R-3 and R-4 zones.					
1. Total building area (insert SF from above)			2,903 SF	2,751 SF	<input type="checkbox"/>
2. Driveway			3,261 SF	3,261 SF	
3. Patio / Walkway			755 SF	755 SF	
4. Walks			- SF	- SF	
5. Walls			61 SF	61 SF	
6. Common Driveway to Lot 33			0 SF	468 SF	
7. Pool			- SF	- SF	
8. Miscellaneous			40 SF	40 SF	
Total lot coverage		10 %	5.37 %	5.61 %	<input type="checkbox"/>
<input type="checkbox"/> Other (specify below or add additional sheet)					
					<input type="checkbox"/>
					<input type="checkbox"/>



**TOWNSHIP OF HARDING
PLANNING BOARD/BOARD OF ADJUSTMENT
TECHNICAL REVIEW ESCROW AGREEMENT**

21 Blue Mill Road, P.O. Box 666
New Vernon, New Jersey 07976
(973) 267-8000 Ext. 723

BOA Appendix 1H

This agreement made and entered on this 19th day of March, 2024 by and between the Township of Harding and Stark Kirby, is made upon the following terms and conditions:

Project Name: 613 Spring Valley Rd & 1 Hartley Farms Rd

Project Location: 613 Spring Valley Road (Lot 35) and 1 Hartley Farm Road (Lot 36)

Block: 4 Lot (s): 35 and 36

Applicant Name: Stark Kirby

Applicant Mailing Address: 22 East 1st Street, New York, NY 10003

I understand that the sum of \$ 12,500.00 has been deposited in an escrow account in the applicant's name. In accordance with Ordinance 171-23 of the Harding Township Code, I further understand that the escrow is established to cover the cost of certain professional services including engineering, planning and legal and other expenses associated with the review of submitted development application materials and review and preparation of documents. Sums which not utilized for these purposes shall be returned upon request to the individual or business from which checks were submitted upon issuance of a certificate of occupancy or withdrawal, abandonment, denial or other termination of the application. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fourteen (14) days. If additional funds are not received I understand that no further action will be taken on my development application until the escrow account has been replenished.

March 19, 2024

Date

Nicole Magdziak

Signature of Applicant or Attorney

Nicole M. Magdziak, Esq., Attorney for Applicant

Print Name



**TOWNSHIP OF HARDING
HEALTH DEPARTMENT
VARIANCE REVIEW
\$100.00 Fee**

21 Blue Mill Road, P.O. Box 666
New Vernon, New Jersey 07976
(973) 267-8000 Ext. 715

BOA Appendix 1D

A copy of a written approval from the Harding Township Department of Health is required with all applications to the Board of Adjustment. This review is separate and distinct from any reviews and permits required by the Building Department, the Township Engineer, the Zoning Board or others. To facilitate the review process, please answer the following questions and provide a project plan as described below.

COMPLETE BOTH SIDES OF THIS FORM

Date Submitted: March 19, 2024

SITE INFORMATION:

Block: 4 **Lot:** 35 & 36 **Property Location:** 613 Spring Valley Road (Lot 35) and 1 Hartley Farms Road (Lot 36)

Mailing Address: 22 East 1st Street, New York, NY 10003

Owner: Stark Kirby

Phone: c/o Attorney (973) 966-8027 **Email:** c/o Attorney nmagdziak@daypitney.com

Current Occupant (if other than owner): _____

Phone: _____ **Email:** _____

Number of Existing Bedrooms: 2

PROJECT INFORMATION:

Briefly describe the project:

Please see attached proposal.

Project Engineer: Ronald A. Kennedy, P.E., P.P., CME, LEED AP, Gladstone Design, Inc.
& Planner

Address: 265 Main Street, P.O. Box 400, Gladstone, NJ 07934

Phone: (908) 234-0309 **Email:** rkennedy@gladstonedesign.com

Project Architect: Stephen E. Kowalski, RA, SEK Architects

Address: 9 Tulip Street, Summit, NJ 07901

Phone: (908) 273-1160 **Email:** stephen@sekarchitect.com
Landscape Architect

Project Contractor: Jim Mazzucco, L.L.A., Bosenberg Landscape Architecture

Address: P.O. Box 486, Far Hills, NJ 07931

Phone: (908) 234-0557 **Email:** jim@bwbosenberg.com

PROJECT INFORMATION-continued:

Will there be any changes, additions or deletions to the plumbing system? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, describe:
Will there be any removal or demolition of existing buildings or structures? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, the following information may be required, as applicable: Extermination: A letter from a licensed exterminator indicating the type of infestation (none detected, wood destroying insect, rodent or other), the type and date of treatment; certification of completion. Public Water Disconnect: A letter from the public water supply indicating the disconnection of the water has been completed.

REQUIREMENT CHECK LIST:

Scaled plot plans, surveys, drawings and designs are required that show the following information:

Plot plan must show: (NOTE: the Health Department may have some of this information, check the files)

<input checked="" type="checkbox"/>	The locations of all permanent improvements including, but not limited to: driveways, house foundations, pools, out buildings, decks, underground storage tanks; underground drainage lines and underground utilities
<input checked="" type="checkbox"/>	Lot boundaries and location of neighboring or adjacent septic systems and wells.
<input checked="" type="checkbox"/>	The specific location (as-built, not as-planned) of the site's septic system components including the septic tanks, lines, D-box, laterals, curtain drains, etc. Indicate on plan, the method of determining the location.
<input checked="" type="checkbox"/>	The specific location of the site's well.
<input checked="" type="checkbox"/>	The specific location(s) of roof drainage seepage pits.
<input checked="" type="checkbox"/>	Proposed construction access route.
<input checked="" type="checkbox"/>	Streams, ponds, or other surface waters.

Architectural plan must show:

<input checked="" type="checkbox"/>	Architectural or design plan for entire structure, including all floors and rooms.
<input checked="" type="checkbox"/>	Plans must include current conditions on all floors and for all rooms as well as proposed work.
<input checked="" type="checkbox"/>	Proposed work, demolition and changes must be highlighted or otherwise called out.

Applicant Name: Stark Kirby

Applicant Signature:

Nicole Magdziak

Nicole M. Magdziak, Esq., Attorney for Applicant

FOR DEPARTMENT USE ONLY

Date Received: _____ **Time Received:** _____ **Receipt Number:** _____

LAND USE AND DEVELOPMENT

225 Attachment 1

Township of Harding

Checklist A

Application for Development: Subdivisions and Site Plans

Planning Board/Board of Adjustment

[Amended 5-13-1991 by Ord. No. 3-91; 10-13-1992 by Ord. No. 13-92; 12-9-1996 by Ord. No. 8-96; 4-20-1998 by Ord. No. 2-98; 9-13-1999 by Ord. No. 11-99; 5-16-2001 by Ord. No. 11-01; 9-4-2002 by Ord. No. 11-02]

For Office Use Only:
Application #
Received on:
Complete:
Incomplete:

To Applicant: Please fill in the following:
Block, 4
Lot: 35 and 36
Applicant's Name (below): Stark Kirby

This checklist applies to all applications for subdivision and site plan approval except:

1. Applications to the Board of Adjustment for variances not involving a subdivision or site plan; appeal of decisions of the Zoning Officer; and requests for interpretation or for the direction of issuance of building permits (use Checklist B).
2. Applications to the Planning Board involving only an application for a special flood hazard development permit (use Checklist C). Check off each item submitted and any waivers requested in connection with checklist requirements. In the case of an application for final site plan approval, the applicant shall submit all items required for preliminary site plan approval in final form.

SUBMISSION REQUIREMENTS								
• A "dot" in the column to the right of each item indicates applicability to each type of development application.								
A. Document Submission	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Submitted (check off)	Waiver Request (check off)
1. Application Forms: 20 completed copies of all required application form(s) and checklist(s). Indicate "n/a" for any item that is not applicable. If a subdivision or site plan application involves a variance, the applicant shall also file an application form for a variance.	X	
2. Application and Technical Review Fees: Application and technical review fees in accordance with Chapter 171 of the Harding Township Code.	X	
3. Board of Health Approval: 20 copies of the written approval by the Township Board of Health of the adequacy of any existing individual sewage disposal system or of plans for sewage disposal, or its acceptance of soil log and percolation test data indicating suitability for an individual sewage disposal system(s).		X

HARDING CODE

Township of Harding

Checklist A (Cont'd)

SUBMISSION REQUIREMENTS	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Submitted (check off)	Waiver Request (check off)
<ul style="list-style-type: none"> A "dot" in the column to the right of each item indicates applicability to each type of development application. 								
4. NJDEP Letter of Interpretation (LOI): If wetlands are present or one or more wetland indicators are present (pursuant to N.J.A.C. 7:7A-1 et seq.) on the site, submit 20 copies of the letter of interpretation from the NJDEP indicating the presence or absence, approved delineation, classification and transition area of such wetlands.	•	•	•	•				X
5. Morris County Planning Board: A fully completed application to the Morris County Planning Board.	•	•	•	•	•	•	X	
6. Applicant Ownership List: If the applicant is a corporation or partnership, a list of the names and addresses of all stockholders or individual partners owning at least 10% of any class of its stock or at least 10% of the partnership interest.	•	•	•	•	•	•		n/a
7. Surrounding Owners List: A list, certified by the Township Tax Assessor, of the names and address of all property owners, municipalities (other than the Township), counties (other than Morris County), mid Township-registered cable television and utility companies within 200 feet of the property.	•	•	•	•	•	•	X	
8. Tax Certification: A certification from the Tax Collector that all property taxes and assessments currently due have been paid, or provision for payment of such taxes and assessments.	•	•	•	•	•	•	X	
9. Environmental Impact Statement (EIS): 20 copies of the EIS in accordance with Article XII of Chapter 225 of the Harding Township Code.			•	•				
10. Stormwater Management Report and Computations: Submit 20 copies of the stormwater management report and/or calculations (see items 45 and 46 in Section B below).			•	•				
11. Township Engineer's Certification of Improvements Completed: If a subdivision and some or all improvements have been completed, submit 20 copies of a certification by the Township Engineer that all improvements that have been installed are in accordance with the approved preliminary plans.					•			
12. Previous Applications: If there has been a previous application to the Planning Board or Board of Adjustment involving the subject property within the last three years, submit 20 copies of an explanation as to the nature, date, and disposition of such application (please attach to application form).	•	•	•	•				n/a

LAND USE AND DEVELOPMENT

Township of Harding

Checklist A (Cont'd)

SUBMISSION REQUIREMENTS	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Submitted (check off)	Waiver Request (check off)
<ul style="list-style-type: none"> A "dot" in the column to the right of each item indicates applicability to each type of development application. 								
13. Conservation easements – baseline documentation. Submit a report in accordance with this chapter documenting the current condition of land encompassed within proposed easements, including but not limited to photographs, surveys of buildings, structures, vegetation, trails, and water bodies, and any proposed restrictions. [Added 12-16-2009 by Ord. No. 14-09]								
14. Three copies of an application for Soil Erosion and Sediment Control Plan Certification for projects that are subject to Article XVII (Soil Erosion and Sediment Control) of the Township Code. [Added 3-23-2011 by Ord. No. 04-11]				X
15. 20 paper copies and one digital copy (on CD-ROM or other acceptable electronic storage media in a projectable format) of aerial photos of the subject tract on a single 11 x 17 sheet with the following information added to the air photos: [Added 3-23-2011 by Ord. No. 04-11]			X	
a. Existing tract boundaries.								
b. Proposed lot boundaries and building setback lines.								
c. Proposed lot numbers.								
d. Proposed roadways and shared driveways.								
e. Existing wetlands and associated transition areas.								
f. Existing waterways, water bodies, and associated riparian buffers.								
g. Flood hazard areas, floodways, and stream encroachment lines.								
16. Two digital copies of the submitted plans on CD-ROM or other acceptable electronic storage media in Autocadd format. For applications requiring Morris County Planning Board approval, digital submittals shall be prepared according to standards used by the Morris County Planning Board as described in Appendix G, Digital Mapping Submission Standards of the Land Development Standards of the County of Morris, New Jersey, as may be modified or amended in the future. [Added 3-23-2011 by Ord. No. 04-11]	X	

HARDING CODE

Township of Harding

Checklist A (Cont'd)

SUBMISSION REQUIREMENTS	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Submitted (check off)	Waiver Request (check off)
<ul style="list-style-type: none"> A "dot" in the column to the right of each item indicates applicability to each type of development application. 								
B. Plan Submission								
1. 20 paper copies and two digital copies of any required site plan, subdivision plat, map, survey, sketch or drawing which shall comply with and/or contain the following: [Amended 3-23-2011 by Ord. No. 04-11]	X	
2. The plat or plan clearly and legibly drawn or reproduced on a sheet size either 15 x 21, 24 x 36 or 30 x 42 inches, showing the entire tract on 1 sheet, at a scale: a. If a subdivision (minor or major), not smaller than 1 inch = 100 feet b. If a minor site plan, not smaller than 1 inch = 100 feet and not larger than 1 inch = 10 feet c. If a major site plan, not smaller than 1 inch = 50 feet and not larger than 1 inch = 10 feet d. Digital copies must be submitted on CD-ROM or other acceptable electronic storage media in Adobe format. Each plan sheet shall be a separate file, shall be digitized at a density of 300 dpi, and shall be suitable for posting on the Township website [Added 3-23-2011 by Ord. No. 04-11]	X	
3. The plat or plan and other maps prepared, signed and sealed by a New Jersey licensed land surveyor, engineer, professional planner, registered architect or registered landscape architect, subject to the restrictions of such license or registration.	X	
4. On each plan sheet, the title block containing the name of the property owner or development name, if any, existing lot and block numbers, the name, address and telephone number of the plan preparer, the date prepared, the date and purpose of the last revision.	X	
5. The scale of the map, both written and graphic.	X	
6. North arrow giving the reference meridian on all plan views.	X	
7. A space for the signature of the Chairman and Secretary of the Board.	X	
8. A space for the signature of the Township Engineer.	X	
9. The names, addresses and telephone numbers of all applicants and owners.	X	
10. A list of the names and addresses of all property owners, municipalities (other than the Township), counties (other than Morris	X	

LAND USE AND DEVELOPMENT

Township of Harding

Checklist A (Cont'd)

SUBMISSION REQUIREMENTS	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Submitted (check off)	Waiver Request (check off)
• A "dot" in the column to the right of each item indicates applicability to each type of development application.								
County), and all Township-registered utility and cable television companies within 200 feet of the property.								
11. A key map at a scale of not smaller than 1 inch = 1,000 feet showing location of the tract (with any proposed lot lines) in relation to the surrounding area within 2,000 feet, including the location of all zoning district boundaries and historic districts designated in the Harding Township Master Plan and/or listed on the State and/or National Register.	•	•	•	•	•	•	X	
12. Zone district and zone boundaries of the subject property and adjoining property and all zone requirements and limitations pertinent to the subject property, indicated on the plans both in tabular form and graphically. If existing structures are to remain, include the total square footage and the building area of each structure in the zoning data table.	•	•	•	•	•	•	X	
13. Indicate whether the site is within (or partially within) a historic district designated in the Harding Township Master Plan, and whether the site, building(s) or district is listed on the State or National Historic Register.	•	•	•	•	•	•	X	
14. The location, bearings and distances of all existing and proposed lot lines to the nearest hundredth of a foot.	•	•	•	•	•	•	X	
15. The block and lot numbers of adjoining lots and, if a subdivision, proposed block and lot numbers approved by the Township Tax Assessor.	•	•	•	•	•	•	X	
16. Lot frontage of each existing and proposed lot measured in feet, accurate to the nearest hundredth of a foot.	•	•	•	•	•	•	X	
17. The total area, and the area of each existing and proposed lot, private road or land in public right-of-way and any commonly owned contiguous property, in acres if 1 acre or over and in acres and square feet if under 1 acre, in each case accurate to nearest 0.0001 of an acre.	•	•	•	•	•	•	X	
18. The location of all setback lines, the building envelope, and in the R-1 and RR Zones, a 100 foot by 100 foot square located within the building envelope displaying topographic elevations based upon a field survey at each corner of the square. [Amended 11-3-2004 by Ord. No. 22-04]	•	•	•	•	•	•	X	
19. The location on the property and the use of all existing and proposed buildings and structures or proposed additions thereto, with distances to the nearest existing and proposed lot lines measured in feet, accurate	•	•	•	•	•	•	X	

HARDING CODE

Township of Harding

Checklist A (Cont'd)

SUBMISSION REQUIREMENTS	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Submitted (check off)	Waiver Request (check off)
• A "dot" in the column to the right of each item indicates applicability to each type of development application. to the nearest hundredth of a foot.								
20. An indication of any structures to be removed, demolished or relocated on the site and the proposed location of any structure to be relocated on the site.	•	•	•	•	•	•	X	
21. The location of existing catch basins, bridges, culverts, storm drains, water lines, sanitary sewer lines, wells, gas lines, telephone lines, utility easements, sewage disposal systems, bridle paths, drainage easements and conservation easements (specifying land benefited and burdened by each easement) within the site and, if a preliminary major subdivision or site plan, within 200 feet of the tract.	•	•	•	•	•	•	X	
22. The location, names (if any) and dimensions of any existing or proposed public and private roads, road rights-of-way and access easements on the property and, if a preliminary major subdivision or site plan, within 200 feet of the tract, specifying the ownership of each such road out the land to be benefited and burdened by each such access easement.	•	•	•	•	•	•	X	
23. The location of all existing driveways, shoulders, curbing, walkways, fences, walls, parking spaces and loading areas on the site and whether any of the foregoing are to be removed.	•	•	•	•	•	•	X	
24. Natural features such as watercourses and rock formations on the site and within 200 feet thereof, except that, if a minor site plan, only within the proposed area of soil disturbance.	•	•	•	•	•	•	X	
25. Soil boundary lines and types within the property as shown by the current Morris County Soil Survey Maps.	•	•	•	•	•	•	X	
26. The delineation of flood hazard areas, including floodways and flood fringe areas, one-hundred-year flood elevations, stream encroachment lines, riparian buffers, wetlands and wetland transition areas, as approved in a LOI issued by NJDEP. [Amended 3-23-2011 by Ord. No. 04-11]	•	•	•	•	•	•		X
27. If a minor subdivision, contour lines at intervals of 10 feet within the site and within 200 feet thereof.	•						X	
28. If a minor site plan, elevation contours and spot elevations within the area of soil disturbance.		•						
29. If a major subdivision, contour lines at intervals of not more than 5 feet where the slope is 20% or greater, and at intervals of not more than 2 feet where the slope is less than 20%, within the site and within 100			•					

LAND USE AND DEVELOPMENT

Township of Harding

Checklist A (Cont'd)

SUBMISSION REQUIREMENTS	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Submitted (check off)	Waiver Request (check off)
• A "dot" in the column to the right of each item indicates applicability to each type of development application.								
30. If a site plan, contour lines at intervals of 2 feet where the slope is greater than 4% and at intervals of 1 foot where the slope is 4% or less, within the site and within 50 feet thereof.				•		•		
31. If in the R-1 and RR Zones and slopes of 8% or greater are present on the property, the topographic information and other requirements contained in § 225-91. [Amended 11-3-2004 by Ord. No. 22-04]	•	•	•	•		•	X	
32. In the R-1 and RR Zones, a landscape plan for revegetating disturbed areas after construction if land disturbance is proposed in connection with driveway or utility improvements in slope areas of 25% or greater. [Amended 11-3-2004 by Ord. No. 22-04]	•	•	•	•		•	X	
33. The location of wooded areas within the tract and within 200 feet thereof, and isolated trees 8 inches or more in diameter, measured 4.5 feet above ground level, designating species of each isolated tree shown within the tract, except that, if a minor site plan, only within the proposed area of soil disturbance. If a major subdivision, the location of all trees 8 inches or more in diameter, measured 4.5 feet above ground level, and other specimen trees or vegetation which may be affected by the construction of proposed roads or drainage improvements.	•	•	•	•		•	X	
34. The location of the tree conservation area along all perimeter lot lines of existing and proposed lots located in the R-1, RR, R-2, R-3 and R-4 Zones. [Amended 11-3-2004 by Ord. No. 22-04]	•	•	•	•	•	•	X	
35. The location of any required or proposed buffers or landscaped areas.	•	•	•	•		•		X
36. A landscape plan, including an indication of existing vegetated areas and tree preservation measures and details, and specifications for the types, quantity, size and location of all proposed vegetation specifying the scientific and common names of vegetation.	•		•	•		•		X
37. A detailed grading plan showing spot elevations along building lines, at building corners, low points and high points and along curblines.						•		
38. Soil erosion and sediment control plan, if required by § 225-89A.	•	•	•	•		•		X
39. If the property is to be served by one or more new individual sewage disposal systems, the location of all soil test pits, disposal area(s) required by the Board of Health, and a certification by the New Jersey licensed engineer who performed the tests as to accuracy of test results	•	•	•	•		•	X	

HARDING CODE

Township of Harding

Checklist A (Cont'd)

SUBMISSION REQUIREMENTS	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Submitted (check off)	Waiver Request (check off)
• A "dot" in the column to the right of each item indicates applicability to each type of development application.								
and whether a septic system can be designed as may be needed for each lot in compliance with local and state requirements.								
40. Detailed plans and design of any proposed individual sewage disposal system.						•		
41. Where applicable, plans, profiles and construction details for sanitary sewer lines, showing feasible connections to existing or proposed sanitary sewer system, and all other information required by the NJDEP and any other governmental entity for sewerage facilities.			•	•		•		
42. Where applicable, plans for connections to water lines, gas, electric, cable and telephone, showing feasible connections to existing or proposed utility systems.			•	•		•		
43. Plans, profiles and cross sections of proposed roads, including typical pavement sections.			•					
44. If a site plan, plans, profiles and cross sections of proposed circulation drives, parking areas and spaces and loading areas, including typical pavement sections.				•		•		
45. Plans for the control of surface drainage, including profiles and cross sections of drainage lines and facilities showing feasible connections to existing or proposed drainage systems, drainage computations and a topographic map showing drainage area boundaries and soil boundaries thereof and land use boundaries.			•	•		•		
46. Plans, profiles, cross sections, structural drawings and design calculations for proposed stormwater detention facilities showing compliance with appropriate runoff requirements.			•	•		•		
47. The elevation of all catch basins and manhole inverts and grates or rims.						•		
48. If a site plan, preliminary architectural plans for all proposed buildings and structures (including a description of the combustible nature of construction materials) showing building dimensions, floor elevations, entrance locations, rooftop mechanical equipment and preliminary finished grade contours of all proposed buildings and structures and the proposed floor areas, floor area ratio, lot coverage, and the calculations of such floor areas, floor area ratio and lot coverage, where applicable. [Amended 6-4-2003 by Ord. No. 12-03]		•		•		•		
49. Proposed features such as outdoor storage areas, outdoor mechanical equipment, solid waste and recycling areas, service areas, utility	•	•	•	•		•	X	

LAND USE AND DEVELOPMENT

Township of Harding

Checklist A (Cont'd)

SUBMISSION REQUIREMENTS	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Submitted (check off)	Waiver Request (check off)
• A "dot" in the column to the right of each item indicates applicability to each type of development application.								
buildings and structures and fences or walls, including all building or structure dimensions. [Amended 6-4-2003 by Ord. No. 12-03; 4-16-2008 by Ord. No. 5-08]								
50. If a site plan, a detailed plan for proposed exterior lighting and lighting visible from the exterior.				•		•		
51. Any sign(s) proposed to be installed on the property, including details as to location, size, design, color, texture, illumination, installation and/or mounting details.		•		•		•		
52. Provisions for fire prevention and protection. This requirement shall be applicable to minor subdivisions that include one or more proposed flag lots. [Amended 10-21-2009 by Ord. No. 12-09]			•	•		•		
53. 3 sets of construction plans for major subdivisions, including all improvements and plan details approved as part of the preliminary subdivision plans and including the following: a. Locations and elevations of at least 2 elevation benchmarks within the property. b. Final plans, profiles and construction details for any water lines and/or sanitary sewer and all other information required by NJDEP for any sewerage facilities. c. Final plans, profiles and construction details for the drainage system and structural details for all detention facilities. d. Final plans, profiles and cross sections of proposed road and all other proposed or required improvements, in accordance with Township ordinances, showing proposed and existing grade lines, quantities of earthwork and typical section of roadway pavement. e. Final landscape plans.					•			
54. Bearing or deflection angles and radii, arcs and central angles of all curves in roads, driveways and property lines.					•	•		
55. If a subdivision, the location and description of existing and proposed monuments and distances between them.					•			
56. If a subdivision, a final plat drawn to the requirements of the Map Filing Law with spaces for appropriate signatures by the owner, land surveyor and required Township officials.					•			
57. Detailed plans, including location and elevation of all utilities.						•		
58. A statement as to any existing protective covenants, deed restrictions,	•	•	•	•	•	•	X	

HARDING CODE

Township of Harding

Checklist A (Cont'd)

SUBMISSION REQUIREMENTS								
<ul style="list-style-type: none"> A "dot" in the column to the right of each item indicates applicability to each type of development application. 								
	Minor Subdivision	Minor Site Plan	Preliminary Major Subdivision	Preliminary Site Plan	Final Major Subdivision	Final Site Plan	Submitted (check off)	Waiver Request (check off)
easements and rights-of-way affecting the use of the property.								
59. The size, shape, location and purpose of any required conservation easement (including the proposed location and design of required boundary markers) and of any other proposed easement or area to be used for bridle paths, common recreation facilities, conservation or to be dedicated to public use and the nature of any use other than residential. [Amended 3-19-2003 by Ord. No. 5-03]	n/a	
60. A statement on the plat or plan providing for the sharing of the responsibility of lot owners or users for perpetual maintenance of any shared privately owned roads, driveways, parking and/or loading areas, recreation facilities, open space, sewage disposal facilities, water lines and stormwater facilities.	X	
61. If a planned development: a. Cross-site area, net residential site area (total and per lot), floor area ratio of gross and net residential site areas and residential density. b. Common open space for active recreation and maximum diameter of circle inscribed in open space area. c. Net habitable floor area, total floor area, number of bedrooms and bedroom sizes for each dwelling unit. d. Length of each building or other straight facade. e. The shortest building setback from the property line where a single-family dwelling exists on the adjoining lot. f. The setback of the structure from a nearby stream, if necessary to show compliance, with a minimum of 50 feet. g. The window area and floor area of each living and sleeping room.				.		.		

NOTE: The Board may require the submission of a traffic engineering study prepared by a qualified traffic engineer for major subdivisions and site plans.

PROPOSAL

Stark Kirby (the "Applicant") is seeking minor subdivision (lot line adjustment), minor site plan, "c" variance and d(3) conditional use variance approval to effectuate a lot line adjustment between property designated as Block 4, Lots 35 (613 Spring Valley Road) and 36 (1 Hartley Farms Road) on the official tax map of the Township of Harding (individually referred to by lot number and collectively, the "Property"). The Applicant is further proposing to construct a new house on Lot 35 and retain the existing dwelling located on Lot 35 as an accessory residence.

The Property is located in the Hartley Farms Historic District and in the R-1 Residential Zoning District. When Hartley Farms became its own historic district, the district included properties along Spring Valley Road, a portion of Blue Mill Road and connected to the Silver Lake Historic District on Red Gate Road. Significantly, all of the existing structures located on Hartley Farms, some of which date back to the late 1700's, were listed as "Contributing Structures" in the National Historic Register application that was approved.

The Hartley Farms subdivision was perfected in 1992. Of note, given the size of Hartley Farms, the owners were permitted to adopt rules and regulations applicable to development of properties located within Hartley Farms. Among the requirements for a property owner proposing development is to obtain approval from the Hartley Farms Architectural Review Committee, which the Applicant did for the proposed project (please see attached review letters). Additionally, these rules and regulations exempted buildings from side yard setback rules, which is why, for example, many existing barns, horse sheds, and cottages are located closer than 100 feet to the road and adjacent properties.

Lot 35 currently contains the "Blacksmith Cottage", which is currently the principal residence and contains approximately 640 square feet, a barn, a shed, a pump house and related site improvements. The Blacksmith Cottage was constructed in approximately 1910 as a laundry to serve the Marcellus Hartley Dodge estate, which was located on the Property and adjacent properties. The Blacksmith Cottage was converted to a residence in the 1960's. The shed on Lot 35 encroaches onto Lot 36. Lot 36 currently contains a single family house, patio, barn and other related site improvements.

Lot 35 also contains a 20-foot wide access easement from Spring Valley Road to the rear of Lot 35, benefiting adjacent Lot 33 in Block 4. A utility easement benefiting Lot 33 runs along the access easement. These easements are proposed to remain on Lot 35.

The Applicant is proposing improvements to Lot 35 only, consisting of removal and repurposing of the existing barn and construction of a two-story single family house, paver patio, pool and other related site improvements. Significantly, historic components of the barn, such as the timber frame and stone foundation, will be salvaged, reused and integrated in the construction of the proposed single family house. The Applicant is proposing to retain the Blacksmith Cottage, which is proposed to be used as an accessory residence. No improvements are proposed to Lot 36.

The following table represents the proposed lot line adjustment.

	Existing Lot Area (acres)	Proposed Lot Area (acres)
Existing Lot 35	3.400	3.402
Existing Lot 36	3.002	3.000

The following pre-existing non-conforming conditions exist on the Property and will remain as part of this application:

1. Lot 35
 - a. Ordinance Section 225-116.Q(2). The required space between driveway gates, pillars or posts shall provide for a minimum clear width of 20 feet and 12 feet is existing and proposed between driveway pillars.
 - b. Ordinance Section 225-122.F to permit a side yard setback of 26 feet to the existing cottage (no change proposed), where 26 feet is existing and 100 feet is required.
2. Lot 36:
 - a. Ordinance Section 225-116.D. The existing barn, an accessory structure, is located closer to the road than the principal structure, which accessory structures are required to be located behind the front façade of the principal structure.
 - b. Ordinance Section 225-122.F. A front yard setback of 100 feet is required, where a front yard setback to the existing barn of 14.7 feet is existing to remain.
 - c. Ordinance Section 225-122.F. A side yard setback of 100 feet is required, where a side yard setback to the existing barn of 2.2 feet is existing to remain.
 - d. Ordinance Section 225-122.F. A front yard setback of 100 feet is required, where a front yard setback to the existing principal dwelling of 68.5 feet is existing to remain.
 - e. Ordinance Section 225-122.F. a side yard setback of 100 feet is required, where a side yard setback to the existing principal dwelling of 58.6 feet is existing to remain.

The Applicant is seeking the following variance relief in connection with the improvements on Lot 35.

1. D(3) conditional use variance from Section 225-178 to permit an accessory dwelling unit that does not meet the following conditions: the minimum lot size required is 6 acres, where 3.4 acres is proposed; and the side yard setback is 26 feet, where the accessory building must comply with all of the setback limitations in the R-1 Zone, which requires a side yard setback of at least 100 feet.
2. C variance from Ordinance Section 225-122.F to permit a side yard setback of 27.4 feet to the existing shed, where 0 feet is existing and 100 feet is required.
3. C variance from Ordinance Section 255-122.H to permit a maximum lot coverage of 13.89%, where 13.98% is existing and 10% is permitted.

The Applicant is seeking the following design waiver relief in connection with the improvements on Lot 35.

1. Design waiver from Ordinance Section 225-74.C for stormwater management design to follow for individual lot site plan filings, where stormwater management is required for any residential subdivision.

2. Design waiver from Ordinance Section 225-74.E for landscaping plans to follow for individual lot site plan filings where landscaping plans are required for all major and minor subdivisions.
3. Design waiver from Ordinance Section 225-74.L for non-right or non-radial site lot line angles consistent with existing conditions where side lot lines shall be at right angles or radial to an existing curved road.

LANDOWNER'S CONSENT CERTIFICATION

Property:

Block 4, Lot 36
9 Hartley Farms Road
Township of Harding
Morris County, New Jersey

Applicant:

Stark Kirby

Owner:

Hartley Farms Partners, LP

Proposed Development:

Minor site plan, minor subdivision (lot line adjustment) with variance approval for the construction of a single family home on neighboring Lot 35 in Block 4

The undersigned hereby certifies as follows:

Hartley Farms Partners, LP is the only owner of the above referenced Property and hereby consents and agrees to the filing by the Applicant of any and all applications for governmental approvals necessary for the Proposed Development described above including, but, not limited to, applications to the Planning Board and/or the Board of Adjustment of the Township of Harding, the Morris County Planning Board, the Morris County Soil Conservation District, the New Jersey Department of Transportation, and the New Jersey Department of Environmental Protection and agrees to be bound by said applications, the representations made and the decision in the same manner as if it were the Applicant.

Hartley Farms, Partners, LP

By: 

Name: Nicholas W. Platt

Title: Managing Partner



Harding Township
ZONING DEPARTMENT
21 BLUE MILL RD
PO BOX 666
NEW VERNON, NJ 07976
(973) 267-8000 X 715 FAX(973) 267-6221
GBYRNES@HARDINGNJ.ORG

Application Date: 2/28/2024
Application Number: ZA-24-00024
Permit Number: _____
Project Number: _____

Fee: \$464

Denial of Application

Date: 3/12/2024

To: KIRBY, STARK D JR
613 SPRING VALLEY RD
MORRISTOWN, NJ 07960

RE: MINOR SUBDIVISION OF LOTS 35 AND 36 AND CONSTRUCT A SFD
613 SPRING VALLEY RD
BLOCK: 4 LOT: 35 QUAL: ZONE: R-1

DEAR KIRBY, STARK D JR,

Denial Reasons:

No architectural plans were submitted for the single family dwelling.

Lot 35 will have two dwelling units. Harding Township Ordinance 225-121 only allows 1 single family dwelling per lot. Shed on lot 35 will have a setback of 27". Harding Township Ordinance 225-122F requires all structures be setback at least 100' from property lines.

Proposed lot coverage of lot 35 is to be 13.89%. Harding Township Ordinance 225-122H allows a maximum lot coverage of 10% of total lot area.

Proposed driveway gate will have a clear opening around 12'. Harding Township Ordinance 225-116Q(2) requires a minimum clear opening of 20' between driveway gates.

Filed Plans:

Subdivision Plan prepared by Gladstone Design dated 2/16/24.

Please be advised that you may present an application to the Land Use Board in order to secure relief (variance) from the provision(s) described above. You also have the right to appeal this decision to the Board of Adjustment or to resubmit an amended application to the Zoning Department. To proceed with an appeal, you must present this notice along with the completed form of application to the Board of Adjustment's secretary no later than 20 days from the date hereof. Please be advised that this denial is not the ultimate determination of variances that might be needed for this project.

To find further information on the Board of Adjustment for a variance, please visit <https://www.hardingnj.org/boards/zone>. You can also call Lori Taglairino at 973-267-8000 x 723.

Sincerely,

**APPLICANT: Day Pitney LLP
One Jefferson Road
Parsippany, NJ 07054**

DATE: February 6, 2024

BLOCK/LOT: Block 4, Lot 36

**HARDING TOWNSHIP
MORRIS COUNTY, NEW JERSEY**

PLANNING BOARD * BOARD OF ADJUSTMENT**

200 FOOT PROPERTY OWNER LIST

The following is a summary of the Notice requirements for applicants. See section 105-20 of the Harding Township Code for the complete text of Notice requirements. All Notice must be given by personal service or certified mail at least ten (10) days prior to the date of the hearing. An Affidavit of Proof of Service shall be filed with the Board holding the hearing.

1. List of all property owners within 200 feet in all directions (whether located within Harding or adjacent municipalities) of **Block 4, Lot 36** Tax Map Township of Harding as shown on the current tax duplicate. See section 105-20A (2) of the Harding Code regarding Notice requirements for condominiums, partnerships and corporations.
2. Applicants are advised that if the property is within 200 feet of the municipal boundary, the applicant must obtain the names and addresses of property owners located within the adjoining municipality from the **Tax Assessor** of the adjoining town.
3. If the property is within 200 feet of the municipal boundary, or is adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan or adjoins other county land, the "Notice to Property Owners" must be served on the **County Planning Board**.
4. If the property is situated within 200 feet of a municipal boundary, the "Notice to Property Owners" must be served on the **Clerk** of such municipality.
5. If the property is adjacent to a State highway, the "Notice to Property Owners" must be served on the **Commissioner of Transportation**.
6. If the property exceeds 150 acres or 500 dwelling units, the "Notice to Property Owners" must be served on the **Director of the State Planning Commission**. Such notice shall include a copy of any maps or documents required to be on file.

7. Notice shall be given, in the case of a public utility, cable television company or local utility which possesses a right-of-way of easement within the township, and which has registered with the Township Tax Assessor, by serving a copy of the "Notice to Property Owners" on the person whose name appears on the registration form on behalf of the company or utility.

NJ American Water Company / Northern Division
Mr. D L Conyers, Division Manager
167 JFK Parkway
Short Hills, NJ 07078

The Southeast Morris Cty Municipal Util Authority
Harry G. Gerken, Executive Director
19 Saddle Road
Cedar Knolls, NJ 07927

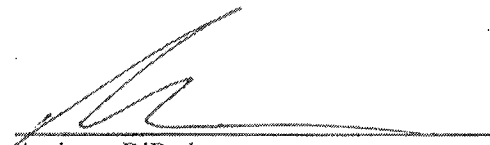
Texas Eastern Transmission Corp
Manage, Property Tax
PO Box 1642
Houston, TX 77251-1642

Public Service Electric and Gas Co
Manager, Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102

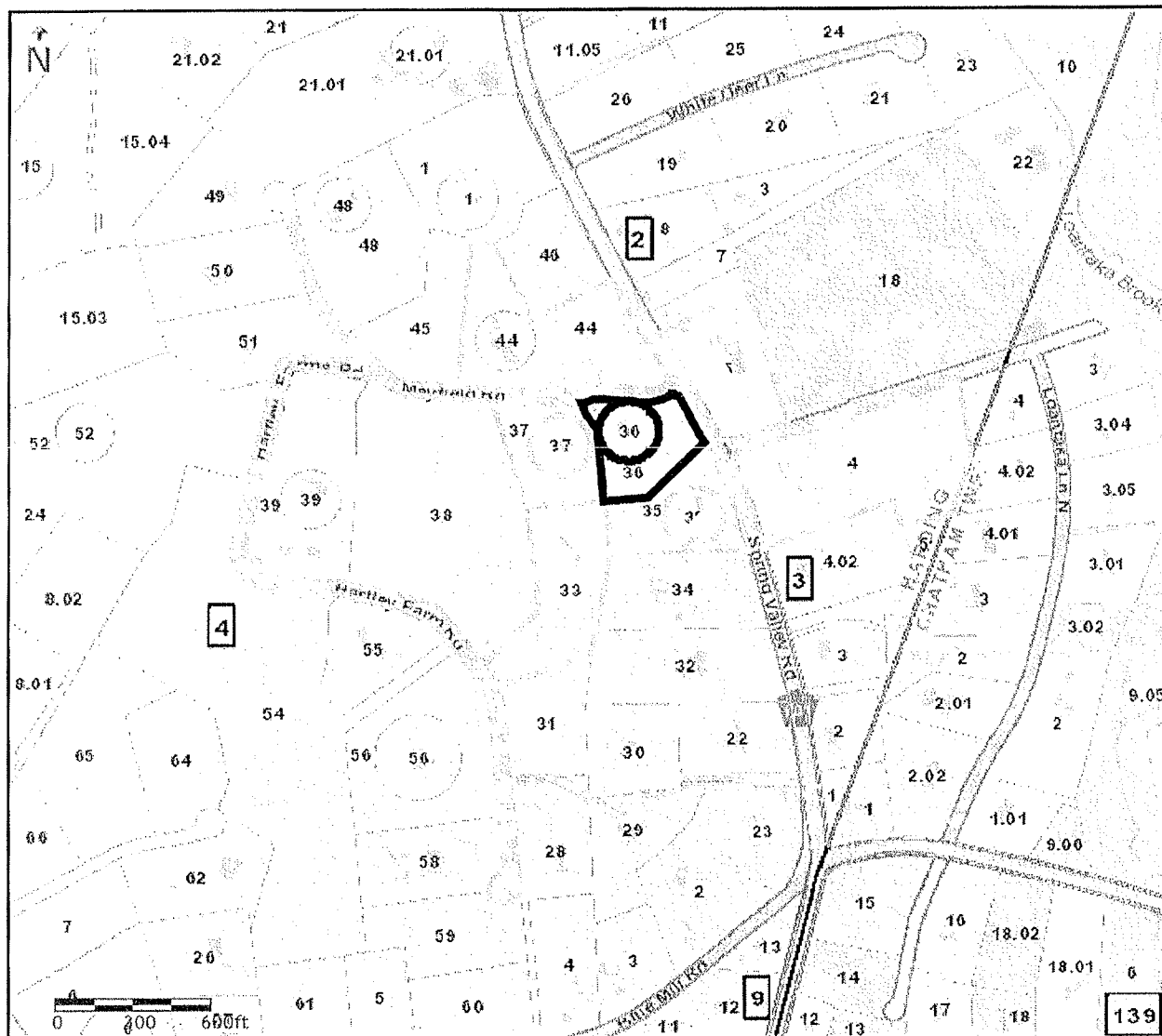
COMCAST Corporation
100 Randolph Road
Somerset, NJ 08873

Morris County Planning Board
Court House, CN900
Morristown, NJ 07960-0900

Certified by:



Anthony DiRado
Tax Assessor
Harding Township



Morris County Board of Taxation
COUNTY OF MORRIS, NEW JERSEY
 P.O. Box 900, Morristown NJ, 07963-0900
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TARGETED PROPERTIES:				
PAMS_PIN	Acres	Property Location	Owners Name	Mailing Address
1413_4_36_QFARM	2.0000	1 HARTLEY FARMS RD	HARTLEY FARMS, PTNRS, LP	9 HARTLEY FARMS RD MORRISTOWN NJ 07960
1413_4_36	1.0000	1 HARTLEY FARMS RD	HARTLEY FARMS, PTNRS, LP	9 HARTLEY FARMS RD MORRISTOWN NJ 07960

PARCELS WITHIN RANGE OF TARGETED PROPERTIES:

PAMS_PIN	Acres	Property Location	Owners Name	Mailing Address
1413_2_5	4.2200	622 SPRING VALLEY RD	MASELLI, DONATO/NICOLE	622 SPRING VALLEY RD MORRISTOWN, NJ 07960
1413_3_4	9.0400	614 SPRING VALLEY RD	LAWLESS, FRED & MARY ALICE	614 SPRING VALLEY RD MORRISTOWN, NJ 07960
1413_4_33	4.5900	623 SPRING VALLEY RD	DU PONT, HELEN HARTLEY & E PAUL III	PO BOX 4 GREEN VILLAGE, NJ 07935
1413_4_35	1.0000	613 SPRING VALLEY RD	KIRBY, STARK D JR	613 SPRING VALLEY RD MORRISTOWN NJ 07960
1413_4_35_QFARM	2.4100	613 SPRING VALLEY RD	KIRBY, STARK D JR	613 SPRING VALLEY RD HARDING TOWNSHIP, NJ 07976
1413_4_36	1.0000	1 HARTLEY FARMS RD	HARTLEY FARMS, PTNRS, LP	9 HARTLEY FARMS RD MORRISTOWN NJ 07960
1413_4_36_QFARM	2.0000	1 HARTLEY FARMS RD	HARTLEY FARMS, PTNRS, LP	9 HARTLEY FARMS RD MORRISTOWN NJ 07960
1413_4_37	1.0000	3 HARTLEY FARMS RD	HARTLEY FARMS, PTNRS, LP	9 HARTLEY FARMS RD MORRISTOWN NJ 07960
1413_4_37_QFARM	2.1000	3 HARTLEY FARMS RD	HARTLEY FARMS, PTNRS, LP	9 HARTLEY FARMS RD MORRISTOWN NJ 07960
1413_4_41	3.8400	HARTLEY FARMS RD(ROADWAY)	HARTLEY FARMS, PTNRS, LP	9 HARTLEY FARMS RD MORRISTOWN, NJ 07960
1413_4_44_QFARM	5.6400	2 HARTLEY FARMS RD	SALEH, ROBERT/SANAA	2 HARTLEY FARMS RD MORRISTOWN, NJ 07960



**TOWNSHIP OF HARDING
TAX CERTIFICATION**

21 Blue Mill Road, P.O. Box 666
New Vernon, New Jersey 07976
(973) 267-8000 Ext. 726

BOA Appendix F

FEE: \$10.00

TO BE COMPLETED BY APPLICANT:

Block(s) 4 Lot(s) 35 & 36 Qual.: _____

Owner of property: Stark Kirby

Street address: _____

Owner Telephone: [REDACTED] Owner email: nmagdziak@daypitney.com

Applicant if other than owner: _____

Applicant address: _____

Applicant Telephone: _____ Applicant email: _____

TO BE COMPLETED BY TAX COLLECTOR:

Taxes on the property described above have been paid in full through 03/31/2024

Taxes on property described above are as of this date due or delinquent in the amount of 0

Assessments for local improvements on the property described above are as of this date due or delinquent in the amount of 0

CERTIFIED BY:

[Signature]
Tax Collector

2/6/24
Date of Certification

HARDING TOWNSHIP PLANNING BOARD RESOLUTION
APP. NO. 7-88P(V)-HELEN M. AND ADRIAN T. PLATT/HARTLEY
FARMS, INC.
PRELIMINARY SUBDIVISION APPROVAL AND GRANT OF WAIVERS
AND VARIANCES

WHEREAS, on July 6, 1988, the applicants submitted an application to the Planning Board for preliminary subdivision approval so as to create thirty-two building lots and five additional lots, of which three are to be road lots (proposed Lots 41, 42 and 63) and two are to be open space (proposed Lot 38-the "Polo Field" and proposed Lot 54-the Remington Forest); and

WHEREAS, proposed Lots 1, 33, 35, 36, and 37 are presently improved with dwellings, and proposed Lots 33 through 36, 38 and 54 are improved with various outbuildings, and the remaining lots are unimproved; and

WHEREAS, the property presently consists of existing Lots 1, 1.01, 1.02, and 1.03 of Block 4, of which existing Lot 1, owned by Hartley Farms, Inc., a privately held corporation owned by the seven children of Adrian and Helen Platt, includes 39.869 acres per the Township Tax Book; and the balance of the property, consisting of existing Lots 1.01, 1.02 and 1.03, owned by Adrian and Helen Platt, includes 130.396 acres per the Township Tax Book. As a result of land ownership swaps to take place between Hartley Farms, Inc. and Adrian and Helen Platt, Hartley Farms, Inc. will own 10 building lots, proposed Lots 1 and 43 through 51, plus Road A (proposed Lot 42) and a small portion of Road B

(proposed Lot 41), while Adrian and Helen Platt will own the remaining 22 building lots (proposed Lots 31 through 37, 39, 40, 52, 53, 55 through 62 and 64 through 66), the open space lots (proposed Lot 38 - the Polo Field, and proposed Lot 54 - the Remington Forest), most of Road B (proposed Lot 41) and Road C (proposed Lot 63); and Adrian and Helen Platt and their son Nicolas W. Platt, as chief executive officer of Hartley Farms, Inc., have submitted letters consenting to the application dated September 12, 1988; and

WHEREAS, the applicants have been represented in these proceedings by Dillon, Bitar & Luther Esqs, Myles C. Morrison, III, Esq., appearing; and

WHEREAS, the Planning Board has conducted public hearings on the application at its meetings held on September 26, 1988 (concept discussion only - no notice), October 24, 1988, November 5, 1988 (site inspection only), January 23, 1989 (informal discussion only - no notice), April 24, 1989, May 10, 1989 (special meeting) and June 26, 1989, of which public notice and notice by the applicants were given as required by law except as noted; and

WHEREAS, the Planning Board, after considering the testimony and exhibits presented by the applicants and the public, has made the following findings of fact:

1. The property is known as Lots 1, 1.01, 1.02 and 1.03, Block 4 on the Tax Map of Harding Township, and, according to the Preliminary Plat, consists of a total 169.93 acres, located

entirely in the R-1 Residential Zone.

2. The property fronts along its easterly border on Spring Valley Road, a Morris County road, at two places along its most southerly border on Blue Mill Road, a municipal road, and along a small segment on its most southwesterly border, on Red Gate Road, a municipal road.

3. The documents that have been submitted in support of the application for preliminary subdivision approval and certain waivers and variances consist of the following, all prepared by Keller & Kirkpatrick, Consulting Engineers, Landscape Architects, Land Surveyors and Planners, except as otherwise noted:

(a) Location Map, dated July 1988 and revised through January 1989;

(b) Survey of Lots 1, 1.01, 1.02 & 1.03 - Block 4, dated December 29, 1987 (Sheet 1 of 11);

(c) Preliminary Major Subdivision for Hartley Farms, Block 4, Lots 1.0, 1.01, 1.02 & 1.03, Key Map, dated July 5, 1988 and revised through June 21 1989 (Sheet 1A of 11) (hereinafter referred to as the "Preliminary Plat");

(d) Subdivision Plan, dated July 5, 1988 and revised through July 19, 1989 (Sheet 2 of 11);

(e) Subdivision Plan, dated July 5, 1988 and revised through March 21, 1989 (Sheet 3 of 11);

(f) Subdivision Plan, dated July 5, 1988 and revised through June 21, 1989 (Sheet 4 of 11);

(g) Soil Erosion and Sediment Control Plan, dated July 5, 1988 and revised through January 4, 1989;

(h) Soil Erosion and Sediment Control Plan, dated July 5 1988 and revised through January 4, 1989 (Sheet 6 of 11);

(i) Soil Erosion and Sediment Control Plan, dated July 5 1988 and revised through January 4, 1989 (Sheet 7 of 11);

(j) Road Profiles Map, dated July 5, 1988 (Sheet 8 of 11);

(k) Road Profiles Map, dated July 5, 1988 (Sheet 9 of 11);

(l) Road Profiles Map, dated July 5, 1988 and revised through September 30, 1988 (Sheet 10 of 11);

(m) Site Details Map, dated July 5 1988 and revised through September 1, 1988 (Sheet 11 of 11);

(n) Storm Water Management Report for Hartley Farms, dated July 1988;

(o) The Hartley Farms Plan, dated October 24, 1988, prepared by Applicant Nicolas Platt with assistance from Andropogon Associates, Ltd., architects, landscape architects & planners;

(p) Site Description & Development Criteria, Hartley Farms Incorporated, prepared by Andropogon Associates, Ltd., undated;

(q) Grassrings Grass Paving System Brochure by Ritterings, Inc. and letter from William W. Bohnhoff, Vice President of Ritterings, Inc., dated May 16, 1989, with enclosures;

(r) Environmental Impact Statement, dated July, 1988.

4. The Preliminary Plat discloses the creation of thirty-two building lots, three road lots, and two open space lots (proposed Lot 38 - denominated the Polo Field, and proposed Lot 54 - denominated "Remington Forest") from existing Lots 1, 1.01, 1.02, and 1.03, of which the thirty-two building lots range in size

from 3.0 to 7.0 acres and thus all satisfy the minimum three acre lot size requirement applicable in the R-1 Residential Zone. All of the building lots are shown to have a building envelope sufficient in size to contain a square 100 feet on each side, as required by Ordinance Section 3-2.8(b)(2), with the exception of proposed Lots 33 and 35, in which no such 100 foot square is shown. The Preliminary Plat also discloses that all of the building lots have at least 300 feet of lot frontage, as is required for building lots in the R-1 Residential Zone by Ordinance Section 3-1.8(d)(3), with the exception of proposed Lots 33, 49, 53 and 59, the latter three of which front on cul-de-sacs and for which the lot frontage, to be measured at the front setback line because of the road curvature, is not shown on the Preliminary Plat. A variance is requested for the lot frontage of proposed Lot 33 (see below). The Preliminary Plat shows the creation of three roads, of which Road A (proposed Lot 42) extends from Spring Valley Road to a cul-de-sac, Road B (proposed Lot 41) extends from Road A to a cul-de-sac, and Road C (proposed Lot 63) extends from Red Gate Road to a cul-de-sac, all to be owned and maintained by an association of the homeowners. It also shows an unnamed private road extending from Road B to a cul-de-sac on proposed Lot 53, which the Applicants' attorney indicated will be owned and maintained solely by the owner of proposed Lot 53. The Preliminary Plat shows that proposed Lots 1, 32, 34 and 35 will front on Spring Valley Road only and, in accordance with the Applicants' request, will not

utilize either of the three common interior roads for access. The Preliminary Plat shows that proposed Lots 36, 43, and 46 front on Spring Valley Road and also on Road A, and Sheet 2 of the preliminary plans provides that each of these three lots, in accordance with the applicants' requests, will not access directly upon Spring Valley Road, but only to Road A. Proposed Lots 60 and 61 will front only on Blue Mill Road, proposed Lot 53 will front on the unnamed private road to be owned by it, which in turn will access Road B, and proposed Lot 66 will front on both Red Gate Road and Road C without restriction as to which road to use for access. The Applicants are requesting a lot frontage variance only for proposed Lot 33, which has 100 feet of frontage on Road B, adjacent to the Polo Field. The Preliminary Plat shows that the property does not include any land within the public rights-of-way of Spring Valley Road, Blue Mill Road or Red Gate Road.

5. The Preliminary Plat and the accompanying preliminary plans show certain structures presently existing on the property, descriptions of which are provided in the report submitted by the Applicants entitled The Hartley Farms Plan, dated October 24, 1988, which structures are as follows: the Hartley house and carriage house both located within the building envelope of proposed Lot 1, a home ("The Bungalow") within the building envelope of proposed Lot 33, for which the preliminary plans show a proposed 20 foot wide access easement from the existing home along an existing driveway over proposed Lot 35 to Spring Valley Road, a small outbuilding outside the building envelope of

proposed Lot 33, two small outbuildings outside the building envelope of proposed Lot 34, a home ("Two Shoes") within the building envelope of proposed Lot 35 and a small outbuilding located entirely outside the building envelope thereof, a dwelling ("The Lane House") located mostly outside the building envelope of proposed Lot 36, for which a portion of the existing driveway is shown as to be removed, and another outbuilding located entirely outside the building envelope of proposed Lot 36, a home ("the Stable Cottage") located entirely inside the building envelope of proposed Lot 37, a small outbuilding located within the 50 foot wide access strip to proposed Lot 54, which applicant Nicolas Platt testified is to be removed although the preliminary plans do not specify, a refreshment stand located mostly within Road B and to a small extent within proposed Lot 33, to be relocated within the Polo Field (proposed Lot 38), a "hospital" largely within proposed Lot 56, of which a small portion is within Road B, also to be relocated within the Polo Field, and two other outbuildings within the Polo Field, all of which buildings will be located outside the building envelope of the Polo Field (which is not a building lot). The various outbuildings include two root cellars, a blacksmith's shop, a paddock shed, and small barns. With respect to the existing structures located or proposed to be relocated less than 100 feet from the nearest lot line, the Applicants are requesting setback variances from the 100 foot setback requirement of Ordinance Section 3-2.8(b)(6).

6. The Applicants have submitted proof of payment of property taxes due with respect to existing Lots 1, 1.01, 1.02, and 1.03 through the first quarter of 1989.

7. The Morris County Planning Board has commented on the application by reports dated October 18, 1988, January 9, 1989, and June 30, 1989. The Morris County Planning Board has withheld its approval of the application pending revision of the preliminary plans in numerous respects, in accordance with these three reports.

8. The Township Board of Health has commented upon the soil logs and percolation test data for the thirty-two building lots, including the five lots containing the existing dwellings and septic systems, by memoranda dated November 4, 1988, December 2, 1988, April 14, 1989, May 22, 1989 and June 26, 1989. The Township Health Administrator has indicated that the data presented as of June 26, 1989 indicates that a subsurface sewage disposal system either exists or can be constructed which will conform with applicable state and local regulations on each of the proposed building lots, subject, however, to additional testing with respect to soil permeability and high seasonal water table on proposed Lots 32, 48 and 52 prior to the issuance of a building permit for each of them.

9. Andropogon Associates, Ltd., presented substantial documentary and testimonial evidence in support of their deep concern for preserving the unique environmental features of the property, including the more than 1,000 foot wide, extremely

mature and unspoiled Remington Forest, the historical pattern of narrow roads (so as to remove as few trees as possible and for aesthetic considerations), the existing natural sheet flow of storm water across the roads, and the Applicants' plan to voluntarily control the size and style of homes and to impose "conservation areas" within the building lots so as to shield houses from each other by trees and preserve as much of the natural setting of the property as possible. Many neighbors also testified unanimously as to their concurrence in the Applicants' desire to maximize preservation of the natural environment by all these means.

10. In addition to variances for lot frontage of one lot and setbacks of various structures on five lots, the Applicants are also seeking waivers of the private road construction standards for a 13 foot minimum road pavement width (Ordinance Section 3-1.8(b)(13)(ii)(1) requires a pavement width of at least 16 feet for private roads serving more than four lots) and two sharp angle turns (minimum center line horizontal curves are required to be at least 200 feet under Ordinance Section 3-1.8(b)(13)(ii)(7)). The applicants have also requested waiver of the requirement of Ordinance Section 3-1.8(b)(13)(ii)(6) that drainage improvements shall be made to roads serving more than four lots to provide stability of the road, minimize erosion and minimize the flow of storm water runoff, sedimentation and other adverse effects, said drainage improvements being required to conform with the requirements of the Township Engineer. The

primary basis for these requests for waivers is the fact that the road system has been designed to follow existing roads and trails and, to the extent possible, to minimize land and forest disturbance and to preserve the rural, historical character of the property, which among other things was the site of the Morris and Essex Dog Shows from 1927 to 1957. The applicants therefore propose to retain two right angle turns along Road B with stop signs instead of widening the curves to at least 200 foot center line radii horizontal curves as required by the Ordinance, so as to prevent the removal of a significant number of native specimen trees. The only new roads proposed are Road C, off Red Gate Road, and an extension of the entrance drive along Road A off Spring Valley Road. In lieu of the minimum 16 foot road width required for Roads A and B (since each of them serves in excess of four lots), the applicants propose a 13 foot wide road width similar to the existing road widths being followed, together with 2 foot wide strengthened shoulders on both sides of the road constructed in accordance with the specifications of the Grassrings grass paving system or equivalent, except that the shoulders will be narrowed or nonexistent to the extent necessary where significant trees abut the roadways. The Applicants and their engineers and landscape architects testified that the shoulders specified by this system would be constructed to support as much load as pavement while visually appearing mossy gravelly so as to better preserve the rural character of the landscape than would the appearance of wider road pavement. The applicants and their

representatives noted that several other Township roads are paved to a width as narrow as 13 feet, at least in places, although Planning Board members Dow and Bevans measured such roads as having widths ranging from 15 to 17.5 feet at the points at which their measurements were taken. The applicants and their representatives also pointed out that narrowing the pavement of the roads to 13 feet is consistent with goal 10 of the Township Master Plan, adopted December, 1984, to retain the local roadway system characterized by narrow widths, two lanes and lack of improved shoulders, consistent with the rural, historical character of the Township and the planned, continued low-density residential development. The applicants have agreed that if the proposed Grassrings grass paving system or equivalent is approved for the road shoulders, the shoulders will be plowed whenever the roads are plowed, which road maintenance shall, as stated above, be the perpetual responsibility of an association to be formed of the homeowners within the development. The Planning Board expressed its concern that if it approved the proposed 13 foot pavement width and 2 foot wide shoulders, then whether or not the Grassrings grass paving system specifications currently provide sufficient supporting strength, the shoulders should be constructed to be sufficiently strong to support construction trucks and fire department trucks. Furthermore, the homeowners association will be responsible to maintain the strength of the shoulders, and if they should wash out or erode, the homeowners association will reconstruct them with whatever materials will accomplish the requisite strength.

11. With respect to the applicants' request for a waiver of drainage improvements, the applicants are proposing no collection of storm water runoff via storm sewer pipes or other facilities. In their Storm Water Management Report dated July 1988, the applicants' engineers point out that a natural ridge line exists on the site in a northeasterly direction that transforms the site into two distinct watershed areas, of which approximately 78 acres northwest of the ridge line drain into an unnamed brook, then into Silver Lake and eventually into Great Loantaka Creek, and the remainder of the site southeast of the ridge line drains into Loantaka Brook. The applicants propose to construct the roads at existing grade with cross slopes to allow the natural drainage patterns to continue in these two watershed areas. No curbs are proposed, so as to allow the sheet flow of storm water across roadways. The applicants' engineer, David Keller, testified that with the retention of the narrow roads, and the limited amount of development proposed, there will be only a minimal increase in runoff, and the fact that the roads are generally located within meadow areas near forests, hedge rows and trees will tend to minimize the sheet flow across roads, and because the roads tend to follow the tops of ridges, a system of catch basins or crowned roads collecting water and leading it to storm water discharge points is unnecessary. The Planning Board engineering consultant, Ernest Heisener, expressed concern that the sheet flow across roads could cause hazardous icing conditions on the roads in winter if they are not crowned. The

applicants' engineers represented that their calculations indicate that the proposed development will not generate any significant increase in storm water runoff in the absence of storm water collection and disposal facilities. The Planning Board engineering consultant stated that it could not be ascertained whether the development would not generate any significant increase in storm water runoff off the site unless he is provided with the applicants' assumptions regarding the sizes of homes, driveways, lawns, tennis courts and grading plans for houses. The applicants assured the Planning Board that the homeowners association would be perpetually responsible to maintain storm water drainage so as not to cause an off-site storm water runoff problem.

12. The Planning Board engineering consultant has commented on the application by memoranda dated September 14, 1988, October 24, 1988, November 10, 1988, April 17, 1989 and June 20, 1989. Among other things, the Planning Board engineering consultant stated his conclusion that the roadway system as proposed is "totally unacceptable" because of inadequate width of pavement, lack of crowning and a storm sewer collection system and detention system, and the two sharp angle turns in Road B.

13. The applicants have submitted an Environmental Impact Statement dated July 1988 which concludes that the unavoidable environmental impact will be "insignificant especially when measured against the permanent preservation of open space and the

size of the overall tract" (page 27). By memoranda dated April 21, 1989 and June 23, 1989, the Township Environmental Commission has approved the Environmental Impact Statement and has endorsed the 13 foot wide proposed road system and non-structural storm water management system as measures that will have the least impact on the environment. The Environmental Commission has therefore recommended that the Planning Board adopt these measures with the addition of fire hydrants along the road system. The recommendation of fire hydrants was subsequently adopted by the applicants as set forth in their preliminary plans. The Environmental Commission also recommended that proposed Lot 55 become part of the Remington Forest open space parcel to serve as a linkage between the Remington Forest and the Polo Field, which recommendation was not accepted by the applicants.

14. By letter dated May 10, 1989 the Township Chief of Police, Ralph E. Behre, commented upon the effect of the proposed subdivision upon traffic safety and patrol accessibility, stating his conclusion that the roadways as designed are too narrow for the safe passage of vehicles going in the opposite direction and his opinion that grassy shoulders would not be usable under normal conditions. He also recommended that Road B be continued to Blue Mill Road rather than ending in a dead end, which proposal had previously been rejected by the Planning Board engineering consultant because of the poor sight distance at the

point at which Road B was proposed to intersect with Blue Mill Road along an existing driveway.

15. Richard F. Walter, the Township Fire Protection Official, commented on the application by memorandum dated May 10, 1989, expressing his concern, among other things, that where the road shoulders are to be narrowed or eliminated to retain specimen trees, consideration should be given to adjusting the road widths and direction so that fire department emergency response will not be jeopardized. Mr. Walter also urged consideration to continuing Road B through to Blue Mill Road and expressed his dissatisfaction with the proposed gated emergency access lane, "given that the reliability of such accesses is seriously questionable".

16. As stated above, the applicants have requested a variance from the 300 foot minimum lot frontage requirement for proposed Lot 33. This request has been made on the basis that proposed Lot 33 contains an existing home which limits the possibilities for moving lot lines, it abuts the Polo Field which is to remain as a common open space area and which contains several structures immediately adjacent to proposed Lot 33, so that any movement of the front lot line to increase lot frontage significantly would subsume these structures within proposed Lot 33, and Lot 33 is 4.52 acres in size so that to increase the lot size further in order to increase lot frontage would not further the general 3 acre zone plan. The applicants also emphasize the fact that the narrow (100 foot) lot frontage of proposed Lot 33 accommodates

the existing historical road system, and that a modification of the lot lines to increase the frontage of proposed Lot 33 would likely alter the existing road system. The Planning Board also observes that the existing home on proposed Lot 33 has access along an existing driveway via a 20 foot wide easement through proposed Lot 35 to Spring Valley Road, so that the area in which the substandard lot frontage exists along Road B is not likely to be utilized for access to proposed Lot 33. The Planning Board also notes that the obvious way to increase the lot frontage along Road B for proposed Lot 33 would be to add a substantial segment of the Polo Field to proposed Lot 33 which contains 2 existing structures and is proposed to contain 2 more relocated structures, all having significant historical interest in connection with the Morris and Essex Dog Shows and which are therefore appropriately located in common open space rather than in a single building lot such as proposed Lot 33. Furthermore, proposed Lot 33 contains sufficient acreage so that the required additional frontage could be obtained by adding a private "paper" entrance road and cul-de-sac which would not change the actual physical lot configuration. Therefore, by reason of these physical features uniquely affecting proposed Lot 33, the strict application of the minimum lot frontage requirement would result in peculiar and exceptional practical difficulties to the applicants, and the purposes of the Municipal Land Use Law would be advanced by a deviation from such lot frontage requirement and the benefits of such deviation would substantially outweigh any

detriment. The Planning Board therefore finds that it can grant a variance from the lot frontage requirement for the 100 feet of lot frontage of proposed Lot 33, and that such a variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

17. As stated above, the applicants are also seeking setback variances with respect to outbuildings located on proposed Lots 33, 34, 35, 36 and 38. An outbuilding in proposed Lot 33 is located only 12 feet from the nearest lot line. One outbuilding in proposed Lot 34 is located only 21 feet from the nearest lot line and the other outbuilding therein is located 24 feet from the nearest lot line. An outbuilding in proposed Lot 35 (the "Blacksmith Cottage") is located 27 feet from the nearest lot line. The dwelling (the Lane House) within proposed Lot 36 has a front yard of 69 feet and a side yard of 75 feet, and the outbuilding therein has a front yard of 28 feet and a side yard of 5 feet. Finally, in proposed Lot 38, the applicants propose to relocate a refreshment stand and a hospital to within 25 and 40 feet of the nearest road or lot line, locating these structures immediately adjacent to two existing structures within proposed Lot 38 (the Polo Field open space), both located close to the edge of the property, the nearer of which structures is located 25 feet from the side yard. These requests are all made on the basis that these buildings are already in existence and of historic significance and add to the rural character sought to be

preserved by the applicants. Moreover, many of these structures will be located in common open space (the Polo Field). The Planning Board therefore finds that because of the historical significance of the various outbuildings and the Lane House located within proposed Lot 36, the purposes of the Municipal Land Use Law would be advanced by a deviation from the 100 foot setback requirement of Ordinance Section 3-2.8(b)(6) and the benefits of such deviation would substantially outweigh any detriment. The Planning Board therefore grants the requested setback variances, and further finds that such setback variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

18. The applicants propose to sell separately the 10 proposed building lots owned or to be owned by Hartley Farms, Inc. as soon as possible, whereas Dr. and Mrs. Adrian Platt, who will initially own the remaining proposed 22 building lots, have no present interest in selling their portion of the property. Since the buyers of the 10 lots to be sold by Hartley Farms, Inc. will be committing their property to be part of the future overall development plan, and will require knowledge of the extent of their personal share in overall development and homeowners association responsibilities at the time of the purchase of their lots, it is necessary that the applicants receive preliminary approval of the overall plans for the entire property prior to the sale of the first 10 lots. Pursuant to Municipal Land Use

Law, N.J.S.A. 40:55D-49(d), since the subdivision involves an area exceeding 50 acres in size, the applicants have requested that the Planning Board grant them and their successors in interest the rights of preliminary approval on a phased basis as follows: they are requesting the usual 3 year period of effectiveness of this preliminary approval for phase 1, to consist of the development of Road A and proposed Lots 1 and 43 through 51; and a period of up to 25 years for the development of the remaining roads and building lots, subject to further phasing delineation at the request of the applicants or their successors in interest. The Planning Board notes that the subdivision entails 27 new dwelling units as well as 5 existing dwelling units, and that the applicants hope to minimize soil erosion from new construction by selling lots gradually. The Planning Board also notes that the delay in the sale of the portion of the property owned by Adrian and Helen Platt for a period of up to 25 years may have substantial potential economic benefits for the applicants. The Planning Board also notes the applicants have requested and agreed to be bound by this approval so as to create no additional building lots for 25 years irrespective of any subsequent change in the law or ordinances affecting zoning applicable to the development. The Planning Board therefore grants a period of up to 25 years of effectiveness for the Preliminary Plat, pursuant to N.J.S.A. 40:55D-49.

At its meeting on June 26, 1989, the Planning Board voted:

- (1) to grant the application for preliminary subdivision approval

as set forth in the Preliminary Plat and accompanying preliminary plans described above, (2) to grant variances for the 100 foot lot frontage of proposed Lot 33 and inadequate setbacks for existing structures located or to be relocated within proposed Lots 33, 34, 35, 36, and 38, and (3) to grant waivers with respect to road construction width, storm water drainage facilities and two turns in Road B with curve radii less than the required minimum, all subject to the following terms and conditions:

A. Prior to commencement of work on this site, the final construction plans shall have been approved by the Township Engineer. The final construction plans shall provide for snow fences at the clearing lines during construction.

B. The applicants shall pay all technical review fees and inspection fees and costs required by Ordinance Sections 3-9.16 and 3-9.17.

C. The applicants hereby agree to pay their prorata share of the cost of providing any reasonable and necessary street improvements, water facilities, drainage facilities and utilities, and easements therefor, located outside the property limits of the development but necessitated or required by construction or improvements within the developments.

D. Prior to the commencement of work on the site, the applicants shall post a bond or letter of credit in a form satisfactory to the Township Attorney and in an amount satisfactory to the Township Engineer to insure proper completion

of the Soil Erosion and Sediment Control Plan for each approved phase of development, and to restore any disturbed areas satisfactorily in the event that the development, or any portion of it, is abandoned within two years from the commencement of work. The Township Engineer shall not authorize the commencement of work until the Township Attorney has communicated in writing to the Township Engineer that such performance guarantee has been received from the applicants.

E. Prior to the signing of each Final Plat, the applicants shall post a performance bond or letter of credit relating to all on-site or off-site improvements shown on that Final Plat other than dwelling units, foundation landscaping and individual driveways, and after completion of construction, the applicants or their successors in interest shall post a maintenance bond relating to the improvements to Roads A, B, and C, in amounts to be determined by the Township Engineer and in forms satisfactory to the Township Attorney in accordance with N.J.S.A. 40:55D-53(a) and Ordinance Section 3A.9(a). The time for performance of work shall not exceed two years unless extended by the Planning Board in accordance with the Municipal Land Use Law; nevertheless, the erosion control work shall be performed in a timely manner as required by the Soil Erosion and Sediment Control Plan.

F. The Preliminary Plat shall not be signed until the applicants have provided proof of payment of all property taxes currently due with respect to existing Lots 1, 1.01, 1.02, and 1.03.

G. The names for the roads denominated A, B, and C on the Preliminary Plat shall be subject to the approval of the Township Committee.

H. The Planning Board approves use of the proposed Grassrings grass paving system or equivalent with two foot wide shoulders for the roads for Roads A, B, and C subject to the applicants' undertaking of the perpetual obligations through the homeowners association (i) to assure that the shoulders shall be constructed of sufficient load strength to support construction trucks and fire department trucks; (ii) to maintain said shoulder load strength, and if a shoulder area should wash out or erode, to reconstruct same with whatever materials will accomplish the requisite load strength; and (iii) to plow said shoulders whenever said roads are plowed. Said provisions shall be set forth on the Articles of Incorporation of the homeowners association.

I. This approval is subject to the applicants' obtaining unconditional approval of the project from the Morris County Planning Board.

J. The Preliminary Plat shall not be signed and the preliminary plans shall not be approved until the Planning Board Engineering Consultant indicates that he is satisfied that they comply with all requirements to which the Planning Board's approval is subject, specifically including the following revisions:

(i) The Preliminary Plat shall be revised to comply with

- all requirements of the Morris County Planning Board;
- (ii) The preliminary plans shall be revised to show, on a scale of 1 inch = 50 feet, plans and profiles of Roads A, B and C and the unnamed road to be owned by proposed Lot 53, specifically showing all areas along Roads A, B and C where the two foot shoulders are to be constructed and showing the size and species of trees adjacent thereto which are to be removed or, in cases where the shoulders are to be narrowed or eliminated to save specimen trees, specifying which trees are to remain, said plans to include all details necessary to determine what the final road construction plans will contain and roadway cross-sections at a scale of 1 inch = 5 feet at 50 foot road intervals;
- (iii) The preliminary plans shall be revised to show the proposed two foot wide shoulder details in the typical road sections;
- (iv) The Preliminary Plat shall provide for the removal of the structure within the access strip to be owned by proposed Lot 54;
- (v) The Preliminary Plat shall provide that the unnamed road connecting proposed Lot 53 to Road B shall be owned by it, and the acreage of said road and the net acreage of the bulk of proposed Lot 53 shall be separately stated thereon;
- (vi) The Preliminary Plat shall provide the

restriction that no residential dwellings may be constructed within proposed Lots 38 and 54 (common open spaces);

(vii) The Preliminary Plat shall be revised to state that the applicants have not proposed any storm water runoff controls; and

(viii) The Preliminary Plat shall provide by notation that the Planning Board will permit the submission of a Final Plat or Final Plats of various sections of the subdivision for up to 25 years from the June 26, 1989 date of preliminary approval or through June 25, 2014.

K. The Final Plats and/or final construction plans shall include the following, to the extent applicable to the phase of completion covered therein:

(i) The Final Plats shall provide by notation that Roads A, B and C (proposed Lots 42, 41 and 63, respectively) and the road which is to be part of proposed Lot 53 are not dedicated to public use and will not be maintained by the Township, and that Roads A, B and C, including the shoulders thereof, shall be owned and perpetually maintained (as to load strength as well as appearance and passability) by a perpetual association to be formed prior to the signing of any Final Plat, consisting of the owners of all building lots in the development, and that the owner of proposed Lot 53 shall be perpetually and solely responsible for the maintenance

of the road to be a part of proposed Lot 53. Each Final Plat shall further provide that said homeowners association shall be perpetually responsible to maintain and landscape all common areas (proposed Lots 38 and 54) and to maintain the shoulders appurtenant to Roads A, B and C and to control storm water drainage from the entire tract, including the individual building lots, so as not to cause any on-site or off-site storm water runoff problems. Until the recording of the Final Plat, the applicants shall be solely responsible to maintain all roads, common areas and storm water runoff.

(ii) The Final Plat shall provide for a restriction against direct vehicular access to Spring Valley Road for proposed Lots 36, 43 and 46, which shall have vehicular access only via Road A.

(iii) The Final Plat shall provide for a perpetual 20 foot wide access easement for the benefit of proposed Lot 33 over proposed Lot 35, as shown on the Preliminary Plat;

(iv) The Final Plat shall provide by notation a restriction against construction of a residence within proposed Lots 38 and 54 (the common open spaces); and

(v) Each Final Plat shall provide that the property may not be further subdivided, prior to June 26, 2014, so as to create any additional building lots,

irrespective of any subsequent change in the law or ordinances affecting zoning applicable to the development.

L. Work on the site may not be commenced until the Preliminary Plat has been signed and the Soil Erosion and Sediment Control Plan has been approved by the Planning Board Engineering Consultant.

M. Prior to the signing of the Final Plat for any phase of completion, the applicants shall have removed all structures shown on the preliminary plans or the revised preliminary plans as existing but to be removed within that phase.

N. No Certificate of Occupancy shall be issued for any of the proposed building lots until the internal private roads serving such lots have been paved in accordance with the revised preliminary plans.

The Planning Board's vote to grant the application for preliminary subdivision approval, variances and waivers as set forth above, was as follows:

Voting for: Ames, Bevans, Flinn, Graham, Ritter, Rollinson, Weinstein

Voting against: Saltus

Not voting: Lewis

Not participating: Dow

HARTLEY FARMS ARCHITECTURAL REVIEW COMMITTEE

February 5, 2024

Mr. Stark Kirby
613 Spring Valley Road
Morristown, New Jersey 07960

Dear Stark,

This letter represents the Hartley Farms ARC's approval to proceed with the house as designed.

We are excited about the unique architecture that so effectively mirrors the existing barn and we appreciate your sensitivity in trying to reuse some of those wonderful beams.

We look forward to receiving your professionals' landscape plan at a future date.

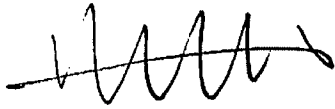
We refer you to the Codes with regard to our review of sample materials, such as providing a stone mockup. If you are using a similar stone to an existing house at Hartley Farms, we will need a photo and location of the house so the ARC can review and approve it.

We also look forward to your proposal on lighting fixtures, which will require ARC approval.

We will need a proposed plan for the renovations to the gray shed, which we understand will include a new foundation and slate roof. We also understand that you may want to reposition it. Since it is a contributing structure to the Hartley Farms Historic District, it has been our experience that you will be required to use some of the existing materials in order to get Board of Adjustment's approval for the shed to remain. An excellent example of this is when we renovated the Rin Tin Tin shed across from the Lane House Barn. It can be included as part of this submission or as a separate one.

Congratulations. We know this will be a wonderful experience for all of us and will add greatly to the Hartley Farms community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lincoln A. Norton', with a stylized, cursive script.

Lincoln A. Norton
Chairman, Hartley Farms ARC
9 Hartley Farms Rd.
Morristown, NJ 07960

CC: HOFA Board
Steve Kowalski
Dillard Kirby
Lori Taglairino

Morris County Recording Cover Sheet

Honorable Ann F. Grossi, Esq.
Morris County Clerk

MORRIS COUNTY, NJ
Ann F. Grossi
EAS-OR BOOK 24584 PG 528
RECORDED 03/31/2023 09:31:47
FILE NUMBER 2023011484
RCPT # 1775625; RECD BY: DMANCELLI eRecord
RECORDING FEES 150.00
INDEX FEE

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document:
2023-03-23

Type of Document:
EASEMENT

First Party Name:
HARTLEY FARMS PARTNERS LP A NEW
JERSEY PARTNERSHIP

Second Party Name:
HARTLEY FARMS PARTNERS LP A NEW
JERSEY PARTNERSHIP

Additional Parties:

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:

Lot:

Municipality:

Consideration:
0.00

Mailing Address of Grantee:

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book:

Original Page:

MORRIS COUNTY RECORDING COVER SHEET

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

AMENDED AND RESTATED DECLARATION OF UTILITY EASEMENT

THIS AMENDED AND RESTATED DECLARATION OF EASEMENT (this "Amended Declaration") made this 23 day of March 2023, by HARTLEY FARMS PARTNERS, L.P., a New Jersey Partnership, having an address of 9 Hartley Farms Road ~~P. O. Box 1, Madison, New Jersey 07940~~ (hereinafter referred to as the "Declarant") hereby declares as follows:

WITNESSETH:

WHEREAS, Declarant entered into that certain Declaration of Utility Easement dated November 15, 2004 (the "Prior Declaration"), which was recorded on January 21, 2005 in the Morris County Clerk's Office in Deed Book 6352, Page 1; and

WHEREAS, Declarant desires to hereby amend and restate the Prior Declaration in its entirety, subject to the terms and conditions as hereinafter set forth in this Amended Declaration; and

WHEREAS, Declarant is the owner of a tract of land designated as Block 4, Lots 35, 37, 38, 52, and 66, (the "Property") on a certain map consisting of three sheets entitled "Amended Final Plat of Block 4, Lots 1, 1.01, 1.02, 1.03, Township of Harding, Morris County, New Jersey" prepared by Keller & Kirkpatrick dated November 15, 1996 and revised through 6/11/01 and filed in the Morris County Clerk's Office on June 19, 1997 as Instrument No. 48986 (the "Filed Map"); and

WHEREAS, sheet 2 of the Filed Map identifies utility easements on the Premises and Declarant desires to set forth the terms and conditions of such easements; and

WHEREAS, Declarant desires to establish an easement on that portion of the Property as more particularly described on Schedule A (the "Easement Area") to provide for the installation of

various utilities for the benefit of the lots within the Hartley Farms development identified as Block 4, Lot 35 (the "Benefited Property");

NOW, THEREFORE, the Declarant hereby declares that the Property is and shall be held, transferred, sold, conveyed, leased, occupied and used subject to the easement hereinafter set forth in this Declaration.

1. Declarant hereby grants and conveys to all record owners of the Benefited Property, and their successors and assigns, the non-exclusive perpetual and common easement to use the Easement Area for the purpose of installing, extending, repairing and maintaining underground utilities, including, but not limited to electric, communication, CATV, and gas transmission lines, pipes, cables and related appurtenances and facilities (some of which appurtenances and facilities may be above ground), serving any lot included within the Benefited Property together with such free and unlimited access by such owners and their employees and agents, to from, and over all points within the Easement Area as is reasonable or necessary for the full use, occupancy and enjoyment of such easement subject to the terms and conditions set forth herein.

2. The owner or owners of the Property shall have the right to use and enjoy that portion of the Easement Area that is situated within such owners lot for any purpose that does not interfere with or threaten the safe, proper or convenient use of the Easement Area for the purposes specified above. Notwithstanding anything herein to the contrary, the owner or owners of the Property shall not (a) construct, place, maintain or use any permanent structures of any kind within the Easement Area; or (b) obstruct access to, remove structural support from, divert or impound water to or on, or otherwise interfere with, the utilities, as installed.

3. All work performed in the Easement Area shall be performed in a good and workmanlike manner with a minimum of inconvenience to the owner of the Property and the Easement Area, following the performance of any work pursuant to this Declaration, shall be promptly and substantially restored to its condition existing immediately prior to such work.

4. When installing any utilities within the Easement Area, care shall be given to avoid, if reasonably possible, disturbance to any existing trees or other significant vegetation within the Easement Area. However, the easement conveyed herein includes the right and privilege to trim, cut and remove tree branches, roots, plants, trees and vegetation within the Easement Area that might reasonably interfere with the safe, proper, or convenient use, occupancy or enjoyment of the Easement Area for the purposes specified above.

5. This Declaration shall be binding upon the Declarant and the Declarant's successors and assigns and shall run with and burden the Property in perpetuity and shall be appurtenant to and benefit the Benefited Property in perpetuity.

6. If any provisions of this Declaration shall to any extent, be or be held invalid or unenforceable, the remaining provisions of this Declaration and the application of any and all of the provisions of this Declaration to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, it being intended that each provision of this Declaration shall be deemed valid and enforceable to the fullest extent permitted by law.

7. This Easement may be modified by a written document executed by the Declarant, or its successors or assigns, provided, however, that if any proposed modification is inconsistent with the terms of the subdivision approval associated with the Final Map, then such proposed modification shall be subject to any necessary approval from the Harding Township Planning Board.

8. This Amended Declaration shall serve as a complete amendment and restatement of the Prior Declaration. All terms of the Prior Declaration shall be superseded by the terms of this Amended Declaration and, upon execution, the Prior Declaration shall be on no further force and effect.

[SIGNATURES ON FOLLOWING PAGE]

This is not an official document

IN WITNESS WHEREOF, the Declarant has caused this Amended Declaration to be executed the date and year first above written.

WITNESS:

Christine R Gelsy

HARTLEY FARMS PARTNERSHIP, L.P.
By: Remington Platt, Inc., General Partner

By: Nicolas W. Platt
Secretary

Florida
STATE OF ~~NEW JERSEY~~)
COUNTY OF INDIAN RIVER) SS:

BE IT REMEMBERED, that on this 23 day of March, 2023, Remington Platt, Inc., General Partner of Hartley Farms Partners, L.P., personally appeared before me and acknowledged under oath, to my satisfaction, that he is the person named in and who executed the foregoing Instrument and acknowledged that he signed, sealed and delivered the same as his voluntary act and deed and as the voluntary act and deed of Remington Platt, Inc. and of Hartley Farms Partners, L.P., for the purposes therein expressed.

Karen Flores
NOTARY PUBLIC OF NEW JERSEY

Notary Public State of Florida
Karen Alejandra Montes Flores
My Commission HH 362929
Expires 2/15/2027

SCHEDULE A

Easement Area

[TO BE INSERTED]

This is not an official document

Record & Return

FNTG

NJ Direct Operations

Chicago Title/Fidelity National Title/Commonwealth Land Title

Lakehurst Circle Center II

685 Route 70, Suite 7B

**Lakehurst, New Jersey 08733
22-001598LOC**

GLADSTONE DESIGN, Inc.

Consulting Engineers
Land Surveyors
Landscape Architects
Land Planners

265 Main Street, P.O. Box 400
Gladstone, New Jersey 07934
T: (908) 234-0309
F: (908) 719-3320
www.gladstonedesign.com

Ronald A. Kennedy, P.E., P.P.; CME; LEED AP
Kurt T. Hanie, P.L.S.
Robert C. Morris
Robert C. Moschello, P.E.

March 24, 2023
1155-01

**DEED DESCRIPTION
OF A
PROPOSED ACCESS AND UTILITY EASEMENT
OVER LOTS 35 AND 36 BLOCK 4
TOWNSHIP OF HARDING
MORRIS COUNTY, NEW JERSEY**

BEGINNING at a point in the westerly sideline of Spring Valley Road – County Route 601 (50 foot right of way), said point being distant 32.00 feet measured South 17°50'00" East along said westerly sideline of Spring Valley Road – County Route 601 from its intersection with the line dividing Lots 35 and 36 Block 4 as shown on a certain map entitled "Amended Final Plat, Hartley Farms, Block 4, Lots 1, 1.01, 1.02 & 1.03, Township of Harding, Morris County, New Jersey," dated November 15, 1996, last revised June 11, 2001, prepared by Keller & Kirkpatrick, Inc., and filed in the Morris County Clerk's Office on June 13, 2001 as Map No. 5638, and from said beginning point running; thence

1. South 17°50'00" East, a distance of 34.10 feet along said westerly sideline of Spring Valley Road – County Route 601 to a point; thence
2. South 16°56'30" East, a distance of 0.59 feet continuing along said westerly sideline to a point; thence

Along a line crossing Lots 35 and 36 Block 4, the following four courses being courses 3 through 6 inclusive:

3. South 42°03'00" West, a distance of 59.40 feet to a point; thence
4. South 84°00'00" West, a distance of 176.64 feet to a point; thence
5. South 67°00'00" West, a distance of 160.22 feet to a point; thence
6. North 83°47'52" West, a distance of 82.53 feet to a point; thence
7. North 04°15'24" East, a distance of 20.01 feet along the line dividing Lots 33 and 35 Block 4 to a point; thence
8. South 83°47'52" East, a distance of 78.00 feet along the line dividing Lots 35 and 36 Block 4 to a point; thence

Along a line crossing Lots 35 and 36 Block 4, the following three courses being courses 9 through 11 inclusive:

9. North 67°00'00" East, a distance of 158.00 feet to a point; thence



10. North 84°00'00" East, a distance of 157.00 feet to a point; thence
11. North 42°03'00" East, a distance of 80.27 feet to the point and place of beginning.

CONTAINS: 0.235 Acres / 10,219 Square Feet - subject to easements, covenants, agreements and restrictions of record.

The foregoing description was prepared in accordance with a map entitled "Easement Exhibit Map, Lots 35 and 36 Block 4, Township of Harding, Morris County, New Jersey," dated March 24, 2023, prepared by Gladstone Design, Inc.

KURT T. HANIE, P.L.S.
PROFESSIONAL LAND SURVEYOR
NJ LICENSE No. GS40376

This is not an official document

GLADSTONE DESIGN, Inc.

Consulting Engineers
Land Surveyors
Landscape Architects
Land Planners

265 Main Street, P.O. Box 400
Gladstone, New Jersey 07934
T: (908) 234-0309
F: (908) 719-3320
www.gladstonedesign.com

Ronald A. Kennedy, P.E.; P.P.; CME; LEED AP
Kurt T. Hanie, P.L.S.
Robert C. Morris
Robert C. Moschello, P.E.

March 24, 2023
1155-01

**DEED DESCRIPTION
OF A
PROPOSED 15 FOOT WIDE UTILITY EASEMENT
OVER LOTS 35 AND 36 BLOCK 4
TOWNSHIP OF HARDING
MORRIS COUNTY, NEW JERSEY**

TRACT 1

BEGINNING at a point in the westerly sideline of Spring Valley Road – County Route 601 (50 foot right of way), said point being distant 5.88 feet measured North 17°50'00" West along said westerly sideline of Spring Valley Road – County Route 601 from its intersection with the line dividing Lots 35 and 36 Block 4 as shown on a certain map entitled "Amended Final Plat, Hartley Farms, Block 4, Lots 1, 1.01, 1.02 & 1.03, Township of Harding, Morris County, New Jersey," dated November 15, 1996, last revised June 11, 2001, prepared by Keller & Kirkpatrick, Inc., and filed in the Morris County Clerk's Office on June 13, 2001 as Map No. 5638, and from said beginning point running; thence

1. South 17°50'00" East, a distance of 17.24 feet along said westerly sideline of Spring Valley Road – County Route 601 to a point; thence

Along a line crossing Lots 35 and 36 Block 4, the following three courses being courses 2 through 4 inclusive:

2. South 42°37'45" West, a distance of 111.75 feet to a point; thence
3. South 84°00'00" West, a distance of 22.70 feet to a point; thence
4. North 42°37'45" East, a distance of 137.28 feet to the point and place of beginning.

CONTAINS: 0.043 Acres / 1,868 Square Feet - subject to easements, covenants, agreements and restrictions of record.

TRACT 2

BEGINNING at a point in the line dividing Lots 33 and 35 Block 4, said point being distant 104.10 feet measured North 04°15'24" East along said dividing line from the southwesterly corner of Lot 35 Block 4 as shown on a certain map entitled "Amended Final Plat, Hartley Farms, Block 4, Lots 1, 1.01, 1.02 & 1.03, Township of Harding, Morris County, New Jersey," dated November 15, 1996, last revised June 11, 2001, prepared by Keller & Kirkpatrick, Inc., and filed in the Morris County Clerk's Office on June 13, 2001 as Map No. 5638, and from said beginning point running; thence

1. North 04°15'24" East, a distance of 15.00 feet along said line dividing Lots 33 and 35 Block 4 to a point; thence



Along a line crossing Lot 35 Block 4, the following five courses being courses 2 through 6 inclusive:

2. South 85°44'43" East, a distance of 51.40 feet to a point; thence
3. North 31°56'45" East, a distance of 83.30 feet to a point; thence
4. North 67°00'00" East, a distance of 26.12 feet to a point; thence
5. South 31°56'45" West, a distance of 113.75 feet to a point; thence
6. North 85°44'43" West, a distance of 60.46 feet to the point and place of beginning.

CONTAINS: 0.053 Acres / 2,317 Square Feet - subject to easements, covenants, agreements and restrictions of record.

The foregoing description was prepared in accordance with a map entitled "Easement Exhibit Map, Lots 35 and 36 Block 4, Township of Harding, Morris County, New Jersey," dated March 24, 2023, prepared by Gladstone Design, Inc.

KURT T. HANIE, P.L.S.
PROFESSIONAL LAND SURVEYOR
NJ LICENSE No. GS40376

This is not an official document

Morris County Recording Cover Sheet

Honorable Ann F. Grossi, Esq.
Morris County Clerk

MORRIS COUNTY, NJ
Ann F. Grossi
DEED-OR BOOK 24584 PG 540
RECORDED 03/31/2023 09:31:47
FILE NUMBER 2023011485
RCPT # 1775625; RECD BY: DMANCELLI eRecord
RECORDING FEES 140.00
TOTAL TAX 46,095.00
INDEX FEE

Official Use Only - Realty Transfer Fee

\$ 24,095.00

Official Use Only - Barcode

Date of Document:
2023-03-23

Type of Document:
DEED AND REALTY TAX FEES

First Party Name:
HARTLEY FARMS PARTNERS LP A NEW
JERSEY PARTNERSHIP

Second Party Name:
STARK D KIRBY JR

Additional Parties:

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:

4, 4,

Lot:

35, 35-QFARM,

Municipality:

HARDING TWP

Consideration:

2200000.00

Mailing Address of Grantee:

613 SPRING VALLEY ROA
HARDING, NJ 07976

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE

Original Book:

Original Page:

MORRIS COUNTY RECORDING COVER SHEET

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

DEED

Prepared by: (Print signer's name below signature)

Scott A. Terry, Esq.

This Deed is made on March 23, 2023

BETWEEN

HARTLEY FARMS PARTNERS, L.P., a New Jersey Limited Partnership

whose post office address is 9 Hartley Farms Road, Morristown, NJ 07960,

referred to as the Grantor.

AND

STARK D. KIRBY, JR.,

whose address is about to be 613 Spring Valley Road, Harding Township, New Jersey 07976,

referred to as the Grantees.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of TWO MILLION TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$2,200,000.00).

The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Township of Harding, County of Morris
Block No. 4 Lot No. 35 and 35QFARM Account No.

☐ No property tax identification number is available on the date of this deed. (Check box if applicable).

Property. The property consists of the land and all the buildings and structures on the land situate in the Township of Harding, County of Morris and State of New Jersey. The legal description is:

See Schedule "A" attached hereto.

BEING a portion of the property conveyed to Hartley Farms Partners, L.P., a New Jersey Limited Partnership by Deed from Adrian T. Platt and Helen M. Platt, husband and wife, dated March 13, 1997, recorded March 13, 1997 in the Morris County Clerk's Office in Deed Book 4534 at Page 179; and to Hartley Farms Partners, L.P., a New Jersey Limited Partnership, by deed from Adrian

T. Platt and Helen M. Platt, husband and wife, dated March 13, 1997, recorded March 13, 1997 in the Morris County Clerk's Office in Deed Book 4534 at Page 185; and to Hartley Farms Partners, L.P., a New Jersey Limited Partnership, by Deed from Hartley Farms, Inc., a New Jersey Corporation, dated March 13, 1997, recorded March 13, 1997 in the Morris County Clerk's office in Deed Book 4534 at Page 194.

This conveyance is subject to all easements and restrictions of record, including but not limited to The Constitution of the Hartley Farms Owners' Association, Inc., (sometimes hereinafter referred to as the "Hartley Farms Constitution" or the "Constitution") which Constitution was recorded in the Morris County Clerk's Office on June 20, 1997 in Deed Book 4585 at page 102, and amended by a First Amendment to Constitution of Charter, Easements, Covenants and Restrictions for Hartley Farms, dated September 22, 2000, and recorded in the Morris County Clerk's Office on October 2, 2000, in Deed Book 5257, Page 261, and amended by Second Amendment to Constitution of Charter, Easements, Covenants and Restrictions for Hartley Farms, dated October 25, 2001 and recorded in the Morris County Clerk's Office on December 20, 2001, in Deed Book 5526, Page 222, and amended by Third Amendment to the Constitution of Charter, Easements, Covenants and Restrictions for Hartley Farms, dated October 31, 2003, and recorded in the Morris County Clerk's Office on December 2, 2003 in Deed Book 5969, Page 25, and further amended by the Annexation and Easement Agreement and Supplemental Constitution for Hartley Farms, dated July 29, 2002 and recorded in the Morris County Clerk's Office on August 7, 2002 in Deed Book 5674, Page 276, and further amended by the Second Annexation and Easement Agreement and Supplemental Constitution for Hartley Farms, dated October 20, 2005 and recorded in the Morris County Clerk's Office on November 2, 2005 in Deed Book 6472, Page 118, and further amended by the Third Annexation and Easement Agreement and Supplemental Constitution for Hartley Farms, dated October 18, 2006 and recorded in the Morris County Clerk's Office on October 23, 2006 in Deed Book 20651, page 1039, and as may be further amended, and all applicable laws, regulations and municipal ordinances, and such state of facts as an accurate survey may disclose.

This conveyance is further subject to the restrictions and easements set forth on Schedule "B" attached hereto.

To have and to hold all and singular the above described land with all the appurtenances, unto the said Grantee, its successors and assigns, as set forth herein of the Grantee, its successors and assigns, so long as said land shall be used in compliance with conditions hereinbefore set forth.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

WITNESS

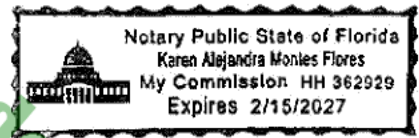
Christine R. Goss

Hartley Farms Partners, L.P.
By Remington Platt, Inc., its General Partner

Nicolas W. Platt
NICOLAS W. PLATT, Secretary

STATE OF FLORIDA, COUNTY OF Indian River SS.:

BE IT REMEMBERED that on this 23 day of March, 2023, before me, the subscriber personally appeared Nicolas W. Platt, who, being by me duly sworn on his oath, does make proof to my satisfaction that he is the Secretary of Remington Platt, Inc., a New Jersey Corporation, general partner of Hartley Farms Partners, L.P., a New Jersey limited partnership, the partnership named in the within instrument; that the execution as well as the making of the within instrument by, Remington Platt, Inc., as general partner of Hartley Farms Partners, L.P. has been duly authorized by a proper resolution of the Board of Directors of said corporation; that he signed, sealed and delivered by him as and for his voluntary act and deed and as for the voluntary act and deed of Remington Platt, Inc. as general partner of Hartley Farms Partners, L.P.



Karen Montes Flores

NOTARY PUBLIC OF FLORIDA

My commission expires: 2/15/27



LEGAL DESCRIPTION

Order No.: 22-001598LOC

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AND IS DESCRIBED AS FOLLOWS:

BEGINNING at a capped iron pin set in the westerly sideline of Spring Valley Road – County Route 601 (50 foot right of way) where the same is intersected by the line dividing Lots 35 and 36 Block 4, said point also being distant 221.23 feet measured southerly along said westerly sideline of Spring Valley Road – County Route 601 from its intersection with the southerly sideline of Hartley Farms Road (50 foot wide private road), if both sidelines were extended, and from said beginning point running; thence

Along said westerly sideline of Spring Valley Road – County Route 601, the following six courses being courses 1 through 6 inclusive:

1. South 17° 50' 00" East, a distance of 66.10 feet to a nail with washer set; thence
2. South 16° 56' 30" East, a distance of 99.20 feet to a concrete monument found; thence
3. South 14° 09' 00" East, a distance of 73.67 feet to a concrete monument found; thence
4. South 10° 44' 00" East, a distance of 48.77 feet to a point; thence
5. South 08° 30' 10" East, a distance of 48.77 feet to a concrete monument found; thence
6. South 04° 51' 40" East, a distance of 127.24 feet to a capped iron pin found; thence
7. North 81° 20' 10" West, a distance of 539.19 feet along the line dividing Lots 34 and 35 Block 4 to a point; thence
8. North 04° 15' 24" East, a distance of 211.75 feet along the line dividing Lots 33 and 35 Block 4 to a point; thence
9. South 83° 47' 52" East, a distance of 169.39 feet along the line dividing Lots 35 and 36 Block 4 to a capped iron pin set; thence
10. North 55° 02' 15" East, a distance of 310.77 feet continuing along said dividing line to the point and place of Beginning.

The foregoing description was prepared in accordance with a map entitled "Boundary & Topographic Survey, 613 Spring Valley Road & 1 Hartley Farms Road, Lots 35 and 36 Block 4, Township of Harding, Morris County, New Jersey," dated December 21, 2022, last revised January 9, 2023, prepared by Gladstone Design, Inc.

Also being the same premises known and designated as Lot 35 Block 4 as shown on a certain map entitled "Amended Final Plat, Hartley Farms, Block 4, Lots 1, 1.01, 1.02 & 1.03, Township of Harding, Morris County, New Jersey," dated November 15, 1996, last revised June 11, 2001, prepared by Keller

LEGAL DESCRIPTION

(continued)

& Kirkpatrick, Inc., and filed in the Morris County Clerk's Office on June 13, 2001 as Map No. 5638.

BEING ALSO KNOWN AS (REPORTED FOR INFORMATIONAL PURPOSES ONLY):

Lot(s): 35 & 35-QFarm Block: 4, on the official tax map of the Township of Harding, County of Morris,
State of New Jersey.

This is not an official document

SCHEDULE B
Easements and Restrictions
Block 4, Lot 35 and 35 QFARM

This conveyance is further subject to the following restrictions and easements:

1. Maintenance and development of, and construction of improvements on, the property are subject to the Hartley Farms Codes, which comprise the Hartley Farms Constitution, the Hartley Farms Master Plan, the Hartley Farms Design Guidelines, the Hartley Farms Environmental Guidelines and the Landscape Plan, all as amended from time to time. No development of, or construction of improvements on, the property may be commenced without the prior written consent of the Architectural Review Committee established pursuant to the Hartley Farms Constitution or any successor thereto.
2. Meadow Easement, as that term is defined in the Hartley Farms Constitution. The portion of the property which is subject to Meadow Easement is to be developed as part of the Final Landscape Plan, as hereinafter provided, and used by the Grantee, and Grantee's heirs, successors, and assigns only for the purposes provided for such Meadow Easement areas in the said Constitution.
3. Forest Easement, as that term is defined in the Hartley Farms Constitution. The portion of the property which is subject to Forest Easement is to be developed as part of the Final Landscape Plan, as hereinafter provided, and used by the Grantee, and Grantee's heirs, successors, and assigns only for the purposes provided for such Forest Easement areas in the said Constitution.
4. Specimen Trees, as that term is defined in the Hartley Farms Constitution. This conveyance is subject to a perpetual restriction against the cutting or removal of any specimen trees located throughout the property without the prior approval of the Architectural Review Committee, or its successor.
5. Access Easements. This conveyance is subject to the following access easement to be specified in the Final Landscape Plan (such easement may co-exist in the same location, as specified in the Final Landscape Plan):
 - A. Perpetual Perimeter Fence Easement. This conveyance is subject to a perpetual perimeter fence easement fifteen (15) feet wide running along Spring Valley Road to permit the Hartley Farms Owners Association to construct and maintain a deer fence around the perimeter of Hartley Farms. This Easement shall run in favor of the Hartley Farms Homeowners Association for the sole purpose of entering upon the Grantee's property to install, erect, maintain, repair and/or replace any fence which may be built, and is binding upon the Grantee, and the Grantee's heirs, successors, and assigns.
6. Final Landscape Plan. Landscape development of the property is allowed only after the written approval of the Architectural Review Committee is obtained in accordance with the provisions of the Hartley Farms Constitution and filing of the Plan with the Morris County Clerk. Restrictions against unauthorized planting or otherwise deviating from the approved landscape plan without Architectural Review Committee approval shall run with the land as per the Hartley Farms Constitution.

7. Maintenance of Stone Wall. Grantee agrees to maintain the large stone wall from the entrance to Spring Valley Road that runs the entire front of the property running along Spring Valley Road. Grantee agrees that the stone wall shall not be removed or destroyed by neglect, and that it will be maintained in its current or better condition. The stone wall shall not be painted or its appearance altered in any way.

8. The Blacksmith Cottage. There is an existing cottage on the Property known as the "Blacksmith Cottage" that was constructed in the early 1900's. It has been carefully maintained to preserve its historical appearance. This Cottage cannot be torn down or removed unless destroyed by fire or an act of God. Any alterations are subject to ARC approval.

All of the foregoing restrictions are made in perpetuity and shall run with the land conveyed hereby.

This is not an official document

State of New Jersey
Seller's Residency Certification/Exemption

Seller's Information

Name(s)
Hartley Farms Partners, L.P., a New Jersey Limited Partnership

Current Street Address
9 Hartley Farms Road

City, Town, Post Office
Morristown

State
NJ

ZIP Code
07960

Property Information

Block(s)
4

Lot(s)
35 and 35QFARM

Qualifier

Street Address
613 Spring Valley Road

City, Town, Post Office
Harding Township

State
NJ

ZIP Code
07976

Seller's Percentage of Ownership
100%

Total Consideration
\$2,200,000.00

Owner's Share of Consideration
\$2,200,000.00

Closing Date
3/24/2023

Seller's Assurances (Check the Appropriate Box) (Boxes 2 through 16 apply to Residents and Nonresidents)

1. ☐ Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident Gross Income Tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. ☐ The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. ☐ Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☐ Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☒ Seller is not an individual, estate, or trust and is not required to make an estimated Gross Income Tax payment.
6. ☐ The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated Income Tax payment.
7. ☐ The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey Income Tax return for the year of the sale and report the recognized gain.
☐ Seller did not receive non-like kind property.
8. ☐ The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. ☐ The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. ☐ The deed is dated prior to August 1, 2004, and was not previously recorded.
11. ☐ The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. ☐ The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. ☐ The property transferred is a cemetery plot.
14. ☐ The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.
15. ☐ The seller is a retirement trust that received an acknowledgment letter from the Internal Revenue Service that the seller is a retirement trust, and is therefore not required to make the estimated Gross Income Tax payment.
16. ☐ The seller (and/or spouse/civil union partner) originally purchased the property while a resident of New Jersey as a member of the U.S. Armed Forces and is now selling the property as a result of being deployed on active duty outside of New Jersey. (Only check this box if applicable and neither boxes 1 nor 2 apply.)

Seller's Declaration

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box ☐ I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

03/23/23
Date


Signature (Seller)

NICOLAS W. PLATT, Secretary
Indicate if Power of Attorney or Attorney in Fact

Date

Signature (Seller)

Indicate if Power of Attorney or Attorney in Fact

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY BUYER

(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM BEFORE COMPLETING THIS AFFIDAVIT

STATE OF NEW JERSEY

COUNTY

Morris

SS. County Municipal Code
1413

MUNICIPALITY OF PROPERTY LOCATION

Township of Harding

FOR RECORDER'S USE ONLY

Consideration \$ 2200,000.00
RTF paid by buyer \$ 22,000.00
Date 03/31/2023 By DM

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, Stark Kirby Jr., being duly sworn according to law upon his/her oath,

deposes and says that he/she is the Grantee in a deed dated 3/23/2023 transferring real property

real property identified as Block number 4 Lot number 35 located at

613 Spring Valley Road, Harding Township

and annexed thereto.

(2) CONSIDERATION \$ 2,200,000.00 (See Instructions #1, #5, and #11 on reverse side)

Entire consideration is in excess of \$1,000,000:

PROPERTY CLASSIFICATION CHECKED OR CIRCLED BELOW IS TAKEN FROM OFFICIAL ASSESSMENT LIST (A PUBLIC RECORD) OF MUNICIPALITY WHERE THE REAL PROPERTY IS LOCATED IN THE YEAR OF TRANSFER. REFER TO N.J.A.C. 18:12-2.2 ET SEQ.

(A) Grantee required to remit the 1% fee, complete (A) by checking off appropriate box or boxes below.

☒ Class 2 - Residential

☒ Class 3A - Farm property (Regular) and any other real property transferred to same grantee in conjunction with transfer of Class 3A property

☐ Class 4A - Commercial properties

(If checked, calculation in (E) required below)

☐ Cooperative unit (four families or less) (See C. 46:8D-3.)

Cooperative units are Class 4C.

(B) Grantee is not required to remit 1% fee (one or more of following classes being conveyed), complete (B) by checking off appropriate box or boxes below.

☐ Property class. Circle applicable class or classes: 1 3B 4B 4C 15

Property classes: 1-Vacant Land; 3B- Farm property (Qualified); 4B- Industrial properties; 4C- Apartments; 15- Public Property, etc. (N.J.A.C. 18:12-2.2 et seq.)

☐ Exempt organization determined by federal Internal Revenue Service/Internal Revenue Code of 1986, 26 U.S.C. s. 501.

☐ Incidental to corporate merger or acquisition; equalized assessed valuation less than 20% of total value of all assets

☐ Intercompany transfer between combined group members as part of the unitary business (See Instruction #13 on reverse side)

List the Combined group NU ID number (Required)

(C) When grantee transfers properties involving block(s) and lot(s) of two or more classes in one deed, one or more subject to the 1% fee (A), with one or more than one not subject to the 1% fee (B), pursuant to N.J.S.A. 46:15-7.2, complete (C) by checking off appropriate box or boxes and (D).

☐ Property class. Circle applicable class or classes: 1 2 3B 4A 4B 4C 15

(D) EQUALIZED VALUE CALCULATION FOR ALL PROPERTIES CONVEYED, WHETHER THE 1% FEE APPLIES OR DOES NOT APPLY

Total Assessed Valuation + Director's Ratio = Equalized Valuation

Property Class 3A \$ 97,000.00 + 89.92 % = 1,09,265.37

Property Class 3B \$ 2,100.00 + 89.92 % = 2,335.41

Property Class _____ \$ _____ + _____ % = \$ _____

Property Class _____ \$ _____ + _____ % = \$ _____

(E) REQUIRED EQUALIZED VALUE CALCULATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS: (See Instructions #6 and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Value

\$ _____ + _____ % = \$ _____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed valuation. If Director's Ratio is equal to or exceeds 100%, the assessed valuation will be equal to the equalized value.

(3) TOTAL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through Chapter 33, P.L. 2006, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(4) Deponent makes Affidavit of Consideration for Use by Buyer to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith pursuant to the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 22 day of March, 2023

Stark D Kirby Jr
Signature of Deponent

Stark D Kirby Jr
Grantee Name

22 E. 1st St., Apt. 608,
NY, NY
Deponent Address

22 E. 1st St., Apt. 608,
NY, NY
Grantee Address at Time of Sale

Joshua Greenfield
Attorney at Law

Chicago White
Name/Company of Settlement Officer


County recording officers: forward one copy of each RTF-1EE to:

Joshua Greenfield
Attorney at Law
State of New Jersey

STATE OF NJ - DIVISION OF TAXATION
PO BOX 251
TRENTON, NJ 08646-0251
ATTENTION: REALTY TRANSFER FEE UNIT

2023011485
FOR OFFICIAL USE ONLY
Instrument Number _____ County MORRIS
Deed Number _____ Book 24584 Page 540
Deed Dated 03/31/23 Date Recorded 03/31/2023

The Director, Division of Taxation, has prescribed this form, as required by law. It may not be altered or amended without prior approval of the Director. For further information on the Realty Transfer Fee or to print a copy of this Affidavit or any other relevant forms, visit: www.state.nj.us/treasury/taxation/lpt/localtax.shtml.

DEED	Dated: March 23, 2023
HARTLEY FARMS PARTNERS, L. P., New Jersey Limited Partnership.	Record and return to:
Grantor,	Joshua Greenfield, Esq.
	Riker Danzig LLP
	One Speedwell Avenue
	Morristown, NJ 07960
TO	
STARK D. KIRBY, JR.,	FNTG
Grantee.	NJ Direct Operations
	Chicago Title / Fidelity National Title /
	Commonwealth Land Title
	Lakehurst Circle Center II
	685 Route 70 West, Suite 7B
	Lakehurst, New Jersey 08733
	22 CD 130820C