

**PLANNING BOARD MINUTES**  
**REGULAR MEETING**  
**FEBRUARY 19, 2019**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE-**

The Planning Board Chair, Peter Saulnier, called the meeting to order at 7:30 and announced that adequate notice of this meeting had been made to the Daily Record and Observer Tribune. Notice was posted on the bulletin board in the Township Hall on Blue Mill Road in Harding, New Jersey, and filed with the Township Clerk.

**ROLL CALL**—Ms. Taglairino

The roll was called. The following were present:

Mr. Dietz, Mr. Yates, Mr. Jones, Mr. Chipperson, Mr. Edgar, Mr. Clew, Ms. Claytor, Mr. Bjorkedal, Mr. Saulnier and Mr. Newlin.

Mr. Hall, the Board Attorney, Mr. Fox, the Board Engineer, Ms. Mertz, the Board Planner and Lori Taglairino, the Board Secretary were also present.

Mr. Hall swore in Mr. Fox and Ms. Gruel.

**REGULAR MEETING**

**MINUTES**

A motion was made by Mr. Jones to approve the January 21, 2019 minutes with a grammatical change. It was seconded by Mr. Clew. On a voice vote all eligible members were in favor of approving the January 21, 2019 minutes.

**ADMINISTRATIVE REPORTS**

- Mr. Saulnier noted that the new Subcommittee assignments will be sent out.
- Mr. Saulnier reviewed the list of 2019 goals and objectives.

**RESOLUTION**

Approval of Master Plan Amendment Amended Housing Element & Fair Share Plan

Mr. Jones made a motion to adopt the Master Plan Amendment Amended Housing Element & Fair Share Plan Resolution. It was seconded by Mr. Clew. A roll call vote went as follows:

For: Mr. Chipperson, Mr. Clew, Mr. Jones, Mr. Edgar, Mr. Saulnier, and Mr. Bjorkedal.

**SUBCOMMITTEE UPDATES**

**Advisory Review**

- No report.

**Water and Environmental**

- No report.

#### Development Review

- No report.

#### LIAISON REPORTS

##### Board of Adjustment

- Mr. Newlin reported that there is an ongoing application for a Verizon Cell Tower at 8 Millbrook Road before the Board.
- Mr. Newlin noted that there was a Variance approval for 210 Lees Hill Road.
- Mr. Newlin also reported that there were three new residential applications for the upcoming meeting.

##### Environmental Commission

- Mr. Clew noted that the Environmental Commission will hold their Roadside Cleanup on April 13th.

#### HOST

Mr. Dietz reported that Loren Pfeiffer was the new Chairman of HOST.

##### Historic Preservation Commission

- Ms. Claytor noted that they had a Demolition application for 29 Sand Spring Lane.
- Ms. Claytor reported that the Verizon application was carried until the March meeting.

#### CPAC

None

##### Township Committee

None

#### **NEW BUSINESS**

##### Redevelopment Study Hearing

Mr. Bjorkedal and Mr. Clew recused themselves from the hearing.

Township Planner, Susan Gruel gave a presentation about the process for the Redevelopment Study. Ms. Gruel highlighted that the night's goal was to establish step one in the process which is deciding if the study area meets statutory criteria.

McKinley Mertz reported on the two properties in question and the criteria that qualifies them for the study.

- Ms. Mertz first presented 685 Mt. Kemble Ave, the Glen Alpin property. She noted that it is a 9.6 acre property owned by the Township, Harding Land Trust and several other deeded easements from the state and county. According to the statutes, the property meets two of the criteria for redevelopment.
  - *The “e” criterion states:*
  - *“A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.”*
  - *The “d” criterion states:*
  - *“Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”*
  
- Ms. Mertz presented 679 Mt. Kemble Ave, the Hurstmont property. She noted that it is a 19.9 acre property. She noted that the property met two of the redevelopment criteria.
  - *The “a” criterion states:*
  - *“The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.”*
  - *The “d” criterion states:*
  - *“Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”*

Mr. Peter Allen of 19 Deer Ridge Drive, Mr. Elliot Leibowitz of 38 Deer Ridge Drive and Mr. Paul Scheele of 33 Deer Ridge Drive all voiced objections to the Redevelopment Study. The complaints included but were not limited to location, topography, number of units, and the municipal process.

Ms. Mary Prendergast of the Glen Alpin Conservatory explained some of the grants and easements that encumbered the property.

Mayor Yates advised that the process of how to proceed with a Redevelopment Plan will be decided at a future date.

### **VOTE AND RESOLUTION**

Mr. Saulnier made a motion to approve this area in need of redevelopment. Mr. Newlin seconded the motion. Mr. Hall presented a resolution approving this to be an area of redevelopment. He then read the resolution into the record. A roll call vote went as follows:

For: Mr. Clew, Mr. Yates, Mr. Edgar, Mr. Jones, Mr. Newlin, Ms. Claytor, Mr. Saulnier and Mr. Chipperson



Against: Mr. Dietz

It is noted that Mr. Dietz stated that he has issues with the Hurstmont property in this matter.

Mr. Newlin expounded upon his reason for a yes vote. He noted that this agreement is driven by the Fair Share Housing Settlement. He noted the settlement from Trenton and the Supreme Court is what is imposing this effort on the Township. He noted that the Redevelopment is an important tool to have some control over the two lots.

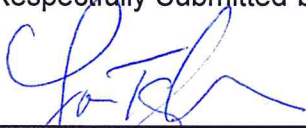
Ms. Claytor opined that she is very happy to see the preservation of the Glen Alpin house

The Resolution is appended to the minutes.

### **ADJOURNMENT**

The meeting was adjourned at 10:30

Respectfully Submitted by



Lori Tagliarino, Planning Board Secretary

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**HARDING TOWNSHIP PLANNING BOARD  
RESOLUTION  
Area in Need of Redevelopment Designation Recommendation  
Adopted February 19, 2019**

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "LRHL"), the Township Committee by Resolution 18-196 adopted on November 19, 2018 directed the Harding Township Planning Board to conduct a preliminary investigation to determine whether the properties located at 679 and 685 Mt. Kemble Avenue and designated on the Township Tax Map as Block 27, Lot 2 and Block 34, Lot 1, respectively, (the "Delineated Area") qualify as an area in need of redevelopment pursuant to the criteria in N.J.S.A. 40A:12A-5; and

WHEREAS, Heyer, Gruel & Associates, planning consultants for the Township and Planning Board, subsequently prepared a report entitled "Area in Need of Redevelopment Investigation Report" dated February 1, 2019 ("Investigation Report") that was submitted to the Planning Board; and

WHEREAS, on February 19, 2019 the Planning Board conducted a noticed public hearing in accordance with procedure set forth in N.J.S.A. 40A:12A-6 at which professional planners Susan Gruel, P.P. and McKinley Mertz, P.P., A.I.C.P., LEED Green Associate of Heyer, Gruel & Associates testified concerning the Investigation Report and presented their professional opinion that based on substantial evidence the Delineated Area meets the statutory criteria to be deemed a redevelopment area; and

WHEREAS, at the public hearing on February 19, 2019, the Planning Board considered public input and discussed the Investigation Report;

NOW, THEREFORE, BE IT RESOLVED by the Harding Township Planning Board, this 19th day of February 2019, based upon the analysis set forth in the Investigation Report and the professional planning testimony presented at the public hearing, that the Planning Board hereby recommends to the Township Committee that the Delineated Area be determined to be a redevelopment area consistent with the LRHL;

BE IT FURTHER RESOLVED by the Harding Township Planning Board that the Planning Board Secretary is hereby authorized and directed to transmit copies of this resolution to the Township Committee.

**Vote on Resolution:**

**For the Resolution: Chipperson, Edgar, Jones, Newlin, Yates, Saulnier & Claytor.**

**Against the Oral Resolution: Dietz.**

**HARDING TOWNSHIP PLANNING BOARD  
RESOLUTION  
Approval of Master Plan Amendment  
Amended Housing Element & Fair Share Plan  
Adopted February 19, 2019**

WHEREAS, the Harding Township Planning Board has adopted and amended from time to time the Harding Township Master Plan, as last re-codified on November 21, 1994 and as subsequently amended from time to time with respect to various plan elements, as authorized by N.J.S.A. 40:55D-28; and

WHEREAS, the Master Plan includes a Housing Element and Fair Share Plan adopted on November 27, 2008, that was prepared based on then-applicable regulations of the Council on Affordable Housing ("COAH"), which served as the basis for the grant of substantive certification by COAH on May 14, 2009; and

WHEREAS, the COAH regulations subsequently were invalidated by the New Jersey Supreme Court, and following the inability of COAH to adopt compliant regulations, the Supreme Court determined that municipal affordable housing compliance should be addressed through declaratory judgment actions in the Superior Court, as set forth in the decision in In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015); and

WHEREAS, consistent with the Supreme Court decision, Harding Township filed a declaratory judgment action that was assigned Docket No. MRS-L-1672-15; and

WHEREAS, Harding Township entered into a site-specific settlement agreement with intervenor S/K Mt. Kemble Associates, L.L.C., prepared an outline for an Amended Housing Element and Fair Share Plan, and entered into an overall settlement agreement with Fair Share Housing Center and S/K Mt. Kemble Associates, L.L.C., that was the subject of a noticed fairness hearing conducted by the Superior Court on November 2, 2018 in the declaratory judgment action, resulting in entry by the Court of an Order granting conditional preliminary approval; and

WHEREAS, a proposed Amended Housing Element and Fair Share Plan was prepared to implement the conditional preliminary approval granted by the Superior Court; and

WHEREAS, the Planning Board conducted a public hearing on the proposed Amended Housing Element and Fair Share Plan at a meeting on December 17, 2018, for which public notice was given as required by law, including pursuant to N.J.S.A. 40:55D-13; and

WHEREAS, at the public hearing on December 17, 2018, the Planning Board heard a detailed presentation by Planning Board Planner McKinley Mertz, considered public input, and discussed the proposed Amended Housing Element and Fair Share Plan; and

WHEREAS, the Planning Board determined that adoption and implementation of the Housing Element and Fair Share Plan will advance the public interest consistent with promotion of the general welfare; and

WHEREAS, at the conclusion of the public hearing at the meeting on December 17, 2018, the Planning Board adopted an oral resolution adopting the Amended Housing Element and Fair Share Plan as an amendment to the Master Plan, subject to a non-substantive correction to change the number of affordable units to be provided by the development described on page 44 from 42 to 40 along with deletion of three related bullet points on that page and also separate minor corrections on page 14 (to substitute Morris for Monmouth) and on page 36 (to substitute Lane for Road), as recommended by Board Planner McKinley Mertz;

NOW, THEREFORE, BE IT RESOLVED by the Harding Township Planning Board, this 19th day of February 2019 that the oral decision adopting the Amended Housing Element and Fair Share Plan subject to the corrections described above is hereby memorialized;

BE IT FURTHER RESOLVED as follows:

1. In accordance with N.J.S.A. 40:55D-13(3)(b), the Planning Board Secretary is hereby authorized and directed to transmit copies of this resolution and the adopted Amended Housing Element and Fair Share Plan to the Morris County Planning Board by certified mail.
2. The Planning Board Secretary is hereby authorized and directed to transmit copies of this resolution and the adopted Housing Element and Fair Share Plan to the Township Committee.

**Vote on Resolutions:**

For the Oral Resolution: Chipperson, Clew, Edgar, Jones, Modi, Newlin, Saulnier & Bjorkedal.  
Against the Oral Resolution: Dietz.

For the Form of the Written Resolution: Chipperson, Clew, Edgar, Jones, Modi, Newlin, Saulnier & Bjorkedal.

Against the Form of the Written Resolution: None.