

**HARDING TOWNSHIP
PLANNING BOARD MINUTES
JULY 27, 2020**

CALL TO ORDER AND STATEMENT OF COMPLIANCE-

The Planning Board Chair, Peter Saulnier, called the electronic 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 Township web page and 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. Sharp

The roll was called. The following were present:

Mr. Clew, Mr. Jones, Mr. Dietz, Mr. Modi, Mr. Saulnier, Mr. Chipperson, Ms. Claytor, Mr. Bjorkedal, Mr. dePoortere and Mr. Newlin.

Mayor Yates was present.

Mr. Hall, the Board Attorney, Mr. Fox, the Board Engineer, Ms. Sharp, acting Board Secretary and Ms. Mertz, the Board Planner were also in attendance.

REGULAR MEETING

MINUTES

Mr. Saulnier made a motion to approve the April 2, 2020 special meeting minutes. It was seconded by Mr. Jones. On a voice vote, all eligible members were in favor of approving the minutes.

Mr. Clew made a motion to approve the June 22, 2020 meeting minutes. It was seconded by Mr. Dietz. On a voice vote, all eligible members were in favor of approving the minutes.

Mr. Dietz a motion to approve the July 11, 2020 site inspection minutes. It was seconded by Mr. Jones. On a voice vote, all eligible members were in favor of approving the minutes.

OLD BUSINESS

Application PB # 02-20

529 Waterfront Properties, LLC

579 Van Beuren Road, B5L5, RR-Zone

Applicant seeking a 3 lot subdivision with 3 bulk variances.

Presenting:

Thomas Malman-Attorney

- Mr. Malman noted there was a site inspection of the property.
- Mr. Malman reminded the public that the application is for a three lot subdivision with variances.
- Mr. Malman noted that access would be from the existing driveway on the site.
- Mr. Schommer reported on Exhibit A-1 for the site plan aerial and explained the existing conditions on the property.
- Mr. Schommer noted that the pool sits in front of the existing house and is a pre-existing non-conforming structure.
- The property is 19.23 acres in total with no bridle trails and no environmentally constrained areas.
- Mr. Schommer noted that the existing driveway is 12 feet wide and paved in good condition with shoulders and is proposed to serve four lots.
- Mr. Malman noted that a subdivision in 2003 created Block 5 Lots 6.01, 6.02 and 6.03. Lot 6.03 is an unimproved roadway.
- Mr. Schommer is proposing that the existing Block 5 Lot 5 would become 8.29 acres and Block 5, Lot 5.01 is proposed to be 5 acres and Block 5 Lot 5.02 is proposed to be 5 acres with frontage on Van Beuren. All would be served by a flag lot driveway. The 2 new lots are conforming.
- Mr. Schommer noted that there would be underground cisterns for fire protection. He noted that they are working with the fire department to set their location.
- Mr. Schommer noted that Block 5, Lot 6.01 is undeveloped and that in the event that access is not available from the easement from Block 5, Lot 8 then the access would also come from the shared flagstaff. This issue is in litigation at the time of the hearing.
- Mr. Schommer commented on the landscape plan that shows buffering between the lots.
- Mr. Schommer presented Exhibit A-2, the proposed site plan with an enhanced 150 ft. setback for a principal structure on lot 5.01 to give separation from the pool and pool house on lot 5.
- Mr. Dietz asked if they could eliminate the pool which would then eliminate the need for a variances. Mr. Malman noted owner believes that the pool house is historic in nature.
- Mr. Newlin noted his concerns for the setbacks and does not see the hardship to eliminate the pool. Mr. Malman feels the benefits outweighs the detriment.
- Mr. Jones noted that he does not believe it is a hardship but he does believe that it adds to the character of the property.
- Mr. Dietz asked if this could be a 2 lot subdivision.
- Mr. Clew asked if it was possible to reconfigure the lot to eliminate the setback variance.
- Mr. Schommer gave planner testimony about the impact to the neighboring property.
- Ms. Mertz asked to validate that they will conform to the tree conservation ordinance.
- Ms. Mertz also noted that the variance requested is a (c)2 variance or flexible variance with no hardship is created. The proposed enhanced setback will help. Ms. Mertz thinks that the patio is more of an issue for impact. Ms. Mertz added that a deed restriction would also benefit the impact.
- It was noted that Historic Preservation will meet to address the application on August 6th. Mr. dePoortere requested a site inspection prior to the August meeting.

Mrs. Simon from Hidden Pond Road noted that the property is a field with no trees. Mrs. Simon is not comfortable with an application having a variance being granted while litigation is pending. She also feels that the pool and pool house has no relation to the main house.

Mr. & Mrs. Kuhbani from 584 Van Beuren Road commented that Van Beuren is a beautiful open space road and that a one lot subdivision would be better suited to maintain the open space feel of the neighborhood.

Mr. Vitolo, an attorney for Mr. and Mrs. Gargiulo, asked Mr. Schommer questions regarding the historic nature of the application. Mr. Vitolo also asked about the maximum driveway branches allowed by ordinance for a flagstaff.

Ms. Klehm from 611 Van Beuren Road suggested that waiting to see the outcome of the litigation. The litigation will have an impact on the access to all those lots.

Mr. Newlin requested Mr. Malman consider options to lessen the setback for the pool house.

This application was carried until the August 24, 2020 meeting.

COMPLETENESS

Application PB#03-20

L&T Affordable Housing Urban Renewal Corp.

700 Woodland Ave., B2/L16, AHO Zone

Applicant is seeking Site Plan approval and variances for a setback, minimum building separation and accessory structure in front of a principal structure.

Presenting:

Daniel Lagana, Attorney

Louis Riccio, L&T Attorney

Eric Rupnarian, Engineer

William Charleroy, Architect

Mr. Roselli, the Township Attorney was present.

- Mr. Lagana gave an overview of the proposed project. He noted that the project is located in the AHO Zone and the applicant is seeking to add four affordable housing units in one building and an office 598 square foot office building and additional parking spaces.
- Mr. Fox reviewed the application for completeness. Mr. Fox waived the LOI based on prior approval. Mr. Fox waived the County Application requirement. Mr. Fox waived the Environmental Impact at this time. Mr. Fox waived the Stormwater management for purposes of completeness but noted that testimony will be required. Mr. Fox noted that plan certification for soil erosion has not been submitted not a waiver requested. Mr. Fox noted that bridle trails and conservation easements have not been shown on the plans nor has a waiver been requested. Mr. Fox noted that topographic contours have been provided and a waiver has been requested. A waiver was granted for showing woodland areas. Mr. Fox noted that a landscape plan is required and has not been submitted nor has a waiver requested. A waiver can be granted for completeness but a landscape plan must be

submitted. Mr. Fox noted that a waiver for Stormwater management can be waived at this time but noted that testimony will be required. Mr. Fox noted that a lighting plan has not been submitted nor a waiver requested. He added if there is no lighting change then that needs to be addressed as well during testimony.

- Mr. Lagana stated that the engineer would address the outstanding issues during testimony.

Mr. Clew made a motion to deem the application complete. Mr. Newlin seconded the motion. A roll call vote went as follows:

For: Mr. Saulnier, Mr. Clew, Mr. Newlin, Mr. Chipperson, Mr. dePoortere, Mr. Dietz, Mr. Jones, Mr. Yates and Mr. Bjorkedal.

- Mr. Yates noted the Township is the owner and that the applicant is a contract purchaser.

Mr. Hall swore in Mr. Rupnarian, Mr. Roselli, Mr. Riccio and Mr. Charleroy

- Mr. Rupnarian noted the site plan for the property and explained the existing conditions on the property.
- Mr. Rupnarian outlined the proposed site plan. He first noted that the existing garage/garbage unit would be removed and relocated and a new two story, 2,984 square foot, 4 unit residence would be situated in that location and four additional parking spaces.
- Mr. Rupnarian noted the proposed location of the office building near the entrance of the complex along with three proposed parking spaces. He noted that the office setback requires a variance.
- Mr. Rupnarian discussed the Stormwater runoff.
- Mr. Rupnarian stated that the applicant would submit a soil erosion plan to the county and to the Township Engineer.
- Mr. Rupnarian stated that they will revise the plans to include the easements.
- Mr. Lagana addressed the parking compliance.
- Ms. Mertz noted that the requirement is for 63 parking spaces.
- Mr. Fox addressed his review of the parking and he believes there is adequate parking.
- Mr. Fox requests a letter from the DEP for the wetlands.
- Mr. Fox addressed the recycling and garbage area.
- Mr. Newlin voice concerns about parking in front of the garbage area.
- Mr. Fox noted that lighting still need to be addressed according to the ordinances.
- Mr. Fox stated that there was adequate fire protection on site.
- Mr. Saulnier inquired as to the necessity of the office building. Mr. Yates reported that as a part of the sale that at the Township requested that the new owner maintain a full time presence on property.
- Ms. Mertz questioned the placement of the office building. Mr. Rupnarian noted that moving is may prove difficult to comply with ADA requirements but the applicant will research the possibility.
- Ms. Mertz noted that buffering the garbage structure would be helpful.
- Mr. Charleroy discussed a recent possible change to the residence to move the building away from the wetlands by adding a bump out to the left side of the building and also create a larger building separation.
- Mr. Riccio addressed the use of the office. It is intended to be a one person day time office with a room for interviewing and a copy storage room.

- Mr. Newlin asked for the applicant to comment on impact to neighbors.
- Mr. Cabalar, an attorney representing the Moore Estate asked to see the revised plans.
- Mr. Dietz requested to see the revised plans before voting. He also requested to have a resolution prepared for the next meeting.
- Mr. Clew noted that the Board and the public would like to see the revisions before approving the plan.
- Mr. Jones requested a Special Meeting.

OTHER BUSINESS

None

ADJOURNMENT

The meeting was adjourned at 11:20

Respectfully Submitted by

Lori Taglairino

Lori Taglairino, Planning Board Secretary
