

**HARDING TOWNSHIP PLANNING BOARD MINUTES
REGULAR ELECTRONIC MEETING
NOVEMBER 23, 2020**

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Planning Board Chair, Mr. 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

On a call of the roll, the following were present:

Mr. Clew	Present	Mr. dePoortere	Excused
Mr. Dietz	Present	Mr. Modi	Present
Mr. Edgar	Present	Mr. Jones	Present
Mr. Saulnier	Present	Mr. Newlin	Present
Mr. Chipperson	Present	Ms. Claytor	Excused
Mr. Bjorkedal	Excused		

Also present were Mr. Hall, PB Attorney, Mr. Fox, Board Engineer, Ms. Mertz, Board Planner, Ms. Gable, Open Space Element Planner and Ms. Taglairino, Board Secretary.

MINUTES

Mr. Jones made a motion to approve the September 28, 2020 with a correction to page 2 regarding the FAR. minutes. Mr. Newlin seconded the motion. On a voice vote, all eligible members approved the amended minutes.

Mr. Newlin made a motion to approve the September 28, 2020 Executive session minutes. It was seconded by Mr. Clew. On a voice vote, all eligible members approved the minutes.

There was a note to the professionals to provide substitutes in case of an absence.

Mr. Clew made a motion to approve the October 26, 2020 Minutes with a grammatical edit to page 3 from works to work. It was seconded by Mr. Chipperson. On a voice vote, all eligible members approved the amended minutes.

RESOLUTIONS

Resolution 08-2020 Emergency Protocols for Remote Meetings

Mr. Clew made a motion to adopt Resolution 08-2020 Emergency Protocols for Remote Meetings. It was seconded by Mr. Newlin. A roll call vote went as follows:

For: Mr. Chipperson, Mr. Dietz, Mr. Jones, Mr. Modi, Mr. Edgar, Mr. Clew, Mr. Newlin and Mr. Saulnier.

Against: None

Master Plan Reexamination Report Resolution 2020

Mr. Clew made a motion to adopt the Master Plan Reexamination Report Resolution 2020. Mr. Newlin seconded the motion. A roll call vote went as follows:

For: Mr. Chipperson, Mr. Dietz, Mr. Jones, Mr. Modi, Mr. Edgar, Mr. Clew, Mr. Newlin and Mr. Saulnier.

Against: None

The resolutions are appended to the minutes.

ADMINISTRATIVE UPDATES

- Mr. Saulnier briefly noted correspondence from the NJ Highlands Council offering grants for the Open Space Plan. Ms. Taglairino noted that the Township Administration was looking into whether or not this could apply to the present revision of the Open Space Element.

BOA ANNUAL REPORT PRESENTATION

Mr. Flanagan presented the findings from the BOA Annual Report for 2018/2019. He noted that many of the items were already being addressed by the Planning Board in ordinance revisions being currently discussed and revised. He noted additional items that the Planning Board may wish to review. Those being:

1. Current telecommunication regulations
2. Home Occupation
3. Preservation of accessory structures vs density with focus on the definition of “rural character” for guidance in decision making.

OPEN SPACE PLAN ELEMENT

Ms. Gable presented a redline draft of the Open Space Plan Element. Ms. Gable updated the Board on requests from Green Acres to include in the OSRP. There was a discussion and Ms. Gable took comments from the Board members for final revisions to the plan. A hearing is scheduled for the December 21, 2020 Planning Board meeting. The public will be notified and Township entities will be notified of the hearing.

ORDINANCES

Ms. Mertz presented four revised ordinances. Each had minor edits. It was decided that they would be reviewed one more time at the December 21, 2020 meeting. The Planning Board requested the edits be sent to the Harding Township Zoning Officer for his input. The ordinances in review are the following:

1. Charging Stations
2. A/C Condensers and Heat Pumps
3. Setbacks at Harding Green
4. The Removal of FAR for Residences in the B-1 and B-2 Zones

Mr. Fox presented four revised ordinances. The Planning Board requested that the Zoning Officer review the changes and submit his input for the December 21, 2020 meeting.

B-2 Zone Ordinance

Ms. Mertz presented revisions to the Permitted Uses in the B-2 Zone. There was a robust discussion and wordsmithing to the uses and definitions. Ms. Mertz will make changes and present them at the December 21, 2020 meeting. Ms. Mertz will send the ordinance draft to the Township Zoning Officer for review and comments.

Subcommittee Updates

Advisory Review

None

Water and Environmental

None

Development Review Committee

None

Liaison Reports

Board of Adjustment

- None

Environmental Commission

- Mr. Clew reported that the EC will be holding a Zoom presentation about invasive species including Japanese Knot Weed and another Zoom Presentation about planting native plants.
- The EC will hold their spring roadside cleanup in April.

HOST

- Mr. Dietz reported that HOST acquired two properties.
- Mr. Dietz reported that HOST discussed ongoing and possible expansion of maintenance of Township properties to include trails and parks.

Historic Preservation Commission

- Ms. Taglairino noted that the HPC is receiving the updated revisions to the McCabe Report.
- Ms. Taglairino noted that HPC voted on the Historic House of the Year.

Citizens Park Advisory

- None

Township Committee

- Mr. Modi reported the there was a proclamation to celebrate Water Ness's 100th Birthday.
- Mr. Modi reported that there was a first read on an ordinance to lower the speed limit from 35 mph to 25 mph on Sand Spring Road.

There was a motion by Mr. Clew to adjourn the meeting at 10:55.

Lori Taglairino

Lori Taglairino

Planning Board Secretary

RESOLUTION NO. 07-2020 HARDING TOWNSHIP PLANNING BOARD

Approval of Master Plan Reexamination Report

Adopted November 23, 2020

WHEREAS, the Harding Township Planning Board has adopted and amended from time to time the Harding Township Master Plan, which contains various plan elements as authorized by N.J.S.A. 40:55D-28; and

WHEREAS, in accordance with the requirements of N.J.S.A. 40:55D-89, the Planning Board conducted a reexamination of the Master Plan and the land use polices contained therein in light of current conditions; and

WHEREAS, based on consideration of public comment and discussion at various Planning Board meetings, M. McKinley Mertz, A.I.C.P., P.P., of Heyer, Gruel & Associates, Township planning consultants, prepared a draft Master Plan Reexamination Report; and

WHEREAS, the Planning Board discussed the draft Master Plan Reexamination Report at various public meetings, resulting in modifications to the draft Master Plan Reexamination Report; and

WHEREAS, at the noticed public meeting on October 26, 2020, professional planner M. McKinley Mertz, A.I.C.P., P.P., of Heyer, Gruel & Associates, Township planning consultants, presented and explained the draft Master Plan Reexamination Report and recommended that it be adopted; and

WHEREAS, at the noticed public meeting on October 26, 2020, the Planning Board adopted an oral resolution approving the final version of the draft Master Plan Reexamination Report, subject to minor non-substantive adjustments;

NOW, THEREFORE, BE IT RESOLVED by the Harding Township Planning Board, this 23rd day of November 2020, as follows:

1. The Planning Board hereby memorializes and confirms approval of the Master Plan Reexamination Report, dated October 26, 2020, which includes minor changes by the Township Planner consistent with discussion at the public meeting prior to adoption of the oral resolution.

2. The Planning Board Secretary is hereby authorized and directed to transmit copies of this resolution and the adopted Master Plan Reexamination Report, dated October 26, 2020, to the Morris County Planning Board and to transmit copies of this resolution to the Clerk of each adjoining municipality, who may request a copy of the Master Plan Reexamination Report.

Vote on Resolution

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

Against the Resolution: None.

**RESOLUTION NO. 08-2020
TOWNSHIP OF HARDING PLANNING BOARD RESOLUTION
ADOPTING EMERGENCY PROTOCOLS, PROCEDURES AND REQUIREMENTS
FOR PUBLIC PARTICIPATION IN REMOTE MEETINGS**

WHEREAS, the purpose of N.J.A.C. 5:39-1 et seq., Emergency Remote Meeting Protocol for Local Public Bodies, is to ensure that local public bodies can continue to conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

WHEREAS, a “declared emergency” means a public health emergency pursuant to the Health Powers Act, N.J.S.A. 26:13-1 et seq., or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state or local disaster emergency which has been declared by the Governor and is in effect; and

WHEREAS, N.J.A.C. 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

WHEREAS, if during a declared emergency the Planning Board of the Township of Harding (the “Planning Board”) holds a physical meeting in a location where, pursuant to State/Federal guidelines meant to mitigate risk, capacity restrictions are required to reduce the number of individuals that can be present in a meeting, the Planning Board shall either:

- 1) Hold the public meeting at another location with adequate capacity for the reasonable expected attendance by the public; or
- 2) Hold the public meeting as both an in-person and remote public meeting; and

WHEREAS, a public meeting held solely in-person without a remote access alternative provided shall not prohibit members of the public from attending in person; and

WHEREAS, adequate notice of a remote public meeting shall also include, in addition to the Open Public Meetings Act requirements of N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on the Township’s website in the manner set forth at N.J.A.C. 5:39-1.5; and

WHEREAS, at the commencement of a remote public meeting the Chair or the Chair’s designee, or in his or her absence, the Secretary, shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an explanation of the reason or reasons such notice was not adequately provided as set forth in N.J.A.C. 5:39-1.5(g); and

WHEREAS, prior to the commencement of a remote public meeting, the Planning Board shall make a copy of the agenda available to the public for download on the Township’s website and shall post a copy of same at the building where the meeting would otherwise be held, including posting of same at any designated and clearly delineated handicap accessible entrance to the building, by no later than 3:00 PM on the date of the meeting; and

WHEREAS, the content of the electronic notice shall be posted on the main access door of the building where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside; and

WHEREAS, the electronic communications used for a remote public meeting shall have a function that allows the Planning Board to mute the audio of all members of the public, as well as allow members of the public to mute themselves, and same shall be announced at the beginning of every remote public meeting; and

WHEREAS, pursuant to N.J.A.C. 5:39-1, if the Planning Board holds a remote meeting to conduct public business, it shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the Planning Board for the type of public meeting being held, and such participant capacity shall, at minimum, not be limited to fewer than 50 public participants (not including persons required to be present to conduct business at the meeting such as the Board members, Board professionals, and all members of the Applicant's team); and

WHEREAS, remote public meetings may be held by the Planning Board in a format as selected by the Planning Board, by means including, but not limited to, electronic communications platforms with video and audio or live streaming via the internet and shall, additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

WHEREAS, when the Planning Board holds a remote public meeting, it shall allow members of the public to ask questions by audio or by audio and video if the meeting is being held over both; and

WHEREAS, any remote public meeting where sworn testimony is being taken shall be broadcast by video, as well as audio, and all individuals giving sworn testimony, including members of the public making comments, shall appear by video; and

WHEREAS, any presentation or documents that would otherwise be viewed by, or made available to, members of the public physically attending an in-person public meeting shall be made available on the internet website of the Township or made visible during the video broadcast of the remote public meeting; and

WHEREAS, except for quasi-judicial hearings on land development applications or similar public hearings, in addition to making public comments at any remote public meeting, the Planning Board, in advance of the remote meeting shall allow public comments to be submitted to the Clerk by electronic mail and in written letter form by a reasonable deadline to be established and posted on the website in advance of the remote public meeting; and

WHEREAS, except for quasi-judicial hearings on land development applications or similar public hearings, public comments submitted prior to the remote public meeting through electronic or regular mail shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public; and

WHEREAS, a reasonable time limit shall be placed on the reading of individual written comments, all of which shall be read from the start until the established time limit is reached; and

WHEREAS, in support of, and respect for, an open, fair and informed decision-making process, the Planning Board recognizes that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

WHEREAS, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and Planning Board decision making, policies and rules shall be established to promote civility and maintain decorum at in-person public meetings and remote public meetings in accordance with N.J.A.C. 5:39-1.4(f)-(h); and

WHEREAS, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Chair or the Chair's designee, or in their absence the Secretary, shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in the member of the public being prevented from speaking during the remote public meeting or removed from the remote public meeting; and

WHEREAS, disruptive conduct at an in-person public meeting or remote public meeting includes sustained inappropriate behaviors including, but not necessarily limited to, shouting, interruption, and use of profanity; and

WHEREAS, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their questions or comments; and

WHEREAS, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and, if the person still remains disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Harding that the standards and procedures for emergency remote meetings, as set forth in the recitals to this resolution and as codified in N.J.A.C. 5:39-1 et seq., are hereby confirmed, established and adopted in order to safeguard public participation in any in-person or remote public meeting in the Township of Harding and shall apply to all members of the public in attendance at any in-person public or remote public meeting in the Township of Harding;

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to post copies of this resolution on the Harding Township web site and on the main public entrance door of the Municipal Building so as to be visible to the public from the outside.

Vote on Resolution

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

Against the Resolution: None.