

**PLANNING BOARD MINUTES
REGULAR ELECTRONIC MEETING
MARCH 22, 2021**

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Planning Board Chair, Mr. Clew 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	Present
Ms. Walters	Present	Mr. Yates	Present
Mr. Edgar	Present	Mr. Platt	Present
Mr. Bjorkedal	Present	Mr. Newlin	Present
Mr. Chipperson	Present	Ms. Claytor	Excused

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

MINUTES

Mr. Platt made a motion to approve the February 22, 2021 minutes as written. It was seconded by Mr. Bjorkedal. On a voice vote all eligible members approved the February minutes.

ADMINISTRATIVE UPDATES

- Mr. Clew noted that the Board would continue with the existing goals and objectives for 2021.

MOMENT OF SILENCE IN MEMORY OF MR. DIETZ

RESOLUTION

RESOLUTION FOR LITIGATION FOR PB # 02 20 529 WATERFRONT PROPERTIES

Mr. Newlin made a motion to approve the Resolution for litigation for Gary Hall. The motion was seconded by Mr. dePoortere. All eligible members voted to approve the Resolution.

The resolution is appended to the minutes.

COMPLETENESS

Application PB# 01-21

S/K Mt. Kemble Associates, LLC

350 Mt. Kemble Ave. B23.02/L5 TH-1 Zone

Application for Preliminary Major Site Plan and Final Major Site Plan for inclusionary residential housing development consisting of 96 multi-family units and related site improvements

Presenting:

Derek Orth, Attorney

Mr. Fox reviewed the following items for application completeness:

4. Tax Certification--. It has been applied for and a temporary waiver from this requirement has been requested.

13. Conservation Easement –The applicant has requested a temporary waiver from this requirement.

14. Soil Erosion & Sediment Control Plan Certification-. The applicant mistakenly sent the application to the County and will submit it to the Board.

21. The location of existing catch basins, bridges, culverts, storm drains, waterlines, sanitary sewer lines, wells, gas lines, telephone lines, utility easements, sewage disposals systems, bridle paths, drainage easements and conservation easements on and within 200 feet of the site. The applicant has requested a temporary waiver from this requirement. Mr. Fox does not recommend a waiver.

24. Natural features such as watercourses and rock formations on the site and within 200 feet of the site. The applicant has requested a temporary waiver from this requirement. Mr. Fox does not recommend a waiver.

30. Topographic Contours on and within 50 feet of the Site. The applicant has requested a temporary waiver from this requirement. Mr. Fox does not recommend a waiver.

33. Location of Wooded Areas on and within 200 feet of the Site. The applicant has requested a temporary waiver from this requirement. Mr. Fox does not recommend a waiver.

48. Preliminary Architectural Plans for all proposed Buildings & Structures. The applicant will submit an updated architectural plan for the shed on the property. The applicant has requested a temporary waiver from this requirement.

58. Statement as to Existing Protective Covenants, Deed Restrictions, Easements, and Rights-of-Way Affecting Use of the Property. Mr. Fox requested that this information be shown on the Site Plan set.

59. The Size, Shape, Location, and Purpose of any required Conservation Easement and other proposed Easements. The applicant has requested a temporary waiver from this requirement. Mr. Fox does not recommend a waiver.

Mr. Yates requested a letter from the applicant stating that the plans are compliant with the settlement agreement.

The application was deemed incomplete and will return for the April meeting for a completeness review.

Mr. Bjorkedal made a motion to approve the temporary waivers for the Tax Certification, Soil Erosion & Sediment Control Plan Certification and Preliminary Architectural Plans for all proposed Buildings & Structures. The remainder of the items were deemed incomplete. Mr. Chipperson seconded the motion. On a voice vote all members were in favor of granting the approved waivers.

The application was deemed incomplete and will return for the April meeting for a completeness review.

ORDINANCE REVIEW—Mr. Clew

Ordinance 04-21 Small Playset Setback Requirements

Mr. Chipperson introduced Ordinance 04-21 Small Playset Setback Requirements.

Mr. Chipperson made a motion to recommend the ordinance to the Township Committee. Mr. dePoortere seconded the motion. On a voice vote all eligible members recommended this ordinance to the TC.

Ordinance RR and R-1 Zones Clarification of Building area and Front Setbacks.

Mr. Chipperson introduced the ordinance and noted a change regarding flag lots.

Mr. Bjorkedal made a motion to recommend the ordinance to the Township Committee. Mr. Edgar seconded the motion. On a voice vote all eligible members recommended this ordinance to the TC.

Ordinance Charging Station ordinance.

Ms. Mertz reviewed the ordinance and noted a change for an existing bulk standard. They also proposed adding the TH-1 Zone as well as the B-1, B-2 and OB Zones.

Mr. Chipperson made a motion to recommend the ordinance to the Township Committee. Mr. Newlin seconded the motion. On a voice vote all eligible members recommended this ordinance to the TC.

SUBCOMMITTEE UPDATES

Advisory Review Committee

No Report

Engineering and Environmental Committee

No Report

Development Review Committee

No Report

LIAISON REPORTS

Board of Adjustment

- Mr. Newlin reported that the Verizon Cell Tower application was ongoing. The Board is hearing Planer testimony.
- Mr. Newlin reported on an application on Welsh Lane looking to replace a pool with an overage on lot coverage that was grandfathered.
- Mr. Newlin reported that the approval for an application at 524 Tempe Wick for an accessory dwelling residence on a 5 acre lot for accessory use. This application was age and deed restricted.

Environmental Commission

- Mr. Clew reported that the EC was preparing for their Road Side Clean-up and Tree Give-Away on April 24th.
- Mr. Clew reported that they were preparing for a guest speaker Mary Anne Borge on May 19th.
- There will be a presentation by the National Wildlife Refuge about Knotweed at the May meeting as well

HOST

- Mr. Bjorkedal reported that HOST noted that the Township cannot give away the house at 163 Lees Hill Road as per Green Acres so it will be demolished.
- Mr. Bjorkedal encouraged fishing at the fishing hole on site.
- Mr. Bjorkedal noted that HOST is developing a plan to monitor easements.

Historic Preservation Commission

- Mr. dePoortere reported that there was no meeting.
- Mr. dePoortere commented on the litigation for 529 Waterfront Properties.

Citizen Park Advisory Committee

- Mr. dePoortere reported that CPAC is preparing for the fishing contest on April 10th at Bayne Park.
- Mr. dePoortere noted that they are preparing Memorial Park in hopes they can find a safe way to have a Memorial Day Celebration.
- Mr. dePoortere reported Barrett Park will hold baseball games and soccer games.

Township Committee

- Mr. Platt noted the consideration of a Critter Circle at Bayne Park.
- Mr. Yates noted that the TC will be re-evaluating the Marijuana ordinances.

OTHER BUSINESS

Ms. Mertz discussed the State mandated climate change Land Use update for the Master Plan.

ADJOURNMENT

There was a motion adjourn the meeting at 9:40.

Lori Taglairino

Lori Taglairino
Planning Board Secretary

TOWNSHIP OF HARDING PLANNING BOARD

**RESOLUTION PB# 07-2021 CONSENTING TO LEGAL REPRESENTATION OF THE HARDING
TOWNSHIP PLANING BOARD
BY GARY HALL, ESQ. IN THE MATTER KNOWN AS
GARGIULO vs 529 WATERFRONT PROPERTIES, LLC
Docket No. MRS-L-2371-20**

WHEREAS, the Township of Harding Planning Board and (include name of other Township Defendants if there are any. If not, delete this) require(s) the services of legal representation in the matter known as Gargiulo vs 529 Waterfront Properties, LLC, Docket No. MRS-L-2371-20 (hereinafter the "Litigation"); and

WHEREAS, Gary Hall, Esq. is a licensed New Jersey Attorney, is recognized as capable and available to undertake such work; and

WHEREAS, Gary Hall, Esq. was previously appointed by the Planning Board to represent it for the 2021 calendar year; and

WHEREAS, the Planning Board negotiated a contract with Gary Hall, Esq. for the purposes set forth herein wishes to award a contract to Gary Hall represent it in the Litigation for an amount not to exceed \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Harding, County of Morris, State of New Jersey as follows:

1. The Township of Harding Planning Board hereby consent to the appointment of Gary Hall, Esq. for representation of the Planning Board in the matter known as, Gargiulo vs 529 Waterfront Properties, LLC Docket No. MRS-L-2371-20.
2. A contract for professional services is authorized to be entered into with Gary Hall, Esq. for the purposes set forth herein in an amount not to exceed \$5,000.00.
3. The Board Chairman and Board Secretary are hereby authorized to execute said contract on behalf of the Planning Board.

Lori Taglairino, Planning Board Secretary