

**HARDING TOWNSHIP PLANNING BOARD MINUTES  
REGULAR MEETING  
NOVEMBER 22, 2021**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

The Planning Board Chair, Mr. Clew called the in-person meeting to order at 7:00 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	Excused
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, Planner, and Ms. Taglairino, Board Secretary.

**OLD BUSINESS**

**Application PB# 04-21**

The Environmental Approach

1 Post House Road, B33.03/L1, R-1 and B-2 Zones

Applicant is seeking site plan development as per N.J.S.A 40:55-45.2

**Presenting:**

Ms. Magdziak, Attorney

Peter Finkle, Contract Purchaser

Candice Davis, Engineer

Gary Dean, Traffic

Jim Mazzucco, Landscape Architect

Mr. Hall swore in Mr. Dean and Mr. Mazzucco for testimony.

- Ms. Magdziak noted that the applicant is seeking a preliminary and final major site plan approval and site plan for a garden center on a 3.03-acre lot in the B-2 and R-1 Zones.
- All proposed construction would be 1 in the B-2 Zone. The wetlands and transition area would remain undeveloped.

- The proposed improvements would include a 1,800 square foot building (containing 600 square feet of retail, 300 square feet of office, and 900 square feet of garage), outdoor landscape plants and products storage and display areas, parking and driveway areas.
- The proposed garden center is a retail sale use.
- Township Police Department and fire department provided email responses noting the absence of any public safety comments concerning the proposed development.
- Engineer Fox recommended approval of a requested site plan exception to permit use of LED lighting fixtures. He also noted compliance with fire protection requirements in the Ordinance, and presented various recommendations.
- Mr. Finkle, the applicant stated that he runs a landscaping business at a facility in Chatham that would continue to be operated at that location. The proposed garden center would be for retail sales and for landscaping customers to view plants and materials. The planned hours of operation would be 8 a.m. to 5 p.m., Monday through Saturday. Aside from vehicles or equipment stored in a garage, a maximum of 4 vehicles licensed for use on public roads (not including tractor trailers) would be parked outside overnight on the property. These vehicles might include up to 2 attached licensed trailers.
- The proposed building design is a prefabricated barn storage like structure.
- Ms. Davis discussed stormwater management.
- Mr. Dean, an expert traffic witness testified to a Traffic Impact Analysis. He noted that it would not be permissible to relocate the site access driveway from Post House Road to Mt. Kemble Avenue due to State highway restrictions.
- Mr. Mazzucco of Bosenberg Landscape Design discussed the proposed lighting, landscaping and signage. The applicant agreed that the site lighting would be on a timer to turn off after 6:00 p.m. The applicant also agreed to shielded lighting.
- The Planning Board agrees that the use of LED lighting should be allowed.
- There was a discussion of a proposed sign adjacent to the intersection of the proposed site driveway and Post House Road.

The following neighbors from Post House Road had traffic and safety concerns:

Joan Kellett, 21 Post House Road, Jennifer Ascari, 37 Post House Road

Robert and Susan Massengill, 28 Post House Road, Henry Wroblewski, 59 Post House Road

The Board took a 5 minute break at 9:20.

The Board resumed at 9:25. A roll call vote went as follows:

Mr. Clew, Mr. dePoortere, Ms. Walters, Mr. Yates, Mr. Edgar, Mr. Bjorkedal, Mr. Newlin, and Mr. Chipperson were present.

A motion was made by Mr. Yates to approve the application with conditions set forth in the resolution. The motion was seconded by Mr. dePoortere. A roll call vote went as follows:

For: Mr. Clew, Mr. dePoortere, Ms. Walters, Mr. Yates, Mr. Edgar, Mr. Bjorkedal,  
Mr. Newlin, and Mr. Chipperson

Against: None

## **MINUTES**

Mr. Clew made a motion to table the September 27, 2021 minutes and October 25, 2021 minutes to the December 20, 2021 meeting.

## **RESOLUTION**

Application PB# 03-21

Abbie Shine

36 & 42 Featherbed Lane, B16/L17&17.01, RR Zone

Mr. Yates made a motion to adopt Resolution PB# 03-21 Shine. Mr. Newlin seconded the motion. A roll call vote went as follows:

For: Mr. Clew, Mr. dePoortere, Mr. Edgar, Mr. Yates, Mr. Bjorkedal, Mr. Newlin, and Mr. Chipperson

Against: None.

## **SUBCOMMITTEE UPDATES –NO REPORTS**

Advisory Review Committee

Engineering and Environmental Committee

Development Review Committee

## **LIAISON REPORTS—NO REPORTS**

Board of Adjustment

Environmental Commission

HOST

Historic Preservation Commission

Citizen Park Advisory Committee

Township Committee

## **OTHER BUSINESS**

## **ADJOURNMENT**

*Lori Taglairino*

Lori Taglairino, Planning Board Secretary

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### **HARDING TOWNSHIP PLANNING BOARD RESOLUTION**

Abbie Shine - Application No. PB 03-21  
36 & 42 Featherbed Lane - Block 16, Lots 17 & 17.01  
Grant of Minor Subdivision Approval & (c) Variances  
Adopted November 22, 2021

WHEREAS, Abbie Shine applied to the Harding Township Planning Board for minor subdivision approval to adjust the lot line between abutting parcels located at 36 and 42 Featherbed Lane and designated on the Harding Township Tax Map as Block 16, Lots 17 and 17.01; and

WHEREAS, the application subsequently was revised to include a request for (c) variances from Section 225-122(F) of the Land Use and Development Ordinance, which requires minimum setbacks of 100', to authorize the current side setbacks or 94.5' for pool equipment and 71.0' for a patio located next to the residence; and

WHEREAS, the Planning Board discussed application completeness at a meeting on September 27, 2021, granted certain waivers, and then deemed the application to be complete; and

WHEREAS, the Planning Board conducted an initial public hearing on the application at the meeting on September 27, 2021, for which public notice and notice by applicant were given as required by law; and

WHEREAS, the Planning Board conducted a continued public hearing on the application at a meeting on October 25, 2021; and

WHEREAS, the Planning Board determined that a site inspection was not necessary based on the particular characteristics of this property and proposal; and

WHEREAS, the Planning Board considered the testimony and evidence presented during the public hearing; and

WHEREAS, at the meeting on October 25, 2021, the Planning Board adopted an oral resolution approving the revised application for minor subdivision approval and (c) variances based on findings and conclusions and subject to certain conditions as memorialized herein;

NOW, THEREFORE, BE IT RESOLVED by the Harding Township Planning Board, this 22nd day of November 2021, that the oral approval of the revised application of Abbie Shine for minor subdivision approval and (c) variances is hereby memorialized as follows:

#### **Findings of Fact and Statement of Reasons**

1. The applicant owns abutting lots located at 36 and 42 Featherbed Lane that are designated on the Harding Township Tax Map as Block 16, Lots 17 and 17.01. Each parcel contains a residence and related residential improvements, as shown on a minor subdivision plan prepared by Yannaccone Villa Aldrich, LLC, dated July 19, 2021 and last revised October 15, 2021. Lot 17 is located in a RR Zone and has a lot size of 6.71 acres. Lot 17.01 is located in a R-1 Zone and has a lot size of 3.0 acres.

2. The applicant requested approval to modify the lot line separating the two lots to shift a 1.6 acre portion of Lot 17 extending behind Lot 17.01 from Lot 17 to Lot 17.01. This lot line adjustment would result in lot sizes of 5.11 acres for Lot 17 and 4.6 acres for Lot 17.01.

3. Variance relief is not required based on the fact that the proposed lot line adjustment would result in Lot 17.01 becoming a split-zoned parcel with land in both the R-1 and RR Zones and a total lot size of 4.6 acres that is less than the 5 acre minimum for the RR Zone.

4. Comments on the application were provided in a memorandum issued by Township Planner McKinley Mertz, dated October 21, 2021, which noted that variance relief from the 100' minimum setback requirement in Section 225-122(F) was necessary for the north side setback of 94.5' for existing pool equipment on Lot 17.01 and the south side setback of 71.0' for a patio adjacent to the residence on Lot 17.01. The application was amended to request necessary variance relief.

5. The applicant was represented in proceedings before the Planning Board by Nicole Magdziak, Esq. of Day Pitney, LLP.

6. Testimony in support of the application was provided by surveyor Christopher Aldrich.

7. No neighbor or member of the public objected to the application.

8. At the meeting on September 27, 2021, the Planning Board discussed and granted limited application completeness waivers that had been identified by Township Engineer Fox in a memorandum dated September 20, 2021. The public hearing on the application was then started at that meeting.

9. Questions arose at the initial public hearing concerning prior zoning approvals and the timing of construction of the improvements on Lots 17 and 17.01.

10. Variance relief was granted previously for the south side setback for the tennis court on Lot 17 by Resolution adopted by the Board of Adjustment on November 18, 1976 on Application No. 7-76, a copy of which was submitted with the application.

11. The 75' south side setback for the residence on Lot 17 is consistent with the applicable setback requirement in effect when the residence was constructed, which predated adoption of the current 100' minimum side setback requirement in Section 225-122(F). The proposed minor subdivision will not alter any setbacks on Lot 17, which will continue to have conforming building area and lot coverage ratios.

12. The 94.5' north side setback for the pool equipment on Lot 17.01 is attributable an apparent siting error, since it was intended to have a conforming 100' setback. Photographs presented at the hearing showed the existence of extensive evergreen screening for the pool equipment, thus mitigating any visual impact of the deficient side setback. Moreover, the applicant is the owner of abutting Lot 17.

13. The patio adjacent to the residence apparently was installed without awareness of applicability of the 100' minimum setback requirement. The patio is a ground level improvement that has been in existence at the same location for a number of years without any evident impact on the abutting property to the south.

14. The applicant was unable to explain the timing and circumstances of the current lot coverage ratio of 14.2%, which significantly exceeds the 10% maximum. However, the increased size of Lot 17.01 as result of the proposed lot line adjustment will result in a conforming lot coverage ratio of 9.3%.

15. The applicant agreed to provide the Township Engineer with information addressing stormwater management and install any improvements reasonably recommended by the Township Engineer in order to fully comply with all current stormwater management regulations on expanded Lot 17.01.

16. Under the particular circumstances of this specific property and proposal, denial of necessary setback variance relief for the existing locations of the pool equipment and patio would impose practical difficulties and/or undue hardship on the applicant by requiring removal or relocation of these improvements, thus making variance relief appropriate under N.J.S.A. 40:55D-70(c)(1).

17. Subject to compliance with all conditions in this resolution, the proposed subdivision plan complies with the requirements for minor subdivision approval.

#### **Description of Minor Subdivision Approval**

1. The application of Abbie Shine for minor subdivision approval is hereby granted in accordance with a minor subdivision plan prepared by Yannacone Villa Aldrich, LLC, dated July 19, 2021 and last revised October 15, 2021.

#### **Description of Variances**

1. A variance is hereby granted from the 100' minimum setback requirement in Section 225-122(F) of the Land Use and Development Ordinance to authorize the current pool equipment to remain on Lot 17.01 at a location with a minimum north side setback of 94.5', as shown on the plans.

2. A variance is hereby granted from the 100' minimum setback requirement in Section 225-122(F) of the Ordinance to authorize the patio adjacent to the side of the residence to remain on Lot 17.01 at a location with a minimum south side setback of 71.0', as shown on the plans.

#### **Approval Conditions**

1. These approvals are granted subject to compliance with all other ordinances, laws and regulations.
2. A copy of the final revised minor subdivision plan in electronic format shall be filed with the Planning Board and Township Engineer
3. The applicant's engineer shall confer with the Township Engineer concerning stormwater management facilities and undertake additional recommended actions, if any, in order to achieve satisfactory compliance with current stormwater management requirements.
4. The applicant shall pay any outstanding application, technical review or other fees.
5. The applicant shall pay any outstanding property taxes.
6. The minor subdivision deed(s) shall be in a form acceptable to the Planning Board Attorney.
7. Satisfaction of all of the preceding conditions shall be confirmed by the Planning Board Attorney prior to signing of the plat or minor subdivision deed(s) by the Chairman and Secretary of the Planning Board.
8. In accordance with N.J.S.A. 40:55D-47, a plat or minor subdivision deed(s) shall be recorded within 190 days of the date of this resolution, unless the time period is extended consistent with applicable legal requirements.
9. Recorded copies of the minor subdivision deed(s) shall be promptly filed with the Planning Board Secretary after recording.

**Vote on Resolutions**

For the Oral Resolution: Chipperson, DePoortere, Edgar, Newlin, Platt, Yates, Clew & Bjorkedal.

Against the Oral Resolution: None.

For the Form of the Written Resolution: Chipperson, DePoortere, Edgar, Newlin, Yates, Clew & Bjorkedal.

Against the Form of the Written Resolution: None.

**Certified to be a True Copy**

**By:** \_\_\_\_\_  
**Lori Taglairino, Secretary**

**Dated:** \_\_\_\_\_