

**MINUTES**  
**REORGANIZATIONAL MEETING & REGULAR MEETING**

**JANUARY 28, 2008**

**PLANNING BOARD**

**HARDING TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

As temporary acting Chair, Board Attorney, Gary Hall, Esq., called the meeting to order at 7:35 P.M. He then made a statement that adequate notice of this meeting had been made by mail to the *Daily Record* and the *Observer Tribune* on January 25, 2007 and had been posted at Town Hall and filed with the Municipal Clerk on January 25, 2007.

**DECLARATION OF BOARD APPOINTMENTS**

Mr. Hall stated that the Oath of Office had been signed by reappointed members Marshall Bartlett, John Murray, Isobel Olcott, Carol Conger Vellekamp and Thomas dePoortere, and newly appointed members Alf Newlin and Peter Saulnier.

**ROLL CALL**

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

Marshall Bartlett, Member  
Carol Conger Vellekamp, Member  
Thomas dePoortere, Member  
David Dietz, Member  
Robert Edgar, Member (arrived at 7:40 P.M.)  
Virginia Moriarty, Member  
John Murray, Member  
Alf Newlin, Member  
Isobel Olcott, Member

Peter Saulnier, 1<sup>st</sup> Alternate

Paul Fox, Board Engineer  
Gary Hall, Board Attorney  
Susan Kimball, Board Planner  
Cynthia Phillips, Planning Board Administrator

**ELECTION OF CHAIR**

Nominations were opened by the Board Attorney for Planning Board Chair for the year 2008. Mrs. Olcott nominated Mrs. Vellekamp, which was seconded by Mr. Bartlett. On a voice vote, all were in favor.

### **ELECTION OF VICE CHAIR**

The Chair, Mrs. Vellekamp, asked for nominations for Planning Board Vice Chair for the year 2008. Mrs. Vellekamp nominated Mrs. Olcott, which was seconded by Mr. Murray. On a voice vote, all were in favor.

### **APPOINTMENT OF PROFESSIONALS**

Mrs. Olcott made a motion to approve the Resolution appointing Mr. Paul Fox as Board Engineer, Mr. Gary Hall, Esq. as Board Attorney and Kimball & Kimball as Board Planners for the year 2008, as written, which was seconded by Mr. Bartlett. On a voice vote, all were in favor.

### **MEETING SCHEDULE FOR 2008**

Mrs. Olcott made a motion to approve the Resolution listing the Planning Board regular meeting dates for 2008 and the reorganization meeting date for 2009, which was seconded by Mr. Bartlett. On a voice vote, all were in favor.

### **SECRETARY'S APPOINTMENT**

Mrs. Olcott made a motion to approve the Resolution appointing Ms. Cynthia Phillips as Board Secretary for the year 2008 which was seconded by Mr. Bartlett. On a voice vote, all were in favor.

### **ADVISORY REVIEW COMMITTEE**

Mrs. Vellekamp appointed Mrs. Olcott Advisory Review Committee Chair. Mr. Dietz, Mr. Murray and Mrs. Vellekamp agreed to serve as members on the Committee. Mr. Newlin agreed to serve as an alternate member on the Committee.

### **DEVELOPMENT REVIEW COMMITTEE**

Mrs. Vellekamp appointed Mr. Edgar Development Review Committee Chair. Mr. dePoortere, Mr. Saulnier and Mrs. Moriarty agreed to serve as members on the Committee. Mr. Bartlett agreed to serve as an alternate member on the Committee.

### **APPROVAL OF MINUTES**

Mrs. Olcott made a motion to approve the November 26, 2007 Planning Board meeting minutes, as written, which was seconded by Mr. Murray. On a voice vote, all were in favor.

## APPLICATIONS

### PETER FRELINGHUYSEN, JR.

James Street and Sand Spring Lane  
Block 22, Lots 2, 3, 4, 4.01 & 5

#PB-09-07

**Amended Preliminary & Final Site Plan**

Present: Thomas Malman, attorney for the applicant  
Richard B. Schommer, licensed professional engineer

This is a continued hearing.

Mr. Thomas Malman, attorney for the applicant, stated that, at the last hearing, the Board raised concerns about the water connection issue for the subject property. He explained that the lots fronting on Sand Spring Lane and James Street would connect to the water main, and the balance of the lots will have wells. He added that revised plans dated 1/9/08 were submitted to the Board, which addressed relocation of one of the private roads and adjusted locations for the bridle trails.

Mr. Richard B. Schommer, licensed professional engineer, was previously sworn. He then referred to a display board depicting the submitted plans which was previously marked as **EXHIBIT A-3**. He explained that one of the proposed private roads was shifted 10 feet to the east so as to minimize the impact to one of the properties across the street. He added that his client would comply with the concerns addressed in Mr. Fox's 1/17/08 report. He further added that the bridle trails are located along the perimeter of Lot 2, connecting to the end of the cul-de-sac on Twin Oaks Lane; the bridle trail along the west side of Lot 2.01 would be eliminated. The bridle trail easements would include the two private roads. He then addressed the issue of the water line extensions. He explained that the existing water line off Sand Spring Lane that comes up through the subject property would be retained to serve Lots 3 and 3.01. Lots 3.02, 4, 4.03, 4.04, 4.05 and 5 would be served by individual house connections to the existing water mains in the streets. He added that Lots 2, 2.01, 2.02, 4.01 and 4.02 would be served by individual wells.

In response to Mr. Bartlett, Mr. Malman explained that the approval extension is required, but there are no immediate plans to develop the property.

Mr. Schommer stated that the existing fire hydrants in the streets are located within 1,850 feet of all lots, which complies with the ordinance, so cisterns would not be required.

A discussion followed concerning the issue of fire hydrants and adequate fire protection for the subdivision. Mr. Schommer indicated that the hydrants located in the middle of some of the proposed lots would not be retained. Mr. Fox suggested that an emergency access easement be constructed across the cul-de-sac on Lots 3 and 4.01 to provide access to the existing water line; the easement could be used as a dead end. Mr. Schommer indicated the location of the fire hydrants on the plan and agreed that a fire hydrant could be relocated to the end of the cul-de-sac on Singing Woods Lane. Mrs. Olcott suggested that an inset noting the location of the hydrants be included on the final plan.

Mrs. Olcott explained that hooking up to an individual house would not be extending the public water supply infrastructure.

Mr. Bartlett questioned the impact to the rest of the Township if homeowners are allowed to hook up to public water.

Mrs. Kimball stated that, although it would be opening the door for other homeowners to request water service, there is a difference between connections to existing water mains and extension of water mains.

Mrs. Olcott questioned if a cistern could be installed on Twin Oaks Lane.

Mrs. Kimball stated that the proposed fire protection plan complies with the ordinance.

Mr. Malman stated that a cistern is not proposed since there are plenty of hydrants in the vicinity and the plan complies with the ordinance.

Mr. Schommer stated that, due to the intervening 13 foot wide strip of land, the minimum setback from Sand Spring Lane will be 113 feet.

In response to Mr. Dietz, Mr. Malman stated that his client would not be willing to require a 150 foot setback, since the property does not have direct frontage on Sand Spring Lane.

Mrs. Olcott noted that additional conservation easements are required, specifically for the forested buffer strips.

In response to Mr. Dietz, Mr. Schommer stated that he is not aware of any vernal pools on the subject properties and expressed the view that the reference to vernal pools in the LOI was just standard LOI language.

The meeting was opened to the public for comments or questions.

Mrs. Diane Hinds, a representative from the Bridle Path Association, expressed concern about the bridle paths on the subject properties being eliminated, thus forcing use of the private roads, with possible livestock grate hazards.

Mr. Hall indicated that designation of the private roads for bridle trail use could not be obstructed by livestock grates in the roads.

Mr. Art Williams, 18 Sand Spring Lane, noted that, at his request, Mr. Schommer moved the private road across the street from his property over an additional 10 feet. He then questioned if the private road had been relocated over as far as possible.

Mr. Schommer stated that the location of the wetlands precludes him from moving the private road any further and that 10 feet is the maximum distance.

Mrs. Hesna Pfeiffer, 2 Great Oaks Road, suggested that the use of the word “Oaks” in street names be minimized to avoid potential confusion.

Mrs. Olcott explained that the Township Committee authorizes the names of roads in the Township and any name would be subject to Township Committee approval.

Mr. Malman stated that his client is seeking extended vested rights approval for protection in the event of future changes in zoning. His client has no intention to develop in the foreseeable future, yet would prefer the same protection that he was previously granted.

Mr. Hall noted that the original approval was extended to 10 years for preliminary approval, except in the case of FAR regulations and building area. Thus, the 10% lot coverage requirement was grandfathered.

Mr. Malman stated that his client is willing to accept the zoning regulations in place today.

Mr. Dietz suggested that the Board extend approval for two years for final approval so that the Township is protected against changes in subdivision requirements.

Mr. Bartlett suggested that 5 years with an option to extend would be more feasible.

Mr. Malman noted that the option to extend is implicit.

Mr. Dietz noted that the Highlands issues could have a significant impact within 5 years.

Mr. James Rybka, 2 Brook Drive North, stated that he is a member of the New Vernon Fire Department and that he is fairly certain that the location and number of the hydrants does not resolve the fire protection issue for the Fire Department Water Source Committee. He noted that the Fire Department Water Source Committee reviewed an earlier version of the plan and has not yet seen the revised plan. He asked that the Board not make a decision on the application tonight until there is some dialogue with the Fire Department. He noted that he believes that the 3 hydrants located along the front of the property on Sand Spring Lane may not be functional.

Mr. Dietz noted that the plan indicates that there are 3 hydrants on Sand Spring Lane, one hydrant on James Street, and one hydrant is proposed for Singing Woods Lane.

Mr. Rybka stated that he is unaware if those hydrant locations are satisfactory since the Fire Department has not seen the revised plan.

Mr. Dietz stated that the location of the hydrants is acceptable.

Mr. Rybka noted that, although the hydrants may be located at an acceptable distance, they may not be effectively operational.

Mrs. Kimball stated that it would be reasonable to place a condition of approval that the revised plan be submitted to the Fire Department for further review and approval. She added that the Board could also choose to withhold approval until they receive input from the Fire Department as this is a public safety issue and the Fire Department should be given an opportunity to review the revised plans.

Mrs. Vellekamp agreed that the plan should not be approved without Fire Department approval.

Mr. Malman suggested that the Board authorize the drafting of an approval resolution so that a decision could be made at the next meeting.

The Board agreed to authorize Mr. Hall to draft a resolution for the next meeting.

Mrs. Vellekamp polled the Board as to the desired time frame for the extension of approval. The consensus of the Board was that 5 years would be sufficient.

Mr. Hall noted that a condition of approval would be added to allow Lots 3.02 and 4.03 to be accessed only from the new private road.

Mr. Malman agreed to an extension of time for decision through 2/29/08.

The hearing on the application concluded at 9:00 P.M.

**GREGORY & AMY MULFORD**

18 Meyersville Road  
Block 12, Lot 9

**PB#10-07**

**Minor Subdivision/Flood Hazard  
Development Permit**

Present: John Cromie, attorney for the applicant  
Thomas Murphy, licensed professional engineer

Mr. dePoortere recused himself from the application.

Mr. John Cromie, attorney for the applicant, stated that his client is seeking approval for a minor subdivision and flood hazard development permit on the subject property, which was formerly owned by the Hinkle family. He added that the property was conveyed late last fall and contains 7 acres. He noted that the proposed second lot would contain less than one acre.

Mr. Thomas Murphy, licensed professional engineer, was sworn and accepted by the Board as an expert witness. He then referred to a display board depicting the submitted plans dated 1/11/08. He explained that one proposed lot contains 30,000 square feet and is located in the R-2 Zone, and the other proposed lot is located mainly in the R-1 Zone and contains 6.3 acres. He added that an existing wetlands transition area and stream buffer includes part of the existing dwelling. His clients intend to construct a new house on the proposed new lot; an addition may be constructed on the existing house, subject to receipt of necessary approvals from NJDEP. He added that perc tests have been performed on the property. He noted that the flood hazard area is

located along the back of the property and is well out of the area of any development. He added that the proposed new lot is fully conforming. He then referred to Mr. Fox's memo dated 1/25/08 and stated that his clients will comply with the recommendations. He added that he did not include a conservation easement on the plan for the larger lot because his clients are unsure about their plans for the existing house and potential approval by NJDEP of adjustments to the restricted areas. He further added that a conservation easement would be provided for the proposed new lot and that a monument/markers would be installed. He stated that the landscaping plan would be added when they obtain building permits.

In response to Mrs. Olcott, Mr. Murphy stated that he would relocate the well so as to be away from the tree conservation area.

In response to Mr. Bartlett, Mr. Fox stated that there is no building box requirement for property in the R-2 Zone.

Mr. Bartlett noted that the proposed subdivision does not exacerbate the pre-existing nonconformity.

In response to Mr. Murray, Mr. Hall stated that, if the existing dwelling were demolished, the applicant could construct a replacement residence in the front portion of the property in compliance with the R-2 Zone standards. He noted that the R-1 Zone portion of the property is fundamentally constrained because of the pre-existing nonconformity.

The meeting was opened to the public for questions or comments.

In response to Mr. Louis Lanzerotti, 6 Brook Drive North, Mr. Murphy clarified the location of the R-2 Zone boundary.

Mr. Fred Castenschiold, 55 Lee's Hill Road, questioned the location of the dwelling on the proposed new lot.

Mrs. Kimball stated that the plan is conceptual, and suggested that he follow up with the Building Department when the construction plans are submitted.

Mrs. Diane Hinds, 12 Woodland Road, expressed concern about flooding if the grade on the subject property is changed.

Mr. Fox stated that the applicants must comply with all stormwater regulations and apply for a grading permit.

Mrs. Olcott made a motion to approve the application which was seconded by Mr. Dietz.

A roll call vote was taken. Those in favor: Mr. Saulnier, Mr. Newlin, Mrs. Moriarty, Mr. Murray, Mr. Edgar, Mr. Dietz, Mr. Bartlett, Mrs. Olcott and Mrs. Vellekamp. Those opposed: None.

## **DISCUSSION**

## **DRAFT OPEN SPACE PLAN/MASTER PLAN REORGANIZATION**

Mrs. Olcott stated that the draft Open Space Plan incorporates all suggestions from the Environmental Commission, and the Harding Open Space Trust Committee.

Mrs. Kimball stated that the subject document represents the first comprehensive Open Space Plan to be placed in the Master Plan. The previous plan was developed in response to Green Acres regulations for grants and it was adopted in 2000, but only by the Township Committee. She added that the draft incorporates suggestions made during the 2006 Master Plan Reexamination hearing as well as an updated Open Space inventory, the updated ROSI, Open Space map and elements of the Greenway plan, which was initially adopted by the Planning Board in 1991. She added that the Board should discuss the document and have a public hearing before adoption so the public can comment on the plan.

In response to Mr. Newlin and Mr. Saulnier, Mrs. Olcott explained that the Master Plan is a general, conceptual document and specific information about properties did not necessarily need to be included.

The meeting was opened to the public for questions or comments.

Mr. Lanzerotti expressed a concern about the need to ensure that the public is adequately informed about Master Plan public hearings so there is ample opportunity for discussion.

Mrs. Kimball explained that a reorganization of the Master Plan, with nonsubstantive changes, is also proposed so the entire Master Plan would be better organized and much more user friendly. She suggested that the reorganization be the subject of a public hearing at the February meeting.

The consensus of the Board was to schedule both public hearings on the February meeting agenda.

The meeting was adjourned at 10:30 P.M.

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Cynthia L. Phillips  
Planning Board Administrator