

**HARDING TOWNSHIP BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
DECEMBER 15, 2022
7:00 PM**

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Board Chair, Mr. Flanagan, called the regular meeting of the Board of Adjustment to order at 7:00 and announced that adequate notice of the meeting had been made in accordance with the New Jersey State Open Public Meetings Act.

PLEDGE OF ALLEGIANCE

REGULAR MEETING

ROLL

Ms. Taglairino called the roll. It went as follows:

Mr. Cammarata	Excused	Mr. Newlin	Present	Mr. Maselli	Present
Mr. Addonizio	Present(late)	Ms. Sovolos	Present	Mr. Boyan	Present (late)
Mr. Rosenbaum	Present (late)	Mr. Symonds	Present	Mr. Flanagan	Present

Board Attorney, Mr. Hall, was present on the phone, and Board Secretary, Ms. Taglairino was also present.

ADMINISTRATIVE

Mr. Flanagan ask for public comment and noted there were no members of the public present.

Mr. Flanagan noted that Application BOA# 16-21, Ronald and Judith Preiss has been carried until the January meeting.

Mr. Flanagan noted that the Board will recess into Executive Session at the end of the meeting.

MINUTES

November 17, 2022

Mr. Flanagan made a motion to approve the November 17, 2022 minutes with an amendment to Mr. Flanagan's arrival time. The motion was seconded by Ms. Sovolos. On a voice vote all eligible members were in favor of the minutes.

RESOLUTIONS

<u>Application BOA #18-21</u>	529 Waterfront Properties, LLC
	595 Van Beuren Road, B5/L8
	Appeal of Tree Officer Decision

A motion was made by Mr. Newlin to adopt Resolution BOA# 18-21. It was seconded by Mr. Maselli. A roll Call Vote went as follows:

RESOLUTION TO RECESS INTO EXECUTIVE SESSION--Mr. Flanagan

Resolution BOA# 13-2022

Resolution to Recess into Executive Session

Mr. Flanagan read the resolution into the record.

Mr. Mlenak joined the meeting.

Mr. Mr. Rosenbaum and Mr. Addonizio joined for the Executive Session.

A motion was made by Mr. Flanagan to recess into Executive session. It was seconded by Mr. Symonds. On a voice vote all were in favor of recessing into Executive Session.

RECESS INTO EXECUTIVE SESSION

Mr. Flanagan adjourned the meeting into executive session at 7:08

RETURN INTO REGULAR SESSION

The Board returned into regular session at 9:10

Ms. Taglairino called the roll. The following were present:

Mr. Newlin, Mr. Maselli, Mr. Addonizio, Ms. Sovolos, Mr. Boyan , Mr. Rosenbaum, Mr. Symonds, and Mr. Flanagan

A motion was made by Mr. Newlin to approve:

RESOLUTION BOA# 14-2023, AUTHORIZING THE PREPARATION, EXECUTION AND FILING OF A CONSENT ORDER BY SPECIAL COUNSEL TO THE ZONING BOARD OF ADJUSTMENT FOR THE PURPOSE OF SCHEDULING A WHISPERING WOODS HEARING IN THE LITIGATION ENTITLED *NEW YORK SMSA LIMITED PARTNERSHIP V. THE TOWNSHIP OF HARDING, ET AL.,*

It was seconded by Mr. Rosenbaum. A roll call vote went as follows:

For: Mr. Newlin, Mr. Maselli, Mr. Addonizio, Ms. Sovolos, Mr. Boyan, Mr. Rosenbaum, Mr. Symonds, and Mr. Flanagan
Against: None

The resolution is appended to the minutes.

The meeting adjourned at 9:12.

Lori Taglairino

Respectfully submitted by Lori Taglairino, Board of Adjustment Secretary

Adopted December 15, 2022

WHEREAS, by resolution adopted on October 15, 2020, the Harding Township Board of Adjustment denied an appeal filed by 529 Waterfront Properties, LP ("529 WP") in accordance with N.J.S.A. 40:55D-70(a) and Ordinance Section 225-111(C) that challenged a decision by the Township Tree Conservation Officer to issue a tree removal permit to Michael and Patricia Gargiulo authorizing removal of 28 trees on the flag staff portion of their property located at 595 Van Beuren Road in the RR Zone and designated on the Township Tax Map as Block 5, Lot 8; and

WHEREAS, an appeal of the Board of Adjustment's decision to the Superior Court by 529 WP resulted in entry by the Court of a Consent Order on July 20, 2021 remanding this matter and providing for the Board to direct the Township Tree Conservation Officer to mail a copy of the prior tree permit application to all members of the Shade Tree Advisory Committee ("STAC") and make a new decision in accordance with the procedure specified in Ordinance Section 225-111(C)(3); and

WHEREAS, the Tree Conservation Officer mailed copies of the prior tree permit application to all STAC members, which resulted in a single letter in response from one STAC member who expressed the view that the remaining mature Catalpa tree was in excellent condition and that removal should not be permitted; and

WHEREAS, the Tree Conservation Officer conducted a further evaluation of the previously authorized tree removal and then issued a memorandum to the Board describing his conclusion that removal of the Catalpa tree was appropriate and also reaffirming the prior authorization for removal of the 27 other trees; and

WHEREAS, 529 WP filed an appeal with the Board of Adjustment in accordance with N.J.S.A. 40:55D-70(a) and Ordinance Section 225-111(C) challenging that decision on remand by the Tree Conservation Officer; and

WHEREAS, the Board of Adjustment conducted a public hearing on the present appeal at meetings conducted on October 20, 2022 and November 17, 2022 at the Harding Township Municipal Building, for which public notice and notice by appellant were given as required by law; and

WHEREAS, at the initial hearing procedural issues were discussed and decided, and at the second hearing Tree Conservation Officer John Linson testified and was questioned by the Board of Adjustment, counsel for 529 WP, and counsel for the Gargiulos, and legal arguments were also presented by counsel; and

WHEREAS, at the conclusion of the hearing on November 17, 2022, the Board of Adjustment deliberated concerning the appeal and then adopted an oral resolution denying the appeal based on findings and conclusions as memorialized herein;

NOW, THEREFORE, BE IT RESOLVED by the Harding Township Board of Adjustment, this 15th day of December 2022, that the oral resolution denying the appeal by 529 Waterfront Properties, LP, challenging the decision on remand by the Harding Township Tree Conservation Officer reaffirming the prior issuance of a tree removal permit for property located at 595 Van Beuren Road and designated as Block 5, Lot 8 is hereby memorialized as follows:

Findings of Fact and Statement of Reasons

1. Appellant 529 Waterfront Properties, LP ("529 WP") owns 2 adjacent parcels located at 585 and 589 Van Beuren Road, designated on the Tax Map as Block 5, Lots 6.01 and 6.02, that abut the flag staff portion of a flag lot owned by Michael and Patricia Gargiulo, which has an address of 595 Van Beuren Road and is designated on the Tax Map as Block 5, Lot 8.

2. 529 WP was represented in proceedings before the Board of Adjustment by attorney Arnold C. Lakind, Esq., of the law firm of Szaferman, Lakind, Blumstein & Blader, P.C.

3. The Gargiulos were represented in proceedings before the Board of Adjustment by Scott Collins, Esq., of the law firm of Riker Danzig Scherer Hyland Peretti, LLP.

4. 529 WP is limited partnership owned by members of the Battista family. The controlling member is Michael Battista.

5. Lot 6.01, which is undeveloped, abuts both the flag staff and the main portion of the Gargiulo property. Lot 6.02 is improved with a single-family residence occupied by Mr. Battista's son.

6. The main portion of the Gargiulo property (Lot 8) is improved with a single-family residence occupied by the Gargiulos. The flag staff portion of the Gargiulo property contains a driveway that provides frontage on and sole access to Van Beuren Road.

7. The driveway in the flag staff of the Gargiulo property also currently provides the sole vehicular access to the residence on Lot 6.02, though Lot 6.02 also has potential access via a commonly owned unimproved private road lot designated as Block 5, Lot 6.03 that was created by a subdivision approved by the Planning Board by resolution adopted on July 28, 2003 on Application PB 6-03. The subdivision approval resulted in each of the 2 pre-existing residences on former Lot 6 being on a separate parcel. This subdivision approval specifically granted an exception from the Ordinance requirement to improve the newly created private road lot (Lot 6.03) for vehicular access, but the approval resolution did not preclude future improvement of the private road lot. The private road lot remains unimproved, and the pre-existing residence on current Lot 6.02 has continued to use the driveway in the Gargiulo flag staff for access to Van Beuren Road.

8. On December 23, 2019, Township Tree Conservation Officer John Linson conditionally approved an application submitted on behalf of the Gargiulos to authorize removal of 28 trees on the flag staff of the Gargiulo property pursuant to the Township tree conservation regulations set forth in Township Code Section 225-111. The approval issued by Mr. Linson was subject to a condition requiring planting approximately 370 replacement trees in accordance with the submitted landscape plan and submission of an escrow deposit in the amount of \$8,400 in connection with the tree planting requirement.

9. 529 WP filed an administrative appeal with the Board of Adjustment in June 2020 that challenged issuance of the tree removal permit.

10. At the same time, the Battistas/529 WP and the Gargiulos initiated separate private litigation against each other asserting conflicting access claims involving the flag staff of the Gargiulo property and the right of the Gargiulos to proceed with tree removal and replacement within the flag staff. That litigation is still pending in the Chancery Division.

11. The Board conducted a noticed public hearing on the appeal at meetings on August 25, 2020 and September 30, 2020. At the conclusion of the public hearing on September 30, 2020, the Board deliberated and then adopted an oral resolution upholding the tree removal permit. That decision was memorialized by a written resolution adopted on October 15, 2020.

12. The Gargiulos subsequently acted on the tree removal permit and arranged for removal of 27 designated trees. The authorized removal of a mature Catalpa tree was deferred, and it remains on the flag staff portion of the Gargiulo property.

13. The Board of Adjustment's decision upholding the tree removal permit was appealed to the Superior Court by 529 WP. Court proceedings resulting in entry of a Consent Order on July 20, 2021 that remanded the matter and provided for the Board of Adjustment to direct the Tree Conservation Officer to mail a copy of the tree removal permit application to all members of the Township Shade Tree Advisory Committee ("STAC") in accordance with the Township Tree Ordinance and thereafter render a new decision.

14. A letter dated September 3, 2021 signed by Mr. Linson that included copies of the prior tree removal permit application materials was sent by certified mail and email to each STAC member. The only written response to that mailing was provided by STAC member Nicholas W. Platt by letter dated September 20, 2021 (erroneously dated as 2022) that expressed his personal opinion that the Catalpa tree on the Gargiulo flag staff was in excellent condition and should be protected from being cut down.

15. The Tree Conservation Officer issued a memorandum to the Board of Adjustment dated October 28, 2021 that described his further evaluation of the Catalpa tree sought to be preserved by STAC member Platt. The memorandum presented Mr. Linson's professional opinion that the Catalpa tree was a hazardous tree appropriate for removal. He expressly reaffirmed his prior decision to issue a permit for removal of the Catalpa tree and also the 27 other trees.

16. The Tree Conservation Officer's decision to reaffirm his prior tree removal permit decision was appealed to the Board of Adjustment by 529 WP. After various delays and adjournments, the Board conducted a noticed public hearing on the appeal at meetings on October 20, 2022 and November 17, 2022.

17. Prior to the initial hearing, the Board Attorney issued a memorandum providing background information, including copies of Township Code Section 225-111 containing the tree conservation regulations and documents constituting the record of actions taken by the Tree Conservation Officer in response to the remand.

18. At the start of the hearing, counsel for 529 WP and counsel for the Gargiulos presented legal arguments concerning procedural issues as to the appropriate scope of the proceedings. After discussion by the Board, a determination was made that the hearing should be limited to review of actions taken by the Tree Conservation Officer in response to the remand directive and the narrow issue of whether the Tree Conservation Officer's decision on remand was contrary to the remand order and the tree conservation provisions in Section 225-111 of the Township Land Use and Development Ordinance.

19. The Board Attorney noted that the remand order did not indicate retention of jurisdiction by the Superior Court, but instead indicated that 529 WP would not be deemed to have waived any substantive claims that had been asserted in the prior appeal and that those issues could be adjudicated if 529 WP filed an appeal of the new Board decision in the Superior Court.

20. Accordingly, the Board did not hear or consider any evidence or testimony as to prior proceedings or other legal issues during the public hearing on the current appeal.

21. Mr. Linson testified as to his conclusion that the Catalpa tree was hollow based on testing the tree with a rubber mallet and other actions. He opined that the tree was more susceptible than other trees to falling during a significant wind event, and if the tree fell, it could land on the 529 WP property causing damage for which the Gargiulos might be responsible. Mr. Linson testified that the further evaluation in response to the remand reinforced his prior opinion that it was appropriate to allow the Gargiulos to remove the Catalpa tree located on the flag staff portion of their property. He also noted the absence of any new information that would change his prior decision to issue a tree removal permit for the 27 other trees.

22. Attorney Collins presented brief closing comments on behalf of the Gargiulos expressing the position that Mr. Linson's actions and decision should be upheld.

23. Appellant's attorney Arnold Lakind asserted in his closing statement that issuance of the tree removal permit was contrary to the Ordinance on substantive grounds, including asserted impairment of Master Plan policies supporting preservation of the rural streetscape and similar subjective policy statements in the Tree Conservation Ordinance. He was informed that these legal contentions were beyond the scope of the pending appeal, though they might be adjudicated based on the prior record if a new appeal is filed with the Superior Court by virtue of the "no waiver" language in the remand order.

24. After discussion and deliberation, the majority of the Board of Adjustment concluded that the actions taken by the Township Tree Conservation Officer in response to the remand order and the decision to reaffirm issuance of the contested tree removal permit to the Gargiulos for both the Catalpa tree and the 27 other trees should be affirmed for the following reasons:

- a. The Board of Adjustment's jurisdiction under N.J.S.A. 40:55D-70(a) is limited to review of the challenged administrative action based on consideration of Harding Township's tree conservation regulations as set forth in Township Code Section 225-111, entitled Tree Conservation. These provisions vest the Tree Conservation Officer with responsibility for review and issuance, if appropriate, of tree removal permits. The issue for the Board is to decide whether his decision was contrary to the Ordinance, not whether the Ordinance should be modified or whether a different decision would have been better.
- b. It was undisputed that copies of the prior tree removal permit application were sent to all STAC members in strict compliance with the Township Tree Ordinance, consistent with the remand order. That action produced only a single response from one STAC member who expressed his personal, non-professional opinion that the Catalpa tree was in excellent condition and that removal of this tree should not be permitted.
- c. The Ordinance provides STAC members with the opportunity to comment on tree removal permit applications. The Ordinance does not require STAC to provide comments and does not mandate a hearing before STAC or any other STAC action. Any input from STAC is advisory only, rather than being mandatory.
- d. The record is clear that the Tree Conservation Officer considered the lay comments of STAC member Platt concerning the Catalpa tree and in response conducted a further evaluation of the condition of the Catalpa tree as reported in his memorandum to the Board and explained in testimony at the hearing.

- e. There was no testimony or evidence in the record to support a finding that the Tree Conservation Officer's investigation was inappropriate or that his conclusions were erroneous.
- f. The argument that the Board of Adjustment should reverse the Tree Conservation Officer's decision reaffirming issuance of the tree removal permit based on the contention that it was contrary to the broad objective of preserving rural character as articulated in the Master Plan and Tree Conservation Ordinance was previously rejected based on the reasons articulated in the Board's prior resolution adopted in 2020, which is incorporated herein by reference. This legal contention is also beyond the scope of the current appeal. Other legal contentions raised by attorney Lakind are similarly rejected.
- g. The Board of Adjustment engaged in specific deliberations as to the authorization for removal of the Catalpa tree and ultimately concluded that the Board should defer to the Tree Conservation Officer's professional assessment of the condition of the tree as potentially creating a safety concern, particularly in light of the fact that the tree is close to the property line and leans toward the neighboring property owned by appellants, creating potential liability for the owners of the Gargiulo property. Therefore, the Board concluded that the Gargiulos should not be precluded from removing the Catalpa tree on their property.

Description of Decision

Based on the reasons set forth above, the Board of Adjustment hereby denies the appeal by 529 Waterfront Properties LP of the actions taken by the Tree Conservation Officer in response to the remand and the resulting decision to reaffirm the tree removal permit authorizing removal of the Catalpa tree and 27 other trees on the flag staff portion of the Gargiulo property and thus affirms and upholds that administrative decision.

Vote On Resolutions

For the Oral Resolution: Newlin, Maselli, Sovolos & Rosenbaum.

Against the Oral Resolution: Symonds.

Recused: Addonizio.

For the Form of the Written Resolution: Newlin, Maselli & Sovolos.

Against the Form of the Written Resolution:

**RESOLUTION BOA# 13-2022
BOARD OF ADJUSTMENT, TOWNSHIP OF HARDING
MORRIS COUNTY, NEW JERSEY
DECEMBER 15, 2022**

**RESOLUTION AUTHORIZING BOARD OF ADJUSTMENT
TO MEET IN EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-13 of the Open Public Meetings Act permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, the Board of Adjustment is of the opinion that such circumstances presently exist.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS AND STATE OF NEW JERSEY as follows:

1. The public shall be excluded from discussion of an action upon the specified subject matter.
2. The subject matters to be discussed are as follows:
 - ☐ Contract Negotiation – None
 - ☐ Personnel Matter – None
 - ☒ Litigation –NY SMSA Limited Partnership d/b/a Verizon Wireless vs the Harding Township Board of Adjustment
 - ☒ Attorney-Client Privilege – Litigation
 - ☐ Collective Bargaining Agreement – None
 - ☐ Other – as authorized by N.J.S.A. 10:4-12 -- None
3. Minutes reflecting the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, shall be promptly available to the public when the matters discussed are resolved, to the extent that making such matters public shall not be inconsistent with section N.J.S.A. 10:4-12.
4. The Board of Adjustment will return into open session for a vote.
5. This Resolution shall take effect immediately.

DATED: December 15, 2022

I, Lori Taglairino, Board of Adjustment Secretary, of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Board of Adjustment at the meeting held on December 15, 2022.

**RESOLUTION BOA# 14-2022
BOARD OF ADJUSTMENT, TOWNSHIP OF HARDING
MORRIS COUNTY, NEW JERSEY
DECEMBER 15, 2022**

RESOLUTION AUTHORIZING THE PREPARATION, EXECUTION AND FILING OF A CONSENT ORDER BY SPECIAL COUNSEL TO THE ZONING BOARD OF ADJUSTMENT FOR THE PURPOSE OF SCHEDULING A WHISPERING WOODS HEARING IN THE LITIGATION ENTITLED *NEW YORK SMSA LIMITED PARTNERSHIP V. THE TOWNSHIP OF HARDING, ET AL.*,

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless (“**Verizon**”) applied to the Zoning Board of Adjustment (“**Board of Adjustment**”) of the Township of Harding (“**Township**”) for preliminary and final site plan approval and variance relief from Section 225-151 of the Land Use and Development Ordinance pursuant to *N.J.S.A. 40:55D-70(d)(1)*, which prohibits wireless telecommunications towers in the PL Zone, to permit construction of a 140’ high wireless telecommunications tower with a fenced equipment compound at the base of the tower (the “**Facility**”) within a leased area of approximately 1,620 square feet on property containing the Township’s Department of Public Works and associated improvements as well as a historical structure that will remain (the “**Application**”), that is located in the PL Zone, at 8 Millbrook Road and is designated on the Township Tax Map as Lot 1 in Block 17 (“**DPW Property**”); and

WHEREAS, the Board of Adjustment deemed the Application to be complete at a meeting on December 20, 2018, at the Harding Township Municipal Building, for which public notice and notice by applicants were given as required by law; and

WHEREAS, the Board of Adjustment conducted a public hearing on the Application at regular and special meetings that took place either in person at the Harding Township Municipal Building, virtually using the Zoom platform as a result of the ongoing Coronavirus 2019 pandemic, or a hybrid (as indicated below) for which public notice was given as required by law on the following dates:

December 20, 2018 (In Person)	March 18, 2021 (Virtual)
January 17, 2019 (In Person)	April 15, 2021 (Virtual)
February 21, 2019 (In Person)	May 20, 2021 (Virtual)
March 21, 2019 (In Person)	June 17, 2021 (Virtual)
April 18, 2019 (In Person)	July 15, 2021 (In Person)
May 16, 2019 (In Person)	August 30, 2021 (In Person)
July 18, 2019 (In Person)	September 30, 2021 (In Person)
September 19, 2019 (In Person)	October 21, 2021 (In Person)
October 17, 2019 (In Person)	November 18, 2021 (In Person)
September 17, 2020 (Hybrid)	December 16, 2021 (In Person)
November 19, 2020 (Virtual)	February 17, 2022 (In Person)
December 17, 2020 (Virtual)	March 31, 2022 (In Person)
January 21, 2021 (Virtual)	May 10, 2022 (In Person); and
February 18, 2021 (Virtual)	

WHEREAS, the Board of Adjustment conducted site inspections of the DPW Property and surrounding residential properties in connection with the application at special meetings on January 27, 2019, and July 10, 2021, for which public notice was given as required by law; and

WHEREAS, the Board of Adjustment considered the evidence and testimony presented during the entire public hearing process; and

WHEREAS, at the meeting on May 10, 2022, the Board of Adjustment denied the Application on a vote of 5 to 2, which resulted in denial of the Application; and

WHEREAS, the Board of Adjustment memorialized its decision by adopting a resolution on June 16, 2022; and

WHEREAS, on or about July 12, 2022, Verizon filed a complaint (the “**Complaint**”) against the Board of Adjustment and the Township in the United States District Court for the District of New Jersey, entitled *New York SMSA Limited Partnership v. the Township of Harding, et al.*, Case No. 2:22-cv-04531; and

WHEREAS, the Complaint is seeking *inter alia* a Judgment and Order: (1) finding that (a) the Board of Adjustment’s denial of the Application was in violation of § 332(c) of the Telecommunications Act of 1996, as codified at 47 U.S.C. §§ 253(a)

and 332(c), and was arbitrary, capricious, and unlawful, under New Jersey's Municipal Land Use Law, codified at *N.J.S.A.* 40:55D-1 et seq., and (b) that the Township and Zoning Board's imposition of unreasonable, excessive, and prohibitive escrow charges and application fees and federally preempted code requirements materially inhibited and effectively prohibited Verizon's ability to provide personal wireless services and telecommunications services to the public in violation of §§ 253(a) and 332(c)(7)(B)(II); and (2) directing the Township and Zoning Board to immediately issue site plan approval and any and all permits, variances, and other local approvals necessary to construct and operate the proposed Facility (the "**Litigation**"); and

WHEREAS, the Board of Adjustment discussed, in closed session, potential resolution to the Litigation during its regularly scheduled meeting on December 15, 2022; and

WHEREAS, to avoid the delay, expense, inconvenience, and uncertainty of protracted litigation, the Board of Adjustment is amenable to scheduling and holding a *Whispering Woods* hearing, upon execution of the consent order, discussed herein, for the purpose of formally considering the terms of a settlement agreement to resolve the Litigation. *See Whispering Woods at Bamm Hollow, Inc. v. Township of Middletown Planning Board, et al.*, 220 N.J. Super. 161, 170-72 (1987); and

WHEREAS, the Board of Adjustment desires to authorize its Special Counsel, Steven G. Mlenak, Esq., of Greenbaum, Rowe, Smith and Davis, LLP, with the assistance of the Chairman of the Zoning Board, to negotiate, execute and file a consent order establishing certain procedural aspects of the *Whispering Woods* hearing (the "**Consent Order**") in accordance with the terms discussed in closed session on December 15, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Harding Township Board of Adjustment, this 12th day of December 2022, that the Board of Adjustment hereby authorizes Steven G. Mlenak, Esq., with the assistance of the Chairman of the Zoning Board, to negotiate, execute and file a consent order in the pending litigation entitled *New York SMSA Limited Partnership v. the Township of Harding, et al.*, Case No. 2:22-cv-04531, for the purpose of proceeding to a *Whispering Woods* hearing.

BE IT FURTHER RESOLVED that a copy of the Consent Order, once filed with the District Court, shall be on file with the Secretary for the Zoning Board of Adjustment.

DATED: December 15, 2022

I, Lori Taglairino, Board of Adjustment Secretary, of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Board of Adjustment at the meeting held on December 15, 2022.