

May 2004

UPCOMING EVENTS AND ANNOUNCEMENTS

The most important potential land use change in the history of the Township will be the topic of discussion in a Special Public Meeting of the Township Planning Board.

Monday May 17, 7:30 PM to discuss whether changes in the minimum lot size should be made, especially in view of the Master Plan's goals to preserve the rural character of the Township. This meeting will be at Town (Kirby) Hall.

The Township has received a report: ***“Carrying Capacity Analysis (Maser Report)”***. An engineering consultant retained by the Township studied the township’s soils and underlying geology and analyzed the ability of the land in the township to accommodate wastewater disposal systems in a manner consistent with the Township’s goal of protecting and preserving the township’s sensitive environment. This is known as a carrying capacity study. The Report recommended densities of 3.5 to 4.2 acres per residential lot in areas dependent upon septic systems. The current R-1 Zone density of 3.0 acres per lot is less and there are some zones with even smaller minimum lot sizes, suggesting that the Township may consider rezoning some areas. ***The report was accepted by the Township Committee, Resolution TC 04-91, and the Planning Board was requested to develop recommendations for necessary changes to the Township’s land use policies.*** The Planning Board emphasizes that there are no “preconceived” zoning changes, and that the May 17 meeting is one at which the public is encouraged to attend and comment on the subject. Public comment will follow a brief presentation and discussion by the Board. Copies of the report are available at Kirby Hall during normal business hours: 8:30 AM - 4:30 PM.

In view of the critical importance of this issue, Thumbnail has a special insert in this issue, a copy of a summary memorandum of the Maser Report prepared for the Township by Kimball & Kimball, the Township planners. Please see pages 4-9. Please note that the copy in Thumbnail does **not** include the exhibits, including “Figure 7”, which is a map identifying areas “A” and “B” and the recommended density for those areas, which is 3.5 acres/system and 4.2 acres/system, respectively. However, at the Planning Board meeting on April 26, Chair Bartlett noted that in general, the areas “A” and “B” have a rough correspondence to the southern and northern halves of the Township (excluding the Great Swamp National Wildlife Reserve). He further noted that the northern half of the Township in general has larger properties than the southern half. See also Planning Board and Township Committee reports, below.

Don’t forget the Memorial Day Parade, May 31, 9:30 AM The Township’s Annual Celebration. The Civic Association, together with the community and government of Harding Township invites any interested Township group or organization to participate in this year’s Harding Twp Memorial Day Parade. Call Sal, Parade Chair, (973)425-0006 to have your organization added to the Order of March.

If you can’t be in the parade, please join in as a spectator at the Parade! Come to the square in front of the New Vernon Firehouse at 9:30 AM. The ceremonial tribute to remember those who have served their country also includes the announcements of “Citizen of the Year”, and the winners of the essay contest.

The **HARDING TOWNSHIP HISTORICAL SOCIETY** holds its annual Memorial Day Open House between 10 a.m. and noon at the Tunis-Ellicks House following the Town parade. Lemonade and cookies will be served immediately after the address at Memorial Rock. Visitors are invited to enjoy the continuing Mt. Kemble Lake exhibit and lovely gardens surrounding the house. Please note that our office and archives are closed during July and August, but can be made available by calling (973)292-3661 for an appointment.

THE LIBRARY

The donation of gently read books in good condition will be appreciated (please, no textbooks) for our upcoming **Election Day Book Sale** on Tuesday, June 8. Donations may be left at the Library on weekdays between 10 a.m. and 4 p.m. and on Saturdays from 10 a.m. until noon.

Extended Library hours suspended...Thursday evening hours (4 until 7 p.m.) will be discontinued for the summer months beginning in June.

May Programs for Children...registration not required: *Nursery Rhyme Storytime*, Tuesday, May 11. Nursery Rhymes with a new twist, finger puppets, and rhyming songs. *Memorial Day Storytime*, Tuesday, May 25. Patriotic stories, songs and a craft. Both storytimes are for ages 5 and younger at 10:30 a.m. ***Talk It Up! Book Club*** for children in grades 3-5 on Thursday, May 27 from 4:30-5:30 p.m. to discuss *Eragon* by Christopher Paolini. Games and activities related to the book. Copies to check out are available at the Library. All programs will meet in the first-floor Conference Room of the Kirby Municipal Building.

Friends of the Library...is up and running. Don't be left out of this exciting new organization. For membership information, contact Jane Kendall (973-425-0616) or Chris O'Donnell (973-539-0149). Feeling *Friendly*? Come join us and walk in the Memorial Day Parade to say hello to everyone and announce our arrival!

For more information about Library activities, call (973) 267-8000, ext. 32.

The Shade Tree Committee announces that the 9th Annual Harding Township **Fat Tree Contest** is accepting entries. Rules are: 1. Find the fattest shade tree on your property; 2. Measure up the trunk 3 feet; 3. Record the circumference of your tree at that point; 4. Send the measurement, and the type (species) of tree together with your name, address, and telephone, to the Harding Twp. Shade Tree Committee, Box 666, New Vernon NJ 07976, **no later than May 27, 2004**. Winners will be announced during the Memorial Day celebration, but need not be present to win. Previous winners and Historic Designated trees are not eligible.

Harding Township Civic Association—Notice to Incorporate

The Council of the Harding Township Civic Association plans to form a new entity to be called the Harding Township Civic Association, Inc. That entity will be similar in purpose to the current HTCA and will perform the same services to the Harding community, but will seek 501(c)(3) status under the Internal Revenue Code. It is the intent of the current HTCA to

dissolve itself and then transfer its remaining assets to the Harding Township Civic Association, Inc., once tax-exempt status is obtained.

Copies of the proposed Bylaws of the Harding Township Civic Association, Inc., as well as its Unanimous Consent of Board of Trustees in Lieu of First Meeting of Board of Trustees and its Certificate of Incorporation will be available on the HTCA website, www.hardingcivic.org. Please review these documents and give your comments to Wendy Miller at (973) 292-0550.

HTRA fall soccer registration for boys and girls in grades K-6 will be on **Saturday, June 5th, from 9 to 11 a.m. at Harding Township School** (gym parking area). You are also welcome to register by mail using forms available on our Web site. Registration for grades 3-6 must be in by August 15th this year. There will not be a September registration for grades 3-6! Please do not put off registration. Due to scheduling issues with Madison and the number of teams, we need to have the teams set before start of school. The K-2 program is more flexible. For additional information visit www.hardingsoccer.com or contact Bill Wraith, (973) 425-1015, bwraith@wraiths.com.

HTRA fall soccer is looking for a volunteer interested in a position as registrar for the program. The job is: 1) to enter registration data into our system from forms and online registrations from about 200 players; 2) to communicate with parents and players as necessary to make sure all data in our system is correct and complete, mostly via email; 3) to follow up where necessary to ensure that all signed forms and checks have been received. The work can be done from home by accessing the HTRA soccer Web site's administrative pages. A few hours per week over the spring, summer, and early fall is expected to be sufficient to complete the registration process. Please contact Bill Wraith if you are interested, (973) 425-1015, bwraith@wraiths.com.

Join the Cub Scouts

Do you have boys heading into the 1st, 2nd, 3rd, 4th or 5th grade in September? Did you know that Harding Township has a wonderful Cub Scout program which is open to all ? We would love to have your boys be a part of our Pack. For more information please call Jane Williams at 973-644-2445 or e-mail at Jane.Williams@att.net. Cub Scouting is a family activity where parents, leaders and organizations work together to achieve a quality program. Plus, our boys can just have fun, make new friends and learn lots of cool stuff along the way.

HEALTH DEPARTMENT

Thermometer Exchange Program The Harding Health Department is once again participating in the Mercury Fever Thermometer Exchange Program sponsored by the Morris County MUA. Residents may bring mercury containing fever thermometers to the Health Department on the second floor of the Municipal Building on Blue Mill Road between 9:00 AM and 3:30 PM and receive a free non-mercury fever thermometer. When safely encased in glass thermometers, elemental mercury is not a threat. However, when mishandled broken glass thermometers can become an important source of toxic mercury in the home. To avoid

possible exposures consider replacing mercury containing fever thermometers now. For more information contact the Health Department at 973 455-7296, extension 24.

AARP Driver Safety Program The Health Department will be sponsoring an AARP Driver Safety Program on June 1 and June 3. It is targeted to senior drivers aged 55 and older, but all are welcome. The course will last from 10:00 AM to 3:00 PM on both days and participants must attend both sessions. Participants are invited to bring a brown bag lunch, coffee will be provided. The program will teach safe and defensive driving. Graduates will be eligible for a discount on their auto insurance and also eligible for a reduction of two points from their driving record. Seating is limited and there is a registration fee of \$10.00 to cover the cost of the workbook and other printed material. For more information or to register for the program, call the Health Department 973 455-7296, extension 25.

HARDING TOWNSHIP SCHOOL BOARD NEWS

In addition to the highlights noted below a summary of the minutes can be found at the following site: <http://www.hardingtwp.k12.nj.us/boefolder/boe.html>
<<http://www.hardingtwp.k12.nj.us/boefolder/boe.html>>

ORGANIZATION MEETING, April 26

Annual Election Results (held on April 20, 2004). General Fund Tax Levy: RESOLVED, that there should be raised for the General Fund \$6,817,854 for the ensuing school year (2004-2005); Yes - 227; No - 86. Board Members Elected: Angelo Santoro (three-year) - 253 votes; Regina Egea (three-year) - 248 votes; James Novotny (one-year) - 245 votes. Many different appointments for the period July 1, 2004 through June 30, 2005 were made at this annual reorganization meeting.

<Editor's Note: The following is a reprint of the March 29, 2004 letter from Kimball & Kimball to the Township Committee regarding the Carrying Capacity Analysis Maser Report. It has been slightly edited in order to squeeze it into 5 pages>

Re: Carrying Capacity Analysis (Maser Report)

Dear Mayor Murray and Township Committee:

The township has received a report dated March 18, 2004 from Maser Consulting¹ evaluating "the ability of the soils and geologic characteristics within the township to support development so as to avoid future potential detrimental impacts from septic system discharged nitrates to the environment and groundwater users, especially in areas of the township not yet developed, consistent with the township's environmental protection goals."² The evaluation is commonly referred to as a "carrying capacity" analysis or assessment, as its purpose is to evaluate the ability of land in the township to accommodate development that is dependent upon individual sewage disposal systems, so as to avoid surface and groundwater pollution. The evaluation is based on a "nitrate dilution model" which assesses the impact of

¹ Hydrogeologic Evaluation, Nitrate Based Carrying Capacity Assessment, Harding Township, Morris County, NJ, prepared by Maser Consulting, March 18, 2004.

² Ibid.

septic system discharged nitrates on an area wide (as opposed to select sites) basis.

The purpose of this report is to put the Maser report and its recommendations into the context of the township's overall planning goals. This overview outlines the background purposes for undertaking the study in the context of the township's designation as an environmentally sensitive area by the State Planning Commission. In addition, a summary of existing and potential development (often referred to as a "build-out" analysis) is provided to aid the township in evaluating whether to reconsider its land use policies and future development density.

MASER REPORT CONCLUSIONS

The Maser report concludes that the carrying capacity of land in Harding may be evaluated in two distinct "zones," each reflective of their soil/geologic characteristics, with recommended densities of 3.5 acres per septic system in "Zone A" and 4.2 acres per septic system in "Zone B." There is also a third large area labeled "N/A" that was outside of the model's ability to evaluate due the hydric soils in this area.

As you know, the density of the largest lot zoning district in Harding is one unit (i.e. one septic system) per three acres and there are a number of zoning districts in the township, particularly in the villages and along Route 202, where higher density development exists and is permitted, both for commercial and residential uses. The report recommends that the township conduct a review of existing development densities, compare them to the carrying capacity analysis, and determine if changes are warranted to achieve a greater balance between the sustainable development and zoning density in areas that rely on individual sewage disposal systems. The results of the "build-out" analysis are indicated below.

PLANNING BACKGROUND

The carrying capacity analysis was undertaken consistent with Harding's long tradition of community planning designed to protect environmental resources and to preserve its rural character. With the exception of a very small area in the northwestern portion of Harding, the township lies entirely within the Great Swamp watershed and alone represents over one-third of the land area comprising the watershed. Significant portions of the township are preserved as open space in the Great Swamp National Wildlife Refuge, Morristown National Historical Park, and two county parks.

State Plan Designation

As early as 1980, almost 25 years ago, the State of New Jersey recognized the importance of Harding as an environmentally sensitive area. The 1980 State Development Guide Plan designated the majority of the township as a *Conservation Area*. After passage of the State Planning Act in 1985, the Office of State Planning developed a new statewide plan, the New Jersey State Development and Redevelopment Plan (SDRP), adopted by the State Planning Commission in June 1992. It too recognized the importance of the area's environmental sensitivity by designating virtually all of Harding as *Planning Area 5 – Environmentally Sensitive Planning Area*.³ The SDRP was revised and readopted in March

³ A few small areas along the township border with Morris Township were not included in Planning Area 5 and the major parks had a separate designation.

2001, continuing the PA-5 designation for all of Harding Township.⁴

The SDRP establishes statewide planning objectives intended to fulfill the goals of the State Planning Act. The second goal of the Act is to “conserve the state’s natural resources and systems.”⁵ The plan “provides for the protection of critical natural resources and for the maintenance of the balance between ecological systems and beneficial growth. The ecological systems of the Environmentally Sensitive Planning Area should be protected by carefully linking the location, character and magnitude of development to the capacity of the natural and built environment to support new growth and development on a long-term sustainable resource basis.”⁶ It is important to note that the state’s planning policies for PA-5 areas discourage the extension of public water and sewer infrastructure to serve new development. Instead, higher density development is encouraged in planning areas with existing infrastructure to support growth and in designated centers.

Harding Township Master Plan Goals

Dating back to at least the 1972 Comprehensive Master Plan, Harding Township has memorialized its strong commitment to protecting the Great Swamp and environmental resources through low density development. Then as now, it recognized that the township’s rural development pattern should be protected and that urbanization would adversely affect the Great Swamp National Wildlife Refuge through pollution and flooding.

The current Master Plan continues the township’s commitment to protecting environmentally sensitive areas and especially the quality of surface and subsurface waters as well as the township’s traditional rural development pattern. The stated goals of the plan are:

- *Protection and enhancement of the Morristown National Historical Park and the Great Swamp National Wildlife Refuge.*
- *Protection and maintenance of the quality and quantity of surface and subsurface waters, including stormwater management and wetlands preservation.*
- *Protection of rural development pattern and density.*
- *Maintenance of highest standards of environmental planning.*
- *Review and coordinate Harding Township Master Plan and development regulations with federal, state, regional, county and adjacent municipal plans and development regulations.*
- *Minimization of commercial development.*
- *Maintenance of minimal office building development areas.*
- *Maintenance of on-site sanitary waste disposal.*
- *Protection and maintenance of potable water supplies.*
- *Protection of rural roadways.*
- *Protection of natural resources and environmental assets through land use and*

⁴ All of Harding is designated PA-5 with the exception of the township’s affordable housing site and major parks.

⁵ New Jersey State Development and Redevelopment Plan, State Planning Commission, March 1, 2001, page 6.

⁶ *Ibid.* page 217.

development regulations.⁷

2000 Master Plan Reexamination Report

In considering the planning implications of the carrying capacity analysis, policy makers should keep in mind the township's other major community planning goals. The rural character of the township has been and continues to be an important community planning goal emphasized in the Master Plan. In 2000, the Planning Board conducted a comprehensive review and reexamination of the township's Master Plan and development regulations. Under the section heading "Issues of Continuing Concern" the Planning Board expressed apprehension over the loss of community character.

Protecting Rural Character: *There is continuing concern about the scale of development in residential zones and whether the township's three acre minimum lot size is contributing to the erosion of the township's rural character. Characteristic of Harding's rural character is the variety of lot sizes found in much of the township.*⁸

The Planning Board then specifically recommended a review of the township's development pattern, particularly in less developed areas, to ascertain if density modifications should be made to better promote the preservation of the township's traditional rural character.

Environmental Resources Inventory Update

In 2003 the Planning Board adopted an updated Environmental Resources Inventory (ERI), an important component of the background studies contained in the Master Plan. The ERI emphasizes the importance of groundwater supplies to Harding residents, as most are served by individual on-site wells.

As a result of the township's predominant use of individual wells for potable water supply and on-site septic systems for wastewater disposal, the township's groundwater resources are potentially at risk for impacts related to subsurface sewage disposal. Of the various constituents present in domestic wastewater, nitrate is the most typical threat to groundwater quality and is typically the component used to evaluate groundwater impacts related to subsurface septic disposal systems. This is due to the fact that nitrate generally occurs naturally at low concentrations; it is relatively stable and mobile in groundwater; and human health concerns and environmental impacts result from excessive nitrate concentrations. The US Environmental Protection Agency has a Primary Maximum Contaminant Limit for nitrate of 10 mg/l (nitrate-nitrogen).

Consumption of potable water with concentrations above this level can lead to human health impacts such as methemoglobinemia. Environmental impacts associated with excessive nitrate include accelerated growth of algae in surface water and an associated decrease in oxygen concentrations that can impact stream biota.

One way to evaluate potential nitrate-based groundwater impacts is to perform a nitrate-based carrying capacity analysis. The results of such an analysis would indicate maximum lot densities throughout the township that would be protective of groundwater

⁷ Recodification of the 1984 Harding Township Master Plan, November 21, 1994, pages 9-2 through 9-5.

⁸ Reexamination of the Harding Township Master Plan & Development Regulations, Harding Township Planning Board, May 22, 2000.

quality with respect to nitrate impacts from septic systems.⁹

BUILD-OUT ANALYSIS

It was appropriate for the township, after updating the ERI, to commission a comprehensive study of the capacity of Harding soils to accommodate development in view of its long-standing commitment to protect natural resources as well as its traditional rural development pattern. With the carrying capacity analysis now complete, the Maser report recommends a review of existing and potential development to ascertain if an imbalance exists between recommended and actual densities of development. The township's database and Geographic Information System (GIS) provide information concerning existing and potential development in areas dependent upon individual sewage disposal systems (areas served by public sewers are not included) as displayed in the tables below.

TABLE 1: POTENTIAL BUILD-OUT

	(1) Existing Residential Systems	(2) Existing Nonres. Systems	(3) Total Existing Systems	(4) Existing Vacant Lots (Potential Add'l Systems)	(5) Potential Add'l Lots (Pot. Add'l Systems)	(6) Potential Total Add'l Systems
Area A	718	7	725	129	159	288
Area B	418	42	460	74	259	333
Total	1136	49	1185	203	418	621

TABLE 2: BUILD-OUT VS. CARRYING CAPACITY

	(1) Existing Systems	(2) Potential Add'l Systems	(3) Total Potential Systems	(4) Carrying Capacity	(5) Excess Systems over Sustainability
Area A	725	288	1013	933	80
Area B	460	333	793	683	110
Total	1185	621	1806	1616	190

Notes:

- Areas A and B refer to the Maser Report; see Figure 7.
- "Systems" means septic systems.
- "Potential Add'l Lots" is calculated based on the lots comprised of at least 7 acres and the R-1 Zone density standard of 1 unit per 3 acres, using a factor of 3.5 acres per lot to account for land needed for road access and other development constraints.
- These tables do not include lots served by public sewers.

Table 1, column 4, displays existing vacant lots and indicates the number of new septic systems possible, if each were developed. The calculation of potential additional systems (column 5) was calculated by applying R-1 density standards to the vacant lots with subdivision potential using a factor of 3.5 acres per lot. The 3.5 acre factor is based upon the assumption that approximately 15% additional land over the minimum lot size is typically needed in subdivisions for roadways and/or to properly configure lots to meet zoning standards such as frontage requirements. On this basis, typically seven acres of land can be

⁹ Op. Cit. page 2-3.

expected to be needed to develop two lots. The number of additional systems in column 5 is in addition to the single system included in column 4 which would represent the "remaining land" if the lot is subdivided. Columns 4 and 5 are added together to obtain the total additional potential systems if all vacant lots are developed. The result is a potential for an additional 621 systems (lots) in the township.

Business zones were not included in this analysis as there is limited development potential in those zones. In addition, the same 3.5 acre standard was applied to all residential districts because split lot zoning makes a GIS analysis by zoning district impractical. This would result in an undercount of the potential number of new systems if any lots in R-2, R-3 and R-4 have subdivision potential.

Table 2 displays the results of the build-out analysis, under the parameters described above, as compared to the amount of development that can be supported based on the Maser analysis. The number of existing systems (1185) plus the estimated number of new systems (621) equals 1806 systems. This is in an excess of 190 systems compared to the 1616 systems that are supportable based on the carrying capacity of the soils. The implication of these numbers is that, if and when full build-out occurs, there will be at least 190 more septic systems than are sustainable in the analyzed areas.

It is important to note that the nitrate dilution model does not apply to areas comprised of hydric soils (including wetlands). These areas are displayed on Figure 7 of the Maser Report, as "hydric soil" and they represent 1046 acres (excluding the Jockey Hollow/Great Swamp preserved areas). According to township records, there are already 96 existing septic systems and 26 vacant lots in the areas with hydric soils. Some portion of this area can be expected to support additional development due to site specific soil conditions and/or through the use of engineered systems. Without a nitrate dilution model applicable to the areas containing these soils, it is impossible to estimate their true carrying capacity. It may be inferred, however, that since hydric soils are severely constrained for development purposes, a larger minimum lot size than current zoning permits would be appropriate for these areas.

SUMMARY

The build-out analysis shows that there is a potential for 190 septic systems in excess of the carrying capacity of Harding's soils, on a township wide basis, not including areas with hydric soils. This is a conservative estimate, for the reasons stated above.

In considering the implications of this study, township policy makers must balance many goals, sometimes conflicting. In particular, property rights and equity must be balanced against environmental protection and preserving the township's character. In weighing these factors, it is useful to keep in mind the overall goals of the Master Plan and to consider whether any changes in township land use policies would substantially promote the township's goals. The township's overall planning goals can be summarized as preserving the traditional rural historic character of the township and protecting the high quality of its environmental resources, particularly its water resources.

I hope this report is helpful to the Township Committee as it considers the implications of the carrying capacity report. Respectfully, KIMBALL & KIMBALL Professional Planners, ss: Susan C. Kimball, PP and Duggan A. Kimball, PP/AICP

TOWNSHIP NEWS

Township Committee

April 7, 2004, Murray, Lanzerotti, Prendergast, Dinsmore and Farrell were present.

Septic Waste Study

The meeting started with a presentation by Maser Consulting P.A. of the conclusions of a study they performed on the ability of Harding's land to handle further development without compromising the lands' ability to process septic system waste. The study was commissioned by the Township and funded in large part by the Association of New Jersey Environmental Commissions, over concerns that continued development in the Harding could compromise ground water quality.

Maser Consulting collected data on the various soil types present in the Township by analyzing already available soil records. Soil type is important as it determines the processing capacity of a septic field. They then made assumptions as to average household size (2.7 people), the waste produced per person (10 lbs. per day) and very importantly the desired level of Nitrates in the ground water (less than 2.0 milligrams per liter). The assumptions as to household size and waste per person were based on national and local demographics and other data. The nitrate level standard of 2.0 or less is the same level adopted by the Pinelands Commission and used in other areas with very high quality streams and ground water. These assumptions were then fed into a mathematical model developed by the NJ Department of Environmental Protection which determined the number of additional housing units that could be added in Harding while maintaining the 2.0 nitrate standard. This theoretical development limit was then compared to a theoretical full build-out of Harding under existing zoning.

Study Findings

The study showed that depending on the soil type, lot sizes of 3.5 acres to 4.8 acres (compared to 3 acre zoning for much of Harding's residential area) was generally necessary to sustain ground water quality. Currently, there are 1,136 septic systems in the Township on the lands that were studied. There are an additional 96 systems in hydric soil areas that were not considered in the study. Hydric soils such as those found in the Great Swamp have a very low capacity to process septic waste and the model used by Maser does not deal with this soil type. The study concluded that total build-out could result in 190 more septic systems than the 1,600 septic systems that the model predicted the land could sustain.

After the presentation by Maser, the consultants took questions from the Committee and members of the public. Much of the discussion focused on the validity of the model and the specific assumptions used and the sensitivity of the model's output to changes in certain assumptions. The consultants explained that model was extremely sensitive to the nitrate threshold level and pointed to a graph in their report showing the impact of nitrate level thresholds on the number of septic systems that could be sustained. Chris Allyn from the Harding Environmental Commission noted that the

exclusion of hydric soils and existing septic systems on hydric soils understated the magnitude of the potential problem and proposed more study on this topic. Sally Dudley spoke in favor of the 2.0 nitrate threshold in order to protect the streams that flow into the Great Swamp. Marshall Bartlett of the Harding Township Planning Board noted that nitrate levels in Loantaka Brook have been high for a long time due to sewage entering the brook upstream from the Township and that this was not addressed in the study. He noted that this problem has long been known, but is still unresolved. Finally there was some discussion on history of lot size zoning in the town and whether the protection of ground water was an appropriate reason to consider an increase in lot size.

The Committee approved a Resolution (four to none with one abstention) to accept the Maser study as written and referred it to the Planning Board for consideration with input from Susan Kimball, Township Planner and the Environmental Commission. Lou Lanzerotti abstained from voting commenting that he did not think the study was "bullet-proof".

The Township Budget

Mayor Murray introduced the Township Budget in Resolution TC 04-07. He noted that the budget asked for less than a 3% increase for the Municipal portion of the budget that the Committee is responsible for. This equates to an increase in taxes of \$60 per million dollars of assessed value. Mayor Murray was particularly proud of this achievement given contracted salary and wage increase of 4.42% and other costs such as social security, and insurance, over which the Committee has little control.

Lakeshore Company

Resolution TC 04-64 authorizing the Township's co-application with the Lakeshore Company (Lake Trail area home owners association) to borrow money was approved unanimously. The discussion centered on the minimal risk to the Township given the Township's ability to tax the value of the underlying real estate should the Lakeshore Company not be able to pay back the loan.

McAlpin Estate (This is the house and property at the corner of Rt 202 and Tempe Wicke Rd)

Resolution TC 04-90 introduced Ordinance 11-04 that would appropriate \$200,000 for the purchase of the McAlpin Estate and allow for the borrowing of the money. Sally Dudley presented a two page summary of the McAlpin Estate project. The following are excerpts.

- Total acquisition cost of \$1,400,000 to be funded by a various Morris County and Harding Township agencies. Harding has an option to buy with closing no later than October 2004.
- 9 acres in total with a conservation easement on the front 6 acres and the ability to use the house and the back 3 acres for certain uses that may include a restaurant, museum or office space.
- Several approvals from the State and Harding Township agencies are still required before the property can be purchased
- The Glen Alpin Committee is continuing to work on finding an appropriate

organization and use for the building, estimating maintenance costs prior to restoration, obtaining funding for the study of historic restoration options and raising public awareness and interest in the project

April 21, 2004 Meeting

All members of the Committee were present except Lanzerotti.

Ordinances and Resolutions

Introduction of Ordinances

Ordinance 8-04 – regulating B-1 zone height limit – by resolution TC 04-94. It was decided that the phrase referring to “habitat space” be stricken. It was approved. There was lively debate between Denny Paige, the owner of Ortman’s garage property. He would rather not have the requirement to provide residential space which the township requires for any business in the B-1 area. There was a dispute between Denny and the mayor over what the developer, Jim Cleaver plans to do. Mr. Paige is worried that the developer will have to spend more time and money to comply with septic and other issues. The mayor assured him they have a good working relationship and is confident an agreement can be reached. The mayor then showed a computer generated layout of what the village area will look like. Everyone, including Mr. Paige, was impressed. **Resolution was accepted.**

Introduce Ordinance – 11-04 – to amend **Bond Ordinance** purchase of the McAlpin property by TC-04-95. It is first required that the property be purchased before the Green Acre funding can be received. Also, there needs to be consideration as to how the site will be used, caretaking, and mothballing if necessary. The Ordinance authorized the issuance of up to \$619,000 principal amount of bonds to be used to finance the project cost of \$1,150,000. The balance of funding is to come from a Morris County Open Space Grant of \$500,000 and a \$31,000 down payment from the Open Space Trust Fund. **Resolution was accepted.**

Resolutions

TC-04-91 – Accepting carrying capacity study presented by Maser Consulting and forwarding to the Planning Board for consideration for zoning. **Resolution was accepted.**

TC-04-92- adopting house numbering system. It was decided to wait until June to accept it. TC-04-93 – authorize bids for clean-up. **Resolution was accepted.** TC-04-96 – support **Highlands legislation** – Chris Allyn offered his opinion that it is good for Harding, even though we are not in the core area addressed by the legislation. Harding already has restrictions in place that are at least as good or better. **Resolution was accepted.** TC-04-97 – Authorize Technical Consortium. In conjunction with Rutgers, Harding will get a web exposure along with other communities and technical support that is more financially attractive than using outside vendors. The cost is 10 cents per resident. **Resolution was accepted.** TC-04-98 – Appoint Professional Service provider. Rutgers will provide the help at a fraction of the cost of outside vendors and with the same expertise. **Resolution was accepted.**

Reports:

The **grass experiment – Margett’s field** will be planted on its perimeter with long grasses that will support wildlife. Space will be provided for viewing the birds. The municipal building area will be mowed at different levels. Long grasses will not be allowed.

Bayne Park – Only certain areas will have the long grasses. Around the pond will have the grasses with cleared, snake-free areas for access to the pond for fishing. The rinks will not have grasses since they are being fitted with liners that will facilitate freezing in the winter.

PLANNING BOARD, April 26**DISCUSSION:**

Potential Changes to Land Use Polices/Zoning This is of critical importance to future development of the Township. A environmental carrying capacity study report (Maser Report) has found that the Township land requires more land than 3 acres for private waste water disposal, based on target concentrations of 2 mg nitrates per liter. The model in the report was based on a target concentration of not more than 2 mg of nitrates per liter, which is the standard adopted by Pinelands Commission because of the high value of its water. The state’s general standard, however, is 5.2 mg of nitrates per liter, and water containing more than 10 mg per liter is considered a public health threat. Planning Board Chairman Marshall Bartlett pointed out that by changing the target groundwater purity level to 2.5 mg per liter, the township might not be in danger of exceeding its carrying capacity. According to the Report, however, the carrying capacity of most township land ranges from 3.5 acres per system to around 4.2 acres per system. A special Meeting of the Planning Board will be held on May 17, 7:30 PM to discuss whether changes in the minimum lot size should be recommended to the Township Committee.

PUBLIC HEARINGS:

Application: 12-03 Preliminary Major Subdivision, Block 8 / Lots 2, 5, 5.02, 5.03; Applicant: Lancor Development, Inc., McShane, Owner. This property, about 40 acres, is located at Dickson Mill and Cherry Lane. Currently there is one house. Applicants propose 5 lots in addition to the lot with the existing house; the lots would be 4, 6, 6, 7, and 8 acres each; the road way (currently lot 5.03) and other improvements would take up the rest of the land. Discussion about landscaping plan, grading and driveway issues. Planning Board asked for completed plans before making a final decision, which might be made at the next meeting on May 24. Harding Land Trust representatives present at this meeting mentioned the possibility of Applicants’ putting conservation/preservation restrictions on lower 2 lots closest to Dickson Mill Rd, and encouraged decision on the application. The Board commented that they still needed all required documents before rendering decision. The theoretical possibility of a future restriction would not be sufficient cause for waiver of any of the subdivision requirements. Therefore, the review of issues relevant to approval of the subdivision will proceed independently. Application was continued to next meeting.

Application: 7-03 Minor Subdivision with Variance, Block 47 / Lot 13; Applicant: Hugh and Jeanne Hurley. This property is about 9 acres, on SE side of Youngs Rd. Applicants are

seeking to make 2 lots, one with 3 acres and the existing house, the other a buildable 6 acre lot. However, there are wetlands on the property. Applicants obtained an EPA letter of interpretation about the wetlands, and the resultant boundary restrictions do not permit a 100x100' building envelope or side line setbacks as required in this zone. Applicants are seeking waivers of the Township requirements for the subdivision. Application continued. REFERRAL OF ORDINANCES: Ordinance 11-04 Open Space Acquisition (Glen Alpin Property). Mrs Sally Dudley presented a statement about the acquisition of this property by the Township as being in conformity with the goals of the Township Master Plan. Such a statement is required under state rules governing public spending. Planning Board found that the potential acquisition was in conformity with the Master Plan. DISCUSSION: Historic Properties: Discussion of rental of accessory residences. The Board decided that accessory residences can be rented out on properties less than 6 acres under certain circumstances, and if prior Planning Board approval is obtained. This issue passes back to Township Committee.

BOARD OF ADJUSTMENT, April 15, 2004

Correspondence and Announcements:

Request for an Extension of Time - Application #1-02 - Francis & Donna O'Connor - Approved

Request for Adjournment with an extension of time: Application #27-03 - Michele Bocchi

Request for minor Plan changes - Application #21-03 - John and Muriel Windolf: Applicant has made some minor changes to original plan. Approved, subject to approval of Historical Commission.

Request for Plan Changes - Application #23-02 - Presbyterian Church of New Vernon - Granted

Resolution: Application #3-04: David Cowen and Elizabeth Kardos: approved

New Applications:

Application #22-03 - Premier International Corp. - 12 Brook Drive North, Block 35, Lot 16.01; Zone R-1; "C" Variance. Background on application: There are 4 contiguous lots on Brook Drive North that were divided 30 years ago, but not developed. Lot 16.02 was deemed unbuildable because of wet lands and will be deeded to the Harding Land Trust. Work was done on lot 16.01: a driveway and culverts were installed and a house was started, but never completed. The D.E.P. approved lots 16.01 and 16.03 for construction of houses, but a cul de sac could not be built. These properties were inherited by Rob Freedman when his father died. Mr. Freedman agreed to install a 30,000 gallon cistern, per Fire Department requirements. The Fire Dept. wanted the cistern installed on Brook Drive North. The D.E.P. has restrictions on construction in wetlands. A road could be built across a wetlands area, but it could not terminate in a wetlands area. The D.E.P. has to approve the cistern because it will be in the buffer area. There were 3 culverts that were built across the wetlands area. Because of all of the D.E.P. restrictions, shape of the lot and building envelope, the house would have to be built broadside to Route 287. The builder wants the living areas of the house to be oriented away from Rte. 287 (thereby having the garage and any other non-living area facing Rte. 287). He is therefore requesting a variance from the set-back requirements from 100 feet to 45 feet. Premier cannot change the lot lines because the current

configuration was grandfathered by the D.E.P. so that houses could be built. If lot lines were changed, the builder would lose the grandfather clause. Premier International hired architect Paul Daniel to conduct architectural studies. Mr. Daniel toured Harding Township to get a feeling for the type of architecture and size of homes in town. The size of the home to be built on lot 16.01 would be 5,700 sq. ft. The septic is approved for 4 bed rooms.

Application #23-03 - Premier International Corp - 15 Brook Drive North, Block 35, Lot 16.03, Zone R-1 - "C" Variance. The configuration of this lot would create the same problem as experienced with lot 16.01. Premier would like to have the house oriented away from Rte. 287 to help buffer the noise. Request is to change set back from 100 feet to 51 feet. The same preliminary work was completed on this lot as on lot 16.01. The proposed house for this lot would be 6,248 sq. ft. This house needs to be slightly larger so that cars can get through to the garage. A site inspection was scheduled for April 24th for both lots. Lines of footprint are to be staked.

Application #5-04 - Russell Hewit (contract purchaser); Bob and Carolyn Raziano (owners); 144 Lee's Hill Road, Block 47, Lot 9.04, Zone R-1, "C" Variance. Applicant is requesting relief from the 10% impervious coverage restriction. Property is accessed from a 1,400 foot driveway. Because of this driveway, coverage is currently 11.0%. Applicant wants to add 1,360 square feet of space to the house and make some changes to the driveway. Coverage will be 11.6% with the proposed changes. Addition will be for a new kitchen, family room and portico in the front and will add 2,300 sq. feet. Lot 9.03 shares the driveway, but is not charged with the coverage because drive is on lot 9.04. Since the impervious coverage restriction was put into place because of ground water recharge and run-off, applicant has designed the roof on the new addition to direct rain water to a cistern. There will be no additional run-off because of the new construction. The existing house does not have a dry well, but does use French drains to direct water off property. Site inspection scheduled.

Application #4-04 - Peter Dorne (applicant) - Lee's Hill Road LLC (owner). 106 Lee's Hill Road, Block 47, Lot 10.01 R-1 "C" and "D" Variances. Applicant wishes to move house back from Lee's Hill Road. There is a Category 1 stream behind house. Because of the stream, there must be a 300 foot buffer and limited disturbance to the soil. Lot coverage is 9.4%. Structure is being used as rental property (use was grandfathered). When building is moved, it will be at the same level as the septic system. A site inspection was scheduled for April 24th at 9:45 A.M.

HARDING TWP HISTORIC PRESERVATION COMMISSION, April 1, 2004

Old Business

1. Peter Dorne Block 47, Lot 10, Lee's Hill Road at Young's Road – This is a contributing property in the Logansville Historic District. Mr. Dorne intends to move the existing historic farmhouse to another part of the property and incorporate it into the design of a new dwelling. Mr. Dorne is also planning on renovating the lower accessory building. The HPC conducted a full plan review and feels the design complements the historic district and offers the best opportunity (short of the unlikely possibility retaining and expanding the existing home) on this important and visible property. Approval of variance request regarding setback and building area ratio is recommended.

2. Gabe Messuti/Bob Lewis Block 33, Lot 12 Tempewick Road – The response date for a

final decision about the demolition permit has been deferred another 30 days because final engineering/site plans and evaluations are not complete and available for review. Month to month deferral of the deadline was agreed upon in order to allow further discussion on proposed architectural drawings for the structure replacing the historic home. It was also agreed upon that a Certificate of Approval would be granted by the HPC no later than 11/06/04, which is nine months from the original response date. Conditional approval of the Certificate of Appropriateness, when granted, will be based on building the plans as approved by the HPC.

Application Reviews, Lee's Hill Road, Block 47, Lot 9.04 – Raziano/Hewit. Non-contributing dwelling not located in a historic district.

New Business, Lee's Hill Road, Block 49, Lot 1 – New Vernon Presbyterian Church. This is a Historic structure located within the New Vernon Historic District. There is a proposal to install a cell tower /antenna within the existing steeple of the church. No external changes were shown on the plans. The Commission would like to have the opportunity to review any other changes.

The deadlines for the next 2 issues of the Thumbnail are May 28 and **August 31**, respectively. *The June issue will be out by mid- June, and then the next issue will be sent in early September.* If you have events or announcements for the summer, please send them in for inclusion in the June Thumbnail. Reportorial coverage of Town meetings continues throughout the summer, and you can continue to send in articles or announcements for publication in September You should EM or fax articles (typewritten preferred, please) to the Editor, Hesna Pfeiffer, 973 540 8911, email hesnaj@aol.com. Call the editor if necessary, 973 538 0020. *The Thumbnail is copyrighted and published by the Harding Township Civic Association, and is mailed to every home in Harding Township.* Website is www.hardingcivic.org.

RECYCLING: Commingled recycling of plastics, aluminum and tin cans, glass bottles and jars, mixed paper, corrugated cardboard and household batteries at Municipal Garage every Wednesday, 7AM-Noon, (7AM to 9AM self service); and certain Saturdays 5/8, 5/22, 6/12, 6/26, 7/17, 8/7, 8/21 and 9/4, 9/18 from 9-12 AM. Residents are requested NOT to leave recyclable materials if the center is closed.

DATES TO REMEMBER, please take note of the times.

Municipal Court (1 st and 3 rd Tuesday)	6 PM	
Environmental Commission (1 st Tuesday)	7:30 PM	5/4, 6/8
Seniors (2 nd and 4 th Thurs at Pres Church)	11 AM.....	
Planning Board (4 th Monday)	7:30 PM.....	5/24, 6/28
SPECIAL PLANNING BOARD 7:30 PM	5/17
Hist Preservation Comm (1stThursday)	7:30 PM	5/6, 6/3
Board of Health (2 nd Thursday) 8 PM		5/13, 6/10
Board of Education (2 nd and 4 th Monday)	7:30 PM.....	5/24,6/14,6/28,7/19
Board of Adjustment (3 rd Thursday)	7:30 PM.....	5/13, 6/17
Township Committee (1 st and 3 rd Wed)	8 PM.....	5/19, 6/2, 6/16
Shade Tree (2 nd Monday)	3 PM	
Harding Twp Civic Association	7:30 PM	6/7