

**September 2004**

**ANNOUNCEMENTS AND UPCOMING EVENTS**

**Announcement from the Planning Board**

**PLANNING BOARD CONSIDERS REVISIONS TO MASTER PLAN**

On August 23 the Planning Board discussed changes in the Conservation and Land Use Elements of the Township's Master Plan. Professional Planner Susan Kimball also presented a proposal to establish a new zone called the Rural Residential Zone (see Thumbnail insert). These issues will be considered again on **September 27 at 7:30 PM** in a public hearing open to all residents of the Township.

Guided by its 2000 Reexamination Report as well as previous public discussions about new environmental data, the Township's status in the NJ State Plan (environmentally sensitive) and inclusion in the Highlands Protection Act as a planning area, the Board has moved forward with a draft proposal to create 5+-acre zoning in five districts which already have a preponderance of large lots. It is expected that lower density will help to preserve Harding's rural character and continue to protect the quality of surface and groundwater. Existing lots of less than 5 acres would be grandfathered under regulations for the R-1 zone. The Rural Residential Zone may include some flexible standards that permit creative development techniques, such as lot-size averaging.

The proposed revisions to the Master Plan are reflective of Harding's long-term goals to preserve the region's natural and historic heritage. Establishing the new zone is consistent with the purposes of the Municipal Land Use Law and with the objectives of the State Development and Redevelopment Plan for environmentally sensitive areas. *(Editor's note: Included inside this issue of Thumbnail is a copy of the "Harding Township Master Plan Amendments Proposed Rural Residential Zone" as prepared by Susan Kimball, Township Planner. A copy of the MAP referred to in her report is also included. Please see more information in the Planning Board Report, infra.)*

**Annual Fire Department Auction Saturday, September 25th**

The New Vernon Volunteer Fire Department will hold their Annual Auction on **Saturday, September 25th** at the Firehouse on Village Road. Anyone interested in assisting, please stop by the Firehouse any weekday evening in September about 7 PM or any Saturday morning about 8:30 am. New faces are especially welcomed!

The auction begins at 9:00 AM sharp, rain or shine, with an auction preview beginning at 8:00 AM. Parking will be open at 6:30 AM and grounds will open at 7:00 AM. All proceeds from the auction benefit the New Vernon Volunteer Fire Company and Volunteer First Aid Squad. Donations of sale items are gratefully accepted.

**Harding Township Annual Curbside Clean-Up** The Harding Township Committee announced that the **annual curbside clean-up** will commence on **Monday, September**

**27th.** Materials that will not be collected are building material, garbage, stones, concrete, soil, brush, yard debris, toxic chemicals, propane bottles and tanks, 55 gallon drums (empty or full), oil tanks and oil based paints. Materials that will not be collected, but are acceptable at the recycling center are; all standard recyclables (newspaper, cardboard, glass, aluminum, plastics), barbeque size propane tanks, tires, computers and related electronic devices.

Lawnmowers and other gasoline-powered equipment must have the gas and oil drained. Hot water heaters and water conditioners must be drained. Pipes and single pieces of lumber must be cut or bent into sections four (4) feet or less in length. Latex paints must be opened and completely dried out. Please do not leave items in front of property sooner than ten (10) days prior to the September 27<sup>th</sup> collection date. Any questions please call Tracy Toribio, at the Harding Township dept of Public Works, 1-973-267-2448.

A professional/amateur bicycle race called the Jockey Hollow Challenge will be held **Sunday, September 26** starting at 10AM in the Jockey Hollow area of the National Historical Park. Approximately 305 professional and amateur cyclists will compete on the 3-mile loop that comprises the course of The Jockey Hollow Challenge. The course takes place on an enclosed loop, enabling spectators to cheer on cyclists. Proceeds from the event will be used to support the Heritage Alliance for Tourism (HAT), a program of the Great Swamp Watershed Association, there is a suggested donation of \$5 per car. For more information, or if you're interested in volunteering for the event, please contact Patricia Clew at [jhchallenge@greatswamp.org](mailto:jhchallenge@greatswamp.org), or call her at (973) 538-3500 ext. 21.

**WILDLIFE MANAGEMENT COMMITTEE** (Editor's note, space constraints this month allow for a summary only, full report next month). The **2004/2005 Hunting Season** extends from **September 11, 2004 through February 19, 2005.**

**The number of Deer/Motor Vehicle accidents increased, as shown in the following statistic:**

	<u>2003</u>	<u>2002</u>	<u>2001</u>	<u>2000</u>	<u>1999</u>	<u>1998</u>
<u>Deer/Motor Vehicle Accidents</u>	54	39	44	40	36	47
<u>Deer Pickups</u>	100	62	83	90	80	85

Fenced in properties increased from 174 in 2001 to 183 in August 2002. We estimate that by now the number has increased to more than 185 properties. The comparable number in 2000 was 164.

**Friends of Harding Township Library** is starting a **coin drive** to help fund new children's books. The goal is to fill a giant water jug with \$1,500 worth of coins. Containers for the coins can be obtained at the HTL after September 8<sup>th</sup> (or you can use your own). The coins will be weighed when you bring back your container and the weight of your coins will be charted on a graph with your name. Each time you bring a filled or

refilled container to the library, your name will be entered into a raffle. The raffle will take place at the annual HTL pumpkin painting party in October. Come join and help Build a World of Readers.

The **Friends of the Harding Library** invite all to a **Jazz Concert** with the Eric Mintel quartet, **on Sunday, October 3, 2004** from 4pm to 6pm. Where: Harding Municipal Grounds. Tickets are available at door, \$10 per person or \$20 per family. Wine, cheese and popcorn included. Proceeds benefit Library.

### **THE LIBRARY**

**Early Closing** at noon on Tuesday, September 21 when we will honor our Library Volunteers.

**A Party...**for children who participated in the *Summer Reading Program* is scheduled for the last day of summer, **Tuesday, September 21, at 4:30 p.m.** at the Library.

**My Account**, an exciting new online screen, is up and running. *My Account* gives you access to your library account: view the items currently charged to your card; check item due dates, fines or fees; see the number of times items have been renewed. In order to log in to this helpful page, you must come to the Library and select a four-digit PIN (numbers only). PINs will not be issued over the telephone or via e-mail request. Information brochures about *My Account* are yours for the taking on the Library desk. Don't delay; come in today! We will be happy to help you.

**Children's Storytimes:** September and October are *We Love Our Pets* months at the Library. On Thursday, September 23, the bi-monthly **Storytime** for preschoolers resumes at 10:30 a.m. Come for exciting dog stories and make a craft for a favorite pet. The next *Storytime* will be on Thursday, October 7. **Book Club** for students in grades 4-6 will meet at the Library on Thursday, September 30 at 4:30 p.m. Please call the Library at 973-267-8000 ext. 32 to register.

**Adult Evening Book Discussion Group...**Wednesday, September 29 at 7:30 p.m. Call Librarian Lotte Newlin (973-267-8000 ext. 32) if you are interested in joining.

**Extended hours** starting in October...the Library will be open on Wednesdays and Thursdays until 6 p.m.

**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](mailto:Jane.Williams@att.net). Cub Scouting is a family activity where parents, leaders and organizations work together to achieve a quality program for our boys. Plus, we all can just have fun, make new friends and learn lots of cool stuff along the way. The first Fishawack Pack 43 meeting is scheduled for **September 27 at 7 p.m.** in the Harding Township School cafeteria. Hope to see ya' there. If you're new to Cub Scouts this year please call for additional information.

**SUPPORT Homeless Solutions, Inc.**

**SAVE \$ SHOPPING AT SOME OF YOUR FAVORITE SHOPS  
ON THE COUNTRY MILE IN HARDING**

Homeless Solutions, Inc. is a private, non-profit provider of homeless services in Morris County. For 20 years we have helped thousands of your neighbors, working poor families, as well as single men and women transition from homelessness to independent housing. You can help support Homeless Solutions while saving \$ at your favorite stores here in Harding. **Here's how you can help:**

- Purchase a \$12.00 ticket to the Special Shopping Days (Oct 1,2, & 3). **THE ENTIRE \$12.00 IS DEDICATED TO Homeless Solutions, Inc.** On those special shopping days, tickets can be purchased at participating establishments on The Country Mile (see list below) **or to save time, purchase through the mail by using the form below.**
- Upon presentation of the ticket, the purchaser is entitled to special offers or designated discounts at The Garden Cottage, The Prince's Knoll, Four Seasons of New Vernon; Bedrosian's of Harding, Anson Newton, The Depot, Flowers from Hannah, Coverings, The Eagle's Nest, Giorgio's Pappas Furs; Country Mile Gardens, Pierre's, Jolie Moi Salon, F. Gerald New, Robert Fountain Antiques, Bayberry in the Cottage, The Minuteman, Talbots, The Country Store, Noteworthy, Paradise (Entirely Lily Pulitzer), J. McLaughlin and Acquisitions. **A special note: F. Gerald New, Anson Newton and The Country Store are also donating a generous percentage of their weekend's receipts to Homeless Solutions, Inc. so don't forget to stop in!**

**Please return this portion no later than Friday, September 24th**

Yes, count me in! I want to enjoy three days of discounts while supporting Homeless Solutions, Inc. Please send me \_\_\_ticket(s) at \$12.00 per ticket. I understand the entire amount will go to Homeless Solutions, Inc. **Enclosed is my check for \$\_\_\_\_\_ made payable to Homeless Solutions, Inc.** Please mail my ticket(s) to:

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Mail your check and this form to:  
Mary Van Kirk (973) 425-01145  
38 Lake Trail West, Morristown, NJ 07960

### **BOARD OF HEALTH**

**FLU VACCINE CLINIC DATES** The influenza immunization clinics will be held on **Tuesday October 12, 2004 and Tuesday October 26, 2004, 8:00 AM to 11:00 AM** at the Harding Township Municipal Building. The flu shots are available free of charge to Harding Residents who are at least 65 years old. Also, residents at high risk for flu due to chronic disease or those who are sole care-givers to the elderly or high-risk individuals may get a flu shot. High-risk residents must provide a note from their doctor, authorizing the vaccine, before the Health Department can administer the shot. The Health Department cannot give flu vaccine to persons under 18 years of age. Parents who wish to have their children vaccinated should contact their pediatrician now. Residents, 65 years and older, who wish a pneumonia vaccine must call the Health Department at (973) 267-8000, extension 25 to make an appointment.

### **FREE RABIES CLINIC**

The Harding Township Department of Health, in cooperation with the New Jersey State Department of Health, will again offer a free Rabies Vaccine Inoculation for cats and dogs at the New Vernon Volunteer Firehouse, at the corner of Village Road and Millbrook Road, on **SATURDAY, November 6, 2004; CATS and DOGS: 9:00 - 11:00 a.m.** Dogs whose rabies vaccination expires before October 31, 2005 must be vaccinated before a license can be issued for 2005.

### **TOWNSHIP NEWS**

#### **Township Committee , Open Space Update**

At its Wednesday, Aug. 11 meeting, the Township Committee discussed increasing the tax from its current rate of 2 cents per \$100 of assessed value or \$20 per \$100,000 of value to 4 cents per \$100 of assessment or \$40 per \$100,000 of assessment to help fund more open space purchases in the township. A vote on an increase in the tax won't come until committee members consider the 2005 municipal budget next year. All committee members concurred that the tax should be increased but some wanted to delay a decision on the amount until the 2005 budget and its effects on the tax rate are considered. Mayor John Murray and Committeewoman Mary Prendergast called for a doubling of the tax while Committeeman Louis Lanzerotti was most outspoken against setting any amount until next year.

(Editor's note: A full report from the Harding Open Space Trust Committee will appear in the October Thumbnail)

### **HARDING TOWNSHIP HISTORIC PRESERVATION COMMISSION.**

**JUNE:** Russell Hewitt of 148 Pleasantville Road - Block 13, Lot 9 proposes to demolish

the home on this property and then sell the property to Lancor . Gary Gutjar, of Lancor, intends to use the site for two large two story colonials. Commission members outlined their concerns regarding scale and streetscape issues. Mr. Gutjar stated he would take the recommendations under advisement.

King/Dematteo, 67 Blue Mill Road - Block 19, Lot 2 - This property is not located in a historic district however the commission wished to comment due to proximity to Silver Lake Historic District.

**JULY:** George and Marianne Hanley of 44 Young's Road Block 48 Lot 77 submitted plans for a garage renovation, the HPC suggested vertical siding be used.

Andrew and Joann Lee of 34 Kitchell Road Block 1 Lot 5 - This property is not located in a historic district and is a non-contributing structure - there is not comment from the HPC. Mr. Dorne appeared before the commission regarding 114 Lee's Hill Road (at Youngs Road) Block 47 Lot 10. Two similar possible development scenarios for the property were proposed with the exception of one having an additional garage bay and bedroom above. The development concept consists of preservation of the existing primary residence on Lee's Hill Road (and Young's Road corner) as well as the detached garage structure. These two buildings would be added onto and consequently joined by additions that would create an interior courtyard.

The HPC endorses these plans as the preservation of the existing "Primary" Residence and Garage has substantial value. The structures themselves are saved from demolition and the location and scale of the buildings with regards to the streetscape is unchanged. Other business included discussion regarding the New Vernon redevelopment plans. Chairwoman Montgomery wrote the Mayor outlining the Commission's interest in being involved in the redevelopment plans.

**AUGUST:** Mr. Gabe Messuti presented final elevations and engineering plans for Commission review related to Demolition Application #34-03-C 547 Tempewick Road Block 33 Lot 12. Most of the Commissions previous suggestions were reflected, however, further HPC review will be required before a construction permit can be issued. A Certificate of Appropriateness for demolition is recommended conditioned on applicants' plans to build the approved plans.

A construction application for Engel of 117 Glen Alpin Road Block 35 Lot 21 regarding amended plans to enclose an existing porch. The use of casement windows will continue the existing window style and materials. The proposed plans according the HPC maintain the historic character of the home and do not affect streetscape.

Plans for demolition of a small structure fronting the road at 88 Millbrook Road Block 17 Lot 16 was granted an exemption from HPC review because the property is non-contributing and the structure has been determined unsafe and cannot be insured.

Regarding Demolition Application #28-04-C for Randazzo Of 12 Millbrook Road Block 17 Lot 5. This is a contributing structure in the New Vernon Village District. Revised plans were not presented in response to prior suggestions from the HPC concerning massing, siting, materials, rhythm, and scale of the proposed new structure.

A nine month demolition delay was deemed appropriate.

Construction application Hewit/Lancor 148 Pleasantville Road Block 13 Lot 9 This is a non-contributing property in Pleasantville Historic District. The HPC provided comments on proposed new home. While building materials are historically consistent, the proposed structure is inconsistent with the historic character of the Pleasantville Historic district in terms of massing, height, proportion, rhythm and scale.

The HPC had no comment regarding Meadow Lane Block 49 Lot 28 / Ford. This is a non-contributing structure which is not in a historic district and changes are not visible from the street.

Application #33-04-PB - The Ridge at Sand Spring, Block 25.02 Lots 10.04 and 10.07. This is a contributing property and part of the proposed addition to the Silver Lake District. The commission reviewed final plans for a subdivision of six home. The HPC amended previous comments to include recommendations concerning lighting along the common roadway and requested further information on which trees would be clear cut and which would remain.

In the future, The Commission will include guidelines for new construction within historic districts in the "Historic Harding" brochure. This single page handout provides guidance related to the following design factors: massing, siting, height, proportion, rhythm, materials, and scale in addition to the following characteristics affecting streetscape: garage placement, use of accessory structures, roof pitch, and grading.

*Please note the following homes have demolition action pending:*

Randazzo - 12 Millbrook Road (Contributing property - New Vernon Village District) Demolition delay ends May 2005. Owner is building new home.

Cusano - Glen Alpin Road. (Contributing property - New Vernon Village District)- Demolition delay ended. Anticipated timing for demolition - when property sold.

Billings - 547 Tempewick (Tempewick District) - Demolition delay ended. Anticipated timing for demolition - September/October 2004. Developer is potential buyer - building new home. Plans approved by HPC.

King - 114 Lee's Hill Road (Logansville District) timing for demolition - 4Q04. Architect/developer to build new home. Plans approved by HPC

#### **BOARD OF EDUCATION** (News thanks to Julie Lange, Observer-Tribune reporter)

The Harding Township School has a spruced up exterior of the middle school building and some new parking and directional signs provided by the Parent Teacher Organization (PTO). The middle school building also had a partial roof replacement over the summer. The PTO also purchased equipment for a new kindergarten playground, which will be installed as soon as weather permits, according to Superintendent Dennis Pallozzi. There are also additions to the staff. Among the new faces are social studies teacher Stephen Pierce and science teacher Barbara Fennelly, both in the middle school. Amy Norris, who was formerly a part time art teacher, will be teaching full time this year.

Her time will be split between teaching elementary school art and teaching technology and computers. Former instructional aid Jennifer Niehenkeand will be a middle school language arts teacher this year, and Kristin Rafferty was rehired to replace language arts teacher Kathy Koop, who has left the district to accept a principal's position in Warren County.

### **Board of Adjustment Meeting, August 19**

(Editor's note: reports for May and June will appear in a later issue, July meeting canceled)

Previously Approved Application:

Application #5-03 - Mads and Sari Jepsen, 2 Bailey's Mill Road - Request for determination of consistency with prior approval: Because of unforeseen structural problems, the structure will have to be torn down. The new structure will be re-built as was originally designed. Coverage was the reason for the original variance. Had the structural problems been apparent before the original variance was issued, the Board would have suggested alternatives to the original design to minimize the coverage issue. The Board will discuss this case to make provisions for future similar situations.

Application approved.

Pending Applications:

**Application #4-04** - Peter Dorne (applicant) Lee's Hill Road LLC (owner), 106 Lee's Hill Road, Block 47, Lot 10.01, Zone R-1, Amended Application "C"

This is a continuation of a prior application, however it has been substantially modified. The original plan was to have a 4 bedroom house and making a cottage out of the "hen-house". Now the house is going to be a 5 bedroom house and the "hen-house" will be a barn with a bath room, heat and hot water. The septic system will meet state regulations. The 2 septic systems that are there now are in questionable repair and are in an unknown location. There is a category I stream on the property, so there cannot be more than 1/4 acre disturbance of soil. A DEP permit will still be needed. Total lot coverage will be 9.12%. Total building coverage will be 4.31% (limit is 3%). Set-back from Youngs Road is 84 feet. Because of the wetlands on the property, the house cannot be set back further from the road. There will be a stone wall around the raised septic so that it will look like an old stone foundation. The driveway will be moved from Lee's Hill Road to Young's Road. Building height will be 28.3 feet. The second floor of the interior will be removed. Because of all of the changes to the home, it will no longer have historical status. Comments from the public: Chris Allyn of the Environmental Commission felt that the "hen-house" (barn) should be removed because of its proximity to the stream. Mr. Bartlett (a neighbor on Young's Road) was concerned with the "hen-house" because it was used as a residence in the past. Since this structure would have heat, hot water and a bathroom, the possibility exists for that use in the future. Application approved.

**Application #8-04** - Charles W. and Shirley M. Roy - 67 Youngs Road, Block 47, Lot 14.02, Zone R-1 "C" variance. Application adjourned to September 16, 2004 meeting



due to untimely filing of revised plans.

**Application #11-04** - Andrew T and Joann M. Lee, 34 Kitchell Road, Block 1, Lot 5, Zone R-1, "C" variance. Changes in the original application were made at the site inspection on July 8th. There were 2 issues: The garage was 2 stories. The second story will be moved to the back of the house so the garage will be one story. The music room will be tucked in behind the bathroom. Set-backs on both items will be improved. There is about 75 feet of buffer instead of 200 feet. Technically, this property is in Morris Township/Madison, but taxes are paid to Harding. Application approved.

**Application #12-04** - Roger E and Carolyn Ford, 2 Meadow Lane, Block 49, Lot 28, "C" Variance. Two variances are being requested because of the set-backs on a patio and pool apron (83.8 feet from the rear of the property). This was a pre-existing condition when the current buyer purchased the property. Lot size is 4 acres. Application approved.

ENVIRONMENTAL COMMISSION, HARDING TREE CONSERVATION COMMISSION  
No reports this issue

**EDITOR'S NOTE: THE DEADLINES FOR THE NEXT TWO ISSUES OF THE THUMBNAIL ARE** September 28 and October 27, respectively. If you have any information to be included, please send to the editor, Hesna Pfeiffer. Most preferred format is by E-mail, **email hesnaj@aol.com**, as we don't have to re-type, but fax is also acceptable, (**Please note numbers**): to the editor's **fax, 973 540 8911**. You can send items early! Call the editor if you have any transmission questions, **973 538 0020**. *The Thumbnail is copyrighted and published by the Harding Township Civic Association, and is mailed to every home in Harding Township.* Current and past issues of Thumbnail, as well as the Directory are posted on our Website- check it out: <http://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 1<sup>st</sup> and 3<sup>rd</sup> Saturdays, 9/18, 10/2, 10/16 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 <sup>st</sup> and 3 <sup>rd</sup> Tuesday)	6 PM	
Environmental Commission (1 <sup>st</sup> Tuesday)	7:30 PM	6/8
Seniors (2 <sup>nd</sup> and 4 <sup>th</sup> Thurs at Pres Church)	11 AM.....	
Planning Board (4 <sup>th</sup> Monday)	7:30 PM....	6/28
SPECIAL PLANNING BOARD	7:30 PM....	WEDNESDAY 6/23
Hist Preservation Comm (1stThursday)	7:30 PM	6/3
Board of Health (2 <sup>nd</sup> Thursday)	8 PM	6/10
Board of Education (2 <sup>nd</sup> and 4 <sup>th</sup> Monday)	7:30 PM....	6/28,7/19

Board of Adjustment (3 <sup>rd</sup> Thursday)	7:30 PM....	6/17
Township Committee (1 <sup>st</sup> and 3 <sup>rd</sup> Wed)	8 PM.....	6/16
Shade Tree (2 <sup>nd</sup> Monday)	3 PM	
Harding Twp Civic Association	7:30 PM	6/7

**Planning Board**

The following is provided as a public service to Thumbnail, from the Susan Kimball and the Planning Board. It is the verbatim report presented on August 17 which will be open for public discussion at the next meeting September 27.

**Harding Township Master Plan Amendments  
Proposed Rural Residential Zone**

**INTRODUCTION**

At the July 26, 2004 Planning Board meeting, the Board voted to authorize the drafting of amendments to the township’s Master Plan to recommend a new low density residential zone (with a development density of 5 acres per dwelling) based on existing lot patterns. The proposed new zone is intended to encompass areas throughout the township containing a prevalent development pattern of 5+ acre lots. The draft Master Plan amendments (Conservation Plan element and Land Use Plan element) contain the planning basis and rationale for the rezoning. The Land Use Plan will contain a Future Land Use map displaying all zoning districts and the areas recommended for inclusion within the proposed lower density zone.

This report describes how the boundaries for the proposed RR Rural Residential Zone (RR Zone) were established and summarizes the planning basis for including each of five areas within the zone. Attached is a map displaying the boundaries of each area and the remaining R-1 zoned areas. The lot sizes of 5+ acre lots are noted to display the cohesive pattern of large lots.

To meet the requirements of the MLUL and case law,<sup>1</sup> I employed specific criteria in defining the boundaries of each of the areas proposed to be included within the RR Zone. Reasonable and consistently applied criteria should be used in defining zoning boundaries. Of necessity, this sometimes results in district *shapes* that are more irregular than those to which the Board is accustomed. In a few circumstances, criteria were balanced in order to achieve a reasonable zone district boundary. The criteria are described below and are intended to generally achieve the following objectives.

**OBJECTIVES IN DEFINING RR DISTRICT BOUNDARIES**

1. To incorporate all large areas containing an existing cohesive development pattern of 5+ acre lots.

2. To include, throughout the township, the greatest number of large lots with development potential in the proposed RR Zone to perpetuate the pattern of lower density development.
3. To include in the proposed RR Zone, throughout the township, as many areas as possible to be more consistent with the goals and policies of the township's PA-5 designation in the State Plan.<sup>2</sup>
4. To include areas that contribute to the township's rural landscape and streetscape.
5. To establish proposed zoned areas with a regular shape wherever possible, within the limits of following the reasonable, uniform and consistently applied criteria for defining boundaries outlined below.

#### **CRITERIA EMPLOYED IN DEFINING RR ZONE BOUNDARIES**

The following criteria are grounded in sound planning and zoning principles and produce areas proposed for rezoning consistent with the MLUL and case law. In other words, the proposed district boundaries are drawn with reasonable consideration to the character of the area.

1. Property lines and streets should generally form district boundaries, but streets need not be considered a separation of contiguous RR-qualified areas.
2. Each RR district should be generally comprised of contiguous 5+ acre lots, separated by no more than one nonconforming lot within the district.
3. Every RR district should consist of at least 40 acres and no single lot by itself should constitute a RR district unless it is at least 40 acres.
4. The remaining R-1 Zone districts should be comprised of at least 10 contiguous lots, unless adjacent to Public Land.
5. RR districts should be as cohesive as possible, utilizing streets and property lines to define their boundaries. One or two nonconforming lots should be included the RR district if their inclusion attains a more regular and cohesive district boundary.<sup>3</sup>
6. The application of these criteria should result in districts that reflect a predominance of lots conforming to the zone density.

#### **SUMMARY DESCRIPTION OF PROPOSED RR DISTRICTS AREAS**

The attached map displays five areas proposed for inclusion within the RR Zone based on the above criteria. These areas represent *cohesive areas with an established pattern of 5+ acre lots where the preponderance of lots conform to the zoning density.*

#### **SPLIT LOT ZONING**

In some areas, existing split lot zoning creates irregular and complex zoning patterns because property lines have not been followed. The Meyersville Road area in particular, contains split lot zoning (R-2 and R-1) along its entire length. There are large lots in this area adjacent to the township border with Chatham Township that should be included in the proposed RR Zone, particularly because the soils in this area have severe limitations for septic systems. However, rezoning is not recommended in this area at this time because introducing another zoning district based upon the above criteria would result in still greater complexity or a major change to a district other than the R-1 Zone.<sup>4</sup>

The split lot zoning in this area is an existing situation that needs careful consideration. I recommend that the Board revisit the zoning for this area soon after the RR Zone is established to resolve this situation.

#### **PLANNING RATIONALE FOR REZONING PROPOSED RR ZONE DISTRICT AREAS**

The overall planning rationale for creating the RR Zone is to preserve the township's rural character and high quality of environmental resources. Rezoning each of the recommended areas is consistent with the Master Plan's goals and objectives. The following subsections provide a broad overview of the characteristics of each area and summary of the planning rationale associated with each for inclusion within the RR Zone.

**RR Area 1 - Southwest Highlands:** This 155-acre area comprises a total of 13 lots, of which 69% are conforming to the proposed RR minimum lot size requirement of five acres. Future development potential in this area is low because of deed restrictions on development through the Farmland Preservation Program and because the largest parcel is owned by a conservation organization. In view of the preservation status of the two large parcels, it is appropriate to include them in the RR Zone, particularly in view of the established 5+ acre lot pattern between the two. In addition, this area is in the Highlands region where there are steep slopes and a lower density zoning district is appropriate. Rezoning this area promotes consistency with the planning policies for PA-5 areas in the State Plan.

**RR Area 2 – Jockey Hollow:** This 268-acre area comprises a total of 29 lots of which 76% are conforming to the proposed RR minimum lot size requirements. RR zoning in this area is appropriate because it contains a well established, cohesive pattern of 5+ acre lots of greatly varying sizes and shapes, consistent with Harding's rural character. Much of the area, which is in the Highlands region, is in an historic district and is adjacent to Jockey Hollow. Maintaining the low density character of the district will be consistent with the township's historic preservation goals. This is particularly important because many of the rezoned lots front on public roads making any future development highly visible and impacting on the historic character of the area.

**RR Area 3 – Glen Alpin West:** This 85-acre area comprises a total of 13 lots of which 69% are conforming to the proposed RR minimum lot size requirements. This area is can be viewed as an extension of Area 2 since I-287 is below-grade and doesn't visually separate the two areas. It has an established pattern of large lots and is in the heart of the Primrose Drainage Basin. This area includes a Category 1 waterway (FW 2 Trout Production) flowing directly into Mt. Kemble Lake. The westerly portion of this area includes large areas where the soils<sup>5</sup> have severe limitations for septic systems. Including this area in the RR Zone promotes the Master Plan's goal of protecting the township's high quality water resources.

**RR Area 4 – Primrose/Western Great Swamp:** This 1,010-acre area comprises a total of 113 lots of which 71% are conforming to the proposed RR minimum lot size requirements. RR zoning in this area is appropriate because it contains a well

established, cohesive and generally regular pattern of 5-acre+ development. In addition, the area contains a number of very large parcels, including one owned by the NJ Natural Lands Trust. There are environmentally sensitive features in this area, including Primrose Brook, wetlands, and flood hazard areas. In addition, this area contains soils with severe limitations for septic systems. The area drains directly into the Passaic River and the Great Swamp National Wildlife Refuge. Rezoning this area promotes the township's environmental protection goals.

**RR Area 5 – Rural Heartlands:** This 2,409-acre area comprises a total of 272 lots of which 65% are conforming to the proposed RR minimum lot size requirements. It is the largest single area containing an established pattern of 5+ acre lots. It contains the most extensive area characterized in the Maser report as “Area B” where the soils have the lowest carrying capacity (based on the nitrate dilution model) and severe limitations for septic systems. In addition, this area contains a large system of freshwater wetlands associated with Silver Brook. Many of the lots are unusually large in this area and there is a wide variety of lot sizes throughout that contribute to the township's rural development pattern and character. Rezoning this area will promote the preservation of the township's rural and historic development pattern and environmental protection goals. Although the zone boundary in some areas is not entirely regular, these irregularities are, to a large extent, formed by the property lines of very large lots that should be included in the zone.

**ANALYSIS OF AREAS PROPOSED FOR REZONING**

The following table displays a quantitative analysis of each of the five areas proposed for rezoning. A total of 440 lots are proposed for inclusion in the zone, amounting to over 3,900 acres of Harding's land area. The overall degree of conformity is 67%, which confirms that a preponderance of the lots would conform to the proposed density limitation of 5 acres/dwelling. This analysis was conducted using the township's GIS system.

**ANALYSIS OF AREAS PROPOSED FOR REZONING:  
RURAL RESIDENTIAL ZONE**

<b>Proposed RR Area</b>	<b>Total Acres</b>	<b>Total No. of Lots</b>	<b>Average Lot Size</b>	<b>Number of Conforming Lots</b>	<b>Percent of Conforming Lots</b>	<b>No. of Private Preserved Lots<sup>6</sup></b>	<b>New Subdivided Lots 5 ac/3 ac<sup>7</sup></b>
<b>RR Area 1: <i>Southwest Highlands</i></b>	154.5	13	11.9	9	69%	2	0/0
<b>RR Area 2: <i>Jockey Hollow</i></b>	267.6	29	9.2	22	76%	3	9/23
<b>RR Area 3:</b>							

<b><i>Glen Alpin West</i></b>	85.2	13	6.6	9	69%	0	2/6
<b>RR Area 4: <i>Primrose/Western Great Swamp</i></b>	1,010.0	113	8.9	80	71%	1	46/112
<b>RR Area 5: <i>Rural Heartlands</i></b>	2,409.4	272	8.9	176	65%	12	120/299
<b>Aggregate</b>	<b>3,926.6</b>	<b>440</b>	<b>8.9</b>	<b>296</b>	<b>67%</b>	<b>18</b>	<b>177/440</b>

<sup>1</sup> Riggs v. Township of Long Beach, 109 NJ (1988).

<sup>2</sup> All of Harding Township is designated PA-5 *Environmentally Sensitive*, except for a small area near Morris Township.

<sup>3</sup> The driveway “stems” of flag lots have been included in the zone in order to complete the analysis of RR zoned areas in the table on page 4. A policy decision will need to be made in implementing the rezoning about whether to include driveways within the new zone, or to exclude them in order to attain a more regularly configured zoning boundary. If flag stem drives are excluded to achieve more regularly shaped zoning boundaries, the ordinance can include provisions that will allow the entire lot to be considered in calculating bulk and other zoning requirements.

<sup>4</sup> Two adjacent lots proposed to be rezoned in RR Area 5 along Village Road (New Vernon area) are currently split zoned between the R-1 and R-2. The reason they are included is for continuity of the zone district and it resolves split lot zoning for these lots, which are the last lots in the R-2 Zone along Village Road.

<sup>5</sup> According to the *Soil Survey of Morris County*, USDA Soil Conservation Service, 1976.

<sup>6</sup> *Private Preserved Lots* indicates the number of parcels owned by private organizations that could be expected to remain unavailable for development.

<sup>7</sup> The figures displayed in the column *New Subdivided Lots* is for the purpose of identifying how a change in zoning density would affect the number of lots that could be subdivided based upon the minimum lot size, plus a factor of 15% to represent the amount of land needed for roads and other factors. For this comparison, all lots in the proposed zone were considered regardless of environmental factors, except those held by conservation organizations (“privately preserved lots”). The first figure represents the number of new subdivided lots based on the proposed RR Zone 5-acre density and the second represents the number of lots based on the existing R-1 Zone 3-acre density.