

# Harding Township Civic Association

## THUMBNAIL ACCOUNTS OF CIVIC AFFAIRS

February 2010

### ANNOUNCEMENTS AND UPCOMING EVENTS

#### **HARDING TWP REC SUMMER FIELD HOCKEY CAMPS - REGISTER!!**

Registrations are now being accepted for the 2010 Harding Township Recreation Association (HTRA) Field Hockey Camps. This year, in addition to our full week camps for 4th-8th graders, we are expanding our Mini-Camp from 3 to 4 days. By popular demand, we are opening the Mini-Camp to players in 11th grade who will join our regular 8th-10th grade campers. Dates are as follows:

Session 1	4th-8th Grades	July 26-30
Session 2	4th-8th Grades	August 2-6
Session 3	8th-11th Grades	August 9-12

Please note these are grade levels as of September, 2010.

All sessions will meet from 9:00 A.M. - 4:00 P.M. at the Harding Township School, 34 Lee's Hill Road, New Vernon, NJ. Space is limited to 49 players per session, so we urge you to register ASAP -- **in the past, the program has filled up in a matter of weeks so please sign up as soon as you can to guarantee a space.** For more information and enrollment materials please call John Keating at 908-730-7108 or email [bennettkea@aol.com](mailto:bennettkea@aol.com).

#### **HTRA Summer Day Camp** – enrollment is now open!

The Harding Twp. Recreation Association is pleased to offer its Summer Day Camp program this year from June 28<sup>th</sup> - July 23<sup>rd</sup>; (closed July 5<sup>th</sup>) Campers can enroll for as many weeks as they wish. Camp hours are from 9 a.m. – 3 p.m.

The HTRA Day Camp has been operating for over 35 years and offers programs for children age 3-12 years of age. Located at the Harding Township School in New Vernon, daily activities include Arts & Crafts, Swimming, Sports & Games, Computer Lab and other fun activities. Children participate in groups with similar age. The Polliwog program is offered for 3 and 4 year olds and runs from 9 am – Noon, with the option to

enroll for the extended day program which runs till 3 pm. Science enrichment program for grades 1-4 and swimming lessons for children entering Kindergarten and 1<sup>st</sup> grade, for an additional fee. The Camp Director, LuAnn Romano is an Elementary School Teacher and has been with the HTRA Camp for over 30 years. More information and forms on website [www.hardingtowndaycamp.com](http://www.hardingtowndaycamp.com), or email to [promano59@comcast.net](mailto:promano59@comcast.net) or call at 973-605-5866.

### **THE LIBRARY**

Banish the winter blahs at a Library program. For 2-4-year-olds on Tuesday mornings at 10, **StoryTime** continues with a variety of themes, tales, and crafts, led by Children's Librarian, Jennifer Carlin **Feb. 23: *Fun with Friends*** (why not bring a friend?); **Mar. 2: *Community Workers***; **Mar.9: *Being Sick, Having a Cold***. Pick up a schedule at the Library. **Announcing a St. Patrick's Day Party, March 6th at 12 noon** for children of all ages. There will be stories, games, snacks, and something fun to make and take home. For the grownups: **Thursday** Evening Book Group (please note that we are now meeting on the last *Thursday* of every month) will gather on **February 25 at 7:30** for a discussion on *Slamming The Door Open*, by Kathleen Sheeder Bonnanno, a collection of poems surrounding the murder of her daughter. *Library Journal* called the collection "a stunning first book."

### **HEALTH DEPARTMENT**

The Health Department is having a free Female Cancer Screening on **Thursday, March 25, 2010**, from 9am to 11am at the Municipal Building. The screening includes an exam by a doctor, PAP test, blood pressure, and educational materials. Male Cancer Screening will be held on **Tuesday, April 13, 2010**, from 5 pm to 6:30 pm in the Municipal Building. The screening includes; an exam by a physician, blood pressure, PSA blood test, and information material. A free Adult Health Fasting Bloodwork clinic will be held on **Thursday, April 29, 2010**, from 8am to 11am at the Municipal Building. ***Appointments are necessary for all screenings***; to schedule an appointment for the above clinics, please call 973-267-8000, ext.125.

**NEW VERNON VOLUNTEER FIRE DEPARTMENT Soup Contest** -- It's time once again for the Auxiliary sponsored "Home-made Soup Contest", on **Sunday, March 21,**

5:00-6:00 PM; Fire House, Village Rd; Cost: \$6.00 for soup, bread, coffee. Homemade desserts and soda will be available for sale. Come early. Vote for you favorite soup. Prizes will be awarded. If you would like to enter a soup in the contest, entry is free. Please call Connie Cherrillo @ 973-539-9383 or Pat O'Reilly @ 973-919-2183 to enter a soup or for more information.

**HARDING ALLIANCE AGAINST SUBSTANCE ABUSE** The mission of Harding Alliance is to provide education and resources to promote healthy decision-making and to avoid substance abuse and risky behaviors. More information, including our meeting schedule and useful links to a variety of resources, can be found at <http://hardingalliance.hardingnj.org>. Copies of our handout 'Legal and Other Consequences of Substance Abuse' are available at the Kirby Municipal Building. The booklets include Madison High School's recently updated Sports/ECA policy. Similar information can be found at Section 4 of our website. Many provisions of the GDL (Graduated Driver's License) are changing in response to the NJ Teen Driver Study Commission. A useful summary of these provisions can be found at: [NJteendriving.com](http://NJteendriving.com). Harding Alliance members are concerned citizens, police, health and school professionals. Please come and let your voice be heard at our next meeting: **Wednesday, April 21 at 8:45 AM** in the Guidance Office of Harding Township School. If you have any questions or comments, please contact Judy Malloy, Chairperson, at [judymotown@comcast.net](mailto:judymotown@comcast.net).

### **NEWS FROM THE HARDING LAND TRUST**

As our mission says, *"to acquire, conserve and manage scenic, natural and historic lands in Harding Township"* land acquisition is just one component of the work we do. A good portion of the Land Trust's budget is dedicated to improving wildlife habitat, maintaining the health of trees, controlling the spread of invasive plants in our forests and fields, and ensuring that trails remain clear and passable. Stewardship is vital to our mission and preserving the health of our properties is a job that is never complete. In the recent past, the Land Trust has repaired collapsed drains in Waterman Meadow, removed and replaced decaying trees along Loantaka Lane North, had invasive understory vines and shrubs removed from Waterman Meadow, mowed Waterman Meadow and Frelinghuysen Fields, and cleared vines from the street trees along Dickson's Mill Road on the Land Trust's Pine Brook property.

This could not have been accomplished this without our many partners who have contributed their time and services to this effort. The Bridle Path Association keeps our

trails open and clear. Gus Koven maintains the meadow on the Dickson's Mill/Pine Brook property. As a jointly funded project, the Land Trust and Friends of Trees removed and replaced dead trees along Loantaka Lane. Waterman Meadow neighbor, Dan Maselli, donated tree work and brush control on the Meadow. Jim Fenimore helps with mowing and clean up along Land Trust properties and keeps the streetscape looking neat and tidy. Nancy Jones, from Logan's Brook Stables, mowed Frelinghuysen Field for us last fall. For this work we are very thankful. Spring will mark the return of another busy stewardship season. You will find Land Trust staff and volunteers reseeding portions of Waterman Meadow, replanting the roadside of Dickson's Mill Road with native understory plants, improving the landscape at the Gatehouse and continuing the work to transform the von Zuben property into a lush and vibrant meadow. This important work of caring for Harding's special places and open spaces often goes unnoticed, but it is an important part of the Land Trust's work. Thank you to all of our partners and thank you to all of our members who enable this work with their generous support!

**Harding Civic Association News** At the annual meeting of the Harding Township Civic Association on **February 9**, the big room in Kirby Hall was filled to standing room only for this annual Civic Association sponsored event at which Marshall Bartlett, our new committee chairman (a.k.a. mayor), enumerated the top eight items on the TC agenda for 2010 and then answered questions from the lively engaged crowd. The eight items were:

1. The Budget – As Thumbnail has reported, Harding is facing a deficit that must be closed through increased revenues or cutting expenses or both. Bartlett said that progress had already been made toward closing the gap which now stands at about \$500-600K. The mayor said three things had caused the prospective deficit – exceptionally low interest income on the town's cash balances (a direct result of Federal Reserve policy to repair the financial system and stimulate the economy), a sharp drop off in construction related fees, and increased expenses, primarily personnel related, which drives about 75% of the budget, especially healthcare and post retirement benefits, even though the headcount has not grown. Bartlett placed no blame on any individual(s) for the prospective deficit but rather recognized that the fiscal situation is simply a challenge that the TC must meet.
2. Monitor Conservation Easements. Bartlett said that the town owns 50-100 easements, which have not been enforced. He said the easements have been

catalogued and a team of volunteers will be recruited to walk the easements and report encroachments or violations such as dumping grass or brush clippings. The project will focus only on HT owned easements, not those owned by the state, county or the Harding Land Trust, which Bartlett noted does a “much better job than the Township” at monitoring its easements.

3. Making Harding New Business Friendly. The major issue on this topic is the Dept of Transportation’s plan to rebuild the bridge on Rt 202 at the Old Mill Inn. Closing that section of Rt 202 would cause a big problem for the businesses north of that site as well as create traffic for residents living where the traffic would be routed during the construction. The TC in the person of Lou Lanzerotti, is working with the DOT to come up with an acceptable plan.
4. Downtown New Vernon Aesthetics. Bartlett has met with the owner of the Cook property that is considered by some see as an eyesore in an attempt to get the owner to repair the building.
5. Glen Alpin. Bartlett said there wasn’t that he could say on this topic other than to repeat that the town is working to “extricate itself in a reasonable way”. He said that the situation is complicated because of grants that have had strings attached and deed restrictions imposed by the former owner. He said a good solution would be for the federal government to take ownership while the Glen Alpin Conservancy would assume responsibility for management of the building. He said that the objective is that HT should not own Glen Alpin but at the same time it will not “walk away and abandon” it.
6. Skating in Bayne Park. This project is in the hands of new committee man Nick Platt. The town wants skating – the issue is how to structure is so that the experience is safe and enjoyable but doesn’t impact a fiscally constrained budget. A discussion with Platt after the meeting suggested that volunteerism is the solution that has already been employed.
7. Cell Tower at I-287 Rest Stop. The Department of Transportation as agreed not to extend the existing tower without HT approval. Bartlett said the importance of this is that HT can now get a complete review of the cell tower situation in Harding, including the potential for a third tower the optimal position for which, from a technical perspective is in the area of Bayne Park. So having better “negotiating posture” is a good thing.
8. Enforcement Authority. Bartlett said that one of the duties of the mayor is enforcement of ordinances. In order to protect the town, he will enforce the rules and codes. Most of these relate to land use and building ordinances but also

included signage ordinances. He gave an example of a resident that “blatantly ignored” both advice and a stop work order from town building inspector. The town is now bringing legal action.

In summary, Bartlett said he and the TC will do the best job they can for Harding and pledged to continue to listen to residents concerns and suggestions. But asked that people keep their emotions in check as they advocate for their positions and make their voices heard.

The Q&A session ran for well over an hour and about 25 residents asked questions or made statements. There was a lot of discussion regarding properties not being taxed because a certificate of occupancy (c.o.) has not been issued. In some instances, a developer might not ask for a c.o. because its issuance starts the reassessment. Bartlett said that getting improved properties on the tax roles at full fair value is a recent priority of the tax assessor. A resident said he suspected abuses of farm assessment. A farm assessment is a substantial tax break given to properties that meet certain conditions and are greater than six acres. This is a NJ state status meant to encourage farming and discourage subdivision and development. Bartlett agreed that further investigation might be warranted, although he did comment that the Farm Tax exemption does reward private ownership of large tracts of open/rural land. He further noted that any dwelling house and its lot are taxed at the real value, even if the rest of the land is farm assessed.

Three attendees agreed with Bartlett’s comment that the Cook property in “downtown New Vernon” was an eyesore and they welcomed a remedy. More discussion of the cell tower issue revealed that the engineering work would need to be redone in light of the advance of technology over the last 10+ years and that Harding’s “conditional use ordinance” covering the same may have to be updated. A resident said the I-287 rest stop needs policing as it is used for activities other than resting. A citizen and trustee of the Civic Association suggested perhaps the township could use the Thumbnail to advertise appointed openings on town boards, commissions and committees. She said that according a new NJ state law, municipalities should encourage citizen participation. Bartlett embraced the idea and said the idea is timely because at the moment, the list of volunteers is “meager”.

A participant noted that Annual Clean-up Day causes an eye sore because some residents put junk out “3-4 weeks” early. These piles of junk then seem to attract dumping from others individuals who may even be from other towns. Another person said they put junk out and someone takes it before the pick up day -- must be really good junk!

A resident asked who in township administration is responsible for enforcement of land use ordinances because she had experienced some “buck passing” when making a complaint. Bartlett said the primary responsibility to hear the complaint rests with the Zoning Officer, Karen Zaborsky. In response to a comment, Bartlett said condition of the structure at the NW corner of Millbrook and Pleasantville roads has been determined by the Township not to be actionable.

Bartlett was asked for comment on the Harding Open Space Trust (HOST) given the budget issues. The mayor said he was in favor of HOST activities and cited the recent Von Zuben property acquisition (corner of James and Blue Mill) as a smart one – 13 acres for \$1mm. Further he said now was a good time to buy property since values are low. But he could not comment on whether the open space tax would decrease or stay where it is, which suggests that it was unlikely to increase.

When the subject of the prospective budget deficit came up again, Bartlett said that the citizen had “put his finger on the key problem facing the township committee.” He said some TC members are adamant about keeping taxes flat and that there are several good ideas that have been raised to save costs. Bartlett also pointed out that the TC controls only about 25% of our property tax bill. The biggest chunk, about 50%, goes to the schools while the remaining 25% goes to the county.

What is HT doing in the area of controlling cost by sharing services with neighboring towns? Bartlett said that opportunities are being investigated but an attempt to share court services didn’t pan out. Currently HT shares emergency dispatch and has part time (essentially shared) tax assessor, inspectors, chief financial officer and some health department functions. . He also pointed out that some shared service arrangements can be bad deals as they can cost more if the partner is a high cost municipality in that function. So these potential deals require caution and penetrating analysis. In passing he said that our town executive, Gail McKane is doing a great job in following up on tasks and has hired 3 terrific people.

A resident eloquently expressed her view that the discourse at the October 21 TC meeting, that got very heated around the topic of police department staffing, was not at the level of civility and decorum that we should expect in Harding. Marshall Bartlett agreed and said that exact meeting was what prompted the comment in his opening remarks asking people to keep their emotions in check. The meeting, attended as well by the other four township committee persons (Regina Egea, Lou Lanzerotti, Nick Platt

and Ned Ward), finally was adjourned after a lively 2 hours but in time to beat the snow storm.

### **TOWNSHIP NEWS, Township Committee Meeting – January 20, 2010**

Attendance: All – Bartlett, Egea, Lanzerotti, Platt, Ward

Pledge of Allegiance – now a regular item by consensus at the suggestion of Ms. Egea.

Future Meeting Agenda: 2/17 - further budget discussion; 3/17 intro 2010 budget

Standing Committee Announcements – the TC announced the committee, commission and board assignments and liaisons. There are approximately 20 of these assignments which can be found on the HT website.

#### **Professional Service Contracts – Most Awarded, A Few Tabled**

The TC considered 13 resolutions to award contracts for various professional services ranging from attorneys and engineer to tree conservation officer and IT consultant. Most were approved though a couple or three were tabled because the political contribution disclosure information was missing. State pay-to-play laws now require that prospective vendors seeking contracts above a certain dollar threshold disclose their political contributions. Most of the contracts were for the same absolute dollar amount or hourly rate. One, the IT consultant, was for a lower hourly rate.

Thumbnail asked if these contracts are put out for competitive bid annually. They are not and “they don’t have to be”. But we were assured that the performance of the vendors is reviewed frequently with quality and continuity of service as well as price, taken in to consideration. About three contractors (special counsel, insurance broker, risk manager) are new for 2010.

#### **Liquor License Transfer – New Restaurant on Rt 202 Coming.**

The TC approved the transfer of a liquor license to owner (202 Bistro Bar LLC) which will do business as “Market Restaurant”. The buyer paid the seller \$125K for the license. HT and the State of NJ gets fees of \$250 and \$200 respectively. By the way, the number of licenses in a given town is set by a formula (based largely on population) and licenses can’t be moved to or from another town. Bottoms up!

#### **Verizon’s Proposal for Cell Tower – Further Review**

Recall that last month the TC took a first look at Verizon Wireless’s request to extend by 10 feet, the height of its 134 ft cell tower at the rest stop on I-287. That review raised a number of questions that the TC wanted answered. At this meeting, officers of the Historical Preservation Commission (HPC) presented the results of their extensive

research into the project. Some of the highlights of their presentation were: the total height of the tower will be 144 feet; Verizon does not actually need HT approval since the Department of Transportation has jurisdiction over the site; the tower will not be extended yet again; the extension will add an additional sq mile of service coverage; the Federal Communication Commission drives the cell phone carriers to buildout their coverage; even with this extension there will still be a gap in service along Glen Alpin Road. The HPC raised two issues. The tower will break the tree line. And the rest stop, which borders sensitive land, has deteriorated.

A representative for Verizon said that the Dept of Transportation, which as noted above has the final word here, wants to hear from Harding. He also said that Verizon is trying to comply with cell placement principles such as minimizing the number of towers (one bigger one can do the work of more smaller ones) and co-locating electronics of multiple carries on one tower.

During the discuss the prospect of yet another cell tower (dubbed "Harding 3") came up presumably to fill the service gap on Glen Alpin. A plan to site this tower at the Seventh Day Adventist Church at Rt 202 and Tempe Wick was withdrawn. Another suitable site is difficult to determine. The conclusion was that committee person Lanzerotti, and citizens from the HPC and perhaps the Shade Tree Commission and the Environmental Commission would work up comments for the DOT on both the cell tower extension and the future of the rest stop.

UPDATE: Less than one week after the TC meeting, the DOT wrote that in light of a 1997 agreement between Harding and the DOT that limited the cell tower on I-287 to 127 feet, Verizon MUST have Harding's written approval for the extension. So Harding is back in control. Of course the problem remains: how to plug the gap in coverage with the least impact on Harding's landscape.

#### **Budget Discussion – Continuing to Make Progress**

The "Gap" (the projected deficit) for 2010 fiscal year is now estimated at \$500K, down from about \$800K under the assumption of no property tax increase. The gap has been closed by a combination of higher planning board fees (adds \$25K of revs), reduction in reserve for uncollected taxes (recent experience has been very good -- collected 99.1% of taxes due), replaced one police car (not two), lower pension charge from the state (this is surprising given the poor performance of the state pension assets) and lower affordable housing (COAH) costs. Due to state statute (a phrase that one uses a lot when reporting on municipal government), tax levy increase is not permitted to exceed a 4% cap, or \$88K. Fee increases introduced at this meeting will raise additional revenues and reduce the "gap".

***Three department budgets were reviewed (Court, Police and Capital) and then the options for closing the Gap were laid out.***

**Court:** The proposed budget for the court calls for revenues of \$169K covering expenses of \$149.5K (before benefits and pension costs). The revenues are derived from fines and fees from the approximately 2600 cases handled. Almost 75% of the cases are motor vehicle related summons issued by Township Police. About 15% are motor vehicle summons issued by NJ State Police, while the balance are criminal cases and other matters. With the exception of 2007, when the total number of cases handled spike to about 3250, the case load seems to range between 2500 and 3000. "Due to state statute" the revenue budget must be based on prior year revenues. The township is investigating the possibility of sharing the court services with another town but as of this meeting "there is nothing to report" as "nothing makes sense" from a fiscal standpoint. (NOTE: At the "Evening With the Mayor" event Marshall Bartlett said that in the end, the shared service attempt did not come to pass.) So in the end there does not appear to be any cost savings to be found in the Court.

**Police Department:** The police department consumes the largest part of the municipal budget. (Recall that the school budget, 50% of taxes, are outside the purview of the TC.) Salaries and benefits, by far the largest part of the police budget, are forecast to be just under \$2mm in 2010, if the department is expanded to the recommended 14 officers. This works out to a cost of over \$142K per officer and projections showed that per officer cost rising to over \$150K by 2012. At its October meeting, facing a vocal public, the TC gave the go ahead to expand the department from 12 to 13, even though a large budget deficit loomed. If the 14<sup>th</sup> officer is not hired, the depart budget will be reduced about \$150K. As well about \$3K in operating expenses can be cut and a purchase of second new police car can be deferred.

At the October meeting, two officers were promoted which according to a comment made at the "Evening with the Mayor" event carries an approximately \$10K compensation increase and of course increase the present value of the post retirement benefits (pension and healthcare).

**Capital Plan:** The capital plan for 2010 totaled \$518K. Major items included (1) affordable rental units at The Farm (\$190K), (2) tennis court - \$100K, (3) road improvements (\$55K), (4) dump truck (\$50K), (5) police related construction: lobby-office/women's locker room/library area/sergeant's office (\$25K), (6) municipal bldg HVAC (\$25K) and other improvements (\$20K).

**No Simple Solution: The Options**

In summary, the \$500K GAP can be closed with some combination of (1) increases in non-tax revenues primarily fees, (2) reduction in expenses and (3) increase in tax rate. Non tax revenue increases can be expected to raise only between \$50K to \$100K (at most) so they are not the sole solution. Expenses could be reduced by \$50K to \$400K, with layoffs likely necessary at the upper end. An increase in the tax rate from the current .262 to .278 would raise an additional \$400K but could break the state mandated cap of 4%, or \$212K, if the governor mandate that the cap is "hard" this year rather than "leaky" like in prior years.

In the ensuing discussion, both Bartlett and Platt said that they would like to see non-tax revenues be increase to the greatest extent possible. And Platt said he was "loath to increase taxes" and wanted to keep the Open Space tax rate up. The Open Space Tax has no impact on the budget Gap problem but it of course impacts the overall tax burden on households. Bartlett pointed out that charging the Harding Open Space Trust for appropriate maintenance on those properties would help close the GAP. Ward said he didn't want the HT to take on more debt even for open space purchases.

So clearly the TC faces a tough task with no one-dimensional solution. At the February 17 meeting, the options will be discussed in more detail in light of the preliminary budget position. In March the 2010 budget will be introduced for adoption at the April meeting.

#### **Planning Board, December 14, 2009**

Roll Call: Louis Lanzerotti, Thomas dePoorterre, and Virginia Moriarty absent.

#### Applications

PB-03-09, **Applicant William and Richard Blanchard**, Block 26, Lots 13 and 13.01, 42 Glen Alpin Road, Minor Subdivision with Variances, Action: Amendment of Approval Condition. The applicant stated that plans were being revised plans to modify lot lines such that no variances would be required. The plans will be reviewed at the meeting on January 26, 2010.

PB-05-09, **Applicant Hartington J Trust**, Block 7, Lot 1.01, 1.02 and 4.02, Griffin lane and Van Buren Road, Preliminary and Final Major Subdivision, Action: Consideration of Completeness Waivers. Waivers were granted for the following: (1) letter of interpretation from the DEP, (2) need to show historic district on plan, (3) need to show topographic elevation, (4) need to show storm water easements, and (5) need to show natural features within buffer zone (except water features). A landscape plan was discussed, but it was agreed that a plan was premature given that the roadway was still under discussion.

### Discussion

Steep Slope Waiver Request: Referral from the Township Committee, Huff Family Limited Partnership, Block 31, Lot 1, 563 Tempe Wick Road. Mr. Bartlett recused himself from the discussion. The current ordinance requires that only 1500 square feet or 1% of the lot area, whichever is less, may be disturbed. Mr. Hall advised that the Board must make a recommendation to the Township Committee on the request by the homeowner to build an addition which would require a disturbance of 5472 square feet. Mr. Fox reviewed the plan showing the addition, retaining wall, landscaping and how drainage would be mitigated by drywells. He indicated that the original plan disturbed in excess of 11,000 square feet, and that the coverage values for the pool and patios were correct. He indicated that a construction permit would be required for the retaining wall given its height, and that a landscape restoration plan must be submitted. Applicant has agreed to apply for DEP approval of steps currently located in wetlands, and to re-survey property to verify information such as impervious coverage. Mr. Newlin recommended granting the waiver subject to certain conditions. Mr. Hall will prepare a memo to the Township Committee for review tomorrow so that applicant can appear before the Township Committee on Wednesday.

Ordinance #14-09 Referred by the Township Committee (Development Fees): Mr. Bartlett explained that the Township was encountering budget problems and is proposing an increase in fees effective January 1, 2010 to help recover overhead costs. Fees for business site plans would not be increasing, but there would be a big increase in subdivision application fees given the big increase in the value of projects for applicants. The fee per lot for minor and major subdivisions will now be \$3000. Mr. Bartlett wants the Board to agree that the increase is consistent with the master plan. Ms. Olcott indicated that the increase is consistent, and the Board approved the increase.

### **Planning Board Meeting- January 25, 2010**

Declaration of Appointments by the Township Committee: The meeting was called to order by Mr. Hall pending the election of officers. He announced the appointments to the Board of Marshall Bartlett, Regina Egea, Alf Newlin, Thomas dePoortere, and Nanette Ditosto (second alternate). He asked the Board members to sign the oath of office to uphold their duties.

Roll Call: All Board members present; Ms. Kimball excused.

2010 Reorganization: Mr. Newlin was elected Chairman, and Ms. Olcott elected Vice-Chairman.

Announcements/Reports/Presentations

Mr. Newlin asked Board members who are on other township committees for updates. Mr. Dietz reported that the Environmental Commission is working on a fertilizer ordinance to be approved by the Township Committee. Mr. Schliefer reported that the fee charged by the Board of Adjustment for extension of variance requests was being eliminated. Mr. dePootere reported that Historic Preservation Commission was reviewing a request for extension of the cell tower at the rest stop on 287, and that the DOT is looking for letter from Harding approving or denying.

The Board discussed Ordinance TC-03-10 which was referred from the Township Committee for review. Specifically, the fee charged by the Board of Adjustment to grant extensions was eliminated, and there was some concern that the authority of that Board to grant extensions was linked to the ability to charge a fee for same. Mr. Hall proposed some different language, and the Board agreed that the ordinance was consistent with the master plan.

The Board discussed the flood hazard development permit review process. The Board must review the permits and discussed whether the process could be streamlined. It was suggested that recent activity could be anomalous, and Ms. Olcott suggested watching activity for the next year rather than making any changes now.

Applications

PB-01-10, **Applicant William and Richard Blanchard**, Block 26, Lots 13 and 13.01, 42 Glen Alpin Road, Amended Minor Subdivision with Variances, Action: Commence Public Hearing. Amendment of Approval Condition. The subdivision had been previously approved, but the plan had been modified by moving a lot line so that the flagstaff could be shifted to avoid tree removal. The applicant's engineer reviewed the plan changes including the shared drive for the two new lots. Where the drive meets Glen Alpin does not change, but it shifts to the left and requires easements because it meanders outside the flagstaff. Mr. Fox indicated that the plan was reasonable and that the proposed drive avoids most of the large tree. The amended application was approved by roll call vote.

PB-05-09, **Applicant Hartington J Trust**, Block 7, Lot 1.01, 1.02 and 4.02, Griffin lane and Van Buren Road, Preliminary and Final Major Subdivision, Action: Commence Public Hearing and Set Site Inspection. The application was deemed incomplete in December and revised plans were filed. The applicant proposes making five lots out of three. The Carey subdivision road would remain, but two flagstaffs would

be required for the new lots. A site inspection was discussed, and applicant's engineer agreed to stake out the property. The inspection was set for Saturday February 6<sup>th</sup> at 10am (snow date February 13<sup>th</sup>). Some neighboring residents asked that the Board consider tree removal and the rural streetscape. They were invited to the site inspection and to attend the full hearing when it was held.

### **HARDING TOWNSHIP HISTORIC PRESERVATION COMMISSION, Jan 7, 2010**

The following matters were considered:

#### **CONSTRUCTION**

**Didden, 12 Hartley Farms Road, Block 4, Lot 56.** Architect Phillip J. Iannitto presented plans for the new construction of a single family main dwelling, carriage house, and small pool house on this lot within the Hartley Farms subdivision. Given the prominent location of this lot within Hartley Farms, the plan calls for a formal approach to give the impression of this property as the initial estate house. At the same time, the plan incorporates elements of the vernacular, including double gables in the front, wood trusses, and a simple palette of stone material. The applicant stated that they intend to conserve as many of the existing trees as possible on this 7.2 acre lot. With this in mind, the Commission appreciates that the proposed house will maintain a fairly low profile, nestling into the trees, and that plans call for the wooded buffer around the house to be retained. As the plan has already been approved by the Hartley Farms review process and the proposed construction will not have a substantial impact on streetscape off of Blue Mill Road, the Commission expressed their opinion that the plan will not adversely impact the historic district or streetscape.

**Marcus Ventures Corp/ Clean Energy Corp, 912 Mt. Kemble Avenue, Block 35.01, Lot 7.** The applicant seeks to install solar panels on the roof of this independent contributing property. As described by Bill Marazzo, of Clean Energy USA, lessee of part of this building, the intended purpose of this installation is for marketing/sales and public education. The Commission acknowledged the valuable role that solar energy holds in our search for alternative fuel and appreciated the economic benefits cited by the applicant. The Commission noted that the proposed solar panels will be quite visible along Route 202. The proposed system would be relatively small at 3KW, and would consist of all black panels lying flat on the south-facing roof of the building. Since the roof lines are some of the more prominent architectural elements of this building, the Commission expressed concern that the width of the panels will cause them to protrude from the roof about 6-8 inches, and stipulated that their approval is contingent upon the

fact that if the panels are no longer in use, they will be removed and the roof restored to its original aesthetic. The applicant agreed to this condition. The Commission further suggested that, as this vital technology becomes more widespread in the local community and owners of historic properties come to Clean Energy looking to install these panels on their homes, Clean Energy work together with the HPC early in the process to find ways to minimize adverse alterations in the character of historic buildings and reduce the streetscape impact. As less obtrusive solar technologies, such as roof shingles that operate as solar receptacles and are barely discernible, become available, the Commission recommends that Clean Energy explore these options as a means for preserving the rural and historic character of Harding's numerous historic homes. Given that the applicant said he intends to actively sell solar panels in this area rich with historic structures and character, the Commission also suggested that the applicant consult various preservation resources that may be of use in appropriately siting solar panels on historic buildings. Overall, the Commission has no major objections to the applicant's specific proposal.

## **DISCUSSION**

Presentation by Verizon of the Route 287 proposed cell tower extension. Michael Beck, representing Verizon wireless, introduced discussion of the proposed ten foot extension of the tree monopole cell tower at the 287 Northbound Rest Area, from a height of 134 to 144 feet. After having reviewed the files of the State Historic Preservation Office, including the Commission's letters of objection to the project previously undertaken by Metro PCS, Mr. Beck informed the Commission that, because the proposed Verizon extension does not fall under the "substantial increase in size" that triggers the official review process, this can be considered a "courtesy review" and not a formal application. Because Verizon meets all requirements, their proposal does not even trigger review of SHPO. In this, Beck emphasized that Verizon wireless thus has a different position from Metro PCS, which required the placement of equipment at the base of the monopole, going outside of the existing base area and classifying as a "substantial" increase. On the other hand, Verizon's proposal does not require extension of the existing compound at the base of monopole—it simply requires the movement antennas to a higher level. As the extension of 10 feet is not considered substantial, Verizon has not completed any GPS or viewshed mapping, and is not amenable to doing so.

Jason Smolinsky, VP of engineering E2 Project Management, next provided a brief history of the construction of the cell tower and its structural dimensions. All major

carriers are currently on this pole, with Metro PCS at 130 feet, Sprint PCS (the original carrier of this pole) at 118 feet, Nextel at 115 feet, Omnipoint/T-Mobile at 107 feet, Verizon current at 100 feet, and AT&T at 88 feet. Given this, there is no applicant for the 100 feet that Verizon will be abandoning when they assume their new position at the 144 foot tower level. In reviewing the structural report for the tower extension, Smolinsky informed the Commission that the tower will essentially be at 104% stress level. Given that 105% is the maximum allowed by code, from a practical sense, this means that this represents the final extension possible for this tower. From a design standpoint, the antennas for this extension will be painted green, with the four foot lightning rod masked in the foliage, thereby topping the tree in a more natural fashion instead of leaving the top flat.

Brian Lau, radiofrequency engineer, next spoke to the reasons Verizon deems the 10 foot extension necessary, presenting two propagation maps showing the differences in cell coverage before and after the proposed cell tower extension of the Harding II tower. Using a USGIS map showing major roads, and the locations of the existing Verizon tower sites, overlays were used to visually depict which of the three current gaps in coverage (Glen Alpin, Blue Mill, and Village Road) would be filled with the tower extension. The proposed coverage depicted on these propagation maps is generated by a computer program that accounts for terrain and signal strength, and, when tuned with drive data, is "pretty accurate" in predicting what the cell coverage will be in reality.

Given this, it appears that this ten foot extension will translate roughly into one square mile of additional Verizon coverage within the township. Even with this extension and increased coverage, Lau emphasized that a substantial gap will still exist in the lower, left quadrant of the township map, as the result of the hilly terrain in this area. In order to fill this gap, Lau stated that it is possible Verizon will, at some point in the future, need to search for a location within Harding for a Harding III tower. Upon completion of the Harding II extension, Verizon will re-evaluate coverage and determine whether the need remains for another project in Harding.

The Commission inquired as to whether the existing James Street tower is structurally maxed out, to which Lau replied that, even if the height of the James Street tower were increased, the terrain would still block coverage. Extending the height of the James Street tower would therefore not result in the same increase in coverage that extending the Route 287 tower does, and is not a viable option.

The Commission further asked, from a practical standpoint, whether people are actually aggravated by the lack of service in these areas within Harding: are existing customers calling Verizon with complaints about this? Or is the cell extension primarily a marketing tool to expand coverage in order to draw new customers to Verizon service? From Verizon's perspective, the need for increased coverage is more a question of data transmission than voice transmission, as data transmission has higher requirements and is becoming increasingly necessary given new cell phone technology and applications. Although it may be possible to obtain factual data on the number of complaints Verizon receives from customers in Harding, Verizon emphasized that the system is not only customer driven, but also driven by federal regulations mandated by the FCC. In order to maintain their license, new mandates which focus on the importance of telecommunications require that Verizon continue to expand their service.

The Commission asked the Verizon engineering representatives to provide insight into future of antenna technology, inquiring as to whether there are any new technologies on the horizon which may render towers like this obsolete technology in the near future. The Verizon team does not foresee any upcoming technology or massive breakthroughs that will change the height requirement for cell towers, emphasizing that, even for the new 4G frequency, towers still need to be well above the tree line. Given this, cell towers are not likely to become an obsolete technology any time within the near future. With this knowledge, and given Mr. Beck's degree in Historic Preservation, the Commission inquired as to what Mr. Beck considers the most appropriate cell tower design from a preservation perspective. In response, Beck emphasized that the goal is to make the cell tower blend into the background as much as possible, citing flagpole installations (self-contained monopoles where the antennas are not visible) as the least visually obtrusive designs. Specific examples mentioned as particularly appropriate within the local context included a windmill tower in rural Monmouth County and a well-constructed tree monopole at the Delbarton School in the Morris Historic District.

Because the initial agreement, proposed by the DOT as part of individual site agreement, was that tower would max out at 127 feet, the Commission expressed their disappointment that this agreement was clearly breached even before this Verizon proposal. Mr. Smolinsky emphasized that the initial approval for construction of the cell tower was conditioned upon it being camouflaged as a tree pole, stating that the initial pole construction was to be 127 feet, but that, in fact, there was no memorandum

agreement stating that it must *remain* 127 feet, just that it must remain a tree. The Commission next heard from Joan Nix, architectural historian consultant with the E2 Project Management firm. Because of the facts of this situation, as previously described, she emphasized that this proposal does not necessitate a review, and does not require FCC or SHPO concurrence. Nix did, however, conduct an informal drive-by visual review, based on fact that Metro PCS said their extension would not be visible, and found that, from Raven's Wood Lane, the tower is slightly visible over the tree tops. Based on this, Verizon's extension would make it "slightly more visible." Although there are four historic districts within a half mile of this cell tower, no formal review was done because it is not mandated by the FCC. Similarly, there is not need for balloon-testing and/or viewshed mapping, as the impact of the extension is perceived to be minimal. To this end, the Commission expressed concern that, although the tower may only be slightly visible now, visibility is totally dependent on the existing tree cover.

To summarize, the Commission's primary concerns/conclusions include the continuing potential for adverse impacts on Harding's historic districts and tax-payer protected open space, and concern that Verizon may likely return in a few years with a proposal to construct the Harding III cell tower. Furthermore, the Commission expressed disappointment with the fact that they thought an agreement had been reached with the DOT, but, in reality, they have not been actively included in any further discussions. The Commission emphasized their desire to have up-to-date documentation in-hand should issues emerge in regards to tower maintenance, removal, etc. To this end, in order to facilitate the township's understanding of the agreement and its potential affect on Harding, the Commission asked to be provided with a copy of the existing agreement/ lease between the DOT and Crown Castle, the current operator of the tower. In addition, the Commission requested that Mr. Beck try to obtain a copy of the individual site agreement, with any sensitive information blacked out. Beck stated that, while the agreement with the DOT is public domain, the rest of the legal documents typically remain privileged information, but that he would approach his client with the Commission's request. The Commission expressed their thanks to the Verizon representatives for being so candid and open in their responses, assisting with the Commission's efforts to learn as much as possible about the technology, etc, in order to be better preparation for the potential Harding III tower. Mr. Beck stated that all requested items would be provided, if available. Verizon also agreed to send the Commission a cop of the pre-and post-extension coverage maps.

**BOARD OF ADJUSTMENT**, no report this month  
**HARDING TOWNSHIP BOARD OF EDUCATION**, no report this month

**Civic Association News and Announcements**

**Civic Association:** The **DEADLINES FOR THE next 2 issues OF THE THUMBNAIL are March 5 and April 9** respectively. Current and past issues of Thumbnail, as well as the Directory are also on our Website: <http://www.hardingcivic.org>. Send questions or comments about Thumbnail to editor, **email address: *hesnaj@verizon.net***, or the Harding Township Civic Association, PO Box 72, New Vernon, NJ 07976.

**TOWNSHIP RECYCLING**

**Commingled Recyclables:** consists of all aluminum and tin cans, glass bottles, and only plastic bottles and containers with the Recycling symbol, and #1 or #2. Try to crush plastic bottle to conserve space. Please remember no plastic or paper bags.

**Commingled Mixed Paper recycling;** consists of all paper, cardboard, newspaper, office paper, magazines, and books. Please put loose or shredded paper in paper bag. Please flatten all boxes or fill with other paper products. **Other accepted items;** Batteries; automotive (car) and household (rechargeable accepted); Computers and all related peripherals, i.e. printers and monitors; Automotive and light truck tires, (on or off rim) and Propane tanks (BBQ size only) **The Hours of operation are every Wednesday from 7AM. to noon (7– 9AM self service); and every other Saturday: 9AM to noon.**

**DATES TO REMEMBER**, meetings as noted.

Municipal Court (1 <sup>st</sup> and 3 <sup>rd</sup> Tuesday)	3 PM
Municipal Court (2 <sup>nd</sup> and 4 <sup>th</sup> Friday)	11AM
Environmental Commission (1 <sup>st</sup> Monday)	7:30 PM
Seniors (2 <sup>nd</sup> and 4 <sup>th</sup> Thursday)Chrst KingCh	11 AM
Planning Board (4 <sup>th</sup> Monday)	7:30 PM
Hist Preservation Comm (1stThursday)	8 PM
Board of Health (2 <sup>nd</sup> Thursday)	8 PM
Board of Education (2 <sup>nd</sup> and 4 <sup>th</sup> Monday)	7:30 PM
Board of Adjustment (3 <sup>rd</sup> Thursday)	7:30 PM
Township Committee(3 <sup>rd</sup> Wed)	7:30 PM
Harding Twp Civic Association (1 <sup>st</sup> Monday)	7:30 PM