

**Holland Township Board of Adjustment**  
**Regular Meeting**  
**Minutes of the May 29, 2013**

The meeting was called to order by the Chairman, Ginger Crawford:

“I call to order the May 29, 2013 Meeting of the Holland Township Board of Adjustment. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Board of Adjustment Board Secretary on December 20, 2012 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 20, 2012 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only

**Flag Salute:**

Chairman Crawford asked all to please stand for the Pledge of Allegiance.

Identification of those at the podium for the benefit of the recording machine:

**Present:** Jerry Bowers, Laura Burke, Ginger Crawford, Bill Ethem, Les Gallipeau, William Martin, and Gail Rader Todd Bolig, Esq., Susan Berber for Lucille Grozinski, CSR , Rob Martucci, Engineer, and Maria Elena Jennette Kozak, Secretary.

**Absent:** Wilson “Bo” Baker and Peter Kanakaris

Let the record show there is a quorum.

**Minutes:** A motion was made by Gail Rader and seconded by Les Gallipeau, to dispense with the reading of the minutes of the meeting on April 24, 2013 and to approve as submitted. All Present were in favor. Motion carried. All were in favor of the motion.

**Completeness**

Block 6 Lot 48.02 – Mark and Kathleen Petro – 211 Spring Mills Road – Variance. Received into the office on April 2, 2013. The 45-day completeness deadline is May 17, 2013. Deemed incomplete April 24, 2013. Additional information submitted May 8, 2013. 45-day completeness deadline June 24, 2013. Board action is needed. *Reminder, if this the board deems this application complete at the meeting of May 29, 2013 then a Public Hearing will be scheduled immediately following.*

The letter dated May 8, 2013 prepared by Board Engineer Robert Martucci of Van Cleef Engineering was presented and discussed:

Attention: Maria Elena Jeannette Kozak (via e-mail PlanningBoard@hollandtownship.org)

Reference: Mark and Kathleen Petro Variance Application

Block 6 Lot 48.02

Township of Holland Hunterdon County, New Jersey

Dear Maria:

Our office has received the following information subsequent to our letter dated April 16, 2013. The following items have been received:

- A. Certification forms from the property owners for the above referenced application.
- B. "Plot Plan" showing existing features, as well as the proposed structure prepared by George Sniffin, PLS dated May 2, 2013.
- C. Building plans – 3 sheets prepared by Graber Supply LLC, dated April 1, 2013 showing the dimension of the overall height of the building.

**Application Summary**

The property is within the R-5 zone. A general review of the application shows that the property owner is seeking variance relief (substantial benefit) [N.J.S. 40:55D-70c(2)] for the construction of a building, (pole barn) that is 40feet long by 36 feet wide (1,440) square feet on a lot approximately 3.711 acres. The Township Ordinance #100-45(B) (3) states that the maximum allowable areas for an accessory use and structure on this lot is 1,000 square feet for a lot greater than three acres but not over 10 acres. I conducted a site visit of the property on April 15, 2013. I noted that the property has a single family dwelling along with other improvements (swimming pool, deck, shed, etc.). The proposed building footprint was painted on a stone area adjacent to the driveway as noted on the submitted photographs. No one was at the property at the time of my site visit.

Completeness Review

Completeness items remaining from our April 16, 2013 letter are provided below with the update following in *bold italics*. Satisfied items have been removed.

Item H-8 An "Applicant's Certification" from the property owner has not been provided and is checked as not applicable. *Pursuant to the instructions given at the meeting, the certifications have been provided to the Township. This item has been satisfied*

H-20 The well and septic field in shown on the plot plan. Other septic components such as the septic tank and underground piping and utility lines are not shown on the plot plan. *The plot plan shows the septic components as well as underground utility lines. Although the plot plan does not show the actual underground piping, enough information has been provided to show that the proposed building does not interfere with the existing septic components. This item has been satisfied*

H-21 Existing structures are shown on the plan as well as the easements. During my site visit I noted that the applicant's survey does not show the extent of site improvements on the property.

*The plot plan has been revised to show:*

- *The driveway noted as "paved"*
- *The existing above ground pool and wooden deck is shown.*
- *The existing shed is shown*
- *Trees have been located*
- *Rock walls and other misc. landscape features have been shown.*
- *Other items have been shown on the plot plan. Upon a topographic survey of the area around the proposed building it was noted that the lawn area sheet flows towards the north easterly direction of the property.*

*This item has been satisfied*

H-22 A written scale has been provided on the plot plan. However, a graphic scale is not on the plot plan. *The plot plan has been revised showing a graphic scale. This item has been satisfied*

H-23 through H-24 I have summarized the bulk requirements and information for R-5 Zone (setback lines and dimensions of the plot plan for the existing and proposed improvements) per attachment six of the ordinance and as presented on the submitted plot plan is summarized in the table. Comments are provided in the following table and noted below:

Requirement	Required	Existing Dwelling	Proposed Building
Lot Area Minimum (acres)	5 <i>At least 3 (2)</i>	3.111+1-(gross) 3.71(gross) 3.47 (net)	No Change
Lot Width Minimum (feet)	325 <i>25ft2)</i>	Not Provided <sup>1</sup> 265.26	No Change
Lot Depth Minimum (feet)	350 <i>300<sup>2</sup></i>	Not Provided <sup>1</sup> 260.26	No Change
Height Maximum (feet)	35	<i>Not Applicable</i>	25'-4"
Stories Maximum	2-112	2	1
Setback from Street Line, Minimum (feet)	75	113.5	189.96
Rear Yard Minimum (feet)	50(2)	Not Provided <i>(1<sup>2</sup>)-383.51</i>	296.37
Side Yard Minimum (feet)	50(2)	79.6 80.22	68.51

(1) Plot plan does not show the dimensions to the proposed building with respect to the property lines and does not note the total building height in either the existing or proposed structure or number of stories on the proposed structure. Lot width and depth were not provided on the survey. Although the application notes the lot width and depth, the dimensions are not consistent with the definitions outlined in section 100-6 of the ordinance. *The plot plan has been revised to show the dimensions to the proposed building with respect to the property line. The applicant has submitted the building plans to show an overall building height of 25'-4". Lot width and depth has been noted on the plot plan as per the definitions outlined in section 100-6 of the ordinance. This item has been satisfied.*

(2) Property Survey shows setback lines that do not comply with the revised bulk requirements. *The plot plan has been revised to show both the current requirements in the R-5 zone as well as the requirements in accordance with section 100-109 C of the ordinance. At the meeting I stated that I would verify the setback dimensions on the provided survey. The setback requirements do comply with this section of the ordinance. This item has been satisfied.*

H-25 through H-26 The applicant has provided a floor plan for the proposed structure. The floor plan notes a proposed ceiling height of twelve feet. *The floor plan has been revised to show the overall height*

of the proposed building. This item has been satisfied.

H-27 The applicant has indicated that a "Consistency Determination" from the Highlands Council is not applicable. Upon review of the property utilizing the attached "Highlands Council Interactive Map" the subject property is located in the Highlands Planning Area and that a "Consistency Determination" is required under subpart 2 of the checklist. *This requirement has been verified as not applicable at the meeting in accordance with section 100-163.2 D. (1). This item has been satisfied*

Based upon the review of the items submitted, we recommend that this application be complete at this time.

#### Technical Review

Based on my limited technical review of the application, I offer the following comments for the Board's consideration.

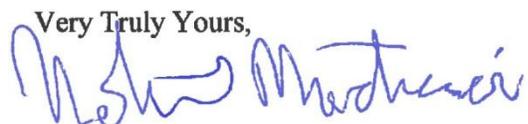
#### A. Outside agency approvals:

1. In accordance with the attached Highlands Reference Map of the property, a Riparian Zone extends on the subject property from the adjacent stream. The applicant must obtain all applications or determination for disturbance in the Riparian Zone from the New Jersey Department of Environmental Protection prior to any disturbance associated with the proposed structure. *In the meeting it was determined that a consistency determination is not required by the Highland's Council. However, the property has a riparian zone from an adjacent C-1 stream located on lot 48. The applicant must obtain the riparian zone disturbance permit from NJDEP prior to issuance of a building permit for this barn.*
2. Limits of overall disturbance are not shown on the plot plan. The applicant must testify as to the total disturbance for the proposed building. Any disturbance exceeding 5,000 square feet, a certification is required from the Hunterdon County Soil Conservation. *I would recommend to the Board that this statement be a condition of any approvals granted for this application.*
3. A "consistency determination" is required from the Highlands Council for this property. *A "consistency determination", as per the ordinance, is not required for this application provided the accessory building serves as a residential use.*
4. The building construction is subject to the appropriate building sub code and other construction permits. *I would recommend to the Board that this statement be a condition of any approval the Board grants on this application.*
5. Stormwater management has not been provided on the plot plan. **It should be noted that if the disturbance is equal to or greater than 1 acre and the proposed activity results in an increase of impervious area of Y4 acre, a stormwater plan and calculations are required as per the Township Ordinance and State Stormwater Rules. I would recommend to the Board that this statement be a condition of any approval the Board grants on this application.**
6. A review of the floor plan shows no electrical or plumbing items to be installed as part of the building. Should the owner plan on installing plumbing that will tie into the septic system, a permit is required from the Hunterdon County Health Department. *I would recommend to the Board that this statement be a condition of any approval the Board grants on this application.*

#### B. Other Items

1. No grading of the building has been shown or noted on either the floor plans or the plot plan. The grading and overall disturbance of the proposed work must be provided as part of the application. *The applicant should testify as to the total disturbance of the property for the construction of the barn. It would appear that no disturbance is required beyond the stone area for the construction of this structure.*
2. When additional information is submitted, I will supplement these technical comments as needed. *No further technical comments are presented at this time.*

If you have any questions or require additional information, please feel free to contact me.

Very Truly Yours,  


Robert Martucci, P.E.  
Board of Adjustment Engineer  
R-5999.001 130508 Rev02docx.docx

Cc Board Members (via email)

Betsy McKenzie PP, ACIP, Planner (ecmcke@embarqmail.com) Todd Bolig, Esq. (tlbolig@boliglaw.com)

Mark and Kathleen Petro (mpetroS@yahoo.com and regular mail)

As a follow up to outstanding issues:

H8 – certifications have been given to the secretary

H20 – The well and Septic are shown on the revised plot plan along with the underground utilities. The actual piping is not shown but the surface is good. It does not interfere.

H21 – On the revised plot plan the existing structures and easements are shown. The paved driveway, the trees are located, the rock wall and other landscape, the pool and deck are also shown. The surveyor showed the flow.

H22- graphic scale.

H23 and H24 – the existing lot setbacks and proposed building – the max height added to the overall building height added along with the width and depth.

H15 and H26 – satisfied

A motion was made by Les Gallipeau and seconded by Bill Ethem to accept this application as presented and to deem it complete. At a roll call vote all present were in favor of deeming this application complete.

### **Public Hearing**

Block 6 Lot 48.02 – Mark and Kathleen Petro – 211 Spring Mills Road – Variance. Received into the office on April 2, 2013. The 45-day completeness deadline is May 17, 2013. Deemed incomplete April 24, 2013. Additional information submitted May 8, 2013. 45-day completeness deadline June 24, 2013. Board action is needed. *Reminder, if this the board deems this application complete at the meeting of May 29, 2013 then a Public Hearing will be scheduled immediately following.* This application was deemed complete at the meeting of May 29, 2013.

Board Attorney Bolig reviewed the appropriate documents and as determined that the Board of Adjustment has jurisdiction to proceed with a Public Hearing. Let the record show that Both Attorney Bolig and Secretary Kozak were in the meeting room before 7 pm as the notice the applicants used stated the meeting time to be 7pm. There was no one present. The board may proceed.

The applicants Mark and Kathleen Petro were both present. Court Reporter Berber swore in Mark Petro. Mr. Petro was asked to explain why he was before the board. Mr. Petro stated that he has four vehicles, snow mobiles, atv's and tractors etc. He wants to put two cars in a garage and two cars, 2 farm tractors, the utility cart, and ATV in the proposed structure (barn) along with having a work area and work bench. In essence he wants to put his "stuff" inside. Chairman Crawford asked about the materials of the proposed structure. Mr. Petro explained that it would be a pole barn with a salt box roof which means it will be short in front and long in the back. The barn will have metal siding and a metal roof. The barn will be insulated and will have electric but will not have water or a bathroom. The applicant was asked if he had looked at putting the structure up on other spots on the property. Kathleen Petro was sworn in at this time and responded that the reason for the variance is for size and not location and that the location is ok but the size of the barn is the problem. Mr. Petro further explained that they are also going to match the existing garage doors with the proposed barn doors which mean all the doors will be new and alike. The siding will be a yellow cream color which will match the existing house. The roof is to be green in color. Board Member Bowers questioned if the additional equipment, such as the two cars, the 2 tractors and the 2 ATVs are recreational in purpose and Mr. Petro stated that the additional equipment is for recreational personal use only. Mr. Bowers further discussed Board Planner McKenzie's comments ...a structure like this is for vehicles to maintain the property and if the other equipment is for offsite farming then a "D" variance is needed. This brought up a discussion about the snow mobiles and 4 wheelers. Attorney Bolig reinforced that the structure is usually for the vehicles needed to maintain the property which Mr. Petro said the 4 wheelers are used to tend the property. It was further stated that it is wise to incorporate things left outside as this promotes less clutter. Mr. Petro stated that he uses the back of the property to brush hog and he also does landscaping not to mention using the ATV to help plow in the winter. When asked if he uses his equipment elsewhere Mr. Petro stated that he may help a friend but that he does not use his equipment for business purposes. Board Member Rader stated that she visited the property just prior to the meeting and noticed that there was a utility trailer on the property and a shed however there was nothing else that was out of place or "cluttering" the property. Ms. Rader further stated that this request is for a big pole barn and why would you request something so large when you stated that this is not used for farming and not used for business. Mrs. Petro stated that the "stuff" in question is in their garage and they want to put their personal vehicles in the garage which means that stuff needs to move.

Exhibits:

A1 – Application and attachments

A2 – certification, notice to the democrat and the affidavit.

A3a, A3b, A3c, A3dd and A3e – 10 copies of photos with 5 photos in each

A3a is an aerial photo of the roof

A3e is a picture of the garage

A4 – Survey dated 05/02/2013

Board Member Ethem reminded the board that 1000 sq. feet is allowed by a zoning permit. Mr. Ethem questioned why 1000 sq. feet is not enough for the applicant.

Board Member Gallipeau stated that the zoning officer denied the original request of a 30' x 36' structure but the applicant is before the board with a request for a 30' x 40'. The applicant responded that they spoke with Zoning Officer Tigar who then had a conversation with Secretary Kozak. Secretary Kozak confirmed that Zoning Officer Tigar verbally denied the verbal request for a 30' x 40' structure as well. The Petro's stated that they have 4 vehicles. They said they have 2 children living with them at their home. One child living at home is 24 and the other child living at home is 21. The Petro's said they want to put the vehicles away and that their daughter will be going to a college where she cannot use her car on campus for two years so that car has to stay at home. Mr. Gallipeau questioned if they looked at other locations and if this proposed barn was for their own use and not for a commercial use. The board discussed if they could minimize the impact of such a large building on the neighbors. Mrs. Petro stated that the location presented is not only for convenience but that they were looking to avoid blacktopping any more ground. Board Member Burke questioned the shed on the property with emphasis on the potential of the board to request it being removed. The shed currently has snow mobiles, 4 wheelers and gardening tools in it. Mr. Gallipeau expressed that he did not have an issue with keeping the shed. Ms. Burke was still concerned with the shed along with the size of the proposed barn. Ms. Rader questioned the property line of which Mr. Petro marked it on Exhibit A3a.

Chairman Crawford questioned Attorney Bolig on the "C" variance. Attorney Bolig stated that the C2 variance requirement has been satisfied. There are neighbors present and they need to say where they are and how it impacts their property.

Bob Osborne – 201 Spring Mills Road. Ms. Berber swore him in. Mr. Osborne is located to the left of the Petro's. He stated that the Petro's have a nice piece of property and maintain it well. He states that it takes equipment to maintain the property. He believes that while Mr. Petro currently stores some of his equipment elsewhere that he should be able to store it on his own property. The barn will help fit in with the look of the house. It blends in. Where it will still will be the best spot for the least amount of additional impervious coverage. The houses sit back off the road so and in his opinion the Petro's proposed barn is a wonderful thing. Mr. Gallipeau asked Mr. Osborne if he lived to the left of the Petro's and Mr. Osborn stated he did. Mr. Gallipeau asked if he had a barn on his property and Mr. Osborne responded that he did. Mr. Gallipeau asked Mr. Osborne if his barn was larger than what was being proposed by the Petro's and Mr. Osborne responded that his barn is large. There were no additional questions from the board.

Fred Thorpe – 210 Spring Mills Road. Ms. Berber swore him in. Mr. Thorpe lives across from the Petro's. He stated that they provide some of the nicest scenery to look at as they take care of their property. He sees the applicants house and when no one is there you do not see the cars but he noticed that when the garage is open you can see all the "toys". Mr. Thorpe stated that he is on 7 acres and while he does have a barn it is never large enough. You can always use more room. He believes what Mr. Petro's is requesting will not be big enough as time goes on. Mr. Thorpe believes it is better to keep all the "stuff" in a building than for the neighbors to see around the property. Attorney Bolig asked Mr. Thorpe about his barn and Mr. Thorpe responded that he got a permit for his 24' x 36' barn approximately 18 years ago. The board had not additional questions.

Mr. Gallipeau questioned the location presented. Mr. Gallipeau stated that in the testimony presented the location presented was the best. Mr. Gallipeau questioned the Riparian Zone. Mr. Petro stated that the Riparian Zone is not on his property but on the adjacent property. Engineer Martucci stated that the C1 Stream is next door and that there is a 300' buffer and if Mr. Petro does move it from the proposed location then the barn would be in the riparian zone and that is a problem. The Flood Hazard regulations could be a permit by rule and the applicant needs to look into that situation. The applicant would need to make contact with the Department of Environmental Protection and to seek an applicability determination. Engineer Martucci does agree that the proposed location is the best for this property. Mr. Gallipeau questioned the shed and Mr. Petro stated that he does not want to get rid of it as he paid for it and could fill it. He said he has 1 farm tractor, 2 snow mobiles, a log splitter, two wheel borrows, a plow etc. in the shed. Mr. Petro also stated that he has property in New York state and he

tows things back and forth. Mr. Petro also stated that he has 5 more years to go before he moves to New York State. Mr. Petro stated that his shed is 12 years old. \

Ms. Rader questioned the height of the barn in that the equipment is low so if this is one story then why does it need to be so tall. The proposed height is 21' with a 3' to 4' copula. There were no markings to see the height however Mr. Petro stated that the tree to the right was approximately 17' so if you added another 8' to that you should be able to visualize this. He said it is not as high as the house.

Neighbor Osborne stated that he helped lay this out for Mr. Petro and that he has built a lot of these barns. Mr. Osborne stated that Mr. Petro went to a lot of expense to make this barn harmonize with the house and to not look like a barn.

Mr. Petro stated that in the future he could use a bigger space as he likes to restore farm tractors as a hobby. At this point in time, this proposed building is sized for his needs.

Exhibit A5 – Building schematics dated April 1, 2013

Mr. Petro stated that he has the certified truss information for a building permit.

After some additional discussion there were no more questions from the board to the applicant. Attorney Bolig spoke with the board. He reminded the board that the applicant needs to show the positive and the negative criteria. There were two neighbors present. There is no impact on the zoning ordinance. The allowable square footage is 1000 and this proposed barn is going to be bigger. That was the negative criteria. The positive side is that the applicant has the burden to show not just the private needs to storing “toys” but that this improves the property visually and makes for a better sale of the property. Mr. Petro did not want to have more impervious coverage. Engineer Martucci is satisfied with not disturbing the riparian buffer. The board can grant this request or they can request a change of size. They can put conditions into a resolution. This structure is not to be used for commercial use and the board could ask for other structures to be removed. The DEP permit would be a condition with the understanding that if the applicant does not get a DEP permit and unless they appeal to the state then they would not be able to erect the barn. The applicant has agreed that only one trailer would be outside and this trailer would not be visible from the street.

Conditions discussed by Attorney Bolig, Engineer Martucci and the Board members: certificate of occupancy 18 months form completion, to be built like exhibit A5, not for commercial use, no storing of commercial equipment, approval of all governmental agencies, Needs DEP determination before a zoning permit is giving and all other standard conditions of the Board of Adjustment Resolutions.

After much discussion on the request to remove the shed, a motion was made by William Martin and seconded by Les Gallipeau to approve this application with conditions discussed by Attorney Bolig. At a roll call vote, all present were in favor of the motion with the exception of Laura Burke who requested the removal of the shed. Motion carried. Attorney Bolig will prepare a resolution and the board will memorialize it at the June meeting, if members are present.

### **Resolution**

There were no resolutions to be discussed.

### **Old Business**

There was no Old Business to be discussed.

### **New Business:**

There was no New Business to be discussed.

### **Public Comment**

There were no members of the public present.

William Martin made a motion to adjourn. Motion carried.

Meeting ended at 8:45 p.m.

Respectfully submitted,

*Maria Elena Jennette Kozak*

Maria Elena Jennette Kozak

Secretary