

**Holland Township Board of Adjustment**  
**Regular Meeting**  
**Minutes of the June 26, 2013**

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

“I call to order the June 26, 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:** Ginger Crawford, Bill Ethem, Les Gallipeau, Peter Kanakaris, William Martin, and Gail Rader Todd Bolig, Esq., and Maria Elena Jennette Kozak, Secretary.

In consultation with Chairman Crawford and Attorney Bolig, board professionals Lucille Grozinski, CSR, Rob Martucci, Engineer, and Elizabeth McKenzie, Planner were requested not to attend the scheduled meeting. All are excused.

**Absent:** Wilson “Bo” Baker, Jerry Bowers, and Laura Burke.

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 May 29, 2013 and to approve as submitted. All Present were in favor with the exception of Peter Kanakaris who abstained. Motion carried. All were in favor of the motion.

**Completeness**

There were no applications to review for completeness.

**Public Hearing**

There was not a Public Hearing scheduled.

**Resolution**

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. Deemed complete May 29, 2013. Public Hearing held May 29, 2013. Application approved with conditions May 29, 2013.

Chairman Crawford read the submitted proposed resolution as follows:

**THE ZONING BOARD OF ADJUSTMENT  
OF THE TOWNSHIP OF HOLLAND**

**RESOLUTION REGARDING THE APPLICATION  
FOR A VARIANCE FOR BLOCK 6, LOT 48.02,  
KNOWN AS 211 SPRING MILLS ROAD,  
BY APPLICANTS KATHLEEN & MARK PETRO**

-----  
WHEREAS, Kathleen and Mark Petro (the “Applicants”) have applied to the Holland Township Board of Adjustment for relief pursuant to *N.J.S.A. 40:55D-70c(2)*;

WHEREAS, the Applicants are the title owners of Block 6, Lot 48.02, commonly known as 211 Spring Mills Road, in the Township of Holland, County of Hunterdon, State of New Jersey (the “Subject Property”) which is situate in Holland Township’s Residential “R-5” zone;

WHEREAS, the Applicants seek variance relief from §100-45(B)(3) of the Township of Holland Zoning Ordinances as Applicants propose to build an accessory structure having dimensions of 36' by 40' or 1,440 square feet;

WHEREAS, in the R-5 zone, §100-45(B)(3) permits an accessory structure to have a maximum gross floor area of not more than 1,000 square feet;

WHEREAS, the application dated April 1, 2013, was filed on or about April 2, 2013 (the "Application") and was the subject of a two completeness hearings on April 24, 2013 and on May 29, 2013;

WHEREAS, on Wednesday, May 29, 2013, the Application was deemed complete; and

WHEREAS, on Wednesday, May 29, 2013, the Application was opened for a public hearing at which time appeared the Applicants Kathleen and Mark Petro;

WHEREAS, the following **Exhibits** were submitted and moved into evidence:

- A-1 Application for Variance, dated April 1, 2013, and filed as of April 2, 2013, including the following: Application Certifications; Certification of Ownership; Site Walk Authorization; Escrow Replenishment Agreement; Section "H" Board of Adjustment Checklist for Determining Completeness; Holland Township Tax Collector's Certified List of Property Owners dated March 19, 2013; Holland Township Tax Collector's letter dated March 19, 2013 referencing the Subject Property's current property tax status; and letter dated March 12, 2013 from Holland Township's Zoning Officer to Applicants denying the issuance of a building permit; and
- A-2 Proof of Service / Publication Package including Affidavit of Publication dated May 17, 2013 in the *Hunterdon County Democrat*, Affidavit of Service signed by Applicant Mark Petro dated May 29, 2013, and Proof of certified / return receipt requested receipts for all public utilities and property owners within 200' of the Subject Property;
- A-3
  - (a) Elevated color photograph of parking pad showing marked dimensions of proposed structure, potential contents of structure and additional storage structure to rear of subject lot;
  - (b)-(d) Ground level color photographs showing trucks, atvs, and tractors;
  - (e) Ground level color photograph showing Applicant's garage containing one vehicle per garage bay;

- A-4 Location survey prepared by George A. Sniffin, P.L.S., dated May 2, 2013; and
- A-5 Three pages of schematic diagrams prepared by Graber Supply, LLC, dated April 1, 2013, depicting proposed structure's dimensions and construction details.

WHEREAS, all jurisdictional requirements have been satisfied by the Applicants;

WHEREAS, the Board of Adjustment of Holland Township having reviewed the exhibits submitted by the Applicants, and the Board having heard and considered the evidence and testimony given by the Applicants, and from the public in attendance, and the Board having heard from the Township's professionals, Robert Martucci, P.E., and Todd L. Bolig, Esq., with respect to the Application, the Board made the following **findings of fact**:

1. The Board had jurisdiction to proceed as all necessary notices were timely served and published in accordance with law;
2. All taxes for the Subject Property have been paid;
3. Application fees were paid and review escrows established;
4. The Application has been deemed complete;
5. **Mark Petro**, co-Applicant, after being duly sworn according to law, testified that:
  - A. Applicant and his wife, Kathleen, are the title owners of the Subject Property;
  - B. The Subject Property is a pre-existing lot with a single family residence with an attached two-bay garage and a detached storage shed existing thereon;
  - C. The Subject Property is approximately 3.711 acres in size and is located in the R-5 Zone of the Township of Holland;
  - D. The Applicants seek to construct a stand-alone, single-story accessory structure having dimensions of thirty-six feet (36') in depth by forty feet (40') in width with a height not to exceed twenty-five feet, four inches (25' 4") above ground level;
  - E. Mr. Petro desires to put all of his self-described "toys" including 4 cars, 2 tractors, and various four-wheelers inside of the proposed structure which shall also contain sufficient space to permit a work area containing a workbench for Mr. Petro;
  - F. Mr. Petro indicated that he intends to install electrical service to the proposed structure but will not require any water service as there will be no bathroom or any other facility requiring water;
  - G. Mr. Petro indicated that the existing shed to the rear of the Subject Property is also currently used for storage and contains 2 snowmobiles, 2 wheelbarrows, a log splitter, an old plow, four-wheelers, and miscellaneous gardening equipment;

- H. Mr. Petro stated that the proposed structure shall have metal siding and a metal roof. The structure shall be painted a “cream” color to match that of the house while the roof shall be constructed of green metal. The roof shall be of a “salt-box” design as depicted on Applicant’s Exhibit A-5;
  - I. The proposed structure shall have carriage-style garage doors. Mr. Petro stated that the current garage doors to their house would be replaced with garage doors similar to that intended for the proposed structure in order to maintain a uniform look for the buildings on the Subject Property;
  - J. Mr. Petro indicated that the building will have only one story with no second floor for storage;
  - K. Mr. Petro indicated that he selected the size of the proposed structure in order to fully accommodate all of the various vehicles, gardening equipment, four-wheelers, and tractors that he owns so that no item would have to be stored outside;
  - L. Mr. Petro testified that he chose the location presented, despite having additional, possible locations on his property in which to construct the property for two reasons: The first is to minimize the amount of additional impervious coverage that would be necessitated had he chosen a site further to the rear of their property which would be a greater distance from the entrance to their property from Spring Mills-Little York Road. The second reason was to take advantage of the existing paved area which abuts the proposed location of the structure which, again, would not require any soil disturbance and would be cheaper in that no further paving would be needed;
  - M. Mr. Petro testified that much of the property is subject to, and constrained by, a 300’ riparian zone. Mr. Petro testified that the proposed site of the structure has been previously disturbed and therefore has less negative impact than would be choosing another location on the Subject Property and having to potentially disturb areas presently un-disturbed; and
  - N. Mr. Petro testified that the Applicants would not utilize the proposed accessory structure for any commercial or business enterprise or purpose but solely for personal purposes.
6. The Application was opened to the public in attendance for the purpose of eliciting testimony from the Applicants, and or commenting upon the Application, and which testimony is part of the record in this matter:

A. **Bob Osborne**, 201 Spring Mills-Little York Road, Holland Township, after being duly sworn according to law, testified that:

1. Mr. Osborne's property is to the left of the Applicants' Subject Property. He testified that the Subject Property is well maintained and that Mr. Osborne's neighboring property as well as those properties of the surrounding neighbors would benefit from the fact that the Applicants could enclose all of their vehicles and toys within a structure outside the view of neighboring property owners. He endorsed the grant of the variance relief as presented and sought by the Applicants.

B. **Fred Thorpe**, 210 Spring Mills-Little York Road, Holland Township, after being duly sworn according to law, testified that:

1. Mr. Thorpe's property is directly across Spring Mills-Little York Road from the Applicants' Subject Property. Mr. Thorpe also testified that the Subject Property is extremely well maintained and that there are occasions where Mr. Thorpe sees the vehicles, four-wheelers and tractors of Mr. Petro stored outside. Mr. Thorpe indicated that he also had a structure of approximately 24' by 36' and that he wished his was bigger for all of his various items. Mr. Thorpe did not see any detriment to the grant of the proposed variance and endorsed the grant of the variance relief as presented and sought by the Applicants without reservation.

WHEREAS, the Board of Adjustment of Holland Township reviewed the exhibits submitted by the Applicants and the Board has heard and considered the evidence and testimony given by the Applicants, members of the Public, and the Board having heard from the Township's professionals with respect to the Application, the Board makes the following **Conclusions of Law**:

1. The Board of Adjustment of Holland Township has jurisdiction in this matter with all required parties having been properly noticed in accordance with law;
2. Pursuant to the Holland Township Land Use Ordinance §100-45(B)(3), and in conjunction with the Applicants' lot size of 3.711 acres, a permitted accessory structure may have a maximum gross floor area not exceeding 1,000 square feet;
3. The Applicants' proposed structure, with dimensions of 36' by 40', exceeds the maximum gross floor area of 1,000 feet by 440 feet thereby requiring variance relief from §100-45(B)(3) from the Holland Township Land Use Ordinance;

4. The entire proposed structure will be located within the building envelope and will conform in all respects with the requirements of the Holland Township Land Use Ordinances except for its size;
5. The Board, having heard from two adjoining property owners who endorsed the Application's relief as sought, and having no member of the public testifying in opposition to the Application, did not find any substantial detriment to the public good;
6. Whereby the gross floor area of the proposed structure as sought by the Applicants significantly exceeds that permitted by Holland Township's Land Use Ordinance, there are benefits to both the community and to the Applicants in that the grant of this variance, with its attendant conditions, enables the Township to promote and further sound public policies by encouraging: (a) the construction of structures which shall enclose vehicles and other items customarily stored outside in view of the public and neighboring properties; (b) the construction of structures in locations which least disturb or which have the least negative impact upon the environment, protected waterways and / or riparian zones; and (c) the construction of structures in a manner which is aesthetically pleasing for adjoining property owners and the community-at-large. These benefits substantially outweigh any detriments that may occur as a result of the granting of the requested relief; and
7. The Board found that the requested relief can be granted without substantially impairing either the intent or purpose of the Township's zone plan or the Township's ordinances.

WHEREAS, on May 29, 2013, the Board of Adjustment of Holland Township voted with respect to Applicants' Application and attendant requested relief as follows:

1. **TO GRANT THE FOLLOWING VARIANCE:**

- A. Variance from §100-45 of the Holland Township Land Use Ordinance to permit the construction of an accessory structure in the form of a single story structure with a "salt-box" roof;

2. **SUBJECT TO THE FOLLOWING CONDITIONS:**

- A. The proposed stand-alone, single-story accessory structure shall have dimensions not to exceed 1,440 square feet or thirty-six feet (36') in depth by forty feet (40') in width with a height not to exceed twenty-five feet, four inches (25' 4") above ground level;
- B. The installation of electrical service is permitted;
- C. The installation of water and natural gas services to the structure is prohibited;
- D. The installation of bathroom, kitchen or other living accommodations or facilities within the structure is prohibited;

- E. That no commercial or business enterprise(s) be conducted at or within the garage structure, and that the structure not be utilized to store, shelter or repair any vehicle(s), equipment, and / or items utilized by any commercial or business enterprise;
- F. Applicants shall build the accessory structure in an architectural manner similar to that indicated by Applicants' A-5, and shall paint and / or side the garage structure either in a manner similar to that found on the existing residence located on the Subject Property or in a manner which complements said existing residential structure;
- G. That construction of the proposed structure shall be completed no later than eighteen months (18) months from the date of Adoption of this Resolution, with completion of construction being evidenced by the Township's issuance of a final certificate of occupancy;
- H. Failure to obtain a final certificate of occupancy within eighteen months (18) months from the date of Adoption of this Resolution shall result in a lapse of the within approval;
- I. Applicants may apply for an extension of the within approval, as is necessary, prior to the date upon which this approval shall lapse;
- J. Applicants shall apply for and obtain any and all local, county, state and federal permits and other outside agency approvals, or applicability determinations with regards to the Riparian Zone Disturbance, as may be required for any aspect of the construction as contemplated by this Application;
- K. Applicants shall comply with all other present rules and regulations; the effect of this decision being merely to relax the requirements or restrictions as set forth herein;
- L. The Applicants shall comply with any and all recommendations set forth in any reviews prepared by the municipal professionals in connection with this Application;
- M. That Applicants shall pay all required review, inspection fees and professional fees to the Township of Holland prior to the issuance of a building permit;
- N. The approval herein memorialized shall not constitute, nor be construed to constitute any approval, direct or indirect, of any aspect of a Site Plan, or its improvements, which are subject to third party agency review or jurisdiction, and which requires approvals by any third party agencies or other governmental bodies; and

- O. The terms and conditions of this approval shall be binding upon the Applicants, and the Applicants' successors in interest and assigns. Further, each of the terms and conditions of this approval are material elements of the approval based upon the submission of the Application and the property in its entirety, and the non-compliance with any term or condition by the Applicants or their successors or assigns shall be deemed a material default subjecting the Application to revocation of this approval. The request to change any single condition, since all conditions are integrally related, shall open the entire Application to the Board of Adjustment for re-consideration, possible re-approval subject to new terms and conditions in addition to those terms and conditions presently existing in this approval.

**ROLL CALL VOTE**

<b>Board Member</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent/Ineligible</b>
Wilson "Bo" Baker						X
Jerry Bowers			X			
Laura Burke				X		
Ginger Crawford			X			
Bill Ethem			X			
Les Gallipeau		X	X			
Peter Kanakaris						X
William Martin	X		X			
Gail Rader			X			

**Motion Carried By Vote of: Six Ayes to One Nay**

**THIS RESOLUTION OF THE BOARD IS ADOPTED ON JUNE 26, 2013**

**ROLL CALL VOTE**

<b>Board Member</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent/Ineligible</b>
Wilson "Bo" Baker						X
Jerry Bowers						
Laura Burke						X
Ginger Crawford						
Bill Ethem						
Les Gallipeau						
Peter Kanakaris						X
William Martin						
Gail Rader						

**Motion Carried By Vote of:**

ATTEST:

\_\_\_\_\_  
 Maria Elena Jeanette Kozak, Secretary  
 Township of Holland Board of Adjustment

\_\_\_\_\_  
 Ginger Crawford, Chairperson  
 Township of Holland Board of Adjustment

All present had time to review the proposed resolution. A motion was made by Les Gallipeau and seconded by Bill Ethem to approved the resolution as read into record. At a Roll call vote all present were in favor of the motion with the exception of Peter Kanakaris who abstained. Motion carried.

**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 with the exception of Applicant Kathy Petro who thanked the board for their time.

Les Gallipeau made a motion to adjourn. Motion carried.

Meeting ended at 7:40 p.m.

Respectfully submitted,

*Maria Elena Jennette Kozak*

Maria Elena Jennette Kozak

Secretary