

Holland Township Planning Board

Minutes of the Regular Meeting

March 11, 2013

The meeting was called to order by the Vice-Chairman Keady:

“I call to order the March 11, 2013 Meeting of the Holland Township Planning Board. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board Secretary in 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

Vice Chairman Keady asked all to stand for the Pledge of Allegiance

Appointments and Reappointments

Carl Molter – Class IV Member for a four year term 12/31/16, Dave Grossmueller – Class IV for a four year term 12/31/16 and Michael Miller – Alt. #1 for a term of 12/31/13. Mayor Dan Bush administered the Oath of Office. Paperwork was signed and given to Secretary Kozak. Congratulations were extended to all.

Identification of those at the podium

Present: Dan Bush, Susan Grimshaw, Dave Grossmueller, Michael Keady, Michael Miller, Carl Molter, Dan Rader, Thomas Scheibener, Laura Souders, Melissa Tigar, William Burr, P.E., Engineer, Elizabeth McKenzie, Planner, Court Reporter Susan Berber (for Court Reporter Lucille Grozinski, CSR) , and Maria Elena Jennette Kozak, Secretary.

Excused Absent: Dan Rader, and Don Morrow, Esq.,

Let the record show there is a quorum.

Minutes

A motion was made by Tom Scheibener and seconded by Laura Souders, to dispense with the reading of the January 14, 2013 minutes and approve them as distributed. All present were in favor, with the exception of Dan Bush who abstained. Motion approved.

Old Business:

Theresa P. Oliver – Block 2 Lot 4 – Bellis and Milford-Warren Glen Road (County Route 519) – Minor Subdivision application approved with conditions November 9, 2009. Requesting another 90-day extension to satisfy conditions. Secretary Kozak explained that she has been working with the applicant’s attorney and that the deeds have been reviewed by the board’s professionals and have been approved. A clean copy is to be brought to the municipal building and Chairman Keady, Secretary Kozak and Applicant Theresa Oliver are to sit down and sign all the documents. The Attorney’s office will then make sure all the documentation is together and will submit to the county for perfection of the deeds. A motion was made by Tom Scheibener and seconded by Laura Souders to grant another 90-day extension. All present were in favor. Motion carried.

New Business:

There is no new business to discuss at this time.

Completeness Review:

Huntington Knolls – Block 24 Lot 3 & 13 – Conversion Plan Phasing Map and Attorney Caldwell letter dated February 19, 2013 – Received into the office on February 21, 2013. The 45-day completeness review deadline is April 5, 2013. This will be discussed at the scheduled meeting of March 11, 2013 There will also be a discussion regarding the applicant’s request for a resolution endorsing what the Planning Board has approved for this project with a further request that the Township Committee also do a resolution for their endorsement of this project. The application for the Huntington Knolls project is part of the Holland Township Affordable Housing Plan, the Wastewater Management Plan and also on record with the Highlands Council. The project has been before Holland Township for over 10 years. All files are available – Please see the Planning Board Secretary to arrange a viewing time.

Mike Keady had to step down and recuse himself from this discussion. He left the meeting room and went down to the Office of the Secretary.

Vice Chairman for the Huntington Knolls Project Susan Grimshaw took over the meeting.

William Caldwell, attorney for the applicant was present. Board Planner Betsy McKenzie spoke about the board approved technical review meeting which took place. At that meeting, the applicant requested a resolution regarding the project and the applicant was told to present something. What Attorney Caldwell presented was in Ms. McKenzie’s opinion “over the top” and Ms. McKenzie responded to what was sent. Board Attorney Don Morrow also looked at what was prepared. Township Attorney Richard Cushing/Richard Dieterly also looked at this as the township is being asked to look into a similar resolution request. Let the record show that Mayor Bush DID NOT authorize that. No application has been submitted. There is NO formal application for a revised or amended site plan on file. There is no application to deem complete (Secretary Kozak put this on the agenda as there was question on how to interpret what was received).

Susan Grimshaw, Vice Chairman for the Huntington Knolls Project expressed her opinion that since Attorney Morrow was not present (Secretary Kozak explained that she spoke with him and he was sick with a stomach virus but was trying to be

present at the meeting) then she believes that this discussion needs to be tabled. Betsy McKenzie said she agreed however she also suggested that the discussion of the resolution takes place when an actual application is on file. Some additional discussion took place regarding the evolution of the resolution and the response prepared by Betsy McKenzie outlining the events which took place at the technical review meeting. The board approved meeting consisted of Chairman Rader, Secretary Kozak, Planner McKenzie, Engineer Roseberry, Attorney Morrow, Applicant's Attorney Caldwell, Applicant representatives: Vincent Jiovino, Emily Jiovino, Natasha Jiovino, and John Jiovino. The applicant's Engineer could not be present.

Betsy McKenzie reminded the board that nothing happens without approval of the board. There was no presumption that things would happen without the approval of the board. She also expressed her opinion that doing a resolution with the obligations to COAH and statutory obligations involved that the request of the applicant is fair.

Attorney Caldwell was surprised Attorney Morrow was not present but understood the situation. He explained his "over the top" request as being presented to bring everyone up to speed on the project. He was not agreeing nor disagreeing with the project but rather trying to present a chronological and factual order to the project. He expressed that he thought this benefitted all. Another discussion took place regarding the need for a set of comprehensive plan (a revised or amended site plan). Mr. Caldwell was willing to continue the discussion about a resolution but the board determined that did not want to proceed without legal counsel. Mayor Bush expressed his opinion that he does not think a resolution is necessary. All the documents that are already on file that support the project can be located and that these existing documents are more substantial than a resolution.

Betsy McKenzie said she received a telephone call from the Highlands Council regarding a meeting established between the Highlands Council and Huntington Knolls representatives. The meeting was requested by the Huntington Knolls (the applicant with a project before Holland Township). The Highlands Council thought it would be beneficial for Betsy McKenzie (the Holland Township Planner) to be present. Betsy McKenzie felt it was important for another representative of Holland Township to be present at that scheduled meeting. The fees for the time spent in attendance for the requested Highlands Council and Huntington Knolls project meeting would come out of the Holland Township Huntington Knolls escrow account. No one from the board was available to attend the meeting that was scheduled to take place Tuesday morning however the board was acceptable to authorizing Secretary Kozak to attend the meeting with Planner McKenzie. Attorney Caldwell stated that this was an example of the board not helping the applicant. The board is not willing to share the cost of the Highlands Council request and the applicant is not willing to assume the entire burden of the expenses. After more discussion it was decided that no one representing Holland Township would attend the meeting between Huntington Knolls and the Highlands Council. Susan Grimshaw expressed her dissatisfaction with the determination of a meeting and the lack of time the board had for consideration of attending the meeting.

At 8 pm the board took a recess. At 8:05 pm the meeting resumed with Mike Keady returning to the meeting.

Resolution

There were no resolutions to discuss at this time.

Public Hearings

There were no public hearings scheduled at this time.

Sub-Committee Status and Updates:

Mr. Keady stated that he attended a meeting at the Highlands Council along with Secretary Kozak. He then explained that another meeting took place with Planner McKenzie and Planner Mueller to review the Highlands Council meeting and to come up with a timeline for moving forward with Highlands Council Grant Tasks (examples are the ERI, the Mater Plan Element and the Land Use Inventory). There was a Highlands Council revision done to the master plan document and it will need to be reviewed against the Holland Township document which was approved by the Highlands Council when Holland Township moved forward with Plan Conformance. Budget conversations have also taken place as the Highlands Council is encouraging the towns to review the approved grants task items and to see if money needs to be moved within the grant tasks. This took some planning as to the specific needs for Holland Township and the professionals involved in accomplishing a task. Mr. Mueller (our Highlands Planner) is scheduled to meet with Keri Benscoter (our Highlands Council liaison) to discuss some questions raised from the Environmental Commission regarding the ERI which will help clarify if there are things missing within the proposed element. Once the Environmental Commission is satisfied with the document then the document will be recommended to the Planning Board. The Environmental Commission is advisory and the Planning Board will control the adoption process associated with the Master Plan and its Elements (chapters). The Planning Board will have a public hearing and then recommend to the Township Committee to pass an ordinance.

Public Comment

Ted Harwick – while he explained that he does not know anything about government business he asked if in reference in Huntington Knolls if this does not come to a good conclusion a good guess would be that it could go to litigation. He did not understand why minutes were not kept at the technical review meeting. Secretary Kozak explained that minutes are not usually kept at technical review meetings as they are often with the professionals to make sure things are on the same page but that no promises are made. This brought up more discussion about procedures and guidelines for meetings and the need to have notes so that the board members will then know what evolves at the meeting.

Miscellaneous

Mayor Bush wanted it on record that when the board took a break and he went to talk with Planner McKenzie that his conversation was NOT about the above mentioned project but about the potential of land acquisition.

Mike Miller – questioned procedures. He wanted to know if there was back up. Attorney Todd Bolig is the Planning Board Alternate Attorney. Mr. Miller explained that the board needs to protect itself and that you cannot just tell an applicant that they can come back next month. A committee should be appointed to develop board procedures. Secretary Kozak can send out an email as she handles that. Mr. Miller stated that he feels that the board would have been better served this evening if there was an attorney.

Executive Session

The board did not need to enter into executive session.

Adjournment

Thomas Scheibener made a motion to adjourn. Motion approved. The meeting ended at 8:30 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak
Secretary