

Holland Township Planning Board

Minutes of the Regular Meeting

November 11, 2013

The meeting was called to order by Chairman Rader:

“I call to order the November 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

Chairman Rader asked all to stand for the Pledge of Allegiance

Identification of those at the podium

Present: Dan Bush, Susan Grimshaw, Ken Grisewood, Dave Grossmueller, Michael Keady, Michael Miller, Carl Molter, Dan Rader, Thomas Scheibener, Laura Souders, Melissa Tigar, Duane Young, Don Morrow, Esq., Attorney, Richard Roseberry, P.E., Engineer, Elizabeth McKenzie, Planner (arrived 7:35 pm), Sue Barber for Court Reporter Lucille Grozinski, CSR, and Maria Elena Jennette Kozak, Secretary.

Excused Absent: Mike Miller

Let the record show there is a quorum.

Minutes

A motion was made by Mike Keady and seconded by Susan Grimshaw to dispense with the reading of the October 14, 2013 minutes and approve them as distributed. All present were in favor, with the exception of Dave Grossmueller who abstained. Motion approved.

Old Business:

Block 24 Lots 3 & 13 – Huntington Knolls LLC – Amended Site Plan Map(33 pages with a date of October 2013) and application forms received into the PB office November 1, 2013. The Stormwater Management System Hydrologic & Hydraulic Calculations report dated July 2013 received into the office on July 18, 2013. All information is on file. Carried from 101413 Agenda. Board discussion. The applicant requested a Public Hearing – see PUBLIC HEARING.

Let the record show that Ken Grisewood and Mike Keady recused themselves, left the room and were in the office of the planning board until they were requested to return to the meeting (see PUBLIC HEARING).

New Business:

There was no New Business.

Completeness Review:

There was not a completeness review schedule for discussion.

Resolution

There were no resolutions scheduled for discussion.

Public Hearings

Holland Township Highlands Council Master Plan Element (MPE) and Highlands Council Environmental Resource Inventory (ERI)– Planner Mike Mueller has been working with us and is present tonight. Mr. Mueller came forward to speak. Secretary Kozak presented Attorney Morrow with the proof of publication and notices to surrounding municipalities and the Hunterdon County Planning Board. The Holland Township Planning Board has jurisdiction. Mike Mueller explained how the models from the Highlands Council were used to prepare these documents and the Highlands Council has viewed the documents and approved the documents presented. Sections with in the MPE will help us move towards a regional master plan and tie together our master plan. The sub-committee of the Planning Board consisting of Dan Rader, Susan Grimshaw and Mike Keady worked on the MPE while the sub-committee of the Environmental Commission consisting of Jerry Bowers, Henry Gore and Mike Keady worked on the ERI. References to the Holland Township Natural Resource Inventory are in the ERI. Vice Chairman Keady explained that what is before the Planning Board is the first step in the process. Next year the other components such as ordinances, zoning maps and the land use inventory will be reviewed. There were no comments made from the board at this time. The floor was opened to the public for comment. Stacey Klusner – 319 Spring Garden Road – she questioned sewer service in relationship to her property. Mike Keady explained that that conversation relates to the Wastewater Management Plan and while that is a topic being discussed this is not what the public hearing is about. At this time there are no zoning changes taking place although the implication is that there will be in the future. No one else from the public had comments. A proposed resolution was read into record.

RESOLUTION OF THE HOLLAND TOWNSHIP PLANNING BOARD
ADOPTING THE HIGHLANDS ENVIRONMENTAL MASTER PLAN ELEMENT AND THE HIGHLANDS
ENVIRONMENTAL RESOURCE INVENTORY AS ELEMENTS OF AND AMENDMENTS TO THE HOLLAND
TOWNSHIP MASTER PLAN

WHEREAS, the Planning Board of the Township of Holland ("Planning Board") is a duly constituted body responsible for orderly development and planning in the Township of Holland; and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the Planning Board is empowered to prepare and adopt a master plan for the development of the Township; and

WHEREAS, the Township of Holland is located within the New Jersey Highlands Region and is therefore subject to the provisions of the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1, et seq., for those portions of the Township that lie within the Preservation Area of the Highlands Region; and

WHEREAS, the Township of Holland has opted into the Highlands Regional Master Plan, adopted by the Highlands Council on July 17, 2008 (effective September 8, 2008), for those portions of the Township that lie within the Planning Area of the Highlands Region and has determined to conform its municipal land use planning policies with the Highlands Regional Master Plan for both the Preservation Area and the Planning Area within the municipality; and

WHEREAS, the Planning Board now seeks to amend and supplement the Holland Township Master Plan, originally adopted on May 14, 2001, and thereafter amended and supplemented, by adopting the Highlands Environmental Master Plan Element and the Highlands Environmental Resource Inventory, both dated October, 2013, and jointly prepared by the New Jersey Highlands Council and the Township's Highlands Planner, Michael Mueller, P.P.; and

WHEREAS, the Highlands Environmental Master Plan Element and the Highlands Environmental Resource Inventory have been reviewed by the Planning Board and were the subject of a public hearing held pursuant to N.J.S.A. 40:55D-13 on November 11, 2013, at which hearing these documents were presented to the public, and members of the public were given an opportunity to ask questions and to comment on the proposed Highlands Environmental Master Plan Element and the Highlands Environmental Resource Inventory;

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Holland, as follows:

1. The Planning Board does hereby amend and supplement the Holland Township Master Plan by adopting the Highlands Environmental Master Plan Element and the Highlands Environmental Resource Inventory as additional Elements of the Holland Township Master Plan.
2. The Planning Board Secretary shall arrange for copies of the Highlands Environmental Master Plan Element and Highlands Environmental Resource Inventory as adopted on November 11, 2013, as well as a copy of this resolution, to be sent to the Hunterdon County Planning Board and to the Highlands Council, and a copy of this resolution shall also be sent to the clerks of each municipality adjoining the Township of Holland.
3. This resolution shall take effect immediately upon filing with the Hunterdon County Planning Board.

A motion was made by Mike Keady and seconded by Susan Grimshaw. At a roll call vote, all present were in favor. Motion carried.

Block 24 Lots 3 & 13 – Huntington Knolls LLC – Amended Site Plan Map(33 pages with a date of October 2013) and application forms received into the PB office November 1, 2013. The Stormwater Management System Hydrologic & Hydraulic Calculations report dated July 2013 received into the office on July 18, 2013. All information is on file. Carried from 101413 Agenda. Board discussion. The applicant requested a Public Hearing.

Let the record show that Ken Grisewood and Mike Keady recused themselves, left the room and were in the office of the planning board. Board Member Melissa Tigar mentioned that she is listed on the 200' list but has not owned that property for a while.

Applicant Attorney Caldwell was present. The proofs were presented to Board Attorney Morrow for review. The proof of publication was missing from the package but Mr. Caldwell said he saw it in the paper and produced an email as confirmation. Attorney Morrow said to send the proof to the PB secretary for the file. All present were in favor of this. Exhibit 1 – proofs a,b,c,d – waivers

Chairman Rader brought up the subject of escrow. Attorney Caldwell discussed a discrepancy with the Holland Township Ordinance and the replenishment request process. He interprets the ordinance to say once the escrow drops to 35% or below then the applicant needs to replenish the escrow. While they are close to that, they do not need to replenish at this time per our ordinance. The ordinance needs to be reviewed and secretary Kozak will work with all parties involved. Attorney Caldwell acknowledged that if the applicant falls short then he needs to be notified with a certified statement from the CFO and then the account will be replenished.

Attorney Caldwell stated that the applicant is not here for approval of a new application but they are here to discuss conditions of past approvals and how to move forward.

Witness #1 – The applicant's Engineer – Robert Zederbaum. Susan Barber swore him in. Attorney Morrow stated that he has used Engineer Zederbaum and has seen him appear before other boards as well as this board. The Planning Board accepted him as an expert witness.

Mr. Zederbaum stated that he got involved with this plan after the "Sarlo" bill conversion to help soften the environmental impacts.

Exhibit 2 – Plan approved with latest revision date of 090905

Exhibit 3 – Sheet from plans – page 4 phasing plan with revision date 103113

Mr. Zederbaum explained that the changes were at the request of the Department of Environmental Protection (DEP). The original roadway was straight off the road and required a culvert, a second crossing and the DEP suggested using the existing driveway adjacent to the bar which will create an “s” curve. This will require no additional stream crossing or drainage so its little disturbance from the front of the property.

Board member Scheibener asked if all the conditions of the 2011 resolution have been met. A discussion took place regarding how this public hearing should move forward. Engineer Roseberry stated that he thought there should be an overview and then discussion on the conditions so the board can see what is being proposed with it being obvious that the county will be involved. Mr. Zederbaum stated that the applicant wanted to show the board why changes were made to the old approval plan vs. what has been submitted in the hope that the board will grant approval thus addressing the conditions and proposed changes.

Planner McKenzie’s memo dated October 9, 2013 was discussed and included here as a reference:

MEMORANDUM

TO: Holland Township Planning Board
FROM: Elizabeth C. McKenzie, AICP, PP
DATE: October 9, 2013
SUBJECT: Review of Compliance with Prior Conditions of Approval, Huntington Knolls, Block 24, Lot 13

Introduction

The purpose of this memorandum is to comment on the recently submitted "Site Plan for Huntington Knolls", prepared by RBZ Enterprises, originally dated July, 2013 and Revised September, 2013. The purpose of the submission is to satisfy certain conditions of the approval granted by the Holland Township Planning Board on September 12, 2011, to convert the Huntington Knolls Planned Development from an age-restricted development to a non-age- restricted development.

The submission is accompanied by a letter from William Caldwell, Esquire, counsel to the applicant, and a checklist indicating requests for certain waivers of completeness requirements ordinarily applicable to a preliminary and final site plan submission.

There really is no completeness determination required for this submission, which has been made in response to a condition of the 2011 approval that the overall planned development plan map, approved preliminary and final site plans and phasing plan shall all be revised to reflect all map-related conditions of the prior approvals so that, going forward, the Board and the applicant have a common working set of maps reflecting the current status of this project in terms of what has and has not been approved. This requirement was intended to allow the Board to better evaluate the effects of any changes the applicant might propose to the previous approval(s).

Consequently, what the Board, with the assistance of its professionals, must do now is undertake a thorough evaluation of this most recent submission to determine if all of the map-related conditions of all of the prior approvals have, indeed, been shown on the plans and satisfied and if the current submission accurately reflects all relevant map-related terms of those prior approvals.

In addition, the applicant is requesting permission to modify both the site plan and the phasing plan for the development, in part so that he can construct an additional single-family dwelling in a portion of the site previously designated as open space within the development. There are other changes to the plans, as well, most notably the elimination of retail store space and the recreational building and the relocation and modification of proposed recreational facilities. These will be discussed in detail at the end of this report.

Preliminary Comments

The Board will recall that the applicant was previously permitted to subdivide off a portion of the original tract to construct a large farmette. That farmette was constructed and later sold to a "group home" provider.

To date, we have been given no information about the ***nature of the group home*** and its occupants and whether COAH requirements for special needs housing facilities are met by the facility, nor has it been confirmed that the subdivided lot (now known as Lot 13.01) that contains the group home ***continues to be part of the Huntington Knolls planned development*** and subject to all of the conditions of approval for the planned development. This lot was part of the tract originally included in the overall planned development approval. While this may not appear to be a mapping issue, it will have an impact on the number of affordable housing units that will need to be provided in the balance of the development, the phasing requirements for the construction of the additional affordable housing units needed, and calculations of open space, etc. ***Consequently, the provision of this information is a fundamental mapping issue.***

The September 12, 2011, resolution approving the conversion required the applicant to relocate the two buildings that are shown as containing COAH units, placing them further east on Claremont Road so that if the applicant decides to rent out the market units, the affordable units and market units can easily be interspersed with one another within the buildings and throughout the development as required by COAH's Rules (in a portion of the Rules that was not challenged and has not been invalidated by the Courts) without requiring a major change to the site plan. Should the applicant choose to sell the market units, then (and only then) can these two buildings be permitted to house only affordable units. The applicant was advised to move some market rate buildings down to the location shown now for the two COAH buildings and to move the two COAH buildings to a more integral location within the development, so that the applicant can, *(as he had requested to do)*, preserve his options with respect to the tenure of the market units, without *(as the Board was concerned)* creating a future violation of COAH's Rules. As the resolution notes, the applicant was advised that if, for future financing purposes, the two buildings containing only COAH units had to be on a separate, subdivided lot, this could still be accomplished, as long as the buildings had street frontage (the need for a separate lot would only arise if all of the market units were being sold and only the COAH units were being rented). At this point, the applicant still shows the COAH buildings in the exact same location where they were previously proposed. ***The Board was explicit in its resolution that these two buildings must be relocated as described above, and they have not been.***

The balance of this memorandum will review each of the conditions of the Board's September 12, 2011, approval and make a recommendation as to: a) whether the condition is map-related or not; and b) if map-related, as to whether the condition has been satisfied or not (or refer that determination to the Board's Engineer). The report will then proceed with an analysis of the site plan changes proposed and how these changes could affect the status of the prior approval(s), particularly with respect to the potential to engage the Highlands Council's jurisdiction. The report will conclude with specific recommendations based upon our understanding of the applicant's intentions for plan modifications.

Comments on Compliance with Map-Related Conditions

What follows is a recitation of each condition set forth in the September 12, 2011, resolution and after each (in capital letters) our recommendation as to whether the condition is applicable (map-related) and whether it has been satisfied or not:

1. A revised site plan for the entirety of the development shall be submitted to the Planning Board for approval, fully complying with the site plan requirements of the Holland Township Land Use Code. The revised site plan shall include all necessary submissions and exhibits showing the extent and nature of prior approvals granted by the Holland Township Planning Board for the Huntington Knolls development, and shall demonstrate full compliance with all requirements set forth at N.J.S.A. 52:27D-301, et seq., as amended through July 2, 2009 by P.L. 2009, Chapter 82 (the Sarlo bill). NOT SATISFIED FOR REASONS SET FORTH ELSEWHERE IN THIS MEMORANDUM.
2. The revised site plan shall be fully engineered and shall reflect all of the Board's additional conditions of approval for the conversion as more fully set forth hereinbelow. NOT SATISFIED FOR REASONS SET FORTH ELSEWHERE IN THIS MEMORANDUM. ALSO, ONLY PHASE 3 HAS BEEN ENGINEERED, PER PRIOR DISCUSSIONS WITH THE APPLICANT.
3. Revised architectural floor plans and elevations shall be submitted as part of the revised site plan - for both the townhouse and apartment buildings. These plans shall be fully dimensioned and labeled as to height, room sizes and the like, to allow for comparison to the previously approved architectural plans, which shall also be submitted. WE HAVE NOT SEEN ANY REVISED ARCHITECTURAL PLANS. SINCE THIS PROJECT HAS BEEN CONVERTED FROM AN AGE-RESTRICTED TO A NON-AGE-RESTRICTED DEVELOPMENT, IT WOULD BE DISINGENUOUS TO SUGGEST THAT PREVIOUSLY SUBMITTED ARCHITECTURAL PLANS ARE STILL APPLICABLE TO THE DEVELOPMENT.
4. The recreational facilities shown on Applicant's conversion concept plan were found by the Board to be insufficient for a non-age-restricted development. In response to these concerns, the Applicant agreed to double the amount of outdoor space to be utilized for recreational facilities and activities. Consequently, the revised site plan shall propose additional outdoor recreational facilities, which shall be subject to review and approval by the Planning Board. THE PLANS AS SUBMITTED HAVE NO CALCULATIONS OF THE AMOUNT OF OUTDOOR SPACE PROPOSED FOR ACTIVE RECREATION AS COMPARED TO WHAT WAS PREVIOUSLY PROPOSED, AND BOTH THE INDOOR RECREATIONAL FACILITY AND THE TENNIS AND BASKETBALL COURTS ARE NO LONGER SHOWN ON THE PLANS. THIS ITEM HAS NOT BEEN SATISFIED.
5. All proposed open space areas shall be at least as large in size and percentage of tract area to what was approved prior to the proposed conversion, although it is acknowledged that the configuration of the open space has been altered somewhat as a result of NJDEP reviews and approvals. All proposed open space areas, regardless of their future ownership, shall be shown on the plans, with calculations, and shall be subject to such conservation easements or permanent deed restrictions as may be required to effectuate the preservation of such open space as a condition of the revised site plan approval, and such conservation easements or deed restrictions shall reflect that no other use shall be permitted thereon except for those open space and recreational uses as may be expressly permitted pursuant to the revised site plan approval granted by the Planning Board. The conservation easements or deed restrictions shall run in favor of and be enforceable by both Holland Township and the Homeowners' Association established to own and maintain such open space. THE ZONING CALCULATIONS INCLUDED ON THE GRADING PLAN (SHEET 6 OF 27) DO NOT PROVIDE A COMPARISON BETWEEN THE ORIGINALLY APPROVED PLAN (WITH LOT 13.01 INCLUDED IN THE CALCULATIONS) AND THE PLAN APPROVED IN 2011 WITH LOT 13.01 EXCLUDED. ALSO, THE NOTE UNDERNEATH THE ZONING TABLE IS INCORRECT - IT REFERS TO LOT 13 - THIS SHOULD BE CHANGED TO LOT 13.01. THE APPLICANT MUST SUBMIT BOTH THE ORIGINALLY APPROVED ZONING COMPARISON TABLE AND THE MODIFIED ZONING COMPARISON TABLE RESULTING FROM THE APPROVAL OF THE SUBDIVISION AND CONVERSION PLAN SO THE BOARD CAN UNDERTAKE THE COMPARISON DESCRIBED IN THIS CONDITION. WHERE PERCENTAGES ARE GIVEN, IT IS RECOMMENDED THAT THE ACTUAL NUMBERS USED TO DERIVE THE PERCENTAGES BE PROVIDED, AS WELL. FURTHER, ALL AREAS THAT ARE PROPOSED OR REQUIRED TO BE PROTECTED WITH CONSERVATION EASEMENTS AND DEED RESTRICTIONS MUST BE DELINEATED ON THE PLAN, WITH METES AND BOUNDS AND NOTES AS TO THEIR PURPOSE(S).

6. The previously proposed 80 seat restaurant shall be eliminated from the plans, although the existing bar may continue to operate, as long as it is not expanded. THIS CONDITION HAS BEEN MET.

7. The Applicant, in presentations to the Board, has proposed a total of 128 residential units, consisting of 106 2 bedroom market rate units, 4 1 bedroom affordable units, 12 2 bedroom affordable units, 4 3 bedroom affordable units and 2 special needs homes. In addition, the plan presented includes a total of 13,500 square feet (gross) of retail buildings. As required by law, at least 20% of the total number of dwelling units in a conversion (in this case, 25.6 units) shall be affordable to low and moderate income households in full compliance with COAH's requirements. Applicant proposes to address this requirement with up to six (6) special needs bedrooms and with 20 (or more, if need be) rental apartments available to the general public. All of the affordable units shall comply with all requirements set forth at N.J.A.C. 5:97-1, et seq., N.J.A.C. 5:80-26.1, et seq., and the Fair Housing Act, as amended through July 2, 2009. Some, but not all, of these requirements are set forth on pages 4 and 5 of the September 28, 2010, McKenzie memo, which memo is appended hereto. SEE DISCUSSION OF THIS ISSUE IN OUR PRELIMINARY COMMENTS ABOVE.

8. Should the special needs bedrooms not materialize or should they not qualify for affordable housing crediting, the applicant is required to provide 6 additional affordable units available to the general public within the balance of the development. In light of the fact that the calculation of the 20% affordable housing obligation yields 25.6 affordable units, Applicant shall have the option of either providing the fractional unit via a pro-rated in lieu contribution into the Township's affordable housing trust fund or providing one additional affordable unit (and one less market unit) within the development. AGAIN, PLEASE REFER TO THE DISCUSSION OF THIS ISSUE IN OUR PRELIMINARY COMMENTS ABOVE.

9. It has been represented by Applicant that all of the non-special needs affordable units will also be rental units. On the assumption that all of the market units will be for sale, and only the affordable units will be rented, Applicant has segregated the affordable rental units into two ten-unit garden apartment buildings, both to be located in the westernmost corner of the site. The revised site plan may continue to indicate one or more separate buildings for rental apartments within the development, however, such buildings shall be relocated to a more internal part of the development that could still be subdivided off, if need be, to accommodate financing. The buildings shall be designed and constructed in a manner so as to appear from the exterior to be similar to the buildings containing townhouse units and shall be placed where their occupants will have equal access to all of the same amenities as the market units, as required by COAH's Rules. If all of the market units are going to be sold, and all of the affordable units will be rented, then all of the affordable units may be located within the separate rental apartment buildings and a lot or lots may be subdivided around them. However, if Applicant determines, prior to the issuance of a construction permit for either of the buildings containing the affordable units, that some or all of the market units will indeed be rental units, then provision shall be made to intersperse the affordable units and the market units throughout the site, such that some of the rental apartments will become market units and some of the rental townhouse units will become affordable units (or will be divided into flats to accommodate their becoming affordable units, provided there is no increase in the overall number of dwelling units permitted to be constructed on the site). In any case, the precise location, size (bedroom distribution), utility systems, provisions for accessibility and other characteristics of the affordable units in the development shall be fixed in accordance with this paragraph and reviewed and approved by the Planning Board or its designee prior to the issuance of a Construction Permit for the first rental apartment building and prior to the issuance of COs for the first 10% of the market units in the development, whichever occurs first. AGAIN, SEE DISCUSSION OF THIS ISSUE IN OUR PRELIMINARY COMMENTS ABOVE. IT IS NOTED THAT THE CURRENTLY PROPOSED PHASING PLAN WILL NOT ENABLE THE APPLICANT TO COMPLY WITH COAH'S PHASING REQUIREMENTS FOR THE CONSTRUCTION OF THE AFFORDABLE UNITS. THE PHASING PLAN MUST BE ADJUSTED TO SATISFY COAH'S REQUIREMENTS. APPROVAL OF THE PHASING PLAN AS PROPOSED IS NOT RECOMMENDED.

10. Any separate lot(s) created for the proposed special needs housing facility(ies) shall be provided with improved driveway access to a public or private roadway and shall be provided with sewer, water, gas (if applicable), telephone, cable TV (if applicable) and electric lines, with adequate sewage treatment capacity and water supply reserved for the special needs housing facility(ies) by Applicant out of Applicant's project allocations. Said lot(s) shall also be deed restricted to the extent necessary to ensure that said lot(s) remain(s) part of the overall planned development for the entirety of the tract and is/are therefore part and parcel of the requirements for open space, affordable housing and recreation, to the extent approved by the Planning Board. All such deed restrictions shall be reviewed by the Planning Board and Township Attorney to ensure full compliance with the intent of this paragraph and N.J.S.A. 40:55D-45.e. IT HAS BEEN DIFFICULT TO INTERPRET THE DEEDS RELATING TO THE SUBDIVISION OF LOT 13.01, WHICH NOW CONTAINS THE GROUP HOME, IN PART BECAUSE OF THE CONFUSION RELATING TO THE ASSIGNMENT OF LOT NUMBERS TO THE NEW LOT AND THE REMAINDER LOT. I WOULD RECOMMEND THAT COUNSEL FOR THE APPLICANT PROVIDE A LEGAL MEMORANDUM CLARIFYING HOW THE DEEDS SHOULD BE INTERPRETED. IT IS NOT KNOWN WHETHER THE FILED DEEDS WERE EVER SUBMITTED TO MR. MORROW FOR HIS REVIEW PRIOR TO FILING.

11. A landscaping plan shall be prepared and certified by a landscape architect. Species selected to be planted shall be deer resistant, non-invasive and viable where proposed to be planted. THIS ISSUE HAS NOT BEEN SUFFICIENTLY ADDRESSED. THE LANDSCAPING PLAN HAS NOT BEEN PREPARED BY A LANDSCAPE ARCHITECT. UPON THE CERTIFICATION OF A LANDSCAPING PLAN BY A LANDSCAPE ARCHITECT, WE WILL UNDERTAKE A REVIEW OF IT.

IT HAD ALSO BEEN MY UNDERSTANDING THAT THE APPLICANT HAD INTENDED TO MODIFY THE ORIGINALLY APPROVED LANDSCAPING PLAN TO ELIMINATE SOME BUFFER AREAS. THERE IS NO INFORMATION ON THE PLANS THAT IDENTIFIES THE PROPOSED CHANGES TO THE ORIGINALLY APPROVED LANDSCAPING PLANS. THE BOARD SHOULD BE PROVIDED WITH A MAPPED COMPARISON OF WHAT HAD BEEN APPROVED AND WHAT IS PROPOSED TO BE ELIMINATED NOW.

12. All detention basins shall be landscaped to screen and soften the impact of the land disturbance involved in their creation. A plan for the detention basin plantings shall be submitted to and approved by the Board as part of the landscaping plan described in paragraph 11. above. THE

LANDSCAPING PLAN WAS NOT PREPARED BY A LANDSCAPE ARCHITECT. DETENTION AREA PLANTING IS SHOWN, HOWEVER. UPON THE CERTIFICATION OF A LANDSCAPING PLAN BY A LANDSCAPE ARCHITECT, WE WILL UNDERTAKE A REVIEW OF IT.

13. The revised site plan shall indicate that the lighting fixtures to be used along the streets within the development shall be the Sternberg Old Town, Model A850, with Augusta, Model 4200, poles, or their approved equivalent, and that the Old Town lighting fixtures shall be furnished with Sternberg "NightSky" optical systems to reduce the potential for sky glow and glare. Notes on the plan shall indicate: 1) that the wattage of the lighting fixtures shall be reduced by Applicant upon request of the Planning Board based upon the Board's finding that the lighting given off by such fixtures is unnecessarily bright or causes glare or skyglow at any time after the fixtures are installed and operational; and 2) that none of the proposed outdoor recreational areas or facilities shall be lighted for night play. IT APPEARS THAT THIS REQUIREMENT HAS BEEN MET IN TERMS OF THE TYPES OF FIXTURES, BUT THE REQUESTED NOTES ON THE PLAN ARE MISSING.

14. The revised site plan shall show the water system serving the development to be looped in accordance with RSIS standards (N.J.A.C. 5:21-1, *et seq.*) and to have adequate water storage for fire fighting purposes. All required approvals and permits for the potable and fire fighting water service systems shall be obtained from the NJDEP, from Aqua New Jersey, Inc., or its successor, and from the Holland Township Fire Chief. Applicant shall be required, beginning with the issuance of the first Certificate of Occupancy for a dwelling unit in the development, to provide the Township Engineer with evidence of monthly water usage rates (in gpd) based upon metered usage. This requirement shall continue until the Board has granted final approval for the last phase of the planned development. THIS IS AN ENGINEERING ISSUE. MR. ROSEBERRY HAS INDICATED IN HIS MEMO THAT THE WATER SYSTEM PLAN HAS NOT BEEN SUBMITTED.

The water budget limitations contained in the resolution dated, May 12, 2003, shall not be exceeded. NOT ENOUGH INFORMATION HAS BEEN SUBMITTED TO ALLOW US TO MAKE THIS DETERMINATION.

15. With the exception of a Certificate of Occupancy for a second group home on Lot 13.01, no Certificate of Occupancy shall be issued for any dwelling unit not already having a Certificate of Occupancy as of the date of adoption of this resolution until Claremont Drive is complete, meaning fully constructed as defined at Section 100-151 G. of the Land Use Ordinance. No Certificate of Occupancy shall be issued for any building not already having a Certificate of Occupancy as of the date of adoption of this resolution until all essential site improvements for that building have been completed to the satisfaction of the Township Engineer. ANY DEVIATION FROM THIS CONDITION WILL REQUIRE AN AMENDMENT TO THE CONDITIONS OF THE PRIOR APPROVAL, WHICH WILL, IN TURN, REQUIRE A PUBLIC HEARING. A VARIANCE MAY BE NEEDED TO REMOVE THIS CONDITION, AS WELL, SINCE IT IS BASED ON A REQUIREMENT OF THE ORDINANCE.

16. All required and approved perimeter buffer planting areas shall be installed during the initial phase of construction. Such installation shall be completed and inspected for compliance with the requirements of the Ordinance and the Planning Board's May 12, 2003, resolution of approval before the issuance of the first Certificate of Occupancy for any dwelling in the development. THE RESOLUTION OF THIS ISSUE DEPENDS UPON THE BOARD'S APPROVAL OF A REVISED LANDSCAPING PLAN. IF THE BOARD APPROVES A REVISED LANDSCAPING PLAN (PREPARED AND CERTIFIED BY A LANDSCAPE ARCHITECT) WITH REDUCED OR NO BUFFER PLANTING AREAS, THEN IT NEEDS TO AMEND ITS PRIOR RESOLUTION OF APPROVAL TO REMOVE THIS CONDITION. THIS WOULD REQUIRE A PUBLIC HEARING.

17. All areas that will be disturbed for construction shall, upon completion of that portion of the development, be graded to meet the grades of the surrounding undisturbed areas and shall be planted as an open lawn area with an approved turf mix or sod over an appropriate layer of topsoil. THIS IS NOT A MAP-RELATED CONDITION.

18. Once approved, any substantial architectural changes to the exterior appearance of any of the various buildings from the architectural elevations approved by the Planning Board must be submitted to the Planning Board for approval, with the term "substantial" referring to changes in roofline, fenestration placement or style, building materials and colors. Otherwise the buildings shall be required to maintain the general appearance reflected on the architectural elevations approved by the Board in June of 2006. THIS IS NOT A MAP-RELATED CONDITION.

19. To the extent that any of the approvals of the project include de minimis exceptions from any of the standards set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21, *et seq.*), the Applicant shall have the obligation to notify the Commissioner of the Department of Community Affairs of the approval of such exceptions pursuant to N.J.A.C. 5:21-3.1 and 5:21-3.6, respectively. THIS IS NOT A MAP-RELATED CONDITION. AT THIS POINT, I AM UNAWARE OF ANY PROPOSED DE MINIMIS EXCEPTIONS FROM THE RSIS.

20. The Applicant shall confirm with the Planning Board Secretary that all required property tax payments, application and escrow fees are current. All review and inspection escrow accounts shall be maintained with a positive balance by the developer. Upon a finding that the property taxes are overdue or upon depletion of the escrow account, no further reviews will be undertaken and no further inspections made until the account is brought up to a positive balance, and, if the site is under construction, a stop work order may be issued by the Township until the escrow account is brought up to a positive balance and all overdue property taxes have been paid. THIS IS NOT A MAP-RELATED CONDITION.

21. Preliminary documents addressing the reliability of the provisions for the ownership, maintenance and conservation of the open space in the development shall be submitted for review. These documents must be finalized and submitted to the Planning Board and reviewed by the Board's and Township's Attorneys and the Township Engineer before final site plan approval. Any subdivision and conveyance of land within the

area encompassed by the planned development prior to the approval and filing of such documents shall be accompanied by an appropriate deed restriction ensuring that the future owner of such land is subject to and bound by all terms and conditions of approval of the planned development, including the imposition of conservation easements and/or permanent deed restrictions, as needed. THIS IS NOT A MAP- RELATED CONDITION.

22. A set of proposed Homeowners' Association documents shall be submitted for review to the Planning Board, and shall be reviewed and approved by the Township Engineer, the Township Attorney and the Planning Board Attorney, including, but not necessarily limited to, the proposed By-Laws and Declarations of Covenants and Restrictions. If the property is to remain in single ownership, then the terms and conditions of the leases shall be similarly reviewed. These documents shall prohibit any use of garage space in a manner that precludes the storage and garaging of the number of passenger vehicles each garage is designed to accommodate, including a prohibition against the conversion of garage space to living space; shall prohibit the storage of boats and recreational vehicles within any portion of the development; and shall limit fireplaces, if provided within the dwelling units, to gas fueled or electric models. THIS IS NOT A MAP-RELATED CONDITION.

23. The Homeowners' Association documents shall reflect that the Homeowners' Association shall be responsible for the maintenance of all of the improvements proposed on all residentially developed portions of the planned development and of the open space within the planned development; for the maintenance of all roads within the development for the proposed storm water collection system, the sanitary sewage collection system, and the street lighting system; and for the maintenance of all landscaping and buffer areas, all exterior lighting, and the detention basins. All provisions for the maintenance of common and proprietary facilities within the development shall be subject to review and approval by the Planning Board, the Township Engineer and the Planning Board Attorney. THIS IS NOT A MAP-RELATED CONDITION.

24. Except to the extent that the terms and conditions set forth in the May 12, 2003, resolution and the June 12, 2006, resolution have been specifically modified or rendered moot by the terms and conditions set forth herein, the terms and conditions of the May 12, 2003, resolution and the terms and conditions of the June 12, 2006, resolution shall remain in full force and effect unless specifically modified or rendered moot by subsequent approvals granted by the Planning Board. This shall include compliance with items C., D., E., F. and G. of the Township Engineer's March 20, 2006, letter and compliance with items B.13 and B.18 in the Township Engineer's letter dated February 21, 2003, both of which were referenced in the prior resolutions of approval and both of which are appended hereto. THESE LETTERS SHOULD BE CHECKED BY THE BOARD'S CURRENT ENGINEER FOR ANY ADDITIONAL MAP-RELATED CONDITIONS THESE LETTERS MAY CONTAIN.

25. The comments regarding parking, sewer demand, water demand, RSIS compliance and stormwater management set forth in the February 8, 2011, Philkill Memo (appended hereto) shall be addressed in the preparation of the new site plan. THESE COMMENTS SHOULD BE CHECKED BY THE BOARD'S CURRENT ENGINEER FOR ANY ADDITIONAL MAP- RELATED CONDITIONS CONTAINED IN THE PHILKILL MEMO.

26. The following outside agency approvals are required to be granted, if they have not already been received, as a condition precedent to receipt of revised final site plan approval and also prior to the issuance of any Construction Permits:

- a. Hunterdon County Planning Board approval.
- b. New Jersey Department of Environmental Protection approvals, including (as applicable) a Letter of Interpretation, Freshwater Wetlands Permit(s), Stream Encroachment Permit, Sanitary Sewer Extension Permit, and Permit for the Construction of a Potable Water System.
- c. Approval of the proposed water supply, storage, and distribution system design and details by Aqua New Jersey, Inc., the NJDEP and the Holland Township Fire Chief.
- d. Hunterdon County Soil Conservation District certification of a Soil Erosion and Sediment Control Plan.

THIS IS NOT A MAP-RELATED CONDITION, EXCEPT TO THE EXTENT THAT ANY OF THE APPROVALS OBTAINED TO DATE MAY HAVE IMPACTED THE DESIGN AND LAYOUT THAT WAS ORIGINALLY APPROVED FOR THIS SITE. THIS SHOULD BE ADDRESSED IN TESTIMONY BY THE APPLICANT'S ENGINEER.

27. No lot or dwelling unit shall be conveyed unless and until all applicable deed restrictions, easements and covenants required anywhere in this resolution or in the Land Use Ordinance have been duly recorded or, in the alternative, that the lot or dwelling unit in question has been suitably deed restricted in recognition of its being part of a planned development and thereby subject to any such deed restrictions, easements and covenants that might be required by the Planning Board to ensure compliance with N.J.S.A. 40:55D-45. ALTHOUGH THIS IS NOT A MAP-RELATED CONDITION, COUNSEL TO THE APPLICANT SHOULD CONFIRM (PERHAPS AS PART OF THE LEGAL MEMORANDUM RECOMMENDED TO BE PREPARED IN RESPONSE TO CONDITION 10. ABOVE) THAT THIS IS THE CASE WITH RESPECT TO THE CONVEYANCE OF WHAT IS NOW LOT 13.01.

28. This resolution shall not take effect unless and until all outstanding professional review fees, escrow fees and taxes are paid up and Applicant's accounts are current. THIS IS NOT A MAP-RELATED CONDITION.

Following the list of conditions in the September 12, 2011, resolution is the statement that "the concept plan that was submitted by the applicant in support of the conversion is expressly not approved". This statement is an important direction to the applicant and indicates the Board's dissatisfaction with the plan modifications offered by the applicant at the time the application was made to convert the project from an age-restricted development to a non-age-restricted development. Those plan modifications had never been approved by the Board and were expressly not approved despite the Board's approval of the conversion.

In sum, there are a number of map-related conditions of the September 12, 2011, approval that are still not met.

Comments on Proposed Plan Modifications

The applicant and the Board need to work together with respect to any of the changes that have been made to the originally approved layout to make sure that this project will not have to be treated as a new site plan, which would fall under the jurisdiction of the Highlands Council (and would likely not be approved by them). Mr. Roseberry's memo identifies a number of changes to the originally approved site plan (by which I mean the plan that was approved by the Board before the subdivision of Lot 13.01 and the approval of the conversion, a portion of which plan was submitted to the NJDEP for land use approvals and permits). The Board needs to separate all of the currently proposed changes into those that are acceptable as a "tweaking" of the originally approved site plan and those that would rise to the level of requiring an amended site plan approval. The latter will be problematic for both the applicant (in terms of engaging the Highlands Council's jurisdiction) and the Township (in terms of the potential impact on the affordable housing this project will supply). The comments that follow summarize my recommendations to the Board as to the treatment of plan changes:

1. Minor modifications to and rearrangements of building footprints are acceptable (as "tweaking"), as long as the previously approved building and impervious surface coverages are not increased.
2. Minor modifications resulting from conditions imposed by the NJDEP and other outside agencies are acceptable, since the need for those approvals was referenced in the original approval. This is not intended to preclude the Board's right to examine the impact of such modifications on the integrity of the rest of the plan and to request further "tweaking" of the plan following its examination.
3. Minor modifications resulting from final plans for the utility improvements needed to implement the previously approved plan are acceptable. However, increases in water or sewage treatment demands will require a new site plan approval.
4. Changes involving the elimination of previously approved retail commercial uses (except to the extent that such changes were approved as part of the conversion), reductions in approved open space and recreation facilities, increases in building and impervious surface coverage, and/or disturbance of areas previously proposed as open space will likely require a new site plan approval.
5. Relocation or other modifications to one or more roadways is acceptable as "tweaking" if such change was the result of an approval obtained from the NJDEP. Otherwise, it would likely require a new site plan approval.
6. Relocation of certain improvements outside of the 300 foot stream buffer is acceptable "tweaking", since it was undoubtedly required by the NJDEP in order to qualify the application for permits. Substantial changes in the types of recreational facilities provided (except as specifically authorized by the Board in its approval of the conversion) may rise to the level of requiring a new site plan approval.
7. Additional components of the plan, such as the construction of a "farmette" in an area previously approved as open space would undoubtedly require a new site plan.

It is specifically recommended that the applicant and his experts take a hard look at all of the changes that are proposed (and why) and make adjustments accordingly so that a new site plan will not be required.

Other Comments

1. In addition to submitting a plan that is compliant with all of the map-related conditions of the September 12, 2011, resolution (and the conditions of all of the prior approvals that are referenced therein), the applicant must prepare and submit a revised phasing plan that will accomplish the following:
 - a) reflect changes in the order of development resulting from all prior approvals; and
 - b) provide for the affordable housing to be constructed in accordance with COAH's Rules.
2. The applicant must clarify for the Board whether what is now Lot 13.01 (and any conservation easements affecting that parcel and any affordable housing provided by that parcel) are part of the overall planned development or not. This information affects both the open space aspects of the plan and the phasing of the construction of the affordable housing units.
3. In order to facilitate the phasing plan, documentation will need to be provided regarding the "group home" on what is now known as Lot 13.01, identifying the type of facility it is and demonstrating that it fulfills all of COAH's criteria, so that the Planning Board will know whether it can be counted as meeting part of the affordable housing requirement for the Huntington Knolls project. Applicable COAH criteria are reproduced at the end of this

memorandum for ease of reference.

4. If the applicant still intends to submit a new site plan with a phase that will include a new “farmette”, then the applicant will need to seek a variance from the requirement to complete Claremont Drive prior to obtaining the first CO for the development, since the applicant is proposing to build the new single family home and have it occupied without completing Claremont Drive. Of course, Claremont Drive would still need to be completed prior to any further CO's being issued. Additionally, a public hearing would have to be scheduled to remove or amend the condition contained in the September 12, 2011, resolution regarding the completion of Claremont Drive. This public hearing could be combined with the public hearing on the amended site plan, but the Notice of the hearing should specify what conditions are sought to be removed from the 2011 resolution of approval.

5. If the applicant intends to seek the Board's approval to remove the previously approved buffer plantings and delete the companion condition related to the timing of the buffer plantings, the applicant will have to present proofs to the Board at a duly noticed public hearing that these conditions are unreasonable, unnecessary and should be eliminated. Again the Notice of the hearing should call out the specific conditions of the resolution that are sought to be removed.

6. It is recommended that, in order to avoid future confusion relating to lot numbering (for Lots 13 and 13.01) the reason for the mix-up and the subsequent correction of the lot numbering be explained in any resolution the Board may approve and on all plans that the Board approves. Any errors on the plan or in the plan notes should be corrected by the applicant before they are approved and signed by the Board.

7. To the extent that the applicant is contemplating changes to the previously approved plan that will trigger a requirement to submit a new site plan (and invoke Highlands Council jurisdiction), the applicant is advised to consult the Land Use Ordinance to be sure that all bulk requirements (except those for which variances were previously granted) for the PCD/PSV District will be met. If not, additional variances will be required.

COAH REQUIREMENTS FOR SUPPORTIVE AND SPECIAL NEEDS HOUSING

5:97-6.10 Supportive and special needs housing

(a) Supportive and special needs housing includes, but is not limited to: residential health care facilities as licensed and/or regulated by DCA or the New Jersey Department of Health and Senior Services if the facility is located with, and operated by, a licensed health care facility; group homes for people with developmental disabilities and mental illness as licensed and/or regulated by the New Jersey Department of Human Services; permanent supportive housing; and supportive shared living housing. *Long term health care facilities including nursing homes, and Class A, B, C, D, and E boarding homes do not qualify as supportive and special needs housing.*

(b) *The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:*

1. *The unit of credit shall be the bedroom.*
2. *Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to N.J.A.C. 5:97-3.8.*
3. *Occupancy shall not be restricted to youth under 18 years of age.*
4. *All sites shall meet the site suitability criteria set forth in N.J.A.C. 5:97-3.13.*
5. *The municipality or developer/sponsor shall have site control or the ability to control the site(s).*

(d) The bedrooms and/or units pursuant to (b) and (c) above shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:

1. *Affirmative marketing (N.J.A.C. 5:80-26.15); however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to individuals with special needs in accordance with a plan approved by the Council's Executive Director;*

2. *Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3);and*

3. *With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with N.J.A.C. 5:97-9.*

Mr. Zederbaum stated that the DEP softened the permit needed to construct within a 300' buffer. The COAH units on the spur loop are within that 300' buffer. The DEP asked for modifications to remove as much from the buffer. The loop is eliminated and all are moved southerly which made the DEP “happy”. This is shown on exhibit 3. The plan is not changed but the changes soften the overall development. The impervious coverage is reduced. Engineer Roseberry reminded the board that the commercial portion is eliminated. After some discussion which included Planner McKenzie's comments regarding the fact that if commercial is removed then there will be a need for the township committee to revise the ordinance that allowed for this project and/or for the applicant to request a variance, all present agreed that if the applicant shifts the line to increase the “commercial acres” to 12 acres which would include the bar and the barn then the zone would not need to be changed by the township committee. It's a shift in the commercial area with an understanding that the bar could be turned into commercial or retail space in the future. Board member Tigar questioned if the commercial aspect was put in as a COAH requirement for job opportunities and Planner McKenzie responded that this zone was created similar to the Planned Commercial junction at Liberty Village in Flemington whereby the township wanted that style and asked Mr. Jiovino if he would do it. Mr. Jiovino had indicated that he could not do just a commercial project that a residential component needed to be present which then evolved into an age restricted component being added which ultimately cause a zone change. The commercial component was part of the overall.

Planner McKenzie reminded the board that the big house was built as a farmette and then the applicant subdivided the property with the proposed use being a group home. She expressed concerns over the proposal of another farmette which is now being proposed to be in the open space portion of the project. Her concern is that this proposed farmette could trigger the involvement of the Highlands Council since this is a significant change to what was originally proposed. Attorney Caldwell and Planner McKenzie have a discussion about the farmette and the group home.

The next discussion was about the recreation area and the removal of the clubhouse. The recreation area will be open to the public but has to be within the guidelines of the DEP requirement of not putting structures in sensitive areas. They are proposing walking and jogging trails with gazebos and benches along the trail to enjoy the scenery. The open area will also have benches, picnic tables and maybe a gazebo. The theory was that this engages more people than a clubhouse and tennis courts. Some suggestions did include adding a playground. More conversations took place regarding calculations and the benefits of what they are proposing vs. what was previously approved. This also caused a discussion about not having revised or amended site plans to compare to all the conditions of prior resolutions. There is nothing to compare things too.

Exhibit 4 – conversion plan sheet 2 – concept for phase 1 dated 022311
The club house is not on this plan and the plan is what the board voted on.

The next item of discussion involved COAH units and the concept of incorporating and integrating the units. Planner McKenzie expressed her opinions and Attorney Caldwell expressed his. Other conversations between professionals and board members took place regarding this topic. Additional discussion took place regarding the group home. The applicant is aware of its obligations and will satisfy them as the project continues.

At 9:40 pm the board took a break and resumed the meeting at 9:50 pm.

Additional discussion took place regarding the group home relating to COAH requirements. The group home will count as 6 units and the applicant is to put 20 COAH units within the project. The phasing was also discussed. Resolution condition compliance was discussed. More discussion took place about the COAH requirements and location of units. More intense discussion between professionals took place. Many board members are continuing their request for a revised or amended set of plans being submitted showing the compliance of conditions from passed resolutions. Some board members also questioned approval of another farmette without the project actually being started. Some board members expressed their opinion that another farmette was acceptable. More discussion took place regarding landscape and buffering. At a technical review the engineer will discuss many of the technical issues but that is not what is before the board. The applicant is looking for a deferral from resolution conditions. This is a resolution compliance hearing. At this point it was determined that the public hearing should continue to the next planning board meeting scheduled in December. The applicant agreed to a continuation of the public hearing and no additional notice is required. The applicant was asked to make a summary of what they are asking the board to consider taking action on. Engineer Zederbaum agreed to prepare the document and to send it to the Planning Board secretary which will then send to the board members and made available to the public with the documents already on file. This summary of changes will help everyone know what is going on. Just a reminder, everyone agreed to the applicant moving the commercial line to include the bar and the barn. If the group home is not satisfying the COAH requirement then the applicant agrees that they will have to incorporate those units into the project. Discussion of rental vs. market took place. The applicant's engineer still has testimony so the public cannot cross exam at this time. A motion was made by Tom Scheibener and seconded by Carl Molter to carry this public hearing till the next schedule Planning Board meeting to take place in December. At a roll call vote, all present were in favor. Motion carried.

At 10:50 pm Mike Keady and Ken Grisewood returned to the meeting.

Sub-Committee Status and Updates:

There was nothing new to report at this time.

Public Comment

Phil Geibel – 225 Spring Garden Road – if the applicant's engineer prepares the synopsis will that document is here 10 days prior to the scheduled meeting and made available for the public? If it is not here 10 days prior can the applicant still be heard? The information will be received and made available to the public.

Miscellaneous

Nothing to be discussed at this time.

Executive Session

No executive session was needed at this time.

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 11:00 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak
Secretary