

## **Holland Township Board of Adjustment**

### **Minutes of the September 25, 2019**

The meeting was called to order by the Chairman: William Martin.

"I call to order the September 25, 2019 Regular 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 Secretary on December 13, 2018 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 13, 2018 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.

#### **Flag Salute:**

Chairman Martin asked all too please stand for the Pledge of Allegiance.

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

**Present:** Jerry Bowers, Ginger Crawford, William Martin, David Pierce, Esq., Robert Martucci, Engineer, Court Reporter Lucille Grozinski, CSR and Maria Elena Jennette Kozak, Secretary.

**Absent:** Bill Ethem, Peter Kanakaris, Kelley O'Such, Gail Rader, and Darlene Green, Planner.

Let the record show there is a quorum.

**Minutes:** A motion was made by Ginger Crawford and seconded by Jerry Bowers, to dispense with the reading of the September 25, 2019 minutes and to approve as recorded. All Present were in favor of the motion with the exception of William Martin who abstained. Motion carried.

#### **Completeness**

Eric & Emily Torres – Block 9 Lot 21 - 65 Adamic Hill Road  
Variance Relief – hardship. Rec'd into our office August 22, 2019. The 45-day completeness review deadline is October 6, 2019. Completeness review scheduled for September 25, 2019. Board Action needed.

Applicant's Attorney Doug Cole is present

The review letter as prepared by Robert Martucci of Van Cleef Engineering dated September 23, 2019 was distributed and discussed.

A professional review is an advisory review and submitted for the board to accept some. none or all the recommendations in the report. Secretary Kozak has modified the submitted reviews for the minutes. Hard Copies of all report(s) can be viewed in their entirety in the application file.

September 23, 2019

Township of Holland  
Zoning Board of Adjustment 61 Church Road  
Milford, New Jersey 08848

Attention: Maria Elena Kozak

Reference: Eric and Emily de Tones  
65 Adamic Hill Road Milford, NJ 08848  
Block 9 Lot 21  
Variance Application — Hardship

Dear Maria:

Our office has received and reviewed the above referenced application for the purpose of determining compliance with the Township's Board of Adjustment "Checklist for Determining Completeness of Application for Submission". I understand the Zoning Board of Adjustment will discuss and make a

completeness determination at their meeting on September 25, 2019. Documents received on August 26, 2019 consist of the following:

A. Application Documents:

- a. Completed Application Form
- b. Notarized Certification of Ownership and Certification of Escrow Account replenishment
- c. Site Walk Authorization
- d. Notice of Hearing on Appeal or Application for Development
- e. Township Ordinance Amendment regarding fees for review of stormwater runoff control plans
- f. Notice that subject property is in the Highlands Planning Area, and not within the Highlands Preservation Area
- g. Fee Calculation Form
- h. Completed W-9 Form
- i. Board of Adjustment Checklist
- j. Denial Letter from the Holland Township Zoning Officer noting rejection of the proposed construction due to non-compliance with property line setbacks
- k. Certified 200-foot property owners list, dated August 13, 2019 1. Public Utilities list
- m. Certification of real estate tax payments
- n. Deed for the subject parcel

B. "Survey of Land" (1 sheet), prepared by Bohren and Bohren Associates, Inc., dated August 9, 2019.

C. Two (2) untitled site photographs.

**Application Summary**

The property is in the R-5 Zone. A general review of the proposed project notes that the Applicant wishes to construct a swimming pool (15' x 30') and pool house (11' x 7'), along with a patio, fence and retaining wall. The Applicant seeks variance relief under hardship [N.J.S. 40:55D-70c (1)] for setback regulations. The setback mandated by ordinance is 75 feet; the proposed pool house setback is 69.69 feet, and the proposed pool setback is 15.16 feet. Special circumstances noted by the Applicant include the fixed location of a spring house supplying potable water, a power line easement, an existing detention pond, narrow width of the property, an underground power line (though this is not noted on the submitted "Survey of Land" plan sheet), and an underground propane tank.

**Completeness Review**

The following is my review of the application for completeness. I have provided comments for the Board's benefit, noting deficiencies in **Bold**.

1. The following Checklist items are marked "Not Applicable:"

- a. Item H-4 — Financial Disclosure Statement is not required as the Applicant is not a corporation or partnership.
- b. Item I-I-5 — Hunterdon County Health Department Construction Permit Referral Form is not required.
- c. Item H-7 — Fire Company letter is not required as subject property abuts a public road.
- d. Item H-9 — Consent of owner is not required; Applicant is the subject property owner.
- e. Item H-25 — Floor plans of existing and proposed structures; **The applicant shall provide a floor plan for the pool house or provide testimony of the contents of same.**
- f. Item H-26 — Building Elevation Plans of proposed structure (front, sides, rear) with dimensions and height of Building. **Elevation Plans should be provided for the proposed Pool House. Elevations are recommended. Proposed height of Pool House Building is required.**
- g. Item H-27 — Highlands Council Consistency Determination. **The Applicant notes that the subject property is located within the Planning Area of the Highlands Region; however, no Consistency Determination is provided. If a waiver is requested, the applicant shall determine the adequacy of the conditions of the waiver with the Township Compliance Official. It would appear that this would qualify under exemption #5 of the Highlands Council Municipal Exemption Determination Program.**

2. The following Checklist items are marked as "Complies;" however item(s) are missing from the application as noted below:

- a. Item H-21 — Existing Utility Services shall be shown on the Plot Plan (Survey). **The Applicant notes an existing underground electric line to the house. This utility line is not noted on the "Survey of Land" plan sheet. Location of this utility service (an approximate location at minimum) should be noted on the plan.**
- b. Item H-24 — Dimensions of Proposed Improvements shall be shown on the Plot Plan (Survey). **The height of the proposed retaining wall should be noted on the plan. I recommend that this application be deemed not complete, unless the Board would grant waivers on items II-21, H-24, II-25, II-26, and II-27. If the Board wishes to proceed with the Public Hearing subject to proper notification, I recommend that the Board grant the following:**

Items H-21, H-24, H-26 — temporary waivers subject to submission prior to public hearing.

- Item H-27 — temporary or permanent.
  - **Additional Comments**
1. The Applicant shall revise the "Survey of Land" plan to show the location of the existing underground electric line to the house, and the height of the proposed retaining wall. The plan must show the proposed improvements to scale, all setback dimensions, a table of bulk requirements for the zone, and all dimensions noted on the checklist.
  2. The applicant shall obtain a permit from the Hunterdon County Soil Conservation District if the disturbance is more than 5,000 square feet.
  3. Spot elevations must be shown on the plan noting the direction of stormwater runoff for both existing and proposed conditions. The pool and other improvements must show proposed elevation and grading.
  4. The Applicant shall submit the proposed height of the Pool House. Elevation Plans (front, side, and rear) are recommended. Submission of Elevation Plans is at the determination of the Board.
  5. Upon receipt of revised plans, our office will review and provide comments as required.
  6. The Applicant must also comply with any comments from the Board, the Board Planner, and the Board Attorney.
  7. Other comments and conditions may be determined upon subsequent review of future documents to be provided by the Applicant as required by the Board.

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-5999.011 190923 (rev01).doc

Checklist item H25 regarding floor plans will require testimony. The building and dimensions should be shown on the map. It was explained that the pool house will be a prefab and that the floor plan was not available. What is on the map is all that is known at the moment. Engineer Martucci asked about the pool house and its intended use. Applicant Eric de Torres explained that the pool house is for the filter, the heater, pool equipment and plumbing and will not be used as a changing room or bathroom. There will be no water supply to the house and no septic connection. Board member Crawford asked that the applicant provide more details including building materials and design style. Mr. de Torres explained that he wants to keep the pool house similar to that of what is currently on the property but can explain more at the public hearing. Attorney Cole asked for a waiver for this item.

Checklist item H27 – Highland Council exemption is needed. Engineer Martucci, although certified in other towns, is not the Holland Township designee to determine exemption. It was suggested that the applicant reach out to the Highlands Council and that an emailed response would be acceptable.

Checklist item H21 – pertains to wires

Checklist H26 – This is a one story building and Engineer Martucci stated that the board needs to know the height of the building. Mr. de Torres explained that the building will be a prefab and will be only one room. All agreed that the State Code Inspector and Township Zoning Officer will check for code conformance but that the height is needed for the board to make a determination. Attorney Cole agreed that a temporary waiver is acceptable and that his applicant can provide that information at the public hearing.

Temporary waivers can be granted for H21, H24, and H26.

A motion was made by Jerry Bowers and seconded by Ginger Crawford to deem this application complete and to grant a permanent waiver for checklist item H25 and temporary waivers for checklist items H21, H24, H26 and H27 with the understanding that the applicant will provide additional information 10 days prior to the next scheduled meeting and public hearing. All present are in favor of the motion. Motion carried. The applicant understands what he is to provide the township. Secretary Kozak will also reach out to the Highlands Council regarding the exemption.

The applicant stated that the utility lines were put in within the last 10 years and he has all the permits.

The public hearing will be October 30, 2019 at 7:30 pm.

### **Public Hearing**

There was no Public Hearing scheduled on the agenda.

### **Resolution**

There were no resolutions scheduled on the agenda.

**Old Business**

There was no Old Business to be discussed on the agenda.

**New Business:**

The proposed 2020 Board of Adjustment Meeting Schedule was presented for consideration.

Township of Holland  
Board of Adjustment

**2020 Meetings**

**PLEASE TAKE NOTICE** that the Board of Adjustment, Township of Holland, County of Hunterdon, New Jersey, will hold their regular meetings on the following dates in 2020 at 7:30 p.m. to act on public business at the Municipal Building, 61 Church Road, Milford, NJ. Meetings are open to the public.

**Meeting Dates**

January 29, 2020  
February 26, 2020  
March 25, 2020  
April 29, 2020  
May 27, 2020  
June 24, 2020  
July 29, 2020  
August 26, 2020  
September 30, 2020  
October 28, 2020  
November 18, 2020\*  
December 16, 2020\*\*  
January 27, 2021

**Agenda Deadline**

January 8, 2020  
February 5, 2020  
March 4, 2020  
April 8, 2020  
May 6, 2020  
June 3, 2020  
July 8, 2020  
August 5, 2020  
September 9, 2020  
October 7, 2020  
October 28, 2020 \*  
November 25, 2020 \*\*  
January 6, 2021

By ordinance the meetings of the Holland Township Board of Adjustment are held the last Wednesday of the month, with the agenda deadline three weeks prior to the meeting with the following exceptions:

\* November meeting will be held on Wednesday, November 18, 2020 with a deadline for submission of Wednesday, October 28, 2020.

\*December meeting will be held on Wednesday, December 16, 2020 with a deadline for submission on Wednesday, November 25, 2020.

A motion was made by Ginger Crawford and seconded by Jerry Bowers to accept the proposed 2020 Board of Adjustment schedule as presented. All present were in favor. Motion carried. Secretary Kozak will send to Clerk Miller for processing.

**Public Comment**

There were no Public Comments.

Ginger Crawford made a motion to adjourn. Motion carried.

Meeting ended at 7:50 p.m.

Respectfully submitted,

*Maria Elena Jennette Kozak*

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Secretary