

## Holland Township Board of Adjustment

### **Minutes of the November 20, 2019**

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

“I call to order the November 20, 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, Bill Ethem, Peter Kanakaris, William Martin, Kelley O’Such, Gail Rader, David Pierce, Esq., Ian Hill, Engineer(for Robert Martucci), Darlene Green, Planner, Court Reporter Donna Mackey for Lucille Grozinski, CSR and Maria Elena Jennette Kozak, Secretary.

**Absent:** Michael Welsh

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 Peter Kanakaris, Kelley O’Such and Gail Rader who abstained. Motion carried.

#### **Completeness**

There was no Completeness to be discussed on the agenda.

#### **Public Hearing**

Eric & Emily de 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 and the Board Action deemed it complete. Public Hearing October 30, 2019 and extended to November 20, 2019. Board Action needed. Applicant’s Attorney is no longer representing Mr. and Mrs. de Torres and they will represent themselves. Attorney Pierce has reviewed the Notice of Publication, the Proofs of Service and all are satisfied and the Board has jurisdiction to proceed.

Witness #1 – Eric de Torres – Sworn in by Donna Mackey.

Planner Green mentioned that the applicant is requesting a variance because of the property being oddly located pertaining to zoning regulations. The applicant tried to meet zoning requirements as best as possible and to keep with the character of the property. The property sits on a curve in the road which presents two front property lines.

Eric de Torres said he is sticking with the same stone on the property. The roof will stick with existing structures and the hardware will be old fashioned hardware. The patio is slate and the retaining wall will be natural stone. The intention is to add the pool and equipment house but to not detract from the existing structures but to incorporate them as though they have been there. No hazards are being created.

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.

November 1, 2019

### **PLANNING REPORT**

Re: Eric and Emily DeTorres 65 Adamic Hill Road Block 9, Lot 21  
Review Letter #1  
MC Project No. HLZ-006

Dear Board Members:

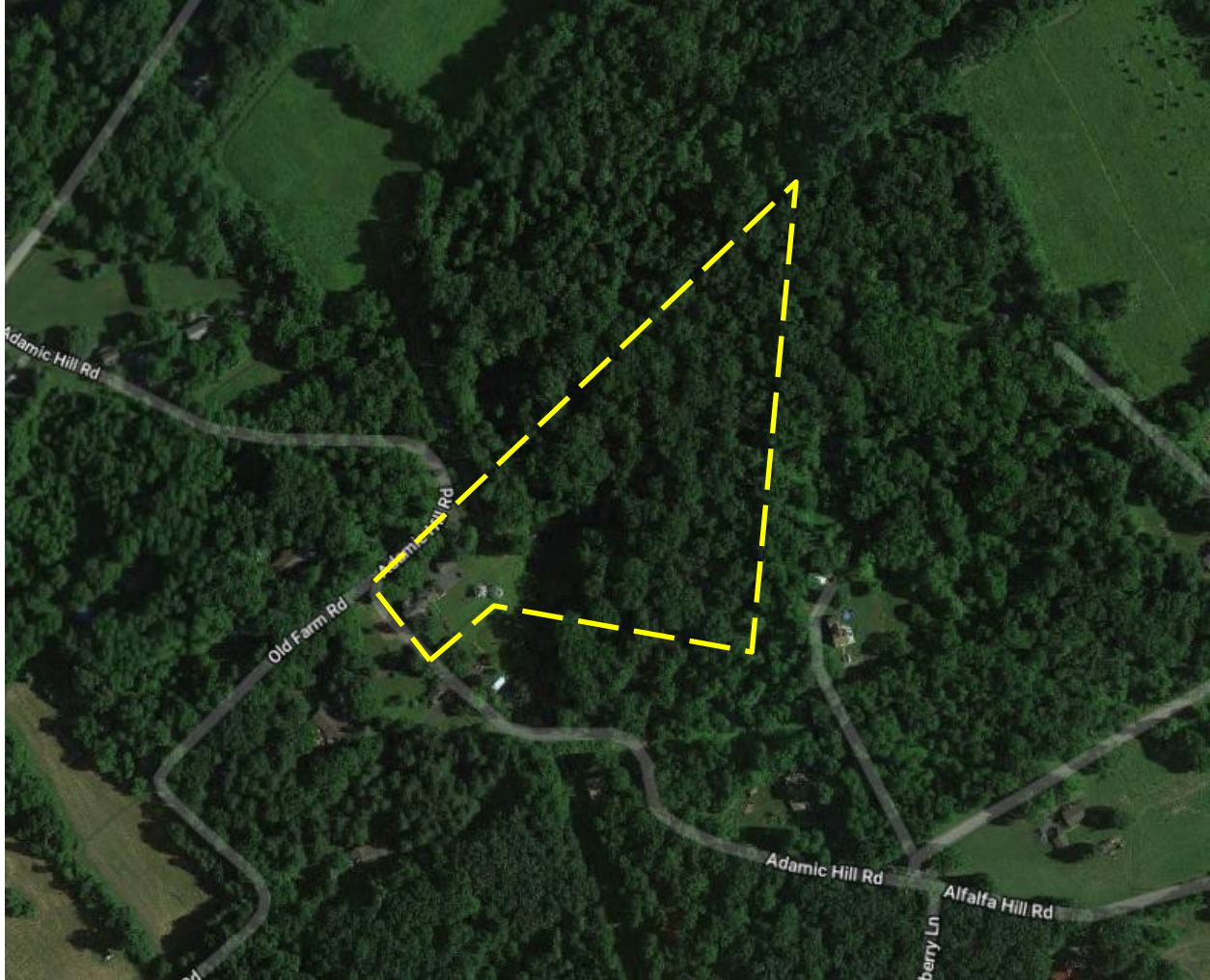
Eric and Emily DeTorres, the Applicant, seeks approval to construct a pool house, in-ground pool, and patio on the property. A fence surrounding the pool area and a retaining wall are also proposed. The Application requires variances, which are detailed in Section B.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Survey entitled "Survey of Land for Eric & Emily DeTorres", prepared by Ryan G. Warford, P.L.S. of Bohren and Bohren Associates, Inc., dated August 9, 2019, revised through September 27, 2019, consisting of 1 sheet.
2. Planning Board & Board of Adjustment Application Form, dated August 16, 2019.
3. Board of Adjustment Checklist for Determining Completeness of Application, no date.
4. Zoning Permit Denial, prepared by Lawrence D. Creveling, Township Zoning Officer, dated August 1, 2019, consisting of 1 page.
5. Site Walk Authorization, dated August 16, 2019.
6. Deed, Block 9, Lot 21, recorded February 1, 2005.
7. Packet of photographs, unknown author, no date, consisting of 3 photos.

#### **A. Existing Zoning and Surrounding Land Use**

The property is located in the R-5 Residential District at the intersection of Adamic Hill Road and Old Farm Road. The property is adjacent to farmland and wooded properties to the north, east, and northwest, and single-family dwellings to the south and west. See the image below for an approximation of the limits of the subject property.<sup>1</sup> Note that the proposed improvements are located on the southwest side of the property.



As per Section 100-46, the bulk requirements for the R-5 District are as follows:

Minimum Lot Area – 5 acres

Minimum Lot Width – 325 Minimum Lot Depth – 350 Maximum Building Height  
– 35 feet

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<sup>1</sup> Image courtesy of [www.google.com/maps](http://www.google.com/maps)

Maximum Stories – 2.5

Minimum Setback

(from the street line) –

75 feet Minimum Rear

Yard Setback – 75

feet Minimum Side

Yard Setback – 75 feet

## **B. Variances**

The Application requires the following variances:

1. Section 100-10 - Variance for accessory building location. The Ordinance prohibits accessory buildings in any required front yard space.

The Applicant proposes the pool house 69.69 feet from the right-of-way, where 75 feet is required.

2. Section 100-46 – Variance for structure setback. The Ordinance requires a 75-foot setback from the street line and a 75-foot setback from the side yard.

The Applicant proposes a 69.69-foot front yard setback and a 36.23-foot side yard setback to the proposed pool house and a 15.16-foot side yard setback to the proposed pool. It should be noted that while the proposed pool house is located within the required front yard, the location is behind the front face of the dwelling.

### **C. Variance Proofs**

#### *“C” Variances*

N.J.S.A. 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involves the C(2) or flexible “C” variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

### **D. Design Waiver**

The Application does not require any design waivers.

### **E. Comments**

Based on our review of the above-referenced materials, we offer the following comments:

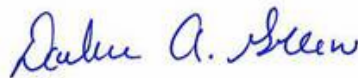
1. The Applicant’s professionals must provide testimony to support the grant of the variance required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. We believe that this lot meets the Ordinance definition of corner lot due to its location on a curved street. We would concur that the two front yards combined with the existing site conditions does limit the Applicant’s location options for any new accessory structures or improvements.
3. The Applicant proposes a retaining wall and fence to enclose the proposed pool. An updated survey indicates the walls will be six feet tall but are silent on the height of the fence. Testimony should be provided on the proposed fence type and height.

Should you have any questions with regard to the above comments please do not hesitate to contact my office. We reserve the right to

make additional comments based upon further review or submission of revised plans or new information.

Very truly yours,

MASER CONSULTING P.A.



Darlene A. Green, P.P., AICP Zoning Board Planner

Planner Green reminded the board of the unique characteristics of the property. The board can agree that there is not a negative impact to the neighbors from air or light. The applicant is interested in putting a gas lamp out but that should not impact the neighbors. Eric De Torres said he spoke with the neighbors and they appear to be ok with his proposal.

To make mention, no one is present in the audience to discuss this application even though the proposed pool and pool equipment house are close to the neighbor's property line.

The height to the peak on the pool house is 8' ¼'. It will be a single story structure similar to the spring house. The structure will be a pump house and not a pool house with a bathroom. Planner Green explained again that there are practical difficulties with the road shape of lot existing structures and power line so the applicant is limited in where to put an accessory structure on the lot. They are keeping with the neighborhood and the townscape. This is a reasonable request.

Engineer Hill confirmed that the applicant is not proposing more than 2000 square feet of impervious coverage. As long as they are less than 2000 square feet including the pool, pump house, patio, retaining wall etc. there should not be an issue and the applicant will have to document at time of the permit process. Discussion took place regarding the retaining wall height which the applicant stated will be the same as the existing wall which is less than 3'5". The applicant will not know what is really needed with the repair to the retaining wall until the work begins.

Board comments included: Kelley O'Such questioned the lighting and the applicant agrees to follow the ordinance. Gail Rader questioned the height of the fence and Eric de Torres stated that he has been in touch with the State Code Official and will follow the codes they outlined.

There were no other comments from the board and professionals.

The public portion of the hearing was opened to the public. There was no one present in the audience. A motion was made by Jerry Bowers and seconded by Kelley O'Such to close the public portion of the Public Hearing. All present were in favor of the motion. Motion carried.

A motion was made by Jerry Bowers to approve the application which includes the two variance requests with the standard conditions as well as comments from the hearing tonight which include obtain and comply with the construction permits, retaining wall to be as testified and under 3'5", lighting to be as per ordinance, security fence and gate to be by ordinance and state code, Soil Conservation Permit needed if over 2000 square feet and seconded by Peter Kanakaris. At a roll call vote, all present were in favor of the motion. Motion carries.

### **Resolution**

There were no resolutions scheduled on the agenda.

### **Old Business**

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

### **New Business:**

Just a reminder that the prior meeting 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.

This was forward to Clerk Miller for processing.

**Public Comment**

There were no Public Comments.

Peter Kanakaris 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