

Holland Township Land Use Board

Minutes of the Regular Meeting

May 9, 2022

(Notice-The Chairman reserves the right to change or revise the order of the agenda as needed. Formal action may or may not be taken)

The meeting was called to order by the Land Use Chairman Mike Miller:

Chairman: “I call to order the April 11, 2022 Meeting of the Holland Township Land Use Board. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Land Use Administrator by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Publishing the notice in the December 9, 2021 edition of the Hunterdon County Democrat
3. And faxing to the Express-Times for informational purposes only.

Chairman: Please recite the Pledge of Allegiance

Chairman: **Identification of those at the podium**

Present: Jerry Bowers, Dan Bush, Joe Cinquemani, Ken Grisewood, Dave Grossmueller, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Kelley O’Such, Ryan Preston, John Gallina, Esq., Adam Wisniewski, Engineer, Lucille Grozinski, Court Reporter and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Bill Ethem, Scott Wilhelm and Darlene Green, Planner,

Let the record show there is a quorum.

Minutes

A motion was made by Dan Bush and seconded by Bill Martin to dispense with the reading of the minutes of April 11, 2022 and to approve them as submitted. All present were in favor of the motion with the exception of Ken Grisewood and Kelley O’Such who abstained. Motion passed. The reading of the executive minutes of April 11, 2022 was tabled.

Old Business:

There was no old business scheduled at this time on the agenda.

New Business:

Block 24 Lot 13 – Huntington Knolls LLC – Extension of the Final Approvals for Phases 2 & 3 of the overall project. Board Action Needed. The letter prepared by Applicant’s Attorney; Howard Apgar dated April 19, 2022 was read into record by Land Use Attorney Gallina.

April 19, 2022

VIA email only planningboard@hollandtownship.org

Maria Elena Jennette Kozak

Holland Township Land Use Board

Holland Township Municipal Building

Church Road

Milford, New Jersey 08848

Re: Huntington Knolls, L.L.C.

Block 24 Lot 13 Holland Township/Hunterdon County

Dear Maria Elena:

As you are aware, I have been retained by Huntington Knolls, L.L.C. in connection for the completeness determination of the pending major subdivision application. While I have not yet been retained for any further purpose, Pursuant to the conversation with the board at the April 11, 2022 meeting, Hunting Knolls has asked that write to you formally requesting an extension of the Final Approvals for Phases 2 & 3 of the overall project. Please accept this as such a request. It is my understanding that such extensions were provided for in the numerous resolutions that have been adopted by the Board in connection with this application.

Should you have any questions or comments, please do not hesitate to contact me. Thanking you, I remain

Very truly yours,

Howard J. Apgar

Howard J. Apgar, Esq.
cc: Huntington Knolls, L.L.C.
John P. Gallina, Esq.

Attorney Gallina explained that the extension was requested and that the board granted a one-year extension in June of 2021 with the time extension to February 11, 2022. Attorney Gallina explained that an application is granted protection when approved for two years and then an extension of one year each for up to three times or three years. This would be the second extension and would be granted to February 11, 2023. This is permitted as per Municipal Land Use Law. A motion was made by Dab Bush and seconded by Joe Cinquemani to grant a one-year extension to February 11, 2023. At a roll call vote, all present were in favor of the motion with the exception of Mike Keady, Ken Grisewood, and Kelley O'Such who abstain. Motion carried. Attorney Gallina will prepare a resolution which will be memorialized at the next scheduled meeting.

Completeness Review:

Block 22 Lot 59 – 94 Riegelsville Rd - Richard Zinn – Variance “C” Hardship Application - Received into our office April 6, 2022 – The 45-day completeness deadline is May 21, 2022 – Board Action Needed for Completeness.

A professional review is an advisory review and submitted for the board to accept some, none or all the recommendations in the report. Land Use Administrator 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.

May 7, 2022

Land Use Board

Township of Holland

61 Church Road

Milford, NJ 08848

Completeness Report #1

Variance Application

Zinn Property

Lot 59, Block 22 – 94 Riegelsville Road

Colliers Engineering & Design Project No. HLP-0031

Dear Board Members:

Pursuant to your request, we have reviewed for completeness plans, applications and other documents filed by Applicant Richard Zinn in support of a Variance Application for Lot 59 in Block 22 situated at 94 Riegelsville Road including:

1. Completed Planning Board & Board of Adjustment Application Form Highlands Land Use, dated March 31, 2022.
2. Completed W-9 Form and Replenishment of Escrow Accounts Agreement, dated March 31, 2022.
3. Completed Checklist for Determining Completeness of Application Submitted under Chapter 101 – Highlands Land Use Ordinance.
4. Completed Planning Board & Board of Adjustment Application Form, dated March 31, 2022.
5. April 6, 2022 Property Tax Record for the subject parcel indicating that the taxes for the property are current through the 1st Quarter of 2022.
6. Certification of Ownership for the subject parcel dated March 31, 2022.
7. Request for 200-foot property listing, undated.
8. Site Walk Authorization for the subject parcel, dated March 31, 2022.
9. Board of Adjustment Checklist for Determining Completeness of Application, undated.
10. Photos of the “Secondary Residence” which is the subject of the application.
11. Deed for the subject property, dated June 8, 2018.
12. Correspondence history from the Holland Township Land Use Administrator regarding violations on the Zinn property related to the detached second dwelling, including letters dated January 6, 2022, and November 4, 2021.
13. Township Land Use file documentation for the subject property, including Zoning Permit, dated March 21, 2002, Minor Subdivision Resolution dated June 14, 2004, and photos of the “Cottage” (Second Dwelling) on the property

14. Plan entitled “Plan of Survey – Richard Stevenson and Paula Anne Zinn – Holland Township, Hunterdon County, New Jersey – Block 22, Lot 59” as prepared by Richard S. Zinn, PLS, dated June 12, 2018, unrevised.

Application Summary

The property in question is situated on the north side of Riegelsville Road (CR627) between Spring Garden Road and Crab Apple Hill Road. Lot 59 contains 55-Acres and the parcel is situated in the Township’s R-5 (Residential 5-Acre) District where detached single-family residential homes are permitted with minimum lot areas of 5-Acres or greater.

Lot 59 is currently developed with a one (1) two-story single family residential dwelling, four (4) accessory structures, well, and septic system. A gravel drive provides access to Riegelsville Road through adjoining Lots 59.02 and 59.01.

The applicant is seeking variance approval to permit the continued use of a “Secondary Residence” on the property which is situated within a barn on the property. The Applicant has indicated that when they purchased the property in 2018, the space was marketed as a 4th bedroom, and included an efficiency kitchen, living space and full bathroom. In November of 2021 the Township Land Use Administrator was made aware of this Zoning Violation and directed the applicant to remove this “Secondary Residence” or apply for variance relief from the Land Use Board. At this time, no proposed improvements are depicted or proposed as part of the Application. We have the following comments on administrative issues:

A. Completeness

1. Based upon a review of the submission package, the following deficiencies are noted:
 - a. Checklist Item H-2 – Certification that all taxes have been paid to date.
 - b. Checklist Item H-3 – A copy of the certified list of property owners.
 - c. Checklist Item H-5 – A copy of the Hunterdon County Health Department Construction Referral Form, or other documentation from the HCHD.
 - d. Checklist Item H-27 – An Applicability Determination, Exemption Determination or Consistency Determination from the New Jersey Highlands Council indicating the projects status relative to the Highlands Regional Master Plan has not been provided.

Unless waived by the Board, the above deficiencies must be addressed by the Applicant for the application to be deemed complete. We note however, that Item d. above cannot be waived in accordance with the Township’s approved Highlands Council petition.

Conclusion

Based upon the deficiencies outlined in Section A. of this report, we recommend that the application be deemed incomplete by the Board.

If any Board Members have questions or comments on this report, please do not hesitate to call us. Adam Wisniewski will be at the May 9, 2022 Board meeting to review this report with you.

Sincerely,
Colliers Engineering & Design, Inc.
(DBA Maser Consulting)


Paul W. Sterbenz, PE,
Planning Board Engineer


Adam T. Wisniewski, PE
Project Manager

- cc: Maria Elena Kozak, Board Secretary (via email planningboard@hollandtownship.org)
Darlene A. Green, PP, AICP, Board Planner (via email darlene.green@colliersengineering.com)
John Gallina, Esq. Board Attorney (via email jpgesq@embarqmail.com)
Richard Zinn, Applicant (via email rich.zinn@brunswickwestinc.com)

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The applicant is looking to extend permit of a second residence on the property. The barn was conditionally permitted while the main home was being rebuilt with a promise to be removed when the home was completed. The original owner did not vacate the second residence that was being used as a temporary residence while the

single-family home was being built and the current owner supplied the board with an application for a variance. The current owner purchased the property and inherited the situation. The completeness application presents the history. There are some items that can be satisfied later such as taxes paid, 200' list, and correspondence supporting the septic and the flows from the second residence. We do not need the Highlands correspondence to determine completeness but would need to be addressed. Board Engineer Wisniewski suggests the board deem the application incomplete so as to address some issues outlined in the completeness review and Board Attorney Gallina supported that suggestion. There was no one in the public present. A motion was made by Bill Martin and seconded by Jerry Bowers to deem this application incomplete. At a roll call vote, all present were in favor of the motion with the exception of Ken Grisewood who abstained. Motion carried.

Block 24 Lot 5 – 225 Spiring Garden Road - Mark Tilley & Suzanne Lieb - Minor Site Plan – Received into the office on April 21, 2022 – The 45-day completeness deadline is June 5, 2022 – Board Action Needed for Completeness.

A professional review is an advisory review and submitted for the board to accept some, none or all the recommendations in the report. Land Use Administrator 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.

May 7, 2022

Land Use Board

Township of Holland

61 Church Road

Milford, NJ 08848

Completeness Report #1
Minor Site Plan Application
Mark Tilley & Suzanne Lieb
Lot 4, Block 25 – 225 Spring Garden Road
Colliers Engineering & Design Project No. HLP-0033

Dear Board Members:

Pursuant to your request, we have reviewed for completeness plans, applications and other documents filed by Applicants Mark Tilley and Suzanne Lieb in support of a Minor Site Plan Application for Lot 4 in Block 25 situated at 225 Spring Garden Road including:

15. Completed Planning Board & Board of Adjustment Application Form, dated April 15, 2022.
16. Owner's Certification dated April 18, 2022.
17. Narrative Statement for the Application for Minor Site Plan approval, undated.
18. Completed Checklist for Determining Completeness of Application for Minor Site Plan, including a list of Waiver Requests, prepared by Eric Riparian, PE, dated March 23, 2022.
19. Consent of Owner to the filing of the application, dated April 18, 2022.
20. Site Walk Authorization for the subject parcel, dated April 18, 2022.
21. Completed Replenishment of Escrow Accounts Agreement, dated April 15, 2022.
22. April 21, 2022 Property Tax Record for the subject parcel indicating that the taxes for the property are current through the 1st Quarter of 2022.
23. April 21, 2022 Submission to the Hunterdon County Health Department for the subject property.
24. April 21, 2022 Submission to the Hunterdon County Planning Board for the subject property.
25. Plan entitled "Site Plan prepared for Block 24, Lot 5, Sheet #24, Holland Township, Hunterdon County, New Jersey" as prepared by Eric Riparian, dated March 18, 2022, unrevised.

Application Summary

The property in question is situated on the east side of Spring Garden Road between Riegelsville Road (CR627) and McEntee Road. Lot 4 contains 31.0617-Acres and the parcel is situated in the Township's R-5 (Residential 5-Acre) District where detached single-family residential homes and agricultural uses are permitted with minimum lot areas of 5-Acres or greater.

Lot 4 is currently developed with a one (1) two-story single family residential dwelling, an accessory building, barn, corn crib, silo, and accessory structure which formerly served as a kennel. Other improvements include two (2) gravel driveways, two (2) septic systems, a single well, and gravel parking area which served the former kennel on site. The gravel driveways both provide access to Spring Garden Road, one at the western property frontage, and the other to the north.

The applicant is seeking minor site plan approval to convert the existing kennel building into a brewery and tasting room. The Applicants intend to grow hops and other agricultural products on the site and process the products into microbrewery products. The microbrewery will be owned and operated by the Applicants, with the possibility of having two (2) part-time employees. The proposed site improvements include ADA accessible parking spaces, lighting, and an improvement to the existing gravel driveway which provides access to Spring Garden Road to the north.

We have the following comments on administrative issues:

B. Completeness

2. Based upon a review of the submission package, the following deficiencies are noted:
 - a. Checklist Item F-7 – Certification that all taxes have been paid to date.
 - b. Checklist Item F-10 – Confirmation that the application has been submitted to the Hunterdon County Soil Conservation District.
 - c. Checklist Item F-16 – Submission of protective covenants or deed restrictions, including open space restrictions.
 - d. Checklist Item F-17 – An Applicability Determination, Exemption Determination or Consistency Determination from the New Jersey Highlands Council indicating the projects status relative to the Highlands Regional Master Plan has not been provided.
 - e. Checklist Item F-29 – The 200-foot property owners list has not been provided and is not included on the submitted plan.
 - f. Checklist Items F-53 and F-54 – The depiction of all engineering plans and profiles for storm drains on the site.
 - g. Checklist Item F-57 – Compliance with the Holland Township Stormwater Management Ordinance (Article XXIV of the Township Land Use Code).

Unless waived by the Board, the above deficiencies must be addressed by the Applicant for the application to be deemed complete. We note however, that Item g. above cannot be waived in accordance with the Township's approved Highlands Council petition.

3. The Applicant is seeking waivers from the following checklist items:
 - a. Checklist Item F-11 – Submission of a Traffic Impact Study.
 - b. Checklist Item F-12 – Submission of an Impact Assessment of Water Supply.
 - c. Checklist Item F-13 – Submission of and NJDEP Freshwater Wetlands Letter of Interpretation.
 - d. Checklist Item F-35 – The inclusion of bearings and distances for the subject parcel and preparation of the plan based upon an actual property survey by a licensed land surveyor.
 - e. Checklist Item F-37 – The inclusion on the plan of the locations and descriptions of all survey monuments found or set.
 - f. Checklist Item F-44 – The depiction of all existing elevation contours at 2-foot intervals within the tract and 50-feet thereof.
 - g. Checklist Item F-46 – The depiction of all floodways, flood hazard areas, freshwater wetland areas, wetland transition zones, special water resource protection areas, and riparian zones.
 - h. Checklist Item F-50 – The depiction of all existing sewage disposal systems and wells on the parcel and within 100-feet thereof.
 - i. Checklist Item F-59 – The preparation of a landscape plan and buffer planting plan.

Testimony must be provided in support of the above waiver requests.

We would request that the Applicant provide the record survey and septic design plans that are referenced in General Notes 2 and 3 of the Overall Site Plan.

4. The Applicant has indicated that the following items are not applicable:
 - a. Checklist Item F-14 – Submission of a Flood Hazard Area Permit.
 - b. Checklist Item F-15 – Submission of a Financial Disclosure Statement for a corporation or partnership.
 - c. Checklist Item F-42 – Floor plans for all proposed buildings.
 - d. Checklist Item F-43 – Preliminary Architectural Drawings for all proposed Buildings.
 - e. Checklist Item F-51 – The depiction of all soil permeability and testing logs on site.
 - f. Checklist Item F-56 – The depiction of all signs and their proposed illumination.
 - g. Checklist Item F-60 – The location and size of any existing or proposed above-ground storage tanks.
 - h. Checklist Item F-61 – Descriptions of proposed machinery operations, productions, by-products, processes and materials for any manufacturing or industrial use.

Testimony must be provided in support of the above non-applicability determinations.

We do not concur that items c. and d. above are not applicable. Planned floorplans, and building modifications to convert the former kennel into a brewery and tasting room use must be provided in support of the application.

Conclusion

Based upon the deficiencies outlined in Section A.1 of this report, we recommend that the application be deemed incomplete by the Board.

If any Board Members have questions or comments on this report, please do not hesitate to call us.

Adam Wisniewski will be at the May 9, 2022 Board meeting to review this report with you.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)



Paul M. Sterbenz, PE, PP
Planning Board Engineer



Adam T. Wisniewski, PE
Project Manager

cc: Maria Elena Kozak, Board Secretary (via email planningboard@hollandtownship.org)
Darlene A. Green, PP, AICP, Board Planner (via email darlene.green@colliersengineering.com)
John Gallina, Esq. Board Attorney (via email jogesq@embarqmail.com)
Steven Gruenberg, Esq., Applicant's Attorney (via email stevenpgruenberg@gruenberglegal.com)
Eric B. Rupnarain, PE, Applicant's Engineer (via email ebr@gbamail.com)

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Board Engineer Wisniewski stated that the application submitted is for a minor site plan but in discussion with applicant's attorney, applicant's engineer, planner Green, land use administrator Kozak and himself, there were questions raised that could trigger a Use Variance. The contract purchaser is interested in purchasing the residential property with agricultural buildings on it to convert it to a farm and a brewery (to produce beer). Questions raised include is the use an ag permitted use under the ordinance. The applicant's attorney is prepared to address this at the public hearing. There are completeness issues that need to be addressed. Waivers can be considered. There are other completeness issues that the applicant does not think need to be addressed for completeness. Attorney Gallina state that the applicant's attorney has been in contact with us and understands that the board will deem this application incomplete at this time. The applicant would like to resubmit address some of the concerns expressed for the next scheduled meeting and also to have a public hearing immediately following being deemed complete. The board discussed various completeness concerns with this application and understands some waivers are reasonable but that the applicant will need testimony at a public hearing to fully address items outlined and discussed. Some items include, traffic, stormwater, septic, lighting, revised plans, functioning septic, the intensity of the use, parking, deliveries, equipment, events, the use of the road and the impact, the old barn and its condition, the formal kennels, etc. A motion was made by Dan Bush and seconded by Jerry Bowers to deem this application incomplete. At a roll call vote, all present were in favor of the motion. Motion carried.

Resolution

There was no resolution scheduled at this time on the agenda.

Public Hearings

There were no public hearings scheduled at this time on the agenda.

Sub-Committee Status and Updates:

Holland Township Highlands Council Subcommittee –update – Mike Keady had nothing new to report but more information to follow when received.

Home Occupation Subcommittee – Ken Grisewood, Jerry Bowers and Bill Martin - continued work is being done on this project. Land Use Administrator was requested to resend prior submitted draft documents to the subcommittee. The subcommittee will reline and provide the board with a review. Chairman Miller thanked the subcommittee for their work on this project.

Public Comment

There was no one present in the public for public comment at this meeting.

Executive Session

There was no executive session scheduled for this meeting.

Housekeeping:

There was no housekeeping scheduled for this meeting.

Adjournment

Bill Martin made a motion to adjourn. Motion approved. The meeting ended at 7:35 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak
Land Use Administrator