

Holland Township Land Use Board

Minutes of the Regular Meeting

June 13, 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 June 13, 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, Bill Ethem, Ken Grisewood, Dave Grossmueller, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Kelley O’Such, John Gallina, Esq., Paul Sterbenz, Engineer, Donna Mackey for Lucille Grozinski, Court Reporter and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Ryan Preston, Scott Wilhelm and Darlene Green, Planner,

Let the record show there is a quorum.

Minutes

A motion was made by Bill Martin and seconded by Dan Bush to dispense with the reading of the executive minutes of April 11, 2022 and the regular minutes of May 9, 2022 and to approve them as submitted. All present were in favor of the motion.

Old Business:

There was no old business scheduled for this meeting.

New Business:

There was no new business scheduled for this meeting.

Completeness Review:

Block 3 Lot 66 – 195 Mylar Road - Kaszas – Minor Site Plan Application - Received into our office May 23, 2022 – The 45-day completeness deadline is July 7, 2022 – Board Action Needed for Completeness.

Present: The applicants’ engineer, Jim Hill and Mr. and Mrs. Kaszas.

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

June 10, 2022

Land Use Board

Township of Holland

61 Church Road

Milford, NJ 08848

Completeness Report #1

Minor Site Plan Application

Frank and Robin Kaszas

Lot 66, Block 3 – 195 Myler Road

Colliers Engineering & Design Project No. HLP-0034

Dear Board Members:

Pursuant to your request, we have reviewed for completeness plans, applications and other documents filed by the Applicants Frank and Robin Kaszas in support of a Minor Site Plan Application for Lot 66 in Block 3 situated at 195 Myler Road including:

1. Completed Planning Board & Board of Adjustment Application Form, dated May 18, 2022.
2. Owner's Certification dated May 18, 2022.
3. Completed Checklist for Determining Completeness of Application for Minor Site Plan, undated.
4. Completed Request for 200-foot property listing, undated.
5. Site Walk Authorization for the subject parcel, dated May 18, 2022.
6. Completed Replenishment of Escrow Accounts Agreement, dated May 18, 2022.
7. Completed W-9 Form Dated May 18, 2022.
8. April 6, 2022 Submission to the Hunterdon County Soil Conservation District for the subject property.
9. Certified list of property owners prepared by the Holland Township Office of the Assessor, dated May 24, 2022.
10. Application to the Hunterdon County Health Department to Construct/ Alter an Individual Subsurface Sewage Disposal System for the subject property, dated May 18, 2022.
11. Plan entitled "Septic Design for Paul & Frank Kaszas – Block 3, Lot 66 – Holland Township, Hunterdon County, NJ", consisting of four (4) sheets, as prepared by Jess H. Symonds, PE, dated April 20, 2022, unrevised.
12. Completed Township of Holland Planning Board & Board of Adjustment Highlands Land Use Application and Checklist, including various Highlands Council Maps of the subject property, undated.
13. Deed for the subject property, (Lot 66, Block 3), dated September 20, 1993.
14. Plan entitled "Driveway/ Minor Site Plan – Frank & Robin Kaszas – 195 Myler Road prepared for: Sheet 4 – Block 3 – Lot 66 – Holland Township, Hunterdon County, NJ" consisting of four (4) sheets, as prepared by James A. Hill, PE of Frey Engineering, LLC, dated May 2022, unrevised.
15. Report entitled "Project Site Design and Drainage Report for Block 3, Lot 66 – Holland Township – Hunterdon County, New Jersey – May 23, 2022 – Prepared for Frank and Robin Kaszas for 195 Myler Road, Bloomsbury, NJ 08804" as prepared by James A. Hill, PE of Frey Engineering, LLC, dated May 23, 2022, unrevised.

Application Summary

The property in question is a land locked property situated on the south side of Myler Road and to the east of Goff Road (a private road). Lot 66 contains 12.476-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 66 is currently developed with one (1) two-story single family residential dwelling. The residence currently takes access to Myler Road by way of a private gravel driveway through Lot 43 to the east (171 Myler Road). According to the Applicant, this arrangement of access to Lot 66 has been in operation for over 50-years, however the access easement, or agreement was never recorded with the deed for Lot 43 or Lot 66. The Applicant currently intends to sell the subject property (Lot 66), however the lack of a formal driveway and access easement over Lot 43 has presented an issue as the owner of Lot 43 does not wish for this arrangement to continue in the future.

In order to remedy this lack of access to Lot 66, the Applicant is now seeking minor site plan approval to permit the construction of a new driveway to Goff Road to the west, a private roadway, identified on the Township Tax Maps as a 40-foot-wide access easement. Additionally, the Applicants intend to reconstruct the existing septic system under a separate application to the Hunterdon County Health Department as part of the property sale.

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 F-17 – A written Applicability Determination, Exemption Determination or Consistency Determination from the New Jersey Highlands Council indicating the project's status relative to the Highlands Regional Master Plan has not been provided.
 - b. Checklist Item F-37 – The submitted plan does not depict the locations of all survey monumentation found or set.
 - c. Checklist Item F-40 – The plans and submission documents do not include the easement documents relative to the JCP&L ROW and the access easement which established Goff Road, and any other easements, or deed restrictions which may be applicable to the property.

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 a. above cannot be waived in accordance with the Township's approved Highlands Council petition. The Applicant has indicated that in a telephone conversation with the Highlands Council the project would be exempt under Exemption 5, which permits the following: *'any improvement to a single-family dwelling in existence on the date of enactment of this act, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system'*, however, no written correspondence has been provided confirming this determination.

Additionally, the Applicant must provide survey data, and deed information relative to the ability for the subject parcel to take access to Goff Road, and to cross the JCP&L Easement area with the proposed driveway.

2. The Applicant is seeking waivers from the following checklist items:

- a. Checklist Item F-7 – Certification that all taxes have been paid to date.
- b. Checklist Item F-9 – Confirmation that the Application has been submitted to the Hunterdon County Health Department.
- c. Checklist Item F-10 – Confirmation that the application has been submitted to the Hunterdon County Soil Conservation District.
- d. Checklist Item F-13 – Submission of an NJDEP Freshwater Wetlands Letter of Interpretation.
- e. Checklist Item F-29 – The inclusion of the 200-foot property owners list on the plans.
- f. Checklist Item F-34 – The submission of a signed and sealed property survey for the subject parcel.
- g. Checklist Item F-36 – The labeling of front, side and rear setback lines.
- h. Checklist Item F-41 – Identification of existing buildings and structures within 200-feet of the subject property.
- i. 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.
- j. Checklist Item F-47 – The depiction of the area of disturbance in acres.
- k. Checklist Item F-49 – The parking and loading space requirements for the proposed development.
- l. Checklist Item F-50 – The depiction of all existing sewage disposal systems and wells on the parcel and within 100-feet thereof.
- m. Checklist Item F-51 – The location of all soil permeability and testing logs.
- n. Checklist Item F-55 – The locations of all existing and proposed utilities.

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

Many of the above waiver requests appear to have been requested for completeness purposes only due to timing restrictions associated with the submission of the application to the Board. The Applicant must address the administrative, and outside agency submission requirements (Items a., b., c., d.) prior to the Board being able to deem the application complete. Item f. above should be submitted as part of addressing deficiencies identified in Section A. above related to the easements necessary to permit the construction of the proposed driveway to Goff Road through the JCP&L Easement on the subject parcel.

We also note that based on correspondence received to our office this afternoon an isolated wetland has been identified on the property, which would require an NJDEP Freshwater Wetlands General Permit 10A or 6 prior to the construction of the proposed driveway and drainage improvements.

3. The Applicant has indicated that the following items are not applicable:

- a. Checklist Item F-8 – Submission of the Application to the Hunterdon County Planning Board.
- b. Checklist Item F-11 – Submission of a Traffic Impact Study.
- c. Checklist Item F-12 – Submission of an Impact Assessment of Water Supply.
- d. Checklist Item F-14 – Submission of a Flood Hazard Area Permit.
- e. Checklist Item F-15 – Submission of a Financial Disclosure Statement for a corporation or partnership.
- f. Checklist Item F-16 – Submission of protective covenants or deed restrictions, including open space restrictions.
- g. Checklist Item F-42 – Floor plans for all proposed buildings.
- h. Checklist Item F-43 – Preliminary Architectural Drawings for all proposed Buildings.
- i. Checklist Item F-56 – The depiction of all signs and their proposed illumination.
- j. Checklist Item F-58 – The depiction of all proposed lighting including fixture locations and illumination levels.
- k. Checklist Item F-59 – The preparation of a landscape plan and buffer planting plan.
- l. Checklist Item F-60 – The location and size of any existing or proposed above-ground storage tanks.
- m. 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 a. and f. above are not applicable. The Application must be submitted to the County Planning Board for their review, and indication whether the applicant is exempt from review. Further, any easements, protective covenants or deed restrictions which may apply to the subject property must be identified via submission of the relevant recorded documents, and depiction on the

submitted plans. This is particularly important as the proposed driveway and drainage improvements are within the JCP&L Easement identified on the Minor Site Plan.

Conclusion

Based upon the deficiencies outlined in Sections A., B. and C. of this report, we recommend that the application be deemed incomplete by the Board at this time.

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

Paul Sterbenz will be at the June 13, 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)

Frank and Robin Kaszas, Applicants (via email robin.kaszas@delonghigroup.com)

James A. Hill, PE, PP, CME, Applicant's Engineer (via email jhill@freyengineering.com)

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Engineer Hill stated that the review letter dated June 10, 2022 prepared by Colliers was received. Everyone understands that this is a completeness review but if there are questions of board then he can answer. Engineer Hill stated that this started out as simple driveway, then a driveway and septic, and then minor subdivision. The common driveway with lot 43 adjacent owners will not allow access with a sale of the property so the property owners had to look at access off Goff Lane, which some references state is private and some references state it is a public road. In regards to the road being a public road, the right of way was approved by the Planning Board; however, no one can locate that the township committee approved the dedication of land. The Highlands Council gave info to the Osman application (neighbors to the Kaszas family) for farmland and to create a home. Not sure if public road or if this needs to be an easement. The tax map shows the easement but the survey of applicant shows a dedicated right of way. There is a small map of June 8, 1963 which shows it as a road. Somewhere in the past the Township recognized that this is a road to a driveway to the house. LUA Kozak to email the board with the information Engineer Hill is referencing from the file she reviewed prior to the scheduled meeting. Chairman Miller stated that this goes back further than the tenures of most board members. Jerry Bowers mentioned that Lot 28 had Board of Adjustment approval and wondered if the applicant exhausted all ways to convince the owner of shared driveway to continue the use? Engineer Hill stated that there was an agreement of years ago which gave rights to dispense of use on either party and yes, the applicant has tried. Frank Kaszas stepped to the mic and was sworn in by Court Reporter Mackey - - He owns the property with his brother – currently known as 195 Myler. He stated that they tried to talk with their neighbor residing at lot 43 to be cooperative with no luck. There were no problems with the prior owner and they used it jointly with maintenance being done by the Kaszas. The property was sold and the new residents do not want to maintain the agreement. The Kaszas family offered to pay etc. The new property owners said they do not want people in the house and can stop the sale. Jerry Bowers mentioned that easements can be bought and sold and asked Frank Kaszas if he is including this in the sale of the house Mr Kaszas said he tried to work with the neighbor in front to gain access off Myler and that person was not interested because he did not want to get involved with the situation with the neighbor. The owner of the easement will not take anything and the other neighbor does not want to get involved. Engineer Hill mentioned that Highlands Council contact Judy Thornton in a letter references the easement. Holland Township does not maintain the road and it is considered private. Engineer Hill thanked us for being able to look at files of other people who received board approval and there is confusion with the board saying it is a road and the township committee not accepting the road. The existing shared driveway was used about 60+ years. Engineer Hill said he read something that either party could terminate the use at either time and Attorney Gallina asked if the applicants looked at the courts making a determination (prescriptive rights). The applicants are looking for a solution to make the problem go away without a legal battle. At 7:32 the fire co alarm went off and our fire company members needed a minute.

All is ok, an open burn that does not require them to leave the meeting. Various items of the completeness review have been addressed. The map was updated, the taxes are paid, the county health application was submitted and provided this to us, the application to soils was submitted as well as the driveway application, there is a small wetland at junction of Goff and they will need a permit for this, setback lines to be put on maps, the house is a single-family home and not in flood ways but they will get a transition letter, and overhead lines are on the map. With all this being said, waivers are no longer really needed. Jerry Bowers asked how the utilities get to the home and Engineer Hill stated that JCP&L has 2 easements. Engineer Sterbenz agreed that all items have been addressed with the exception of the Highland's one that needs additional discussion. Highlands Council confirmation is exempt #5, however the big issue is easements and covenants pertaining to Goff Rd and does the applicant have access to Goff which is not our road? Do the other property owners with an easement to Goff Rd have access rights? The focus is do they have access to Goff and this needs to be proven to the board. Engineer Hill said that the applicants are denied access from the prior driveway and this property could be considered land locked. Gallina stated that there has to be recorded documents of who can use Goff. Engineer Hill read thru 30 pages and he is not sure who has access. Attorney Gallina, asked if a search was done of the properties to see if recorded language or rights exist? Does the deed to applicant talk about ingress and egress to this? Engineer Hill said in 1966 there is a reference as a public right of way by the Planning Board and the Township Committee never accepted it which makes the situation foggy **as to whether** they can access this. Engineer Hill may come in to see LUA Kozak to see the files. Chairman Miller suggests that the board deems this incomplete and that the applicant works on the Goff Lane issue and provides information to the board for completeness consideration then going into a public hearing. Attorney Gallina said the applicants can talk with residents on Goff Lane to see about their access as well. Member O'Such asked about the property to the north and if they extinguished the right of way? If existing JCP&L easements exist then can they use that but Engineer Hill said no they cannot. Frank Kaszas asked what happens if this does not go thru and the property is then land locked. He mentioned that people before his family used it and he wants to invest in the driveway. Engineer Hill sent Engineer Sterbenz deeds today. Attorney Gallina suggested a title search showing easements as being helpful.

A motion was made by Bill Martin and seconded by Ken Grisewood to deem the application incomplete at a roll call vote, all present were in favor of the motion. Motion carried.

Block 24 Lot 5.01 – 122 Spring Garden Road - Ryan Hatch - Variance – shed structure – Received into the office on May 17, 2022 – The 45-day completeness deadline is July 3, 2022 – Board Action Needed for Completeness.

Applicant Ryan Hatch is present. He is not a professional but the homeowner.

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

June 10, 2022

Land Use Board

Township of Holland

61 Church Road

Milford, NJ 08848

Completeness Report #1

Variance Application

Ryan Hatch

Lot 5.01, Block 24 – 122 Spring Garden Road

Colliers Engineering & Design Project No. HLP-0035

Dear Board Members:

Pursuant to your request, we have reviewed for completeness plans, applications and other documents filed by the Applicant Ryan Hatch in support of a Variance Application for Lot 5.01 in Block 24 situated at 122 Spring Garden Road including:

1. Completed Fee Calculation Form, undated.
2. Completed W-9 Form, undated.
3. Completed Replenishment of Escrow Accounts Agreement, dated May 19, 2022.
4. Complete Certification of Ownership dated June 3, 2022.
5. Deed for the subject property, (Lot 5.01, Block 24), December 13, 2012.
6. Completed Township of Holland Planning Board & Board of Adjustment Highlands Land Use Application, undated.

7. Completed Board of Adjustment Checklist for Determining Completeness of Application, undated.
8. Completed Planning Board & Board of Adjustment Application Form, dated May 19, 2022.
9. Completed Request for 200-foot property listing, undated.
10. Certified List of Property Owners dated May 26, 2022.
11. Municipal Tax Certification dated May 26, 2022.
12. Photos of the subject property.
13. Aerial Plans indicating existing and proposed conditions, undated and unsigned.
14. Prototypical Architectural plans and elevations for the proposed garage structure, consisting of three sheets, undated and unsigned.
15. Plan entitled "Property Survey – Keith Holtmeyer – Tax Block 24, Lot 5.01 – Holland Township, Hunterdon County, New Jersey", consisting of one (1) sheet, as prepared by Sam Carroccio, PLS, dated October 28, 1981, unrevised.

Application Summary

The property in question is situated on the east side of Spring Garden Road one half mile north of its intersection with County Route 627. Lot 5.01 contains 3.043-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 5.01 is currently developed with one (1) two-story single family residential dwelling, driveway, storage building, in-ground swimming pool and septic tank. The residence currently takes access to Spring Garden Road by way of a gravel driveway.

The proposal for the property is to demolish the existing in-ground pool and storage structure and construct a 2,400-SF, 40’ x 60’ garage with 3 - 10’x12’ overhead doors.

Per Land Use Ordinance Section 100-45.B.(3) concerning Accessory Uses, the maximum allowable gross floor area for storage structures on a lot having greater than three acres, but less than ten is 1,000-square feet. The proposed 2,400-square feet exceeds this maximum allowable gross floor area, which necessitates the need for the application for variance relief.

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 Items H-16 through H-24 – The submitted plans are marked up schematic aerial maps and are not drawn to scale.

We do not support a waiver from the plan preparation requirements referenced in item a. above. A comprehensive plan must be presented based upon a current boundary and topographic survey of the property in support of the Variance Application.

The plan must provide the existing and proposed zoning criteria for the lot, including but not limited to the setbacks to the principal and accessory structures, building heights and lot coverage. The plan also does not identify any proposed revisions to, or extensions of the driveway on the property, or identify the limits of disturbance. As the Applicant will likely store vehicles in this structure, there is a need to provide a stabilized driveway to access to the overhead doors, which will increase the impervious coverage on the lot, and the limits of grading and disturbance associated with the project.

Once a determination is made as to the final increase in impervious surface on the property the Applicant may also be required to conform to the requirements for Stormwater Management for Minor Developments as outlined in Land Use Ordinance Section 100-185.1.

Additionally, we note that the new garage is proposed at a side yard setback of 50-feet, where the minimum side yard setback for the zone is 75-feet, which necessitates an additional bulk variance which has not been identified in the application.

2. The Applicant has indicated that the following items are not applicable:
 - a. Checklist Item H-4 – Submission of a Financial Disclosure Statement for a corporation or partnership.
 - b. Checklist Item H-7 – Copy of a letter from the Fire Company (if lot does not front on public street).
 - c. Checklist Item H-9 – Consent of Owner (if applicant is not owner).
 - d. Checklist Item H-27 – A written 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.

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

We do not concur that item d. above is not applicable. Item d. cannot be waived in accordance with the Township's approved Highlands Council petition.

Conclusion

Based upon the deficiencies outlined in Sections A.1. and A.2. of this report, we recommend that the application be deemed incomplete by the Board at this time.

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

Paul Sterbenz will be at the June 13, 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 jogesq@embarqmail.com)
Ryan Hatch, Applicant (via email rwh27@njit.edu)

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Court Reporter Mackey swore in Ryan Hatch. Ryan Hatch is the homeowner and he is a professional engineer but not practicing engineer. Ryan Hatch stated that he understands he needs to continue working on the deficiencies in his application. He wanted to see the process. Chairman Miller mentioned that plans marked up schematic needs to have more detail. Ryan Hatch believes 4 items not applicable from the checklist. He did not talk with The Highlands Council however he filled in the form. Engineer Sterbenz suggested contacting Judy Thornton at the Highlands Council and that this project might be exemption #5 – accessory structure as the house precedes the Highlands Act. Ryan Hatch is working with surveyor and has question on boundaries and topo. Engineer Sterbenz mentioned that technically the survey should be for the whole lot but that an applicant can ask for a waiver, however the areas of disturbance and driveway to the building from existing driveway and stormwater and more disturbance can be the focus. Ryan Hatch asked if a grading plan is required by the board and Engineer Sterbenz replied yes with Chairman Miller mentioning elevation changes in the property. More discussion took place of the intention of a 2400 sq foot garage with the applicant stating he needs space for equipment to maintain property. Ryan Hatch stated that a 2400 sq ft building might be a little large but he figured he would seek approval for something larger and then can reduce the size if it was better for him rather than finding out what he was approved for would be too small for his property maintenance needs. He currently has an attached 2 car garage which is filled and cars should be in that garage. He wants to get rid of other structures on the property. Member Bowers just mentioned that the board will ask more questions in the future regarding a 1000 sq ft accessory being permitted vs the significantly larger structure which Mr. Hatch was proposing. Some additional conversations took place about the location of the proposed accessory structure with Ryan Hatch stating that he needs to put the shed more to the front and Engineer Sterbenz stated that there was no prohibition to putting it there. Ryan Hatch is working with a surveyor that is a civil engineer. Ryan Hatch had questions regarding size of an accessory structure and Engineer Sterbenz responded that if you move forward with the 1000 sq ft permitted accessory structure then you can deal with zoning and engineering however, if you want to exceed the permitted 1000 sq ft for an accessory structure then you need to appear before the board with a variance and each application stands on its own merit.

A motion was made by Dan Bush and seconded by Ken Grisewood to deem the application incomplete at a roll call vote, all present were in favor of the motion. Motion carried.

Resolution

Block 24 Lot 13 – Huntington Knolls LLC – Extension of the Final Approvals for Phases 2 & 3 of the overall project. Board Action Needed to memorialize

Block 24 Lots 3, 13 & 13.01

**HOLLAND TOWNSHIP LAND USE BOARD
RESOLUTION**

WHEREAS, the Applicant, Huntington Knolls, LLC was previously granted final site plan

approval for say "Phases II and III" of its planned development application, by Resolution adopted February 11, 2019; and

WHEREAS, by Resolution adopted on July 12, 2021, the Applicant was granted a one year extension of final site plan approval; for Phases II and II of its planned development application; and

WHEREAS, the Applicant has applied for an additional; extension of final site plan approval for Phase II and Phase III of the project; and

WHEREAS, the Planning Board considered the extension request at the May 9, 2022 Land Use Board meeting; and

WHEREAS, correspondence from Attorney Howard Apgar dated April 19, 2022 was received by the Board Secretary on behalf of the Applicant; and

WHEREAS the Land Use Board having carefully considered and reviewed the extension requests, made the following finding of fact and conclusions of law:

1. All prior Resolutions regarding this Application are hereby incorporated by reference as if set forth at length herein.
2. With regard to the requested extension of final site plan approval for Phases II and III, under N.J.S.A. 40:55D-52, zoning requirements applicable to the preliminary approval shall not be changed for a period of two (2) years from the adoption of the Resolution granting final approval. The Board may grant an extension of final site plan approval for an extension of one year, not to exceed 3 extensions. The Resolution granting final site plan approval was adopted on February 11, 2019. The two year period of protection from zoning requirement expired on February 11, 2021. The initial one year extension ran through February 11, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE HOLLAND TOWNSHIP LAND USE BOARD, on this 9th day of May, 2022, as follows:

1. That pursuant to N.J.S.A. 40:55D-52a, the Land Use Board hereby grants an extension of final site plan approval for Phases II and III of one year, through February 11, 2023.
2. The conditions of the approval in the prior Resolutions of June 14, 2006 as revised May 12, 2014, and February 11, 2019 shall continue in full force an effect as applicable.

Land Use Board Roll Call Vote

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Michael Keady						
Scott Wilhelm						
Ken Grisewood						
Mike Miller						

David Grossmueller						
Bill Ethem						
William Martin						
Jerry Bowers						
Dan Bush						
Nickolas Moustakas (Alt.)						
Ryan Preston (Alt.)						
Joe Cinquemani (Alt)						
Kelley O'Such (Alt)						

Motion carried.

The foregoing Resolution was duly adopted by the Holland Township Planning Board at a regular meeting held on _____, 2022.

ATTEST:

 Maria Elena Jennette Kozak, Administrator
 Holland Township Land Use Board

 Michael Miller, Chairperson
 Holland Township Land Use Board

A motion was made by Dan Bush and seconded by Bill Martin to memorialize the resolution prepared by John Gallina At a roll call vote, all present were in favor of the motion with the exception of Michael Keady, Ken Grisewood and Kelley O'Such who were recused. Motion carried.

Public Hearings

There were no public hearings scheduled for this meeting.

Sub-Committee Status and Updates:

Highlands Subcommittee – Mike Keady – tasks have been completed tasks and more funding might be available. We have accomplished a lot and we will move forward with more tasks identified. More details to follow.
 Home Occupation subcommittee---Ken Grisewood, Jerry Bowers and Bill Martin. Meetings have taken place and the following is offered for consideration.

TOWNSHIP OF HOLLAND

ORDINANCE NO. 2021-__

AN ORDINANCE OF THE TOWNSHIP OF HOLLAND AMENDING AND SUPPLEMENTING CHAPTER 100 ENTITLED “LAND USE”, ARTICLE III ENTITLED “TERMINOLOGY” AND ARTICLE VII ENTITLED “R-1 AND R-5 RESIDENTIAL DISTRICTS” TO ADD HOME BUSINESS AS A CONDITIONALLY PERMITTED ACCESSORY USE

WHEREAS, the Township Planning Board has received several variance applications for home businesses; and

WHEREAS, the Township has applied for and received a grant from Hunterdon County to implement various zoning ordinance recommendations contained in the 2020 Master Plan & Development Regulations Reexamination; and

WHEREAS, the grant also includes funding to revise the ordinance addressing home businesses; and

WHEREAS, the Township Committee agrees that the current Ordinance should be amended to clarify permitted accessory home occupations or businesses.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Holland, as follows:

SECTION 1. Chapter 100 of the Code of the Township of Holland entitled “Land Use”, Article III entitled “Terminology”, Section 6 entitled “Definitions” is hereby amended and supplemented by adding the following

underlined terms in alphabetical order:

HOME OCCUPATION

~~A legal occupation conducted within a dwelling used as such, and/or in other existing buildings on a lot whose principal use is for residential purposes, provided that:~~

~~[Amended 11-4-1981 by Ord. No. 81-16; 12-19-1989 by Ord. No. 1989-13; 3-20-1990 by Ord. No. 1990-3]~~

~~A.~~

~~The occupation is carried on solely by the residents of such dwelling for financial or other remuneration as a use clearly incidental to and secondary to the residential use of the dwelling for domestic housekeeping and involves the employment of no person in such occupation who does not reside in such dwelling.~~

~~B.~~

~~Not more than 25% of the total floor area of such dwelling shall be devoted to such occupation and at least 1,000 square feet of such dwelling remains for domestic housekeeping after 25% has been deducted. (Multiple "home occupations" may be permitted, provided that the minimum of 1,000 square feet remains and the limitation of 25% is not exceeded by all such occupations.) Provided that the foregoing provisions of this Subsection ~~B~~ are met, a "home occupation" may also be conducted in a garage (whether or not attached to the house) or in any already existing building which is not a dwelling on the lot. No new building or addition to an existing building shall be constructed and utilized for a "home occupation." In calculating the floor area of the dwelling, for the purposes of this Subsection ~~B~~, the area of any attached garage shall not be included.~~

~~C.~~

~~There shall be no display of goods offered for sale in connection with such occupation which is visible from any street or adjoining lot, except as is permitted in § ~~100-45E~~.~~

~~D.~~

~~No power equipment which is used to fabricate or manufacture a product for sale shall be used in such employment or occupation. (This shall not be construed to mean usual office equipment, such as typewriters, photocopiers and the like, which produce letters, reports, etc.) Also, no equipment or process shall be used in such employment or occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot; and in the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the lot or causes fluctuations in line voltage off the lot. No trucks or mechanized construction or earth moving equipment used in such employment or occupation shall be parked or kept on the lot; provided, however, that no more than two motor vehicles, which may be automobiles or pickup, panel or van type trucks which do not exceed 2,000 pounds capacity, may be parked or kept on the lot when used in connection with a home occupation conducted from the lot.~~

~~E.~~

~~The dwelling in which said occupation is carried on shall retain an exterior which is characteristic of a building used for residential purposes. No structural changes to accommodate the "home occupation" shall be permitted, unless such changes are customary and normal for a dwelling used for residential purposes.~~

HOME BUSINESS

A business conducted within a dwelling used as such, and/or in other existing buildings on a lot whose principal use is for residential purposes, provided that:

- A. An owner of the home business (occupation) shall be the owner and resident of the subject property and the single-family detached dwelling situated thereon.
- B. The business is carried on by the residents of such dwelling for financial or other remuneration as a use clearly incidental to and secondary to the residential use of the dwelling for domestic housekeeping and involves the employment of no more than one person in such business who does not reside in such dwelling. (need to confirm if nonresident employee triggers ADA compliance issues)
- C. The dwelling or building in which said business is carried on shall retain an exterior which is characteristic of a building used for residential purposes. No structural changes to the accommodate the

"home business" shall be permitted unless such changes are customary and normal for a dwelling used for residential purposes.

- D. No new building or addition to an existing building shall be constructed and utilized for a "home business."

SECTION 2. Chapter 100 of the Code of the Township of Holland entitled "Land Use", Article VII entitled "R-1 and R-5 Residential Districts", Section 45 entitled "Accessory uses" is hereby amended and supplemented by adding the following underlined text:

Accessory uses and structures to any of the foregoing permitted principal uses and permitted conditional uses are permitted, including:

- F. Home businesses, as defined in this Part 1, as a conditionally permitted accessory use, subject to the following conditions:

(1) Home business shall be permitted in the R-5 Zone only.

(2) A home business may utilize a portion of the principal single-family detached dwelling unit and/or one or more secondary buildings or structures which are accessory to the principal single-family detached dwelling unit provided that all of the following three provisions are met:

a) Not more than 25% of the habitable floor area of a dwelling or 1,000 square feet whichever is less, shall be devoted to a home business and at least 1,000 square feet of such dwelling remains for domestic housekeeping after 25% has been deducted.

b) Within the single-family detached dwelling and any accessory building or structure on the property, no more than an aggregate 1,000 square feet of gross floor area may be utilized for the home occupation.

c) The aggregate gross square footage of all portions of all accessory buildings and structures utilized for the home occupation shall not exceed 50% of the gross floor area of the principal single family detached dwelling or 1,000sf whichever is less. (Note: Need to confirm that c. does not result in exceeding 1000sf or 25% of the habitable floor area.)

~~(3)~~

(4) The home business or occupation shall operate only between the hours of 7:00 a.m. and 7:00 p.m. Mondays through Fridays and on Saturdays between 8:00 a.m. and 4:00 pm. The home occupation shall not operate on Sunday except for emergency purposes. (added)

(5) Deliveries shall be restricted to normal business hours listed above.

(6) (do we want to limit the type of business ie no retail sales?, is home day care covered elsewhere?)

(7) Clients, patrons or customers shall be permitted on the property in regard to the home occupation, provided that:

(a) Such visitation shall occur during daylight hours only;

(b) Such visitation shall not create the need to park more than two vehicles at any time in addition to those ordinarily used by the residents of the single-family detached dwelling unit; and (this provision may open the business up to meet ADA requirements. Engineer & planner to confirm)

(c) Such visitation shall not create the need to park anything other than passenger automobiles, and such passenger automobiles shall be able to be parked off-street on the subject property.

None of the above shall be interpreted to prohibit any person from coming onto the property who might otherwise come to the property on similar occasions and for similar reasons in association with the single-family detached dwelling unit.

(8) No power equipment which is used to fabricate or manufacture a product for sale shall be used in such employment or occupation. (This shall not be construed to mean usual office equipment, such as typewriters, photocopiers and the like, which produce letters, reports, etc.) Also, no equipment or process shall be used in such employment or occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot; and in the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the lot or causes fluctuations in line voltage off the lot. No trucks or mechanized construction or earth moving equipment used in such employment or occupation shall be parked or kept on the lot; provided, however, that no more than two commercially licensed motor vehicles, which may be automobiles or pickup, panel or van-type trucks which do not exceed 6,000 pounds capacity, may be parked or kept on the lot when used in connection with a home

business conducted from the lot.

(9) Parking shall be provided in accordance with RSIS for the residential use and a maximum of one space for the one nonresident employee and two visitor spaces (added). Heavy discussion over how to determine the suitability of the parking area drive width turn around areas if not regulated by other sections of the Code)

(10) A minor site application shall be required for all home businesses. The site plan shall be prepared in accordance the checklist for determining completeness of Application Minor Site Plan Township of Holland, Hunterdon County, New Jersey. (Note This could be limited to only those business that have a nonresident employee, is over say 200sf, requires commercial vehicles and deliveries. This item need further discussion).

a) A minimum of 0.2 footcandles shall be maintained in the employee/visitor parking area with a maximum average of 0.6 footcandles. The use of spotlights or fixtures producing light above the horizontal plane of the source are prohibited. Along any property line common with an adjacent residential use the maximum footcandles shall be 0.0. (could be considered under the site plan)

b) All commercial vehicles, and customers vehicle parking areas shall screened from adjoining properties.

(11) There shall be no nuisance element detectable beyond the property line in connection with the home business.

(12) There shall be no display of goods offered for sale in connection with such occupation which is visible from any street or adjoining lot, except as is permitted in § 100-45E.

(13) No sign other than an unlighted nameplate no more than two square feet in area said sign shall be located (??) feet from the front property line.

(14)

E. Section 100-45 Accessory Uses (these should be moved into definition

100-6 Home Business (occupations, as defined in this Part 1, in the R-5 District only and subject to the limitations expressed in the definition of home occupation in § 100-6 and the following limitations:

- ~~(1)~~ Except for the retail sale of farm produce, which may occur from a seasonal stand, such occupation shall be conducted in accordance with 100-6 ~~entirely within the confines of the dwelling on the lot.~~
- (2) Seasonal stands for the retail sale of farm produce shall be set back at least 50 feet from the traveled way of the street. An off-street parking area accommodating at least three automobiles and not more than five automobiles shall be provided in the area of the stand, which parking area need not be paved.
- (3) No article or product shall be sold or offered for sale unless the same is produced on the lot.
- (4) Except as to seasonal farm stands, no clients or customers shall be received on a regular or scheduled basis if the same would involve more than two clients or customers on the premises at any one time.
- (5) Except for permitted signs and except for seasonal stands for the retail sale of farm produce, no physical evidence of the home occupation or home professional office shall be visible from off the site.

Section 100-49 Accessory Uses (these should be same as in 100-6)

B.

Home occupations and home businesses ~~professional offices~~ as defined in this Part 1, subject to the following limitations:

(1)

Such occupation shall be conducted entirely within the confines of a building.

(2)

No more than one person, other than a resident on the premises, shall be employed in said office or occupation.

(3)

~~No article or product shall be sold or offered for sale unless the same is produced on the premises, except that antiques may be sold as a home occupation in the VR District.~~

(4)

No machinery, equipment or operation shall cause interference with radio or television reception or cause any other form of electrical disturbance in the area, create any noise which is discernible beyond the limits of the property, produce any gas, fumes, dust, odor or other air pollution, heat or movement of air.

(5)

No clients or customers shall be received on a regular or scheduled basis if the same would involve more than one client or customer on the premises at any one time.

(6)

Except for permitted signs, no physical evidence of the home occupation or home professional office shall be visible from off the site.

SECTION 3. All other sections of this Ordinance shall remain in full force and effect.

SECTION 4. All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

SECTION 5. This Ordinance shall take effect immediately upon passage and publication as required by law.

Catherine M. Miller, RMC
Township Clerk

Introduced: _____
Public Hearing: _____
Adopted: _____

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The subcommittee explained that they reviewed various ordinances including Holland Township, Lebanon Township, Montgomery and Mansfield. The bulk of their thoughts are in the above with some redline as well as items still need professionals. Topics such as grandfathering, limits on house sold and or inherited does it constitute preexisting occupation business, requirements of how to submit site plan, maybe file exemption based on home use square footage and no employees – what does board want and what does it trigger, ADA compliance?, how to manage commercial side of parking lot standards, size of parking, size of driveway, turnarounds, safety for visiting and deliveries, standards for screening for parking with home oc etc. need to take place with the professionals weighing in. The redline version is the draft. Board questions/discussions included: the ordinance addresses existing buildings so is the intention not to allow to build new house with Ken Grisewood stating the intent is not to allow a new building for home oc and Jerry Bowers stating that the subcommittee is making an effort to minimize impact of home oc business while preserving characteristic of the R5 zone which then triggered a conversation about the ordinance and discussions with parking for a business which did not make sense. Chairman Miller asked for clarification on the section for home oc vs home business with the explanation that the current ordinance calls this a home occupation and Ken Grisewood explained that the subcommittee was following the planner’s approach to redefine as home business but the professionals can decide the proper wording to be used. Attorney Gallina stated that most towns do not grandfather as it is more site specific and that people would need to discuss the home oc. For clarification, if it is not spelled out in an ordinance then it is not a permitted use... Land Use Administrator to work with Planner Green on remaining funds in the grant and to then speak with Hunterdon County Economic development Director Mark Saluk to see if additional funning is available.

Public Comment

Davina Lapczynski - 105 Riegelsville Rd, Block 26 Lot 27, had questions about Goff Lane relating to multiple properties having access to a road not a township road and how someone would get the easement to use the road. Attorney Gallina stated that the applicant with the application before the board has to prove this.

Executive Session

A motion was made by Dan Bush and seconded by Ken Grisewood to go into executive session to discuss ongoing litigation. Motion carried.

A motion was made to return to the scheduled meeting by Dan Bush and seconded by Joe Cinquemani. All present were in favor of the motion. Motion carried.

Court Reporter Mackey returned to the meeting.

Housekeeping:

There was no housekeeping scheduled for this meeting.

Adjournment

Jerry Bowers made a motion to adjourn. Motion approved. The meeting ended at 8:17 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak
Land Use Administrator