

**Holland Township Land Use Board**

**Minutes of the Regular Meeting**

**February 13, 2023**

(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 Administrator Kozak:

**Chairman:** I call to order the February 13, 2023 Reorganization 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 8, 2022 edition of the Hunterdon County Democrat
3. And faxing to the Express-Times for informational purposes only.

Chairman Martin asked all to recite the Pledge of Allegiance

**Appointments**

*Chairman: We have appointments and re-appointments to swear in: (Determined January 17, 2023 at the Township meeting)*

**2023 JOINT LAND USE BOARD**

	<b>CLASS</b>	<b>TERM EXPIRES</b>
<i>Nickolas Moustakas</i>	<i>IV</i>	<i>12/31/2024</i>

**ALTERNATE CLASS IV #1 (2 year term):**

<i>Ryan Preston</i>		<i>12/31/2026</i>
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**ALTERNATE CLASS IV #2 (2 year term):**

<i>Joe Cinquemani</i>		<i>12/31/2023</i>
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**ALTERNATE CLASS IV #3 (2 year term):**

<i>Kelley O'Such</i>		<i>12/31/2024</i>
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**ALTERNATE CLASS IV #4 (2 year term):**

<i>Peter Kanakaris</i>		<i>12/31/2024</i>
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Attorney Gallina swore in the above members

Congratulations to our Land Use Board members.

**Identification of those at the podium**

Present: Dan Bush, Jerry Bowers, Joe Cinquemani, Bill Ethem, Ken Grisewood, Peter Kanakaris 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: Scott Wilhelm and Darlene Green, Planner

Let the record show there is a quorum.

**Minutes**

A motion was made by Mike Miller and seconded by Jerry Bowers to dispense with the reading of the Land Use Board minutes of the January 9, 2023 meeting and to approve the minutes as recorded. With no discussion, all present were in favor of the motion with the exception of Peter Kanakaris who abstained. Motion carried.

**Old Business:**

Checklist project – Each member received copies of the checklist revisions as prepared by Engineer Wisniewski. Member Bowers had questions regarding the flood ordinance relating to the checklists and also asked that the checklist saying Board of Adjustment be changed with Member O-Such mentioning that the application should be entitled Use Variance. Member Grisewood mentioned that we need to look at the lighting ordinance as it is mentioned in the checklist but is too general. After much discussion, all agreed that the ordinance needs to be revisited however if the checklist is adopted now then it would revert to the ordinance that if revised would be presented with better details on expectations. Member Grisewood reminded everyone that the lighting ordinance is a defective ordinance and Holland Township needs to revise it. Engineer Wisniewski said revisions can take place but the checklist does not need details as it relates to the ordinance. Liaison Bush stated that this is a living breathing document that undergoes constant changes and that the checklist is for completeness. It is a guide for someone who is filing an application. Member Bowers asked if we can clean up the heading of the documents to say Land Use Board and to tweak as needed with the professionals saying that can be done. The goal is to get this on the next Township Committee agenda which means that the revisions need to take place by Thursday for submittal to the Township

Committee. Attorney Gallina explained that a waiver is usually for completeness and more info could be added and that once an ordinance is done an ordinance is done. Liaison Bush stated that things change quickly and that we think we are capturing everything at the moment only to discover the document needs to be amended again in time. A motion was made by Jerry Bowers and seconded by Dan Bush to accept the checklists as submitted, to make the tweaks discussed and send to the Township Committee for adoption. Some discussion took place about the defective lighting ordinance with Liaison Bush stating that Liaison Wilhelm and LUA Kozak are looking into revising the lighting ordinance. At a roll call vote, all present were in favor of the motion. Motion carried. Engineer Wisniewski to update and tweak the checklists by Thursday for submittal to the Township Committee. He will work with LUA Kozak.

### **New Business:**

**Ordinance 2023-4 AMENDING THE TOWNSHIP OF HOLLAND CODE OF ORDINANCES TO REPEAL CHAPTER 100, SECTIONS 92 TO 98, TO ADOPT A NEW CHAPTER 100, SECTIONS 92 TO 98; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE -**  
Introduced at the Township Committee on February 7, 2023 – sent to the Land Use Board for review at the scheduled February 13, 2023 meeting. Consistency with Master Plan - Board Action needed. Planner Green submitted a review on February 9, 2023:

Good morning, Maria Elena,  
Thank you for sending over all these documents!! Under the MLUL the Planning Board must review a zoning ordinance for consistency with the land use plan element and housing plan element of the master plan. The ordinance must be substantially consistent with the plans or designed to effectuate such plan elements.

I have reviewed the floodplain management regulations against the most recent land use plan element and housing plan element and find that the ordinance is not inconsistent with either document. (It should be noted that a housing plan doesn't really consider floodplains.) Furthermore, I would note for the Board that the 2020 Master Plan & Development Regulations Reexamination report amended the goals within the 2001 Master Plan. The pending ordinance would advance Goal 4 (emphasis added), which states:

To encourage, wherever feasible, the concentration of residential development so that a maximum amount of land can be left free for agriculture or conservation to help meet the need for agricultural land within the region **and to protect environmentally sensitive areas, such as headwaters, flood plains, wetlands, steep slopes, forests, unique wildlife habitats and scenic vistas from excessive development.**

Please let me know if you need anything else from me. Thank you!

**Darlene A. Green, PP, AICP**

Project Manager  
Hampton, New Jersey

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The chairman opened this up for discussion. Member Grisewood stated that he is aware that the Land Use Board only reviews for consistency with the Master Plan but he has questions about the zoning officer being the point of contact to perform the work outlined in the ordinance. Liaison Bush explained that the ordinance proposed is at the requirement of the state and they would not discuss the ordinance. There is a timeline and Holland Township needs to adhere to the state required timeline. Member Grisewood stated again that he understands what the board is being asked to review, however he wanted it on record and will address the Township Committee that he questions the position of the zoning officer as being the Flood Plain Administrator and believes it should be the Engineer and not the zoning officer. Member O'Such clarified that the proposed ordinance is repealing sections of chapter 92 and 98 and adding a number of sections to the ordinance with a lot more detail. The Township Attorney has reviewed this proposed ordinance change. Member Keady agreed with the discussions of Member Grisewood.

A motion was made by Mike Miller and seconded by Jerry Bowers to have LUA Kozak submit a memo to the Township Committee stating that the Land Use Board finds the proposed ordinance to not be inconsistent with the Holland Township Master Plan for the reasons outlined in the email prepared by Planner Green. At a roll call vote, all present voted in favor of the motion. Motion carried.

Block 24 Lot 13 – Huntington Knolls LLC – Extension of the Final Approvals for Phases 2 & 3 of the overall project. Board Action Needed. Applicant's representatives are present (Vinny Jr and Patty). The applicants submitted an extension request on February 9, 2023:

Maria,

I just became aware that the current Extension of Approvals for Final on Phase 2 and Phase 3 expire on February 11, 2023.

Can you please address the Board that Huntington Knolls, LLC is hereby formally requesting another year's Extension of those Final Approvals for both Phases.

I am hoping that this can be accomplished at this upcoming Meeting scheduled for February 13, 2023.

Thank you for your assistance in this matter.

Emily Jiovino

Attorney Gallina stated that the applicants are seeing another extension and explained Municipal Land Use Law. Under MLUL you are protected once the application is approved for 2 years and then the applicant can have an extension of 1 year each up to 3 years total. Attorney Gallina explained the history of this application and that the last granted extension expired February 11 2023. If the board grants this extension, then it would extend to February 11 2024

Vincent Jiovino Jr stated that the water usage was granted this morning so he believes the Huntington Knolls project should be prepared to move ahead within 90 days, however they still need the extension to be granted by the board.

A motion was made by Mike Miller and seconded by Jerry Bowers to grant the 3<sup>rd</sup> extension of one year which would run to February 11, 2024 which is the final extension for Phase 1, Phase 2 and Phase 4. The Chairman opened this up for discussion. Attorney Gallina stated that the approval is not expiring, An extension protects the applicant from a change in ordinances. Liaison Bush asked Mr. Jiovino Jr. for clarification on the water conversation. Mr. Jiovino Jr. explained it is for Phase 2 and Phase 3 and he was unsure about Phase 4 but if not then Phase 4 is in the works. No other comments were shared. At a roll call vote, all members eligible to vote did vote in favor of the motion. Motion carried. Attorney Gallina was authorized to draft a resolution for consideration and memorializing to take place at the next scheduled meeting.

**Completeness Review:**

There was no completeness review scheduled at this time on the agenda.

**Resolution**

Report of the Land Use Board Attorney for 2022 – approved at the LUB Meeting of January 9, 2023 - Attorney Gallina authorized to prepare a resolution memorializing action – Board Action Required as this needs to be submitted to the Township Committee. The resolution is as follows:

**HOLLAND TOWNSHIP LAND USE BOARD  
RESOLUTION**

**WHEREAS**, under the Municipal Land Use Law, N.J.S.A. 40:55D-70.1, the Board of Adjustment is required, at least once a year, to review its decisions on applications and appeals for variances; and

**WHEREAS**, the Board of Adjustment is required to prepare and adopt by Resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests, and its recommendations for zoning ordinance amendments, or revisions, if any; and

**WHEREAS**, under N.J.S.A. 40:55D-25, Holland Township has established a joint Land Use Board which exercises all powers of a board of adjustment; and

**WHEREAS**, a report on applications and appeals for Board of Adjustment type variances for the year 2022 has been prepared by Board Attorney John P. Gallina, setting forth a summary of the Board’s decisions, and its recommendations for zoning ordinance amendment and revision, if any, which is attached, and which has been reviewed by the Land Use Board;

**NOW, THEREFORE, BE IT RESOLVED BY THE LAND USE BOARD OF OF HOLLAND TOWNSHIP**, Hunterdon County, New Jersey, on January 9, 2023 that the Board adopt the attached 2022 Annual Report as its annual report for 2022, and that a copy of the Report and this Resolution be forwarded by the Board Secretary to the Holland Township Committee, as required by N.J.S.A. 40:55D-70.1.

A motion for the adoption of the within Resolution was made by \_\_\_\_\_, and seconded by \_\_\_\_\_.

**Land Use Board Roll Call Vote**

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

Mike Miller						
Bill Ethem						
William Martin						
Jerry Bowers						
Dan Bush						
Peter Kanakaris (Alt.)						
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 Land Use Board at a regular meeting held on February , 2023

**ATTEST:**

\_\_\_\_\_  
**Maria Elena Jennette Kozak, Secretary**  
**Holland Township Land Use Board**

\_\_\_\_\_  
**William Martin, Chairperson**  
**Holland Township Land Use Board**

Attorney Gallina reminded everyone that this resolution references the report that was approved. A motion was made by Chairman Martin and seconded by Mike Keady to approve this resolution as presented and to have Land Use Administrator Kozak submit the signed resolution memorializing the action to the Township Committee. All present were in favor of the motion No one present was opposed or abstained. Motion carried. LUA Kozak to follow up.

Block 13 Lot 23 – Old Farm Road – Variance-Direct the issuance of a building permit for a lot not abutting a public street and variances for The frontage and the drift way width and traveled width requirements for lots on drift ways – approved by BOA for Lawrence Seibel July 29, 2020 sold to Craig and Rachel Bailey in June of 2021. One year extension requested – granted December 12, 2022. This was tabled to the February agenda. The resolution was presented as follows:

**Block 13 Lot 23**

**HOLLAND TOWNSHIP LAND USE BOARD RESOLUTION**

**WHEREAS**, the Applicants, Craig D. Bailey and Rachel L. Bailey ( the “Applicants”) have applied to the Holland Township Land Use Board for an extension of variance approval previously granted; and

**WHEREAS** the property is located on Old Farm Road, at Block 13 Lot 23; and

**WHEREAS**, the request for an extension was considered by the Board at its meeting of December 12, 2022; and

**WHEREAS**, the Applicants appeared before the Board at the meeting of December 12, 2022 to request the extension; and

**WHEREAS**, the Land Use Board, after considering the request, supporting documents and testimony, has made the following finding of fact and conclusions:

1. All information shown on the prior variance application is adopted by reference as though the complete application were set forth at length herein.
2. The property concerning the application is located at Block 13, Lot 23, and is located on Old Farm Road.
3. The Applicants seek an extension of prior variance approval granted by the former Holland Township Board of Adjustment.
4. By way of background, by Resolution adopted by the Board of Adjustment on July 29, 2020, (Resolution 2020-00), Lawrence Siebel was granted variance approval pursuant to N.J.S.A. 40:55D-36, with conditions in order to obtain a building permit to build a residence on a lot not abutting a public road, together with relate bulk variances. One of the conditions of approval (Condition 2Q) required that the variance relief granted would expire unless the construction or alteration permitted by the variance relief was actually commenced within 3 years of the date of the Resolution, which would be by July 29, 2023.
5. The Applicants had previously sent correspondence to the Board dated November 3, 2022, regarding the extension request, which was discussed at the November 14, 2022, Board meeting. The Board requested that the Applicants personally appear to discuss the extension request.
6. Mr. and Mrs. Bailey appeared at the December 12, 2022, Board meeting. They stated that they had purchased the property from Lawrence Siebel, the original applicant, in June of 2021. They requested an extension of one year, to July 29, 2024, to commence work. According to Mr. Bailey, he cannot obtain a building permit until various conditions of the Resolution are satisfied. He stated that they intend to construct a home on the property and to reside there. He wants to work on satisfying the conditions in 2023 so that he can start building the residence, in 2024. He estimates the home construction will take about a year to complete.
7. There was no public comment presented.



8. Based on the testimony of the Applicants the Board finds that the request for an extension is reasonable. The Baileys were not the original applicants, and purchased the property in June of 2021, nearly a year after the Resolution was adopted, leaving only 2 years to satisfy the conditions and begin construction. They intend to satisfy the numerous conditions in the Resolution, obtain a building permit and commence construction to build a home on the property, where they will reside.

**NOW, THEREFORE, BE IT RESOLVED BY THE HOLLAND TOWNSHIP**

**LAND USE BOARD**, on this twelfth day of December, 2022, as follows:

1. The Applicants are granted an extension of one (1) year to July 29, 2024 in order to commence the construction/ alteration permitted by the variance relief granted under Resolution 2020-00;
2. All other conditions as set forth in Resolution 2020-00 hereby remain in full force an effect.

**Land Use Board Roll Call Vote**

<b>Board Member</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent/Ineligible</b>
Michael Keady						
Scott Wilhelm						
Ken Grisewood						
Mike Miller						
Bill Ethem						
William Martin						
Jerry Bowers						
Dan Bush						
Peter Kanakaris (Alt.)						
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 Land Use Board at a regular meeting held on February , 2023

**ATTEST:**

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**Maria Elena Jennette Kozak, Secretary**      **William Martin, Chairperson**  
**Holland Township Land Use Board**              **Holland Township Land Use Board**

A motion was made by Dan Bush and seconded by Jerry Bowers to approve the resolution as presented. The floor was opened for discussion. There were no comments from the board. At a voice call, all present said they were in favor of the motion, no one stated they were opposed to the motion however, Ken Grisewood abstained from the motion. Motion carried.

**Public Hearings**

Block 26 Lot 27 – 105 Riegelsville Rd – Davina Lapczynski – Received into our office June 22, 2022 – The 45-day completeness deadline is July 11, 2022. Deemed Complete July 11, 2022. Public Hearing scheduled for August 8, 2022. Applicant granted an extension to the September 12, 2022 meeting (email 071822), then to October 10, 2022 (email 082622), then to November 14, 2022. (email 092122), then to December 12, 2022 (email 102822), then to January 9, 2023 (email 120622) then to February 13, 2023 (email 010323) and to March 13, 2023 (email 020723). Davina Lapczynski explained that she is still waiting for DEP approvals.

**Sub-Committee Status and Updates:**

Home Occupation - Ken Grisewood had nothing new to discuss. LUA Kozak is working with Mayor Bush to see if Hunterdon County Economic Development will expand the existing grant for this project. A letter was drafted for review by the mayor and for submittal.

Holland Township Highlands Council Subcommittee –update – Mike Keady did not have an update at this time as we continue to explore Highlands Council grant opportunities replating to stormwater and Holland Township’s reassignment from Tier B to Tier A.

**Public Comment**

Davina Lapczynski – 105 Riegelsville Rd – expressed concern regarding the new Flood Plan Ordinance as she thinks it will have an effect on what she can do on her property. There are several properties in Holland Township that are in the AE flood zone. Everyone suggested that Ms. Lapczynski express her concerns to the Township Committee during the public hearing6.

**Executive Session**

There was no Executive Session scheduled at this time.

**Housekeeping:**

Checklist update: Administrator Kozak revisited the need for the checklists to be updated. Engineer Wisniewski stated that we had started the project in 2018 and there are some minor changes that need to be made. One goal is to be more interactive. Planner Green will also weigh in. Mike Keady stated that the Environmental Commission had worked on some revisions in 2018 but that the EC will need to revisit again when the new checklists are presented. The Goal is to have these to the Land Use Board then to submit them to the Township Committee for adoption. Additional conversations took place regarding the additional size of plans being submitted as 11x17. Digital fillable forms are what everyone agrees needs to be updated.

**Adjournment**

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 7:40 p.m.

Respectfully submitted,

*Maria Elena Jennette Kozak*

Maria Elena Jennette Kozak  
Land Use Administrator