

Holland Township Land Use Board

Minutes of the Regular Meeting

August 14, 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 August 14, 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

Identification of those at the podium

Present: Jerry Bowers, Dan Bush, Joe Cinquemani, Bill Ethem, Ken Grisewood , Peter Kanakaris, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Ryan Preston, John Gallina, Esq., Planner, Jay DeFelicis for Planner Darlene Green, Engineers, Adam Wisniewski, Donna Mackey for Lucille Grozinski, Court Reporter and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Kelley O'Such, Scott Wilhelm
Let the record show there is a quorum.

Minutes

A motion was made by Peter Kanakaris and seconded by Ken Grisewood to accept the minutes of June 12, 2023 and July 10, 2023 were presented. All present were in favor of the motion with the exception of Bill Ethem and Nickolas Moustakas who abstained. Motion carried.

Old Business:

There was no Old Business scheduled for this meeting at this time on the agenda.

New Business:

There was no New Business scheduled for this meeting at this time on the agenda.

Completeness Review:

There were no Completeness Reviews scheduled for this meeting at this time on the agenda.

Resolution

- Block 20 Lot 12 – 231 Riegelsville Rd – Chris & Sherri Karcher – Variance. Received into our office April 11, 2023 – The 45-day completeness deadline is May 26, 2023. Board deemed complete May 8, 2023. Additional pictures submitted. Application approved with conditions at Public Hearing of June 12, 2023. Board Attorney authorized to prepare a resolution for consideration and memorializing. Tabled till the August meeting. Board Action will be Needed.

Block 20 Lot 12

HOLLAND TOWNSHIP LAND USE BOARD RESOLUTION

WHEREAS, the Applicants, Chris and Sharon Karcher have applied to the Holland Township Land Use Board for bulk variance approval and;

WHEREAS, the application concerns property located at Block 20 Lot 12, which is located at 231 Riegelsville Road; and

WHEREAS, the Applicants have paid the proper application fees, and filed the appropriate application forms, and the application was deemed complete; and

WHEREAS, the Applicant has published the proper Notice of Hearing in the newspaper and made service upon the property owners within 200 feet regarding the requested relief; and

WHEREAS, the Land Use Board considered the application at its meeting of June 12, 2023; and

WHEREAS, the Applicants appeared at the hearing and gave testimony; and

WHEREAS, the following Exhibits were marked and identified and permitted into evidence at the public hearing:

- - Affidavit of Service;
- - List of owners and utilities requiring notification; A-3 - Certified mailing slips; A-4 - Affidavit of Publication; A-5 - Tax Collector Certification.

WHEREAS, the Board members having carefully considered and reviewed the application, made the following findings of fact and conclusions of law:

1. The Applicants have submitted an application for bulk variance relief in order to build a carport on the subject property. The property concerning the application is located at Block 20 Lot 12, with an address of 231 Riegelsville Road. The property is located in the R-5 Zone, and is 14.138 acres. The property is located in the Highlands Planning Area.

2. As part of the application, the Applicants have submitted a survey of the property prepared by Patrick Fatton, PLS, dated 3/28/123. According to the survey, the carport is under construction, and will measure 15 feet by 40 feet, with a height of 14.5 feet. The carport will have a proposed front yard setback of 39.52 feet.
3. Under Township Ordinance Section 100-15, major recreational vehicles may not be parked or stored on any lot in a residential district unless it is in a carport or enclosed building or behind the nearest portion of a building to a street. Here the Applicants are proposing to place their recreational vehicle in a carport, which is in compliance with the Ordinance.
4. In connection with the Application, the Board received a report from Board Planner Darleen Green dated May 31, 2023. According to the report, the Application requires the following variances:
 - Section 100-10A- Variance for accessory building location. Under the Ordinance, accessory structures are not permitted in the front yard. The front yard setback in the R-5 Zone is 75 feet from the street line. Here the proposed front yard setback is 39.52 feet, which will require bulk variance relief.
 - Section 100-45A - Variance for number and use of garage. The Ordinance allows one private garage for the storage of automobiles, trucks or similar motor vehicles, for the use of the residents of the lot on which it is located, and their guests and lessees. Here the survey indicates a garage and carport on the site. Therefore, the site exceeds the permitted number of garages. Also, the Applicants reside on adjacent Lot 18. The proposed carport is located on Lot 12. Therefore, the carport is not proposed to be used by the residents of Lot 12, where it is to be located. Variance relief will also be required in this regard.
5. Testimony at the hearing was given by Chris Karcher. Mr. Karcher testified that he and his wife, Sheri are the owners of both Lots 12 and 18. They reside on Lot 18. The carport is located on Lot 12, which is their farm property. Their son currently resides there. Mr. Karcher testified that they will access the carport on Lot 12 from Lot 18 by driving over the grass. Mr. Karcher stated that he has already planted 4 arborvitae trees in front of the carport to screen it from the road.
6. There was no comment or testimony offered by members of the public.
7. Under NJSA 40:55D-70(c)(1), where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or by reason of an extraordinary and exceptional situation affecting a specific piece of property or the structures lawfully existing thereon, when strict application of the zoning regulations would result in peculiar and exceptional difficulties or exceptional and undue hardship, variance relief from the zoning regulations may be granted. It must also be shown that the granting of the variance would not be substantially detrimental to the public good or to the zone plan and zoning ordinance. Additionally, under NJSA 40:55D-70(c)(2) where in a variance applicant relating to a specific piece of property, where the purposes of the Municipal Land Use Law would be advanced, and the benefits of the deviation would substantially outweigh any detriment, and where the variance can be granted without substantial detriment to the public good or to the zone plan and zoning ordinance, variance relief may be granted.
8. Based on the testimony and evidence submitted, the Board finds that bulk

variance relief is appropriate in this case under N.J.S.A. 40:55D-70(c)(2)). The applicant is complying with the requirements of the Ordinance that require a major recreational equipment such as an RV vehicle to be placed in a carport or enclosed building garage. The Applicants are constructing a carport for this purpose. The carport will have a front yard setback of 39.42 feet and will be screened. Since the carport will also be located on adjacent Lot 12, which currently has an existing garage, additional bulk variance relief for an additional accessory structure is required. The use of the property will continue to be residential, and the carport will comply with the ordinance requirement of having the RV in an enclosed structure. The carport is a common residential accessory structure, which will not generate any nuisance elements and have no negative effects on the surrounding neighborhood. The Board also finds that granting variance relief in this case will further the objectives of the Municipal Land Use Law as set forth under N.J.S.A. 40:55D-2(a), (e) and (g), and that the benefits will substantially outweigh any detriments. The Board also finds that the granting of bulk variance relief in this case will not be a substantial detriment to the public good or to the zone plan or zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE HOLLAND TOWNSHIP

LAND USE BOARD , on this twelfth day of June, 2023, as follows:

- That the Applicants are hereby granted bulk variance relief from the requirements of Ordinance Section 100-10A, to provide for a front yard setback of 39.52 feet.
- That the Applicants are hereby granted bulk variance relief from the requirements of Ordinance Section 100-45A to allow the carport as an additional garage structure for storage of the RV.

IT IS FURTHER RESOLVED THAT THE APPROVAL SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction, as applicable;
2. The Applicant will pay all necessary fees and escrows payable in connection with the application. . The Applicant shall be under a continuing duty to maintain a positive escrow account balance until all conditions have been satisfied and all charges paid.
3. The carport shall be constructed in the dimensions and location as shown on the location survey prepared by Patrick Fatton, PLS, dated 3/28/23.
4. This approval shall be subject to all applicable Federal, State, County and Township statutes, ordinances and regulations regarding the proposed development.

Land Use Board Roll Call Vote

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Michael Keady						
Scott Wilhelm						
Ken Grisewood						
Mike Miller						
Nickolas Moustakas						
Bill Ethem						
William Martin						
Jerry Bowers						
Dan Bush						
Ryan Preston (Alt.#1)						
Joe Cinquemani (Alt #2)						
Kelley O'Such (Alt #3)						
Peter Kanakaris (Alt #4)						

Motion carried.

The foregoing Resolution was duly adopted by the Holland Township Land Use Board at a regular meeting held on , 2023

ATTEST:

A motion was made by Mike Miller and seconded by Dan Bush to memorialize the resolution as presented. At a roll call vote, all present were in favor of the motion with the exception of Bill Ethem who abstained. Motion carried.

Public Hearings

- Block 26 Lot 27 – 105 Riegelsville Rd – Davina Lapczynski – Variance. 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, 202 (email 102822), then to January 9, 2023 (email 120622) then to February 13, 2023 (email 010323) then to March 13, 2023 (email 020723), to April 10, 2023 (email 030623), to May 8, 2023 (email 040523) to June 12, 2023 (email 050323), to July 10, 2023 (email 052223) and to August 14, 2023 (email 070523) then to September 11, 2023 (email 080423) – Board Action Needed September 11, 2023.
- Block 11 Lot 13 – 239 Rummel Road – Vukusich, Jonathan & Lynann – Variance. Received into the office May 18, 2023. The 45-day completeness deadline is July 2, 2023. Deemed Complete June 12, 2023 – Public Hearing July 10, 2023, then to August 14, 2023 – Board Action Needed August 14, 2023. Let the record show that Member Mike Keady recused himself from the meeting. He left the meeting room. A motion was made by Dan Bush and seconded by Joe Cinquemani to open the public hearing. All present were in favor of the motion. Motion carried.

Applicant's Attorney Kara Kaczynski was present along with Jonathan and Lynann Vukusich. Attorney Gallina explained that Holland Township has jurisdiction and outlined the following exhibits.

- A-1 - Affidavit of Service;
- A-2 – Notice of Hearing
- A-3 - List of owners and utilities requiring notification;
- A-4 - Certified mailing slips;
- A-5 - Affidavit of Publication;
- A-6 - Correspondence from Hunterdon County Soil Conservation dated August 11, 2023;
- A-7 - Set of photographs and permits;

Attorney Kaczynski explained that the applicant property is located in the R5 zone and consists of a house and shed. They wanted to add a 2 car attached garage to the home. The garage will be 594 sq feet and on the westerly side of the property which is the left side. The location will be 23 feet from the left property line and the setback is 40', hence a variance. Section 145 of our Code Book does allow for one garage. The applicant's attorney had questions about this being an undersized lot and sited 100-109b3 for preexisting issues and the hardship that is triggered as this is a 1.43 acre lot in an R5 zone and the width is 150 feet while the requirement is 350 feet. She also believes the setback is 25 feet so the location that is desired is only 2 feet short of the required setback. The garage will be used for personal items associated with the home and not a business.

Witness #1 – Jonathan Vukusich was sworn in by Attorney Gallina. He owns the property at 239 Rummel Road with his wife, Lynanne Vukusich who was also sworn in by Attorney Gallina. They are the applicant. They purchased the property December 29, 2022. The deed was recorded at the Hunterdon County Clerks office. They then started discussing Exhibit A7 outlined above.

There are 6 pictures with three permits. The pictures show the property with 2 different angles and you can see the septic and millings. It was what the property looked like in January 2023. The homeowners have done a lot of work. The home needed a new roof, a/c, water softener, septic, the grass was high in the backyard, removal of trees, shrubs etc. needed to be removed, the ramp was removed, there was a sliding door to nowhere in the bedroom and now a patio was added there, new windows, a remodeled the kitchen which was a complete gut, painted the inside of the house, reinsulated, built a bathroom and a closet in the master bedroom, put a new window in the kitchen, built closets in the other bedrooms to name a few projects. He has a construction loan and the remaining money--about \$50,000--is for the garage. They have spent over \$200,000 on improvements. Also put a fence around the property for their dog. He said he had all necessary permits. The applicant is asking for a variance for the 2 car garage which is attached to the house so access can be into the house. The old garage was previously converted to livable space. The applicant expanded the existing kitchen and also added hot water baseboard heat. There is not going to be commercial use on the property as this is for personal home use. They always wanted a garage with the home. They looked at other locations on the property that would not have required a variance however, additional impervious coverage would have applied and they

wanted to keep the project simple. They have spoken with the neighbors and there is no opposition to building a garage. Notice was given and the neighbors have the opportunity to discuss the application. Some additional discussions took place about the lot width however the notice was given to cover additional variances if needed. The garage will allow for parking and additional storage for the home. Other homes in the area do have a garage. What they propose is what they want to build and they felt that if they built the garage behind the home then that could have an effect on the neighbors with runoff and maybe trigger stormwater review. In review of exhibit A7 the owners of the property identified issued permits and draft permits for projects. Permit 2023-015 shows the side yard setback at 25' which is what the applicant wanted to show the board. Planners report shows the same thing. All permits in the exhibit signed and not signed, show the setback at 25'.

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. Our Board Engineers submitted the report as follows:

Exhibit A-8 Planners report dated 06/26/2023

June 26, 2023
Land Use Board Township of Holland 61 Church Road
Milford, NJ 08848

239 Rummel Road
Block 11, Lot 13
Review Letter #1 Project No. HLZ-0017

Dear Board Members,

Jonathan & Lynann Vukusich, the Applicants, seek variance relief to construct a one-story, attached two-car garage addition to their existing single-family dwelling. Other site improvements include an enlarged driveway and a new stoop with stairs on the west side of the dwelling. The Application requires "C" variances, which are detailed in Section B.

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

2. Plans entitled "Vukusich Residence", prepared by Eric Trepkau, AIA of Eric Trepkau Architect, dated January 20, 2023, consisting of 5 sheets.
3. Survey entitled "Boundary and Topographic Survey", prepared by Wayne Ingram, PLS of E&LP, Inc., dated December 19, 2022, consisting of 1 sheet.
4. Planning Board & Board of Adjustment Application Form, dated May 1, 2023.
5. Document entitled "Exhibit A", unknown author, no date, consisting of 2 pages. (Note that a copy of this document is also provided after the Highlands Land Use Application.)
6. Planning Board & Board of Adjustment Application Form, Highlands Land Use, no date.
7. Checklist for Determining Completeness of Application Submitted Under Chapter 101 Highlands Land Use Ordinance, no date.
8. Email correspondence from Melissa S. Tigar, RMC/CMR, Municipal Clerk & Registrar, dated May 1, 2023. (Response to OPRA request.)
9. Hunterdon County Health Department Construction Permit Referral Form, dated May 1, 2023.
10. Hunterdon County Health Department, Form A, dated May 1, 2023.
11. Letter entitled "Jonathan Vukusich and Lynann Vukusich (the "Applicants")", prepared by Kara A. Kaczynski of MYKL, LLC, dated June 12, 2023, consisting of 1 page.
12. Copy of Deed, dated December 16, 2022.
13. Photos, unknown dates, consisting of 4 pages.

The subject property is a 1.43-acre lot located on the north side of Rummel Road in the R-5 Residential District. The property is in the Highlands Planning Area and is surrounded by residential uses and forested land to the northwest. See the image below for the general location of the site.¹

The bulk requirements of the R-5 District can be found in Section 100-46, the standards are as follows:

Minimum Lot Area – 5 acres Minimum Lot Width – 325 feet Minimum Lot Depth – 350 feet

The Application requires the following variances:

- Section 100-10C. – Variance for attached accessory building setback. The Ordinance permits accessory buildings to be erected as part of a principal building, provided that all yard requirements for principal buildings are complied with.

The Applicant proposes an attached garage with a 23.3-foot side yard setback to the western property line. It should be noted that the existing dwelling has a 40.11-foot side yard setback to the western property line. Additionally, the existing dwelling is 46.27 feet from the eastern property line, which would not be modified by this Application.

- Section 100-46 – Variance for side yard setback. The Ordinance requires a 75-foot side yard setback in the R-5 District.

The Applicant proposes a 23.3-foot side yard setback from the proposed attached garage to the western property line. It should be noted that the existing dwelling has a 46.27-foot eastern side yard setback and a 40.11-foot western side yard setback.

Additionally, based on the information provided, the following pre-existing non-conforming conditions exist:

5. Section 100-46 – The Ordinance requires lots in the R-5 District to be at least five acres. The subject property is only 1.43 acres.
6. Section 100-46 – The Ordinance requires lots in the R-5 District to be at least 325 feet wide. The subject property is only 150 feet wide.

9. **Var “C” V**

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

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

The Application does not require any waivers/exceptions.

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

- The Applicant’s professionals must provide testimony to support the grant of the “C” variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
- We have identified one variance that has not been requested by the Applicant. The Plans shall be revised to note this variance.
- The Board and Applicant should note that Section 100-109 provides alternate front, side, and rear yard setback requirements for undersized lots. Subsection A states:

Any parcel of land, at least 3/4 acre in lot area, in a residential district with a lot area less than that prescribed for a lot in the district in which such lot is located, which parcel was under one ownership and in existence at the time of the adoption of any ordinance repealed by the adoption of this Part 1 originally or of any amendment hereto, by which the minimum lot area applicable thereto was increased, may be used for single-family dwelling purposes as a principal use; any single-family dwelling or accessory structure to it thereon may be enlarged, and any single-family dwelling or accessory structure to it thereon which shall accidentally be destroyed may be replaced in the same location as it occupied on the lot immediately prior to said accidental destruction and shall not constitute a nonconforming use or structure.

Section 100-109B.(3) requires a 25-foot side yard setback for undersized lots. The Applicant may wish to provide additional information pursuant to Subsection A above to prove the subject property is an undersized lot. Should the Board decide the lot qualifies as an undersized lot, the intensity of the proposed side yard setback variance would be reduced from a deviation of 51.7 feet (from the 75-foot R-5 District requirement) to a deviation of only 1.7 feet (from the undersized lot requirement).

Should you have any questions concerning the above comments, please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Sincerely,

Colliers Engineering & Design
Darlene A. Green, PP, AICP Board Planner

August 12, 2023

Land Use Board

Township of Holland

61 Church Road

Milford, NJ08848

Technical Report #1

Variance Application

Jonathan and Lynann Vukusich

Lot 13, Block 11 – 239 Rummel Road

Colliers Engineering & Design Project No. HLP-0039

Dear Board Members:

Pursuant to your request, we have reviewed from a technical perspective plans, applications and other documents filed by the Applicants Jonathan and Lynann Vukusich in support of a Variance Application for Lot 13 in Block 11 situated at 239 Rummel Road including:

1. Correspondence from Maria Elana Kozak, Land Use Administrator, to the applicant confirming submission of items in support of the Variance Application, dated May 22, 2023;
2. Correspondence from Maria Elana Jennette Kozak, Land Use Administrator, to Kim Vella confirming receipt of an OPRA request for the subject property, dated May 1, 2023;
3. Completed W-9 Form, undated;
4. Completed Hunterdon County Health Department Construction Permit Referral Form, dated May 1, 2023;
5. List of property owners within 200-feet of the subject property, dated May 4, 2023;
6. Completed Checklist for Determining Completeness of Application under Chapter 101 Highlands Land Use Ordinance, undated.
7. Completed Planning Board & Board of Adjustment Application Form, undated;
8. Completed Replenishment of Escrow Accounts Agreement, dated May 1, 2023;
9. Correspondence from Maria Elena Jennette Kozak to the Holland Township Finance Office confirming receipt of escrow replenishment, dated May 22, 2023;
10. Municipal Tax Certification, dated April 28, 2023;
11. Plan entitled “Boundary and Topographic Survey” consisting of one (1) sheet prepared by Wayne Ingram, PLS, of Engineering and Land Planning, dated December 19, 2022;
12. Architectural Plan entitled “Vukusich Residence – 239 Rummel Road, Milford, New Jersey”, consisting of five (5) sheets, as prepared by Eric Trepkau, AIA, NCARB, of Eric Trepkau Architect, dated January 1, 2023, unrevised;

Application Summary

The property in question is situated on Rummel Road approximately 0.1 miles west of its intersection with Little York - Mount Pleasant Road (County Road 631). Lot 13 contains 1.43-Acres. The parcel is situated in the Township’s R-5 (Residential 5-Acre) District where single-family residential homes and agricultural uses are permitted with minimum lot areas of 5-Acres or greater.

Lot 13 is currently developed with a one-story single family residential dwelling, driveway and shed. The residence currently takes access to Rummel Road by way of a bituminous driveway.

The proposal for the property is to construct an attached garage to the one-story single-family dwelling. The proposed garage will measure 594 SF in size and be located on the westerly side of the dwelling approximately 40 feet from the side yard boundary line. There will also be an approximate 730-square foot expansion in the asphalt driveway in order to provide vehicular access to the proposed garage.

Per Land Use Ordinance Section 100 Attachment 6, a 75-foot side yard is required in the R-5 District while the garage is proposed at a side-yard setback of 23.3-feet. There are also a number of pre-existing non-conforming conditions on the lot, including a lot area of 1.43 acres where 5 acres are required, and a lot width of 150-feet where 325-feet are required. The aforementioned conditions necessitate the need for an application for variance relief.

We have the following comments on administrative and technical issues:

A. Completeness Status

The Board reviewed completeness on this application at their June 10, 2023 Board Meeting. At that time the application was deemed complete.

B. Planning and Zoning

1. We defer to Board Attorney John Gallina, Esq. and Board Planner Darlene Green, PP, AICP, as to planning and zoning issues, any specific relief that is required from the Township's Zoning Ordinance, and the proofs that must be put forth to justify the relief that is requested.

C. Variance Plan Comments

1. We note that based upon the submitted plan and proposed grading associated with the garage construction and driveway expansion, the limits of disturbance were to be approximately 3,600-square feet. Per a recent visit to the site performed by this office we have observed that the disturbance limits are significantly in excess of the 5,000-SF limit encompassing the entire lot frontage and a portion of the rear yard which requires the submission of a detailed grading and soil erosion control plan to the Township, and to the Hunterdon County Soil Conservation District.

Engineered plans must be provided depicting the revisions to the site grading as a result of the work currently underway on the property and proposed to be completed with the construction of the garage and driveway expansion.

2. We also note that the proposed treated decking stoop and stairs shown on the site plan and architectural plans on the western building entrance have not been constructed in accordance with the plan. This is now a patio supported by segmental block retaining walls. A similar building landing and entrance has been constructed on the eastern building exposure along the side yard. Neither of these improvements are depicted on the plans.

3. As submitted, the plans for the driveway and garage construction have been designed with a 1,363-SF increase in impervious coverage. Should the cumulative increase in impervious coverage on the lot exceed 2,000-SF following the construction of the recently completed and proposed improvements, stormwater management facilities will be required in accordance with Section 100-185.1 of the Township Stormwater Management Ordinance. Stormwater management features will need to be designed and constructed to address the increase in rate and volume of runoff resulting from the increase in impervious surface on the site from the predevelopment condition.

All improvements recently constructed or proposed must be added to the plan at this time in order to make a determination as to the applicability and necessity for the construction of stormwater management improvements on site. An engineered design for stormwater management facilities, plans, construction details, and an Operation & Maintenance Manual in accordance with NJDEP BMP manual requirements must be provided for review and approval should these improvements be necessary.

4. An As-Built Grading & Drainage plan will be required prior to the issuance of Certificates of Occupancy by the Township for the proposed improvements. The final As-Built plan shall be prepared by a licensed surveyor and identify the actual limits of disturbance, locations and elevations of all stormwater management facilities, should they be constructed, and the completed site improvements (contour data, grading limits, building corners, limits of concrete aprons, patios, retaining walls, driveway, etc.).

5. Approvals are required from the Hunterdon County Soil Conservation District, prior to construction permits being issued for the project. A Certificate of Compliance from the Hunterdon County Soil Conservation District will similarly be required prior to a certificate of occupancy being granted for the proposed improvements.

6. Upon the determination that a large portion of the lot has been disturbed, and that fill has been imported to the rear of the site, our office reviewed the available NJDEP GeoWeb mapping for the site. There is an area of NJDEP mapped wetlands in the rear portion of the site. This area on site appears to be north of the existing septic disposal field and is associated with an unnamed tributary to the Hakiwokake Creek which is classified as a FW2-TPC1 (Freshwater – Trout Production Category 1). The plans must be updated to clearly locate the limits of disturbance to date, the area of fill placement and these wetland areas to identify whether any disturbance has occurred, or fill has been placed within the wetlands or their associated transition areas. If these regulated areas have been disturbed, approvals or waivers thereof will be required from the NJDEP prior to construction resuming onsite.

3.0 Approvals/ Fees/ Guarantees

We recommend that the Board condition any approvals granted for this application on the following:

- a. The payment of real estate taxes.
- b. The payment of any outstanding fees and assessments, if any.

- c. The procurement of approvals or waivers thereof from outside review agencies with jurisdiction including from the Hunterdon County Health Department, the Hunterdon County Soil Conservation District and NJDEP.
- d. The applicant revising its plans to address comments by the Board and its professionals (Note: specific revisions to be listed in the resolution).
- e. The posting of Performance Guarantees and Fees in accordance with the Township Fee Schedule for the proposed construction to facilitate the inspection of the improvements as they are constructed and completed and the review of the As-Built plan.
- f. No construction is permitted until taxes and fees are paid, all outside agency approvals or waivers thereof are obtained, the Lot Development and Variance Plan is revised in a manner satisfactory to the Board Engineer and Board Planner and performance guarantees and inspection fees are posted.
- g. Any other conditions through the legal review of Board Attorney John Gallina, Esq.


Conclusion

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

Adam Wisniewski will be at the August 14, 2023 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)
 Kara Kaczynski, Esq. Applicant Attorney (via email Kara@mykl-law.com)
 Michael DePalma, District Manager – Hunterdon County SCD (via email michael.hcscd@gmail.com)

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The applicant agreed to address all comments in the planners memo as well as the engineers report. The engineer had more comments. They will provide an updated plan. The engineer will review and they agree to provide all revisions to the satisfaction of the board’s professionals. The Engineer report on page 2 talks about grading and needing Soil Conservation approval. The HCSCD also requires that updated plans and corrections outlined in their letter need to be addressed and which the board wants to see satisfied and can be a condition of approval. The applicant understands what is required and stated that they did import dirt onto the property. Many truck loads went to the rear of the property. A silt fence is needed. The applicant has been in touch with Soil Conservation for discussion of the letter (Exhibit A6). It was free dirt he had brought in. The dirt delivery trucks made a mess in the street. The front looks like a parking lot. The property was a mess and he wanted to fill in the issues with gaps in the topography. There were three loads of millings for the septic. They will want to put blacktop down for the driveway. They will file all permits. Grass will be replanted as well. The last 2 pictures in Exhibit A7 show pictures from August 2023 and shows the current status of the location. Soils were delivered when it was raining so there were ruts on the property and he has since cleaned up and reduced the dirt piles. There is a stop order per Soil Conservation. He is under a time restraint with the construction loan. The homeowner wants to get the work done before winter and is exploring a loan extension. The property owners and applicant will accept all conditions and understands all expectations and requirements.

The applicant did not have anything else to say. The board professionals and members were asked if they had more questions and comments. Engineer Wisniewski stated that he performed his review on Friday and then reviewed the letter from the HCSCD. He has questions about what dirt was brought into Holland Township with Mr. Vukusich responding that he was not sure but said it came from north of the mountains and that it was free. Engineer Wisniewski then responded that there is over 5000 sq feet of disturbance and the original disturbance was less than 2000 sq feet. The impervious coverage was also increased which is another concern related to the stormwater ordinance. There is concern over what is on the plan vs what was actually noticed in the field. Examples being....there are 2 raised patios in the field and there is only a small porch with a few

steps shown on the plan near the proposed garage. The in field patios appear to be at least 10'x10' with one connecting the garage. Zoning permits were required and not obtained. We can guess the increase but need the applicant to provide the plans showing the actual numbers. Has HCSCD granted approvals? There are also wetlands behind the property and there is concern relating to the wetlands about the importing of the dirt to the back of the property. The homeowners showed the board where they put the dirt using the plan presented as being put slightly behind but he did not believe in the wetlands. Engineer Wisniewski explained that there is also a creek at the back of the property and shared that he reviewed the property and there are wetlands on the property extending to the rear of the property. Engineer Wisniewski stated that the board usually requires a Letter of Interpretation for applications as it is something of importance. He would like to know if the 5000 sq feet disturbance is triggered. A county plan would also be required. There is exposed soil on this site and as outlined in his letter, there are wetlands and a buffer is associated with it. The Department of Environmental Protection does have allowances such as for septic and lawns. Many ash trees have been removed. Engineer Wisniewski stated that the applicant's professionals can help the applicant and he is happy to send the DEP link to the engineer for better review of the situation. Planner DeFelicis explained that he has been a planner for 35 years and is covering for Planner Green. He has reviewed the application with Planner Green and has reviewed her report. He concurs that this is an undersized lot and that the variance for the deficient 2 feet of the setback is correct. Board member Grisewood asked if the revised plans would show the disturbance as well as the wetlands and the disturbance, all improvements, impervious calculations. He expressed concern that what potentially being approved tonight is not the revised plans and expressed issues with the impervious coverage not being shown including 2 patios, 1 on the right and 1 on the left, the limit under 2000 sq ft, a driveway, a garage, and a clause that the driveway can never be expanded. The applicant agrees to all conditions. Conditions can also be outlined on all permits so that everyone continues to understand the situation. Member Ethem questioned if the applicant had considered shifting the garage over and property owner Vukovich stated that he could have moved some windows in the remodel but did not realize that as he was told he needed a variance if he wanted to put the garage where he wanted it.

Public Comment – Davina Lapczynski – 105 Riegelsville Road – asked about the front setback as the attorney only talked about the side setback and the lot width. No one addressed the garage's setback to the street. This caused everyone to review the code book and it was determined that a variance is needed for the 13.5 deviation. This can be a condition of the resolution as agreed by the board, professionals, applicant and applicant's attorney. Everyone thanked Public Member Lapczynski for the comment.

Member Grisewood asked if the applicant was aware of any other buildings along frontage on Rummel Road that are closer than what the applicant is proposing? The applicant said he thinks some are similar and perhaps closer. No one from the public or the board had any additional comments. A motion was made by Dan Bush and seconded by Joe Cinquemani to close the public portion of the public hearing. All present were in favor. There were not more questions for the witness.

Attorney Kaczynski explained that the variances are minimal on all counts and that they are looking forward to a favorable outcome. As a reminder, the applicant agrees to all conditions and that they would continue to work with our board professionals.

A motion was made by Dan Bush and seconded by Peter Kanakaris to approve this application with all conditions mentioned in the public hearing as well as the traditional conditions of resolutions and to authorize the board attorney to draft a resolution for memorialization consideration. At a roll call vote, all present were in favor of the resolution. Motion carried.

- Block 24 Lot 13 & 13.02 – Milford-Warren Glen Rd – Huntington Knolls LLC – Major Subdivision with variances-Received into our office May 22,2023 – The 45-day completeness deadline is July 7, 2023. Deemed Complete June 12, 2023 – Public Hearing July 10, 2023. Board Action Needed – The applicant requested that the hearing be postponed till the next Land Use Board meeting of August 13, 2024 at 7pm. Attorney Gallina explained that the planners report for the subdivision presented questions regarding the area that changed for the project and that there is a potential for a “D” variance for density. Attorney Apgar agreed to notice again regarding the public hearing.

Let the record show that Member Mike Keady recused himself from the meeting. He left the meeting room. A motion was made by Dan Bush and seconded by Joe Cinquemani to open the public hearing. All present were in favor of the motion. Motion carried.

Applicant's Attorney Kara Kaczynski was present along with Jonathan and Lynann Vukusich. Attorney Gallina explained that Holland Township has jurisdiction and outlined the following exhibits.
A-1 - Affidavit of Service;
A-2 – Notice of Hearing

- A-3 - List of owners and utilities requiring notification;
- A-4 - Certified mailing slips;
- A-5 - Affidavit of Publication;

Witness #1 – Peter D Chandler – Suburban Engineering Consulting – sworn in by Attorney Gallina. Engineer Chandler has been an engineer since 2001 in New Jersey and has testified before many boards including Holland Township. He was accepted as an expert witness. Engineer Chandler explained that this project is in the zone planned commercial and the proposal is that the property will be subdivided with the lands to be 19 acres with the house which is surrounded by agricultural lands and 30 acres to be the development project that has been before the board. The property is more than 5 acres. There is a setback issue of 71 feet on the westerly property. There is no detriment to this proposal. The impact is low since the neighbor is also a single family home on many acres. Discussions took place that triggered the engineer to weigh in which referred to the letter prepared and is a second technical review which was prepared by Engineer Roseberry. The items are mostly administrative. Other documents come into play and the engineer already stated they will do a stormwater feature on Lot 13 and now a feature is on the plan and is partially constructed. It needs to be formalized and completed prior to the recording of the plat which could be a condition of approval. Attorney Apgar agreed to the condition.

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. Our Board Engineers submitted the report as follows:

Exhibit A-6 – Engineer Letter dated 08/11/2023

August 11, 2023

Land Use Board

Township of Holland

61 Church Road

Milford, NJ08848

Technical Review #2

Preliminary and Final Major Subdivision Application

Huntington Knolls Development Project

Lot 13, Block 24

Colliers Engineering & Design Project No. HLP-002

Dear Board Members:

Pursuant to your request, we have reviewed for technical standpoint plans, applications and other documents filed by the Applicant Huntington Knolls Development Project in support of Preliminary and Final Major Subdivision Application for Lot in Block 24 including:

Original Submission

13. Correspondence from Maria Elana Jennette Kozak, Land Use Administrator, to the applicant confirming submission of items in support of the Preliminary and Final Major Subdivision Application, dated May 23, 2023;
14. Correspondence from Vincent Jiovino to Peter D. Chandler, P.E. of Suburban Consulting Engineers, Inc., regarding the changes in Lot numbering for the subject property;
15. Correspondence from Maria Elena Jennette Kozak to the Holland Township Finance Office confirming receipt of escrow replenishment, dated May 23, 2023;
16. Correspondence from Peter D. Chandler, P.E., to Maria Elena Jennette Kozak summarizing submission items in support of Preliminary and Final Major Subdivision Application, dated May 22, 2023;
17. Correspondence from Peter D. Chandler, P.E., to the Hunterdon County Planning Board summarizing submission items in support of Preliminary and Final Major Subdivision Application with a Completed Hunterdon County Planning Board Development Review Application, dated May 22, 2023;
18. Legal descriptions prepared by Joseph D. Phil, PLS, of Suburban Consulting Engineers, Inc.;
19. Completed W-9 Form, undated;
20. Applicant Waiver Rider for the subject property;
21. List of property owners within 200-feet of the subject property, dated March 15, 2022;
22. Correspondence from New Jersey Department of Environmental Protection issuing permits for the construction of a booster pump station and water main, dated September 19, 2019;
23. Checklist for Determining Completeness of Application for Final Major Subdivision;
24. Checklist for Determining Completeness of Application for Preliminary Major Subdivision;

25. Completed ownership disclosure form;
26. Completed Planning Board & Board of Adjustment Application Form, undated;
27. Completed Checklist for Determining Completeness of Application under Chapter 101 Highlands Land Use Ordinance, undated.
28. Completed Replenishment of Escrow Accounts Agreement, dated May 1, 2023;
29. Site Plan entitled “Huntington Knolls Development Project – Lot 13, Block 24 – Township of Holland – County of Hunterdon, State of New Jersey” consisting of one (1) sheet prepared by Joseph D. Phil, PLS, of Suburban Consulting Engineers, Inc., dated March 24, 2023, unrevised; **SUPERSEDED BY ITEM 18.**

Current Submission

30. Site Plan Site Plan entitled “Huntington Knolls Development Project – Lot 13, Block 24 – Township of Holland – County of Hunterdon, State of New Jersey” consisting of one (1) sheet prepared by Joseph D. Phil, PLS, of Suburban Consulting Engineers, Inc., dated March 24, 2023, revised June 21, 2023;
31. Correspondence from Peter D. Chandler, P.E., of Suburban Consulting Engineers, Inc., to Maria Elana Jennette Kozak, responding to the technical comments from the Board Engineer and the Board Planner.

Application Summary

The property in question is situated on Milford Warren Glen Road (County Road 519) approximately 1.1 miles west of its intersection with Spring Mills Road (County Road 614). Lot 13 contains 53.711-Acres. The parcel is situated in the Township’s PCD/ PSV Zone (Planned Commercial Development/ Planned Senior Village) District where single-family residential homes and planned commercial development uses are permitted. Lot 13 is currently partially developed with a two-story single family residential dwelling, driveway and shed. The residence is currently takes access to Milford Warren Glen Road by way of a shared bituminous driveway with the adjacent lot 13.01.

The applicant is proposing to subdivide Lot 13 into two (2) lots. Lot 13 shall include the existing single-family dwelling and consist of 25.485-Acres. The proposal for Lot 13.02 is to construct 107 townhomes and two (2) COAH buildings with associated site improvements on a proposed lot containing 28.226-Acres, which were the subject of previous land development applications before the Township Planning Board.

Per Land Use Ordinance Section 100-91.5 and the submitted plan, a minimum street frontage of 300 feet is required where a 50-foot frontage is proposed for Lot 13.02. Additionally, per Ordinance Section 100-91.13.B.2. the maximum building coverage shall be 6.5% where 11.72% is proposed. This necessitates the need for an application for variance relief.

Completeness Status

The Application was previously deemed to be complete at the Board’s June 12, 2023 meeting.

We have the following comments on technical issues:

D. Technical Comments

1.0 Planning and Zoning

- 1.01 We defer to Board Attorney John Gallina, Esq. and Board Planner Darlene Green, PP, AICP, as to planning and zoning issues, any specific relief that is required from the Township’s Zoning Ordinance, and the proofs that must be put forth to justify the relief that is requested.

2.0 Preliminary/ Final Major Subdivision Plan Comments

- 2.01 The applicant has provided easement documentation for proposed Open Space, Riparian Conservation, and existing variable width Access Easements. However, we note several are missing bearings and distances on the plan, as well as clear labeling to dictate separation of easements traversing proposed Lots 13, 13.02 and existing Lot 3. The plans must be revised.
Comment Partially Addressed. The applicant has indicated all missing information will be provided on in the final plat prior to signature. We note that ties, bearings and distances have not been provided for the proposed stormwater management basins on Lots 13 and 13.02. The applicant must revise the plan to include all missing information required to permit recording of the final plat.
- 2.02 The plat must accurately depict any and all access easements, stormwater management and drainage easements, sight triangles, utility easements, County Road dedications, etc. Features are depicted on the Subdivision plan and not identified. **Continuing Comment.**
- 2.03 The previously recorded easements may need to be re-recorded as part of this subdivision application to reflect changes in lot designations and ownership since their original recording. **Continuing Comment.**
- 2.04 The plat must also identify the ultimate owner of each storm water management basin as well as the Open Space lots. **Comment Addressed.**

2.05 With regards to stormwater management for the site, the applicant will need to construct the required stormwater improvements on Lot 13 prior to subdivision approval. Per the overall development plan, a bioretention basin is to be constructed on Lot 13 and drywells are required for the house. The plans contain a note stating that *“If Phase 3 has not commenced prior to the request for a certificate of occupancy, an individual stormwater management plan for the remaining developed portions of Phase 2 must be prepared and submitted to the Township Engineer for review and approval”*. This was not done and the house is occupied.

The following are additional comments on the stormwater management:

- a. As noted on the plans, an individual stormwater management plan is required for Lot 13. **Continuing Comment.**
 - b. A deed notice per Section 100-185N shall be recorded prior to the start of any construction of the stormwater management measures. **Continuing Comment.**
 - c. The subdivision plan must be updated to identify the partially constructed stormwater management bioretention basin shown on the Proposed Drainage Plan for the subject property prepared by Bayer-Risse Engineering dated November 15, 2015 and the Phase II Grading Enlargement Plan prepared by Suburban Consulting Engineers dated June 12, 2018. This feature was partially constructed by the Applicant without notification to the Township or with oversight by the Township Engineer’s Office. It appears that the outfall structure depicted on the Site Plans have not been installed, and the basin was rough graded and stabilized without the required re-grading of the contributory drainage areas, or the installation of the bioretention basin soils and plantings. The basin design is based on a contributing drainage area to the basin of 6.71 acres. To achieve this, the plan proposed the regrading of the driveways to both of the houses to direct the stormwater to the 24” pipe. These driveways have not been regraded, so little water is getting to the basins. **Continuing Comment.**
 - d. Should the board grant an approval of this subdivision, a new Stormwater Operations and Maintenance Manual, as well as a Stormwater Maintenance Agreement will have to be prepared identifying the owner of future Lot 13 as the party responsible for the inspections and maintenance of the bioretention basin and the basin will have to be constructed per the approved drainage plan for the site. The maintenance responsibilities will need to be included in the new deed. **Continuing Comment.**
 - e. Inspection Fees shall be posted by the Township prior to any work being completed on the stormwater management facilities. **Continuing Comment.**
 - f. As-Built plans with topography shall be provided upon completion to confirm the upstream drainage area and basin has been construction per the design. **Continuing Comment.**
- 2.06 The plat geometry closure calculations must be submitted to the Board Engineer upon approval of Preliminary/ Final Subdivision Plan. **Continuing Comment.**
- 2.07 The Applicant must confirm that all proposed street names and Block / Lot numbers must be reviewed and confirmed by the Tax Assessor. **Continuing Comment.**
- 2.08 The applicant should discuss with the Board if this project will include any phasing. If so, then this plat will need to reflect the phasing lines for the continued development of the site. **Comment Addressed.**

Conclusion

If any Board Members have questions or comments on this report, please do not hesitate to contact me. Adam Wisniewski will be at the August XX, 2023 Board meeting to review this report with you.

Sincerely,
Colliers Engineering & Design, Inc.



C. Richard Roseberry, P.E., PP, AICP
Board Engineer

Cc: Maria Elena Kozak, Board Secretary (via email planningboard@hollandtownship.org)

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Discussions then incorporated our board planner. Engineer Chandler stated that should the subdivision be approved then revised lot descriptions would need to be completed as well as easements. The blue on the map is the general utility easement and that would also need to be modified.

Exhibit A-8 Planners report dated 08/01/2023

August 1, 2023

Land Use Board
Township of Holland 61 Church Road
Milford, NJ 08848

Re: Huntington Knolls, LLC
423 Milford Warren Glen Road
Block 24, Lot 13
Review Letter #2
Project No. HLP-0038

Dear Board Members,

Huntington Knolls, LLC, the Applicant, seeks Preliminary and Final Major Subdivision approval to subdivide the existing 53.711-acre Lot 13 into two separate lots. Proposed Lot 13 would encompass 19.669 acres and includes an existing single-family dwelling, while Proposed Lot 13.02 would encompass 34.043 acres and includes the development known as "Huntington Knolls", which has received various Board approvals dating back to 2003. The development will include 106 townhomes and 28 multi-family affordable housing units within two buildings. No site improvements are proposed as part of this Application. The Application requires a "C" variance, which is detailed in Section B.

The Board should note that the Applicant has appeared before the Board multiple times since 2003. Below is a summary of the history of approvals associated with the proposed development:

14. May 12, 2003 – The Board granted preliminary overall planned development approval, preliminary major subdivision approval and Phase I preliminary site plan approval to the Applicant for a comprehensive age-restricted planned development, subject to the conditions of the Resolution. The development was named Huntington Knolls.
15. June 12, 2006 – The Board granted final site plan approval for the initial phase of the development and minor subdivision approval to create Lot 13.01 in the western area of the property.
16. September 12, 2011 – The Board approved the Applicant's request to convert the previously approved age-restricted housing development to a non-age-restricted housing development pursuant to P.L. 2009, c.82, which authorized the conversion of the development.
17. May 12, 2014 – In order to simplify the previous resolutions, the Board amended the above resolutions by adopting a new resolution that contained a list of conditions from all previous approvals that are still applicable to the current development. The revised list of conditions supersedes the conditions in the three previous resolutions.
18. September 8, 2014 – Additional changes to the May 12, 2014 resolution were adopted by the Board in a new "Master Resolution" that supersedes all conditions listed in the previous resolutions. This resolution also granted preliminary site plan approval for Phase II of the project, which involved the construction of a "farmette" (farmhouse and associated outbuildings) and open space/agricultural land.
19. November 10, 2014 – The Board granted preliminary site plan approval for Phases III and IV of the development. The preliminary approval was subject to the conditions of the Master Resolution and additional conditions contained in this resolution.
20. November 13, 2017 – The Board granted a one-year extension of preliminary site plan approval for Phases III and IV of the development, extending the approval to November 10, 2018.
21. February 11, 2019 – The Board granted final site plan approval for Phases II and III of the development. Additionally, the Board granted a two-year extension of preliminary site plan approval for Phases II and III of

the development, extending the approval to November 10, 2021.

22. April 8, 2019 – The Board granted a one-year extension of preliminary site plan approval for Phase IV, which extended the approval to November 10, 2019.
23. November 11, 2019 – The Board granted a four-year, 11-month, and 29-day extension of preliminary site plan approval for Phase IV of the development, which extended the approval to November 9, 2024.
24. July 12, 2021 – The Board granted a 190-day extension of minor subdivision approval, which extended the approval to January 18, 2022. Additionally, the Board granted a one-year extension of final site plan approval for Phases II and III of the development, which extended the approval to February 11, 2022.
25. June 13, 2022 – The Board granted a one-year extension of final site plan approval for Phases II and III of the development, which extended the approval to February 11, 2023.
26. March 13, 2023 – The Board granted a one-year extension of final site plan approval for Phases II and III of the development, which extended the approval to February 11, 2024.

The Huntington Knolls development has undergone several modifications to the site plans and phasing of the project since the initial application in 2003. According to the Master Resolution, dated September 8, 2014, modified by the resolution dated February 11, 2019 and detailed in the November 7, 2019 Developer’s Agreement, the development consists of five phases, which are described below:

27. Phase I – Subdivision of Lot 13 into Lots 13 and 13.01. The 20-acre Lot 13.01 was subsequently developed with a single-family dwelling.
28. Phase II – The development of the farmette. Subdivision approval for the farmette and associated building was not approved and therefore is located on Lot 13.
29. Phase III – The construction of 44 townhouse units and at least 16 affordable units, including four one-bedroom units, eight two-bedroom units, and four three-bedroom units, and all the recreational facilities. The required buffering and stormwater detention facilities are also part of this Phase.
30. Phase IV – The construction of 62 townhouse units and the remaining 12 affordable units, including two one-bedroom units, eight two-bedroom units, and two three-bedroom units.
31. Phase V – The development of the commercial portion of the project consisting of the restoration of the existing brick tavern and barn.

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

10. Plan entitled “Hunterdon Knolls Development Project; Preliminary & Final Major Subdivision Plan”, prepared by Joseph D. Phil, PLS of Suburban Consulting Engineers, Inc., dated May 9, 2023, revised through July 21, 2023, consisting of 1 sheet.
11. Plan entitled “Septic System Design Record Drawing Plan”, prepared by Stephen M. Risse, PE of Bayer-Risse Engineering, Inc., dated October 27, 2015, revised through November 9, 2015, consisting of 1 sheet.
12. Plans entitled “Septic System Design”, prepared by Donald P. Schlachter, PE of Septic’s by Patterson, Inc., dated August 13, 2012, revised through August 27, 2012, consisting of 7 sheets.
13. Planning Board & Board of Adjustment Application Form, dated May 19, 2023.
14. Checklists for Determining Completeness of Application Preliminary Major Subdivision and Final Major Subdivision, no dates.
15. Planning Board & Board of Adjustment Application Form, Highlands Land Use, no date.
16. Checklist for Determining Completeness of Application Submitted Under Chapter 101 Highlands Land Use Ordinance, no date.
17. Hunterdon County Planning Board Development Review Application, no date.
18. Documents entitled “Description of Proposed Lot 13” and “Description of Proposed Lot 13.02”, prepared by Joseph D. Phil, PLS of Suburban Consulting Engineers, Inc., dated May 9, 2023, consisting of 6 pages.
19. Document entitled “Applicant Waiver Rider”, prepared by Suburban Consulting Engineers, Inc., no date, consisting of 2 pages.
20. Access Easement Deed, dated June 27, 2012, recorded on July 10, 2012.
21. Conservation Easement for Block 24, Lot 13, dated June 27, 2012, recorded on July 10, 2012.
22. Conservation and Open Space Easement for Block 24, Lots 3 and 19, dated November 4, 2019, recorded on November 5, 2019.
23. Restrictive Easement Regarding Detention and Stormwater Treatment Facility for Block 24, Lots 3 and 13, dated November 4, 2019, recorded on November 5, 2019.

24. Maintenance Agreement for Block 24, Lot 13 a/k/a The Farmette, dated November 4, 2019, recorded on November 5, 2019.
25. Hunterdon County Health Department Application for Permit to Construct/Alter and Individual Subsurface Sewage Disposal System, including Forms 1, 2a, 2b, 3a, 3g, and 4, various dates in 2012.
26. Hunterdon County Health Department Well Application, dated August 31, 2012.
27. Hunterdon County Soil Conservation District Letter of Certification, dated June 20, 2014.
28. NJDEP Bureau of Nonpoint Pollution Control, Water Pollution Management Element Authorization to Discharge, dated July 7, 2014.
29. NJDEP Bureau of Water Allocation and Well Permitting Well Record, dated July 10, 2015.
30. Hunterdon County Department of Public Safety, Division of Public Health Services Septic Tank Water Tightness Test Certification, dated October 19, 2015.
31. Septic Installation Flow Chart, dated September 17, 2015.
32. NJDEP Bureau of Water Allocation and Well Permitting Well Record, dated October 1, 2015.
33. Hunterdon County Department of Public Safety, Division of Public Health Services Suitable Fill Certification, dated November 6, 2015.
34. Hunterdon County, Department of Public Safety, Division of Public Health Services, Certificate of Completion, dated August 9, 2016.
35. Copy of Holland Township Planning Board Resolution, no date (unsigned).
36. NJDEP, Division of Land Use Regulation Flood Hazard Area Individual Permit and Freshwater Wetlands General Permit #10B, approved on January 13, 2017, expired on January 12, 2022.
37. Copies of various documents from New Jersey Analytical Laboratories, various dates.
38. Hunterdon County Health Department Septic Elevation Check Sheet, no date.
39. Letter entitled "One-Year Extension of Time; Treatment Works Approval No. 14-0391", prepared by Gautam R. Patel, Chief of the NJDEP Bureau of Environmental, Engineering, and Permitting, dated February 23, 2013, consisting of 1 page.
40. Letter entitled "Treatment Works Approval No. 14-0397", prepared by James Pontoriero, Supervisor of the NJDEP TWA Section of the Bureau of Construction and Connection Permits, dated February 13, 2015, consisting of 5 pages, including attachments.
41. Letter entitled "One-Year Extension of Time; Treatment Works Approval No. 14-0391", prepared by Gautam R. Patel, Chief of the NJDEP Bureau of Environmental, Engineering, and Permitting, dated March 3, 2017, consisting of 1 page.
42. Letter entitled "Riparian Zone Mitigation Proposal Approval for Huntington Knolls", prepared by Richard C. Reilly, Manager of NJDEP Bureau of Inland Regulation, dated April 19, 2017, consisting of 3 pages including attachments.
43. Letter entitled "Huntington Knolls Development", prepared by John Van Nuys, District Chairman of the Hunterdon County Soil Conservation District, dated December 8, 2017, consisting of 1 page.
44. Letter entitled "Huntington Knolls Development", prepared by John Van Nuys, District Chairman of the Hunterdon County Soil Conservation District, dated April 13, 2018, consisting of 1 page.
45. Letter entitled "HCPB File #R145.001; Huntington Knolls", prepared by Ken Bogen, Supervising Planner of the Hunterdon County Planning Board, dated October 15, 2018, consisting of 2 pages.
46. Letter entitled "One-Year Extension of Time; Treatment Works Approval No. 14-0391", prepared by Gautam R. Patel, Chief of the NJDEP Bureau of Environmental, Engineering, and Permitting, dated February 6, 2019, consisting of 1 page.
47. Letter entitled "Aqua NJ – Fox Hill; Aqua NJ Northern Division", prepared by Ramesh Patel, Environmental Engineer 4 of the NJDEP Division of Water System Operations Element, Bureau of Water Systems Engineering, dated September 19, 2019, consisting of 4 pages including attachments.
48. Letter entitled "Preliminary & Final Major Subdivision Application", prepared by Peter D. Chandler, PE of Suburban Consulting Engineers, Inc., dated July 24, 2023, consisting of 6 pages.
49. Email correspondence regarding lot numbering, dated March 22 and April 26, 2023.

The subject property is in the PCD/PSV, Planned Commercial Development / Planned Senior Village Development, District on the south side of Milford Warren Glen Road (County Route 519). The property is also situated in the Highlands Planning Area. The property is adjacent to the townhouse development known as "Fox Hill" to the north, agricultural uses to the northeast, east, and south, and

single-family dwellings to the west. See the image below for the general location of the site shown in red.¹ Note that the approximate location of the proposed subdivision line is shown in yellow.

The applicable area, yard, and bulk requirements of the PCD/PSV District are provided in Article XIA and are as follows:

Minimum Tract Area (Section 100-91.4) – 40 acres²

Minimum Tract Frontage (Section 100-91.5) – 300 feet³

Minimum Lot Depth (Section 100-91.6) – 500 feet⁴

Minimum Building Setback from Pre-Existing Street Center Line (Section 100-91.7) – 100 feet

Minimum Building Setback from Public or Publicly Maintained Street (Section 100-91.7) – 25 feet⁵

Minimum Building and Loading Area Setback to Tract Boundary (Section 100-91.7) – 75 feet

Minimum Off-Street Parking Area Setback (Section 100-91.7) – 30 feet

Minimum Distance Between any Two Detached Buildings (Section 100-91.7) – 20 feet⁶

Maximum Lot Coverage (Section 100-91.13B.(2)) – 35%

Maximum Floor Area Ratio (Section 100-91.13B.(3)) – 0.065

Maximum Density (Section 100-91.14B.(3)(a)) – 4 units per gross residential acre

The following “C” variance is required:

- Section 100-91.2 – Variance for single-family side yard setback. The PSC/PSV District permits single-family dwellings; however, they must comply with the bulk regulations for the R-5 District. The R-5 District requires 75-foot front, side, and rear yard setbacks.

The existing single-family dwelling on the farmette property (Proposed Lot 13) has a side yard setback of 71.1 feet.

It should be noted that the Applicant has several approvals from the Board since 2003. Any variances and waivers/exceptions from the Board are detailed in their various resolutions. NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

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

This Application does not require any waivers/exceptions.

Based on our review of the above-referenced materials, we offer the following comments. Note that the current status of previously issued comments and new comments are provided in italics.

General

1. The Applicant’s professionals must provide testimony to support the grant of the “C” variance required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. The Applicant has submitted a variety of easements and a maintenance agreement, which include Lots 3 and 13. The proposed subdivision will likely modify the descriptions of the properties included in the easements and maintenance agreement. The Applicant shall provide testimony to clarify how these documents will be amended should the Board approve the Application.
3. The Subdivision Plan indicates a variance is needed for building coverage from Section 100- 91.14B.(2) for Lot 13.02. However, the 6.5% limitation does not apply to the residential component of the PSV, instead that use is limited to 35% for both buildings and paved surfaces. The Subdivision Plan shall be revised.

The Subdivision Plan hhhhhas been revised to eliminate the variance required for building coverage and has noted that the building coverage requirement is not applicable to Proposed Lots 13 and 13.02. This comment has been addressed.

1. Detailed calculations of the building and total coverage have not been provided. We have no way of verifying the percentages listed in the Zoning Table. This information shall be provided.

The Subdivision Plan has been revised to include a table calculating the building and lot coverages on each property, Lot 3, Proposed Lot 13, Lot 13.01, and Proposed Lot 13.02. Based on the information provided in the table the lot coverage complies with the Ordinance limitation of 35%.

2. The Applicant never supplied resolution compliance plans following the February 11, 2019 Board approval for Phases II and III. It is unclear how the proposed subdivision line interacts with any landscaping, utilities, etc. It is uncertain if any previously approved improvements will need to be modified or shifted due to the proposed subdivision. Testimony shall be provided.

The Engineer's July 24, 2023 Response Letter indicates the proposed subdivision will not affect the proposed improvements. Testimony shall be provided regarding compliance with the February 11, 2019 Board approval. It should be noted that our office compared the last set of site plans received in conjunction with the 2019 Board approval and we find that the affordable buildings are smaller in size on the Subdivision Plan. The previously approved buildings stretched out alongside the associated parking lot and extended beyond the end of the turnaround area. See a comparison of the plans on the following page.

3. *The Applicant has eliminated the D(5) density variance that our July 10 letter identified by increasing the acreage of Proposed Lot 13.02. Additionally, our prior letter cited the need for a variance for individual lot frontage, however, upon further review of the Ordinance a variance for individual lot frontage is not required by this Application.*

Subdivision Plan

4. Note #10 on the Subdivision Plan states "Open Space/Conservation Easements as shown hereon are from the originally approved plan. The revised open space limits are shown on sheet 6. New documentation shall be prepared on sheet 4 and filed for proposed easements". The Subdivision Plan is only one sheet. It is unclear what sheets this note is referencing. Testimony shall be provided to clarify.

Note #10 has been revised to clarify the sheet references are to the approved plans entitled "Minor Subdivision and Final Site Plan for Phases 2, 3, and 4 of Huntington Knolls, LLC", dated July 19, 2018, revised through September 18, 2018. We have no issue with this correction, except for the fact that the last set of plans we have are revised through September 17, 2018. Testimony shall be provided to clarify.

- The Subdivision Plan illustrates four Open Space Areas, shown in red, throughout the site, which total 343,553 square feet. It appears these areas are conservation/open space easement areas. However, testimony shall be provided to clarify.

The Engineer's July 2023 Response Letter indicates the four Open Space Areas are recorded Conservation/Open Space Easements. It appears these Easements are detailed in the Conservation Easement recorded on July 10, 2012 and the Open Space and Conservation Easement recorded on November 5, 2019. However, testimony shall be provided to confirm.

- The Subdivision Plan also illustrates a "Utility Easement (Lot 13)" in blue, which totals 196,318 square feet. The area generally encompasses Claremont Drive, Road B, and a space connecting the two areas. It is unclear if this is a proposed easement or existing. Testimony shall be provided to clarify.
- *The label for Proposed Lot 13 indicates the property will be 19.669 acres (856,792 square feet) and the label for proposed Lot 13.02 indicates the property will be 34.043 acres (1,482,917 square feet). These areas total 53.712 acres and 2,339,709 square feet. However, the label for Existing Lot 13 indicates the property is 53.711 acres or 2,339,649 square feet, which is 0.001 acres or 60 square feet less than the sum of the proposed lots. This discrepancy shall be eliminated.*

Should you have any questions concerning the above comments, please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Sincerely,

Colliers Engineering & Design
Darlene A. Green, PP, AICP Board Planner

cc: Maria Elena Kozak, Board Secretary (via email planningboard@hollandtownship.org) Paul Sterbenz, Board Engineer (via email paul.sterbenz@collierseng.com) John Gallina, Board Attorney (via email jpgesq@embarqmail.com) Howard Apgar, Applicant's Attorney (via email howardapgar@comcast.net) Joseph Phil, Applicant's Surveyor (via email jphil@suburbanconsulting.com) Andrew Holt, Applicant's Engineer (via email aholt@suburbanconsulting.com)

More discussions took place about the revisions that would need to take place between the various lots which include Lots 3,13,13.01, and 13.02. The approval would involve all the professionals working together and everyone present agreed this could be a condition. Page 9 of the Planner's report was discussed. A site plan was previously approved showing a layout for the affordable housing buildings and the new plan does not show

the COAH buildings as approved. Engineer Chandler looked at this and said he received comments in the site plan hearings from the architect that referenced revisions that made the footprint of the building smaller so that one of these plans is correct and the other is not correct. All revisions were as of January 2019 when the requirements listed in Planner Green's letter stated that 26 units were proposed and the applicant agreed to do 28 units so one building will have 16 units and the other building will have 12 units. COAH has to be built in conjunction with market value.

Board questions: Member Miller asked for clarification of Claremont as the map shows another blue swath and it makes it look like the road is different than what was approved. Engineer Chandler stated that the blue represents the connection of the water to serve the Phase 4 of the project. Planner DeFelicis asked if the applicant thought of an emergency access lane for the future and Engineer Chandler stated he was not sure but thinks it could be but not part of the plan. The easement crossed the detention basin as well. There were no other questions from the board.

The meeting was open to the public. No one from the public came forward to ask questions.

Attorney Gallina reminded everyone that the Public Hearing would be carried over to the scheduled meeting of September 11, 2023 with a meeting start time of 7pm. The meeting will carry without further notice.

Attorney Apgar asked the board if they wanted the applicant to bring the witness back and Attorney Gallina stated that the discussion needs to be with the applicant. The conflict council representing Fox Hill residents could ask questions that require the witness to be present. Attorney Gallina suggested that Attorney Apgar have a discussion with Fox Hills attorney who is Michael Karpoff. Member Bush stated that the applicant may want to have the witness there as there could be more comments and questions at the next meeting where this application is carrying without notice.

Sub-Committee Status and Updates:

Home Occupation - Ken Grisewood stated that he spoke with the mayor who has asked Planner Green to review the ordinance and the grant approved by Hunterdon County Economic Development. The subcommittee can then move forward with revisiting the new version comparing to the other version funded by the Hunterdon County Economic Development

Holland Township Highlands Council Subcommittee –Mike Keady – Mayor Bush was happy to report that continued progress with stormwater is being made. The transition from Tier B to Tier A continues to be addressed. Many people are involved in different components of the transition and more details will be shared in the near future.

Public Comment

There were no members of the public that had comments at this time .

Executive Session

There was no Executive Session scheduled at this time.

Housekeeping:

Nothing new to report at this time.

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 8:55 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak
Land Use Administrator