

Holland Township Land Use Board

Minutes of the Regular Meeting

September 11, 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 Chairman Martin:

Chairman: I call to order the September 11, 2023 Regular 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, Peter Kanakaris, William Martin, Mike Miller, Nickolas Moustakas, Kelley O’Such, Ryan Preston, John Gallina, Esq., Planner, Jay DeFelicis for Planner Darlene Green, Lucille Grozinski, Court Reporter and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Bill Ethem, Ken Grisewood , Michael Keady, Scott Wilhelm and Engineer Paul Sterbenz/Adam Wisniewski

Let the record show there is a quorum.

Minutes

A motion was made by Dan Bush and seconded by Peter Kanakaris to accept the minutes of August 14, 2023 as presented. All present were in favor of the motion with the exception of Kelley O’Such 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 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 (email 070723)– Approved with conditions August 14, 2023. Attorney authorized to prepare the resolution for consideration and memorializing. Board Action Needed.

Block 11 Lot 13

**HOLLAND TOWNSHIP LAND USE BOARD
RESOLUTION**

WHEREAS, the Applicants, Jonathan and Lynann Vukusich have applied to the Holland Township Land Use Board for bulk variance approval and;

WHEREAS, the application concerns property located at Block 11 Lot 13, which is

located at 239 Rummel 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 August 14, 2023; and

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

WHEREAS, the Applicants were represented at the hearing by Kara Kaczynksi, Esq.; and

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

- 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;
- A-8 - Report of Board Planner dated June 26, 2023;
- A-9 - Report of Board Engineer dated August 12, 2023.

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

1. All the information shown on the application filed with the Land Use Board is adopted by reference as though the complete application were set forth herein and made a part hereof.
2. The property concerning the application is located at Block 11 Lot 13, with an address of 239 Rummel Road. The property is located in the R-5 Zone, where the minimum required Lot size is 5 acres. The property is 1.43 acres, which is undersized for the Zone, and is a pre-existing undersized Lot. The property also has other pre-existing nonconformities. The required Lot width in the R-5 Zone is 325 feet, and existing lot width of 150 feet. Also, the existing dwelling has a side yard setback of 40.11 feet to the westerly property line, and 46.22 feet to the easterly property line, and 75 feet is required for the one.
3. The Applicants have submitted an application for bulk variance relief in order to add an attached one story, two car garage to the existing single family dwelling. The garage will measure 594 square feet and will be located on the westerly side of the existing dwelling. As part

of the application, the Applicants have submitted a Survey prepared by Wayne Ingram, PLS dated December 19, 2022, and a set of architectural plans prepared by Eric Trepkau, dated January 20, 2023.

4. Under Ordinance 100-10C, an accessory building may be erected as part of the principal building provided all yard requirements for the principal building are complied with. Since the required side yard for the Zone is 75 feet, bulk variance relief will be required. As noted, the existing dwelling has a side yard setback of 40.11 feet to the westerly property line.

According to the application, the attached garage will have a proposed side yard setback of 23.3 feet to the westerly property. Therefore, bulk variance relief is required.

5. Mr. Vukusich testified that he and his wife purchased the property in December of 2022. They have installed a new septic system, roof, central air conditioning, new kitchen and bathroom, and closets in the bedrooms. They have also installed a new furnace and hot water heater. He also testified that the property was very overgrown when it was purchased, and a number of trees and shrubs have been removed. He also stated that the front of the lot had very rocky soil, and he had dirt placed in this area. Mr Vukusich indicated that they took out a housing rehabilitation loan for the work, and the final draw on the loan is for the proposed 2 car garage. He noted that the existing kitchen and dining room were previously used as a garage, and there is currently no existing garage. Photographs of the property and copies of the permits were submitted (Exhibit A-7).

6. Mr. Vukusich testified that the garage will be used for vehicles and tools and typical residential type storage. The setback of the garage will be closer to the neighbor's contiguous lot, but he stated that he spoke to the neighbor about it and there were no complaints.

7. Attorney Kaczynski also noted that the property is undersized and has a narrow configuration. Since the lot is undersized for the Zone, any expansion of the residence would require bulk variance relief. It was noted that the permits submitted in Exhibit A-7 indicated the required side yard setback is 25 feet rather than 75 feet as noted in Ordinance 100-10C.

Reference was made to Board Planner Green's review letter of June 26, 2023 (Exhibit A-8). It was noted on page 4, Section E, Comment 3, of the letter that Ordinance Section 100-109 provides alternate front, side and rear yard setbacks for undersized lots. Under Section 100-109B(3), a side yard setback of 25 feet is required for a prior undersize lot. Therefore, the proposed side yard setback of 22.3 feet would only be a deviation of 1.7 feet as opposed to a deviation of 51.7 feet under the current R-5 setback requirement.

8. At the hearing it was noted that the Applicants had received a Stop Construction Order notice from Hunterdon County Soil Conservation District (Exhibit A-6). This was due to the fact that the work being done on the site resulted in over 5,000 square feet of disturbance and application and approval from Soil Conservation is therefore required. Mr. Vukusich stated that he spoke with Soil Conservation and is taking the appropriate remedial action as required in the letter. It was also indicated that a Soil Erosion and Sediment Control Plan would be prepared and submitted to Soil Conservation for approval.

9. Comments were offered at the hearing by Board Engineer Adam Wisniewski. Engineer Wisniewski inquired as to the source of the fill material that was being used on the property, noting that Soil Conservation may ask that question. He also noted that if there is an increase in impervious cover of over 2,000 square feet, that compliance with the current stormwater management regulations would be required. Engineer Wisniewski noted that the current plans indicate a total of 1,363 square feet of impervious cover, not including the patio and porch areas. Adding the porch and patio areas, would appear to total about 1,600 square feet. Engineer Wisniewski stated that a definite number needs to be shown on plans as to the amount of square feet of proposed impervious cover, to show that it will be under 2,000 square feet once the proposed garage and driveway are constructed.

10. Engineer Wisniewski also noted that there are wetlands located in the rear of the property. However, he noted that the Hunterdon County Health Department granted a permit for the septic system, and feels that issue would have been addressed if the location of the new system was a concern. However, he indicated that the wetlands area and any associated transition areas need to be designated on the plans to ensure there is no encroachment as part of the plan to be submitted to the Hunterdon County Soil Conservation District.

11. Comments at the hearing were also given by Board Planner Gerard DeFelicis. He stated that he agrees that since the property is an undersized lot, the required side yard setback is 25 feet, and therefore a deviation from the required setback will be 1.7 feet. He also is in agreement that an engineering plan needs to be submitted showing the total amount of impervious cover, the wetlands location and the total amount of disturbance proposed on the site.

12. In comments from the public, it was stated that a bulk variance for front yard setback would also be required. The Board Engineer noted that the existing home is located 78 feet from the centerline of the Rummel Road. The definition of "front setback line" under the Land Use Ordinance is defined as "a line within any lot parallel to any street lines, and measured perpendicularly from the street line..." According to Board Engineer Wisniewski, measuring

from the front of the house to the centerline of the road would be a distance of 61.5 feet (78 feet minus 16.5 feet to the centerline of Rummel road). This would then require bulk variance relief for a 13.5 foot deficiency of from the 75 foot front yard requirement for the R-5 Zone.

However, upon further review, since the property is an undersized lot, under Ordinance 100-109B(2), the required front yard setback would be only 50 feet. Therefore, a front yard bulk variance would not be required.

13. Under NJSA 40:55D-70(c)(1), were 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.

14. 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 Applicants seek to add an attached garage, which is a typical residential structure. The proposed side yard setback for the garage is 22.3 feet, and the required side yard setback for the undersized lot is 25 feet, since the lot is undersized. The deviation from the required setback would therefore be 1.7 feet, which is de minimus. The garage will be an improvement to the property, and will be used for normal residential purposes, which is a more desirable alternative than storage, outside and the use of the property will continue to be residential. The garage addition will not generate any nuisance elements or have any negative impact 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 fourteenth day of August, 2023, as follows:

1. That the Applicants are hereby granted bulk variance relief from the requirements of Ordinance Section 100-109, to provide for a side yard setback of 23.3 feet for the proposed attached garage.

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, and as may be necessary including but not limited to the Hunterdon County Soil Conservation District.

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 garage be constructed in the dimensions and location as shown on the location survey prepared by Wayne Ingram, PE, dated 12/19/22, and the architectural plans of Eric Trepkau dated 1/20/23.

4. The Applicants shall submit a set of engineering plans for review and approval by the Board Engineer. The plans shall show the total amount of disturbance and total amount of impervious cover. The Plans will also show that the amount of impervious cover is under 2,000 square feet so as not to require compliance with current Stormwater Management regulations. The plans shall also identify the location area of wetlands and their associated transition areas on the property.

5. 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 September 11, 2023

ATTEST:

Maria Elena Jennette Kozak, Secretary
Holland Township Land Use Board

William Martin, Chairperson
Holland Township Land Use Board

A motion was made by Dan Bush and seconded by Joe Cinquemani to memorialize the resolution prepared by Attorney Gallina for Block 11 Lot 14 – 239 Rummer Road – variance for a garage. At a roll call vote, all present voted in favor of the motion. 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), to August 14, 2023 (email 070523), to September 11, 2023 (email 080423) and then to October 9, 2023 (email 090723). – Board Action Needed October 9, 2023.

- **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. The public hearing was opened August 13, 2023. Testimony was given. The meeting was carried.... “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 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.”

Attorney Apgar was present. He stated that he is the attorney on behalf of Huntington Knolls and reminded everyone that the applicant completed testimony with witnesses. Engineer Chandler was present at the last meeting and Engineer Holt is present this evening. On behalf of the applicant, John Jiovino and Vincent Jiovino Jr. are present. As a reminder, the applicants agreed to extend the public hearing although they were done with testimony and the board did not have further questions because the adjacent property FOX HILL CONDOMINIUMS hired an attorney and had a substitute attorney who could not be present due to Covid. This application is a one lot subdivision with the rest of the lot remaining for an approved planned development. Engineer Holt is present to answer questions from Fox Hill.

Witness #2 – Andrew Holt – He is a licensed Engineer with Suburban Consulting Engineers. He is also a planner and has held his licenses since 1994. He has testified before many boards including Holland Township and was accepted in the past by Holland Township as an expert witness. He was sworn in by Attorney Gallina and accepted as an expert witness.

Aileen Brennan of Hill Wallick – Princeton NJ. – Attorney Brennan spoke on behalf of Fox Hill. She has questions and is not sure if they can be answered. Attorney Brennan stated that Fox Hill has issues with the development, Huntington Knolls. In regards to the subdivision, she stated that the larger portion is to be developed for town homes but questioned what the smaller lot will be used for with a response being for a single family home and no development. Attorney Brennan also stated that she did not realize that there is another home on a separate lot and that it was subdivided from this lot. Engineer Holt stated that prior site plans are available and that in 2019 the application was before the board. Engineer Holt responded to the question of what is approved for the development with 106 townhomes and 26 affordable housing. Question came up regarding the location of the Affordable units which was stated to the west. Discussions then turned to water and that the approved planned development will be serviced down County Route 519 thru an easement to the project. The blue on the plan shows water. This is an expansion from Fox Hill and the applicant has a permit for Phase 3 with the requirements for Phase 4 being ready to be sent to Trenton once the subdivision is approved as easements will need to be rewritten in order to be submitted. The houses are serviced by a well. There is a standard road opening permit for access from the county road. Attorney Brennan did not have any more questions. Board member Cinquemani asked about the water impact on Fox Hill and Engineer Holt responded that there is no impact to Fox Hill. He further explained that there is a gravity system on Fox Hill. Question then came up about a static test being performed with Engineer Holt stating it was done but that he did not have the numbers in front of him but that the rate stays the same and the tank handles the peak. Member Cinquemani had additional questions but was reminded that this application is for a subdivision and not about the development project.

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 Planner submitted the report as follows:

September 7, 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 #3

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.

This letter is specifically focused on the size and location of the affordable buildings shown on the Subdivision Plan, last revised July 21, 2023. Our Second Review Letter dated August 1, 2023 questioned the size of the affordable buildings as they appear smaller in size on the Subdivision Plan than on the site plans received in conjunction with the 2019 Board approval.

During the August 14, 2023 hearing Peter Chandler, PE, the Applicant’s Engineer indicated that the affordable buildings were previously approved to be smaller in size. Following the hearing, this office contacted Mr. Chandler and requested the approval and/or plans that allowed the buildings to be reduced in size. On August 23, 2023 our office received the following documents:

1. Plan entitled “Minor Subdivision and Final Site Plan for Phases 2 and 3 of Huntington Knolls, LLC; Huntington Knolls Development Project; COAH Plan”, prepared by Andrew S. Holt, PE of Suburban Consulting Engineers, Inc., dated July 19, 2018, revised through January 2, 2019. (Note that this is Sheet 34 of 53 within the overall Site Plan set.)
2. Letter entitled “Engineer/Planner Comments Response Letter”, prepared by Peter D. Chandler, PE of Suburban Consulting Engineers, Inc., dated January 9, 2019, consisting of 1 page.

3. Letter entitled “Engineer/Planner Comments Response Letter”, prepared by Peter D. Chandler, PE of Suburban Consulting Engineers, Inc., dated January 10, 2018, consisting of 1 page.

Additionally, we have reviewed the following document:

1. Holland Township Planning Board Resolution, dated February 11, 2019.

We offer the following comments:

1. The 2019 Resolution granted Final Site Plan approval for Phases II and III of the development, which included two multi-family affordable housing buildings. Item #27 on page 15 of the Resolution indicates the 16-unit building will be constructed in Phase III, while the 12-unit building will be constructed in Phase IV.
2. As a result of the discussion at the December 10, 2018 hearing, the Applicant submitted a COAH Plan, last revised January 2, 2019, in advance of the January 14, 2019 hearing. This COAH Plan reconfigured the two affordable buildings. COAH Building #1 is irregularly shaped on the Plan but is 94 feet by 82 feet overall. COAH Building #2 is a rectangle and is 77 feet by 82 feet. The Engineer submitted a letter dated January 10, 2019 indicating that the total building area for both buildings was 13,000 square feet. See Figure 1 for the relevant portion of the COAH Plan.
3. The Board approved the application via Resolution dated February 11, 2019, including the COAH Plan last revised January 2, 2019. Condition #6 of the Resolution states, “The project shall provide for twenty eight (28) affordable housing units as shown on Sheet 34 of the site plan. Sixteen affordable units will be provided in Phase III and 12 affordable units will be provided in Phase IV.” Therefore, the COAH Plan, last revised January 2, 2019, which was submitted as part of the Applicant’s Preliminary and Final Site Plan Application was approved by the Board.
4. The Major Subdivision Plan, last revised July 21, 2023 incorrectly illustrates the layout of the affordable housing buildings. The Subdivision Plan illustrates two rectangular buildings, which are approximately 90 feet long by 50 feet deep (COAH Building #1) and approximately 82 feet long by 50 feet deep (COAH Building #2). The approved COAH Plan illustrates an irregularly-shaped COAH Building #1 with maximum dimensions of 94 feet long and 82 feet deep, COAH Building #2 is illustrated as 77 feet long and 82 feet deep.

Additionally, the Subdivision Plan does not illustrate the correct location of the COAH Buildings. COAH Building #1 is approximately 30 feet from the parking area at the west end of Claremont Drive and approximately 50 feet from Road B. COAH Building #2 is approximately 25 feet from the parking area and approximately 50 feet from the trash enclosure area at the west end of the parking area. The approved COAH Plan illustrates COAH Building #1 approximately 30 feet from the parking area and 20 feet from Road B and COAH Building #2 approximately 30 feet from the parking area and 95 feet from the trash enclosure.

Please refer to the screenshots on the following page comparing the approved COAH Plan and the Major Subdivision Plan.

5. The Major Subdivision Plan shall be revised to illustrate the COAH Buildings as shown on the approved COAH Plan.

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)

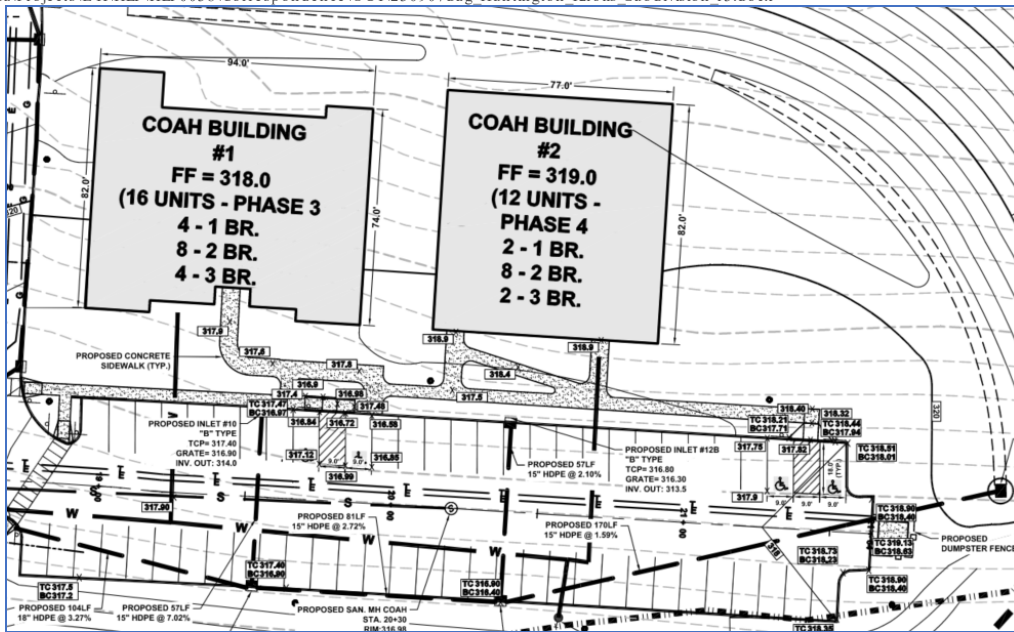


Figure 1 - Approved COAH Plan, last revised January 2, 2019.

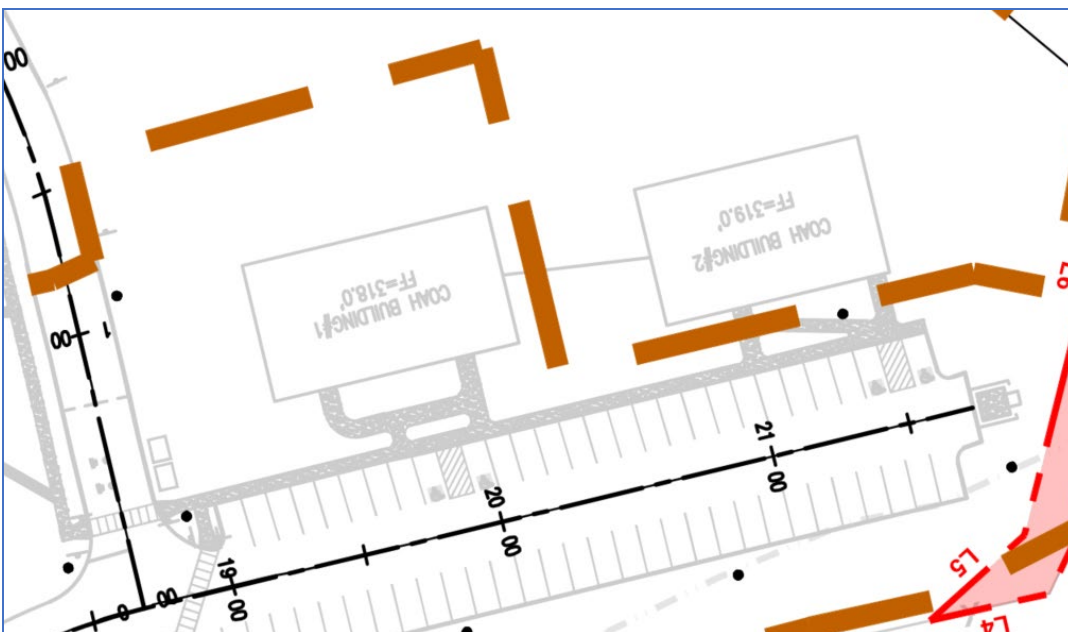


Figure 2 - Major Subdivision Plan, last revised July 21, 2023.

Board Planner, Jay DeFelicis (for Planner Green) outlined questions presented in Planner Green’s letter of September 7, 2023. Attorney Apgar agreed that before the applicant can obtain final approval, the subdivision plan needs the correct approved 2019 Affordable Housing (COAH) plan. There were no other comments.

Terry Kemple – 602 Swift Drive – asked about the farmhouse on the subdivision and if it is part of the well. Ms. Kemple was advised that the Farmhouse is part of the Commercial property and is on its own and has its own well.

There were no further questions of the public. A motion was made by Dan Bush and seconded by Mike Miller to close the public portion of the public hearing. All present were in favor. Motion carried.

There were no further comments from the board members. Attorney Gallina mentioned that the board engineer was not present this evening however they had discussions regarding potential conditions including: stormwater for Lot 13 needs to be completed in accordance to township requirements before construction begins and prior to the finalized site plan for Phase 2 and Phase 3 as well as before the subdivision recording of deeds and plats, a preconstruction meeting is required, bonds and inspection fees need to be posted, outside approvals need to be furnished, engineer letter 081123 and planner letters of 080723 and 09723 need to be addressed. Dan Bush asked questions about the state construction office issuing permits before conditions are satisfied in Holland Township and a zoning permit is issued and Attorney Gallina stated that the conditions need to be satisfied for a zoning permit to be issued and that the state construction office cannot issue state permits without having a zoning permit from Holland Township. The signed resolution will be given to DCA with an understanding that the conditions need to be satisfied before a zoning permit is issued and then DCA can issue state permits.

Land Use Administrator will send the signed resolution once memorialized to all agencies with a memo which will be distributed by email and certified registered receipt.

Member Bowers stated that this project started many years ago and water has always been a sensitive topic of conversation. With that being said, another operation, Phillips Farm draws from the same aquifer as this project and he asked someone in the township should explore sustainability and carrying water. Member Bush responded that AQUA would have to do this and Member Bowers still referenced that he thought it was all done prior to Phillips Farm started drawing from the same aquifer. Attorney Gallina reminded everyone that the application before the board is about a subdivision and that the water conversation is not pertaining to this application. The applicant's attorney and client had a discussion and Attorney Apgar reiterated that everything is good and that water discussions are for a different application and not the one before the board. There were no other comments. A motion was made by Dan Bush and seconded by Mike Miller to approved this application with the conditions mentioned and agreed to during the public hearing and to include what is outlined above as well as in letters from board professionals. At a roll call vote, all present were in favor of the motion. Motion carried. Attorney Gallina was asked to prepare a resolution to be memorialized at the next scheduled meeting.

Sub-Committee Status and Updates:

Home Occupation - Ken Grisewood - Mayor Bush mentioned that a draft has been sent to Member Grisewood so that the subcommittee can move forward. More information to follow in the future.

Holland Township Highlands Council Subcommittee –Mike Keady – Mayor Bush progress is being made. Holland Township received monies from the state to offset some requirements with the transition of Tier B to Tier A with stormwater. Grants are also being looked at from the Highlands Council to continue with the stormwater transition as well as to prepare an Open Space/Recreation Plan.

Public Comment

Davina Lapczynski – 105 Riegelsville Road - - since water was mentioned earlier, will Phillips Farm, Huntington Knolls and the recently approved Micro Brewery draw water from the same aquifer? Member Bush stated that he was not sure and that a hydrogeologist would need to review that. It is his understanding that a farm draws water but that it goes back to the ground and recharges the aquifer which he is thinking is a similar concept for the brewery. It is understood that the Huntington Knolls development actually will draw water from the aquifer. More discussions took place about the draw and the recharge.

Ryan Hatch – 122 Spring Garden Road - - He stated that it was his understanding that after reviewing the approved resolution for the Huntington Knolls project that is dated 2019 that the applicant needed to provide annual submission regarding water. This was a condition of the site plan approval and the board was to receive the reports. Land Use Administrator Kozak was asked if she received copies of the annual submission and stated that she did not recall seeing them, looked at the file and did not see them and had previously asked the board engineer if it was received with a response of not to their knowledge. Attorney Gallina suggested that Land Use Administrator Kozak contacts Attorney Apgar for him to look into obtaining the annual reports for water since 2019 as outlined in the approved resolution.

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 7:35 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak
Land Use Administrator