

# Holland Township Land Use Board

## Minutes of the Regular Meeting

**December 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 December 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.

A moment of silence was offered for all those who have died in Israel.

### **Identification of those at the podium**

Present: Jerry Bowers, Dan Bush, Joe Cinquemani, Peter Kanakaris, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Ryan Preston, John Gallina, Esq., Engineer Adam Wisniewski, Planner Austin Bejin for Planner Darlene Green, Sub Engineer Bryce Good, and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Bill Ethem, Ken Grisewood, Kelley O'Such, Scott Wilhelm and Lucille Grozinski, Court Reporter (per Liaison Wilhelm)

Let the record show there is a quorum.

### **Minutes**

A motion was made by Dan Bush and seconded by Joe Cinquemani to accept the minutes of November 13, 2023 as presented. All present were in favor of the motion with the exception of Mike Miller who abstained. Motion carried.

### **Old Business:**

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

### **New Business:**

#### **Ordinance 2023 – 15 ADDING AND CREATING CHAPTER 145 ENTITLED “STORMWATER QUALITY” TO THE CODE OF THE TOWNSHIP OF HOLLAND**

Introduced at the Township Committee November 21, 2023 – Land Use Board Master Plan Consistency Review – Board Action needed. – Planner attending this meeting

November 8<sup>th</sup> email  
Good afternoon,

Mayor Dan Bush, Deputy Mayor Scott Wilhelm and Attorney Lyons have agreed it is best to table Ordinance 2023-15 Stormwater Management to the Regular Township Committee meeting of November 21, 2023. Along with adding the Amended Fee Schedule Ordinance that is forth coming for review before the Township Committee. After Introduction and First Reading on November 21, 2023 the two ordinances will then go to the Land Use Board for their December 11<sup>th</sup> meeting for consistency with the Master Plan review.

The Township Committee will then have Final Reading/Public Hearing and Adoption on December 19<sup>th</sup>. And both will take effect upon Publication December 28, 2023.

Attorney Tara St. Angelo's presence has been requested at the November 21 Township Committee meeting, December 11 Land Use Board Meeting and the December 19 Township Committee meeting for Public Hearing to discuss and answer any questions.

Thank you,

*Melissa S. Tigar, RMC/CMR*

## **ORDINANCE NO. 2023-15**

### **ADDING AND CREATING CHAPTER 145 ENTITLED “STORMWATER QUALITY” TO THE CODE OF THE TOWNSHIP OF HOLLAND**

**WHEREAS**, the Township of Holland has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey; and

**WHEREAS**, the Township of Holland has obtained a new five (5) year Municipal Stormwater Permit from the State in 2023 to cover the five-year period between January 1, 2023, and December 31, 2027; and

**WHEREAS**, the Township of Holland was classified as a Tier B municipality prior to the renewal of its five (5) year municipal stormwater permit in 2023; and

**WHEREAS**, the Township of Holland has been reclassified as a Tier A municipality and is subject to the Community-wide Ordinance requirements of the new Tier A Municipal Stormwater Permit; and

**WHEREAS**, the Community-Wide Ordinance requirements in the Township of Holland’s new Tier A Municipal Stormwater Permit necessitate the adoption of the Ordinances herein on or before January 1, 2024.

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Holland, County of Hunterdon, and State of New Jersey that Chapter 145 of the Code of the Township of Holland, entitled “Stormwater Quality,” is created as follows:

#### **SECTION I.**

Chapter 145 of the Code of the Township of Holland entitled “Stormwater Quality” shall be created as follows:

#### **CHAPTER 145 – STORMWATER QUALITY**

##### **Article I – Containerized Yard Waste**

##### **§145-1. Scope and Purpose.**

To establish requirements for the proper handling of yard waste in the Township of Holland, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

##### **§145-2. Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

##### **CONTAINERIZED**

Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

##### **PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

##### **STREET**

Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved,

and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

## **YARD WASTE**

Means leaves and grass clippings.

### **§145-3. Prohibited Conduct.**

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this Ordinance.

### **§145-4. Enforcement.**

The provisions of this Ordinance shall be enforced by the Zoning Officer of the Township of Holland.

### **§145-5. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed the maximum penalty as described in Article II, Section 1-15, General Penalty of this Code.

## **Article II – Pet Waste Control**

### **§145-6. Purpose.**

To establish requirements for the proper disposal of pet solid waste in the Township of Holland, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

### **§145-7. Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

## **IMMEDIATE**

Shall mean that the pet solid waste is removed at once, without delay.

## **OWNER/KEEPER**

Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

## **PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

## **PET**

A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

## **PET SOLID WASTE**

Waste matter expelled from the bowels of the pet; excrement.

## **PROPER DISPOSAL**

Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

**§145-8. Requirement for Disposal.**

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

**§145-9. Exemptions.**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

**§145-10. Enforcement.**

The provisions of this Article shall be enforced by the Zoning Officer of the Township of Holland.

**§145-11. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed the maximum penalty as described in Article II, Section 1-15, General Penalty of this Code.

**Article III – Private Storm Drain Inlet Retrofitting**

**§145-12. Purpose.**

An Ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Holland so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§145-13. Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Holland or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**STORM DRAIN INLET**

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

**WATERS OF THE STATE**

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§145-14. Prohibited Conduct.**

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in Section 145-15 below prior to the completion of the project.

#### **§145-15. Design Standard.**

Storm drain inlets identified in Section 145-13 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 145-15C below.

- A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - 1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - 2. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches or be no greater than two (2.0) inches across the smallest dimension.
- C. This standard does not apply:
  - 1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - 2. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
    - b. A bar screen having a bar spacing of 0.5 inches.
  - 3. Where flows are conveyed through a trash rack that has parallel bars with one inch (1”) spacing between the bars; or
  - 4. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

#### **§145-16. Enforcement.**

This Ordinance shall be enforced by the Zoning Officer of the Township of Holland.

**§145-17. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed the maximum penalty as described in Article II, Section 1-15, General Penalty of this Code for each storm drain inlet that is not retrofitted to meet the design standard.

**Article IV – Wildlife Feeding Control**

**§145-18. Purpose.**

To prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Holland, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**§145-19. Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

**FEED**

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

**PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**WILDLIFE**

All animals that are neither human nor domesticated.

**§145-20. Prohibited Conduct.**

No person shall feed, in any public park or on any other property owned or operated by the Township of Holland, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

**§145-21. Enforcement.**

This Ordinance shall be enforced by the Zoning Officer of the Township of Holland.

Any person found to be in violation of this Ordinance shall be ordered to cease the feeding immediately.

**§145-22. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed the maximum penalty as described in Article II, Section 1-15, General Penalty of this Code.

**Article V – Yard Waste Collection**

**§145-23. Purpose.**

To establish a yard waste collection and disposal program in the Township of Holland, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§145-24. Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

**CONTAINERIZED**

Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

**PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**STREET**

Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

**YARD WASTE**

Means leaves and grass clippings.

**§145-25. Yard Waste Collection.**

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this Ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this Ordinance.

**§145-26. Enforcement.**

The provisions of this Ordinance shall be enforced by the Zoning Officer of the Township of Holland.

**§145-27. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed the maximum penalty as described in Article II, Section 1-15, General Penalty of this Code.

**Article VI – Illicit Connection**

**§145-28. Purpose.**

To prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Holland, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§145-29. Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

**DOMESTIC SEWAGE**

Waste and wastewater from humans or household operations.

**ILLICIT CONNECTION**

Any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Holland, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

**INDUSTRIAL WASTE**

Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Holland or other public body, and is designed and used for collecting and conveying stormwater.

**NJPDES PERMIT**

A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

**NON-CONTACT COOLING WATER**

Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

**PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**PROCESS WASTEWATER**

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

**STORMWATER**

Water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**§145-29. Prohibited Conduct.**

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Holland any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

**§145-30. Enforcement.**

This Ordinance shall be enforced by the Zoning Officer of the Township of Holland.



**§145-31. Penalties.**

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed the maximum penalty as described in Article II, Section 1-15, General Penalty of this Code.

**Article VII – Improper Disposal of Waste**

**§145-32. Purpose.**

To prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Holland, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§145-33. Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Holland or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**STORMWATER**

Water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**§145-34. Prohibited Conduct.**

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Holland is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

**§145-35. Exceptions to Prohibition.**

- A. Water line flushing and discharges from potable water sources.
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
- C. Air conditioning condensate (excluding contact and non-contact cooling water).
- D. Irrigation water (including landscape and lawn watering runoff).
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water, and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water.
- H. Flows from firefighting activities.

I. Flows from rinsing of the following equipment with clean water:

1. Beach maintenance equipment immediately following their use for their intended purposes; and
2. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

**§145-36. Enforcement.**

This Ordinance shall be enforced by the Zoning Officer of the Township of Holland.

**§145-37. Penalties.**

Any person(s) who continues to be in violation of the provisions of this Ordinance, after being duly notified, shall be subject to a fine not to exceed the maximum penalty as described in Article II, Section 1-15, General Penalty of this Code.

**Article VIII – Privately-Owned Salt Storage**

**§145-38. Purpose.**

The purpose of this Ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This Ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Township of Holland to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**§145-39. Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

**DE-ICING MATERIALS**

Means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

**IMPERVIOUS SURFACE**

Means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

**STORM DRAIN INLET**

Means the point of entry into the storm sewer system.

**PERMANENT STRUCTURE**

Means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- A. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- B. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- C. The structure shall be erected on an impermeable slab;
- D. The structure cannot be open sided; and
- E. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

**PERSON**

Means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**RESIDENT**

Means a person who resides on a residential property where de-icing material is stored.

**§145-40. Deicing Material Storage Requirements.**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
  - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  - 4. Loose materials shall be covered as follows:
    - a. The cover shall be waterproof, impermeable, and flexible;
    - b. The cover shall extend to the base of the pile(s);
    - c. The cover shall be free from holes or tears;
    - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
    - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
    - f. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.
  - 5. Containers must be sealed when not in use; and
  - 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. All such temporary and/or permanent structures must also comply with all other applicable local ordinances, including building and zoning regulations.

D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this Ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

#### **§145-41. Exemptions.**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within two (2) weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section 145-40 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This Ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

#### **§145-42. Enforcement.**

This Ordinance shall be enforced by the Zoning Officer of the Township of Holland during the course of ordinary enforcement duties.

#### **§145-43. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this Ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines not to exceed the maximum penalty as described in Article II, Section 1-15, General Penalty of this Code. After notification, each day of continuing violation of the terms of this section shall be deemed to be a separate and distinct offense hereunder.

### **Article IX – Refuse Containers / Dumpsters**

#### **§145-44. Purpose.**

An Ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Holland and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

#### **§145-45. Definitions.**

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

#### **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Holland or other public body, and is designed and used for collecting and conveying stormwater.

#### **PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

## **REFUSE CONTAINER**

Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

## **STORMWATER**

Means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

## **WATERS OF THE STATE**

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

### **§145-46. Prohibited Conduct.**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Holland.

### **§145-47. Exceptions to Prohibition.**

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers.
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

### **§145-48. Enforcement.**

This Ordinance shall be enforced by the Zoning Officer of the Township of Holland.

### **§145-49. Penalties.**

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed the maximum penalty as described in Article II, Section 1-15, General Penalty of this Code.

**SECTION II.** The Definitions Section (§105-2) under Chapter 105 entitled "Littering" is amended to add the following definition:

## **PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

## **SECTION III. Severability**

If any section, subdivision, paragraph, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this Ordinance shall be deemed valid and effective. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect upon the publication of notice of final adoption as provided by law.

*I, Melissa S. Tigar, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance adopted on first reading by the Township Committee of the Township of Holland at a regular and duly convened meeting held on the 21<sup>st</sup> day of November 2023.*

*In witness thereof, I have set my hand and affixed the seal of the Township of Holland this 21<sup>st</sup> day of November 2023.*

---

Melissa S. Tigar, RMC  
Municipal Clerk, Holland Township

Good morning Maria Elena,

Below is the summary for our consistency review. Austin will expand on it during Monday's meeting.

Ordinance 2023-15 effectuates the goals of the Highlands Master Plan Element and is therefore consistent with the master plan.

Ordinance 2023-20 is not inconsistent with the master plan.

Thank you.

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

Project Manager

Senior Associate

[darlene.green@collierseng.com](mailto:darlene.green@collierseng.com)

Direct: 908 200 2801 | Cell: 732 284 7684 | Main: 877 627 3772

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Attorney St. Angelo was not in attendance as previously outlined. Engineer Wisniewski briefly explained that the proposed modifications to the ordinance evolved from the State of New Jersey reassigning the Tier B municipalities (Holland Township was one of the slightly over 100 towns that were Tier B) to Tier A which has more intense rules for Stormwater. This update to the ordinance is required to be in place by the end of 2023. The Environmental Commission Stormwater subcommittee worked on the educational component required with updating our Township webpage for stormwater. The end project is very educational and informative. For view go to the Holland Township website and look for the tab Clean Waters or click this link <https://www.hollandtownshipnj.gov/clean-water/stormwater>

Planner Austin Bejin for Planner Darlene Green, stated that Planner Green in her memo stated that Ordinance 2023-15 effectuates the goals of the Highlands Master Plan Element and is therefore consistent with the master plan. Planner Green reviewed the Holland Township Master Plan technically this proposed ordinance effectuates the goals of the Highlands Master Plan Element which is part of the Holland Township Master Plan.

Some discussion took place. A motion was made by Mike Miller and seconded by Dan Bush to have Land Use Administrator Kozak send a memo to the Township Committee stating that proposed ordinance 2023-15 – adding and creating chapter 145 entitled “stormwater Quality” to the code of the township of Holland is consistent with the Holland Township Master Plan. At a roll call vote, all present were in favor of the motion

**Ordinance 2023 – 20 AN ORDINANCE BY THE TOWNSHIP COMMITTEE AMENDING THE TOWNSHIP OF HOLLAND CODE OF ORDINANCES TO AMEND CHAPTER 100 TITLED “LAND USE” TO AMEND THE DEVELOPMENT CHECKLISTS THAT ARE TO BE FILED WITH A DEVELOPMENT APPLICATION**

Introduced at the Township Committee on November 21, 2023 – sent to the Land Use Board for review at the scheduled November 21, 2023 meeting. Consistency with Master Plan - Board Action needed. Engineer and Planner attending this meeting.

November 22, 2023

Good Morning,

**NOTICE** is hereby given that the foregoing Ordinance was **Adopted** on First reading at a regular meeting of the Township Committee of the Township of Holland held on **November 21, 2023** and ordered published in accordance with the law. Second Reading/ Public Hearing/ Final Adoption is Scheduled for December 19<sup>th</sup>, 2023.

**PLEASE CONFIRM RECEIPT!! - Thank you!!**

**Happy Holidays!**

*Melissa S. Tigar, RMC/CMR  
Municipal Clerk & Registrar*

**ORDINANCE NO. 2023-20**

**AN ORDINANCE BY THE TOWNSHIP COMMITTEE AMENDING THE TOWNSHIP OF HOLLAND CODE OF ORDINANCES TO AMEND CHAPTER 100 TITLED “LAND USE” TO AMEND THE DEVELOPMENT CHECKLISTS THAT ARE TO BE FILED WITH A DEVELOPMENT APPLICATION**

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Township of Holland and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the Township of Holland was accepted for participation in the National Flood Insurance Program on March 16, 1981, and the Township Committee desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

**WHEREAS**, pursuant to Ordinance 2023-04 adopted on February 21, 2023, the Township of Holland (the “Township”) adopted a revised Floodplain Management Ordinance in order to conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP); and

**WHEREAS**, the Township desires to amend such ordinance in order to provide clarity by amending the following:

1. Reordering the provisions of the Floodplain Management Ordinance to place the title, purpose, and definitions sections at the beginning.
2. To clarify the purpose of the Floodplain Management Ordinance.
3. To clarify the penalties for violation of the Floodplain Management Ordinance.
4. To require submission of a completed Floodplain Development Permit Application with a Zoning Permit Application.
5. To require the granting of a Floodplain Development Permit (where applicable) for the issuance of a Certificate of Occupancy.
6. To amend Land Use Board Checklists to require a flood elevation certificate and inclusion of all information required by the Floodplain Management Ordinance.

**WHEREAS**, Article XXII entitled “Development Review Procedures and Plat Details” of the Land Use Ordinance contains requirements for plans and other documentation that must be filed with the Land Use Board in support of a development application; and

**WHEREAS**, the development checklists, which are the basis for the determination of a complete application, can be found in Section 100-163.1 of the Land Use Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Holland that the following updated Land Use Ordinance regulations are hereby adopted.

**SECTION 1. RECITALS**

The foregoing “Whereas” clauses are incorporated herein by reference and made a part thereof.

**SECTION 2.** Chapter 100, Attachment 14, entitled “Checklists for Applications for Development,” is hereby amended as follows:

For all development within the Flood Hazard District

- a. a flood elevation certificate, and
- b. the plans must show or include all information required by the Floodplain Management Regulations of the Township of Holland, specifically Township Code Section 100-98.1

**SECTION 3. SEVERABILITY**

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

**SECTION 4. EFFECTIVE DATE**

This ordinance shall take effect after notice and publication required by law.

**TOWNSHIP OF HOLLAND**

BY: \_\_\_\_\_  
DAN BUSH, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA S. TIGAR, MUNICIPAL CLERK

*I, Melissa S. Tigar, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance adopted on first reading by the Township Committee of the Township of Holland at a regular and duly convened meeting held on the 21<sup>st</sup> day of November 2023.*

*In witness thereof, I have set my hand and affixed the seal of the Township of Holland this 21<sup>st</sup> day of November 2023.*

\_\_\_\_\_  
Melissa S. Tigar, RMC  
Municipal Clerk, Holland Township

**ATTACHMENTS**

**LAND USE BOARD DEVELOPMENT CHECKLISTS**

Good morning Maria Elena,

Below is the summary for our consistency review. Austin will expand on it during Monday’s meeting.

Ordinance 2023-15 effectuates the goals of the Highlands Master Plan Element and is therefore consistent with the master plan.

Ordinance 2023-20 is not inconsistent with the master plan.

Thank you.

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

Project Manager

Senior Associate

[darlene.green@collierseng.com](mailto:darlene.green@collierseng.com)

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Engineer Wisniewski explained that the proposed checklists incorporate language from the adopted Flood Plains . Ordinance. This update to the checklists will reference the ordinance

Planner Austin Bejin for Planner Darlene Green, referenced Planner Green’s memo which stated that Ordinance 2023-20 is not inconsistent with the master plan. Planner Green review the Holland Township Master Plan.

Some discussion took place. A motion was made by Dan Bush and seconded by Jerry Bowers to have Land Use Administrator Kozak send a memo to the Township Committee stating that proposed ordinance 2023-20 – an ordinance by the Township Committee amending the Township of Holland Code of ordinance to amend Chapter 100 titled “land Use” to amend the development checklists that are to be filed with a development application is not inconsistent with the Holland Township Master Plan. At a roll call vote, all present were in favor of the motion

**Completeness Review:**

- Block 2 Lot 1.02 – 10 Mill Road – Holland Solar Farm LLC – Amended Final Site Plan – Received into the office November 15, 2023. The 45-day deadline is December 30, 2023. Board Action needed December 11, 2023.

Recused members: Dan Bush and Ryan Preston. Both stepped out of the room for the meeting.

December 5, 2023

VIA EMAIL ONLY

Maria Elena Kozak, Land Use Administrator  
**HOLLAND TOWNSHIP LAND USE BOARD**  
61 Church Road  
Milford, New Jersey 08848

Re: Initial Completeness Review  
**Holland Solar Farm, LLC**  
**Amended Final Site Plan Application**  
Block 2, Lot 1.02  
Holland Township, Hunterdon County  
*FCE No. 20070.CE.0001C7*

Dear Ms. Kozak:

In our capacity as conflict engineer for the Land Use Board, our office received the following information regarding the above-referenced application:

1. Transmittal letter from Van Cleef Engineering Associates dated November 15, 2023.
2. Planning Board & Board of Adjustment Application Form signed November 6, 2023 (out of date version of form completed).
3. Ownership Certification signed by the property owner dated November 8, 2023.
4. Final Major Site Plan Checklist (September 20, 2011 version completed).
5. Holland Township Site Walk Authorization dated November 6, 2023.

6. W-9 form dated November 6, 2023.
7. Amended Final Major Site Plan for Holland Solar Farm, Block 2, Lot 1.02 prepared by Ian Hill, P.E. of Van Cleef Engineering dated June 5, 2020, last revised October 31, 2023, comprising 4 sheets.
8. Overall SESC and Restoration Landscape Plan for Holland Solar Farm, Block 2, Lot 1.02 prepared by Ian Hill, P.E. of Van Cleef Engineering dated April 14, 2023, comprising 5 sheets.
9. Restoration Landscape Plan for Holland Solar Farm, LLC prepared by Ian Hill, P.E. of Van Cleef Engineering dated December 22, 2022, last revised February 8, 2023, comprising 2 sheets.
10. Escrow Replenishment Certification signed by the applicant dated November 6, 2023.
11. Certification from the Holland Township Tax Collector that taxes on the property are current dated November 9, 2023.
12. Certified lists of property owners within 200 feet of the subject property from Holland and Pohatcong Townships.
13. Letter of Certification issued by the Hunterdon County Soil Conservation District dated May 22, 2023, for the disturbances that are the subject of this Amended Final Site Plan application.

## **PROJECT SUMMARY**

The subject property (Block 2, Lot 1.02) comprises 65.55 gross acres fronting on Willow Road and Cyphers Road, running partially along the Musconetcong River. It is located in the Township's IND-Limited Industrial Park zone and within the Highlands Planning Area. The property is the site of the former Fibermark paper mill which has been classified by NJDEP as a "brownfield" site and has apparently been subject to remediation for a number of years.

The northerly boundary of the property runs along the Musconetcong Creek, a Category One waterway with tributaries of the creek and a mill race running through portions of the property. The property is bounded on the south by lands owned by Hunterdon County and on the west by the Milford Solar Farm. Freshwater wetlands, flood hazard areas, and riparian buffers are present within the site, and the Applicant formerly obtained approvals from regulatory agencies for proposed land disturbances within these areas as a condition of Township Resolution approval.

The applicant, Holland Solar Farm, LLC., formerly received Preliminary and Final Site Plan approval with Bulk Variance relief from a Holland Township Planning Board Resolution adopted November 9, 2020. This Resolution provided Preliminary and Final Site Plan approval to construct two (2) separate solar arrays (Arrays D and E) generating a total of 9 MW to be connected to the JCP&L electric grid. Additionally, the Resolution provided Bulk Variance relief from the requirements of §100-21.M(3)(2), to permit a 95 foot setback for the security fencing for proposed solar array D.

Following the above-mentioned approval from the Board, the ground-mounted photovoltaic electric generation solar arrays were constructed within the subject property. However, during construction, additional land adjacent to Arrays D and E were disturbed beyond the approved limits of disturbance on the formerly approved Site Plans. The Applicant proposes to restore and replant some of the areas of unauthorized land disturbance as shown in the Amended Final Major Site Plan set provided with the application. The Applicant received approval from the Hunterdon County Soil Conservation District for the Soil Erosion and Sediment Control Plans dated April 14, 2023, which are included in the Amended Final Major Site Plan set.

## **INITIAL COMPLETENESS REVIEW – AMENDED FINAL SITE PLAN**

Our office has conducted this initial completeness review of the Amended Final Site Plan application using the previously referenced information against the Township's Final Major Site Plan Checklist (version January 27, 2023). It should be noted that the application and checklist provided are not the current versions. Based upon our review, we offer the following comments:

1. Item E-1 – A temporary waiver has been requested by the Applicant to provide a Fee Calculation Form due to uncertainty of the required fees associated with an Amended Site Plan. As opined by the Board's attorney, the Fee Calculation Form shall be provided.
2. Item E-2 – A waiver has been requested by the Applicant to provide individual checks made out to Holland Township of the required fees. As opined by the Board's attorney, the Applicant shall provide the required application fee and escrow deposit for a Major Site Plan as stated in the §83-1.
3. Item E-3 – A completed Escrow Agreement signed by the Owner/Applicant for this application should be provided. Based on the submission of an Escrow Replenishment Certification, this office does not object to the Board granting a waiver of this requirement.
4. Item E-4 – The latest version of the Final Major Site Plan checklist (version January 27, 2023) should be completed and provided with written requests and explanations for all requested completeness waivers.
5. Item E-5 – The latest version of the application form should be provided. The subject property is located within the Highlands Area; therefore, the requirements of Chapter 101 of the Township ordinance apply. The Application form should be revised and resubmitted using the latest version of the form (Appendix R, Planning Board and Board of Adjustment Application Form Highlands Land Use) to provide NJ Highlands information concerning the additional disturbed areas.
6. Item E-6 – The Checklist for Determining Completeness of Application Submitted Under Chapter 101 Highlands Land Use Ordinance should be provided as the requirements of Chapter 101 of the Township

ordinance apply to the subject property.


7. Item E-7 – A revised Environmental Impact Assessment that includes the additional disturbed areas should be provided by the Applicant.
8. Item E-9 – A waiver has been requested by the Applicant to provide a receipt indicating the delivery of a completed application to the Hunterdon County Planning Board. Based on the nature of the Amended Site Plan, this office does not object to the Board granting this waiver for Completeness only.
9. Item E-16 – The Applicant should verify whether the Financial Disclosure Statement previously submitted for Preliminary and Final Site plan approval still applies or provide updated copies of the Financial Disclosure Statement otherwise.
10. Item E-18 – The Applicant should verify whether the previously submitted metes and bounds descriptions and any easement dedications, if applicable, that were provided for prior Preliminary and Final Site Plan approval are still accurate. Otherwise, the latest versions of these documents should be provided.
11. Item E-21 – An application for Highlands Resource Review should be provided by the Applicant. Refer to Item E-5.
12. Item E-22 – It should be noted that twelve (12) additional copies of the site plans, instead of eight (8) additional copies are now required to be submitted when the application has been determined to be complete.
13. Item E-24 – A written statement summarizing requests for waivers of checklist requirements should be provided. Refer to Item E-4.
14. Item E-25 – A written statement outlining any variances or design waivers being requested as part of the application should be provided, if applicable.
15. Item E-39 – A waiver has been requested by the Applicant to provide signed Certification on the plan by the owner of the property. Based on the nature of the Amended Site Plan, this office does not object to the Board granting this waiver for Completeness only.
16. Item E-69 – The Landscape Restoration plans were prepared by a licensed engineer instead of a licensed landscape architect. The provided plans should be reviewed and verified by a licensed landscape architect.
17. Item E-73 – As-built plans and profiles of all proposed streets, storm sewers, sanitary sewers, and water mains as approved by the Township Engineer should be provided, if applicable.

Based upon the above, the application for Amended Final Site Plan approval is recommended to be deemed administratively **incomplete**. The additional required information should be provided, or waivers requested with justifications provided.

I trust this correspondence is satisfactory. Please feel free to call with any questions or comments.

Very truly yours,

**FINELLI CONSULTING ENGINEERS**

A DIVISION OF 



Bryce D. Good, P.E., CPESC  
Land Use Board Conflict Engineer

cc: All Land Use Board Members, distributed by LUB Administrator, via e-mail only  
John Gallina, Esq., Land Use Board Attorney, via email only  
Kendra Lelie, P.P., Conflict Planner, via email only  
Mark Bellin, Esq., via e-mail only  
Gary Cicero, Holland Solar Farm LLC, via email only  
Ian Hill, P.E., Applicant's Engineer, via e-mail only  
Hunterdon County Planning Department, via e-mail only

Attorney Bellin representing the applicant was present along with his team. Engineer Hill stepped up to discuss the memo prepared by Land Use Board Sub Engineer, Bryce Good. In discussion, the applicant agrees that they will complete checklist item A12, E1, E2, E3, E5, E6, E7, E21, E22, and E24. Discussions regarding other checklist items took place with the following:

E4- they will use the latest version

E9 – they want a waiver and Sub Engineer Bryce agrees to a waiver for completeness. This would be a temp waiver until the Land Use Board agrees.

E16 – On file and still current

E18 – they did not recall any

E21 – they agree to do with the focus on the forest. Attorney Bellin asked what does the board really want with Sub Engineer Good responding that the applicant needs to go thru the process with additional disturbances being described in a revised site plan with focus on the forest.

E25 – This is not applicable

E39 – the waiver could be granted for completeness

E69 – Testimony to be provided at the public hearing

E73 – There are no streets or utilities so no as-builts should be required.

More discussions took place. A motion was made by Mike Keady and seconded by Joe Cinquemani to deem the application incomplete with the understanding of what the applicant will provide for completeness review at the February 12, 2024 meeting (everyone agreed to move this to February instead of January 8, 2024 with the deadline for submittal of January 22, 2024) and to also grant temporary waivers as outlined above. At a roll call vote, everyone present was in favor of the motion. Motion carried. Some additional discussion took place regarding a public hearing and it was agreed by all that if the application is deemed complete at the February 12, 2024 meeting that the applicant could notice for a public hearing on the same day. This will be on the February 12, 2024 agenda as such.

Recused members Dan Bush and Ryan Preston returned to the meeting.

### **Resolution**

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

### **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) then to October 9, 2023 (email 090723), to November 13, 2023 (email 10/06/23), to December 11, 2023 (email 11/08/23) and to January 8, 2024 ( email 12/01/23). – Board Action Needed January 8, 2024 – Davina Lapczynski reported that she continues to work on this with her engineer. Updates are provided to Land Use Administrator who forwards to the board as FYI. More to follow.

### **Sub-Committee Status and Updates:**

Home Occupation - Ken Grisewood - There has been communications with subcommittee and Township Committee members but nothing new to report. More information to follow in the future.

Holland Township Highlands Council Subcommittee –Mike Keady – The subcommittee is still working with professionals on moving forward with Township projects and Grants. The stormwater reassignment of Tier B to Tier A is still the priority.

### **Public Comment**

No one from the public had any comments at this time.

### **Executive Session**

There was no Executive Session scheduled at this time.

### **Housekeeping:**

The 2024 Land Use Board schedule was distributed. No comments were made.

Township of Holland  
Land Use Board

### **2024 Meetings**

**PLEASE TAKE NOTICE** that the Land Use Board, Township of Holland, County of Hunterdon, New Jersey, will meet to discuss or act upon public business on each of the dates set forth below, at the Municipal Building, 61 Church Road, Milford, NJ. Meetings are open to the public.

Time: If necessary, a Work Session will begin at 6:30 P.M. to discuss the Agenda of the evening.

Public participation during the work session will be prohibited.

The regular meetings begin at 7:00 P.M.  
The cut-off time for meetings is 11:00 P.M.

**Meeting Dates**

January 8, 2024  
February 12, 2024  
March 11, 2024  
April 8, 2024  
May 13, 2024  
June 10, 2024  
July 8, 2024  
August 12, 2024  
September 9, 2024  
October 14, 2024  
November 11, 2024  
December 9, 2024  
January 13, 2025

**Agenda Deadline**

December 18, 2023  
January 22, 2024  
February 19, 2024  
March 18, 2024  
April 22, 2024  
May 20, 2024  
June 17, 2024  
July 22, 2024  
August 19, 2024  
September 23, 2024  
October 21, 2024  
November 18, 2024  
December 23, 2024

By ordinance the meetings of the Holland Township Land Use Board are held the second Monday of the month, with the agenda deadline three weeks prior to the meeting.

Happy Holidays to all.

**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