

Holland Township Land Use Board
Minutes of the Regular Meeting

February 12, 2024 (regular)

(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)

Chairman Martin: “I call to order the February`12, 2024 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 21, 2023 edition of the Hunterdon County Democrat
3. And faxing to the Express-Times for informational purposes only.

Chairman Martin asked all to recite the Pledge of Allegiance

Appointments

Land Use Administrator: We have appointments and re-appointments to swear in:

Chairman: *We have appointments and re-appointments to swear in:*

(Determined January 16, 2024 at the Township Committee Reorganization meeting)

Dan Bush administered the oath to all present (Bill Ethem was absent- his appointment carries)

2024 JOINT LAND USE BOARD

	<i>CLASS</i>	<i>TERM EXPIRES</i>
<i>Ryan Preston</i>	<i>IV</i>	<i>12/31/2026</i>
<i>Bill Ethem</i>	<i>IV</i>	<i>12/31/2027</i>

ALTERNATE CLASS IV #1 (2 year term):

<i>Joe Cinquemani</i>		<i>12/31/2025</i>
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ALTERNATE CLASS IV #2 (2 year term):

<i>Kelley O’Such</i>		<i>12/31/2025</i>
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ALTERNATE CLASS IV #3 (2 year term):

<i>Peter Kanakaris</i>		<i>12/31/2024</i>
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ALTERNATE CLASS IV #4 (2 year term):

<i>vacant</i>		<i>12/31/2024</i>
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Chairman Martin congratulations to all

Chairman Martin: Resolution to be adopted authorizing the award of a contract to the appointed professionals not utilizing the process defined in the third definition under N.J.S.A 19:4A-20.7. These contracts are awarded without competitive bidding as a “Professional Service” in accordance with 40A:11-5-(1) (a) of the Local Public Contracts Law. This resolution shall be printed once in the Hunterdon County Democrat.

Mayor discussion: Appointment of Land Use Board Litigation Attorney: Mayor Bush stated that there is still pending litigation and that Attorney Gallina has been handling the Solar Farm litigation since 2021.

After some discussion, a motion was made by Scott Wilhelm and seconded by Dan Bush to appoint Attorney John Gallina as Land Use Board Special Litigation Counsel in the matter of Mill Road Solar Project, LLC et als. V CEP Solar LLC et. als., Appellate Docket #A-3063-21: Law Division Docket #L-2029-19. At a roll call vote, all present voted in favor of the motion. Motion carried.

Chairman Martin: Resolution to be adopted authorizing the award of a contract to Attorney JOHN GALLINA, Esq. not utilizing the process defined in the third definition under N.J.S.A 19:4A-20.7.

Identification of those at the podium for the recording

Present: Dan Bush, Joe Cinquemani, Ken Grisewood, Peter Kanakaris, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Ryan Preston, Kelley O’Such, Scott Wilhelm, Dominick DiYanni, Esq., (for Eric Bernstein), and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Bill Ethem, Board Engineer Ian Hill, Board Planner/HT Highlands Council Subcommittee Planner Darlene Green, Board Conflict/Special Projects Engineer Richard Roseberry/Paul Sterbenz/Adam Wisniewski, Board Conflict/Special Projects Engineer Bryce Good, and Board Conflict/Special Projects Planner Kendra Lelie.

Let the record show there is a quorum.

Minutes

A motion was made by Dan Bush and seconded by Mike Miller to dispense with the reading of the December 11, 2023 and January 9, 2024 meeting minutes and to approve as presented. All present were in favor of the motion with the exception of Ken Grisewood and Kelley O'Such who abstained. Motion carried.

Old Business:

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

New Business:

Block 24 Lot 13 – Huntington Knolls LLC – Extension of the Final Approvals for Phases 2 and 3 of the overall project. The request is for a 2 year extension. Board Action Needed.

Ken Grisewood, Kelley O'Such and Scott Wilhelm recused themselves, did not leave room.

Applicant's attorney present Steven Gruenberg is present and explained that Hovnanian is under contract with the current property owner. This letter was submitted to all.

February 9, 2024

Via Email: planningboard@hollandtownship.org and Regular Mail

Maria Elena Kozak, Administrator Holland Township Land Use Board 61 Church Road
Milford, NJ 08848

RE: Huntington Knolls Final Major Site Plan Block 24, Lots 3, 13, and 13.01

Dear Maria Elena:

I have been retained by K. Hovnanian New Jersey Operations, LLC, purchaser under contract to the above properties and proposed development.

The Holland Township Land Use Board previously granted the owner/applicant, Huntington Knolls, LLC, three, one-year extensions of the final site plan approval for Phases II and III of the project with the final, one year expiration set to expire on February 11, 2024, pursuant to the Board Resolution's memorialized on March 13, 2023, a copy of which is enclosed herewith. Additionally, the Land Use Board also granted an extension of the Phase IV preliminary approval to November 9, 2024.

K. Hovnanian New Jersey Operations, LLC is pleased to advise the Land Use Board that as the contract purchaser of both Phases III and IV it is their intention to expeditiously secure any and all outstanding governmental approvals and bring this exciting project with affordable housing opportunities for the Township of Holland to fruition. In connection with that effort, please accept this letter as a request on behalf of my client to appear before the Holland Township Land Use Board to request a two (2) year extension of the final site plan approvals granted for Phases II and III of the project pursuant to N.J.S.A. 55D-52.e which permits the granting of additional extensions of final site plan approval beyond those extensions which may have been granted pursuant to N.J.S.A. 40:55D-52.a.

Specifically, that statute provides:

N.J.S.A. 40:55D-52(e). In the case of a site plan for a development consisting of not less than 150,000 square feet of nonresidential floor area **or not less than 100 residential dwelling units**, or consisting of a combination of square feet of nonresidential floor area and residential dwelling units, which when proportionately aggregated at a rate of 1,500 square feet of nonresidential floor area to one residential dwelling unit, are equivalent to at least 150,000 square feet of nonresidential floor area or 100 residential dwelling units, the planning board may grant the rights referred to in subsection a. of this section for such period of time beyond two years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions, and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the planning board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by

the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed, (3) economic conditions, and (4) the comprehensiveness of the development.

The approved project consists of 106 market rate units, 26 COAH apartments, and ancillary utility and roadway improvements. Given the fact that the project consists of the proposed construction of 132 residential units, the complexity of the development and approval process, and the difficulties faced by developers during the COVID crisis and resulting economic conditions, it is respectfully submitted that the Board has the authority to extend the time period of final site plan approval for both Phases II and II pursuant to N.J.S.A. 55D-52.e.

Maria Elena Kozak, Administrator February 9, 2024

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We look forward to appearing on February 12, 2024 before the Board to discuss this request. I have enclosed herewith a Consent of Owner form signed by the current owner authorizing the requested extension. However, should anything further be required or if there are any questions with regard to this request, please feel free to contact me. Thank you.

Very truly yours,



STEVEN P. GRUENBERG

SPG:bas Encs.

cc. K. Hovnanian New Jersey Operations, LLC Attn: Tracy Siebold, Esq.

Eric Bersnstein, Esq., Board Attorney Suburban Consulting Engineers

Attn: Andrew Holt, P.E.

For better understanding, Attorney Gruenberg explained that this is a 2 year extension request for residential construction over 100 units which is over the regular extension request...Hovanian wants to take over the project and is purchaser under contract. KHOV will need to come back with status and particulars. Attorney DiYanni explained and confirmed the provision under land use law and how that can extend approvals of the past. The request is reasonable and the board has authority to authorize additional 2 years from Feb 11 to 2026. Attorney DiYanni suggested that the contract purchaser (Khov) come back to the Land Use Board within three months to give a status update. He further stated that this should be a condition on the extension resolution and Attorney Gruenberg stated that the condition is reasonable and agrees to condition. All agree that this enables Holland Township to know what is going on with the project at an official Land Use Board meeting. A motion was made by Dan Bush and seconded by Mike Miller to approve the request as presented with the added condition. Mike Miller had a question about P2, P3 and P4 and if Khov is vigorously seeking approvals so that the project would happen once the purchase contract is satisfied and Attorney Gruenberg stated that is the intention. Dan Bush asked if the project includes the Farmhouse Inn with Attorney Gruenberg stating that he does not have a definitive on this and will come back with clarification and an update. Joe Cinquemani mentioned that there is no mention on P4 extension. Attorney Gruenberg mentioned that there is an extension thru August. With no additional questions asked, roll call was taken. All present voted in favor of the motion. Motion carried. Attorney DiYanni is authorized to prepare a resolution to be memorialized at the next meeting.

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. Deemed incomplete December 11, 2023. To resubmit and completeness review February 12, 2024. If deemed complete February 12, 2024 then public hearing February 12, 2024.

“Hi Maria

I left you a message

Please accept service tonight and announce the hearing is carried to March 11.

Consent is given to an extension of time to hear the application through April of 2024.

Mark Bellin

Mark S. Bellin Esq.
54 Broad Street
Suite 303

Due to the potential of inclement weather, the solar team had concerns with leaving the meeting in Holland Township and were more comfortable to grant an extension. This would carry for completeness and public hearing and will thereby not require additional notification. Attorney DiYanni will work with Attorney Bellin in receiving the 45- day time extension in writing to preserve the completeness portion of the application. Completeness and the Public Hearing will be carried to the March 11, 2024 meeting. Dan Bush recused himself from discussions of this application. As did Ryan Preston. A motion was made by Scott Wilhelm and seconded by Ken Grisewood to carry the completeness review of this application to March 11, as well as the public hearing and that no additional notification is required. At a roll call vote, all present were in favor of the motion. Motion carried.

Resolution

Report of the Land Use Board Attorney for 2023 – approved at the LUB Meeting of January 8 2024 – Land Use Board Attorney Bernstein authorized to prepare a resolution memorializing action – Board Action Required as this needs to be submitted to the Township Committee.

The following resolution was previously submitted by Attorney DiYanni for board review and approval.

**HOLLAND TOWNSHIP LAND USE BOARD
 RESOLUTION ADOPTING 2023 ANNUAL REPORT**

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

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

WHEREAS, pursuant to N.J.S.A. 40:55D-25, Holland Township has established a joint Land Use Board (“Board”) which exercises all of the powers of a Board of Adjustment; and,

WHEREAS, a report on applications and appeals for Board of Adjustment type variances for the year 2023 has been prepared by the Board Attorney at that time, John P. Gallina, Esq., setting forth a summary of the Board’s decisions, and its recommendations for zoning ordinance amendment and revision, if any, which is attached, and which has been reviewed by the Land Use Board.

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

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

Land Use Board Roll Call Vote

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Michael Keady						
Scott Wilhelm						
Ken Grisewood						
Mike Miller						
Nickolas Moustakas						
Bill Ethem						
William Martin						
Dan Bush						
Ryan Preston (Alt.)						
Joe Cinquemani (Alt)						
Kelly O’Such (Alt)						
Peter Kanakaris (Alt.)						

Motion carried.

The foregoing Resolution was duly adopted by the Holland Township Land Use Board at a regular meeting held on February 12, 2024.

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 Ken Grisewood to memorialize the resolution as present. At a roll call vote, all present were 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, 2022 (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,) ,October 9, 2023 (email 090723) , November 13, 2023 (email 10/06/23), December 11, 2023 (email 11/08/23), to January 8, 2024 (email 12/01/23) and to February 12, 2024 (email 01/03/24) and to March 11, 2024 (email 02/01/24). Board Action needed March 11, 2024

Email Land Use Administrator from Davina Lapczynski as distributed:
“Good Morning

As you can see, we are still going back and forth with the DEP so I would definitely say that this is not going to be on the February agenda and now we are probably moving this to the March agenda.

Davina Lapczynski”

Attorney DiYanni requested that Davina Lapczynski who is present step up to the mic. Attorney DiYanni saw the history and wanted to clarify and make sure that Applicant Davina Lapczynski is saying yes to all extensions and is formally granting consent to waive time requirements under MLUL to take action. Davina Lapczynski stated that she is waiting on the NJDEP to approve her project and then she will appear back to the Land Use Board with a public hearing for her garage project. Her property is in the AE flood zone. She agrees to waive requirements for LUB to take action until the NJDEP takes action. Attorney DiYanni stated that he is new to the board and is dotting the I’s and crossing the T’s.

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. Deemed incomplete December 11, 2023. To resubmit and completeness review February 12, 2024. If deemed complete February 12, 2024 then public hearing February 12, 2024. Carried to March 11, 2024 – see above for details.

Sub-Committee Status and Updates:

Holland Township Highlands Council Subcommittee –Nothing new to update with the exception that congratulations are in order as Dan Bush is appointed to the Highlands Council.

Home Occupation subcommittee – Ken Grisewood – this was on a hiatus because of the stormwater reassignment of Tier B to Tier A. It is tabled for the time with the hope that discussions can begin again sometime in 2024. Ken Grisewood mentioned that a new member is welcome to replace Jerry Bowers.

Public Comment

Davina Lapczynski – 105 Riegelsville Rd – circled back to the ordinance questions about solar with discussions of a variance option being preferred. She is questioning options such as solar on a carport. Currently, solar on the ground cannot exceed 10’ and requires a fence or landscape screening. Technically, Holland Township does not permit a carport unless it relates to a recreational vehicle or trailer. She asked if changing an ordinance is a possibility and explained that there have been conversations about putting a solar carport at the Fire House and that residents have also called about solar on other structures outside of ground or roof mount. Mike Miller asked if this is something Land Use needs to look at or if the Township Committee can review this. Dan Bush stated that they are looking at this on a committee level. Mike Miller also mentioned that the ordinances are in conflict with each other. At this time, if someone wants to install solar outside of what is currently permitted in Holland Township on the roof and ground mount then they can appear before the Land Use Board with a variance application. Dan Bush also mentioned that while a potential grant for solar on a carport for the Fire Company can be a good thing, Holland Township needs to look at what is in the best interest of the Township and not a site specific project such as the firehouse.

Executive Session

There was no Executive Session scheduled at this time.

Housekeeping:

There was no housekeeping scheduled at this time on the agenda.

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