

Holland Township Land Use Board
Minutes of the Regular Meeting

July 8, 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 July 8, 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

Identification of those at the podium for the recording

Present: Dan Bush (arrived 7:10 pm), Melanie Campbell (sworn in below), Joe Cinquemani, Bill Ethem, Ken Grisewood (arrived 7:10 pm), Peter Kanakaris, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Ryan Preston, Anthony Roselle (sworn in below), Kelley O’Such, Board Attorney Eric Bernstein, Board Planner/HT Highlands Council Subcommittee Planner Darlene Green, and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Scott Wilhelm, Board Engineer Ian Hill, Board Conflict/Special Projects Engineer Richard Roseberry/Paul Sterbenz/Adam Wisniewski, Board Conflict/Special Projects Engineer Bryce Good, Board Conflict/Special Projects Planner Kendra Lelie, 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.

Let the record show there is a quorum.

Oath of Office

We have appointments to swear in at this time that were determined June 18, 2024 at the Township Committee meeting. Attorney Bernstein administered the oath to all.

2024 JOINT LAND USE BOARD

	CLASS	TERM EXPIRES
Joe Cinquemani	IV	12/31/2024
ALTERNATE CLASS IV #1 (2 year term):		
Kelley O’Such		12/31/2025
ALTERNATE CLASS IV #2 (2 year term):		
Peter Kanakaris		12/31/2025
ALTERNATE CLASS IV #3 (2 year term):		
Anthony Roselle		12/31/2024
ALTERNATE CLASS IV #4 (2 year term):		
Melanie Campbell		12/31/2024

Congratulations were extended to all.

Minutes

A motion was made by Kelley O’Such and seconded by Peter Kanakaris to approved the minutes of May 13, 2024 as presented. All present were in favor of the motion with the exception of Melanie Campbell and Anthony Roselle who abstained. Motion carried. The reading of the Land Use Board minutes of June 10, 2024 was tabled.

Old Business:

- Block 13 Lot 23 – Old Farm Road – **EXTENSION REQUEST** -Variance-Direct the issuance of a building permit for a lot not abutting a public street and variances for the frontage and the driftway width and traveled width requirements for lots on drift ways – approved by BOA for Lawrence Seibel July 29, 2020 sold to Craig and Rachel Bailey in June of 2021. 1 year extension requested/granted: December 12, 2022 and July 29, 2023.

Craig D. Bailey is present and was sworn in by Attorney Bernstein. He explained that he needs a 1 year extension as the process is taking a lot longer to finalize building plans and stormwater management. He has submitted the driveway application but needs to submit the stormwater information and is having a hard time with drawings for zoning. He wants to build a log home and the Wisconsin company has nothing local and is having an issue with getting someone to do permits for log home. There are no changes to what has been proposed. If changes are needed then Craig Bailey stated he would have to come back to us. The board asked if the applicant anticipates that this extension should address the outstanding issues and Craig Bailey stated that he hopes so and hopes not to have to ask for a new extension and stated that the process is harder than he thought. The board was asked if there were any questions. A motion was made by Dan Bush and seconded by Ken Grisewood to grant another extension. At a roll call vote, all present were in favor with the exception of Kelly O’Such who recused himself. Motion carried. Attorney Bernstein to prepare a resolution for the next meeting to be memorialized.

New Business:

- **ORDINANCE 2024-13** -Introduction/First Reading June 18, 2024 with Second reading and Public Hearing set for July 17, 2024. **ORDINANCE TO AMEND CHAPTER 100 - PART 3 OF THE CODE OF THE TOWNSHIP OF HOLLAND ENTITLED "STORMW ATER MANAGEMENT" TO REFLECT AMENDMENTS TO THE NEW JERSEY STORMWATERMANAGEMENT RULES AT N.J.A.C. 7:8, ADOPTED JULY 17, 2023** (see ordinance for details) -review for consistency with Master Plan – Board action needed.

ORDINANCE NO. 2024-13

ORDINANCE TO AMEND CHAPTER 100 - PART 3 OF THE CODE OF THE TOWNSHIP OF HOLLAND ENTITLED "STORMW ATER MANAGEMENT" TO REFLECT AMENDMENTS TO THE NEW JERSEY STORMWATERMANAGEMENT RULES AT N.J.A.C. 7:8, ADOPTED JULY 17, 2023

WHEREAS, The Township of Holland has a Stormwater Management Ordinance pursuant to the requirements in N.J.A.C. 7:8, and its Municipal Stormwater Permit; and

WHEREAS, the Stormwater Management Ordinance is subject to change when the State amends NJ.AC. 7:8; and

WHEREAS, the State of New Jersey amended its Stormwater Management Rules at NJ.AC. 7:8 on July 17, 2023; and

WHEREAS, the municipalities in the State of New Jersey are required to amend their Stormwater Management Ordinances to align with the updated Stormwater Management Rules at N.J.AC. 7:8 on or before July 17, 2024; and

NOW THEREFORE BE IT ORDAINED BY THE MAYOR, TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HOLLAND, COUNTY OF HUNTERDON, AND STATE OF NEW JERSEY THAT CHAPTER 100 - PART 3 OF THE CODE OF THE TOWNSHIP OF HOLLAND, ENTITLED "STORMWATER MANAGEMENT", IS AMENDED AS FOLLOWS:

Section One - Chapter 100 - Part 3 of the Code of the Township of Holland entitled "Stormwater Management" shall be replaced in its entirety as follows:

Chapter 100 - Land Use

Part 3 - Stormwater Management

Article XXIV Stormwater Management Regulations

§100-182. Scope, Purpose, and Fees:

1. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.
2. The purpose of this Part 3 is to establish minimum stormwater management requirements and controls for "major development," and "minor development" as defined below in §100-183.

Planner Green stated that the Planning Board in 2020 adopted the Water Use and Conservation Plan. Page 49 of the plan has a section that talks about the strategies deficit mitigation which says to consider green infrastructure. The Planning Board also talks about stormwater in the 2020 Master Plan Reexamination Report on page 29 as well as making recommendations in the adopted 2019 Stormwater Management Plan, part of the Utility Plan of our Master Plan. While there are not specific goals outlined, her review is that the ordinance supports the water use and the Master Plan Reexamination Report and that the proposed ordinance is NOT INCONSISTENT with the Holland Township Master Plan. Board member O'Such questioned that this review is only for consistency with the response being yes. A motion was made by Kelley O'Such and seconded by Ryan Preston to have LUA Kozak send the Township Committee a response that the Land Use Board finds the proposed ordinance to be not inconsistent with the Master Plan. At a roll call vote, all present were in favor of the motion. LUA Kozak to follow up. Attorney Bernstein to prepare a resolution for the next meeting to be memorialized.

- Block 24 Lot 13 – Huntington Knolls LLC – Update – a condition of resolution memorialized March 2024

**HOLLAND TOWNSHIP LAND USE BOARD
RESOLUTION AUTHORIZING EXTENSION FOR PHASES II AND III OF THE HUNTINGTON
KNOLLS FINAL SITE PLAN APPROVAL**

**NOW, THEREFORE, BE IT RESOLVED BY THE LAND USE BOARD OF HOLLAND
TOWNSHIP**, Hunterdon County, State of New Jersey, as follows:

1. That pursuant to N.J.S.A. 40:55D-52(e), the Land Use Board hereby grants a two (2) year extension of final site plan approval for Phase II and Phase III, through February 11, 2026.
2. The conditions of the approval in the prior Resolutions concerning this property/development, including any prior Resolutions authorizing extensions to said approval(s) shall continue in full force and effect as applicable.
3. The owner/applicant, including any contract purchaser of the property/development, shall be required to appear before the Land Use Board within ninety (90) calendar days of February 12, 2024 or no later than the May 13th Land Use Board meeting to provide an update on the status of the property/development.

**LUB meeting May 13, 2024 contract purchaser, K Hovanian discussed potential concepts.

** LUB meeting July 8, 2024 applicant, Huntington Knolls LLC is being requested to attend this meeting for a status update and progress outline for the next few years as follow up to the May 13, 2024 discussions.

From: johnnyj.jiovino <johnnyj.jiovino@comcast.net>

Sent: Monday, July 8, 2024 3:51 PM

To: Maria Elena Kozak <planningboard@hollandtownship.org>

Cc: vincentjiovino@gmail.com; natasha813@aol.com; Joseph Sordillo <jsordillo@newjerseylaw.net>; Mom <e.coj@aol.com>

Subject: Re: Huntington Knolls LLC

Hello Maria Elena Kozak,

In response to your e-mail below, the litigation referred to is with the Fox Hill Condominium Association.

Also, as the applicant, I have been advised by my contract purchaser that they are proceeding to submit an Application for their appearance at the August 12th meeting of the LUB.

As to any need for an update, Huntington Knolls LLC was represented by myself at the May 13th 2024 meeting along with Vincent Jiovino Jr. as the owner/applicant, along with representatives of KHOV and attorneys, the required update was given at said meeting, any further information as to updates will be dependent on the August 12th 2024 meeting.

Thank you,
Johnny J Jiovino
Huntington Knolls LLC.

Chairman Martin read the email into record. Attorney Bernstein discussed some procedures. Vincent Jiovino is the applicant, if a sub applicant is involved then they need to submit proof that they are the contract purchaser and if an amended or new application is needed then it needs to be submitted to the administrator 3 weeks prior. Sufficient money in escrow is required. If a sub applicant, then the escrow comes from the applicant unless proof is provided to allow the use of the current escrow. Attorney Bernstein explained that this is important especially with the affordable housing expirations next June. Member Bush asked if the applicant knows this and Attorney Bernstein said asking the applicant to appear at this meeting was a polite attempt to discuss the process. A motion was made by Dan Bush and seconded by Joe Cinquemani to have Attorney Bernstein send the applicant with a cc to Attorney Gruenberg and Attorney Seibold regarding the process for moving forward with this application. At a roll call vote, all present were in favor of the motion. Attorney Bernstein to prepare and send the memo.

Completeness Review

There was no completeness reviews scheduled at this time.

Resolution

Block 3 Lot 28.01 & 66– 195 Myler Rd & 191 Myler Rd - Darvill & Blanton – Minor Subdivision/Lot Line Adjustment with C Variance – Received into our office April 3, 2024 – The 45-day completeness deadline is May 18, 2024. Completeness May 13, 2024 – applicant granted extension May 10, 2024 to June 10, 2024. If deemed complete above then public hearing to follow June 10, 2024. Approved with conditions at the June 10, 2024 public hearing. LUB Attorney authorized to prepare a resolution for distribution. **BOARD ACTION NEEDED TO MEMORIALIZE THE RESOLUTION**

**HOLLAND TOWNSHIP LAND USE BOARD
Township of Holland, County of Hunterdon, New Jersey**

**Resolution of Approval
Minor Subdivision & Lot Line Adjustment with
Associated Variance Relief**

**Applicant: Jonathan Darvill & Carson Blanton
195 & 191 Myler Road, Block 3, Lots 28.01 & 66
Township of Holland**

WHEREAS, the Applicants, Jonathan Darvill & Carson Blanton (hereinafter referred to as the “Applicants”), have applied to the Land Use Board of the Township of Holland (hereinafter referred to as the “Board”) for Minor Subdivision Approval and a lot line adjustment with associated variance relief for the premises located at 195 & 191 Myler Road and designated on the Township of Holland’s (“Township”) Official Tax Maps as Block 3, Lots 28.01 & 66, in the Township of Holland, County of Hunterdon and State of New Jersey (hereinafter referred to as the “Property”); and,

WHEREAS, a public hearing was held on the Application on June 10, 2024; and,

WHEREAS, the proof of notice of the hearing was verified; and,

WHEREAS, Steven Gruenberg, Esq. represented the Applicants and presented the sworn expert testimony of Joseph Modzelewski, P.E., the Applicant’s engineer and John Madden, P.P., the Applicant’s planner, as well as the sworn lay testimony of Mr. Jonathan Darvill. Various exhibits were also reviewed and marked during the course of the hearing conducted as further noted below; and,

WHEREAS, Board Attorney Dominic P. DiYanni, Esq. of Eric M. Bernstein & Associates, LLC, was also present at the hearing conducted on June 10, 2024; and,

WHEREAS, the hearing was opened to the public; and,

WHEREAS, the Board, after a hearing was held pursuant to law, and having reviewed the plans, application and testimony presented on behalf of the Applicant, and reviewed the various reports and opinions from the Board and the Township officials and professionals and based on the evidence presented at the hearing, makes the following Findings of Fact:

1. The Board has jurisdiction over the matter and proper proof of service has been made.
2. The subject property is in the R-5 Residential District, on the south side of Myler Road (Lot 28.01) and east side of Goff Road (Lot 66). The property is in the Highlands Protection Area and is surrounded by residential properties.
3. The Applicants seek variance relief to permit a lot line adjustment between the subject properties, Lots 28.01 and 66 in Block 3. As a result of the proposed lot line adjustment, 0.372 acres (0.333 acres excluding the area within the Myler Road right-of-way) of Lot 28.01 would be transferred to Lot 66. Based on the Subdivision Plan, no site improvements are proposed as part of this Application.
4. The Application requires the following variance: Section 100-46 of the Township Code Variance for lot area. The Ordinance requires properties in the R-5 District to be at least five (5) acres. The Applicant proposes a lot line adjustment that would reduce Lot 28.01 from 2.165 acres (1.963 acres excluding the area within the Myler Road right-of-way) to 1.793 acres (1.629 acres excluding the area within the Myler Road right-of-way).
5. Additionally, based on the information provided, the following pre-existing nonconforming conditions exist: Section 100-10A of the Township Code does not permit accessory buildings in any required front yard spaces. The existing shed on Lot 28.01 is located within the required seventy-five (75) foot front yard area; (2) Section 100-45D of the Township Code permits barns, silos and other structures associated with agricultural uses, provided that all setbacks in Part 1 are observed. Part 1 requires a rear yard setback of seventy-five (75) feet. The existing corn crib is approximately five feet, eight inches (5' 8") from the property line shared with Lot 43, which is the current rear property line, but would become a side property line as a result of the lot line adjustment. (It should be noted that documents submitted as part of a minor site plan application in 2022 indicated the corn crib was two feet, six inches (2' 6") from the western property line.); (c) Section 100-46 of the Township Code requires lots in the R-5 District to be at least five (5) acres. Lot 28.01 is currently only 2.165 acres (1.963 acres excluding the area within the Myler Road right-of-way); (d) Section 100-46 of the Township Code requires lots in the R-5 District to be at least three hundred fifty (350) feet deep. Lot 28.01 is currently only 183.2 feet deep; (e) Section 100-46 of the Township Code requires a seventy-

five-foot (75') front yard setback. The existing dwelling on Lot 28.01 has a 51.8-foot front yard setback; (f) Section 100-46 of the Township Code a seventy-five-foot (75') side yard setback. The existing dwelling on Lot 28.01 has a 41.7-foot side yard setback to the western property line; and, (g) Section 100-46 of the Township Code requires a rear yard setback of seventy-five (75) feet. The existing dwelling on Lot 66 has a 48-foot rear yard setback to the eastern property line shared with Lot 43. It should be noted that the proposed lot line adjustment would result in the western property line becoming a side property line. (Note that aerial imagery and documents submitted as part of a minor site plan application in 2022 show two (2) tent structures within the required setback.)

6. In a previous application before the Board, the Board granted minor site plan approval to construct a driveway from the private road known as "Goff Lane" to the dwelling on Lot 66 via Resolution memorialized on November 14, 2022. Aerial imagery reviewed as part of the underlying Application reveals the approved driveway has not been constructed. The Applicant had decided to abandon the prior approval and proceed as set forth in the herein Application.
7. The Board received and considered the following evidence from the Applicant, as well as other items as follows:
 - a. Plan entitled "Minor Subdivision – Lot Line Adjustment", prepared by Pamela Mathews, P.E., P.L.S. of VanCleaf Engineering Associates and Joseph Modzelewski, P.E. of Old's Cool, LLC, dated January 15, 2024, last revised May 7, 2024, consisting of one (1) sheet;
 - b. Planning Board & Board of Adjustment Application Form, dated March 28, 2024, consisting of nine (9) pages;
 - c. Checklist for Determining Completeness of Application, Minor Subdivision, no date, consisting of five (5) pages;
 - d. Document entitled "Narrative Statement", unknown author, no date, consisting of two (2) pages;
 - e. Document entitled "Checklist Waiver Requests Determination of Non-Applicability for Minor Subdivision – Lot Line Adjustment", unknown author, dated March 11, 2024, consisting of three (3) pages;
 - f. Document entitled "Metes and Bounds Description", prepared by Pamela Mathews, PE, PLS of VanCleaf Engineering Associates, dated January 15, 2024, consisting of four (4) pages;
 - g. Copy of Right-of-Way Grant for Electric Lines, dated July 16, 1953. Memorandum entitled "Steep Slope Protection Area Discussion – Jonathan Darvill & Carson Blanton", prepared by Highlands Compliance Insights, dated February 26, 2024;
 - h. Copy of Deed, dated April 2, 1956, consisting of four (4) pages;
 - i. Copy of Deed, dated September 2, 1964, consisting of seven (7) pages;

- j. Review letter from Adam Wisniewski, P.E., the Board's Engineer from Colliers Engineering & Design, dated May 9, 2024, consisting of four (4) pages;
 - k. Planning memorandum prepared by Darlene A. Green, P.P., A.I.C.P., the Board's Planner from Colliers Engineer & Design, initially dated May 7, 2024, consisting of eight (8) pages; and,
 - l. All exhibits (Exhibit A-1 through A-3) otherwise marked and referenced during the June 10, 2024 hearing.
8. The first person to testify on behalf of the subject Application was Mr. Jonathan Darvill, who is one of the owners of the Property.
 9. Mr. Darvill testified that he purchased the property back in 2022 and at the time of the purchase one of his neighbors had disputed access to his property.
 10. Mr. Darvill further testified that when he attempted to begin to work on the prior approval for the access through the construction of driveway from the private roadway known as "Goff Lane", he found that there was going to be extraordinary and substantial tree removal work, as well as wetlands issues, which he found to be arduous and cost prohibitive, thus causing him to come up with the current Application, which is a much better remedy to the access issue for the Property.
 11. When asked about correcting the issue via easement agreement with his neighbor, Mr. Darvill testified that he initially approached his neighbor with that proposition, but the neighbor insisted instead to have the lot line adjustment instead of an easement agreement, which Mr. Darvill has no objection. Mr. Darvill also testified that he attempted to swap land with the neighbor for the lot line adjustment to which his neighbor also respectfully declined the additional land from Mr. Darvill.
 12. According to Mr. Darvill's testimony, the proposed driveway would be located on Myler Road, which would be more consistent with the address of the Property and a much better result than what had been previously approved by the Board in 2022. Mr. Darvill stated, during his testimony before the Board, that should the Board approve the subject minor subdivision and lot line adjustment application that he would formally abandon the prior 2022 Board approval.
 13. Next to testify on behalf of the Applicant was Mr. Joseph Modzelewski, P.E., the Applicant's engineer. Mr. Modzelewski testified as to Exhibit A-1, which was a copy of the revised plans, dated May 7, 2024, which were just revised based upon the comments received from the Board professionals as part of their review of the present Application.
 14. Mr. Modzelewski testified as to the location of the proposed driveway and that the Application was essentially taking approximately .372 acres from Lot 28.01 and merging same into Lot 66 to accomplish the installation of the proposed driveway access to the Applicant's Property.

15. Mr. Modzelewski then provided testimony to the Board as to the reasons why the prior approval and the location of the proposed driveway from the prior approval was unduly burdensome to the Applicant, based upon the location of same and the existing wetlands and disturbance area(s) on the Property.
16. Mr. Modzelewski testified that the proposed driveway for this Application would be at grade and in conformance with the Township Code concerning driveways.
17. In addition, Mr. Modzelewski testified that, in his professional opinion, the driveway configuration being proposed as part of this Application is a much better plan from an engineering standpoint than the previously approved plan.
18. Next, Mr. Modzelewski testified as to the one (1) new variance sought as part of this subdivision and lot line adjustment application, which was that the subject Property sought is less than the required minimum acres for the subject Zone and that the remaining variances sought are all pre-existing, nonconforming conditions for Lot 28.01, which the subject Application is not exacerbating in any way.
19. Mr. Modzelewski also testified that, upon review of the Board Engineer's review letter, the Applicant would comply with all of the comments of the Board Engineer's review letter to the full satisfaction of same as a condition of approval.
20. In addition, Mr. Modzelewski testified that the Applicant would also agree, as a condition of approval, to complying with all of the comments contained in the Board Planner's review letter to the full satisfaction of the Board Planner.
21. Finally, Mr. Modzelewski testified and confirmed that the subdivision would be perfected by means of a recorded deed with the proper metes and bounds description(s) and approved by the Board Attorney.
22. The last witness to testify on behalf of the Application during the June 10, 2024 Board hearing was John Madden, P.P., the Applicant's planner.
23. Mr. Madden testified as to Exhibit A-2, which was a one (1) page google earth image of the subject lots and adjacent lots. In utilizing Exhibit A-2, Mr. Madden testified that the variance sought should be approved under both the c(1) and c(2) standards for the relief sought met the requirements of both.
24. Specifically, Mr. Madden testified that, under the c(1) hardship standard, the Application is clear and through the presentation of Exhibit A-2 and the testimony presented that the Lot is configured in a such a way that there is currently no driveway access, creating the hardship necessary for the variance relief sought.

25. In addition, Mr. Madden testified that, under the c(2) standard, the variance relief sought could also be granted by the Board as the benefits of the proposed driveway access being sought outweigh any detriments, including that the new proposed Application now seeks zero tree removal, where the prior approval would have required substantial tree removal activity and that the proposed Application negates the required wetlands disturbance issue brought from the prior Board approval.
26. Mr. Madden then testified as to Exhibit A-3, which was a one (1) page photograph from the street view of the subject Property provided by Google images, which again further demonstrated where the proposed driveway would be located and the lack of need to now remove any trees or disturb any wetlands area(s) located on the Property.
27. Further, Mr. Madden testified that the new location of the driveway, as part of the current Application before the Board, would also end the ongoing dispute with the neighbor as to the prior approval granted by the Board, which the Applicant would be formally abandoning upon approval of the subject Application.
28. Mr. Madden then testified as to the negative criteria for the proposed variance relief in that there is no substantial detriment to the public good by the granting of the variance relief sought nor is there any substantial impact on the zone plan or zoning ordinances of the Township of Holland.
29. The Applicant has represented, and the Board has relied upon the representation, that the Applicant will obtain any and all other necessary governmental approvals, permits, letters, waivers and exemptions and will comply with the conditions of all other governmental entities.
30. The Applicant agrees to comply with all terms, conditions and recommendations contained in all of the reports of the Township and Board officials and/or professionals, as if they were set forth at length herein.
31. The hearing was then opened up to the public to which one (1) individual spoke in support of the Application and, as a neighbor, found the current Application to be much better than the previously approved application.
32. After the public portion of the hearing was concluded, the Board deliberated on the subject Application.
33. Ultimately, the Board found that the Application for minor subdivision approval with a lot line adjustment and variance relief should be granted as the Applicant has demonstrated substantial compliance with the requirements of the subject Zone and the Township's Master Plan and its Land Use, Zoning and other Township ordinances, as well as with the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-1 *et seq.*

34. The Board also found that the subject variance relief can be granted under both the c(1) and c(2) standards of N.J.S.A. 40:55D-70(c) as the Application has provided sufficient evidence during the course of the hearing conducted that the existing configuration of the Property has created an undue hardship on the Applicant as to driveway access and that the benefits of the proposed Application outweigh any detriments.

35. In addition, the Board finds that the Application and the proposed variance relief does not pose as a substantial detriment to the public good nor is there any substantial impact on the Master Plan and/or the zoning ordinances of the Township of Holland.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Township of Holland, County of Hunterdon, State of New Jersey, that based on all of the materials reviewed and the testimony adduced as set forth above, the Application of Jonathan Darvill & Carson Blanton for minor subdivision approval and lot line adjustment with associated variance relief for the premises located at 195 & 191 Myler Road in the Township of Holland and further identified as Block 3, Lots 28.01 & 66 on the official Tax Map of the Township of Holland, County of Hunterdon and State of New Jersey, be and is hereby further APPROVED, subject to the following Conditions of Approval:

- A. The introductory clauses and all of the findings of fact set forth above are incorporated herein as if set forth at length, as Conditions of Approval.
- B. The Applicant shall comply with all of the terms, conditions and recommendations contained in all of the reports of Township officials and professionals. All reports are made a part of this Resolution as if set forth in their entirety.
- C. The Applicant shall comply with all of the directions of Township and Board officials and professionals with respect to any changes made in the field during construction and shall amend its plans to reflect such compliance.
- D. The Applicant will comply with the directions of the Board Engineer and Board Planner and other officials with respect to all of the issues raised at the public hearing.
- E. The Applicant shall amend all necessary plans pursuant to this approval to depict compliance with any and all existing plans, reports, permits and waivers and the conditions contained in each of them.
- F. The Applicant agrees that they will formally abandon the prior approval granted by the Board back in calendar year 2022 and provided said documents for review and approval by the Board Attorney.
- G. The Applicant agrees that it shall perfect the subdivision by the recording of a deed with the County of Hunterdon, along with the applicable metes and bounds description(s), with said Deed requiring approval by the Board Attorney.
- H. The Applicant agrees to notify JCP&L of any proposed construction activity.
- I. The Applicant shall obtain and comply with all necessary local, County, State and/or Federal permits to the extent same are necessary and/or required. The Applicant shall file with the Board and the Township copies of all transmittals to and from all government agencies.
- J. Subject to *N.J.S.A. 40:55D-52*, the Applicant shall comply with any and all requirements of Township Ordinances and all applicable Federal, State, County and local laws, rules and/or regulations.

A **Motion** to Approve the Application was made by Board Member Wilhelm and seconded by Board Member _____ at the Board Hearing held on June 10 2024:

Roll Call: Voting “yes” in favor of approval:

Board Member Keady, Board Member Wilhelm, Board Member Grisewood, Chairman Martin, Board Member Ethem, Board Member Preston, Board Member Cinquemani and Board Member O’Such

Voting “no” in favor of approval: None.

A motion for the adoption of the within Resolution was made by _____ and seconded by Alt. #2 Board Member Joe Cinquemani at the Land Use Board public meeting held on July 8, 2024:

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 July 8, 2024.

ATTEST:

Maria Elena Jennette Kozak, Secretary
Holland Township Land Use Board

William Martin, Chairperson
Holland Township Land Use Board

I certify that the above Resolution is a true copy of the Resolution passed by the Township of Holland Land Use Board on July 8, 2024.

Maria Elena Jennette Kozak
Land Use Board Secretary
Holland Township

Date signed: _____, 2024.

The resolution was distributed to all board members and professionals. A motion was made by Kelley O’Such and seconded by Bill Ethem to memorialize the resolution. At a roll call vote, all present who could vote were in a 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), November 14, 2022. (email 092122), December 12, 2022 (email 102822), January 9, 2023 (email 120622), February 13, 2023 (email 010323), March 13, 2023 (email 020723), April 10, 2023 (email 030623), May 8, 2023 (email 040523), June 12, 2023 (email 050323), July 10, 2023 (email 052223), August 14, 2023 (email 070523), September 11, 2023 (email 080423), October 9, 2023 (email 090723), November 13, 2023 (email 10/06/23), December 11, 2023 (email 11/08/23), January 8, 2024 (email 12/01/23), February 12, 2024

(email 01/03/24), March 11, 2024 (email 02/01/24), April 8, 2024 (email 02/29/24), May 13, 2024 (email 04/01/24), June 10, 2024 (email 05/01/24), **Updated the Board 051324** that the NJDEP approved the garage proposal in the proposed location. Public hearing June 10, 2024 and carried to July 8, 224 – no additional notice needed. **Board Action needed.**

Present: Applicant: Davina Lapczynski, Applicant's Attorney: DeSapio, and Applicant's witness: Jaqueline Aminio.

Applicant's Attorney Guy DeSapio reminded everyone that this is a continued hearing and the applicant is requesting an extension of one month for purpose of reviewing submittals, exhibits and then reviewing reports so as to present a balance of testimony without duplication. Attorney DeSapio stated that he did not have enough time to review all materials and is requesting an extension without the need to re-notice. Attorney Bernstein and Attorney DeSapio discussed if a month is realistic and Attorney Bernstein stated that since the applicant is seeking variances then a professional is needed. It was also stated that if any reports from the applicant's professionals are to be submitted then it needs to be to the administrator 2 weeks prior to the meeting. After more discussion on extension requests, everyone agreed that the extension should be thru the September meeting. Attorney Bernstein suggested that the application for b26 l27 will be extended to sept 9 for consideration without further notice and that the applicant extends time of decision thru October 31 2024. A motion was made by Dan Bush and seconded by Nickolas Moustakas to extend the public hearing to the scheduled meeting of September 9, 2024 without further notice and the applicant extends the time of decision thru October 31, 2024. At a roll call, all were in favor of the motion with the exception of Joe Cinquemani who abstained. Motion carried.

Sub-Committee Status and Updates:

Holland Township Highlands Council Subcommittee – Mike Keady and Dan Bush – The Highlands Council budget is not as healthy as it has been in the past. Holland Township has been very fortunate to receive grants and has made great progress with the grants. The Highlands Council is prioritizing grant funding and Holland Township is very hopeful that they will be considered for additional funding. There are other reports stating that more funding may become available but for now we are all re evaluating requests and projects. There have been public hearings held for the Highlands Council amendments to the regional master plan.

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 in the future, potentially next year. Land Use Administrator Kozak will contact the Hunterdon County Economic Development director to discuss the hiatus relating to grant funding. More to follow .

Public Comment

There were no members of the public present for public comment at this time.

Executive Session

There was no Executive Session scheduled at this time.

Housekeeping:

Mayor Bush thanked everyone for stepping up and welcomed the new members. Everyone was thanked for their service. We are in the process of reorganizing the procedures of the board and all were reminded that we are obligated to follow the book and to be on the same page. Our professionals will be working with our team for a more organized flow of the meeting. Attorney Bernstein will be very involved with working with Administrator Kozak.

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 7:50 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

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Land Use Administrator