

**Holland Township Land Use Board**  
**Minutes of the Regular Meeting**

**September 9, 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 September 9, 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: Melanie Campbell, Joe Cinquemani, Ken Grisewood, Peter Kanakaris, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Ryan Preston, Anthony Roselle (sworn in below), Kelley O’Such, Scott Wilhelm, Board Attorney Eric Bernstein, Board Engineer Ian Hill, Board Planner/HT Highlands Council Subcommittee Planner Darlene Green, Board Conflict/Special Projects Engineer Adam Wisniewski, and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Dan Bush, Bill Ethem, 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.

**Minutes**

A motion was made by Ryan Preston and seconded by Joe Cinquemani to table the approval of the August 12, 2024 minutes to October 14, 2024. All present were in favor of the motion. Motion carried.

**Old Business:**

- Block 25 Lot 45 – 535 Milford Frenchtown Road – Applicant Paul and Kathleen Thompson – **EXTENSION REQUEST - FOR A VARIANCE TO DIRECT THE ISSUANCE OF A BUILDING PERMIT FOR A LOT NOT ABUTTING A PUBLIC STREET AND FOR VARIANCES FROM THE FRONTAGE AND THE DRIFTWAY MAINTENANCE REQUIREMENTS FOR LOTS ON DRIFTWAYS FOR** – granted October 27, 2021. Letter August 14, 2024 extension request and to allow transfer of the approved variance to a new owner. Board Action Needed. The applicants were present and explained that they had life changing personal situations that prohibited them from moving forward with the approved project to build a single-family home. They are requesting an extension of time to satisfy the conditions of the resolution. They are also seeking to sell the project due to their personal reasons and wanted to know if they can transfer the approved variance with the sale. The applicants were advised to consult their own legal counsel as that is not something the board can advise. The board asked questions about the feasibility of moving forward with the project and the applicants stated that they are at different places at the time and building the single-family home together is not an option as they are liquidating assets. The public portion of the meeting was opened, no one came forward to ask any questions, and the public portion was closed. A motion was made by Kelley O’Such and seconded by Joe Cinquemani to grant the one year requested extension. At a roll call vote, all present were in favor of the motion. Motion carried.

**New Business:**

There was no new business on the agenda at this time.

**Completeness Review**

- Block 24 Lots 3, 13 and 13.02 -- Milford Warren Glen Road – K. Hovanian at Huntington Knolls LLC - Amended Site Plan with variance – **TOD – TBD when application is deemed complete – Mr. Bernstein.** Received into the office July 22, 2024. The 45-day completeness deadline is September 5, 2024. Deemed incomplete August 12, 2024. Board Action Needed


Applicants Attorney Gruenberg is present on behalf of K. Hovnanian. The board was reminded that the application was before them for completeness in August and that the applicant resubmitted the requested documents for completeness consideration.

Attorney Bernstein reminded everyone that we first need to have a few members step down and recuse themselves. Recent discussions have taken place and Attorney Bernstein supports the decision for Member Keady to step down and recuse himself as well. The members that will recuse themselves tonight are: Scott Wilhelm, Ken Grisewood and Michael Keady. All are welcome to sit in the audience.

A professional review is an advisory review and submitted for the board to accept some, none or all the recommendations in the report. Land Administrator Kozak has modified the submitted reviews for the minutes. Hard Copies of all report(s) can be viewed in their entirety in the application file.

## MEMORANDUM

TO: Holland Township Land Use Board

FROM: Ian L. Hill, PE   
Land Use Board Engineer

DATE: September 5, 2024

SUBJECT: **K Hovnanian @ Huntington Knolls, LLC**  
**Amended Preliminary and Final Site Plan w/Variations**  
**Completeness Review #2**  
**Block 24, Lots 3, 13 and 13.02**  
**423 Milford Warren Glen Road (Hunterdon County Route 519)**  
**VCEA File # 5999.014**

This is the applicant's second submission for completeness. Previously submitted documentation is repeated below in *italic* text while new or updated information is identified with **bold** text:

### Documentation:

The following documents have been submitted for review:

- A. *Set of drawings entitled "Amended Preliminary and Final Major Site Plan Huntington Knolls Development– Lots 3, 13 & 13.02, Block 24 – Township of Holland, County of Hunterdon, State of New Jersey", sixty (60) sheets total, prepared by Suburban Consulting Engineers, Inc. (SCE) (Brian M. Duddy, PE & Erin M. Abline PE)., dated July 22, 2024, revised through August 29, 2024;*
- B. **Drawing entitled "Preliminary and Final Major Subdivision Plan – Huntington Knolls Development Project – Lot 13, Block 24 – Township of Holland, County of Hunterdon, State of New Jersey", one (1) sheet total, prepared by SCE (Joseph D. Phil, PLS) dated May 9, 2023, revised through January 17, 2024;**
- C. *Survey documents entitled "Topographic Survey – K. Hovnanian Huntington Knolls – Block 24, Lot 3 & Lot 13 – Township of Holland, Hunterdon County, New Jersey", five (5) sheets total, prepared by SCE (Joseph D. Phil, PLS)., dated July 17, 2024, unrevised;*
- D. *Set of 11x17" Architectural drawings entitled "Huntington Knolls: Proposed Product", seven (7) pages total, prepared by K Hovnanian Companies (Joseph Lipanovski, RA), dated July 22, 2024;*
- E. *Set of 11x17" documents entitled "Community Signage", eleven (11) pages total, prepared by Community Launch Creative, unattributed and undated;*
- F. *Letter report referenced "Circulation and Parking Assessment – Huntington Knolls Development Project – Block 24 – Lots 3, 13 & 13.02, prepared by Dynamic Traffic (Justin Taylor, PE, PTOE and Nick Verderese, PE) dated July 22, 2024;*
- G. **Permit issued by NJDEP for a Flood Hazard Area Individual Permit and a Freshwater Wetlands General Permit #10B dated January 13, 2017 with an Expiration date of January 12, 2022, along with an NJDEP-stamped set of plans prepared by Bayer-Risse Engineering, dated January 11, 2016, revised through December 2, 2016, consisting of eighteen (18) sheets.**
- H. **Report entitled "Stormwater Management System Hydrologic and Hydraulic Analysis – Site Plan for Huntington Knolls – Block 24, Lots 3 & 13 – Holland Township, Hunterdon County, New Jersey", prepared by RBZ Enterprises, Inc. (Robert B. Zederbaum, P.E.) dated July 2013, revised through October 2014;**
- I. **Report entitled "Stormwater Collection System Hydrologic and Hydraulic Analysis – Site Plan for Huntington Knolls – Block 24, Lots 3 & 13 – Holland Township, Hunterdon County, New Jersey", prepared by RBZ Enterprises, Inc. (Robert B. Zederbaum, P.E.) dated July 2013, revised through October 2014;**
- J. **Document entitled "Stormwater Collection System Maintenance Plan – Site Plan for Huntington Knolls – Block 24, Lots 3 & 13 – Holland Township, Hunterdon County, New**

Jersey”, prepared by RBZ Enterprises, Inc. (Robert B. Zederbaum, P.E.) dated December 2013, revised through March 2014;

- K. Report entitled “Supplemental Storm Water Management Report for the Site Plan for Huntington Knolls – Block 24, Lots 3 & 13 – Holland Township, Hunterdon County, NJ” prepared by Bayer-Risse Engineering, Inc. (Stephen M. Risse, P.E.) dated January 11, 2016, unrevised;
- L. Document entitled “Storm Water Maintenance and Repair Manual – Proposed Storm Water Treatment and Detention Facility – Block 24, Lot 19 – Holland Township, Hunterdon County, NJ” prepared by Bayer-Risse Engineering, Inc. (Stephen M. Risse, P.E.) dated December 22, 2016, unrevised;
- M. 8-1/2x11” architectural drawings showing First and Second Floor Plans and Building Elevations of the 16-unit affordable housing building;
- N. Letter to Land Use Board from SCE referenced “Site Plan Checklist Waiver Requests” dated July 22, 2024;
- O. Letter to Land Use Board from SCE referenced “Overall Compliance Statement” dated July 22, 2024;
- P. Letter to Land Use Board from SCE referenced “Previous Resolutions of Compliance Response Letter.” dated July 22, 2024;
- Q. Development Application Package Including:
  - Planning Board & Board of Adjustment Application Form with “Addendum to Application of K Hovnanian at Huntington Knolls, LLC for Amended Site Plan Approval of Phases II, III and IV with “D (6)” and “C” Variance Relief””;
  - Highlands Land Use Application Form with “Addendum to Application of K Hovnanian at Huntington Knolls, LLC for Amended Site Plan Approval of Phases II, III and IV with “D (6)” and “C” Variance Relief””;
  - Completed Preliminary Major Site Plan Checklist;
  - Completed Final Major Site Plan Checklist;
  - Completed Fee Calculation Form;
  - Escrow Agreement
  - Site Walk Authorization
  - Certification of Ownership
  - Disclosure of Ownership – K Hovnanian
  - Confirmation that Tax and Sewer Payments are Current
  - **Title Commitment dated December 5, 2022;**

### Summary:

Pursuant to the addenda submitted with the Land Use Board and Highlands Land Use applications, the applicant is a Contract Purchaser with the Owner (Vincent Jiovino, Jr.) for Phases III and IV of the 5-phase Huntington Knolls Development within the PCD/PSV (Planned Commercial Development/Planned Senior Village Development) Zoning District located at Block 24, Lots 3, 13 and 13.02. A previous Preliminary and Final Major site plan approval was issued for this development pursuant to a resolution dated February 11, 2019 as amended by a subsequent resolution dated April 8, 2019. Subsequent to these approvals, the applicant/owner requested and received approval extensions, which appear to expire for all phases of the project February 11, 2026. The project also has an extensive history before the Holland Township Planning and Zoning (now Land Use) Boards dating back to 2003 or earlier. Discussion of the entire project history is deferred to the applicant, should the Board wish to hear same.

In addition to amended site plan approval, the applicant is also seeking “D” variance relief for building height, which exceeds the maximum permissible in the zone by 10 feet or 10% and design waivers for the proposed roof pitch in excess of the maximum permissible 6 on 12 required.

I have reviewed the additional documents submitted and offer the following updated comments for the Board’s consideration. These comments are again solely related to the status of the project with respect to compliance with all of the Township Checklist items pertaining to Preliminary and Final Major Site Plan approvals. A Technical Review will be performed once the application is deemed complete and scheduled for a hearing.

## **1.0 Site Plan**

1.01 The following Site Plan Checklist items were previously determined to be incomplete Requirements previously identified as missing are highlighted, with current status following in **bold** text.:

- Preliminary Site Plan Checklist Item D-14 (**Final E-14**) requires the submission of a Freshwater Wetlands Letter of Interpretation for the tract, including any maps referenced by the L.O.I. This information was not submitted and is incomplete. In addition to the LOI, copies of any permits and associated mapping issued by NJDEP Land Use shall be submitted. **The applicant has submitted copies of the wetlands permits and associated mapping. This item is now complete.**

- Preliminary Site Plan Checklist Item D-15 (**Final E-15**) requires the submission of a Flood Hazard Area Permit issued by the NJDEP. The checklist indicates that it was submitted but was not received and is incomplete. Any permits or verifications or applicability determinations applied for and received shall be provided. **The applicant has submitted a copy of the Flood Hazard Area Individual Permit for the project. This item is now complete.**
- Preliminary Site Plan Checklist Item D-17 (**Final E-17**) requires copies of any covenants, deed restrictions or exceptions to be provided. A copy of the Title work for the tract shall be provided. **A Title Commitment has been provided. However, the date of the Title Commitment is December 5, 2022, which precedes the date of the subdivision perfection. I recommend a temporary waiver be granted while the applicant obtains a current Commitment.**
- Preliminary Site Plan Checklist Item D-27 (**Final E-28**) requires the Tax Map Sheet for the tract to be provided. The plans shall be updated to identify Tax Map Sheet 24. **The plans have been updated as requested. This item is now complete.**
- Preliminary Site Plan Checklist Item D-36 (**Final E-37**) requires the Key Map show the correct names of all streets and roads in the vicinity. The key map doesn't identify any road names and shall be updated to comply. **Road names have been added to the Key Map. This item is now complete.**
- Preliminary Site Plan Checklist Item D-38 (**Final E-39**) requires an Owner's signed certification to be provided. An unsigned signature line for the owner is provided on Sheet 1 but doesn't include a certification. I recommend that the certification be provided on Sheet 1 and that the applicant request a temporary waiver from providing the signature until resolution compliance. **The Owner's Certification has been added to the cover sheet and the applicant has requested a temporary waiver from providing the Owner's signature on same. As the applicant has submitted other documentation that bears the Owner's signature in support of the subject application, I recommend the Board grant the requested temporary waiver.**
- Preliminary Site Plan Checklist Item D-39 (**Final E-40**) requires an accuracy certification by the plan preparer. I recommend this be added to Sheet 1. **The cover sheet has been revised to include a plan preparer certification that has been signed and sealed by same. This item is now complete.**
- Preliminary Site Plan Checklist Item D-40 (**Final E-41**) requires the Site Plan to be signed by the Surveyor or accompanied by a signed Boundary Survey and requires a survey certification as well. The submitted survey is only topographic and doesn't contain boundary information. The Overall Existing Conditions and Demolition Plan is signed by the project engineers and does not contain the survey certification. I recommend this plan be revised to bear the surveyor's signature and incorporate the required certification. **The surveyor's certification has been added and bears the surveyor's signature and seal. This item is now complete.**
- Preliminary Site Plan Checklist Item D-43 (**Final E-44**) requires all survey monumentation to be shown on the plans. This information shall be added to the Existing Conditions Plan. **The required information is shown on the Preliminary and Final Major Subdivision Plan (Submission Item B, above) and this item is now complete.**
- Preliminary Site Plan Checklist Item D-46 (**Final E-47**) requires the location and size of all existing and proposed easements be shown on the plan. Provide the areas (in acres) of the riparian conservation areas shown as existing. Also, if the property is not to be consolidated into a single tract, an access easement to Lot 13.02 will likely be required over both Lots 3 and 13. The existing access easements should be provided under the Title Search Item D-17. **The Title Commitment submitted contains twenty-nine (29) specific "exceptions" to the property, all referenced by Book and Page. The actual content of these exceptions shall be provided as well as any new exceptions as a result of the recent subdivision perfection, subject to the temporary waiver recommended under Checklist Items D-17 and E-17, above.**
- Preliminary Site Plan Checklist Items D-49 and D-50 (**Final E-50 and E-51**) requires the architectural floor plans and elevations for all proposed buildings. It is requested that these drawings for the affordable units be provided at this time. **The applicant has provided the most current documentation in its files, but makes no claim as to whether they are current or not, as they are not the developer of the affordable portion of the project. This request has been satisfied.**
- Preliminary Site Plan Checklist Item D-52 (**Final E-53**) requires spot grade elevations at all building corners. **The revised plans depict spot elevations at all proposed building corners. This item is now complete.**
- Preliminary Site Plan Checklist Item D-53 (**Final E-54**) requires floodways and flood hazard areas to be shown. If none exist, a note to that effect shall be provided along with the source of that determination, i.e. NJDEP Applicability Determination or FEMA DFIRM mapping. **The FEMA DFIRM mapping has been added to the plans. This item is now complete.**

1.02 The applicant has requested a waiver from the following Checklist requirements: **Unless stated otherwise, the requests and recommendations for temporary waivers of the following items remain in effect:**

- Preliminary Site Plan Checklist Item D-7 (**Final E-7**) which requires the preparation of an Environmental Impact Assessment. **As one has already been submitted with previous iterations of the development and the proposed disturbances are lessened from the standpoint of environmental areas, the Board may consider granting this waiver.**
- Preliminary Site Plan Checklist Item D-9 (**Final E-9**) which requires a receipt confirming the submission to the Hunterdon County Planning Board. **Given the fact that this is an amendment, I would suggest to the Board granting a temporary waiver of this requirement and making outside agency approval a condition of any favorable Board action on this application.**
- Preliminary Site Plan Checklist Item D-10 (**Final E-10**) which requires a receipt confirming the submission to the Hunterdon County Health Department. **Given the fact that this is an amendment, I would suggest to the Board granting a temporary waiver of this requirement and making outside agency approval a condition of any favorable Board action on this application.**
- Preliminary Site Plan Checklist Item D-11 (**Final E-11**) which requires a receipt confirming the submission to the Hunterdon County Soil Conservation District. **Given the fact that this is an amendment, I would suggest to the Board granting a temporary waiver of this requirement and making outside agency approval a condition of any favorable Board action on this application.**
- Preliminary Site Plan Checklist Item D-13 (**Final E-13**) which requires an Impact Assessment of Water Supply. **As this project will be served by public sewer and water, I recommend the Board grant a permanent waiver of this item.**
- Preliminary Site Plan Checklist Item D-18 (**Final E-18**) which requires all deeds with metes and bounds descriptions for all existing lots, proposed lots and remaining lands, as well as any proposed easement descriptions. I recommend that the applicant provide testimony to the Board regarding the intended disposition of the three properties that comprise the overall tract. If they are to remain separate from each other, then the Board could consider granting a permanent waiver from submitting the deeds and descriptions for the existing lots and the requirement for proposed lots would be moot. However, the requirement for proposed easement descriptions and instruments should be granted a temporary easement only, to be addressed at the time of resolution compliance should the Board act favorably on this application. **The applicant stated in testimony that Block 24, Lots 3, 13 and 13.02 are to remain as shown on the plans. As such, part of the amended site plan approval will include confirming that all required cross easements between the properties are in place. Submission of the deeds for each lot with metes and bounds and all easement descriptions and instruments should be made a condition of any favorable Board action on this application and a temporary waiver only may be granted from this submission requirement.**
- Preliminary Site Plan Checklist Item D-67 (**Final E-68**) which requires the applicant to submit a Storm Water Management Plan. The applicant has submitted a Compliance Statement that says that the project should remain under the Stormwater regulations in place at the time of the previous approval and that there have been de minimis changes that would not impact the suitability of the previous design. I believe the underlying statement to be correct, but I defer to the Board Attorney on what the ramifications are with Amending a Preliminary approval when a major change to the State stormwater rules occurs after the original approval. The applicant shall provide testimony on when the Stormwater Design was approved and what rules were in place at that time. As a residential project, this is subject to the requirements of the State Stormwater rules at N.J.A.C. 7:8 under the Residential Site Improvement Standards at N.J.A.C. 5:21 and not the Township Stormwater Control Ordinance.

If, as expected, the previous standards in effect continue to govern, the applicant shall, at a minimum, provide a copy of the approved SWM Plan and an as-built survey to highlight the potential changes to the hydraulics of the basin and outlet structure based on volume and elevations. The applicant shall also submit a copy of the approved Stormwater Management Maintenance Plan that was approved under the previous amendment. **The applicant has provided the stormwater management designs for the development under submission items H through L above. This item is now complete.**

**As of the previous hearing, the applicant's attorney was to provide a legal basis for the project to be grandfathered from the Inland Flood Protection Act of July 2023. To date, I have not heard anything official regarding this matter. The applicant's attorney shall provide testimony at the completeness hearing as applicable.**

1.03 The Applicant has listed Preliminary Checklist Item D-20 (**Final E-21**) requiring a Highlands Resource Review as "not applicable" but has also submitted a Highlands Land Use application. **The applicant shall provide clarification through testimony. Through discussions with the Highlands Council representatives, a resource review is not required.**

If the Board agrees with the above, then they should take the corresponding action:

- **Grant the following waivers (permanent unless stated otherwise) and deem the application complete:**
  - **D: 7, 9-11 (all temporary), 13, 18 (temporary), 38 (temporary partial waiver)**
  - **E: 7, 9-11 (all temporary), 13, 18 (temporary), 39 (temporary partial waiver)**

This concludes my comments on the current submission. I will attend the Board meeting on September 9, 2024, to provide input to the Board on this report and any testimony provided by the Applicant at that time.

ILH

The memo prepared by Board Engineer Hill dated September 5 2024 was discussed. On the last page of the report, Engineer Hill recommends that the board grant waivers for completeness, deem application complete and schedule the public hearing for next month.

Attorney Bernstein asked the board if there were questions which the board had no questions at this time. Attorney Bernstein discussed the comments on page 6 regarding to stormwater and reminded the board that it is up to the applicant to provide the board with testimony to show that there is a DE MINIMIS effect and that the new stormwater regulations do not apply. Attorney Gruenberg agrees to look at the stormwater topic and to address at the public hearing. Attorney Bernstein had a letter that was given to the applicant but not for distribution. Member O'Such stated that at last meeting there was a list of items outstanding, the applicant has supplied the items with the exception of items left open for temporary waivers so he suggests that the board take action. A motion was made that the board grant the temporary waivers outlined in the letter prepared by Engineer Hill as discussed, deem the application complete and schedule the public hearing for the next scheduled meeting of October 14, 2024 and seconded by Nicholas Moustakas. At a roll call vote, all present were in favor of the motion with the exception of Joe Cinquemani who voted no. The motion carried. Attorney Bernstein was authorized to prepare a resolution for the next meeting so that the official action would be on record. Attorney Gruenberg will provide notice of the hearing for the meeting of October 14, 2024 at 7 pm.

Recused members Keady, Grisewood and Wilhelm returned to the meeting. Board Engineer Hill left the meeting.

### **Resolution**

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

### **Public Hearings**

- Block 26 Lot 27 – 105 Riegelsville Rd – Davina Lapczynski – Variance. **TOD – October 31, 2024.** 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, July 8, 2024 and to September 9, 2024 – no additional notice needed. **Board Action needed.**

Engineer Wisniewski and Planner Green are present for this hearing.

A listing of potential exhibits was presented to Board Attorney Bernstein and LUA Kozak prior to the meeting and were listed as below:

1. Plan entitled “Garage for Lapczynski”, unknown author, dated June 20, 2022, consisting of 1 page.
2. Plans entitled “C001 Building Site Plan”, prepared by Heath A. Dumack, MS, PE, PLS, CMA, FASCE of Dumack Engineering, dated August 11, 2023, revised through June 28, 2024, consisting of 4 sheets. (It should be noted that a set of Plans revised through May 3, 2024 has also been submitted.)
3. Plan entitled “C001 Flood Hazard Verification Plan”, prepared by Heath A. Dumack, MS, PE, PLS, CMA, FASCE of Dumack Engineering dated December 20, 2023, revised through February 13, 2024, consisting of 1 sheet.
4. Plans entitled “Garage for Lapczynski”, unknown author, dated December 21, 2023, consisting of 4 sheets. (Note that this set of Plans supersedes Item #1 above.)
5. Plans entitled “Garage for Lapczynski”, prepared by Anthony Lapczynski, dated May 3, 2024, consisting of 4 sheets. (Note that this set of Plans supersedes Item #4 above.)
6. Survey entitled “Location Survey”, prepared by Ryan G. Warford, PLS of Bohren and Bohren Associates, Inc., dated June 22, 2022, consisting of 1 sheet.
7. Map entitled “Holland Township, NJ”, unknown author, dated June 14, 2022, 2022, consisting of 1 page (Streams).
8. Map entitled “Holland Township, N.J.” unknown author, dated July 10, 2022, consisting of 1 page (Streams and Historic Properties).
9. Map entitled “Holland Township, NJ”, unknown author, dated July 10, 2022, consisting of 1 page (Streams and Ta Parcels).
10. Map entitled “Riegelsville Quadrangle”, prepared by U.S. Department of the Interior, U.S. Geological Survey, dated 2023, consisting of 1 page.
11. Map entitled “Photo Location Map”, prepared by Dumack Engineering, dated October 17, 2023, consisting of 1 sheet and 3 pages of photographs.



12. Map entitled “Displacement of Flood Storage Area Calculation”, prepared by Dumack Engineering, dated December 14, 2023, consisting of 1 sheet and 2 pages.
13. Copy of FEMA Flood Insurance Rate Map #34019C0184G, revised May 2, 2012, consisting of 1 sheet and a Flood Profile (Sheet 42P).
14. Screenshot of NJMap Parcel Explorer, unknown author, no date, consisting of 1 page.
15. Planning Board & Board of Adjustment Application Form, no date.
16. Checklist, Board of Adjustment for Determining Completeness of Application, Section H, no date.
17. Planning Board & Board of Adjustment Application Form, Highlands Land Use, no date.
18. Checklist for Determining Completeness of Application, Submitted Under Chapter 101 Highlands Land Use Ordinance, Section I, no date.
19. NJDEP, Division of Land Resource Protection, Application Form for Permit(s)/Authorization(s), dated June 15, 2022.
20. NJDEP Natural Heritage Data Request Form, dated September 1, 2023.
21. Letter entitled “Davina Lapczynski,” prepared by Maria Elena Jennette Kozak, Township Land Use Administrator, dated July 7, 2022, consisting of 1 page.
22. Letter entitled “Flood Hazard Area Applicability Determination”, prepared by Dennis Contois, Supervising Engineer at NJDEP, dated July 8, 2022, consisting of 1 page.
23. Letter entitled “105 Riegelsville Road”, prepared by Robert J. Cartica, Administrator of NJDEP Office of Natural Lands Management, dated September 27, 2023, consisting of 8 pages. (Note that this is a response to the Applicant’s Natural Heritage Data Request.)
24. Letter entitled “Environmental Report”, prepared by Jacqueline Aimino, Design Engineer at Dumack Engineering, dated October 19, 2023, consisting of 1 page and five 5 pages of maps.
25. Letter entitled “Engineering Report”, prepared by Heath A. Dumack, MS, PE, PLS, CME, F. ASCE of Dumack Engineering, dated October 20, 2023, consisting of 2 pages.
26. Letter entitled “Flood Hazard Applicability Determination”, prepared by Jacqueline Aimino, Design Engineer at Dumack Engineering, dated October 23, 2023, consisting of 1 page.
27. Letter entitled “Deficiency Letter: FHA Individual Permit; Verification Method 1 (DEP Delineation)”, prepared by Dennis Contois, Supervisor of NJDEP Watershed & Land Management Program, dated November 28, 2023, consisting of 3 pages.
28. Letter entitled “Davina Lapczynski,” prepared by Jacqueline Aimino, Design Engineer at Dumack Engineering, dated June 27, 2024, consisting of 4 pages.
29. E-mail correspondence from Maryjude Haddock-Weiler, PP, AICP, Planning Manager at New Jersey Highlands Council, dated June 16, 2022.
30. E-mail correspondence from Danielle Ronquillo, Environmental Engineer at NJDEP, dated June 14 through 22, 2022.
31. Copy of Special Warranty Deed, recorded September 21, 2015.
32. Copy of Federal Emergency Management Agency (FEMA) Elevation Certificate, dated August 31, 2015, expires on July 31, 2015.
33. Copy of NJDEP FHA Individual Permit, Verification Method 1 (DEP Delineation), approved by Dennis Contois, Supervisor of NJDEP Watershed & Land Management, dated May 7, 2024, expires on May 6, 2029.
34. Packet of Photographs, unknown author, no date, consisting of 6 photos.
35. Variance Application dated June 22, 2022
36. Affidavit of Proof of Service of Notice of Hearing May 31, 2024

Attorney DeSapio opened with a reminder that this is a continuation of the public hearing. The applicant represented herself and now has a team. The above exhibits are offered into evidence. Attorney Bernstein asked if there would be testimony tonight and Attorney DeSapio responded with a yes and explained that the first 34 items of the exhibits listed above include parts of the application, survey, plans, maps, responses to Planner Green’s report and that he tried to organize them so that everyone can follow the project. Attorney Bernstein asked to focus on the testimony. More conversations took place regarding procedure with Member Wilhelm summarizing that the June meeting had no exhibits and limited testimony and that the applicant tried to put the case on record without supporting testimony of professionals. A five-minute recess was called.

At 7:45 the meeting was called back to order and Attorney DeSapio explained that Davina Lapczynski is the owner of the property and wants to build a garage on the undersized lot. Improvements violate Holland’s setback ordinance. However, a garage is permitted. The property is also in a flood zone and an extensive application was made to the DEP, who ultimately issued a permit. If the variances for lot size and setback were not needed then the applicant would be able to build the garage with a zoning permit and state permits. The applicant will present testimony along with the planner and engineer who will satisfy land use law in the hope that the board will grant the variances.

Witness #1 – Davina Lapczynski who was sworn in by Attorney Bernstein. She is the owner of the lot and has owned it since July of 2015.

Exhibit A-1 and A2 – application and affidavit of service.  
Attorney Bernstein stated that the board had jurisdiction.

Exhibit A-3 – Survey dated June 2021 prepared by Bohren and Bohren

This shows her lot, which is 2.8 acres. However, the heritage report removed the road property which means the property is 2.49 acres. The drawing shows the setbacks per ordinance. There are existing improvements on the property, including a 2-story home, a storage building that is preexisting and goes under water, and a shed to the east, which is where she wants to build a 24'x 30' 2 level garage. She wants to keep the building to the west for storage. Other features on the lot: to the west is a power line for PSE&G and is 200' wide with restrictions. There are no structures in the setback line. The property is in the AE Flood zone and when the river rises over 15' then the back portion goes under water. There is an existing pond in the area. Ms. Lapczynski explained that when she bought the home, she did her due diligence and reviewed the township files which showed a permit for a garage being issued in the flood area but that the setback lines also included the road. Attorney DeSapio asked when planning to build a garage did she think of using the same area where the prior permit applied, and she responded that it was not a good location since it often went under water. She also stated that to look at the property to the south did not make sense as the property drops behind the existing railroad into a valley area. She picked her area because the elevation of the property is off the road and very much the same as the existing house. There is an opening in the guard rail and the proposed garage would be in alignment with her existing garage. The location would sit back behind the existing house. The distance from the garage to the house was considered. The elevation is for a small area and this is why it is lined up in the area. Lot 100 is behind her property and is the railroad with existing tracks. She contacted them to see if she could purchase land and was told they would love to sell to her however, they would first have to offer the land to the DEP or the State of New Jersey. If the other agencies decline the offer then they can sell it to her. Attorney Bernstein asked if the items located on the survey existed when she purchased in 2015 and Ms. Lapczynski responded that the above ground pool and carport were added. The house has been there since the 1800's with a legible deed being 1899 but the prior deeds are impossible to read.

Exhibit A-4 – sketch of proposed garage as prepared by her nephew who is NOT licensed in NJ. It is for presentation and not construction. The proposed garage will be 24'x30' with a deck to the house. The bottom will be for storage associated with the maintenance of the property and the boat. The upper level is for parking vehicles.

Ms. Lapczynski stated that she worked with Dumack and Dumack after working with Borhen and Borhen in obtaining the DEP approvals. She first contacted the DEP to question the prior approved DEP permit for a garage to be built on this property that was in the township files. She determined that the location closer to the house was a better location which triggered the DEP process. This also triggered the need for a Holland Township variance application to be submitted which the board which was deemed complete. In an effort to obtain an outside agency approval, especially one that was pertaining to DEP Flood Zone approval, Ms. Lapczynski granted extensions to Holland while the DEP was reviewing the submitted application. There were delays from what was submitted to the DEP, responses requiring follow up and then new regulations be approved.

Exhibit A-5 – DEP permit dated May 7 2024 with expiration of May 6 2029 for the construction of a 2-story garage with a single-family dwelling.

Discussions of the requested variances took place. Standards were also discussed and the NJ Licensed Planner, Tom Stens is present and will discuss. Attorney DeSapio talked about how if the variances are granted that the garage would not interfere in the neighborhood scene. There are many similar structures in the area. The Holland Township Land Use Board granted variance relief in 2023 to an applicant on the same road to build a new carport structure.

Ms. Lapczynski will explain the following photos of structures along Riegelsville Road and Planner Stern will discuss more details.

Exhibit A – 6 – 190 Riegelsville Road – structure is a carport for a camper – picture taken by her in June of 2024. Ms. Lapczynski stated that this structure was approved by the Land Use Board. She was in the audience when the application was before the board requesting relief for setbacks which is similar to what she is requesting.

Exhibit A – 7 – 523 Riegelsville Road – taken by her in June 2024 – structure is a garage

Exhibit A-8 – B4 L21 424 Riegelsville Road taken by her in June 2024 – structure is a garage

Exhibit A-9 – 400 Riegelsville Road taken by her in June 2024 - structure is a house with pavement near the house

Exhibit A-10 – 398 Riegelsville Road taken by her in June 2024-structure is a garage with pavement identified as Riegelsville Road

Exhibit A-11 – 390 Riegelsville Road taken by her in June 2024 – structure is unknown and the pavement identified as Riegelsville Road



Exhibit A-12 – 331 Riegelsville Road taken by her in June 2024 – structure is unknown and she was on Riegelsville Road

Exhibit A-13 – 327 Riegelsville Road taken by her in June 2024 – structure is a garage and the pavement is Riegelsville Road

Exhibit A-14 – 242 Riegelsville Road taken by her in June 2024 – structure is a garage and the pavement is Riegelsville Road

Exhibit A-15 – 121 Riegelsville Road taken by her in June 2024 – structure is a house with Riegelsville Road in the picture

A motion was made by Scott Wilhelm and seconded by Ken Grisewood to accept the pictures showing structures not in setbacks. All in favor, Motion carried. Note: Exhibits A6-A15 were all marked.

Exhibit A-16 – Tax map sheet 26 – items in yellow correspond to pictures with the lower left corner showing the border to her lot (27) and an easement. This also shows that there are 2 properties with the structures that are immediately adjacent to her property that clearly have setback issues as the structures are close to the road.

Exhibit A-17 – Tax map sheet 20 – relates to the pictures which is close to her property

Exhibit A-18 – Tax map sheet 21 – showing Riegelsville Road

Exhibit A-19 – 135 Riegelsville Road taken by her in June 2024 – structure is a barn and shows the pavement as Riegelsville Road

The pictures show similar setback issues which will be confirmed in the planner's testimony.

Member Wilhelm asked if the A3 Survey and testimony are the same conditions and Ms. Lapczynski responded yes. Attorney Bernstein asked if the proposed garage will access Riegelsville Road and why was the location picked. Ms. Lapczynski responded that the garage would be adjacent to an existing driveway which is next to the existing home. Discussion took place regarding the placement requiring no additional openings to the guardrail. Access to the property is existing and makes the most sense. The opening to the left is for the lower part of the property and for PSE&G/powerlines.

A motion was made by Scott Wilhelm and seconded by Joe Cinquemani to accept exhibits A1-3 and 5-19. Scott Wilhelm explained that he was excluding A-4 since it is a sketch, all voted in favor of the motion. Motion carried.

A motion was made by Scott Wilhelm to open the public portion of the meeting and seconded by Ken Grisewood. All present were in favor of the motion. There were no questions for Witness #1.

Witness #2 – Heath Dumack who was sworn in by Attorney Bernstein. Heath Dumack stated he is a licensed engineer in New Jersey as well as in 45 other states. He is the president of Dumack Engineering. He has professional affiliations in New Jersey. He received 2 degrees from Drexel University. He is a PE in New Jersey since about 1999/2000. His New Jersey License is current. Scott Wilhelm made a motion to accept Heath Dumack as qualified to testify and Kelley O'Such seconded the motion. All in favor. Motion carried.

Engineer Dumack stated that Davina Lapczynski hired his firm to prepare drawings.

Exhibit A-20 – 4 sheets prepared by Dumack. It was a work in progress. It started with the DEP and responses were to the new permit requirements. The DEP approved the drawings then the Township and Board professionals had revisions with the date June 28, 2024 showing revisions per Collier's letter dated 06/04/24. Tweaks can be made if the board approves the application and conditions are made. There are a few items outstanding. Item 11 is about the deck and steps being needed and item 12 pertains to a retaining wall. The applicant is prepared to comply to the professional's review of the testimony and discussions this evening. Other engineering comments have been addressed and satisfied.

The drawing was explained. The applicant is proposing a 2-story garage that is 24'x30'. The upper level is accessed from Riegelsville Road. Smart vents were needed for stormwater which helps take away potential issues with flooding in the garage. Sediment controls are in place. The road would be swept and cleaned. The overall area of disturbance is minimal in the flood zone. The DEP has reviewed the plan many times and has approved it. All the DEP documentation is available for review if requested. It took over a year for application submittal, communications and approval. Exhibit A-20 was provided to the DEP with a rev date of May 3 2024 and they were approved as presented as were the architectural drawings. There was some conversation about the architectural drawings not being outlined in the permit but the vents are in the architectural drawings and they were approved. A conversation evolved about if application should be a site plan application which then prompting questions about procedure and other applications being requested to provide a site plan for a garage application. Attorney DeSapio stated that it was his understanding that this application requires variances and that a plot plan was submitted. Engineer Dumack showed the location of the garage, the size, limits of disturbance, grading design, and improvements. It was also mentioned that if the board approved the variance application, then the plans would need to be prepared for the zoning and construction applications. Attorney Bernstein asked questions as to why the application was before the board

with Attorney DeSapio stating that the planner will discuss the 9 variances needed for this project as outlined in the board planner's memo. More questions came up regarding certification of the height and that is monitored at time of construction with the construction permit. The applicant is not seeking a height variance and is conforming to the ordinance.

Attorney Bernstein noted the time as being 9:25 and suggested that the public hearing be carried to the next meeting where the applicant and team can address the site plan question.

A motion was made by Scott Wilhelm and seconded by Joe Cinquemani to carry the public hearing to the next scheduled meeting so the applicant can address the site plan question, provide additional testimony and let everyone digest the information presented. No further notice is needed. This will be the first public hearing on the agenda. More conversations took place.

Exhibit A-21 – zoning officer letter which does not outline that a site plan is needed

More conversations took place regarding the need for a site plan and Attorney DeSapio expressed that to his knowledge this never came up at completeness so he is not following the discussion at the public hearing. More conversations took place with Scott Wilhelm reminding everyone that the motion was made, seconded and approved to carry to the next meeting. Scott Wilhelm expressed that the board understands the concerns but that they have an obligation to follow the law and suggests that the questions be answered.

Roll call was taken to the motion. All present were in favor of the motion with the exception of Mike Keady who voted no. Motion carried. This will be on the October 14, 2024 agenda.

**Sub-Committee Status and Updates:**

Holland Township Highlands Council Subcommittee – Mike Keady and Dan Bush – No real updates as all are quiet with the mention that updates to the Highlands Land Use maps is something that is being reviewed.

The presentation used was the ANJEC March 13 2024 Stormwater Training. The link that was used last year will be provided to those who did not attend the scheduled meeting this evening. They will be asked to view the training link and send LUA Kozak a message that they completed training.

**Stormwater Training**

Engineer Wisniewski provided the board with the annual stormwater training as required with the Tier A permit. A presentation was handed out and Engineer Wisniewski discussed each slide with the opportunity for board members to comment.

**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:**

There was no Housekeeping scheduled at this time.

**Adjournment**

Nickolas Moustakas made a motion to adjourn. Motion approved. The meeting ended at 10:15 p.m.

Respectfully submitted,

*Maria Elena Jennette Kozak*

Maria Elena Jennette Kozak  
Land Use Administrator