

Holland Township Land Use Board
Minutes of the Regular Meeting

November 11, 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 November 11, 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, Bill Ethem, Ken Grisewood, Peter Kanakaris, Michael Keady, William Martin, Ryan Preston, Anthony Roselle, Board Attorney Eric Bernstein, Board Engineer Ian Hill, and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Dan Bush, Nickolas Moustakas, Kelley O’Such, Scott Wilhelm, Board Planner/HT Highlands Council Subcommittee Planner Jay DeFelce for Darlene Green, Board Conflict/Special Projects Engineer Adam Wisniewski, Board Conflict/Special Projects Planner Kendra Lelie, Board Conflict/Special Projects Engineer Bryce Good, 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 Peter Kanakaris and seconded by Ryan Preston to approve of the October 14, 2024 minutes as presented. At a roll call vote, all in favor with the exception of Mike Keady and Ken Grisewood who abstained. Motion carried.

Old Business:

- Block 24 Lots 3, 13 and 13.02 -- Milford Warren Glen Road – K. Hovanian at Huntington Knolls LLC - Phase 4 extension request – Prior Action taken October 14, 2019 with conditions (Resolution on file for 4 years, 11 months, 29 days, extension Preliminary Site Plan Approval for Phase IV only – Begins November 10, 2019 and runs through November 9, 2024). Board Action needed.

Applicants Attorney Gruenberg and Attorney Seibold are present. Board members Grisewood and Keady recused themselves. Attorney Gruenberg explained that this extension request is for P4 and as everyone is aware, the application for the project is pending in a public hearing. All were reminded that the board granted an extension for P2 and P3 till February 11 2026 and this request is that P4 be extended to the same date of February 11, 2026. The goal is to keep moving forward. Engineer Hill had a few comments that included why this extension? Attorney Bernstein presented some history with the prior extensions. Engineer Hill asked what has the owner done over the last 10 years of granting extensions? Attorney Gruenberg stated that P4 has water and sewer allocations and can move forward but that his client got involved in 2024 (early in year) which was when they came in for the extension of P2 and P3. The request now for P4 is for consistency that everything then would be extended to 2026. All understand that the amended application is before the board but the owner was involved in securing approvals and litigation which was just resolved this August. Granting the final for all the phases and being consistent with the extension is reasonable. Witnesses can be supplied but that is the summary of the request. The order from the judge was just distributed. KHOV is trying to make the project a reality. The same reasons discussed for the extension of P2 and P3 apply to P4 and really is about consistency. The board had a few comments which included a discussion on procedure. KHOV is the contract purchaser. The applicant is prepared to address many concerns and issues raised as the public hearing continues. A motion was made by Tony Roselle and seconded by Peter Kanakaris to accept the extension request to February 11 2026 for P4 of the project and to authorize Attorney Bernstein to draft the resolution. All present voted in favor of the motion. Motion carried.

New Business:

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

Completeness Review

There was no completeness review on the agenda at this time.

Resolution

- 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, September 9, 2024 and to October 14, 2024 – Approved with conditions October 14, 2024. Board Attorney authorized to prepare the resolution that required memorialization. – **Board Action Needed.** Attorney Bernstein updated the board at the scheduled meeting that he was working on the resolution and that this needs to carry to the next scheduled meeting, Attorney DeSapio and Attorney Bernstein discussed legal sitings regarding the applicant moving forward with the zoning permit without the approved resolution. A motion was made by Peter Kanakaris and seconded by Tony Roselle to extend the memorializing of the resolution till the December 9, 2024 scheduled meeting but to allow the applicant to move forward with obtaining all permits pertaining to the project. At a roll call vote, all present were in favor of the motion. Motion carried.

Public Hearings

1. Block 24 Lots 3, 13 and 13.02 – Milford Warren Glen Road – K. Hovanian at Huntington Knolls LLC - Amended Site Plan with variance – **TOD – January 7, 2025.** Received into the office July 22, 2024. The 45-day completeness deadline is September 5, 2024. Deemed incomplete August 12, 2024. Deemed complete September 9, 2024. Public Hearing October 14, 2024 and to November 11, 2024 without further notice. **Board Action needed.** An extension request was made by the Board Planner. Attorney Gruenberg is present and although agreeing to the extension did ask the board if a special meeting was possible. Attorney Bernstein with the support of all present, stated that there is no time for a special meeting between the league of municipalities and the holidays. Everyone expressed apologies but time is just limited. Additional documents are to be provided to LUA Kozak who will distribute them. A motion was made by Bill Ethem and seconded by Tony Roselle to carry this public hearing till December 9, 2024 with no further notice. At a roll call vote, all present were in favor. Motion carried.

Mike Keady and Ken Grisewood returned at 7:20 pm

Sub-Committee Status and Updates:

Holland Township Highlands Council Subcommittee – Mike Keady and Dan Bush – Per Mike Keady, nothing to report at this time but Mayor Bush serves on the council so more details should follow soon.

Public Comment

Dwight Pederson – resident –

1. Why was there was no public hearing? Attorney Bernstein said that the planner was unable to attend this meeting and the applicant agreed to the request to extend.
2. Can the public submit comments? Attorney Bernstein said no but you are welcome to participate in the public presentation or at the end of testimony, to participate at public comment. If he does have something for the board then send to LUA Kozak. LUA Kozak will then work with the attorney to see if it can be distributed.
3. The Highlands Council reviewed the plans in 2020 and why are they not participating in this application when he believes the usage is being changed? Engineer Hill stated that the Planner will be discussing.
4. The board is not permitted to make comments regarding an application before them when the applicant is not present.

Mr. Arbelaez – resident

1. The applicant has said that they are not doing the affordable – Attorney Bernstein said that the affordable is in separate buildings and not integrated but the applicant needs to explain – the law is applicable and if these are rentals then it does not need to be integrated. The board has no jurisdiction to respond – it’s the township.
2. Had questions regarding the judgement and the water – Attorney Bernstein said the paperwork was just received. A consent order was issued end of September. More review needs to take place and there could be more questions during the public hearing.

Executive Session

There was no Executive Session scheduled at this time.

Housekeeping:

There was no Housekeeping scheduled at this time.

Adjournment

Tony Roselle made a motion to adjourn. Motion approved. The meeting ended at 7:30 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak
Land Use Administrator