

Holland Township Land Use Board

Minutes of the Regular Meeting

February 14, 2022

(Notice-The Chairman reserves the right to change or revise the order of the agenda as needed. Formal action may or may not be taken)

The meeting was called to order by the Land Use Chairman Mike Miller:

Chairman: "I call to order the February 14, 2022 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 9, 2021 edition of the Hunterdon County Democrat
3. And faxing to the Express-Times for informational purposes only.

PUBLIC NOTICE TOWNSHIP OF HOLLAND

NOTICE OF CHANGE OF FORMAT OF REGULAR HOLLAND TOWNSHIP LAND USE BOARD MEETING AND PUBLIC PARTICIPATION FOR THE MEETING SCHEDULED FOR 7:00 PM MONDAY February 14, 2022

PLEASE TAKE NOTICE.

THE MEETING FORMAT HAS BEEN CHANGED FROM IN-PERSON ATTENDANCE AT THE MUNICIPAL BUILDING, 61 CHURCH ROAD ONLY, TO IN-PERSON AND TELECONFERENCE DUE TO THE **UPSURGE** OF COVID-19 CASES IN NEW JERSEY.

THE PUBLIC MAY ATTEND THIS MEETING **VIRTUALLY** VIA **ZOOM/TELECONFERENCING** AND MAY COMMENT DURING THE DESIGNATED PUBLIC COMMENT PORTION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT. **THE ELECTRONIC COMMUNICATIONS USED FOR A REMOTE PUBLIC MEETING HAVE A FUNCTION THAT ALLOWS THE BOARD TO MUTE THE AUDIO OF ALL MEMBERS OF THE PUBLIC, AS WELL AS ALLOW MEMBERS OF THE PUBLIC TO MUTE THEMSELVES.**

Official action to be taken.

The Holland Township Land Use Board members, Professionals and Land Use Administrator will attend the meeting in person and will be seated at the dais in the meeting room of the Municipal Building. The Applicant and its witnesses will also attend the meeting in person. Masks will be worn and social distancing will be observed.

Members of the public may attend the meeting via Zoom/Teleconference -see below for meeting login details

All Zoom attendees will enter a waiting room when they first sign in. Once admitted to the meeting, they will be muted. To make a comment during the Public Comment portion of the meeting please use the "raise your hand" function and the host will unmute you for your comment.

Join Zoom Meeting online

<https://us06web.zoom.us/j/88592429274?pwd=MTc4SHJ3VWpVL1VlVUpkcDQ3bFVlQT09>

Meeting ID: 885 9242 9274

Passcode: 200692

Join meeting by phone

646 558 8656

The meeting agenda will be posted on the Holland Township website at hollandtownshipnj.gov by 4:00 pm Sunday February 13, 2022,

Chairman: The electronic communications used for this remote meeting have a function that allows the Board to mute the audio of all members of the public, as well as allow members of the public to mute themselves.

Chairman: Please recite the Pledge of Allegiance

Chairman: Identification of those at the podium

Present: Dan Bush, Jerry Bowers, Joe Cinquemani, Bill Ethem, Ken Grisewood, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Kelley O'Such, Ryan Preston, Scott Wilhelm, Duane Young, John Gallina, Esq., Adam Wisniewski, Engineer, Darlene Green, Planner, Lucille Grozinski, Court Reporter (via Zoom) and Maria Elena Jennette Kozak, Secretary.

Absent: Dave Grossmueller

Let the record show there is a quorum.

Minutes

A motion was made by William Martin and seconded by Jerry Bowers to dispense with the reading of the Board of Adjustment Regular minutes of the January 10, 2022 meeting and to approve the minutes as recorded. All were in favor of the motion. Motion carried.

Old Business:

Hunterdon County Economic Grant continued work which corresponds to the approved 2020 Master Plan Reexamination Plan. Review and discussion of proposed ordinances. Board Action needed. Upon Planning Board acceptance of proposed ordinances, a recommendation will be forwarded to the Township Committee for adoption.

Task 4 - AN ORDINANCE OF THE TOWNSHIP OF HOLLAND AMENDING AND SUPPLEMENTING CHAPTER 100 ENTITLED "LAND USE", ARTICLE III ENTITLED "TERMINOLOGY" AND ARTICLE VII ENTITLED "R-1 AND R-5 RESIDENTIAL DISTRICTS" TO ADD HOME BUSINESS AS A CONDITIONALLY PERMITTED ACCESSORY USE

Discussion of this topic began in November with the Planning Board. Planner Green was asked to provide model ordinances. Chairman Miller asked if all reviewed the material submitted and if anyone have any comments about the ordinance to update our ordinance. Mike Keady expressed concern about discussing this topic tonight. Chairman Miller stated that there are a lot of questions and discussion that needs to be had and that he is concerned with the impact on people with existing businesses. We need more discussion and we need to have the public participate. Dan Bush explained that this will be a hot topic if the ordinance changes. A subcommittee should look into this. A reminder was given as to how this came to be as it came from our master plan reexamination with discussion about application(s) before the Board of Adjustment as well as we know more people are working from home. We have a home occupation definition today. We went after grant money for other reexamination items to address and included this topic in our application for granting funding. We are not sure what the outcome is if we do not want to move forward. Discussions included let's find out what normal is before we can jump into this project. Dan Bush thinks subcommittee needs to look at this and thinks we need opinions. All present were in agreement. Chairman Miller stated that this is a deep dive and we should not rush into this. Mike Keady stated that people have been doing this but then we also need to think of the neighbors and the impact. Chairman Miller suggested creating a subcommittee and asked to think about this and come in next month if you want to be on subcommittee. Ken Grisewood, Bill Martin and Jerry Bowers indicated an interest in serving on the subcommittee.

New Business:

1. ORDINANCE 2022-02

AN ORDINANCE OF THE TOWNSHIP OF HOLLAND AMENDING AND SUPPLEMENTING CHAPTER 100 ENTITLED "LAND USE", ARTICLE III ENTITLED "TERMINOLOGY" AND ARTICLE XI ENTITLED "COM COMMERCIAL DISTRICT" TO AMEND THE LIST OF PERMITTED USES, MINIMUM NUMBER OF PARKING SPACES, AND SIGNAGE STANDARDS - Introduced at the Township Committee January 18, 2022 – Land Use Board Master Plan Consistency Review – Board Action needed.

Planner Green explained how this ordinance came to be with the history of this being identified in our Master Plan Reexamination Plan and that we were able to obtain a grant thru Hunterdon County Economic Development. This was presented to the Planning Board in October with minor revisions being reviewed in November with the recommendation of the Planning Board to the Township Committee to adopt what was presented. The added terminology will potentially attract new tenancies or buildings in the commercial district. It allows for some new uses as well in conjunction with cleaning up parking standards. Some revisions can be found on the bottom of page 2 into page 3 with clarification of existing as well as identifying new uses that add flexibility for all. Signage was another area that needed some housekeeping. Small signs are an issue. An added option for a commercial wall sign or monument is that it can be closer to the street which is outlined on page 4. There is limitation on size and lighting, which is spelled out. Mr. Bush responded to the question regarding any additional changes being made in the document upon review of the Township Committee and his response is that what was submitted by the Planning Board was introduced and is now being reviewed by the Land Use Board for review of Master Plan consistency. A motion was made by Mike Keady and seconded by Jerry Bowers to have Land Use Administrator send a letter to Clerk Miller stating that Ordinance 2022-02 is consistent with the Master Plan. At a roll call vote, all present voted in favor of the motion with the exception of Scott Wilhelm who abstained. Motion carried.

2. ORDINANCE 2021-03

AN ORDINANCE OF THE TOWNSHIP OF HOLLAND AMENDING AND SUPPLEMENTING CHAPTER 100 ENTITLED "LAND USE", ARTICLE III ENTITLED "TERMINOLOGY" AND ARTICLE V ENTITLED "IND LIMITED INDUSTRIAL PARK DISTRICT" TO AMEND THE LIST OF CONDITIONALLY-PERMITTED AND ACCESSORY USES, AMEND IMPERVIOUS COVERAGE, AND REVISE SIGNAGE STANDARDS- Introduced at the Township Committee February 1, 2022 – Land Use Board Master Plan Consistency Review – Board Action needed.

Planner Green explained that this pertained to the Master Plan Reexamination Plan with emphasis on the industrial zone and that we received a grant with Hunterdon County Economic Development to make changes. This looked like we did a lot of work but some of it was more cut and paste with relocating a segment of the ordinance pertaining to Solar. Solar was under a permitted use and with warehouses being a focus of the reexamination report it was best to move solar to a conditional use. It just was not in the proper place in the code book. The section regarding outside storage in an industrial zone also needed better direction. Impervious coverage was discussed as well as what the limit for outdoor storage should be. Warehouses and solar are now part of the Industrial Zone conditional uses. Some limitations include limiting loading docks, storage indoors, requiring a traffic analysis and requiring truck traveled routes which help the police deal with issues arising from truck traffic and related problems. An analysis also shows direct related off sight improvements which means applicant will have to pay for the improvements. This ordinance gives the board and community comfort that there are solid parameters to guide the development. On the second to last page there is discussion about directional signage which usually divides truck traffic from regular traffic so you need signage to tell direction. This allows the board to limit the number of signs depending on the project. There was a loophole in the ordinance and this is now cleaned up pertaining to a sign. The size of a sign on a building is now capped at 200 sq feet. This means no bill boards are permitted on the side of warehouse. Mr. Bush responded to the question regarding any additional changes being made in the document upon review of the Township Committee and his response is that what was submitted by the Planning Board was introduced and is now being reviewed by the Land Use Board for review of Master Plan consistency. A motion was made by Mike Keady and seconded by Bill Martin to have Land Use Administrator send a letter to Clerk Miller stating that Ordinance 2022-03 is consistent with the Master Plan. At a roll call vote, all present voted in favor of the motion with the exception of Ken Grisewood who abstained. Motion carried.

3. Environmental Commission memo regarding Township response to Delaware River Basin Commission's proposed rules on fracking water in the basin. EC recommended action to the Land Use Board. Board action could be to consider forwarding the memo to the Township Committee for action consideration.

DRAFT 3 – DRBC Fracking Water Rules

My name is Dan Bush, and I am the Mayor of Holland Township in Hunterdon County, New Jersey. I submit these comments on behalf of the Holland Township Committee and the Holland Township Environmental Commission. As a local governing body, we believe we have a responsibility to protect our citizens' health and welfare. Holland's western border is the Delaware River, so we take great interest in any proceeding to change regulations in the Delaware Basin.

We thank the Commission for banning fracking in the Delaware Basin. This next move to control fracking wastewater is much needed, but **the current proposed rules fall woefully short**. By limiting the rules to only banning discharge to land or water, the Commission creates loopholes for the industry to exploit. Most obvious, discharge to the air is not mentioned or prohibited, thus poisonous substances can simply take a longer journey toward contaminating our land and water than if they were directly discharged.

In our view, the only effective approach is to entirely ban the importing of contaminated fracking water into the basin. The industry is now drilling bigger wells in Pennsylvania's Marcellus Shale region, with one well producing as much as three million gallons of contaminated water during its productive lifetime. Drillers need vast new treatment facilities, and the new rules open the door to placing them in the conveniently located Delaware Basin.

How can you regulate what you don't know? That will be the question hanging over the importing of poisonous flowback water from fracking wells. We know that waste products from the Marcellus Shale have high levels of radioactivity, but the amount in each load of wastewater would vary. Literally unknowable are the ingredients in the fracking fluids that the industry has successfully classified as "trade secrets." So, it will be impossible to design best practices for transporting, handling, and certifying the safety of substances that legally must remain a mystery.

Holland Township is likely threatened by imported wastewater in the Basin even if we were to have no storage or treatment plants. We work closely with the two non-profits that take stewardship of the Delaware and Musconetcong Rivers. We consulted experts at both organizations and they were in agreement that there is a hydrologic connection between the Delaware River and the aquifers in Holland Township. A spill or accidental discharge north of us could leave toxic wastewater entering tributaries and eventually the Delaware, contaminating the drinking water in Holland. Most Holland residents rely on private wells, and even the very limited public water system depends completely on wells in the Township. Local industries such as farming and tourism would be decimated.

Holland recently completed a study that shows that our water sources are in deficit, so the idea of exporting water seems like a fantasy to us. Holland Township is in the New Jersey Highlands region and we are working with the NJ Highlands Council to conform to the Highlands Regional Master Plan. As part of that effort the Council funded a Water Use and Conservation Management Plan for the municipality. The study showed that of the three HUC-14 stream systems for which Holland Township is responsible, two are in deficit and the third has a slight surplus, but only because it formerly served solely a mill that has now closed and so draws no water. Below is a link to that study (adopted in September 2020) on the NJ Highlands Council's website:

https://www.nj.gov/njhighlands/hunterdon_county/holland/municipal_approved_docs/holland_WUCMP_adopted.pdf

The proposed rules allow what seems to be the industry's preferred new means of processing fracking water. Only a couple of years ago, Elcon Recycling Services was proposing a plant in Falls Township, Pennsylvania, that employed Thermal Oxidation, with emissions going into the air rather than land or water. Meanwhile, getting the water to processing facilities near the Delaware will bring new dangers because the federal government does not classify fracking waste as hazardous material, so it gets less oversight. Inevitably, there will be accidents involving tanker trucks or rail cars carrying toxic materials.

The only way to ensure public safety from fracking wastewater is to forbid it from entering into the Delaware Basin. We look forward to your development and implementation of the measures that will ensure that outcome.

Mike Keady presented a little history of the DRBC:

The **Delaware River Basin Commission (DRBC)** is a [United States government agency](#) created in 1961 by an [interstate compact](#), signed into law by President [John F. Kennedy](#), between four states ([Pennsylvania](#), [Delaware](#), [New Jersey](#), and [New York](#)).

Purpose and activities



Delaware River watershed

The purpose of the Commission is to bring the [Delaware River](#) under collective and balanced control, and to ensure fair usage by the states. To this end, the Commission conducts programs related to [water quality](#) protection, [water supply](#) allocation and [water conservation](#), [regulatory review](#) and permitting, [watershed](#) planning, [drought](#) management, [flood mitigation](#) and loss reduction, and recreational activities (such as [fishing](#)).

The DRBC was one of the first government agencies in the United States to address the problem of [water pollution](#). The agency predates the establishment of the [United States Environmental Protection Agency](#) (1970) and the [Clean Water Act](#) (1972).^[1]

Membership

The five members of the Commission include the four [state governors](#) of the member states and the Division Engineer, North Atlantic Division, [U.S. Army Corps of Engineers](#), who serves as the ex-officio U.S. member.

The Environmental Commission presents this to the Holland Township Land Use Board for consideration of recommending to the Township Committee. At a roll call vote, 6 members were in favor of forwarding this for consideration. There was a lot of discussion regarding what was presented with the outcome being to shorten the letter to highlight bullet points such as: Holland Township is not in favor of fracking, we watch our environment because we care for the environment and request that review and careful consideration is given to what is being proposed in the water that can affect many people. After additional discussion, a motion was made by Joe Cinquemani and seconded by Jerry Bowers to have Mike Keady and team work on scaling the memo down with some highlights mentioned above and to present the revised memo to Land Use Administrator Kozak for submittal to the Township Committee for consideration. At a roll call vote, 6 members were in favor of the motion, 3 members were against the motion and 3 members abstained. After discussion, the motion carried. Action to take place as outlined.

Completeness Review:

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

Resolution

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

Public Hearings

Kelley O'Such-Block 1 Lot 3 - 0 Dennis Rd-Variance-Lot lacking street frontage – Received into our office on December 2, 2021. The 45-day completeness deadline is: January 16, 2022. Board of Adjustment deemed complete December 15, 2021. Applicant granted extension for public Hearing. Land Use Board Action required.

Mr O'Such stepped down as he is the contract purchaser and is the applicant seeking a variance to obtain lot frontage. This application is similar to what was proposed in a prior application. The driveway from the lot to

a shared driveway that exists on Dennis Road would be for a single-family house. Kelley O'Such is a lifelong Holland resident. He is recused.

For the record, this application appeared before the Board of Adjustment for completeness. The application was deemed complete and the applicant agreed to carry this to the February 2022 Land Use Board Meeting. The application, engineers report and minutes were distributed to the newly formed Land Use Board. The Engineer's report and minutes are as follows:

A professional review is an advisory review and submitted for the board to accept some, none or all the recommendations in the report. Secretary 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.

Engineer Martucci review from BOA

Memorandum

December 7, 2021

To: Holland Township Zoning Board 81 Church Road
Milford, New Jersey 08848

Attention: Maria Elena Jennette Kozak
From: Robert Martucci, P.E. ZBoA Engineer

Reference: Variance Relief- Variance N.J.S.A. 40:S0D Block 1 Lot 3
Holland Township Hunterdon County, New Jersey Dear Maria:

Our office is in receipt of the following documents on the above referenced application:

1. Application Documents - including:
 - Application Form
 - Fee Calculation Form
 - Site Walk Authorization
 - Request for 200-foot Property Listing
 - Certifications
 - Certification of Ownership
 - W9 Form
 - Replenishment of Escrow Accounts
2. Zoning Board Completeness Checklist Section "H".
3. Highlands Checklist for determination of completeness along with exhibits.
4. Copy of Deed for Property.
5. Photographs of site.
6. Elevation and Floor plan of proposed dwelling.
7. Verbal denial from Holland Township Zoning Officer denying permit due to lack of street frontage for lot.
8. "Boundary and Topographic Survey" prepared by Engineering and Land Planning Inc. Dated 10/12/2021.
9. "Lot Development and Variance Plan" prepared by Engineering and Land Planning Dated 11/20, 2021.

The proposed project is to construct a single-family dwelling, and other improvements within this lot. The lot does not front on any public street; therefore, a variance will be required for a zoning permit and ultimate construction of the dwelling and related improvements. The applicant also requires a variance for lot frontage less than 500 feet. The plan notes a total disturbance of less than 1 acre and new impervious is less than 1/4 acre.

The lot is located within the Highlands Planning Area. The Engineer notes that this project would qualify under Exemption #2 since the lot existed prior to 2004 and the total disturbance is less than 1 acre and new impervious coverage is less than ¼ acre.

In order for the Board to hear the application, a completeness determination must be completed. Please be advised that our office has completed the Completeness Review and notes the following deficiencies/comments in **Bold**:

Item H-5 - the applicant has requested a waiver from the Hunterdon County Health Department Permit Referral Form. In my opinion I recommend that a waiver be granted subject to obtaining referral form prior to issuance of a building permit.

Based on the above I would recommend the application be deemed complete subject to the waiver requested for the Hunterdon County Health Department Permit Referral Form.

Other Comments:

2. Application subject to outside agency approvals. All approvals noted on the plan must be obtained prior to signing of plans and issuance of a zoning permit.
3. Other comments from Attorney, Planner and Board to accompany this memo as noted.
4. Note the fire chief is satisfied with the pull off area on the revised plans.

End of Memo

Cc Board Members David Pierce, Esq.
Darlene Green, PP, ACIP

Clip from BOA Dec min when they deemed the application complete

Holland Township Board of Adjustment

Agenda

December 15, 2021

As noted above, Engineer Martucci recommends that the board deem the application complete subject to a waiver requested for the Hunterdon County Health Department Permit Referral Form (Checklist Item H-5 comments as that waiver form can be obtained before a zoning permit can be issued). Attorney Width said that Attorney Pierce expressed that with the impending merger of the Planning Board and Board of Adjustment into one Land Use Board that if the application before the Board of Adjustment is deemed complete then the applicant should be granted an extension of 60 days to hold hearing. This would give the new board time to organize and move forward with business. Chairman Martin asked the applicant if this would be acceptable and the applicant responded that he understands the requests, would agree to it and just needed to show the current owner of the land that he was interested in moving forward with the potential purchase and building of his home. Member Bowers asked about the 0 Dennis Road address and the applicant responded that this is vacant land. The applicant explained that it is the third or fourth driveway that is gravel on right. He would extend this to his land. He is a contract purchaser. The land does not abut a public street and the applicant needs to prove the property is accessible to emergency vehicles. The applicant has submitted plans to the Fire Chief and the following response was emailed to Secretary Kozak November 22, 2021:

Good morning, Maria, Elena,

Holland Fire Company has reviewed the plans for 0 Dennis Road for Mr. O'Such. The fire company met with Mr. O'Such and made a recommendation to move the pull off area, which is reflected in the updated plans. Taking the Highlands restrictions into consideration, the plans are approved by Holland Fire as submitted. Should you or the Board need any further clarification or information, please do not hesitate to contact me.

Best regards,

Tom Welsh

Again, the applicant is the contract purchaser and wants to make sure approval by the board can be obtained before closing on the property and obtaining other approvals. The applicant is asking for waiver for septic well etc. for now but seeks it as a condition of approval along with any other approvals which would all need to be satisfied before a zoning permit can be issued. As noted above, the applicant is under contract to buy the land but wants to make sure no other variances are needed. The current owner confirmed on the application his intention to let the applicant speak regarding the project. The applicant is looking to build a single-family home on the property. A motion was made by Jerry Bowers and seconded by Peter Kanakaris to deem the

application complete and that the applicant agrees to a 60-day extension for the board to conduct a public hearing. At a roll call vote, all present were in favor of the motion. Motion carried.

PUBLIC HEARING:

Attorney Gallina reviewed the exhibits and the board has jurisdiction to proceed with a public hearing.

Exhibit A1 affidavit

Exhibit A2 list of owners

Exhibit A3 cert

Exhibit A4 notice

Exhibit A5 affidavit new pub

Exhibit A6 Planner Review Letter 020122

Exhibit A7 Engineer Review Letter 021022

Witness #1 Christopher Nusser with Land Planning. He is a licensed engineer and planner. He was sworn in by Attorney Gallina. He graduated from Rutgers in 2006 with bachelor's degree in Civil Engineering. He has practiced engineering for 16 years and has appeared before various boards of which he has been accepted an expert witness. He has appeared before and been accepted by the Holland Township Board of Adjustment as well as the Philipsburg Land Use Board. Ken Grisewood questioned that Christopher Nusser stated he is a licensed planner and asked when he obtained the license to which Christopher Nusser responded that he got that license about 7 years ago. With no other questions being asked, Christopher Nusser was accepted as an expert witness.

Christopher Nusser explained the project as the driveway was previously thru an easement with then neighbor then conforming to pull off. Halfway to 2/3 down the driveway is a passing lane. Relief being requested is for frontage on a drift way which is 500' as well as for 40 55 d 35 construct not abutting a public street. The stormwater management plan is not supplied. Consideration was given but within the confines of application and they believe they can make the stormwater work. The treatment from the house to the driveway is to have the driveway having collection along the side of the driveway, and to keep increase runoff from impacting the easement property. Relief is also being sought for planning in variance 35 36. Two standards to consider is can emergency vehicles access the property and is there any impact on master plan regarding the roads. Christopher Nusser stated that there is no impact to the Master Plan. The Fire Chief supplied an email dated 11/22/21.

Chairman Miller reminded everyone that the public is connected to the Public Hearing remotely. There is public present and they will have opportunities to speak. We can see the Gardner's and the Bondor's in the Zoom meeting.

Exhibit A 8 Tom Welsh, Assistant Fire Chief speaking for the chief – email dated 11/22/21 states the fire company reviewed the plans and requests the applicant move the pull off in plans reviewed and that revised are approved.

Exhibit A9 – plans dated 11/2021 prepared by Wayne Ingram.

Emergency access to lot was reviewed by the Assistant Fire Chief, Holland Fire Co., and the Chief signed off. Adequate access for emergency services is good and there is no impact to master plan roads. In reference to Variance 100-111 variance driveway frontage, the requirement is 500' and they have 30' as this is not a lot along a driftway as it is the lot at the end of the driftway. You could extend the driftway into the lot to satisfy the ordinance but there are limits with impervious coverage so with Highlands rules there is a restriction with a request to extend the requirement into the lot. There is also little benefit of extending the requirement into the lot if it is the last lot on the driftway. The benefit would only be to the homeowner if they build and/or reside on this lot. This is a case where noncompliance is the better design. If they conform then there is more disturbance to woods which promotes the conservation of viable natural resources as well as has the least impact in run-off which is better for the least amount of erosion. Not disturbing the woods has no negative impact to the general public or the neighbors as it is at the end of the driftway and accessed by the driveway. The visual is better with least disturbance. On the whole the standards are straight forward when it comes to this kind of lot, develop the lot in a safe way which also accounts for an emergency vehicle accessing the property without impacting the neighbors. This plan accomplishes this. Discussion of the professionals' letters took place and Christopher Nusser stated the applicant agrees to comply with everything including LUB guidance regarding stormwater. They will do all requested.

Witness 2 - Kelley O'Such – the contract purchaser of this lot

A professional review is an advisory review and submitted for the board to accept some, none or all the recommendations in the report. Secretary 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.

Engineer Review 2022 for public hearing:

February 10, 2022

Land Use Board

Township of Holland

61 Church Road

Milford, NJ 08848

Technical Review #1

Kelley O'Such - Lot Development & Variance Plan Application

0 Dennis Road - Block 1, Lot 3

Township of Holland, Hunterdon County, New Jersey

Colliers Engineering & Design Project No. HLP-0028

Dear Board Members,

Pursuant to your request, we have reviewed, from a technical standpoint, plans, applications and other documents filed by the applicant, Kelley O'Such in support of a Lot Development and Variance Plan Application to construct a 2,710-SF (footprint) single family dwelling and site improvements on Lot 3 in Block 1, which is situated in the Township's R-5 Residential District.

The following documents were submitted to the Land Use Board in support of the Application:

Current Submission:

1. Plans entitled "Lot Development & Variance Plan", prepared by Wayne J. Ingram, PE of E&LP, dated November 20, 2021, consisting of 6 sheets.
2. Untitled Architecture Plans, unknown author, no date, consisting of 6 sheets.
3. Survey entitled "Boundary and Topographic Survey", prepared by Wayne Ingram, PLS of E&LP, dated October 12, 2021, consisting of 1 sheet.
4. Planning Board & Board of Adjustment Application Form, no date.
5. Board of Adjustment Checklist for Determining Completeness of Application, no date.
6. Planning Board & Board of Adjustment Application Form, Highlands Land Use, no date.
7. Checklist for Determining Completeness of Application Submitted Under Chapter 101 Highlands Land Use Ordinance, no date.
8. Copies of Chapter 101, Land Use, Highlands, Attachments 1, 3, 7, 8, 9, 10, 11, 12, 13, 15, 16. Note Attachments 7 through 13, 15, and 16 identify the subject property.
9. Highlands Council Advanced Property Report, dated November 11, 2021.
10. Copy of ALTA Commitment for Title Insurance, issued by Westcor Land Title Insurance Company, issued September 17, 2021. Note that this document includes a Schedule A and a Schedule B.
11. Copy of Deed between Adele McCullough Reese and Gerald and Susan Philkill, dated October 22, 1976.
12. Copy of Deed between Gerald and Susan Philkill, and Susan Philkill, dated August 24, 2000.
13. Copy of Deed between Billie B. Gardner t/a Turn Key Builders and Michael Pyatt and Elizabeth Pearson, recorded September 13, 2004. Note that this document includes Schedule A, "Property Description", and Schedule B "30' Wide Access Easement".
14. Copy of Deed of Easement between Billie B. Gardner and Susan Philkill, recorded August 19, 2013.

Application Summary:

The Applicant proposes to construct a 2,710-SF one (1) story single family dwelling, including an asphalt and stone driveway, well, septic system, a concrete drywell system and stone infiltration trench along the proposed driveway.

The property is currently wooded and undeveloped at this time. It currently has no public road frontage which is necessitating the need for the Variance Application before the Board. Once constructed the proposed home will take access to Dennis Road via a 10-foot-wide stone driveway extension through a 30-foot-wide access easement over adjacent Lot 43 (28 Dennis Road).

The Application was previously deemed to be complete at the Board's December 13, 2021 meeting, conditioned upon the Applicant obtaining outside agency approvals, including a Hunterdon County Health Department Permit Referral form prior to the signing of plans, or the issuance of a zoning permit for the property.

We offer the following comments pertaining to the proposed plans:

A. Technical Comments

1.0 Planning/ Zoning

1.01 We defer to Board Attorney John Gallina, Esq. and Board Planner Darlene Green, P.P., AICP, as to planning and zoning issues, any specific relief that is required from the Township's Zoning Ordinance, and the proofs that must be put forth to justify the relief that is requested.

2.0 Lot Development Plan Comments

2.01 The Applicant proposes to construct a 10-foot-wide driveway within the 30-foot-wide access easement, beginning at the limit of the driveway for 28 Dennis Road. The new driveway will extend for approximately 700-LF to the site of the single-family home proposed to be constructed on the property. A portion of the driveway will include a 3-foot wide, 2.5-foot-deep infiltration trench to address stormwater runoff from the proposed driveway, and will include a 12-foot-wide, by 50-foot-long emergency pull off space along the drive.

We also note that the completeness review letter prepared by the prior Zoning Board of Adjustment Engineer indicated that the Township Fire Chief had reviewed the driveway design and was satisfied with the pull-off area provided on the plans.

The design of the driveway is in conformance with Township Ordinance Chapter 72 – Driveways. However, the following revisions are necessary to the construction details for the proposed driveway:

- a. The Emergency Pull-Off Area Detail on Sheet 3 must be revised to indicate that the pull off area is to be 50-feet long, and not 36-feet long as currently shown.
- b. The Driveway Infiltration Trench Detail on Sheet 3 must be revised to specify that the stone infiltration bed is to be enclosed in a non-woven geotextile fabric, similar to that being provided for the roof leader drywell system.

2.02 Because the project involves an increase in impervious surface of greater than 2,000-SF, the project is considered a "Minor" Stormwater Development and is subject to the provisions in the Township Stormwater Management Ordinance Chapter 100-185.1.

The total area of the site to be captured and treated by the infiltration features is 9,725-square feet (0.223± acres). The stormwater proposal for the site is to capture, and permanently detain up to 3-inches of runoff from the roof area and stone driveway area on site within a stone trench and drywell system. Roof leaders are directly connected to the drywell, and the stone trench is being constructed under the proposed driveway.

We have the following comments which must be addressed before we can recommend to the Board that the design meets the Township Stormwater Management Ordinance.

- a. In accordance with the provisions of Ordinance Section 100-185.1, stormwater management measures for Minor Development must meet the runoff quantity and rate reduction standards contained in Section 100-185. R. The current calculations and design do not confirm that the volume and rate of runoff will be sufficiently attenuated following development as outlined in the above ordinance section. Additional stormwater calculations will be required in order to demonstrate that the post-development runoff rates meet the ordinance standard referenced above.
- b. If the drywell system is still implemented on-site, the elevations on the plans and details must be reviewed and revised. The plan indicates that the top of stone elevation should be 712.88, while the detail indicates that the top of the stone bed would be 709.50. The design must be reviewed and revised.
- c. Soil testing data must be provided in support of the proposed stormwater management design. The proposed features are intended to be constructed to depths of 2- to 7-feet below grade. Based upon a review of available soils mapping it appears that restrictive soil layers on site may exist between 3 to 6.5-feet below grade. The plans may need to be revised if a hydraulically restrictive layer is encountered within the locations of either infiltration facility.
- d. Details must be provided for the roof leader collection system, including trenching, backfill and cleanouts.
- e. An overflow pipe for the proposed drywell should be provided downslope in the event the system is inundated with multiple storm events or becomes clogged in the future.

2.03 As the applicant is proposing underground infiltration features to capture stormwater from the roof, as well as the adjacent gravel driveway areas, an inspection of the features shall be performed by this office when the drywell and trench are rough graded and prior to the placement of the stone material and setting of the drywell structure. Notes to this effect must be added to General Notes on Sheet 1.

2.04 An As-Built Grading, Drainage and Utility plan will be required prior to the issuance of a Certificate of Occupancy by the Township. The final As-Built plan shall be prepared by a licensed surveyor and identify the actual limits of disturbance, as well as the locations, and elevations of all stormwater management facilities (i.e., drywell rim, inverts, sizes and slopes) and the completed site improvements (grading limits, building corners, septic system component locations, well, etc.). A note outlining the As-Built Plan requirements must be added to the Lot Development and Variance plan.

2.05 Please note that the plans have been designed with 0.992 acres of disturbance and 0.249 acres of impervious coverage. Should the as-built conditions exceed these amounts, the plans will need to be re-designed to meet the Township's "Major Development" stormwater management regulations and a certificate of occupancy will not be issued.

3.0 Approvals/ Fees/ Guarantees

We recommend that the Board condition any approvals granted for this application on the following:

- a. The payment of real estate taxes.
- b. The payment of any outstanding fees and assessments, if any.
- c. The procurement of approvals or waivers thereof from outside review agencies with jurisdiction including from the Hunterdon County Health Department, the Hunterdon County Soil Conservation District and the NJ Highlands Council (Exemption #2).
- d. The applicant revising its plans to address comments by the Board and its professionals (Note: specific revisions to be listed in the resolution).
- e. The posting of Performance Guarantees and Fees in accordance with the Township Fee Schedule for the proposed Driveway Construction and a Minor Stormwater Development to facilitate the inspection of the improvements as they are constructed and completed and the review of the As-Built plan.
- f. No construction is permitted until taxes and fees are paid, all outside agency approvals or waivers thereof are obtained, the Lot Development and Variance Plan is revised in a manner satisfactory to the Board Engineer and Board Planner and performance guarantees and inspection fees are posted.
- g. Any other conditions through the legal review of Board Attorney John Gallina, Esq.

Conclusion

If any Board members have questions or comments on this report, please do not hesitate to contact us.

Adam Wisniewski will be at the meeting on February 14, 2022 to answer any questions the Board may have on the application and this report.

Sincerely,
Colliers Engineering & Design, Inc.
(DBA Maser Consulting)



Board Engineer



cc: Maria Elena Kozak, Board Secretary (via email planningboard@hollandtownship.org)
Darlene A. Green, PP, AICP, Board Engineer (via email darlene.green@colliersengineering.com)
John Gallina, Esq. Board Attorney (via email jpgesq@embarqmail.com)
Wayne Ingram, PE, Applicant's Engineer (via email wingram@elp-inc.com)

Kelley O'Such explained that the majority of the driveway will be gravel with end being paved. There is a major technical issue with the applications' conformance to stormwater. If the disturbance is more than 2000 sq ft the applicant needs to address the stormwater. Kelley O'Such agrees with Engineer Wisniewski that this is a condition which the applicant and engineer can address to ensure that the project is in compliance. The letter sites the ordinances and a minor development is the trigger for this. Christopher Nusser thinks they can address this and Engineer Wisniewski agrees they can do this. Currently there is an infiltration with stone bed and there needs to be changes to what has been proposed. Volume requirements need to be addressed. Scott Wilhelm asked if the applicant will comply with all comments of the Engineer's letter and received an affirmative response. Ken Grisewood asked how many sq feet will be new impervious with responses being 10850 sq ft with 8000 being the driveway. Ken Grisewood stated at 1/4 acre that puts the project 444 sq ft under and further stated that this is technical in the disturbance. More technical conversations took place which included a discussion about the applicant's contractor potentially disturbing more than the standard. Dan Bush asked if the applicant can stay within what is proposed and the applicant responded affirmatively. More discussions of the length of a pull-off for new emergency access being 50 feet, a driveway of 10', more square footage conversation and requirements, the driveway being the driving force occurring in the easement, and disturbance on lot is substantial. A reminder is that a septic system is under the county purview. There is no practical way to reduce the disturbance. Christopher Nusser thanked everyone for their comments but the applicant will comply with the standard and reminded everyone that they are limited in the access to the driveway. Documentation will be needed after the fact to show they meet the standard, which is best standard

to offer the board. Engineer Wisniewski mentioned that the ordinance applies major development standard so this lot is being treated to a larger standard regarding rate and runoff which will need to be revised on the plans. Ken Grisewood asked if the infiltration trench will run the whole length of stone driveway with the response yes and that the driveway will have clean crush stone 2" at a 4% flow. Discussions took place about a gravel driveway washing out and that the homeowner will deal with erosion and the washed-out problem. Christopher Nusser discussed the cross slope to the driveway to address concerns and help with infiltration and washout. Dan Bush asked what does it look like on neighbor's land? It was explained that this does not look like a ditch as it is into the driveway profile itself. More discussions took place about over excavating the driveway and quick water flow. There is not negative impact and the applicant will try to keep water from running off. The idea is to collect on the driveway and infiltrate the ground.

Kelley O'Such stated that he had a meeting with the neighbor and addressed their concerns. He agreed to work with the neighbor and will explore the possibility of building another ditch to help stop the flow of water onto the neighbor's property.

Additional board questions included: what if you pave the driveway? The applicant responded that a gravel trench will not work under those conditions, so it would be in violation of the approval. The board asked if it should be over engineered now to take care of that. The applicant responded that the trench is the edge of the driveway. To the west of Dennis Road is the Planning Area of the Highlands and to the east is the Preservation Area of the Highlands so this property has to get DEP approval and not Highlands Council approval. The response is that a Highlands exemption letter will suffice. More discussion of the driveway detail, including if the drive is 10 ft wide and there is a 3' trench which is part of driveway then loose stone in the wheel base can disturb the driveway. The applicant responded that a Geotech fabric needs to be used to help with a heavier wheel base to spread out the load. Engineer Wisniewski responded that he has to keep on top of this. More discussion about emergency access and a fire truck being approximately 30 tons and having access on the trench. The applicant responded that it will be ok. Another question came up about the trench in area of pull off. The applicant responded that the pull off is on the high side so there is no impact to the trench as it is on other side.

A professional review is an advisory review and submitted for the board to accept some, none or all the recommendations in the report. Secretary 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.

Planner Review 2022 for public hearing:

February 1, 2022

Land Use Board

Township of Holland

61 Church Road

Milford, NJ 08848

Re: Kelley O'Such

0 Dennis Road
Block 1, Lot 3
Review Letter #1
Project No. HLZ-0012

Dear Board Members,

Kelley O'Such, the Applicant, seeks approval to construct a single-family dwelling on the subject property. Site improvements include a paved driveway, stone driveway, a drywell, and septic disposal system. The Application requires a "C" variance and relief from N.J.S.A. 40:55D-35 for a lot not abutting a street, which are detailed in Section B. The following documents, which were submitted in support of the Application, have been reviewed:

1. Plans entitled "Lot Development & Variance Plan", prepared by Wayne J. Ingram, PE of E&LP, dated November 20, 2021, consisting of 6 sheets.
2. Untitled Architecture Plans, unknown author, no date, consisting of 6 sheets.
3. Survey entitled "Boundary and Topographic Survey", prepared by Wayne Ingram, PLS of E&LP, dated October 12, 2021, consisting of 1 sheet.
4. Planning Board & Board of Adjustment Application Form, no date.
5. Board of Adjustment Checklist for Determining Completeness of Application, no date.
6. Planning Board & Board of Adjustment Application Form, Highlands Land Use, no date.

7. Checklist for Determining Completeness of Application Submitted Under Chapter 101 Highlands Land Use Ordinance, no date.
8. Copies of Chapter 101, Land Use, Highlands, Attachments 1, 3, 7, 8, 9, 10, 11, 12, 13, 15, 16. Note Attachments 7 through 13, 15, and 16 identify the subject property.
9. Highlands Council Advanced Property Report, dated November 11, 2021.
10. Copy of ALTA Commitment for Title Insurance, issued by Westcor Land Title Insurance Company, issued September 17, 2021. Note that this document includes a Schedule A and a Schedule B.
11. Copy of Deed between Adele McCullough Reese and Gerald and Susan Philkill, dated October 22, 1976.
12. Copy of Deed between Gerald and Susan Philkill, and Susan Philkill, dated August 24, 2000.
13. Copy of Deed between Billie B. Gardner t/a Turn Key Builders and Michael Pyatt and Elizabeth Pearson, recorded September 13, 2004. Note that this document includes Schedule A, "Property Description", and Schedule B "30' Wide Access Easement".
14. Copy of Deed of Easement between Billie B. Gardner and Susan Philkill, recorded August 19, 2013.

Existing Zoning and Surrounding Land Use

The property is in the R-5 Residential District northeast of Dennis Road and is in the Highlands Preservation Area. The property is surrounded by woodland to the north, east, and west. There are single-family dwellings to the south. See the image below for the general location of the site.ⁱ Note that the approximate location of the driveway to Dennis Road is shown in blue.



As per Section 100-46, the bulk requirements for the R-5 District are as follows:

- Minimum Lot Area – 5 acres
- Minimum Lot Width – 325 feet
- Minimum Lot Depth – 350 feet
- Maximum Building Height – 35 feet
- Maximum Stories – 2.5 stories
- Minimum Setback (from the street line) – 75 feet
- Minimum Rear Yard Setback – 75 feet
- Minimum Side Yard Setback – 75 feet

Variations

The Application requires the following variations:

1. N.J.S.A. 40:55D-35 – Relief for building lot not abutting a street. Section 35 of the MLUL only allows a permit for the erection of a building to be issued if the lot abuts a street giving access to such proposed building. Section 36 permits the board of adjustment to direct the issuance of a building permit for a lot not abutting a street if the enforcement of Section 35 would be practically difficult or result in an unnecessary hardship. This potential relief is subject to conditions that will provide adequate access for firefighting equipment, ambulances, and other emergency vehicles.

The Applicant proposes to construct a home on a lot that does not have street frontage. The subject property has a 30-foot-wide access easement with Lot 43 along the entire northwestern property line of Lot 43. There is an existing drive of unknown width and construction on Lot 43 within the stem portion of the property. The Applicant proposes a ten-foot-wide stone driveway to connect the home to the existing drive on Lot 43.

2. Section 100-111 – Variance for driftway frontage. The Ordinance permits lots for single-family homes without street frontage so long as the lot has at least 500 feet of frontage on a driftway.

The lot has 30 feet of frontage on the existing access easement, which will contain the driveway/driftway.

Variance Proofs

"C" Variations

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria are the C (1) or hardship reasons including exceptional narrowness, shallowness or shape of

a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involve the C (2) or flexible "C" variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

Waivers/Exceptions

This Application does not require any waivers/exceptions.

Comments

Based on our review of the above-referenced materials, we offer the following comments:

General

1. The Applicant's professionals must provide testimony to support the grant of the "C" variance and the relief from the MLUL. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. N.J.S.A. 40:55D-35 only allows a permit for the erection of a building to be issued if the lot abuts a street giving access to such proposed building. However, if the enforcement of Section 35 would "entail practical difficulty or unnecessary hardship", then Section 36 permits the Board of Adjustment to "direct the issuance of a permit subject to conditions that will provide adequate access for firefighting equipment, ambulances, and other emergency vehicles necessary for the protection of health and safety."

No information has been provided on the existing driveway's (on Lot 43) width, slope, construction, etc. Therefore, it is unclear if emergency vehicles can access the proposed home. Testimony shall be provided.

3. The Applicant has provided a Deed of Easement for a 30-foot Wide Access Easement from 2013 between the property owners of Lots 3 and 43. This Easement grants access through Lot 43 to the owner of Lot 3 for the purposes of ingress and egress to and from Lot 3. However, it is unclear what improvements are permitted within the access easement. Testimony shall be provided to clarify that the proposed stone drive, infiltration trench, and emergency pull-off area are permitted within the easement.

Site Plan

4. The Applicant has indicated a variance for lot frontage. However, Section 100-111 permits lots for single-family purposes without street frontage if they meet the conditions of the Section. Therefore, the Applicant needs a variance from 100-111, not 100-46.
5. The Zoning Requirements table on Sheet 1 indicates the required lot frontage in the R-5 District is 500 feet. However, footnote 1 of Attachment 6 states the required minimum lot frontage is equal to 80% of the required lot width. The R-5 District requires a lot width of 325 feet. Therefore, a minimum of 260 feet of frontage is required. The table shall be revised to correct this error.
6. The Zoning Requirements table indicates the proposed dwelling is two and one-half stories. However, the Architecture Plans illustrate a one-story dwelling. This discrepancy shall be eliminated.
7. The note under the Zoning Requirements table, the Variance note under General Notes, and both Applications state "Applicant seeks variance relief from NJSA 40:50D which prohibits the issuance of a permit to construct any structure on a lot which does not abut a street." However, this requirement is found under NJSA 40:55D-35. The Applicant shall revise the notes on the plan to reference the correct state statute.
8. The Site Plan illustrates what appears to be an exterior staircase adjacent to the southeast side of the dwelling. However, the Architecture Plans do not illustrate this staircase. Testimony shall be provided regarding this.

Should you have any questions concerning the above comments, please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Sincerely,

Colliers Engineering & Design



Darlene A. Green, PP, AICP
Board Planner

cc: Maria Elena Kozak, Board Secretary (via email planningboard@hollandtownship.org)
Paul Sterbenz, Board Engineer (via email paul.sterbenz@colliersengineering.com)
John Gallina, Board Attorney (via email jpgesq@embarqmail.com)
Wayne Ingram, Applicant's Engineer (via email wingram@elp-inc.com)

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Planner Green's letter was discussed. Page 4 - - item 5 the descriptions on bulk need to be updated with consideration of how big will the house be as the ordinance allows for 2.5 stories but the plans were 1 story plus a walkout basement. The applicant stated they will comply with the ordinances. In item 7 there is a discrepancy that needs to be corrected. Item 8 received clarification that the exterior stair case will be a walkout off the deck to basement. All were comfortable with the questions and answers.

Chairman Miller opened the public portion of the meeting with the public being on zoom. All were reminded that only questions related to testimony and questions of board at this time are permitted.

Keith Gardner – owns the easement of the right of way. He has concerns with water which pitches to the house and the driveway. The driveway layout with a trench comes to where driveway splits and he is interested in working with the applicant to divert water to other side. Concerns were discussed and the applicant stated that he would address the concerns. Water will flow so there is concern how to divert it to the other side. At the end of his right of way there is no storm drain and the road is pretty bad there. Keith Gardner believes the township needs to look at that. He has been there for 13 years and lots of people have looked at this lot. More questions came up about the trench to other side and how to slow flow rather than dump out towards his driveway which would flow to his house. He believes the trench will slow down but at the end it will go towards his house. Keith Gardner asked if the flow can be diverted under the driveway so the flow would be to the other side. Christopher Nusser stated that there is opportunity to collect at the end of the driveway fork. The water will collect and flow to discharge on other side towards Dennis. There will be washout but the applicant will need to work out taking care of the driveway. Keith Gardner stated that he is happy to see that there is not a lot of disruption.

Mr. Bondor was on the Zoom meeting and Chairman Miller asked if there were any comments of which Mr. Bondor responded by typing that there were no comments.

Christopher Nusser was asked if there was any further testimony and responded with a no.

Additional board comments:

Dan Bush stated that he likes rip rap better than crushed stone. Discussion took place as to where does water go when it meets Dennis Rd with a response that the water flows southeast then runs south, passing the Gardner's house toward Dennis Road. The applicant is trying to keep the flow similar to how it is now. Chairman Miller stated that the applicant mentioned a turnaround up near the house with the response that the driveway comes up and there will be a turn around to garage etc. The question was "if 30' fire truck has to go up there to the home then can the driver turn around so he does not have to back up 700' down the driveway to the road?" Kelley O'Such responded that he already had a meeting with the Fire Chief and that the chief said he was not concerned with turning around on site.

The public portion was opened again with no responses being made. The public portion was closed.

The applicant was asked if there were any closing remarks with Kelly O'Such responding with a thank you for the consideration.

Member Bowers mentioned that he walked the 700 feet of the proposed driveway after the first snow and saw a lot of bear tracks.

A motion was made by Bill Ethem and seconded by Joe Cinquemani to close the public hearing. All in Favor. Motion carried. The public hearing is closed

Board discussion....

Scott Wilhelm stated that if the fire chief and property owner of easement are ok with the application and the public is ok with the application then this is good and board action can take place. Dan Bush mentioned again that he likes larger stone. Mike Keady asked how did we get to this situation with lots being like this and Engineer Nusser responded that he has done a handful of these types of applications and most have been in Holland Township. They had previously appeared before the Board of Adjustment. Attorney Gallina mentioned that old lots off private roads was common in Holland Township, hence the private road and driftway ordinance. Chairman Miller mentioned that there are several land locked lots. Bill Ethem reminded everyone that every application is taken on its own merit!

With no other comments or discussion, Attorney Gallina identified some conditions that can be associated with a providing a motion to grant relief from 40:55 d36 building not front public, and bulk variance relief from Section 100-111 for not enough frontage on drift way with conditions: outside agency approval, zoning approval for construction, highlands exemption, compliance with letters dated 02/01/22 and 02/10/22 from the board Planner and Board Engineer as well as to provide revised plans

A motion was made by Bill Martin and seconded by Jerry Bowers to grant approval of this application as outlined by Attorney Gallina and to authorize Attorney Gallina to prepare a resolution to be memorialized by the Land Use Board. At a roll call vote, all present were in favor of the motion. Motion carried.

At 8:55 Mr O'Such rejoined the board

Sub-Committee Status and Updates:

Holland Township Highlands Council Subcommittee –update – Mike Keady did not have an update at this time.

Public Comment

There were no public comments offered at this time as there was no one present in the public.

Executive Session

There was no Executive Session scheduled at this time.

Housekeeping:

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 9:05 p.m.

Respectfully submitted,
Maria Elena Jennette Kozak
Maria Elena Jennette Kozak
Land Use Administrator
