

Holland Township Land Use Board

Minutes of the Regular Meeting

April 11, 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 April 11, 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.

Chairman: Please recite the Pledge of Allegiance

Chairman: **Identification of those at the podium**

Present: Jerry Bowers, Dan Bush, Joe Cinquemani, Bill Ethem, Ken Grisewood, Dave Grossmueller, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Kelley O’Such, Ryan Preston, John Gallina, Esq., Richard Roseberry, Engineer, Darlene Green, Planner, Donna Mackay for Lucille Grozinski, Court Reporter and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Scott Wilhelm

Let the record show there is a quorum.

Minutes

A motion was made by Mike Keady and seconded by Bill Martin to dispense with the reading of the minutes of February 14, 2022, March 14, 2022 and the executive minutes of March 14, 2022 and to approve them as submitted. All present were in favor of the motion with the exception of Dan Bush and Joe Cinquemani who abstained. Motion passed.

Old Business:

There was no old business scheduled at this time on the agenda.

New Business:

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

Completeness Review:

Block 24 Lot 13 – Huntington Knolls LLC – Major Subdivision Application and Final Major Subdivision Application – Received into the office on March 21, 2022 – The 45-day-completeness deadline is May 5, 2022. Board Action Needed.

For the record, Mike Keady, Ken Grisewood and Kelley O’Such have to recuse themselves from this application. Some conversations took place about the relationship of the members to the project and the overall recommendation of Attorney Gallina was that the members should still recuse. Land Use Administrator Kozak mentioned that Member Wilhelm also mentioned something that would cause him to recuse himself from this application. Although not present this evening, in the future if the application appears before the Land Use Board, then Member Wilhelm will also recuse himself.

Chairman Miller gave a brief history of the project which extends to 2004. Preliminary and Final Site Plan approval was given however Phase 4 was deferred. The original components of the Planned Commercial and Planned Senior application were changed and Phase 5, the commercial component was dropped as was the age restriction under the “SARLO” bill which reverted to market units. The bill specified that in return for removing the age restriction, the applicant agreed to build affordable units. There were a lot of factors driving the changes over the 18 years the application has been before the Township. Final Approval was given to Phase 2 and Phase 3 in 2019 with an extension granted to deal with conditions of approval. Item 15 outlines a discussion of a subdivision but not in facts nor was a decision made regarding a subdivision. Chairman Miller mentioned that a subdivision conversation has taken place over the years however it was never voted on because additional information was always required.

This is an official application regarding a subdivision and that is the ONLY application before the board. The prior approvals and conditions stand.

The applicant's professionals present include Attorney Apgar and Engineer Holt.

Attorney Apgar stated that he has not been before the Holland Board in many years. In discussions and reviews, it was identified that the application's extension had expired in February of 2022 and Attorney Apgar stated that the applicant will request another extension. He then explained that this application was for Preliminary and Final and that Engineer Holt will discuss the completeness review. It is his opinion that the board can extend for completeness and grant the applicant 60 days to deem complete.

Andrew Holt, Engineer with Suburban Engineering is present. He has appeared before the Planning Board before with this application. Engineer Roseberry stated that he is familiar with Suburban Engineering. He explained that the application is to create three lots for Phase 2, Phase 3 and Phase 4 of the Huntington Knolls project.

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

April 5, 2022

Land Use Board

Township of Holland

61 Church Road

Milford, NJ 08848

Completeness Review #1

Huntington Knolls Major Subdivision Application

423 Milford-Warren Glen Road

Township of Holland, Hunterdon County, New Jersey

Colliers Engineering & Design Project No. HLP-0028

Dear Board Members,

Pursuant to your request, we have reviewed the plans, applications and other documents filed by the applicant, Huntington Knolls, LLC in support of a Major Subdivision and Variance Plan Application to subdivide Block 24 Lot 13 into three (3) new building lots. The commercial lot (Lot 3) was previously subdivided with a minor subdivision plan approved at the same time of the site plan application.

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

Current Submission:

1. Plan entitled "Major Subdivision Plan", prepared by Joseph D. Phil NJPLS No 43363, dated July 19, 2018, revised to March 7, 2022, consisting of 1 sheet.
2. Plan entitled "Final Major Subdivision Plan", prepared by Joseph D. Phil NJPLS No 43363, dated March 18, 2022, consisting of 1 sheet.
3. Planning Board & Board of Adjustment Application Form, no date.
4. Planning Board Checklist for Determining Completeness of Preliminary Major Subdivision Application, no date.
5. Planning Board Checklist for Determining Completeness of Final Major Subdivision Application, no date.
6. Legal descriptions for new lots 13.02, 13.03, and 13.04
7. Copy of the transmittal and application to the Hunterdon County Planning Board dated March 21, 2022.

Application Summary:

The Applicant proposes to subdivide the property into three (3) individual lots. The intent of the subdivision is not listed on the application, but it appears that the purpose is to convey each lot to separate owners. Lot 13.02 will contain an existing single-family residence that was constructed in Phase 2 of the project; Lot 13.03 will contain the townhouses; and Lot 13.04 will contain the affordable housing multi-family buildings.

The site plan for this project has obtained preliminary site plan approval for all phases of the project, but only final site plan approval for phases 2 and 3. The applicant has not satisfied several conditions of the resolution, which has prevented him from starting construction.

We offer the following comments pertaining to the proposed application:

A. Preliminary Subdivision Completeness Comments

There are numerous items on the checklist that the applicant has listed as “Not Applicable as being previously submitted”. Most of these items are applicable for a preliminary subdivision, but can be granted a waiver is requested. These are Items B-10 through B-13; B-18, B-19; B-21, B-23, B-51, B-52, B-56, B-57, B-58, B-59 Item B-15 requiring approval of the Lot numbers from the tax assessor was not included in the application package and is required.

Item B-16 is listed as previously been submitted and not applicable. This information is applicable to this application, although a waiver can be granted if the deed restrictions with the appropriate open space restrictions have been recorded and approved by the Township Attorney. The Township Attorney has requested full copies of the recorded easements several times to confirm that the correct form of easement was signed and recorded, but has not yet received them.

Item B-20 requires Highlands Consistency determination or Exemption. The application lists this as not applicable. This item is applicable, and completeness cannot be granted by the Board until Highlands makes a decision on the application.

Item B-25 requires the plan scale to be no greater than 1” =100’. The checklist lists the plans as complying, but they have been drawn at 1”=120’. Our office would support this waiver is requested.

Item B-37 requires a certification of the outbounds survey with all easements. The application lists this as complying, but it is not on the plans.

Item B-39 The plan is missing approval signature lines for the Board Chairman, Board Secretary, and Board Engineer.

Item B-41 The plan is missing street names of all roads. For a preliminary plan, the applicant may request a waiver of this item.

Items B-42 and B-43 require the location of existing features on the site and within 200’ of the tract. The current plans do not provide this information, but it was previously submitted with the site plan. The applicant may request a waiver of this item.

B-48 The plan does not show the location of survey monumentation found or set.

B-53 requires the location of sewage disposal systems and wells. This should be shown for the existing well and septic on Lot 13.02 as there are regulations regarding minimum setback distances from property lines for these items.

B-54 requires topography. The applicant states the plan complies, but it does not. The applicant may request a waiver of this item.

B-61 requires a landscaping plan. The applicant states the plan complies, but it does not. The applicant may request a waiver of this item.

Based on the above, we recommend the applicant revise the application to request waivers of Items B-10 through B-13; B-18, B-19; B-21, B-23, B-25, B-41 through B-43, B-48, B-51, B-52, B-54 through B-59, and B-61

We recommend the applicant provide documents to comply with Items B-15, B-16, B-20, B-37, B-39, and B-53. We also recommend the application to be deemed **Incomplete** until the items are provided.

B. Final Subdivision Completeness Comments

There are numerous items on the checklist that the applicant has listed as “Not Applicable as being previously submitted”. These items are applicable for a final subdivision, but would support a waiver request for them.

These are Items C-12; C-15, and C-47

Items C-9 and C-10 are pertaining the cost estimate, bonding requirements, and Developers Agreement.

Currently, the applicant has not posted the bonds for the development. As it appears the intent of the subdivision is to convey ownership of the multi-family portion and townhouse portion to separate owners, then a revised developers agreement will be required to insure that the affordable units are constructed in a timely manner and in accordance with all applicable regulations. If each owner will be responsible for posting their own bonds, then new cost estimates will be required.

Item C-15 regarding Homeowners Association documents is listed as not applicable. This information is applicable to this application, although a waiver can be granted for completeness purposes only. The former application was presented without an association as the entire property was to be owned by a single entity. The subdivision will require an association to maintain the common areas, roadways, and stormwater management facilities. This information can be waived for completeness and made a condition of any approvals.

Item C-16 requires metes and bounds for all easements and road right of ways. The application lists this as submitted, but only the metes and bounds for the new lots have been submitted. As the plan is to be recorded, a waiver of this item can be granted, if requested.

Item C-17 requires an affidavit stating that the final plan is the same as the preliminary plan. Based on the zoning tables, the 2 plans are different. The plans should be revised to be consistent.

Item C-19 is listed as previously been submitted and not applicable. This information is applicable to this application, although a waiver can be granted if the deed restrictions with the appropriate open space restrictions have been recorded and approved by the Township Attorney. The Township Attorney has requested full copies of the recorded easements several times to confirm that the correct form of easement was signed and recorded, but has not yet received them.

Item C-20 requires Highlands Consistency determination or Exemption. The application lists this as not applicable. This item is applicable, and completeness cannot be granted by the Board until Highlands makes a decision on the application.

Item C-25 requiring the owners name, address, and telephone number is missing from the plans.

Item C-26 requiring the applicants name, address, and telephone number is missing from the plans.
Item C-28 requiring a zoning chart has been submitted, but we note that the lot areas and some of the bulk requirements differ than the preliminary subdivision plan. The preliminary and final subdivision plans should be consistent.

Item C-31 requires the list of all property owners within 200' listed on the plans. The application states they comply, but the names are not on the plans. We would support a waiver request of this item if requested, as the names are normally not included on the plan to be recorded.

Item C-32 requires a key map showing information within 1000' of the site. A key map has been included, but it is very dark and illegible.

Item C-35 requires all certifications on the plan per the Map Filing Law. The surveyor's information for the outbounds survey shall be included.

Item C-38 requires the street names to be included. We would support a waiver of this item if requested until the Township Committee approves the street names.

Items C-40 require the location of existing features on the site and within 100' of the tract. The current plans do not provide this information, but it was previously submitted with the site plan. The applicant may request a waiver of this item.

C-42 Dimensional ties from the existing building to the property lines shall be provided.

C-44 requires the lot widths to be shown. The widths are shown on the preliminary plan but not the final plan.

Based on the above, we recommend the applicant revise the application to request waivers of Items C-12; C-15, C-16; C-31, C-38, C-40, and C-47.

We recommend the applicant provide documents to comply with Items C-9, C-10, C-17, C-19, C-20, C-25; C-26; C-28, C-32, C-35 and C-44. We also recommend the application to be deemed **Incomplete** until the items are provided.

Adam Wisniewski will be at the meeting on April 11, 2022 to answer any questions the Board may have on the application and this report.

Sincerely,
Colliers Engineering & Design, Inc.



C. Richard Roseberry, P.E., PP, AICP
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 jogesq@embarqmail.com)

Andrew Holt, PE, Applicant's Engineer (via email aholt@suburbanconsulting.com)

Engineer Holt began to review the completeness review letter prepared by Engineer Roseberry as outlined above.

Item B15 – lot numbers need to be resubmitted under the advisement of Assessor Trivigno

This went into a conversation in which Engineer Holt stated he could provide the board with a resubmission addressing the missing items. Engineer Holt asked if he could resubmit for consideration for the next scheduled meeting and if the board could deem the application complete and then have a public hearing at the same meeting. Attorney Gallina stated that he has seen it possible but was declarative that it would be a chance Engineer Holt would have to determine worth taking. The board needs to review the waivers and checklists submitted for the meeting tonight with action being required. The Highlands Council also needs to be considered and Engineer Roseberry will also discuss with the Highlands.

B16 – a lot of details from prior resolutions. Engineer Holt is not aware of the status nor if it has been recorded. Engineer Roseberry stated that the Township Attorney requested additional information as it relates to the properties in question. There may be changes later however, the board needs to know now. The applicant agrees to do this for Engineer Roseberry to review but also stated that additional work thereafter can take place.

B20 – Highland's weigh in. It was stated that Holland can grant the exemption but there were questions on who performs the exemption granting. The Highlands Council will be contacted for discussion.

Engineer Holt stated that he would follow up with items B37, B39, B53, B41 and with the remaining items in question that he would satisfy them or provide waiver requests. A letter would be submitted addressing each concern.

In regards to the Checklists C

C9 and C10 – there will be different uses on each phase. Huntington Knolls is the developer for the three tracts. Engineer Roseberry said he was ok with this for completeness but that discussion needs to take place at the Public Hearing. There are concerns that need to be addressed.

C17 – Engineer Roseberry stated that 2 plans were submitted with one being dated 3/7/22 and one dated 3/17/22. They are different. It triggers many variances. Many deeds can be involved and that prompts confusion. Discussion about this subdivision creating land locked parcel that is the affordable housing component. Engineer Holt stated he would address the concerns.

C19 – like the preliminary outlined above, it would be furnished for review.

C20 – highlands waiver similar to above conversation.

Other corrections to be made which includes signature names items C34, C35, C42, C44 to be corrected/added. Engineer Holt stated additional details would be submitted for action to take place. A Variance checklist will also be supplied.

Chairman Miller believes his notes captured a lot of discussion and the discussions were plentiful with waivers being required to be outlined. No one from the board had comments. Engineer Roseberry added another comment regarding Phase 2 which is the single-family home and stated that the applicant has NOT completed the stormwater work that has been required. Inspection Fees have been requested and someone is living in the single-family home. The Stormwater Facility needs to be done now. Bonding needs to take place. More discussions took place about a subdivision and a developer's agreement to one entity with recreation access to be maintained down the hill from the property. How does this all work with market units on one property and affordable units on another? The affordable is governed by the UHAC regulations so the township does not have much control; however, a new developer's agreement will be needed. Engineer Roseberry stated that the concerns are outside completeness and need to be discussed. There is a timeline with building and making sure everyone involved including DCA follows the requirements.

Chairman Miller asked Attorney Gallina to clarify what is needed for tonight. Attorney Gallina reminded the board that the application was submitted, the board has 45-days to respond and that action is required. The board can deem incomplete and the applicant can resubmit what is missing for consideration at the next scheduled meeting. As for the extension notice, Attorney Gallina stated that a letter needs to be submitted to the Township for consideration at the next scheduled meeting. After some additional discussion, Attorney Apgar stated that he understood that a letter requesting an extension for Phase 2 and Phase 3 is required, that the application tonight can be deemed incomplete, that the applicant can resubmit for review at the next scheduled meeting and that if deemed complete that the public hearing would take place at the meeting after the next scheduled meeting (about 2 months from now).

A motioned was made by Bill Martin and seconded by Jerry Bowers to deem the application submitted incomplete as discussed and outlined in the letter prepared by Engineer Roseberry dated April 5, 2022. At a roll call vote, all present were in favor of the motion. Motion carried. The application is deemed incomplete.

There were no further comments.

Resolution

Public Hearings

There were no public hearings scheduled at this time on the agenda.

Sub-Committee Status and Updates:

Holland Township Highlands Council Subcommittee –update – Mike Keady stated that we are still hoping for money to be available from already approved line items. More information to follow.

Home Occupation Subcommittee – Ken Grisewood, Jerry Bowers and Bill Martin - they continue to work on this project. Once they have a better understanding of ideas then a meeting with Planner Green will be scheduled. Evaluations for a new ordinance is being considered.

Public Comment

Allison Gall – 409 Milford Mt Pleasant – resident Gall is the homeowner who experienced a house fire in June of 2021. A complaint was filed against the property for property maintenance and Allison Gall received a letter. While addressing those concerns, another complaint was received and another letter was sent to Allison Gall regarding the camper on the property. Allison Gall stated that this is a Class “C” vehicle on the property and that there is a hardship with the property that necessitates the camper being on the property. When the property owner was not on the property theft was experienced. Allison Gall mentioned that the experience

since the house fire has been very difficult and she suffers from the experience. She has been a resident for over 30 years. Attorney Gallina asked if the property owner is living in the trailer with the response that they are in and out of the trailer. Attorney Gallina explained that there is not an application before the board however, the property owner can file an appeal of the decision within 20 days of the date of the letter or file a variance application. More discussions took place regarding options available for the property owner. Ordinance 100-15 – temporary trailer was put into the record with additional discussion about what can the property owner do with Attorney Gallina explaining that the property owner can request board action by appealing the decision within 20 days of the date of the letter or filing a variance application. More discussion about the trailer took place with Attorney Gallina asking the property owner if she can stay in the trailer, if it has bathroom facilities, etc. Allison Gall stated that she has other places to stay, in her opinion this is ridiculous, one person complaining is affecting her life, and she is upset with the whole situation. Dan Bush asked about the potential to waive fees and Attorney Gallina discussed N.J.S.A. 40:55D-8 Municipal Fees; Exemptions and in reading the law, Ms. Gall does not qualify. Allison Gall was asked to discuss the situation with Land Use Administrator Kozak outside the meeting as the Land Use Board does not have jurisdiction at this time. Allison Gall stated she has contacted other agencies and all say that this is a local matter and she wanted it on the record that “this is way too much to deal with and she did not expect this reaction”. Allison Gall left the meeting.

Anthony DeMaio – 424 Milford Mt Pleasant – Anthony DeMaio explained that the resident who left the room is living in the Class “C” and has been for approximately 3 weeks. He explained that he has sympathy for the situation but is questioning when the site will be rebuilt and that there are concerns with someone living in a Class “C”/trailer.

Kim Leggy – 419 Milford Mt. Pleasant – Kim Leggy also stated that she has seen the person who left the room living on the property for over 3 weeks as she passes the property on her way to and from work. She stated that the cars also move infrequently. She also asked if anyone knew where the hose coming out of the Class “C”/camper/trailer is going or what the hose is used for.

The Chairman thanked the audience and with no one else asking to speak the meeting resumed.

Executive Session

A motion was made by Jerry Bowers and seconded by Dan Bush to go into executive session to discuss ongoing litigation. Motion carried.

A motion was made to return to the scheduled meeting by Dan Bush and seconded by Jerry Bowers. All present were in favor of the motion. Motion carried.

Housekeeping:

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 8:00 p.m.

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