

Holland Township Land Use Board

Minutes of the Regular Meeting

July 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 July 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, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Kelley O’Such, Ryan Preston, Scott Wilhelm, John Gallina, Esq., Adam Wisniewski, Engineer, Darlene Green, Planner, Donna Mackey for Lucille Grozinski, Court Reporter and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Dave Grossmueller

Let the record show there is a quorum.

Minutes

The motion to dispense with the reading of the minutes of June 13, 2022 and the executive minutes of June 13, 2022 was tabled.

Old Business:

There was no old business scheduled for this meeting.

New Business:

There was no new business scheduled for this meeting.

Completeness Review:

Block 26 Lot 27 – 105 Riegelsville Rd – Davina Lapczynski – Received into our office June 22, 2022 – The 45-day completeness deadline is July 11, 2022. Board Action Needed for Completeness.

Applicant Davina Lapczynski is present. Court Reporter Mackey swore her in. Davina Lapczynski explained that she is looking for a variance to build a garage which will connect to her home. It will be a 2-car garage at street elevation and the property is in the AE flood zone. The location of the garage would be where the existing driveway is and where the opening is between the guard rails in the road. The size will be 24’ x 30’ and will have a connection to the house. The proposed garage does not have required setback from the street and falls short of setback on rear as well, hence the variance. The location of the front will be about 19.7’ to the road and if you include the road then she is 51.2’ for frontage.

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

July 7, 2022

Land Use Board

Township of Holland

61 Church Road

Milford, NJ 08848

Variance Application
Davina Lapczynski
Lot 27, Block 26 – 105 Riegelsville Road
Colliers Engineering & Design Project No. HLP-0036

Dear Board Members:

Pursuant to your request, we have reviewed for completeness plans, applications and other documents filed by the Applicant Davina Lapczynski in support of a Variance Application for Lot 27 in Block 26 situated at 105 Riegelsville Road including:

1. Completed Planning Board & Board of Adjustment Application Form, undated.
2. Completed Board of Adjustment Checklist for Determining Completeness of Application, undated.
3. Completed Township of Holland Planning Board & Board of Adjustment Highlands Land Use Application, undated.
4. Email from Maryjude Haddock-Weiler stating the subject property is exempt from the Highlands Act and Highlands Regional Master Plan, dated June 16, 2022.
5. Completed Checklist for Determining Completeness of Application for the Highlands Land Use Ordinance, undated.
6. Completed W-9 Form, undated
7. Completed Replenishment of Escrow Accounts Agreement, dated June 16, 2022
8. Completed Certification of Ownership, dated June 16, 2022.
9. Completed Site Walk Authorization Form, undated.
10. Municipal Tax Certification, dated June 16, 2022.
11. Completed Request for 200-foot property listing, dated June 22, 2022.
12. Certified List of Property Owners dated June 22, 2022.
13. Completed Fee Calculation Form, undated.
14. Completed NJDEP Permit/Authorization Flood Hazard Area Applicability Determination Form, undated.
15. Architectural plans and for the proposed garage structure, consisting of two (2) sheets, dated April 15, 2022.
16. Architectural plan and for the proposed garage structure, consisting of one (1) sheet, dated June 20, 2022.
17. Completed Elevation Certificate, dated August 31, 2015.
18. Photos of the Subject Property.
19. Plan entitled "Location Survey for Davina Lapczynski situated in Holland Township, Hunterdon County, New Jersey", consisting of one (1) sheet, as prepared by Ryan G. Warford, PLS, dated June 2021, last revised June 22, 2022.

Application Summary

The property in question is situated on the south side of Riegelsville Road (County Route 627) two and a half miles east of its intersection with Church Road. Lot 27 contains 2.709-Acres. The parcel is situated in the Township's R-5 (Residential 5-Acre) District where detached single-family residential homes and agricultural uses are permitted with minimum lot areas of 5-Acres or greater.

Lot 27 is currently developed with one (1) two-story single family residential dwelling, one (1) one story dwelling, driveway, two (2) storage buildings, above-ground swimming pool, septic tank and well. The residence currently takes access to Riegelsville Road by way of a gravel driveway.

The proposal for the property is to demolish the storage structure to the east of the two-story single-family dwelling and construct a one and a half story 720-SF (footprint), 30' x 24' garage with 2 overhead doors.

Per Land Use Ordinance Section 100-109.C.(2) concerning Undersized Lots, the minimum required setback from the street is 75-feet. The proposed garage structure is only 26-feet from the street right-of-way line, which necessitates the need for an application for variance relief.

We have the following comments on administrative issues:

A. Completeness

1. Based upon a review of the submission package, the following deficiencies are noted:
 - a. Checklist Items H-13 – A copy of the existing property deed was not provided in the submission package.

Unless waived by the Board, the Applicant must address the above deficiency in order for the application to be deemed complete.

2. The Applicant has indicated that the following items are not applicable:
 - a. Checklist Item H-4 – Submission of a Financial Disclosure Statement for a corporation or partnership.
 - b. Checklist Item H-5 – Submission of Hunterdon County Health Department Construction Permit Referral From.
 - c. Checklist Item H-6 – Denial letter from the Zoning Officer.
 - d. Checklist Item H-7 – Copy of a letter from the Fire Company (if lot does not front on public street).
 - e. Checklist Item H-9 – Consent of Owner (if applicant is not owner).
 - f. Checklist Item H-25 – Floor plans of existing (if applicable) and proposed building.
 - g. Checklist Item H-27 – Applications for Development in the Preservation Area and Developments in the Planning Area.

Testimony must be provided in support of the above non-applicability determinations. The Applicant has provided a number of items above, including Item H-9 - Consent of Owner Form, Item H-25 - Floor plans of the proposed building, as well as correspondence indicating that a waiver from the NJ Highlands Council has been granted, addressing Item H-27.

Conclusion

Based on the deficiencies outlined in Sections A.1. of this report, we recommend that the application be deemed incomplete by the Board at this time.

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

Adam Wisniewski will be at the July 11, 2022 Board meeting to review this report with you.

Sincerely,

Colliers Engineering & Design, Inc.

(DBA Maser Consulting)



Paul W. Sterbenz, PE,
Planning Board Engineer



Adam T. Wisniewski, PE
Project Manager

: Maria Elena Kozak, Board Secretary (via email planningboard@hollandtownship.org)

Darlene A. Green, PP, AICP, Board Planner (via email darlene.green@colliersengineering.com)

John Gallina, Esq. Board Attorney (via email jogesq@embarqmail.com)

Davina Lapczynski, Applicant (via email lteccorp@aol.com)

R:\Projects\E-HHLP\HLP0036\Reports\220707_atw_complete1.docx

Chairman Miller asked Davina Lapczynski if she reviewed the letter prepared by Colliers with the response being yes. Additional information has been provided with a conversation about the deed. Attorney Gallina mentioned that it was not the normal recording style in New Jersey but what has been provided is the deed of record and bears the County stamp. Chairman Miller mentioned that there will be need to be testimony at the public hearing discussing the garage. The Highlands Council letter was provided. The concern is runoff. A motion was made by Scott Wilhelm and seconded by Ken Grisewood to deem this application complete and to schedule the public hearing for August 8, 2022. At a roll call vote, all present were in favor of the motion. Motion carried. A question came up about notice and the 200' list with it being recommended that Davina Lapczynski submits a draft notice to LUA Kozak to review with Attorney Gallina. Everyone was thanked for their help.

Block 3 Lot 66 – 195 Mylar Road - Kaszas – Minor Site Plan Application - Received into our office May 23, 2022 – The 45-day completeness deadline is July 7, 2022 – Deemed incomplete June 13, 2022. Additional information received. Board Action Needed for Completeness. If complete, then this application will go into a Public Hearing.

Although no one was officially present for this application, Attorney Gruenberg, present for the next application said that he was speaking with Engineer Hill today and would report back to him regarding the outcome of this review.

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

From: Adam Wisniewski <adam.wisniewski@colliersengineering.com>

Sent: Tuesday, June 28, 2022 4:01 PM

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

Cc: Darlene Green <darlene.green@colliersengineering.com>; JOHN GALLINA <jogesq@embarqmail.com>; Paul Sterbenz <paul.sterbenz@colliersengineering.com>; Diane Kohaut-Cecere <diane.kohautcecere@colliersengineering.com>

Subject: Completeness Status - Kaszas Application - Block 3, Lot 66 - 195 Myler Rd. (HLP-0034)

Hello Maria Elena,

This is an updated completeness status on this application. Please distribute this to the Board members.

The following items were submitted since the prior Board Meeting including:

1. A Survey and Legal Description of the subject property 195 Myler Road (Lot 66, Block 3), prepared by Ronald L. Haffling, PLS, dated February 14, 2006.
2. A Deed of Agreement dated 2/11/98 regarding Goff Road, indicating the parties with the right of access and shared maintenance responsibilities over "Goff Lane". We note however, the owners of Lot 66 (Applicants) were excluded from the agreement and did not sign. An amended agreement would be necessary before the Board could consider the application complete and approve the proposed driveway construction.
3. Email correspondence from Judy Thornton of the NJ Highlands Council indicating that the application is exempt from the Highlands Act under Exemption #5 – Improvement to a Single Family Dwelling, which includes driveways.
4. A Highlands Council Exemption Determination for the neighboring property (Lot 28, Block 3 - 21 Goff Lane).

There were a number of deficiencies which resulted in the application being deemed incomplete on June 13th , which are still outstanding.

The outstanding deficiencies include the following:

- The lack of an Agreement indicating that the applicant's can legally take access to Goff Road.
 - o An agreement recorded 2/11/98 has been provided however the Applicant is not a party to the agreement.
- The lack of documentation related to outside agency submissions:
 - o Confirmation that the Application has been submitted to the Hunterdon County Health Department.
 - o Confirmation that the application has been submitted to the Hunterdon County Soil Conservation District.
 - o Submission of an NJDEP Freshwater Wetlands Letter of Interpretation (LOI).
 - o Confirmation that the Application has been submitted to the Hunterdon County Planning Board.
 - o Submission of an application, or other correspondence from JCP&L indicating permission to construct the proposed driveway across the easement
- Various plan preparation requirements, as listed in the Township Checklist, and our letter dated June 10, 2022.

I don't believe that the Board would be able to deem the application complete and be able to proceed to a hearing at this time.

Please let me know if you have any questions on the above.

Thanks,
Adam

Adam T. Wisniewski, PE, CME, CFM

Project Manager - Associate | Governmental Services
Hampton, New Jersey

adam.wisniewski@colliersengineering.com

Main: 877 627 3772 | Direct: 908 200 2798 | Mobile: 570 236 8755

colliersengineering.com

DISCLAIMER This e-mail is confidential. It may also be legally privileged. If you are not the addressee you may not copy, forward, disclose or use any part of this email text or attachments. If you have received this message in error, please delete it and all copies from your system and notify the sender immediately by return e-mail. Internet communications cannot be guaranteed to be timely, secure, error or virus free. The sender does not accept liability for any errors or omissions. Any drawings, sketches, images, or data are to be understood as copyright protected.

Discussion took place regarding this application and resubmittal and conversations with professionals regarding this application. Engineer Wisniewski did review additional information provided. The property owner was not part of a maintenance agreement that has been provided. It appears that they have deeded access based on review and discussions with Attorney Gallina. The maintenance agreement is not the concern of the board as they have deeded access. Outside agency approvals are being sought and Engineer Hill in correspondence said they have submitted to the HCBOH, Soils, NJDEP for wetlands interpretation, HCPB and JCP&L and they are waiting for responses. Engineer Wisniewski believes the board can deem complete, A motion was made by Dan Bush and seconded by Bill Martin to deem the application complete. At a roll call vote, all present voted in favor of the motion with the exception of Scott Wilhelm who put on record that there were too many unanswered issues and no one was present to discuss them. Motion carried.

Block 24 Lot 5 – 225 Spiring Garden Road - Mark Tilley & Suzanne Lieb - Minor Site Plan – Received into the office on April 21, 2022 – The 45-day completeness deadline is June 5, 2022 – Deemed incomplete May 9 2022. Additional information received. Board Action Needed for Completeness. If complete, then this application will go into a Public Hearing.

Attorney Gruenberg is present on behalf of Mark Tilley and Susanne Lieb

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

July 8, 2022

Land Use Board

Township of Holland

61 Church Road

Milford, NJ 08848

Completeness Report #2 and Technical Report #1
Minor Site Plan Application
Mark Tilley & Suzanne Lieb
Lot 4, Block 25 – 225 Spring Garden Road
Colliers Engineering & Design Project No. HLP-0033

Dear Board Members:

Pursuant to your request, we have reviewed for completeness and technical standpoints, plans, applications and other documents filed by Applicants Mark Tilley and Suzanne Lieb in support of a Minor Site Plan Application for Lot 4 in Block 25 situated at 225 Spring Garden Road including:

Original Submission

20. Completed Planning Board & Board of Adjustment Application Form, dated April 15, 2022.
21. Owner's Certification dated April 18, 2022.
22. Narrative Statement for the Application for Minor Site Plan approval, undated.
23. Completed Checklist for Determining Completeness of Application for Minor Site Plan, including a list of Waiver Requests, prepared by Eric Rupnarain, PE, dated March 23, 2022.
24. Consent of Owner to the filing of the application, dated April 18, 2022.
25. Site Walk Authorization for the subject parcel, dated April 18, 2022.
26. Completed Replenishment of Escrow Accounts Agreement, dated April 15, 2022.
27. April 21, 2022 Property Tax Record for the subject parcel indicating that the taxes for the property are current through the 1st Quarter of 2022.
28. April 21, 2022 Submission to the Hunterdon County Health Department for the subject property.
29. April 21, 2022 Submission to the Hunterdon County Planning Board for the subject property.
30. Plan entitled "Site Plan prepared for Block 24, Lot 5, Sheet #24, Holland Township, Hunterdon County, New Jersey" consisting of six (6) sheets, as prepared by Eric Rupnarain, dated March 18, 2022, unrevised (**Note: Superseded by Item 12 below**).

Current Submission

31. Plan entitled "Site Plan prepared for Block 24, Lot 5, Sheet #24, Holland Township, Hunterdon County, New Jersey" consisting of seven (7) sheets as prepared by Eric Rupnarain, dated March 18, 2022, last revised May 24, 2022.
32. Architectural Plan entitled "Proposed 'Liquid Shapes' Brewery 225 Spring Garden Road Milford, NJ", consisting of one (1) sheet, as prepared by Ralph L. Finelli, RA, dated May 30, 2022, unrevised.
33. Copy of an Application for a NJ Highlands Council Exemption for 225 Spring Garden Road (Block 24, Lot 5), dated June 17, 2022, unsigned.
34. Copy of a Certified 200-foot List of Property Owners for Block 24, Lot 5, prepared by Township Tax Assessor, Michelle Trivigno, CTA, dated April 12, 2022.

Application Summary

The property in question is situated on the east side of Spring Garden Road between Riegelsville Road (CR627) and McEntee Road. Lot 4 contains 31.0617-Acres, and the parcel is situated in the Township's R-5 (Residential 5-Acre)

District where detached single-family residential homes and agricultural uses are permitted with minimum lot areas of 5-Acres or greater.

Lot 4 is currently developed with a one (1) two-story single family residential dwelling, a second residential building, barn, corn crib, silo, and accessory structure which formerly served as a commercial boarding kennel and grooming operation. Other improvements include two (2) gravel driveways, two (2) septic systems, a single well, and gravel parking area which served the former kennel on site. The gravel driveways both provide access to Spring Garden Road, one at the western property frontage, and the other to the north.

The applicant is seeking minor site plan approval to convert the existing kennel building into a brewery and tasting room. The Applicants intend to grow hops and other agricultural products and process the products into beer on the site. The microbrewery will be owned and operated by the Applicants, with the possibility of having two (2) part-time employees. The proposed site improvements include ADA accessible parking improvements, lighting, the reconstruction of the existing gravel driveway accessing Spring Garden Road to the north, the demolition of the second residential building, and corn crib, and the installation of a freestanding monument sign at the newly improved driveway. We have the following comments on administrative and technical issues:

B. Completeness

3. Based upon a review of the submission package, the following deficiencies are noted:
 - a. Checklist Item F-10 – Confirmation that the application has been submitted to the Hunterdon County Soil Conservation District. PROVIDED
 - b. Checklist Item F-16 – Submission of protective covenants or deed restrictions, including open space restrictions (i.e., Property Deed and/or Title Search). PROVIDED
 - c. Checklist Item F-17 – An Applicability Determination, Exemption Determination or Consistency Determination from the New Jersey Highlands Council indicating the projects status relative to the Highlands Regional Master Plan has not been provided. WORKING ON THIS – THEY ARE ASKING FOR A TEMPORARY WAIVER AND THE GUY AT HIGHLANDS WAS ON VACATION AND DID NOT GET AROUND TO DOING THIS. THIS IS A REQUIREMENT OF HOLLAND TOWNSHIP BEFORE THEY DEEM AN APPLICATION COMPLETE. THERE WAS QUESTION WHY THEY WERE SEEKING EXEMPTION 4 WHICH IS ABOUT IMPERVIOUS COVERAGE AND ONE AND DONE – CAN NOT BE SOUGHT AGAIN VS AG EXEMPTION WHICH IS WHAT MOST GO THRU AS THERE IS NOT INCREASE TO IMPERVIOUS COVERAGE
 - d. Checklist Item F-29 – The 200-foot property owners list has been provided but is not included on the submitted plan. PROVIDED

Unless waived by the Board, the above deficiencies must be addressed by the Applicant for the application to be deemed complete. We note however, that Item c. above cannot be waived in accordance with the Township's approved Highlands Council petition.

4. The Applicant is seeking waivers from the following checklist items:
 - a. Checklist Item F-11 – Submission of a Traffic Impact Study. PROVIDED TODAY – WILL DO TESTIMONY
 - b. Checklist Item F-12 – Submission of an Impact Assessment of Water Supply.
 - c. Checklist Item F-13 – Submission of an NJDEP Freshwater Wetlands Letter of Interpretation.
 - d. Checklist Item F-35 – The inclusion of bearings and distances for the subject parcel and preparation of the plan based upon an actual property survey by a licensed land surveyor.
 - e. Checklist Item F-37 – The inclusion on the plan of the locations and descriptions of all survey monuments found or set.
 - f. Checklist Item F-44 – The depiction of all existing elevation contours at 2-foot intervals within the tract and 50-feet thereof.
 - g. Checklist Item F-46 – The depiction of all floodways, flood hazard areas, freshwater wetland areas, wetland transition zones, special water resource protection areas, and riparian zones.
 - h. Checklist Item F-50 – The depiction of all existing sewage disposal systems and wells on the parcel and within 100-feet thereof.
 - i. Checklist Item F-59 – The preparation of a landscape plan and buffer planting plan.

Testimony must be provided in support of the above waiver requests.

We would however request that the Applicant provide the record survey and septic design plans or supporting documentation from the Hunterdon County Health Department that are referenced in General Notes 2 and 3 of the Overall Site Plan.

5. The Applicant has indicated that the following items are not applicable:
 - a. Checklist Item F-14 – Submission of a Flood Hazard Area Permit.
 - b. Checklist Item F-15 – Submission of a Financial Disclosure Statement for a corporation or partnership.
 - c. Checklist Item F-51 – The depiction of all soil permeability and testing logs on site.
 - d. Checklist Item F-56 – The depiction of all signs and their proposed illumination.
 - e. Checklist Item F-60 – The location and size of any existing or proposed above-ground storage tanks.
 - f. Checklist Item F-61 – Descriptions of proposed machinery operations, productions, by-products, processes, and materials for any manufacturing or industrial use.

Testimony must be provided in support of the above non-applicability determinations.

C. Technical Comments

1.0 Planning and Zoning

- 1.01 We defer to Board Attorney John Gallina, Esq. and Board Planner Darlene Green, PP, 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, including for the proposed free-standing sign.
- 1.02 As discussed previously the Applicant must provide documents and testimony related to the proposed brewery and tasting room as an Agricultural Use.
- 1.03 A written Operational Statement and testimony must be provided related to the brewery and tasting room operation, including indoor and outdoor seating, events, tasting schedules, days and hours of operation, etc.

2.0 Site Layout/ Grading/ Drainage/ Utilities

- 2.01 Testimony must be provided regarding the disposition of the existing barn and silo which are proposed to remain. The barn is in disrepair and needs significant attention to address safety considerations before the site is opened to the public, especially considering its proximity to the parking area and future brewery building. During our site visit it was noted that there were numerous slate roof tiles around the building and gravel parking area that have fallen off the building which pose a continuing hazard.
- 2.02 The Site Plan must be revised to include a driveway profile to demonstrate that the driveway complies with the standards in Township Ordinance Chapter 72-Driveways and in order to facilitate construction.
- 2.03 In accordance with comment 2.03 above and Ordinance Section 72-8, any portion of an uphill driveway which exceeds 5% in its first 200 feet must be surfaced with a bituminous surface. Based upon the provided contours it appears that the first 50-feet of the driveway will range from 7.4% to 8% in grade. The plan must be revised to indicate the paving of the driveway extending to the top of the vertical crest. A pavement section of 2-inches of HMA 9.5M64 surface course asphalt, 4-inches of HMA 19M64 base course asphalt and 5-inches of Dense Graded Aggregate Stone must be provided. This will also bring the driveway into compliance with Ordinance Section 72-12.A. which requires all driveways to be paved within 50-feet of the street centerline.
- 2.04 The Applicant is currently proposing site improvements that will increase the impervious surface on the site by 1,946-SF. This exempts the project from the provisions of the Holland Township Stormwater Management Ordinance (Article XXIV of the Township Land Use Code). Should the proposed impervious surface increase to 2,000-SF, or greater in the post construction condition, the Applicant will be subject to the Minor Stormwater Development Provisions of the ordinance and stormwater management measures will need to be designed and constructed on-site.
- 2.05 Correspondence must be provided from the Hunterdon County Health Department related to the existing septic system, its current condition and fitness for use for the proposed brewery/ tasting room.

3.0 Landscaping/ Lighting

- 3.01 The Site Plans must be updated to identify the existing trees to be removed as part of the construction of the proposed driveway and the regrading of the property frontage along Spring Garden Road. Only those trees necessary to facilitate the construction of the proposed features shall be removed in accordance with LUO Section 100-177.E.
- 3.02 In accordance with LUO Section 100-177.K. shade trees shall be provided at 75-foot intervals along all streets, with a minimum caliper of 2.5-inches. Four (4) trees shall be provided within the limits of disturbance along the property frontage where feasible, outside of the depicted site triangles to replace those trees which are being removed to facilitate the construction of the proposed driveway improvements.
- 3.03 Freestanding lighting has been provided throughout the site to provide illumination along the proposed driveway and parking area. The illumination levels appear to meet the typical minimum recommended parking area lighting levels of 0.2-footcandles for parking areas, with an average illumination of 0.6-footcandles. The applicant should address in testimony the proposal for lighting with regards to the hours that lighting will be operational on-site and which, if any, fixtures will be utilized to maintain after-hours security lighting.

4.0 Miscellaneous

- 4.01 The applicant should provide a written traffic statement and testimony to the Board, including anticipated traffic levels (customers, deliveries, staff) including vehicles per hour and per day. The report should also include the

mix of vehicles (i.e., types and frequencies of deliveries by truck), and the anticipated routes of customers and deliveries to the site.

4.02 The construction details on Sheet 5 must be revised as follows:

- a. To update the On-Site Pavement Detail to include the portion of the driveway that is to be paved per the Township LUO. Additionally, the detail must reference the current asphalt mix designations in accordance with NJDOT standards (i.e. HMA 9.5M64 Surface Course, HMA 19M64 Base Course and Dense Graded Aggregate (DGA) Base Course).
- b. To update the Gravel Parking & Driveway Detail to reference NJDOT standard DGA Base Course stone in place of the current 'Quarry Process blend'.
- c. To provide an MUTCD designation for the "Hidden Driveway Ahead" sign proposed to be installed along Spring Garden Road in the approach to the site entry drive.

5.0 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 the Hunterdon County Soil Conservation District, Hunterdon County Planning Board and the Hunterdon County Health Department.
- d. The applicant revising its plans and technical reports to address comments by the Board and its professionals.
- e. The posting of performance guarantees and inspection fees in amounts to be determined by the municipal engineer.
- f. No construction is permitted until taxes and fees are paid, all outside agency approvals or waivers thereof are obtained, the site plan is revised in a manner satisfactory to the Board Engineer and Board Planner, performance guarantees and inspection fees are posted, and the applicant attends a preconstruction conference to be scheduled by the municipal engineer.
- g. Any other conditions through the legal review of Board Attorney John Gallina, Esq.

Conclusion

At this time, we recommend that the application be deemed incomplete by the Board due to the lack of either a Consistency Determination, or approval of the requested Exemption from the Highlands Council for the proposed project.

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

Adam Wisniewski will be at the July 11, 2022 Board meeting to review this report with you.

Sincerely,

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



Paul W. Sterbenz, PE,
Planning Board Engineer



Adam T. Wisniewski, PE
Project Manager

- cc: Maria Elena Kozak, Board Secretary (via email planningboard@hollandtownship.org)
Darlene A. Green, PP, AICP, Board Planner (via email darlene.green@colliersengineering.com)
John Gallina, Esq. Board Attorney (via email jogesq@embarqmail.com)
Steven Gruenberg, Esq., Applicant's Attorney (via email stevenpgruenberg@gruenberglegal.com)
Eric B. Rupnarain, PE, Applicant's Engineer (via email ebr@gbamail.com)

R:\Projects\E-H\HLP\HLP0033\Reports\220708_atw_complete2_tech1.docx

Attorney Gruenberg mentioned that the applicant is looking to keep 225 Spring Garden in farmland and create a microbrewery out of dog kennel. Professionals have discussed completeness issues. This is a minor site plan application. Discussions about ag rulings with Attorney Gruenberg mentioning that the state supports wineries and tasting rooms under the Right to Farm Act and that the state also supported a brewery as a farming activity. The applicant will comply with the c variance for parking. Member Keady, liaison to Environmental Commission had a question about the water. While he understands the right to farm supersedes however, will

there be discussions regarding additional use of water vs. what was used for the kennels. Attorney Gruenberg stated that his client will talk about water on site and water usage.

Member Grisewood mentioned that there is no justification of a waiver for a Letter of Interpretation or flood hazard for riparian zone. This is a C1 riparian zone.

Engineer Eric Rupnarain was sworn in by Court Reporter Mackey. Engineer Rupnarain is a professional engineer in PA and NJ and his license is in good standing. Engineer Rupnarain stated that the applicant is to renovate the existing structure which is no closer to the line or transition area than existing. Even the gravel grass mixture for parking is also not in disturbance. The disturbance is a secondary driveway to Spring Garden Road, which is partly gravel and grass which will be the access for the brewery. The intention is to clean up the driveway with no wetlands being found and nothing reported on the state website. Member O'Such asked about the transition area which he thinks about 150 feet which went into discussions of the riparian zone being 300' on both sides with rules that apply. Engineer Rupnarain said that if the area is not wooded then the applicant can disturb within the zone, which in this case is only the widening the driveway. Member Grisewood mentioned that DEP regulates natural erosion of the bed and bank and that the map shows valleys but the aerials show ditches which could be under riparian rules which in his opinion makes him think a flood hazard verification should be obtained which can be concurrent to moving forward. More discussions took place about the pond being connected. The barn is 400 feet from the road but the pond is closer so you need DEP documentation that the areas are exempt from rules. Engineer Rupnarain stated that he would do this and it can be a condition of approval which means that this would be a temporary waiver for completeness and condition of approval. Planner Green asked in respect to completeness, the Highlands have not been addressed and is there a need for a variance for this? Planner Green has not reviewed correspondence submitted a few hours ago. More discussions took place relating back to the completeness review prepared by our board engineer and focused on the Highlands which is being noted that an application must be submitted to the Highlands. Attorney Gallina talked about a compliance with our Chapter 101 which supports Planner Green's statement that she is not in favor of moving forward (deeming the application complete) and to hold a public hearing. In her other towns Planner Green supports either the board has a letter from the Highlands Council saying exempt or an application. Attorney Gruenberg stated that there is not a question that the applicant will be deemed exempt and the Council told the engineer that the person has been on vacation and could not get to it. Discussion about the exemption the applicant is seeking which is exemption 4 – so they can enlarge the building which is good for parking. Planner Green asked if the client understands the exemption can be used only one time with the response being yes. Planner Green mentioned that in another town for a winery application that the applicant was seeking ag exemption. This applicant is seeking exemption 4 which is a one and done. The applicant understands that no expansion in future would be permitted under exemption 4 as they have no plans to expand the property. More discussions took place regarding how this has been going on a long time and the applicant is under contract and the terms of contract are for them to put out a lot amount of money each month hence why they are eager to get this moving. More discussions took place regarding them reusing the existing septic system yet soil logs are not applicable which brought up questions about how do we know the septic systems are ok and if you need to expand the use for brewery if there should be a perc so the board would know you have the option to expand. Engineer Rupnarain stated that the septic approved for kennel about 20 years ago was designed at 676 gallons per day and that a microbrewery is not generating waste in quantity. Usually, cleaning is what generates water usage. Based on the process and anticipation of 2 employees and no more than 24 visitors on site which is 50% of sewerage so they believe there is reserve built into the existing system. Compounded they were inspected and it's a County Board of Health issue which an application was submitted explaining everything. The County Board of Health is the agency who deals with usage. Member Wilhelm voiced concern with the unresolved highlands discussion. After additional conversations about the application, Attorney Gruenberg expressed his opinion that the application will be deemed incomplete but asked if they can be specific with the outstanding issues and put this on the next Land Use Board agenda for completeness and a public hearing. With more discussions taking place a motion was made by Scott Wilhelm and seconded by Dan Bush to deem this application incomplete with the understanding that temporary waivers being granted and outstanding issues to be addressed for completeness next month being the Highlands as well as support from the HC Board of health. At a roll call vote, all present were in favor of the motion. Motion carried. The application is deemed incomplete. Everyone understands the outstanding issues to be addressed for completeness at the August 8, 2022 meeting and that a Public Hearing will also be held on the same meeting of August 8, 2022.

Resolution

There were no resolutions scheduled for this meeting.

Public Hearings

There were no public hearings scheduled for this meeting.

Sub-Committee Status and Updates:

Highlands Subcommittee – Mike Keady – nothing new to report

Home Occupation subcommittee---Ken Grisewood, Jerry Bowers and Bill Martin – nothing new to report.

Public Comment

Davina Lapczynski - 105 Riegelsville Rd, Block 26 Lot 27, had questions about exceptions listed in the code book under Chapter 100-110 h which talks about lot area for distances for required lot depth and how this could apply to the property located at 105 Riegelsville Rd which was on the agenda for completeness. The question is more of a general understanding. Attorney Gallina reminded everyone that this is not a public hearing for the application and they cannot give an interpretation at this time. The board will require evidence or it entitled then it would be discussed at the public hearing.

Executive Session

There was no executive session scheduled for this meeting.

Housekeeping:

Scott Wilhelm clarified board voting rights and cited Municipal Land Use Law. For understanding, the alternates only vote when there is a need. While at our first meeting we discussed everyone being asked their vote after hearing what was presented with Attorney Gallina tracking the legal requirements, for the future Attorney Gallina and Chairman Miller will review attendance to track which alternates will be needed to vote on any action. Chairman Miller wanted the alternates to know they are important and that they are still a vital role with the process.

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 7:55 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak
Land Use Administrator