

Holland Township Land Use Board

Minutes of the Regular Meeting

July 10, 2023

(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 Administrator Kozak:

Chairman: I call to order the July 10, 2023 Reorganization 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 8, 2022 edition of the Hunterdon County Democrat
3. And faxing to the Express-Times for informational purposes only.

Chairman Martin asked all to recite the Pledge of Allegiance

Identification of those at the podium

Present: Jerry Bowers, Dan Bush(arrived at 7:10 pm), Joe Cinquemani, , Ken Grisewood , Peter Kanakaris, Michael Keady, William Martin, Mike Miller, Kelley O'Such, Ryan Preston, Scott Wilhelm, John Gallina, Esq., Planner, Kendra Lelie, Sub Planner, Bryce Good, Sub Engineer, Donna Mackey for Lucille Grozinski, Court Reporter and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Bill Ethem, Nickolas Moustakas, Planner, Darlene Green, Engineers, Paul Sterbenz/Adam Wisniewski

Let the record show there is a quorum.

Minutes

The minutes of June 12, 2023 were tabled.

Old Business:

Block 2 Lot 1.02 – Holland Solar Farm LLC - 10 Mill Road – Preliminary & Final Site Plan Approval granted Application - Received into the office on June 12, 2020. The 45-day completeness deadline is July 27, 2020. Deemed Incomplete July 13, 2020. Additional information submitted for completeness. Alternate/Substitute Engineer and Planner required. Extended from August 10, 2020 and deemed complete September 14, 2020. Public Hearing September 14, 2020, and October 12, 2020 Approved October 12, 2020 with conditions. Attorney authorized to prepare the resolution for memorialization. November 9, 2020 resolution memorialized. The applicant has been working on satisfying conditions of the approval. **Applicant disturbed more land than approved for (removed trees and about 4 acres of disturbance). Applicant is asking the board to consider disturbance mitigation an administrative change where professionals and outside agencies can review/resolve rather than the submittal of an amended site plan to the Land Use Board-** Board Action needed. Carried from the June 12, 2023 meeting. Additional information requested.

Professionals present for the applicant: Attorney Bellin, Engineer Vuilch for Engineer Hill, LSRP Ferguson –

Attorney Bellin reminded everyone that he is present on behalf of Holland Solar and that they were present last month and submitted additional information such as the DEP report, letter of approval, copies of the decommissioning bond (to be resigned as it is now NJR and resent to Holland Township). They also provided copies of the soil conservation information. This is just a conversation and NOT a formal application or amended site plan application.

Witness #1 – Peg Prizer – Landscape architect from Van Cleef - She has performed site visits. She agrees that many of the areas were designed to have trees and native plantings to help with drainage. This protects the water. She believes that the other areas not in the riparian could have a replacement ration of 1:1. Bare Root Whips are what will be replaced in the riparian zone. They cannot cut down the stumps as that acts as stabilization. Plus you cannot bring heavy equipment into the riparian zone. You cannot disturb the land per the DEP. 136 trees will be replaced in the riparian zone. They will be planted around the stumps. In the other areas, 1 to 1 could be easily planted. She believes the plantings should be native and flowering. Member O'Such questioned replacement of bare root to mature trees, as well as the change of water quality from the water running down towards the stream. Peg Prizer stated that the replacement trees will take a while

to mature. Member Miller question the report that states 253 trees will be replaced. Peg Prizer stated they are adding more than the original approved amount with native trees such as American Breech, Hackberry and American Holly trees. They will also seed the areas to help with restoration. They believe in native buffering. Member Grisewood reminded everyone that the task for the board is to determine if amended site plan is needed. A lot of discussion took place about what happened with the cutting of trees outside of the approved plan, the DEP's acknowledgement of the mitigation, the lack of conversation with Holland Township, peak flows, doing what you can to mitigate the flow of water, enhancements within the fence not being permitted because of the Brownfield component of the property, and circling back to cutting of 4 acres of trees. After much discussion, Member Wilhelm stated that this is going round and round and the board needs to make a decision. This is not a public hearing so testimony is not needed at this time. The public cannot comment at this time. This is just a presentation. We need to listen, ask responsible questions and make a decision. Attorney Bellin acknowledge the statements of Member Wilhelm however wanted to have Engineer Joe Vuilch speak. A motion was made by Scott Wilhelm and seconded by Mike Miller that the board received enough information to materials presented for determination of the sub professionals to handle the changes administratively or not. At a roll call vote, All present were in favor of the motion with the exception of Jerry Bowers and Joe Cinquemani who were not in favor of the motion. Motion carried. Discussion took place. If an amended site plan, then the public can weigh in. The information presented this evening was informative but not formal. Only for discussion. The applicant is working with the board professionals as is normal with condition compliance. The applicant disturbed 4 acres outside the approved plan. They self-reported and are working on mitigation. This is not really about the solar field but about trees mostly being removed in the riparian zone which is the jurisdiction of the DEP.

Witness #2 – Joe Vuilch of Van Cleef Engineering filling in for Ian Hill. Engineer Vuilch actually was the sub engineer for this project when he was with Finelli Engineering. It is his opinion, knowing the project from the start that this can be handled administratively. There can be a balance with the professionals working in the field together. The applicant admits and understands the error that was made and is willing to address concerns. There are timing schedules involved as well. The DEP can be satisfied by October however if they appear before the board with an amended site plan then that could cause delays with satisfying timelines. The DEP allowed for 120 days to process without violation. The applicant agrees to bolster the viewshed. This is what is regulated vs non regulated. He believes they can rectify what has been done and move forward while working with the board professionals.

Member Wilhelm thanked the applicant for the presentation but wanted to move on. More conversations took place and the board sub professionals weighed in. They have attended site visits. Planner Kendra Lelie stated that aa landscape architect was on the site and this is something that can be done administratively. However, Planner Lelie did have a question about the project that was approved allowing for something that the ordinance has now been changed. The original ordinance still stands however because of the applicants actions the in the field administrative power is potentially not feasible and an amended site plan would be the better course of action. More discussions took place. Caliper of tree replacement was discussed as well as bifurcating the application which everyone decided was not in the best interest of anyone. It really came down to 4 acres of trees being removed and that the board struggled with this as being something the professionals could handle administratively. The Township cannot tell the DEP what to do but they can protect the land that was disturbed within their jurisdiction.

A motion was made by Ken Grisewood and seconded by Dan Bush to require the applicant to submit an amended site plan. At a roll call vote, all present voted in favor of the motion with the exception of Scott Wilhelm who was not in favor of the motion. Motion carried.

New Business:

There was no New Business scheduled for this meeting at this time on the agenda.

Completeness Review:

There were no Completeness Reviews scheduled for this meeting at this time on the agenda.

Resolution

- Block 20 Lot 12 – 231 Riegelsville Rd – Chris & Sherri Karcher – Variance. Received into our office April 11, 2023 – The 45-day completeness deadline is May 26, 2023. Board deemed complete May 8, 2023. Additional pictures submitted. Application approved with conditions at Public Hearing of June 12, 2023. Board Attorney authorized to prepare a resolution for consideration and memorializing. Tabled till the August meeting. Board Action will be Needed.

Public Hearings

- Block 26 Lot 27 – 105 Riegelsville Rd – Davina Lapczynski – Variance. Received into our office June 22, 2022 – The 45-day completeness deadline is July 11, 2022. Deemed Complete July 11, 2022. Public Hearing scheduled for August 8, 2022. Applicant granted an extension to the September 12, 2022 meeting (email 071822), then to October 10, 2022 (email 082622), then to November 14, 2022. (email 092122), then to December 12, 202 (email 102822), then to January 9, 2023 (email 120622) then to February 13, 2023 (email 010323) then to March 13, 2023 (email 020723), to April 10, 2023 (email 030623), to May 8, 2023 (email 040523) to June 12, 2023 (email 050323), to July 10, 2023 (email 052223) and to August 14, 2023 (email 070523) . Board Action needed August 14, 2023
- Block 11 Lot 13 – 239 Rummel Road – Vukusich, Jonathan & Lynann – Variance. Received into the office May 18, 2023. The 45-day completeness deadline is July 2, 2023. Deemed Complete June 12, 2023 – Public Hearing July 10, 2023 then to August 14, 2023 (email 070723)– Board Action Needed August 14, 2023.
- Block 24 Lot 13 & 13.02 – Milford-Warren Glen Rd – Huntington Knolls LLC – Major Subdivision with variances-Received into our office May 22,2023 – The 45-day completeness deadline is July 7, 2023. Deemed Complete June 12, 2023 – Public Hearing July 10, 2023. Board Action Needed – The applicant requested that the hearing be postponed till the next Land Use Board meeting of August 13, 2024 at 7pm. Attorney Gallina explained that the planners report for the subdivision presented questions regarding the area that changed for the project and that there is a potential for a “D” variance for density. Attorney Apgar agreed to notice again regarding the public hearing.

Sub-Committee Status and Updates:

Home Occupation - Ken Grisewood had nothing new to discuss. Mayor Bush responded that we received grant money from Hunterdon County Economic Development.

Holland Township Highlands Council Subcommittee –Mike Keady – nothing new to report.

Public Comment

Dight Pederson – Thank you for the great discussion and attention of the riparian zone. There are at least 4 acres of land exposed because the applicant transferred the repair to Oxford. He cannot understand how the DEP does not explain their resolutions. Attorney Gallina thanked Mr. Pederson for his response but reminded him that his comments need to take place at a scheduled public hearing and not during the public portion of a meeting as it is not appropriate to discuss details of a project without the project being before the board for review. .

Executive Session

There was no Executive Session scheduled at this time.

Housekeeping:

Nothing new to report at this time.

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 8:05 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

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Land Use Administrator