

Holland Township Land Use Board

Minutes of the Regular Meeting

January 9, 2023 (Reorganization)

(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:

Land Use Administrator: I call to order the January 9, 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.

Land Use Administrator Kozak asked all to recite the Pledge of Allegiance

Appointments

*Secretary: We have appointments and re-appointments to swear in:
(Determined January 3, 2023 at the Township Committee Reorganization meeting)*

2023 JOINT LAND USE BOARD

	CLASS	TERM EXPIRES
Dan Bush	I	12/31/2023
Mike Keady	II	12/31/2023
Scott Wilhelm	III	12/31/2023
Jerry Bowers	IV	12/31/2026

ALTERNATE CLASS IV #3 (2 year term):

Joe Cinquemani		12/31/2026
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ALTERNATE CLASS IV #4 (2 year term):

Kelley O'Such		12/31/2026
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Attorney Gallina swore in the above members (Dan Bush was sworn in at the end of the meeting)

Congratulations to our Land Use Board members.

Nominations:

Land Use Administrator Kozak requested nominations for Chairman:

A motion was made by Jerry Bowers and seconded by Joe Cinquemani to nominate William Martin as Chairman. William Martin accepted the nomination as chairman. All present were in favor. Motion carried. William Martin is the 2023 Land Use Board Chairman.

Land Use Administrator requested nominations for Vice-Chairman:

A motion was made by Joe Cinquemani and seconded by Jerry Bowers to nominate Mike Miller as Vice-Chairman. Mike Miller accepted the nomination as Vice-Chairman. All present were in favor. Motion carried. Mike Miller is the 2023 Land Use Board Vice-Chairman.

Land Use Administrator Kozak turned the meeting over to the Chairman:

Chairman Martin read the resolution to be adopted authorizing the award of a contract to the appointed professionals not utilizing the process defined in the third definition under N.J.S.A. 19:4A-20.7. These contracts are awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5-(1)

(a) of the Local Public Contracts Law. This resolution shall be printed once in the Hunterdon County Democrat.

Appointments:

A motion was made by Scott Wilhelm and seconded by Mike Miller to appoint John Gallina as 2023 board attorney. With no further discussion, all present were in favor of the motion. Motion carried.

Chairman: Resolution to be adopted authorizing the award of a contract to Attorney John Gallina, Esq. not utilizing the process defined in the third definition under N.J.S.A 19:4A-20.7.

A motion was made by Jerry Bowers and Seconded by Ken Grisewood to appoint the following:

- 2023 Engineer Richard Roseberry, Paul Sterbenz & Adam Wisniewski of Colliers Engineering
- 2023 Conflict Engineer Mike Finelli of Finelli Engineering
- 2023 Special Project Engineer Robert Martucci of Martucci Engineering
- 2023 Professional Planner Darlene Green of Colliers Engineering
- 2023 Highlands Council Subcommittee Professional Planner Darlene Green of Colliers Engineering
- Appointment of Land Use Board Secretary
- 2023 Land Use Board Administrator/Secretary Maria Elena Jennette Kozak
- Appointment of Land Use Board Court Reporter
- 2023 Court Reporter Lucille Grozinski
- 2023 Official newspaper to be the Hunterdon County Democrat

Member Wilhelm had a question about the various Engineers and Land Use Administrator Kozak explained that we appoint a board engineer, we have a conflict project that has been ongoing and are continuing to use the conflict engineer for condition compliance and last month we appointed a special project engineer for a project that was approved with conditions before the Holland Township Board of Adjustment prior to the merging of the Planning Board and Board of Adjustment. With no further discussion or questions, all present were in favor of the motion. Motion carried.

The Land Use Board meeting schedule was already approved and published in the December 8, 2022 edition of the Hunterdon County Democrat as required. It appeared as such:

Township of Holland
Land Use Board

2023 Meetings

PLEASE TAKE NOTICE that the Land Use Board, Township of Holland, County of Hunterdon, New Jersey, will meet to discuss or act upon public business on each of the dates set forth below, at the Municipal Building, 61 Church Road, Milford, NJ. Meetings are open to the public.

Time: If necessary, a Work Session will begin at 6:30 P.M. to discuss the Agenda of the evening.

Public participation during the work session will be prohibited.

The regular meetings begin at 7:00 P.M.

The cut-off time for meetings is 11:00 P.M.

Meeting Dates

- January 9, 2023
- February 13, 2023
- March 13, 2023
- April 10, 2023
- May 8, 2023
- June 12, 2023
- July 10, 2023
- August 14, 2023
- September 11, 2023
- October 9, 2023
- November 13, 2023
- December 11, 2023
- January 8, 2024

Agenda Deadline

- December 19, 2022
- January 23, 2023
- February 20, 2023
- March 20, 2023
- April 17, 2023
- May 22, 2023
- June 19, 2023
- July 24, 2023
- August 21, 2023
- September 18, 2023
- October 23, 2023
- November 20, 2023
- December 18, 2023

By ordinance the meetings of the Holland Township Land Use Board are held the second Monday of the month, with the agenda deadline three weeks prior to the meeting.

Identification of those at the podium

Present: Dan Bush(arrived 7:20 pm) , Jerry Bowers, Joe Cinquemani, Bill Ethem, Ken Grisewood, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Kelley O'Such, Ryan Preston, Scott Wilhelm, John Gallina, Esq., Donna Mackey for Lucille Grozinski, Court Reporter, Adam Wisniewski, Engineer and Maria Elena Jennette Kozak, Secretary.

Absent: Darlene Green, Planner

Let the record show there is a quorum.

Minutes

A motion was made by Mike Keady and seconded by Mike Miller to dispense with the reading of the Land Use Board minutes of the December 12, 2022 meeting and to approve the minutes as recorded. With no discussion, all present were in favor of the motion with the exception of Ken Grisewood and Scott Wilhelm who abstained. Motion carried.

2022 Report of the Land Use Board prepared by Board Attorney

This was submitted by Attorney Gallina who also explained the requirement.

January 5, 2023

Maria Elena Kozak Secretary
Holland Township Land Use Board
61 Church Road
Milford, New Jersey 08848

Re: 2022 Annual Report
N.J.S.A. 40:55d-70.1

Dear Maria Elena:

Under the Municipal Land Use Law, N.J.S.A 40:55D-70.1, the board of adjustment shall at least once a year review its decisions on applications and adopt by resolution a report on its findings on zoning ordinances which were the subject of variance requests, and its recommendations for amendments to zoning ordinances, if any. Copies shall be sent to the governing body and the planning board.

The purpose of this provision is to encourage and enable the Board to bring to the attention of the planning board and governing body particular provisions of the zoning ordinance which created problems for the board during the preceding year.

The annual report is similar to the re-examination of the Master Plan, which reflects a legislative policy to ensure that the zoning ordinances reflect contemporary needs and conditions and that the governing body is kept informed of the ordinance provisions that generate variance requests. Cox, Zoning and Land Use Administration, Section 15-2.3.

The only "board of adjustment" type of variance applications heard before the Land Use Board in 2022 involved variance relief pursuant to N.J.S.A. 40:55D-36, regarding obtaining a building permit on a lot not abutting a public street as follows:

1. Variance relief under N.J.S.A. 40:55D-36 was granted in the application of Kelly O'Such regarding Block 1, Lot 3, located at Dennis Road. The application also involved bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) 1 and (2) from the requirements of Land Use Ordinance Section 100-111 regarding the required lot frontage on a drift way. The Ordinance requires 500 feet of frontage, and variance relief was granted for 30 feet of frontage. The Land Use Board approved the application on February 14, 2022.

2. The Land Use Board granted a request for an extension of time in order to obtain construction permits regarding a prior Board of Adjustment application regarding Block 13, Lo 23, located on Old Farm Road. The Applicant in that matter was Lawrence Siebel. By Resolution adopted July 29, 2020, the Applicant was granted relief pursuant to N.J.S.A. 40:55D-36, together with related bulk variance relief pursuant to N.J.S.A. 40:55D-70(c)1 for the following:

- Variance relief from Ordinance Section 100-111A, concerning required lot frontage on a drift way. The Ordinance requires 500 feet of frontage and variance approval for 44.42 feet was granted.

- Variance relief from Ordinance Section 100-161A(2)(a), regarding that a right of way be at least 40 feet wide. Variance relief was granted, approving a driveway width of 18 feet and constructing a pull off area and turn around area
- Variance relief from Ordinance Section 100-161A(5)(a), which requires that the travel portion of a drift way of at least 18 feet in width. Variance relief was granted, approving a travel width of 11 feet.

The Resolution in this application contained a condition that the variance relief granted would expire unless construction commenced within three (3) years of the date the Resolution was adopted, which would be by July 29, 2023.

The property was subsequently purchased by Craig and Rachel Bailey in June of 2021. On December 12, 2022 the Land Use Board granted a one year extension of this condition to July 29, 2024.

The main concern in reviewing and granting the variance relief under N.J.S.A. 40:55D-36, and the related bulk variance relief in these applications is to assure that the drift way/easement area will provide adequate access for firefighting equipment, ambulances and other emergency vehicles.

Please advise if you have any questions.

Very truly yours,

John P. Gallina

JOHN P. GALLINA

A motion was made by Mike Miller and seconded by Jerry Bowers to accepted the report prepared by Attorney Gallina and to submit this to the Township Committee. All present were in favor of the motion with the exception of Scott Wilhelm who abstained. Motion carried.

Old Business:

Home Occupation - Ken Grisewood had nothing new to discuss on behalf of the subcommittee however Township Committeemen/LUB Member Wilhelm discussed the state Law requiring Certificate of Insurance and how this could potentially add to identification of business relating to the concept of Home Occupations in Holland Township R1 and R5 zones. This is a project that the clerk's office has been working on since the fall and he will work with the clerk's office to see what certificates are on file. Then additional discussion will need to take place with the subcommittee. Administrator Kozak has put together a listing of extra funding that could be needed for the further review of the Home Occupation ordinance which exceeds what was originally awarded by Hunterdon County Economic Development. Additional discussions will also take place on what constitutes a business. More conversations stated to take place with Scott Wilhelm explaining to everyone that Holland Township is just gathering the state required information. More conversations to take place in approximately April.

New Business:

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

Completeness Review:

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

Resolution

Block 13 Lot 23 – Old Farm Road – Variance-Direct the issuance of a building permit for a lot not abutting a public street and variances for The frontage and the drift way width and traveled width requirements for lots on drift ways – approved by BOA for Lawrence Seibel July 29, 2020 sold to Craig and Rachel Bailey in June of 2021. One year extension requested – granted December 12, 2022. This was tabled to the February agenda.

Public Hearings

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. 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, 2022 (email 102822), then to January 9, 2023 (email 120622) and to February 13, 2023 (email 010323). Board Action needed February 13, 2023. Davina Lapczynski explained that she is still waiting for DEP approvals.

Sub-Committee Status and Updates:

Holland Township Highlands Council Subcommittee –update – Mike Keady did not have an update at this time as we continue to explore Highlands Council grant opportunities replating to stormwater and Holland Township’s reassignment from Tier B to Tier A.

Public Comment

Attorney Gallina explained that public comment is only for items discussed tonight. There were communications regarding Huntington Knolls and suggestions that people attend the Land Use Board meeting. If there are complaints then people are encouraged to bring them to the zoning office. There is nothing on the agenda regarding the Huntington Knolls project.

Beth Silva is interested in presenting a model light ordinance. She has concerns with the lighting of the new development as well as the municipal building. Attorney Gallina explained that a new ordinance would not be applicable to an approved application. Scott Wilhelm requested that Beth Silva present the information to the Administrator and explained that the Land Use Board can consider it and forward it to the Township Committee for additional consideration and potential adoption. She was also encouraged to attend a Township Committee meeting.

Davina Lapczynski – 105 Riegelsville Rd – In regards to the submission requirements, please consider more electronic submission vs the real number of copies currently required.

Executive Session

There was no Executive Session scheduled at this time.

Housekeeping:

Checklist update: Administrator Kozak revisited the need for the checklists to be updated. Engineer Wisniewski stated that we had started the project in 2018 and there are some minor changes that need to be made. One goal is to be more interactive. Planner Green will also weigh in. Mike Keady stated that the Environmental Commission had worked on some revisions in 2018 but that the EC will need to revisit again when the new checklists are presented. The Goal is to have these to the Land Use Board then to submit them to the Township Committee for adoption. Additional conversations took place regarding the additional size of plans being submitted as 11x17. Digital fillable forms are what everyone agrees needs to be updated.

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 7:35 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak
Land Use Administrator