

Holland Township Land Use Board
Minutes of the Regular Meeting

May 13, 2024 (regular)

(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)

Chairman Martin: “I call to order the May 13, 2024 Regular 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 21, 2023 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 for the recording

Present: Dan Bush (arrived 8:06 pm), Joe Cinquemani, Peter Kanakaris, Michael Keady, William Martin, Mike Miller, Nickolas Moustakas, Ryan Preston, Kelley O’Such, Scott Wilhelm (via phone after Township Committee zoom link did not work), Board Attorney Dominick DiYanni for Attorney Eric Bernstein, Board Planner/HT Highlands Council Subcommittee Planner Darlene Green, Board Conflict/Special Projects Engineer Bryce Good, Board Conflict/Special Projects Planner Beth McManus for Kendra Lelie, and Maria Elena Jennette Kozak, Land Use Administrator.

Absent: Bill Ethem, Ken Grisewood, Board Engineer Ian Hill, Board Conflict/Special Projects Engineer Richard Roseberry/Paul Sterbenz/Adam Wisniewski, Attorney John Gallina as Land Use Board Special Litigation Counsel in the matter of Mill Road Solar Project, LLC et als. V CEP Solar LLC et. als., Appellate Docket #A-3063-21: Law Division Docket #L-2029-19.

Let the record show there is a quorum.

Minutes

A motion was made by Mike Miller and seconded by Joe Cinquemani to approve the minutes for March 11, 2024 and April 8, 2024 as presented. At a roll call vote everyone was in favor of the motion with the exception of Nickolas Moustakas and Scott Wilhelm who abstained from the approval of the April 8, 2024 minutes. Motion carried.

Old Business:

- **Block 24 Lot 13 – Huntington Knolls LLC – Update – a condition of resolution memorialized March 2024**

HOLLAND TOWNSHIP LAND USE BOARD

RESOLUTION AUTHORIZING EXTENSION FOR PHASES II AND III OF THE HUNTINGTON KNOLLS FINAL SITE PLAN APPROVAL

NOW, THEREFORE, BE IT RESOLVED BY THE LAND USE BOARD OF HOLLAND

TOWNSHIP, Hunterdon County, State of New Jersey, as follows:

1. That pursuant to N.J.S.A. 40:55D-52(e), the Land Use Board hereby grants a two (2) year extension of final site plan approval for Phase II and Phase III, through February 11, 2026.
2. The conditions of the approval in the prior Resolutions concerning this property/development, including any prior Resolutions authorizing extensions to said approval(s) shall continue in full force and effect as applicable.
3. The owner/applicant, including any contract purchaser of the property/development, shall be required to appear before the Land Use Board within ninety (90) calendar days of February 12, 2024 or no later than the May 13th Land Use Board meeting to provide an update on the status of the property/development.

Applicant’s attorney Steve Gruenberg is present along with the K. Hovanian team. This is an informal conversation explaining that KHOV is interested in making some tweaks to the approved plan. There was a meeting with the professionals to review the KHOV presentation. Tracy Siebold, in-house attorney for KHOV is present with professionals to explain the concept. This is just an update and no notice of hearing is needed. Tracy Siebold stated that KHOV is here on behalf of applicant for Huntington Knolls b 24 113 regarding

phase 3 and phase 4. Hovanian is a nationally traded company and a local New Jersey development company. They have been before the Holland Township Planning Board and tonight they are explaining that they are under contract to purchase the project and are proceeding with approvals. The current zoning was age restricted, however the applicants under the Sarlo bill were able to change the project to not age restricted. Everyone was also reminded that Phase 3 and phase 4 approvals are for 106 townhomes and 28 affordable units. KHOV is interested in combining the phases to do the whole project while keeping Suburban Engineering as the engineer of the project since they know the project. Clean updated plans would include all comments from the past and bringing the plans to resolution compliance except with a KHOV product. The various KHOV projects were discussed along with the desire to have 2 recreational areas rather than one because of topography. The recreational areas would have walking paths and would be located at either end. The proposed changes are slight and the applicant hopes to keep an amended site plan submission timeline of July submittal and a public hearing in September. There are some proposed changes that could be addressed in a revision to the existing ordinance. As mentioned, the ordinance says age restricted and that portion of the ordinance was lifted under the Sarlo Bill and approved by the Planning Board. The KHOV product triggers a height conversation which can be addressed in a variance application or by an ordinance change. Current height restriction is 35' however KHOV needs a few feet more not to exceed 40'. KHOV has a specific product that they build and because of topography issues combined with their roof pitch, the product requires the need to exceed the 35' height restriction.

In order to move this along, changes are needed. Architect Joseph Lipanovski, explained the handouts and the KHOV product. Conversations took place about the product relating to the land and the various options of two story and three story. Peak to grade was discussed and the tallest requires 38' 11" peak to grade and the shortest is under 35'. The suggestion is that the ordinance be changed from 35' to 40' just to cover the peak to grade conversation. It was also mentioned that they are not the builder doing the affordable units but understand that there are two approved buildings consisting of 28 units for affordable and they are tied to the project. This triggered some conversations on how affordable housing is built which requires UHAC requirements and triggers the building process. Suburban Engineer Erin Abline is present and showed plan proposals incorporating the KHOV product into the approved Huntington Knolls layout. It shows how the proposed changes are small and that the building coverage would actually be reduced. The minor improvement of dividing the recreational area into two segments also helps the project. Planner Green had suggested showing the surrounding homes in the area, roadways and the overall site which explains that the closest project is 785' to the road and the furthest unit from roadway as being 2000' away which means that there is about 1100 feet from the closest to the furthest structure. The closest structure to Fox Hill is about 500' and the closest to a Fox Hill structure in the rear is over 300'. There are substantial setbacks and topo issues thru the site.

Planner Green explained to the board that if there is no change in ordinance then a change in the approved site plan is required. She also reminded everyone that the prior approvals are for a 2 story building with a max height of 35' however, Holland Township never received detailed grading plans on the site and if you review this then the approved 2 story structures will require substantial earthwork and retaining walls. Planner Green also mentioned that she did not think the 2 story proposal is the most efficient proposal for the site and that the KHOV proposal could be better for Holland Township. KHOV cannot do the 2 story approved product and the topo issues on site are extensive. Attorney Gruenberg reiterated that a slight change to what was approved is necessary for KHOV to move forward with this project. Member Miller asked if the township is reluctant to change the zone is there another way to address the height. Planner Green reminded everyone that this is the only tract of land under this zoning and if they amended the site plan with the Land Use Board with an increase in height with 10' or 10% then it could be a 'D' Variance which Attorney Gruenberg mentioned could be problematic with the board dynamics and the opinion is that it is easier to change and tweak the ordinance vs the zone issue with a variance since there are some changes needed in the ordinance anyway. Everyone is eager to move forward with the project however, KHOV needs assistance with holland and is hoping the Land Use Board can provide a recommendation to the township committee to amend ordinance. Some questions were discussed on how the changes in the ordinance could affect homes however the understanding is that the change would only be for the zone and only for the site which is for the townhomes and no single family homes.

Some additional conversation took place about who would be the developer for the affordable housing component and KHOV responded that it was not them so they were unsure of who would be building. Attorney Siebold said she could try to find out a name if the board asked. Planner Green suggested that the affordable housing builder's information be submitted with the application as the township will need to know all that relating to building and the housing credits. The project is all connected and cannot be built independently. KHOV will have it written into their contract that they understand no co will be issued without the proper procedures being followed with the ratio of affordable being built to fair market value being built. Again, it is not an independent project and very much connected.

Attorney DiYanni reminded the board that whoever recused in the past should not comment now.

A motion was made by Mike Miller and seconded by Joe Cinquemani that Land Use Administrator Kozak send a memo to the Township Committee with the Land Use Board recommendation that the township committee evaluate the ordinance and modify the ordinance in this zone as suggested. With no further comment, at a roll call vote all present were in favor of the motion with the exception of Michael Keady, Scott Wilhelm and Kelley O'Such who recused. Motion carried.

New Business:

- **ORDINANCE 2024-09 -Introduction/First Reading May 7, 2024 with Second reading and Public Hearing set for June 5, 2024.** WHEREAS, the Township of Holland has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey; and WHEREAS, the Township of Holland is subject to the Community-wide Ordinance requirements of the Tier A Municipal Stormwater Permit; and WHEREAS, the Community-Wide Ordinance requirements in the Township of Holland's Tier A Municipal Stormwater Permit necessitate the adoption of the ordinance by the Municipality; "NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HOLLAND, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY THAT CHAPTER 145 OF THE CODE OF THE TOWNSHIP OF HOLLAND, ENTITLED "STORMWATER QUALITY", IS EMENDED AS FOLLOWS:" (see ordinance for details) -review for consistency with Master Plan – Board action needed.

ORDINANCE NO. 2024-09

WHEREAS, the Township of Holland has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey; and

WHEREAS, the Township of Holland is subject to the Community-wide Ordinance requirements of the Tier A Municipal Stormwater Permit; and

WHEREAS, the Community-Wide Ordinance requirements in the Township of Holland's Tier A Municipal Stormwater Permit necessitate the adoption of the ordinance by the Municipality;

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HOLLAND, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY THAT CHAPTER 145 OF THE CODE OF THE TOWNSHIP OF HOLLAND, ENTITLED "STORMWATER QUALITY", IS EMENDED AS FOLLOWS:

Part One – Chapter 145 of the Code of the Township of Holland entitled "Stormwater Quality" shall be emended as follows:

Chapter 145 – Stormwater Quality

Article X – Tree Removal and Replacement

§145-50. Scope and Purpose.

An ordinance to establish requirements for tree removal and replacement in the Township of Holland to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§145-51. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely discretionary.

APPLICANT

Means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.

CRITICAL ROOT RADIUS (CRR)

Means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

DIAMETER AT BREAST HEIGHT (DBH)

Means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

HIGH RISK TREE

Means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not high risk trees.

- A. Has an infectious disease or insect infestation;
- B. Is dead or dying;
- C. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
- D. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
- E. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

PERSON

Means any individual, resident, corporation, utility, company, partnership, firm, or association.

PLANTING STRIP

Means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

RESIDENT

Means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

STREET TREE

Means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

TREE

Means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

TREE CALIPER

Means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

TREE REMOVAL

Means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

§145-52. Regulated Activities.

- A. Application Process:
 1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5” or more or any non-street tree with DBH of 6” or more on their property shall submit a Tree Removal Application to the Holland Township Zoning Officer or other designated Municipal Official. No tree shall be removed until municipal officials have reviewed and approved the removal.
 2. Applicants will be subject to an application fee per tree to be removed in accordance with the Tree Replacement Requirements Table below.
 3. Applicants may be required to post an escrow deposit in the event that the Tree Removal Application and subsequent review requires the Township to engage a Licensed Tree Expert to review the

requested trees to be removed. The escrow amount shall be determined at the time of the Application. Applicants shall be notified in writing at the time of application filing.

B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under Section 145-53, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, who removes one or more non-street tree(s), as defined as Tree removal, with a DBH of 6” or more per acre, unless otherwise detailed under Section 145-53, shall be subject to the requirements of the Tree Replacement Requirements Table.
3. The species type and diversity of replacement trees shall be in accordance with the list of native tree species published by the Native Plant Society of New Jersey (<http://www.npsnj.org/>).
4. Replacement tree(s) shall:
 - a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below;
 - b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
 - c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
 - d. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Application Fee
1	DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”	Replant 1 tree with a minimum tree caliper of 1.5” for each tree removed	<i>\$10.00/ Tree</i>
2	DBH of 13” to 22.99”	Replant 2 trees with minimum tree calipers of 1.5” for each tree removed	<i>\$20.00/ Tree</i>
3	DBH of 23” to 32.99”	Replant 3 trees with minimum tree calipers of 1.5” for each tree removed	<i>\$40.00/ Tree</i>
4	DBH of 33” or greater	Replant 4 trees with minimum tree calipers of 1.5” for each tree removed	<i>\$50.00/ Tree</i>

C. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of \$100.00 per tree replacement planting not completed in accordance with the Tree Replacement Requirements Table above. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

§145-53. Exemptions.

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Exemptions shall be granted at the discretion of the Holland Township Zoning Officer upon review of applications for tree removal.

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period.
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. High risk trees may be removed with no fee or replacement requirement.
- H. Removal of invasive species such as Tree-of-Heaven (*Ailanthus altissima*), Callery Pear (*Pyrus calleryana*), and others (full list of invasive New Jersey trees can be found, as per NPDEP recommendation, on the New Jersey Invasive Species Strike Team website https://www.fohvos.info/wp-content/uploads/2022/05/2022Scientific_DoNotPlant.pdf)

§145-54. Enforcement.

This ordinance shall be enforced by the Holland Township Zoning Officer during the course of ordinary enforcement duties.

§145-55. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to be less than the amount required under Section 145-52C.1.b. above.

Part Two – Chapter 83 of the Code of the Township of Holland entitled “Fees” shall be emended as follows:

Chapter 145, Stormwater Quality

Article X – Tree Removal and Replacement

Application Fees

Category	Tree Removed (DBH)	Application Fee
1	DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”	\$10.00/ Tree
2	DBH of 13” to 22.99”	\$20.00/ Tree
3	DBH of 23” to 32.99”	\$40.00/ Tree
4	DBH of 33” or greater	\$50.00/ Tree

Non-Replacement Fees

\$100 per Tree not replaced in accordance with the Tree Replacement Requirements Table in Chapter 145 – Article X – Tree Removal and Replacement

Part Three – Severability

If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Part Four - This ordinance was introduced on first reading May 7th, 2024 and shall take effect upon the publication of notice of final adoption on June 13, 2024 as provided by law.

I, Melissa S. Tigar, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance adopted on first reading by the Township Committee of the Township of Holland at a regular and duly convened meeting held on the 7th day of May.

In witness thereof, I have set my hand and affixed the seal of the Township of Holland this 7th day of May 2024.

Melissa S. Tigar, RMC
Municipal Clerk, Holland Township

Planner Green is present to review and reminded everyone that this was not something Holland Township was eager to do but had to because of the State Stormwater reassignment of the Tier B to Tier A. This ordinance was distributed to the board and professionals. Planner Green stated that this is not inconsistent with the Holland Township Master Plan and is in fact consistent with our plan and is referenced and is part of our goals with the 2013 ERI as well as in the 2022 reexamination plan. Attorney DiYanni stated that if everyone is in agreement with what Planner Green is stating then he created a resolution for everyone to memorialize this evening. Everyone was reminded that the Township Committee introduced this ordinance and that the Land Use Board needs to respond to the Township Committee in time for the May 25, 2024 public hearing. A motion was made by Mike Keady and seconded by Peter Kanakaris to adopt res regarding ordinance 2024 29 stating that the propose ordinance is consistent with the Master Plan and that the Township Committee adopt the ordinance. Member Miller had an issue with the root radius and questions some consistency. Planner Green explained that consistency is what is being reviewed and that the calculation error is not the jurisdiction of the Land Use Board but something for the Township Committee to explore. At a roll call vote, all present were in favor of the motion with the exception of Scott Wilhelm who abstained. Motion carried. Land Use Administrator Kozak will forward this to the Township Committee and it was agreed that Mike Miller would prepare something for the Township Committee regarding the radius.

Completeness Review

- Block 3 Lot 28.01 & 66– 195 Myler Rd & 191 Myler Rd - Darvill & Blanton – Minor Subdivision/Lot Line Adjustment with C Variance – Received into our office April 3, 2024 – The 45-day completeness deadline is May 18, 2024. Completeness May 13, 2024 – applicant granted extension May 10, 2024 to June 10, 2024. **BOARD ACTION NEEDED.** (motion to carry the completeness determination to the June meeting with the applicant’s written consent). If deemed complete then a public hearing would take place at the June 10, 2024 meeting.

Good Afternoon:

I hope all is well with you. Mr. Gruenberg, Esq. is correct below as completeness has not yet been determined so the clock on a decision of the Board has not yet started. However, Mr. Gruenberg, Esq. did correctly grant the Board the additional time to determine completeness at the June meeting. Therefore, we will just need a motion at the meeting on Monday to carry the completeness determination to the June meeting with the applicant’s written consent.

Thanks,

*Dominic P. DiYanni, Esq.
Eric M. Bernstein & Associates, LLC
34 Mountain Boulevard, Bldg. A
P.O. Box 4922
Warren, NJ 07059
(732) 805-3360 (phone)*

From: Steven Gruenberg <stevenpgruenberg@gruenberglegal.com>
Sent: Friday, May 10, 2024 11:59 AM
To: planningboard@hollandtownship.org
Cc: Eric Bernstein <em Bernstein@embalaw.com>; oldschoollc@comcast.net;
hlp0041@project.collierseng.com; Mitchell.Burns@collierseng.com; Dominic DiYanni
<ddiyanni@embalaw.com>; adam.wisniewski@collierseng.com; Darlene.Green@collierseng.com;
enjoysax@gmail.com; Barbara Stubbins <bstubbins@gruenberglegal.com>
Subject: RE: Engineering Review: 191-195 Myler Road (HLP0041)

Good morning:

Kindly allow this email to confirm the suggestion contained in Mr. Wisniewski's completeness and technical review of this matter that the completeness determination and public hearing be scheduled for the Board's June meeting. On behalf of the applicant we consent to extend the time period for the Board to determine completeness to that time.

Since the time period to render a decision and act on the application has not yet commenced, the provided form does not appear applicable.

We look forward to having a completeness determination and public hearing upon being deemed complete in June and will provide the appropriate proof of service and publication of the Notice of Hearing.

Very truly yours,

Steven P. Gruenberg, Esq.

Gruenberg Law Office

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Flemington, NJ 08822

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EMAIL: stevenpgruenberg@gruenberglegal.com

Website: <https://link.edgepilot.com/s/99b64a90/bY-q6h3sU0uyVCXb06J-5Q?u=http://gruenberglegal.com/>

A motion was made by Mike Keady and seconded by Kelley O'Such to extend the request to carry completeness to the June meeting and that the board would entertain completeness but that the applicant would be requesting the public hearing at its own risk. At a roll call vote, all present were in favor of the motion. Motion carried.

Resolution

There was no Resolution scheduled at this time on the agenda.

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, 2022 (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), to August 14, 2023 (email 070523) to September 11, 2023 (email 080423), October 9, 2023 (email 090723), November 13, 2023 (email 10/06/23), December 11, 2023 (email 11/08/23), to January 8, 2024 (email 12/01/23), to February 12, 2024 (email 01/03/24), March 11, 2024 (email 02/01/24), April 8, 2024 (email 02/29/24), to May 13, 2024 (email 04/01/24) and to June 10, 2024 (email 05/01/24). Board Action needed June 10, 2024.

Davina Lapczynski stepped to the mic to update the board. The DEP approved her project and she is working on the public notice for the June 10, 2024 meeting. Here is a snippet of the DEP Permit:

Received and/or Recorded by County Clerk:

This permit is not valid unless authorizing signature appears on the last page.

**STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED & LAND MANAGEMENT**

Mail Code 501-02A,

P.O. Box 420, Trenton, New Jersey 08625-0420

Telephone: (609) 777-0454 or Fax: (609) 777-3656

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<p>Approval Date 05/07/2024</p>
		<p>Expiration Date 05/06/2024</p>
<p>Permit Number: 1015-04-0012.1 LUP230001</p>	<p>Type of Approvals: FHA Individual Permit Verification-Method 1 (DEP Delineation)</p>	<p>Governing Rule: N.J.A.C. 7:13-1.1(b)</p>
<p>Permittee: Davina Lapczynski 105 Riegelsville Road Holland, PA 08848</p>	<p>Site Location: Block & Lot: [26, 27] Municipality: Holland Twp County: Hunterdon</p>	
<p>Description of Authorized Activities:</p> <p>This document verifies the flood hazard area design flood elevation of the Delaware River, as well as authorizes the construction of a new two story garage building in association with an existing single family home on the parcel referenced above.</p> <p><i>The Department has determined that the herein approved activities meet the requirements of the (FHACA/CZM) rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</i></p>		

Prepared by: Danielle L Jones

If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.

Received and/or Recorded by County Clerk:

This permit is not valid unless authorizing signature appears on the last page.

- **The Housing Element & Fair Share Plan dated April 23, 2024.** The purpose of the report is to comply with the requirement that every municipality in the State provide a realistic opportunity for affordable housing. The report discuss the Township's three-part obligation and the mechanisms that exist and are proposed to address and/or satisfy said obligations. **BOARD ACTON NEEDED**

**NOTICE OF PUBLIC HEARING ON
HOLLAND TOWNSHIP
HOUSING ELEMENT & FAIR SHARE PLAN**

Please take notice that on Monday, May 13, 2024, at 7:00 PM, the Holland Township Land Use Board will conduct a public hearing on the Housing Element & Fair Share Plan, dated April 23, 2024. The purpose of the report is to comply with the requirement that every municipality in the State provide a realistic opportunity for affordable housing. The report discusses the Township's three-part obligation and the mechanisms that exist and are proposed to address and/or satisfy said obligations.

In compliance with the New Jersey Municipal Land Use Law, the General Ordinances of the Township of Holland, and the Rules and Regulations of the Holland Township Land Use Board, **the meeting will take place at the Holland Township Municipal Building.**

At the public hearing, opportunity will be given to all interest parties and members of the public to be heard, and at which time the Board may take action.

The meeting will be offered in person for all Board members, Board professionals and members of the public.

The proposed Housing Element & Fair Share Plan is available for **inspection** on line at www.hollandtownshipnj.gov/ beginning on May 2, 2024 (at least 10 days in advance) or at the Municipal Building located at 61 Church Road in Milford NJ 08848 Monday thru Friday between the hours of 8 am and 4 pm. If you do not have access to view the documents electronically, come to the Municipal Building to view the documents or if a hard copy is desired, you may contact Board Secretary Maria Elena Kozak at 908-995-0057 to discuss arrangements for viewing the document or arranging to obtain a copy.

Planner Green is present and explained that this has been a long process to get to where we are today which is in time for the next round. She worked with Land Use Administrator Kozak as well as with the Land Use Board Fair Share Housing sub-committee (LUB members Grisewood, Miller and Wilhelm, Mayor Bush, Planner

Green and LUA Kozak). Holland Township has a constitutional obligation to provide affordable housing just like every town in New Jersey. COAH was to set a realistic approach and everything was good until 1999 and round 3 kicked in which lasted about 10 years with issues. Litigation was filed and the supreme court said COAH failed so COAH was stripped of the power and constitutional compliance was moved to the courts. The theory was that if you did not join the JD action then a builder could come in and create a lawsuit. Holland did not join in the JD action as the feeling was that we opted into the Highlands and were protected. The Highlands Council has been generous with Holland Township and has provided grant funding for various projects including the funding of this plan. Reading the Housing Element & Fair Share Plan dated April 23, 2024 is the best way to understand affordable housing relating to Holland Township.

I. INTRODUCTION

According to the Fair Housing Act of 1985, a Housing Plan Element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing.

In response to a 2008 Memorandum of Understanding between the Council on Affordable Housing and the New Jersey Highlands Council, Holland prepared a Housing Element and Fair Share Plan in 2010. The Third Round Housing Element and Fair Share Plan was adopted by the Planning Board on May 25, 2010, which was subsequently endorsed by the Township Committee on June 1, 2010. The Township then petitioned COAH on June 8, 2010, who deemed it complete on July 8, 2010. Public comment was held through August 22, 2010. However, COAH never reviewed the submission for Substantive Certification.

However, on March 10, 2015, the Supreme Court ruled that the New Jersey Council on Affordable Housing (hereinafter "COAH") failed to act and as a result, the Courts transferred responsibility for review and approval of affordable HEFSPs to the trial courts. The decision created transitional procedures for municipalities to come under the jurisdiction of the various trial courts and to seek approval of their respective plans.

Then, on January 18, 2017, the Supreme Court ruled that municipalities are responsible for obligations purportedly accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need (also referred to as Rehabilitation Obligation), which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

Holland seeks to comply with its constitutional mandate to provide affordable housing for the period between 1999 and 2025 and has prepared the within plan to address said obligation spanning between 1999 and 2025.

This HEFSP is prepared utilizing the Prior Round Rules² as well as the guidance provided in the March 10, 2015 Supreme Court Order (hereinafter "March 2015 Order"). As indicated by the March 2015 Order, each municipality in the State has a three-part obligation:

1. Rehabilitation Obligation,
2. Prior Round Obligation, and
3. Third Round Obligation (1999-2025).

AFFORDABLE OBLIGATION

The three components that must be addressed by this plan are contained in the table below.

TOWNSHIP OF HOLLAND: AFFORDABLE HOUSING OBLIGATION			
	Rehabilitation	Prior Round 1987-1999	Third Round 1999-2025
Obligation	56	16	95
Adjusted	8		36

GOALS & OBJECTIVES

In furtherance of Holland's efforts to ensure sound planning, this Housing Element and Fair Share Plan incorporates the following goals and objectives with respect to future housing in the Highlands Planning and Preservation Areas:

- To the extent feasible, the Township's zoning will guide anticipated new residential development into compact, center-based projects.

- To provide a realistic opportunity for the durationally-adjusted affordable housing obligation.

- To the maximum extent feasible, to incorporate affordable housing units into any new multi-family residential construction that occurs within Holland, including any mixed use, redevelopment, and/or adaptive reuse projects.

- To preserve and monitor the existing stock of affordable housing.

- To reduce long-term housing costs through the implementation of green building and energy efficient technology in the rehabilitation, redevelopment, and development of housing.

- To use a smart growth approach to achieve housing needs by targeting housing to areas with existing higher densities without environmental constraints where water/sewer capacity exists.

POTENTIAL AFFORDABLE HOUSING DEVELOPERS

Beyond Huntington Knolls, LLC, no other developer has expressed an interest to build affordable housing within Holland Township.

ANTICIPATED DEVELOPMENT PATTERNS

Anticipated land use patterns within the Township of Holland will most likely follow the established zoning map. There are eight municipal zoning districts, including five residential districts, a commercial district, and industrial district, and one mixed-use district. There are also six Highlands Land Use Capability Zones (hereinafter "LUCZ"). See the Zoning Map on the following page for details.

The only exception to the established land use pattern will be the potential development of accessory apartment units on certain properties in the R-5 District containing single-family dwellings

VIII. RELATIONSHIP TO REGIONAL MASTER PLAN

The Township of Holland has received a grant to pay for a portion of the Housing Element and Fair Share Plan as well as its implementing documents. The grant requires the HEFSP to include a discussion of the relationship of the HEFSP to the Regional Master Plan (hereinafter "RMP"). Page 199 of the 2008 RMP discusses the one goal and numerous policies and objectives associated with housing and community facilities.

Goal 60: Market-rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social and environmental considerations and constraints.

The policies and objectives include the following items:

- Preserving and monitoring of existing stocks of affordable housing
- Promotion of center-based development that contains a mix of housing types
- Promotion of affordable housing within new residential, mixed-use development, redevelopment, etc.
- Locating new housing within walking distance to schools, employment, transit, etc.

Holland's HEFSP includes two mechanisms that would potentially generate new construction. This includes the introduction of an accessory apartment program, which aims at transforming existing accessory structures, building new accessory structures, or adding on to existing principal buildings to create deed-restricted affordable units. The second mechanism is the inclusionary development known as Huntington Knolls, which pre-dates the adoption of the Highlands Act and the Highlands RMP. This development has received multiple approvals since 2003 for a planned unit development consisting of residential and commercial uses to be constructed in five phases. In 2019, Huntington Knolls, LLC (the developer) received final site plan approval for Phases II and III, which includes 16 affordable units in Phase III. Prior to that the site received preliminary approval for Phase IV in 2014. Phase IV includes 12 affordable units. In October of 2023 the Planning Board granted Preliminary and Final Major Subdivision approval to subdivide existing Lot 13 into two separate parcels. See the plan on page 27 for the subdivision lines and layout of the inclusionary development. Most recently, in March of 2024 the Planning Board granted a two-year extension of final site plan approval for Phase II and III.

The proposed accessory apartment program and approved Huntington Knolls inclusionary development promote Goal 60. However, the area of the approved Huntington Knolls planned unit development is classified in the Conservation Zone and Conservation Environmentally Constrained Subzone. These zones are areas where the Highlands Council limits development. However, as noted above, the original approval for the planned unit development was in 2003, roughly one year prior to the adoption of the Highlands Act. Additionally, the Highlands Regional Master Plan, which established the LUCZ, was not adopted until 2008, roughly five years after the initial approval. Additionally, the Huntington Knolls development is within water and sewer service areas and received a TWA permit for sewer. Despite the LUCZ classification of the Huntington Knolls development, this site advances the goal to provide market-rate and affordable housing within the Township of Holland.

X. AFFORDABLE HOUSING OBLIGATION AND MECHANISMS

Holland's Fair Share plan describes the projects and strategies the Township proposes to use to address its affordable housing obligation. The three components addressed by this plan are as follows:

THREE-PART OBLIGATION

REHABILITATION

PRIOR ROUND OBLIGATION MECHANISMS

THIRD ROUND DURATIONAL ADJUSTMENT MECHANISMS

SUMMARY OF MECHANISMS & CREDITS

The table on the below page provides a summary of the mechanisms, credits, and bonuses this HEFSP proposes.

EXISTING & PROPOSED CREDITS

36

SUMMARY OF MECHANISMS & CREDITS

Mechanism	Credit Type	Credit	Bonus	Total
Prior Round				
Lambertville RCA	RCA	4	0	4
Arnold Brothers	Acc. Apt.	7	0	7
Huntington Knolls, LLC	Inclusionary	3	2	5
Total		14	2	16
Third Round Durational Adjustment				
Huntington Knolls, LLC	Inclusionary	25	9	34
Accessory Apartment Program	Accessory Apts	2		2
Total		27	9	36
Third Round Unmet Need				
Fair Housing Act	Inclusionary	TBD		TBD

XI. IMPLEMENTATION SCHEDULE

SITE-SPECIFIC CONSISTENCY ISSUES

As noted in the chapters above, there are two proposed mechanisms to create new affordable housing units. The following sections provide a narrative of site-specific consistency issues for each.

HUNTINGTON KNOLLS, LLC

ACCESSORY APARTMENT PROGRAM

The Township will amend Chapter 100, Zoning, to permit affordable accessory apartments in the R-5 District. With over 1,670 parcels in the R-5 District, there are ample opportunities to create at least two accessory apartment units. As the units will be created as part of a single-family home property, they would be exempt from the Highlands Land Use Ordinance. Additionally, as no sites have been identified this report is unable to review the mechanism for site-specific consistency issues.

FAIR HOUSING ACT COMPLIANCE

Holland will continue to adhere to the requirements of the Fair Housing Act for communities in the Highlands Region, which requires multi-family developments in the Township to set aside 20% of housing units for occupancy by affordable households.

To memorialize the Township's commitment to the Fair Housing Act requirements and also codify the requirement into the Township's Code Book, the Township will be including the following language in the Affordable Housing Ordinance:

Any property in the Township of Holland that is currently zoned for non-residential uses and subsequently receives a zoning change or use variance or approval of a redevelopment plan to permit residential development, or that is currently zoned for residential uses and receives approval for residential development, shall provide an affordable housing set-aside of at least twenty percent (20%) of the residential units constructed, as required for developments located within the jurisdiction of the Highlands Water Protection and Planning Council, pursuant to N.J.S.A. 52:27D-329.9(a), whether the units will be for rent or will be for sale. No property shall be subdivided so as to avoid compliance with this requirement. All affordable units shall be governed by the provisions of this Ordinance.

ALTERNATIVE MECHANISMS

The Township proposes two mechanisms, beyond agreeing to continue to comply with the Fair Housing Act requirement for the Highlands Region. The Huntington Knolls development was originally approved in 2003 and has undergone several modifications since. The project will connect to existing water and sewer systems, which have capacity to accommodate the development. The Township will market the accessory apartment program to ensure at least two units are constructed. This mechanism can be implemented while maintaining the character of the Township and respecting the environmental features that stretch across Holland.

Holland does have an affordable housing trust fund; however, its balance is small. Furthermore, the Township's last approved Spending Plan is from December of 2004. No new Spending Plan can be approved as the Township does not have a pending Declaratory Judgment Action.

The document has been reviewed by the board and available to the public. The Land Use Board need to approved the document and then send to the Township Committee for endorsement because this is a plan that involved spending money.

Board comments included that the plan is very well done, perfection cannot be obtained however the proposal is a good proposal. Board member Keady expressed that in the beginning he was opposed to the Huntington Knolls project because of the potential impact on the environment, however time mellows people and he believes that the environment is protected and that everyone should be comfortable with the plan proposed. Mike Miller mentioned that the subcommittee worked very hard on this plan and that there were many conversations regarding options, numbers and how to prepare a plan that really works for Holland Township. Mayor Bush talked about our resources to meet the obligation and the spending obligation however thanked everyone and gently reminded the board that this plan is funded by the Highlands Council and that new

legislation was passed for round 4 with the first deadline being June 18, 2024 which means we will be revisiting this plan again in the future to account for round 4. Mayor Bush also agrees that fundamentally we need to move forward with this plan.

A motion was made by Mike Miller and seconded by Mike Keady to open the public hearing to the public. All present were in favor of the motion. Motion carried.

Davina Lapczynski asked if the Huntington Knolls project could increase their obligation. Planner Green stated that the question was an excellent question and that conversation could be part of future discussions with the applicant.

With no other comments being made from the public, a motion was made by Peter Kanakaris and seconded by Joe Cinquemani to close the public portion of the hearing. All present were in favor of the motion. Motion carried.

In anticipation of the public hearing, Attorney DiYanni prepared a standard resolution regarding the Fair Share Housing Plan and adoption. Dan Bush questioned his ability to vote with Attorney DiYanni stating he is eligible to vote. With no other questions the board approved the resolution and a motion was made by Mike Keady and seconded by Mike Miller to adopt the plan as presented and to have Land Use Administrator Kozak forward the plan presented with a memo to the Township Committee asking them to endorse the plan. At a roll call vote, all present were in favor of the motion with the exception of Scot Wilhelm who abstained. Motion carried.

Block 2 Lot 1.02 – 10 Mill Road – Holland Solar Farm LLC – Amended Final Site Plan – Received into the office November 15, 2023. The 45-day deadline is December 30, 2023. Deemed incomplete December 11, 2023. Resubmitted paperwork January 22, 2024 via email and hard copy delivered to the office for completeness review February 12, 2024. Due to potential inclement weather February 12, 2024, the applicant granted an extension on February 12, 2024 to the next meeting of March 11, 2024. Deemed complete March 11, 2024. Public hearing March 11, 2024. Board action needed. Carried to May 13, 2024 (at the meeting and by email April 1, 2024). Board Action needed to carry without further notice.

The Applicant assumes the risk of any jurisdictional challenge regarding a defective notice, and neither Holland Township nor the Land Use Board will defend any suit involving either deficient notice or the Board's lack of jurisdiction.

Dan Bush and Ryan Preston recused themselves and left the building.

A professional review is an advisory review and submitted for the board to accept some, none or all the recommendations in the report. Secretary Kozak has modified the submitted reviews for the minutes. Hard Copies of all report(s) can be viewed in their entirety in the application file.

May 7, 2024

VIA EMAIL ONLY

Maria Elena Kozak, Land Use Administrator
HOLLAND TOWNSHIP LAND USE BOARD
61 Church Road
Milford, New Jersey 08848

Re: Third Technical Review
Holland Solar Farm, LLC
Amended Final Site Plan Application
Block 2, Lot 1.02
Holland Township, Hunterdon County
FCE No. 20070.CE.0001C10

Dear Ms. Kozak:

In our capacity as conflict engineer for the Land Use Board, our office received the following information regarding the above-referenced application:

1. Transmittal letter from Van Cleef Engineering Associates dated November 15, 2023.
2. Planning Board & Board of Adjustment Application Form signed November 6, 2023 (out of date version of form completed).
3. Ownership Certification signed by the property owner dated November 8, 2023.
4. Final Major Site Plan Checklist (September 20, 2011 version completed).
5. Holland Township Site Walk Authorization dated November 6, 2023.

6. W-9 form dated November 6, 2023.
7. Amended Final Major Site Plan for Holland Solar Farm, Block 2, Lot 1.02 prepared by Ian Hill, P.E. of Van Cleef Engineering dated June 5, 2020, last revised October 31, 2023, comprising 4 sheets.
8. Overall SESC and Restoration Landscape Plan for Holland Solar Farm, Block 2, Lot 1.02 prepared by Ian Hill, P.E. of Van Cleef Engineering dated April 14, 2023, comprising 5 sheets.
9. Restoration Landscape Plan for Holland Solar Farm, LLC prepared by Ian Hill, P.E. of Van Cleef Engineering dated December 22, 2022, last revised February 8, 2023, comprising 2 sheets.
10. Escrow Replenishment Certification signed by the applicant dated November 6, 2023.
11. Certification from the Holland Township Tax Collector that taxes on the property are current dated November 9, 2023.
12. Certified lists of property owners within 200 feet of the subject property from Holland and Pohatcong Townships.
13. Letter of Certification issued by the Hunterdon County Soil Conservation District dated May 22, 2023, for the disturbances that are the subject of this Amended Final Site Plan application.

The following additional information was received on January 23, 2024:

14. Transmittal letter from Van Cleef Engineering Associates dated January 22, 2024.
15. A completed Planning Board & Board of Adjustment, Highlands Land Use, Township of Holland Application Form.
16. A completed Highlands Chapter 101 Land Use Checklist.
17. Final Major Site Plan Checklist (January 27, 2023 version completed).
18. Summary of Variances, Design Waiver & Submission Waivers Requested dated January 22, 2024.
19. Fee calculation sheet with copies of checks made payable to the Township of Holland for the application fee (\$825) and escrow (\$7,250).
20. Stormwater Management Study – Addendum, prepared by Van Cleef Engineering Associates, dated October 31, 2023.
21. Addendum to Highlands Compliance Statement – Holland Solar Farm, LLC, prepared by Highlands Compliance Insights, dated January 18, 2024.
22. Addendum to Forest Impact Report and Mitigation Plan – Holland Solar Farm, LLC, prepared by Highlands Compliance Insights, dated January 18, 2024.

The following additional information was received on March 5, 2024:

23. Transmittal letter from Van Cleef Engineering Associates dated March 1, 2024.
24. Amended Final Major Site Plan for Holland Solar Farm, Block 2, Lot 1.02 prepared by Ian Hill, P.E. of Van Cleef Engineering dated June 5, 2020, last revised March 1, 2024, comprising 6 sheets.
25. Drainage Area Maps for Holland Solar Farm, Block 2, Lot 1.02 prepared by Ian Hill, P.E. of Van Cleef Engineering dated April 24, 2020, last revised March 1, 2024, comprising 2 sheets.
26. Overall SESC and Restoration Landscape Plan for Holland Solar Farm, Block 2, Lot 1.02 prepared by Ian Hill, P.E. of Van Cleef Engineering dated April 14, 2023, last revised February 27, 2024, comprising 5 sheets.
27. Memorandum entitled “Steep Slope Protection Area Discussion – Holland Solar Farm, LLC”, prepared by Highlands Compliance Insights, dated February 26, 2024.

The following additional information was received on May 3, 2024:

28. Transmittal letter from Van Cleef Engineering Associates dated May 3, 2024.
29. Overall SESC and Restoration Landscape Plan for Holland Solar Farm, Block 2, Lot 1.02 prepared by Ian Hill, P.E. of Van Cleef Engineering dated April 14, 2023, last revised April 30, 2024, comprising 2 sheets (Sheets 4 and 5).
30. Drainage Area Maps for Holland Solar Farm, Block 2, Lot 1.02 prepared by Ian Hill, P.E. of Van Cleef Engineering dated April 24, 2020, last revised April 30, 2024, comprising 2 sheets.
31. Stormwater Management Study – Addendum, prepared by Van Cleef Engineering Associates, dated October 31, 2023, last revised April 30, 2024.
32. Memorandum entitled “Landscape Review Responses” from Peg A. Prizer, LLA, ASLA of Van Cleef Engineering Associates dated May 3, 2024.

PROJECT SUMMARY

The subject property (Block 2, Lot 1.02) comprises 65.55 gross acres fronting on Willow Road and Cyphers Road, running partially along the Musconetcong River. It is located in the Township’s IND-Limited Industrial Park zone and within the Highlands Planning Area. The property is the site of the former Fibermark paper mill which has been classified by NJDEP as a “brownfield” site and has apparently been subject to remediation for a number of years.

The northerly boundary of the property runs along the Musconetcong River, a Category One waterway with tributaries of the creek and a mill race running through portions of the property. The property is bounded on the south by lands owned by Hunterdon County and on the west by the Milford Solar Farm. Freshwater wetlands, flood hazard areas, and riparian buffers are present within the site, and the Applicant formerly obtained approvals from regulatory agencies for proposed land disturbances within these areas as a condition of Township Resolution approval.

The applicant, Holland Solar Farm, LLC., formerly received Preliminary and Final Site Plan approval with Bulk Variance relief from a Holland Township Planning Board Resolution adopted November 9, 2020. This

Resolution provided Preliminary and Final Site Plan approval to construct two (2) separate solar arrays (Arrays D and E) generating a total of 9 MW to be connected to the JCP&L electric grid. Additionally, the Resolution provided Bulk Variance relief from the requirements of §100-21.M(3)(2), to permit a 95 foot setback for the security fencing for proposed solar array D.

Following the above-mentioned approval from the Board, the ground-mounted photovoltaic electric generation solar arrays were constructed within the subject property. However, during construction, additional land adjacent to Arrays D and E were disturbed beyond the approved limits of disturbance on the formerly approved Site Plans. The Applicant proposes to restore and replant some of the areas of unauthorized land disturbance as shown in the Amended Final Major Site Plan set provided with the application. The Applicant received approval from the Hunterdon County Soil Conservation District for the Soil Erosion and Sediment Control Plans dated April 14, 2023, which are included in the Amended Final Major Site Plan set.

The Amended Final Site Plan application was reviewed during the December 11, 2023 Land Use Board meeting and was deemed administratively incomplete. A revised submission was received on January 23, 2024, and FCE issued a report on February 6, 2024 recommending the application be deemed administratively complete as long as the Board agrees with the comments and waivers within that report. The February 6, 2024 report also included technical review comments for the amended Final Site Plan and Highlands Land Use to be addressed. As a result, a second revised submission was received on March 5, 2024, and FCE had completed a second technical review prior to the March 11, 2024 Land Use Board meeting. A third revised submission was received on May 3, 2024 to address comments from the March 8, 2024 second technical review report. FCE has completed a third technical review of the application, which is on the agenda for the next scheduled meeting of the Land Use Board on Monday, May 13, 2024.

THIRD TECHNICAL REVIEW – AMENDED FINAL SITE PLAN

Our office has conducted this third technical review of the Amended Final Site Plan application using the previously referenced information. For ease of reference, the areas of unauthorized disturbance are referred to as Areas #1 through #4, as depicted in the Overall SESC and Restoration Landscape Plan.

Landscaping.

1. Testimony of the proposed restoration within Areas #3 and #4 should be provided during the Public Hearing. The applicant should address the proposed plantings and how groundcover will be addressed.

This comment was addressed via testimony provided during the March 11, 2024 Land Use Board meeting.

2. The date(s) of when landscape plantings were completed within Areas #1 and #2 should be provided. The memorandum prepared by Highlands Compliance Insights indicates that these two areas were replanted and restored in the Fall of 2022. However, our office notes that the unauthorized site disturbances were reported to the NJDEP on November 18, 2022, and the NJDEP reviewed and approved the restoration landscape plans in their letter dated April 6, 2023. Testimony of the status of these areas regarding the landscape plantings, should be provided during the Public Hearing.

This comment was addressed via testimony provided during the March 11, 2024 Land Use Board meeting.

3. The approximate location of site access for the landscape restoration of Areas #1 through #4 is provided in aerial imagery which is now included in the last revised version of the Amended Final Site Plan. Testimony regarding the maintenance and stabilization of any unpaved accessways to Areas #1 through #4 for future landscape maintenance should be provided. The date of the aerial imagery should be provided.

This comment remains unaddressed.

4. The maintenance agreement for three-year post restoration monitoring of tree plantings should be provided for Township comment and review to ensure compliance with §101-22F.(6).

A three-year restoration monitoring and maintenance plan is provided in the latest revised SESC and Restoration Landscape Plans. Our office recommends the terms of this maintenance plan are included as an ongoing condition of approval for this application.

5. The memorandum prepared by Highlands Compliance Insights indicates that no tree stumps were removed, and root balls remain in the ground within Areas #1 through #4. Our office refers to the Board's Conflict Planner regarding whether the root balls which remain in the ground will have any impact on the proposed plantings in these areas, and for additional comments on landscaping. Testimony from a licensed landscape architect should be provided during the Public Hearing.

This comment was addressed via testimony provided by the Landscape Architect during the March 11, 2024 Land Use Board meeting.

Miscellaneous Comments.

6. The width and extent of existing waterways within the site and their associated riparian zone limits should be clearly labeled on the Amended Final Major Site Plan.

The latest submission received on May 3, 2024 has not included a revised Amended Final Major Site Plan, therefore this comment remains unaddressed.

7. The plans should show soil erosion measures implemented during the process of landscape restoration in Areas #1 and #2, and soil erosion measures proposed for Areas #3 and #4. Testimony should be provided regarding the date soil erosion measures were installed and the progress of site stabilization; noting whether a portion or all of these measures have been removed from Areas #1 and #2.

The latest submission received on May 3, 2024 did not include a revised Amended Final Major Site Plan, therefore this comment remains unaddressed. Testimony regarding the date and status of soil erosion measures which have been installed for landscape restoration, as described in the comment above should be provided.

8. Testimony should be provided regarding the existence or extent, if applicable, of any alteration to drainage patterns that may have occurred due to site disturbance and landscape restoration within Areas #1 through #4. As the property is classified as a brownfield, the site is exempt from the groundwater recharge standards of NJAC 7:8.

Per the Memorandum entitled "Landscape Review Responses" issued by the Landscape Architect, no grading is proposed due to the installation of trees, therefore, natural drainage patterns of stormwater will not be altered.

9. The Applicant's Engineer should confirm that the Stormwater Management Study Addendum intends to compare the proposed (current) conditions of the site to the existing conditions of the site following construction with Areas #1 through #4 modeled as "Woods". The existing conditions drainage area map dated March 1, 2024 does not indicate the existing trees within Area #4. In addition, the note on the existing conditions drainage area map indicates that the proposed condition will be meadow whereas the Preliminary/Final Site Plan indicates trees and shrubs being planted in all four areas. The Stormwater Management Study Addendum should be revised to address the various stages of the unauthorized disturbance areas (i.e., existing trees, trees cut down, replanted early growth trees, mature trees, groundcover, etc.). In addition, it appears that Area #2 may not be entirely within Drainage Area A2; therefore, this needs to be addressed in the Stormwater Management Study Addendum. The proposed drainage area map should show the proposed plantings and not the existing trees. Considering the nature of this Amended Site Plan application, our office reserves the right to provide commentary as additional information on the stormwater and site conditions becomes available.

The revised Stormwater Management Study Addendum received on May 3, 2024 partially addresses this comment. The existing Drainage Area Map should be revised to show existing trees within Area #4 as provided in the Overall SESC and Restoration Landscape Plans. Supporting testimony should be provided at the Public Hearing. The testimony should include whether the seeding for Areas #1 and #2 has been completed.

10. Notes and site features in the Amended Final Major Site Plan depicting work that had previously been completed and is not a part of this amended site plan application should be updated to reflect current site conditions accurately and clearly.

The latest submission received on May 3, 2024 has not included a revised Amended Final Major Site Plan, therefore this comment remains unaddressed. Additionally, our office notes that areas of existing motor vehicle surfaces to be removed, and proposed motor vehicle surfaces to be added to the site, as shown in the existing and proposed Drainage Area Maps should be described in Testimony. Also, details should be provided, and these areas should be clearly shown on the revised Amended Final Major Site Plan.

11. The individual acreages of each unauthorized site disturbance for Areas #1 through #4 should be provided in the Amended Final Major Site Plan. Areas of unauthorized disturbance within a riparian zone should be calculated, and clearly noted on the plans. Any discrepancies between the Drainage Area Maps and Amended Final Major Site Plan should be addressed. In addition, the Amended Final Major Site Plan should be revised to provide clarity as notes overlap and are not consistent from one sheet to another (e.g., steep slope hatching, etc.).

The existing and proposed Drainage Area Maps provide the individual acreages of each unauthorized site disturbance for Areas #1 through #4. However, the latest submission received on May 3, 2024 has not included a revised Amended Final Major Site Plan, therefore this comment remains unaddressed.

12. The Applicant shall be required to replenish his escrow, as necessary, to permit proper review of the application by the Board's professionals.
13. An Engineer's estimate of quantities and costs of the landscape restoration should be provided.
14. A receipt indicating the delivery of a completed application to the Hunterdon County Planning Board should be provided following Resolution approval.
15. A signed Certification on the plan by the owner of the property should be provided.

THIRD TECHNICAL REVIEW – HIGHLANDS LAND USE

As the entirety of the site was located within the Highlands Planning Area, the Township required the site to undergo Highlands Council review for any waivers requested from the Highlands Land Use Ordinance. In a letter dated May 5, 2021, the Highlands Council determined the entirety of the site, which was formerly industrial and a brownfield, was historically disturbed. The Highlands Council reviewed the Highlands Open Waters and Riparian Resources, and Critical Habitats, and determined no waiver from the Highlands Land Use Ordinance, or the Regional Master Plan was required for the project but did require the submission of a Riparian Zone Mitigation Plan and Report to the NJDEP as a condition Flood Hazard Area permitting. Following the submission of the Riparian Zone Mitigation Plan to the NJDEP, the Applicant received Consistency Determination from a Highlands Council letter dated January 6, 2022.

The unauthorized site disturbances within the riparian zone outside of the originally approved limits of disturbance were reported to the NJDEP on November 18, 2022. The NJDEP reviewed and approved the restoration landscape plans in their letter dated April 6, 2023. As the site is historically disturbed and considered a brownfield site, the unauthorized site disturbances during construction of the improvements could be considered exempt from Highlands Council review. The Highlands Compliance Statement depicts severely and

moderately constrained slopes in the unauthorized disturbance area, and slope disturbances within the riparian zone.

1. The plans should provide a legend and clearly show the extents and area of steep slope disturbance for each slope category as defined in §101-13. Testimony should be provided regarding the progress of site stabilization within these areas.

The latest submission received on May 3, 2024 has not included a revised Amended Final Major Site Plan, therefore this comment remains unaddressed. Testimony regarding the status of site stabilization within these areas should be provided.

2. The Applicant should confirm that no modification to the existing FHA permit for the site (Permit No. 1015-03-0007.2 LUP210001) or any additional approvals from the NJDEP are required.

Testimony should be provided regarding whether a modification to the existing FHA permit for the site or any additional approvals from the NJDEP are required.

I trust this correspondence is satisfactory. Please feel free to call with any questions or comments.

Very truly yours,

FINELLI CONSULTING ENGINEERS

A DIVISION OF 



Bryce D. Good, P.E., CPESC
Land Use Board Conflict Engineer

cc: All Land Use Board Members, distributed by LUB Administrator, via e-mail only
Eric Bernstein, Esq., Land Use Board Attorney, via email only
Kendra Lelie, P.P., Conflict Planner, via email only
Mark Bellin, Esq., via e-mail only
Gary Cicero, Holland Solar Farm LLC, via email only
Ian Hill, P.E., Applicant's Engineer, via e-mail only
Hunterdon County Planning Department, via e-mail only

To: Holland Township Land Use Board

From: Kendra Lelie, PP, AICP, LLA

Re: **Holland Solar Farm, LLC**
Amended Preliminary & Final Site Plan
10 Mill Road
Block 2, Lot 1.02
Limited Industrial Park District (IND)

Date: February 8, 2024
February 9, 2024: Amended
March 7, 2024: Updated comments in Bold Font
May 6, 2024: Updated comments in Bold Underlined Font

1.0 Site and Project Description

1.1 The subject site consists of one lot which is 65.5 acres and has approximately 1,800 feet of road frontage along Cyphers Road and Willow Lane. Mill Road, a private road/easement, is located along the northern portion of the site providing access to eight (8) single family attached housing units located on separate parcels. The site was previously used as a paper plant (Fibermark) and has been redeveloped as a 10 MW photovoltaic grid supply solar field. The southern corner of the site contains an existing 8 MW grid-supply solar farm that is operational and known as the Milford Solar Farm. The remaining land of the subject site contains herbaceous and forested wetlands and open waters of the Musconetcong River.

1.2 The applicant is seeking amended site plan approval to permit additional clearing (3.77 acres) that took place during construction of the solar field. The applicant, Holland Solar Farm, LLC received Preliminary and Final Site Plan approval on November 9, 2020 which permitted the applicant to construct the 10 MW photovoltaic grid supply solar field in two separate solar arrays.

The Amended Preliminary and Final Site Plan sheets depict the expanded disturbed areas in a blue and pink outline. There are four (4) areas of disturbance that was not permitted in the original approval. The disturbed areas in blue outline represents areas that are within the New Jersey Department of Environmental Protection

(NJDEP) jurisdiction and the disturbed areas in pink outline are outside of the NJDEP jurisdiction. The applicant has received approval of the restoration plans from the NJDEP for the disturbed areas outlined in blue. The disturbed areas outlined in pink are the subject of this review letter and consists of two areas: Area 3 is approximately 0.68 acres and Area 4 is approximately 0.49 acres.

The Addendum to the Forest Impact Report and Mitigation Plan report issued by Highlands Compliance Insights (HCI), dated January 18, 2024 describes the vegetative characteristics of the additional disturbed areas. Disturbed Area 3 is described as a secondary successional forest that has been heavily fragmented and disturbed and had functioned as a hedgerow disconnected from the core forest located off site. Disturbed Area 4 is described as an area adjacent to the natural gas pipeline easement and has low-quality exotic and secondary successional species. As provided below in the zoning analysis portion of this report, no additional detail was provided in a report or on the plans regarding the specific size and species of trees and other vegetation that was removed. It is our opinion that this information is essential to understand the true magnitude and impact of the disturbed areas. **The applicant has provided additional information on Sheets 4 of 5 and 5 of 5 entitled “SESC and Restoration Landscape Plan” last revised April 30, 2024.**

2.0 Surrounding Area

2.1 The parcel is located in the Limited Industrial Park District (IND). The surrounding properties include single-family dwellings to the west and agricultural uses to the south and east. The Musconetcong River is located along the northern property boundary. The R-5 Residential zoning district abuts the southeastern property boundary and the R-1 Residential zoning district in Pohatcong Township is located to the north of the parcel.



Aerial Photograph from NJ-GeoWeb

3.0 Zoning and Compliance

3.1 The IND district permits a variety of non-residential uses including manufacturing, office, laboratory, warehouse, agriculture and single-family residential. Solar energy facilities are permitted as conditional uses in IND district. However, pursuant to NJSA Section 40:55D-66.11, a renewable energy facility on a parcel of land comprising 20 or more acres shall be a permitted use in every industrial district. As such, while there are conditions associated with the use, it shall be treated as a permitted use.

3.2 Solar Energy Facility Zoning Requirements. In accordance with Section 100-22.1 B, the applicant shall meet the following conditions or otherwise request a variance. We limited our review to just the conditions that are applicable to additional disturbance.

- a. *Section 100-22.1 B(2)(d). Woodlands shall not be clear cut to accommodate such facilities. Any removal of more than ten (10) trees having a diameter in excess of 12 inches dbh (diameter at breast height) shall require replacement onsite of all but the first ten (10) trees.*

The Amended Site Plan package does not provide an accounting of the total number of trees removed for all disturbed areas. As such, compliance with this condition cannot be determined. The applicant shall provide the accounting in accordance with this condition. In addition, while the applicant provided a replanting plan for Disturbed Areas 1 & 2, a planting plan was not provided for Disturbed Areas 3 & 4. A replanting plan shall be provided to ensure compliance with this condition.

The applicant provided a revised site plan with an accounting of trees removed. Testimony shall be provided giving the source of the information used to account for the quantity of trees removed. A

replanting plan was provided. While the requested information was provided, we are of the opinion that technically a variance from this condition is required as the woodlands were clear cut.

The applicant has provided tree removal information and a tree replacement table and planting plan for Areas #3 and #4. Our office worked with the applicant's Landscape Architect over the past few months on the replanting plan and tree species. While I am generally satisfied with the proposed replanting plan, Area #4 does not include a tree replacement table depicting the tree replacement calculations similar to what was provided for Area #3. This table should be provided to ensure the number of required replacement trees were calculated correctly. Once this information is provided, we can review to ensure the total trees required are provided. I am satisfied with the size and species of the replacement trees.

- b. Section 100-22.1 B(3)(e). *Such facility shall be screened by topography and/or natural vegetation, supplemented by additional plantings as needed, or by berms and landscaping, from public traveled ways (public roads, navigable waterways, and publicly available trails on land owned by or held by easement of a public entity), residential building on an adjoining lot, open space owned by or subject to easement of a public entity, and historic sites and building listed in the State and/or National Registers of Historic Places.*

This condition provides for a variety of ways to accomplish the screening. Based on a site visit in the summer and late fall of 2023, it is our opinion that due to the removal of the existing vegetation the solar fields are visible from public areas. Specifically, in Disturbed Area 3, the existing Milford solar field is now visible from Cyphers Road and Willow Lane and Disturbed Area 4, is visible from the Musconetcong Gorge Trail parking area and certain trail locations. We recommend the applicant provide a screening plan that meets the requirements of this condition in order to adequately screen the public views into the existing solar fields. In addition, this condition requires a maintenance plan to be submitted for approval as part of the site plan. As the applicant has not provided for a screening plan, a maintenance plan was also not submitted. If the applicant provides a screening plan, a maintenance plan is required. It is our opinion that an additional variance is required if a maintenance plan is not provided.

The applicant provided a replanting plan for Areas 3 and 4. Pursuant to Section 100-22.1 B(3)(e) (4), if plantings are used to provide screening, the proposed plantings shall include an even blend mix of coniferous and deciduous trees and shrubs. In addition, the plan shall be prepared by a licensed landscape architect. While the applicant provided native species for the planting plan, there is not an even blend mix of coniferous to deciduous trees. Additional evergreen trees shall be added to the planting plan. Coniferous and deciduous shrubs shall also be added the screen planting. The groundcover seed mixture shall also be provided. Finally, the landscape plan shall be signed and sealed by a professional Landscape Architect. In order to meet this condition, the applicant shall agree to update the replanting plan as required.

The applicant has provided adequate screen plantings consisting of evergreens and native large shrubs and small trees. I am satisfied with the screen planting design proposed.

- c. Section 100-22.1 B(4)(e). *Where land disturbance, grading, or the construction of site improvements on such soils is unavoidable, it shall be limited to the minimum intrusion necessary to construct required access roads, inverter and switching equipment pads and other facilities required for connection to the grid.*

This Amended Site Plan approval request is to permit disturbance that went beyond the previously approved plans and therefore does not meet this condition.

- d. *Section 100-21.1 B(4)(g). The site plan shall provide for adequate and appropriate drainage facilities, which shall be designed such that site grading and construction shall not alter the natural drainage patterns of stormwater originating both within and beyond the property boundaries, which is not inconsistent with the Stormwater Management Regulations. I defer to the Board Engineer to determine compliance with this regulation.*

3.3 General. This office conducted a site inspection of the landscape plantings in October 2023 and provided the Board Engineer with a checklist of items that require the developer's attention in order for the site to be compliant with the previously approved Site Plan.

4.0 Variance Considerations – “c” Variance

4.1 The Board has the power to grant “c(1)” or “hardship” variances to permit relief from zoning regulations where a hardship to conformance exists (N.J.S.A. 40:55D-70c(1)). Proving the existence of the hardship is the so-called “positive criteria”. The finding of a hardship must address the following:

- *“by reason of exceptional narrowness, shallowness, or shape of a specific piece of property,*

- *or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or*
- *by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon,*
- *the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.”*

It should be noted that the finding of the hardship must be for the specific property in question – it must be unique to the area. Note also that a hardship variance cannot be granted by a self-created hardship or personal hardship of the applicant.

4.2 The Board has the power to grant “c(2)” or “flexible” variances to permit relief from zoning regulations where an alternative proposal results in improved planning, as measured by the following (N.J.S.A. 40:55D-70c(2)).

- a. The purposes of the MLUL would be advanced by the deviation, and
- b. The benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment.

It should be noted that the finding of the benefits must be for the specific property in question – it must be unique to the area. The zoning benefits resulting from permitting the deviation(s) must be for the community (“improved zoning and planning that will benefit the community”) and not merely for the private purposes of the owner. It has been held that the zoning benefits resulting from permitting the deviation(s) are not restricted to those directly obtained from permitting the deviation(s) at issue; the benefits of permitting the deviation can be considered in light of benefits resulting from the entire development proposed. Notwithstanding, the Board should consider only those purposes of zoning that are actually implicated by the variance relief sought.

4.3 The Municipal Land Use Law (NJSA 40:55D-70) requires the applicant to satisfy 2 components of the negative criteria:

- a. The proposal will not create a “substantial detriment to the public good”; and
- b. The proposal will not create a “substantial detriment to the zone plan and zoning ordinance”.

5.0 Materials Reviewed

5.1 Development application and supporting materials.

5.2 *Amended Preliminary/Final Major Site Plan*, consisting of 4 sheets, prepared by Ian L. Hill, PE from Van Cleef Engineering Associates, dated October 31, 2023, last revised March 1, 2024.

5.3 Overall SESC and Restoration Landscape Plan for Holland Solar Farm, Block 2, Lot 1.02 prepared by Ian Hill, P.E. and **Kevin Kester, LLA** of Van Cleef Engineering dated April 14, 2023, last revised **April 30, 2024** comprising 5 sheets.

5.4 Restoration Landscape Plan for Holland Solar Farm, LLC prepared by Ian Hill, P.E. of Van Cleef Engineering dated December 22, 2022, last revised February 8, 2023, comprising 2 sheets.

5.5 Addendum to Highlands Compliance Statement– Holland Solar Farm, LLC, dated January 18, 2024, prepared by Highlands Compliance Insights.

5.6 Addendum to Forest Impact Report and Mitigation Plan – Holland Solar Farm, LLC”, dated January 18, 2024, prepared by Highlands Compliance Insights;

6.0 Applicant Team

6.1 Applicant: Holland Solar Farm, LLC, 20A S. Beers Street, Holmdel, NJ 07733. Telephone: 786-626-6606.

6.2 Owner: Fiberville Estates, LLC, 410 Princeton Hightstown Road, Princeton Junction, NJ 08550.

6.3 Attorney: Michael S. Bellin, Esq, 54 Broad Street, Suite 303, Red Bank, NJ 07701. Telephone: 732-962-5515.

6.4 Engineer: Ian L. Hill, PE, Van Cleef Engineering Associates, LLC, 1128 State Highway 31, Lebanon, NJ 08833. Telephone: 908-735-9500.

- C. Maria Elena Kozak, Land Use Board Administrator via email
 Eric Bernstein, Esquire, Board Attorney via email (embernstein@embalaw.com)
 Bryce D. Good, PE, Conflict Board Engineer via email (BryceG@finellicon.com)
 Mark Bellin, Esq. (marksbellin@aol.com)
 Ian Hill, PE via email (ihill@vancleefengineering.com)

At 8:25 pm the Chairman called for a 5 minute recess. Let the record show that Engineer Good and Planner McManus are present.

Applicant’s Attorney Vitiello was present as Attorney Bellin could not attend the meeting due to the arrival of his grandchild. Attorney Vitiello stated that he is familiar with the project and is aware of what Attorney Bellin was going to talk about and that the hearing can continue as scheduled. He reminded everyone that the at the last meeting there were discussions that needed to take place with the applicant, the architect and the planner

with addition documentation being provided. All witnesses were sworn in at the last meeting and can continue to testify.

Witness, Peg Prizer – the landscape architect is still under oath and her license is still in good standing.

Exhibit A 5 - Landscape plan with revision date April 30th

This shows that 34 trees are removed and replacing with 47 trees and more shrubs. The table on the plans shows what is required by ordinance. In area 3 there is also screening in the upper section from the open solar panels to the road including native shrub plantings. The concept is to put trees in that will not interfere with the root system that are also better in the screening of solar panels.

Exhibit A 6 Landscape plan with revision date of May 7th

This is about Area 4 – the reason for the May date is that she left the other plan behind after the last meeting. This shows that 26 trees were removed and are being replaced with 55 trees and native shrubs for additional screening. The trees are being planted around the roots of the trees that were cut. Tree species and caliper was also added to the table.

Planner, Beth McManus for Kendra Lelie stated that the office received the updated plans with the update information and was satisfied.

Attorney Vitiello addressed the outstanding items from the reports and asked if there was anything else that needed to be addressed or if there were any other questions. Board questions included were the species included in what was removed and what was being replaced with the response being that the majority of trees taken out were ash trees however the forester will speak more of this later. There were no further comments for the witness.

Attorney Vitiello explained that the landscape is the reason that the applicant continued the public hearing. The board was asked if there were more testimony needed.

Board member O'Such stated that he had questions for the applicant's engineer.

Engineer Hill with Van Clef Engineering was brought to the mic and reminded that he is still under oath and stated that his license has not expired. Engineer Hill stated that he reviewed the board engineer's memo and can address all comments. He further stated that the applicant will comply to all comments expressed in the letter prepared by Engineer Good and the board had no further comments at this time.

A motion was made by Peter Kanakaris and seconded by Mike Miller to open the public portion of the public hearing. All present were in favor. Motion carried.

Davina Lapczynski expressed that the tree replacement schedule presented is good. However, with the size of the trees cut down was wondering if additional credits could be used elsewhere in the township for additional tree plantings. Attorney Vitiello responded with a no on the credit as he explained that most of the trees that were removed were ash trees and diseased trees so what came down was better for Holland Township. He also believes that the new trees and shrubs being planted are appropriate for this site and the overall landscaping plan is an improvement. Davina Lapczynski stated that the overall plan does not compensate for trees that will take time for maturity, trees that were not supposed to be taken down and the applicant gaining more power production from the panels from the increase of solar activity. Davina Lapczynski also reminded the board that the ash would come down on their own as they are all over the town. Attorney Vitiello stated that there were over 50% ash on the site. He also explained that state statutes promote solar development and admitted that the applicant is getting tax credits but he believes that Holland Township is getting a better landscape plan. Attorney Vitiello agrees that the situation should not have happened the way it did but that the applicant has done everything they could do to fix the situation.

With no one else from the public offering public comment, a motion was made by Mike Miller and seconded by Peter Kanakaris to close the public portion of the public hearing. All present were in favor. Motion carried.

Additional discussion took place and Engineer Good stated that he was in agreement with the applicant's statement that they would address all his comments in the review letter and that it would all be conditions of compliance.

Sub-Committee Status and Updates:

- Holland Township Highlands Council Subcommittee – Mike Keady and Dan Bush – The Highlands Council is hosting a public hearing that has been announced and the information shared. Mike Keady also talked about agricultural food and security organizations in discussions with the Highlands Council to look at the welfare of folks going to food pantry and looking for more efficiency to help people who

need food. More news was shared that Holland Township is moving forward with Phase 2 of Task 8 the Water Use and Conservation Plan. This is more engineer driven. More updates to follow

Home Occupation subcommittee – Ken Grisewood – this was on a hiatus because of the stormwater reassignment of Tier B to Tier A. It is tabled for the time with the hope that discussions can begin again sometime in 2024.

Public Comment

There were no members of the public present for public comment at this time.

Executive Session

There was no Executive Session scheduled at this time.

Housekeeping:

There was no Housekeeping scheduled at this time.

Adjournment

Mike Keady made a motion to adjourn. Motion approved. The meeting ended at 8:50 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

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Land Use Administrator