

**Holland Township Board of Adjustment**  
**Regular Meeting**  
**Minutes of the April 30, 2014**

The meeting was called to order by the Chairman, Ginger Crawford:

“I call to order the April 30, 2014 Regular Meeting of the Holland Township Board of Adjustment. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board Secretary on December 12, 2013 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 12, 2013 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes

**Flag Salute:**

Chairman Crawford asked all to please stand for the Pledge of Allegiance.

Identification of those at the podium for the benefit of the recording machine:

**Present:** Wilson “Bo” Baker, Jerry Bowers, Laura Burke, Ginger Crawford, Les Gallipeau, William Martin, Gail Rader, Todd Bolig, Esq., Robert Martucci, Engineer, Planner Elizabeth McKenzie, Susan Barber for Lucille Grozinski, CSR, and Maria Elena Jennette Kozak, Secretary.

**Absent:** Bill Ethem and Peter Kanakaris

Let the record show there is a quorum.

**Minutes:** A motion was made by Les Gallipeau and seconded by Bill Martin, to dispense with the reading of the minutes of the meeting on March 26, 2014 and to approve as submitted. All Present were in favor with the exception of Gail Rader who abstained. Motion carried. All were in favor of the motion.

**Completeness**

- Jane E. Beale – Block 27 Lot 11 – Old River Road – Bulk Variance Application - received into our office on March 6, 2014. The 45-day completeness review deadline is April 20, 2014. On the March 26 2014 agenda. Deemed Incomplete 032614. New material submitted April 16, 2014. The 45-day completeness deadline is May 31, 2014. On the April 30, 2014 agenda. Board Action needed.
  - Attorney DeSapio was present. The March 18, 2014 letter by Robert Martucci was discussed and the applicant addressed the items outstanding. Checklist items H25 and H26 are still outstanding. The applicant does not want to submit floor plans, building elevations as the applicant does not want to limit the potential buyer of the property. The applicant’s attorney and board attorney discussed the COX book and case law pertaining to the requirement. The applicant strongly believes that if a buyer wants to build a single family residence then there are enough checks and balances that would force the buyer to comply to existing rules and regulations. If the board restricts the buyer then that buyer would have to come back in the future an amended variance. Planner McKenzie expressed concerns with the fact that the building will need to be elevated due to flood issues. The board needs to be assured if they approve the building on an undersized lot you have to also be aware that the elevations need to be part of the foot print and be included with the height within the building envelop. Planner McKenzie stated that the applicant should present realistic architectural calculations for some heights to determine a reasonable building so as to avoid the need for future variances. The constraints need to be known upfront and all parties need to have an understanding of limitations. There was additional discussion about when the lot was created and when the area was rezoned. The applicant has been trying to find records that prove this was a buildable lot. Planner McKenzie stated that the applicant needs to demonstrate when this lot was created. The applicant has to address the issues now. Additional conversations took place regarding the property being in an environmentally sensitive flood plane. Planner McKenzie stated that there will be concerns that the DEP will need to address pertaining to the lot. At the public hearing the board can discuss an alternate way into the property. The board discussed the need for building plans. A motion was made by Les Gallipeau and seconded by Bill Martin to grant the waivers of checklist items H25 and H26 and to deem this application complete. At a roll call vote, all present were in favor of the motion. Motion carried. The public hearing will be at the next scheduled meeting.
- . Wesley Schnorrbusch – Block 6 Lot 53.13 – 4 Deer Court – Variance Application – received into our office on April 9, 2014. The 45-day completeness deadline is May 24, 2014. On the April 30, 2014 agenda. Board Action Needed.

- Attorney Wilson was present. He has reviewed what was submitted. He has spoken with Mr. Sniffin regarding a plat. They may use the old survey with the proposed barn. He has looked at the letter prepared by Planner McKenzie and believes this application is for a “c” variance only. He thinks he can work with the board professionals to discuss the completeness issues. Has granted an extension of time until the next scheduled meeting to determine completeness. Everyone present agreed to carry this completeness review until the next scheduled meeting and Attorney Wilson stated that he would send an extension letter to Secretary Kozak. Additional information will be sent to the office. [
- Garden Solar LLC-Clean Generation Solar Energy Farm W4-097 – Block 6 Lot 62 – Spring Mills Little York Road – Application for Final Site Plan Approval – Received into our office on April 9, 2014. The 45-day completeness deadline is May 24, 2014. The Application for Preliminary Site Plan was Approved with conditions August 29, 2012. Board Action needed. If waivers granted and application is deemed complete then a public hearing is to follow – see Public Hearing.
  - Attorney Walter Wilson present.
  - Deed discussion first. The deeds for Spring Mills LLC have been received and reviewed by Attorney Bolig, Engineer Martucci and Planner McKenzie. They are good to go. Chairman Crawford and Secretary Kozak have the authority to sign the documents. Once signed, the applicant will take them to the county to perfect them. The descriptions have also been corrected. The assignment of the street address will take place after the subdivision is perfected.
  - Deed for Restrictive Covenant - There are some issues with what was resented. The form was approved by the board in 2012. This is a conveyance of land. There are issues with what was recorded but the applicant has agreed to rerecord. Once reviewed by the board professionals then the document will be sent to the board. The board will ultimately send the document to the township committee for endorsement/execution. More discussion took place regarding decommissioning. The \$15,000.00 deposit that the applicant offered to put up was also discussed. The \$15,000.00 is to cover costs costs associated with legal representation and not to go against decommissioning. An ongoing discussion regarding decommission and the future took place. Some additional discussion took place about the applicant giving the township \$15,000.00 on each side of the project. The professionals will get together to iron out the details of the
  - deed for restrictive covenant and present to the board for review.
  - Completeness
    - Escrow discussion. After much discussion, A motion was made by Jerry Bowers and seconded by Les Gallipeau to have the existing escrow account rolled into this account and that the applicant will present the secretary with a check for \$8,000.00 this evening. At a roll call vote, all present agreed. Motion carried.
    - Engineer Martucci’s letter dated April 24, 2014 was discussed. The taxes have been paid for the next quarter.
      - E9 – temporary waiver – approval from Hunterdon County Planning Board not to construct with mention of payment being needed.
      - E10 – nothing needed. Waived at preliminary can waive again
      - E11-certification in hand
      - E12-waived at preliminary can waive again
      - E13-waiver
      - E14-LOI has been supplied
      - E15-approval expires 10 01 17
      - E16-supplied – Attorney Bolig has it
      - E17-form provided. If not satisfied a temporary waiver can be granted
      - E – this cannot be done till the 911 coordinator assigns the number and the restrictive deed is completed. A temporary waiver is needed.
      - E23-plan did not meet scale so it was changed same as preliminary
      - E30-provided today. Temporary waiver needed.
      - E31-temporary waiver needed.
      - E32-200’ list is revised and on plans
      - E37-on file. Need a waiver. Its in preliminary. Sealed.
      - E45-Phasing. There is a plan to seek modification to the western array. The Board of Education has the project on the horizon. A modification will be needed and called Phase 2 – it will eliminate the extension thru the church but will allow parking at the school on the overflow lot. The school will gain the electricity. That project will be back before the board.
      - E53- on revised plans.
      - E55 and E56 do not apply

- E61 – need a temporary waiver. Height and location on the gate. Information needs to be supplied. Planner McKenzie stated that signs down by the street need identification. Attorney Wilson stated they will review the issue. There were some discussions with the professionals stating they will work on this.
  - E63-Already has approval
  - E64-revised checklist item
  - E65-landscaping subject to review – all agreed.
  - E67-Solid Waste and Recycling discussed with Engineer Martucci – nothing is really needed after construction. They have not done this during construction in the past. It is usually hauled out daily. This is workable.
- Engineer Martucci and Planner McKenzie stated that they are satisfied with what has been proposed by the applicant. The board can grant waivers and deem the final this application complete and a public hearing can take place immediately. No one had additional comments. A motion was made by Jerry Bowers and seconded by Les Gallipeau to grant temporary waivers for checklist items E9, E17 and E18 as discussed and outlined in the review letter prepared by Engineer Martucci dated April 16, 2014 and to deem this application complete. At a roll call vote, all present were in favor. Motion carried.

At 9:30 pm a 10 minute break took place.

### **Public Hearing**

- Garden Solar LLC-Clean Generation Solar Energy Farm W4-097 – Block 6 Lot 62 – Spring Mills Little York Road – Application for Final Site Plan Approval – Received into our office on April 9, 2014. The 45-day completeness deadline is May 24, 2014. The Application for Preliminary Site Plan was Approved with conditions August 29, 2012. Board Action needed. If waivers granted and application is deemed complete then a public hearing is to follow – see Completeness review.
  - Attorney Wilson is present. The substance of this application is in compliance with the preliminary site plan previously approved. There are no major issues to deal with. The sign in the right of way is something that can be addressed.
  - Engineer Chris Nusser was sworn in. He stated who he is working for. He has prepared the plans for final site plan and also worked on preliminary site plan. He stated that the will post signs at each entrance. There will be separate numbers for each solar facility. Discussion took place regarding the setbacks in the right of way. After some discussion, the professionals agreed to work out the details and secretary Kozak will discuss the matter with the 911 coordinator. The signs are also not shown on the plans. The sign location on the gate is not shown. Discussion took place and all agreed that the top of the sign should be at the height of 5’5” on all the main gates. The post signs will be placed 20’ without interference of the site triangle. The 911 coordinator must be satisfied with this. The 911 coordinator will assign the numbers for the project. County Planning Board approval has been met. The deed for restrictive covenant is outstanding but the professionals will be working on this. All present agreed that the board will review what is presented within 60 days and submit to the township committee for endorsement/enforcement. A performance guarantee is an outstanding issue. Inspection fees are also outstanding. The utilities will be contacted and a letter will be forwarded stating that everything comes back to the grid. At the pre-construction hearing a discussion will take place regarding the fence.
  - A motion was made by Les Gallipeau and seconded by Ginger Crawford to grant final site plan approval with conditions from the resolutions dated February 29, 2012 and April 25, 2012 along with granting temporary waivers for checklist items E9, E17, and E18, with the understanding that the Deed for Restrictive Covenant is to be approved by the Board of Adjustment and submitted to the Township Committee within 90 days from adoption of this resolution, the applicant shall revised plans to comply with mounting requirements, Signs shall be at eye level on each gate fence with the top of the sign to be five and one half feet, two post signs to be in the 20’ setback from the Spring Mills Little York Road but not within the sight triangle, location of signs to be approved by 911 coordinators, and unconditional approval by Hunterdon County Planning Board needs to be obtained, Stormwater management must comply, landscaping must comply, performance bond to be posted, inspection cost and maintenance bond to be posted, permits to be applied for, pre-construction conference to take place, etc. At a roll call vote, all present were in favor of the motion. Motion carried.

### **Resolution**

There were no Resolutions scheduled to be discussed.

**Old Business**

There was no Old Business to be discussed.

**New Business:**

There was no new business to discuss.

**Public Comment**

There were no members of the public present.

William Martin made a motion to adjourn. Motion carried.  
Meeting ended at 10:25 p.m.

Respectfully submitted,  
*Maria Elena Jennette Kozak*  
Maria Elena Jennette Kozak  
Secretary