

Holland Township Board of Adjustment
Regular Meeting
Minutes of the February 25, 2015

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

“I call to order the February 25, 2015 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 December 11, 2014 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 11, 2014 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.

Flag Salute:

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

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

Present: Jerry Bowers, Laura Burke, Ginger Crawford, Peter Kanakaris, William Martin, Gail Rader, Todd Bolig, Esq., and Maria Elena Jennette Kozak, Secretary.

Absent: Bill Ethem. Per Chairman Crawford Robert Martucci, Engineer, Elizabeth McKenzie, Planner, and Lucille Grozinski, CSR were not needed for the meeting this evening.

Let the record show there is a quorum.

Minutes: A motion was made by Peter Kanakaris and seconded by Gail Rader, to dispense with the reading of the minutes of the meeting on January 28, 2015 and to approve as submitted. All Present were in favor. Motion carried.

Oath of Office

Appointments – Chairman Crawford asked Attorney Bolig to perform the *oath of office* to the following member:

Laura Burke – regular member – term expires 12/31/2018

Laura Burke (the past Alternate) was welcomed as a regular member.

Completeness

- There were no completeness reviews scheduled.

Public Hearing

- There was no public hearing scheduled

Resolution

Courtney & Russell Steele – Block 17 Lot 34 – 417 Milford-Mt. Pleasant Road – “C” Variance Application/garage – received into our office on November 25, 2014. The 45-day completeness deadline is January 9, 2014. Board action needed. Approved with conditions January 28, 2015. Resolution distributed.

**THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF HOLLAND**

**RESOLUTION REGARDING THE APPLICATION
FOR VARIANCE RELIEF FOR BLOCK 17, LOT 34,
KNOWN AS 417 MILFORD – MT. PLEASANT ROAD,
BY APPLICANTS, COURTNEY & RUSSELL STEELE**

WHEREAS, Courtney and Russell Steele (the “Applicants”) have applied to the Holland Township Board of Adjustment for relief pursuant to *N.J.S.A. 40:55D-70c(2)*; and

WHEREAS, the Applicants are the title owners of Block 17, Lot 34, commonly known as 417 Milford – Mt. Pleasant Road, in the Township of Holland, County of Hunterdon, State of New Jersey (the “Subject Property”) which is situate in Holland Township’s Residential “R-5” zone; and

WHEREAS, the Applicants seek variance relief from §100-109 of the Township of Holland Land Use Ordinance, as Applicants propose to build a 720 square foot (30 feet by 24 feet) detached garage, which will be accessory to the dwelling on the lot, but that will encroach on required minimum side and rear yards for the lot; and

WHEREAS, the subject property is a lawfully preexisting undersized lot that was developed with a dwelling prior to the adoption of zoning regulations in Holland Township and that does not already contain a garage or other accessory structure; and

WHEREAS, pursuant to §100-109, lawfully preexisting undersized lots are permitted to have reduced side and rear yards of 25 feet each (instead of the 75 feet otherwise required in the "R-5" zone); and

WHEREAS, Applicants seek relief from §100-109, as the Applicants seek to locate the proposed garage 10 feet from the rear lot line and 20 feet from the western side lot line instead of the 25 feet required in each case;

WHEREAS, the application dated September 30, 2014, was filed on or about November 25, 2014 (the “Application”) and was the subject of a completeness hearing on December 17, 2014, at which the Application was deemed complete;

WHEREAS, on Wednesday, January 28, 2015, the Application was opened for a public hearing at which time appeared the Applicants, Courtney and Russell Steele;

WHEREAS, the following **Exhibits** were submitted and moved into evidence:

A-1 Application for Variance, dated September 30, 2014, and filed as of November 25, 2014, including the following: Application Certifications; Certification of Ownership; Site Walk Authorization; Escrow Replenishment Agreement; Board of Adjustment Checklist, Section “H”, for Determining Completeness; letter dated October 6, 2014 from Margaret Nordstrom, New Jersey Highlands Water Protection and Planning Council; Holland Township Tax Collector’s Certified List of Property Owners dated September 30, 2014; Holland Township Tax Collector’s letter dated December 10, 2014 referencing the Subject Property’s current property tax status; letter dated September 25, 2014 from Holland Township’s Zoning Officer, Lawrence D. Creveling, to Applicants denying the issuance of a building permit; building schematic of proposed garage from Pioneer Pole Builders depicting proposed structure’s dimensions and construction details; and various photographs of subject and neighboring properties;

- A-2 Proof of Service / Publication Package including Affidavit of Publication dated January 19, 2015 in the *Hunterdon County Democrat*; Affidavit of Service signed by Applicant Russell Steele dated January 21, 2015; and copies of certified / return receipt requested receipts for all public utilities and property owners within 200' of the Subject Property;
- A-3 Color satellite photograph of the Subject Property and neighboring properties;
- A-4 Single sheet containing three photographs:
- (a) Garage located on Block 17, Lot 52;
 - (b) Garage straddling Block 17, Lots 33 and 52; and
 - (c) Garage located on Block 17, Lot 32.
- A-5 Single sheet survey depicting the Subject Property, and the proposed location and orientation of garage.

WHEREAS, all jurisdictional requirements have been satisfied by the Applicants;

WHEREAS, the Board of Adjustment of Holland Township having reviewed the exhibits submitted by the Applicants, and the Board having heard and considered the evidence and testimony given by the Applicants, and the Board having heard from the Township's professionals, Elizabeth McKenzie, A.I.C.P., P.P., Robert Martucci, P.E., and Todd L. Bolig, Esq., with respect to the Application, and there being no members of the public in attendance at the hearing, despite the adequacy of the notice of the hearing, the Board made the following **findings of fact**:

1. The Board had jurisdiction to proceed as all necessary notices were timely served and published in accordance with law;
2. All taxes for the Subject Property have been paid;
3. Application fees were paid and review escrows established;
4. The Application has been deemed complete;
5. **Courtney and Russell Steele**, co-Applicants, after being duly sworn according to law, testified that:
 - A. The Steeles, husband and wife, are the title owners of the Subject Property;
 - B. The Subject Property is located in the R-5 Zone of the Township of Holland;
 - C. The Subject Property is a pre-existing, undersize lot of approximately 13,500 square feet net, and 15,000 square feet gross, with a single family residence existing thereon;
 - D. The proposed stand-alone, single-story garage shall be constructed in a style and with the dimensions as depicted by the Pioneer Pole Barn, Inc. schematic drawing accompanying Exhibit A-1 having dimensions of twenty-four feet (24') in width by thirty feet (30') in depth, with a height not to exceed fourteen (14') in height above ground level;

- E. Mr. Steele indicated that they require a garage having a 30 foot depth from the driveway in order to accommodate their Ford Excursion and its hitch, which total 25 feet in length. In addition, the garage will accommodate a second personal vehicle and ancillary storage of yard equipment.
 - F. Mr. Steele indicated that he intends to install electrical service to the proposed structure but will not require any interior water service as there will be no bathroom or any other facility requiring water;
 - G. Mr. Steele stated that the proposed structure shall not be used for any commercial or business purpose or for the storage of any items related to any commercial purpose but would be utilized solely for personal purposes ancillary to the residential use of the lot;
 - H. Mr. Steele marked Exhibit A-4, and testified that the neighboring properties, which are also undersized, have similar stand-alone garages located and oriented in a manner similar to that proposed by the Applicants.
 - I. Mr. and Mrs. Steele testified that they chose the size and orientation of the garage, despite the deviations from the already relaxed setback requirements applicable to preexisting undersized lots for the following reasons: the first is that the proposed 30 foot depth of the garage affords the Applicants the ability to store both of their vehicles, one of which is oversized, within the garage, which results in a more desirable visual environment on the lot and for the neighborhood than if the depth were reduced to 24 feet and the width increased to 30 feet; the second is that the proposed orientation of the garage so that it faces the existing driveway maximizes the amount of usable yard space on the lot, which would be greatly reduced were the garage to be reoriented and a new driveway constructed to access the garage from the south; the third is that the proposed placement of the garage 10 feet from the rear lot line also maximizes the usable yard space on the lot and is consistent with the placement of garages on neighboring lots. Thus, the placement of the garage as proposed promotes the appropriate use and development of the Applicants' property and is consistent with the character of the neighborhood.
6. The Application was opened to the public in attendance for the purpose of eliciting testimony from the Applicants, and/or commenting upon the Application, however there was no member of the public in attendance.

WHEREAS, the Board of Adjustment of Holland Township, having reviewed the exhibits submitted by the Applicants, and the Board having heard and considered the evidence and testimony given

by the Applicants, and the Board having heard from the Township's professionals with respect to the Application, and the Board having noted the absence of any members of the public at the hearing, despite the Applicants' having satisfied the notice requirements, makes the following **Conclusions of Law**:

1. The Board of Adjustment of Holland Township has jurisdiction in this matter with all required parties having been properly noticed in accordance with law;
2. The proposed garage is exempt from the New Jersey Highlands Act, under Exemption No. 5, N.J.S.A. 13:30-28(a)(5);
3. Pursuant to the Holland Township Land Use Ordinances, the stand-alone garage structure sought by the Applicants is a "permitted" accessory structure for a residential lot which does not presently have a garage, and as such, is not subject to the size restrictions applicable to an "accessory" storage structure per §100-45(B);
4. Whereby the proposed location and orientation of the garage with a 10' rear yard setback, and a 20' setback from the Subject Property's western property line deviates from the permitted reduced setback requirements set forth at §100-109 of Holland Township's Land Use Ordinance, there are benefits to both the community and to the Applicants in that the grant of this variance, with its attendant conditions, enables the Township to promote and further sound public policies by encouraging: (a) the construction of a structure to enclose vehicles and other items customarily stored outside, in view of the public and neighboring properties; and (b) the construction of a structure in a manner which is aesthetically pleasing for adjoining property owners and the community-at-large. These benefits substantially outweigh any detriments that may occur as a result of the granting of the requested relief;
5. The Board found that the requested relief can be granted without substantially impairing either the intent or purpose of the Township's zone plan and zoning ordinance; and
6. The Board found that the granting of the requested relief in this particular case would further two purposes of the Municipal Land Use Law, as set forth by N.J.S.A. 40:55D-2, specifically, N.J.S.A. 40:55D-2(a), which is "to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare", and N.J.S.A. 40:55D-2(i) which seeks to promote a "desirable visual environment through creative development techniques and good civic design and arrangements." The placement of the structure within the setback areas and oriented as proposed by the Applicants serves to further both of these goals, given the particular circumstances of this lot.

WHEREAS, on January 28, 2015, the Board of Adjustment of Holland Township voted with respect to Applicants' Application and attendant requested relief as follows:

1. **TO GRANT THE FOLLOWING VARIANCE:**

- A. Variance from §100-109 of the Holland Township Land Use Ordinance to permit the construction of the permitted residential accessory garage in the form of a single-story, 24 foot by 30 foot garage structure situate 10' from the rear lot line and 20' from the westerly side lot line;

2. **SUBJECT TO THE FOLLOWING CONDITIONS:**

- A. The proposed stand-alone, single-story accessory structure shall have dimensions not to exceed 720 square feet or twenty-four feet (24') in width by thirty feet (30') in depth with a height not to exceed fourteen feet (14') above ground level;
- B. Applicant, prior to the start of construction, must utilize a licensed land surveyor to stake the proposed garage. Said garage must be depicted on the survey with said survey being filed as part of the Applicants' building permit. Applicants are to provide the Board's Engineer with a copy of the updated survey depicting the garage's location;
- C. The garage shall be designed and built with roof leaders on the westerly side of the garage;
- D. The installation of electrical service is permitted;
- E. The installation of natural gas service and/or interior plumbing and water service is prohibited;
- F. The installation of bathroom, kitchen or other living accommodations or facilities within the structure is prohibited;
- G. No commercial or business enterprise(s) shall be conducted at or within the garage structure, and that the structure not be utilized to store, shelter or repair any vehicle(s), equipment, and / or items utilized by any commercial or business enterprise;
- H. Applicants shall build the garage in an architectural manner similar to that indicated by Applicants' Exhibit A-5, and shall paint and/or side the garage structure in a manner that is either similar to that found on the existing residence located on the Subject Property or that is complementary to said existing residence;
- I. This approval neither constitutes a tacit nor an implied approval of any future solar installation upon the garage;

- J. Construction of the proposed garage shall be completed no later than eighteen months (18) months from the date of Adoption of this Resolution, with completion of construction being evidenced by the Township's issuance of a final certificate of occupancy;
- K. Failure to obtain a final certificate of occupancy within eighteen months (18) months from the date of Adoption of this Resolution shall result in a lapse of the within approval;
- L. Applicants may apply for an extension of the within approval, as necessary, prior to the date upon which this approval shall lapse;
- M. Applicants shall apply for and obtain any and all local, county, state and federal permits and other outside agency approvals as may be required for any aspect of the construction as contemplated by this Application;
- N. Applicant(s) shall comply with all other rules and regulations and all other requirements set forth in the Township of Holland Ordinances, the effect of this decision being merely to relax the requirements or restrictions of same as specifically set forth herein;
- O. Applicants shall comply with the conditions as set forth in the review letter of the Board Engineer dated December 8, 2014, with the exception that Applicants shall not be required to have a grading plan.
- P. The building construction is subject to the appropriate building subcode and other construction permits.
- Q. Applicant(s) shall pay, in full, all required review, inspection fees and professional fees properly due and owing to the Township of Holland as a result of its review, inspection and hearing of this application prior to the issuance of a building permit;
- R. The approval herein memorialized shall not constitute, nor be construed to constitute any approval, direct or indirect, of any aspect of a Site Plan, or its improvements, which are subject to third party agency review or jurisdiction, and which requires approvals by any third party agencies or other governmental bodies; and
- S. The terms and conditions of this approval shall be binding upon the Applicants, and the Applicants' successors in interest and assigns. Further, each of the terms and conditions of this approval are material elements of the approval based upon the submission of the Application and the property in its entirety, and the non-compliance with any term or condition by the Applicants or their successors or

assigns shall be deemed a material default subjecting the Application to revocation of this approval. The request to change any single condition, since all conditions are integrally related, shall open the entire Application to the Board of Adjustment for re-consideration and possible re-approval subject to new terms and conditions in addition to those terms and conditions set forth in this approval.

ROLL CALL VOTE

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Jerry Bowers			X			
Laura Burke			X			
Ginger Crawford			X			
Bill Ethem						X
Peter Kanakaris		X	X			
William Martin	X		X			
Gail Rader			X			

Motion Carried By Vote of: Six Ayes to Zero Nays

THIS RESOLUTION OF THE BOARD IS ADOPTED ON FEBRUARY 25, 2015

ROLL CALL VOTE

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Jerry Bowers						
Laura Burke						
Ginger Crawford						
Bill Ethem						X
Peter Kanakaris						
William Martin						
Gail Rader						

Motion Carried By Vote of:

ATTEST:

 Maria Elena Jeanette Kozak, Secretary
 Township of Holland Board of Adjustment

 Ginger Crawford, Chairperson
 Township of Holland Board of Adjustment

Everyone was asked if they have read the proposed resolution. All responded that they have. Chairman Crawford asked if anyone present at a question. No one had a question, comment or concern. Attorney Bolig and the other board professionals were thanked for preparing such a comprehensive resolution. A motion was made by Bill Martin and seconded by Peter Kanakaris to accept the proposed resolution for this application and to memorialize the action taken. At a roll call vote, all present were in favor of the motion. Motion carried.

Courtney and Russell Steele are present. Both thanked the board. Attorney Bolig stated that this was a huge learning experience and that he and the board are hopeful that the applicant is pleased with the outcome. Courtney and Russell Steele state that they wished more information was given upfront. Attorney Bolig stated that it is a difficult to give figures upfront as an application needs to be submitted so that the professionals can begin the review. In this case, this was an easier application and if the

applicant had used their own attorney that attorney might have been able to determine a better fee schedule but then that would have also added to the cost of doing the project. The Board of Adjustment has submitted to the Township Committee a suggestion to raise the escrow. Courtney and Russell Steele stated that they do appreciate all that was done and will be happy with their request but when you look at the end result it costs more than expected and that is hard to swallow. They had to make some cuts in what they want but they are still happy to get the garage for their vehicle. They do appreciate what has been done.

Old Business

- There was no Old Business to be discussed.

New Business:

- There was no New Business to be discussed.

Public Comment

There were no public comments.

Board Member Comment

There were no comments other than additional congratulations to Laura Burke.

Gail Rader made a motion to adjourn. Motion carried.
Meeting ended at 7:40 p.m.

Respectfully submitted,
Maria Elena Jennette Kozak
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Secretary