

Holland Township Board of Adjustment

Minutes of the April 27, 2016

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

“I call to order the April 27, 2016 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 November 12, 2015 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the November 12, 2015 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, Bill Ethem, Peter Kanakaris, William Martin, Gail Rader, Todd Bolig, Esq., Robert Martucci, Engineer, Elizabeth McKenzie, Planner(arrived 7:36 pm), Susan Baber for Lucille Grozinski, CSR., and Maria Elena Jennette Kozak, Secretary.

Absent: Jerry Bowers.

Let the record show there is a quorum.

Minutes: A motion was made by Peter Kanakaris and seconded by Bill Ethem, to dispense with the reading of the March 30, 2016 minutes and to approve as recorded. All Present were in favor. Motion carried.

Completeness

Christine Aber & Craig Lillis – Block 3 Lot 18 - 98 Hawks School House Road –

Variance pursuant to N.J.S.A. 40:55D-70c and D-35 for a Structure on a Lot Not Abutting a Street - Received into our office February 17, 2016. The 45-day completeness deadline was April 1, 2016. Deemed incomplete March 30, 2016. Applicant amended the application as a “C” Variance Application. On the April 27, 2016 agenda as a Completeness Review and a Public Hearing scheduled April 27, 2016. Board action needed.

Applicant’s Attorney Alex Fisher is present.

Outstanding issues from Board Engineer Robert Martucci letter dated March 22, 2016 were addressed:

Escrow fees – Additional escrow has been submitted and will remain current.

Septic and well permits – Hunterdon County Health Department addressed the issues today. The engineer questioned the barn structure with regards to septic. The septic approval is only for four bedrooms in the house. The barn was added and is considered an accessory structure and septic is based on bedrooms. If the accessory is just an accessory then there is no need to add to the permit. Only revisions to septic are if the bedrooms increase. A barn with a bathroom does not count. To tie that bathroom into the tank is a plumbing issue and regulated not by the board of health but by the construction department. Rob Martucci will validate that conversation but at this time the board can grant a temporary waiver.

Highlands Exemption – The NJDEP gave approval for the project. The DEP would not have issued approval if the Highlands Council needed to be involved. The applicant still needs to submit an application to the DEP for a wetlands disturbance for the proposed driveway. .

Fire Company Letter. The chief submitted a formal letter to the board. No concerns or comments expressed.

Board discussion included Planner McKenzie revisiting the conversation about the Highlands Council. She reminded everyone that an improvement is also an exemption in the eyes of the Highlands Council and would be considered exemption #5 (improvements to single family dwelling and talks about what it was all before 2004). This property was created in the 1800's. A motion was made by Bill Martin and seconded by Peter Kanakaris to deem this application complete and to grant exemption using Highlands Council exemption #5. At a roll call vote, all present were in favor of the motion. Motion granted.

The public hearing will now take place.

Public Hearing

Christine Aber & Craig Lillis – Block 3 Lot 18 - 98 Hawks School House Road –

Variance pursuant to N.J.S.A. 40:55D-70c and D-35 for a Structure on a Lot Not Abutting a Street - Received into our office February 17, 2016. The 45-day completeness deadline was April 1, 2016. Deemed incomplete March 30, 2016. Applicant amended the application as a “C” Variance Application. Deemed complete April 27, 2016. The Public Hearing is to take place April 27, 2016. Board action needed.

Attorney Bolig reviewed the notice and the Board of Adjustment has jurisdiction. Chairman Crawford explained how the hearing is to precede with a witness coming forward, testimony

given, board professionals and board members to ask questions and then open to the public for additional questioning.

Attorney Fisher explained that he was filling in for Attorney O'Grodnick. Mr. Lillis is present as well as the applicants Engineer/Planner. In summary, Mr. Lillis purchased the farm in 2015. The property consists on 19.4 acres with the original farmhouse dating back to 1920. He has been restoring the farmhouse. They are looking for variance 40:55 D 35 and 36 for construction of a building not abutting a public street. The applicant amended the application and the site plan is not needed per the board. The house is a lawfully preexisting structure. On September 20, 2015 a permit was issued and then a stop work order was issued as it was determined that a variance was needed.

The driveway is shared for 5 single family homes with deed restriction for access. Over the years there have been three other applications before the Board of Adjustments seeking the same relief. The Tenor application produced a condition for an emergency pullover. Applications included approval for a pole barn and a garage.

The Applicant's engineer will testify about turnarounds as well as the proposed new driveway. Discussions will include the standards under 36 with enforcement of 35 hardship or practical difficulty or building not needed. They will also show that everything is ok for emergency vehicles. The application is a planning variance. They will show compliancy thru testimony.

Witness #1 – Chris Nusser - Land Planning & Associates – Sworn in by Susan Baber. He graduated in 2006 and is a licensed engineer and planner in New Jersey. He has appeared before many board in New Jersey as well as before Holland Township. Mr. Nusser was accepted as an expert witness.

Exhibit 1 - Application

Exhibit 2 – Affidavit of proof and public notice

Exhibit 3 – Variance Plan

Mr. Nusser explained the plan. He showed how the driveway crosses the property and follows an eastern and north eastern path with access for the other property owners. Existing home is currently accessed off the drift way. The proposed driveway removes the old driveway and travels off the northwest corner with access on the west side of the swelling with an additional garage and gravel area which then connects to the proposed barn which is to the south of the existing home with proposed additions. The driveway meets standards but the engineer will do a technical review. The Fire Department has submitted a Memo:.

To: Holland Township Planning Board

From: Holland Township Vol Fire Co

Chief Steven Underhill

Date : 04/20/16

Re: 98 Hawks School House Road, Block 3, Lot 18

The Holland Township Fire Company does not have any opposition to the current construction at 98 Hawks School House Road. The only item that the HTVFC request is an address marker at the beginning of the personal driveway on the driftway(Rocky Ridge).

Thank You

Steven Underhill

Fire Chief

Other applicants have done improvements so no additional improvements are needed. In the past, the Board of Adjustment has granted access to three applications. It is the applicant's belief that this supports that this is more than suitable for emergency vehicles and what is proposed will not be a hardship for anyone. The property is residential agricultural property. Storage is normal for a farm. If the barn being proposed had frontage directly on Hawk School House Road then the applicant would not be before the board. There is no impact on any of the neighbors.

Engineer Martucci question the proposed driveway being off the driveway and thru the wooded area. Grading is not shown on the plans. A disturbance discussion took place. A Culvert Pipe discussion evolved and all agreed to look at the wet area, water flow and what is needed to stabilize the driveway while allowing for sufficient drainage to promote the natural flow. A profile will be provided to Engineer Martucci for review, comment and discussion.

Engineer Martucci asked about the site distance of the entrance. The concerns of the site distance and any potential clearing will be reviewed by the engineers to satisfy the concerns expressed.

Planner McKenzie asked about restoration of the area when the old driveway is removed. Engineer Nusser stated that a detailed restoration plan is submitted to the DEP and replanting of vegetation and trees is explained in such document. The natural state is the proposed plan.

The width of the proposed driveway is to be 12'. Some discussion came up about the fire company realizing that the old driveway will be removed but the applicant did not have that conversation with them. The driveway was marked with flags but they were hard to see.

Witness #2 – Craig Lillis – Owner of the land. Sworn in by Susan Baber. Mr. Lillis spoke about the existing mark outs. It is a general area mark outs consisting of orange paint, orange and pink flags.

Planner McKenzie questioned the use of the barn. Her concern was if it was going to be used for vehicles as in an additional garage. Mr. Lillis stated that is a barn to be used for the property. It does have heated floors and a workshop. It will be a red wooden barn on the outside but will have some comforts on the inside such as heat and air conditioning. He wants to be able to clean up in the barn before going into the house. He will have a wood shop area.

Planner McKenzie also questioned him on his business. Mr. Lillis does own and operate a commercial business with three facilities. He will use his equipment on the farm but he will not run the business from his property. He wants to store farm and agricultural related equipment in the barn and wants to have a workshop and a bathroom to clean up. He is not interested in operating his business from his home. Since a commercial business will not run thru the property then there is not a need for a "D" Variance.

Board questions included: revisiting the driveway that is to be removed and the calculations of the driveway comparing old to new and impervious coverage.

Public Questions:

Michelle Dobrowski – 102 Hawk School House Road

1. Asked about the intention of removing the existing driveway. She has done OPRA requests and the indication was that the township was making him do this but she did not see support for that theory. Engineer Nusser talked about a notice of violation and a mitigation proposal. Mr. Lillis stated that this all stemmed from the DEP. It is a trade off as 22,000 square feet of wetlands is being given back for his addition. That is what ignited the change for the driveway.
2. Expressed with concerns about a bathroom in the barn relating to a business. There are letters on file stating that a recycling business was being operated from the property. In May of last year there were 25 vehicles on the property and lots of noise. Her husband is an officer in Branchburg and sleeps during the day. With all the noise and the operation of a business, her husband was not able to sleep. She wants the business operation to not be permitted as it is a residential zone. The Township does not maintain the property and her concern is that a non-permitted business is being operated there. Engineer Nusser state that the applicant has not exhibited the intent to operate a business from the property. If that would occur then there are proper mechanisms in place to deal with the issue such as contacting the Zoning Officer. Violations can be the result. More discussion of the residential lane and heavy equipment being present on the property. It was confirmed that heavy equipment did enter the property over an extended time period as Mr. Lillis was working on his septic.

Kimberly Kossup – 90 Hawk School House Road – the first driveway on the land. She was sworn in by Susan Baber. She stated that she sees everything because of her property location.

She confirmed the heavy equipment and the noise but also stated that since that project was completed it has not been noisy.

A discussion of noise took place. Ms. Dobrowski offered to play her recording of the noise in question but it was determined that would not be needed. Attorney Bolig thanked her for expressing her concerns but stated that a neighbor vs neighbor complaint is not the jurisdiction of the Board of Adjustment.

Attorney Fisher question Engineer about the date of the house and Engineer Nusser stated that the house existed prior to 2004.

Board Member Ethem questioned the use of the barn. It was explained that such items as: farm tractors, ATVs, Quads, saws, tools, log splitters, etc. would be there. Things associated with a farm. Mr. Lillis is working on the house and property. He has the equipment, man-power, contacts, knowledge etc. to do the project himself. He will be using a lot of his own equipment and laborers to work on this project which could take 1 to 2 years. There will be some noise associated with the project. He will bring his equipment to the property to work on the project. He also has equipment that supports his Agriculture use which is Wood Land Management and his plan is on file with the Tax Assessor. He also will be doing the Landscape on the property and will be using his commercial equipment for that project as well. Naturally he wants to the project to be completed quickly but the reality is that it may take some time.

With no other questions, the public portion was closed.

A motion was made by Bill Martin and seconded by Peter Kanakaris to approve the Lillis application and to have Attorney Bolig move forward with drafting a resolution to consist of such conditions as: the property will not be utilized for commercial use, the culvert information to be handled with the engineers, the wetlands approval letter to be placed on file, elevations for the proposed driveway to be provided, drainage calculations for the entrance to be provided, site distance for the entrance and common driveway to be reviewed by the engineers, the Highlands Exemption #5 applies to this application, engineering details of proposed driveway and restoration details to be supplied, stability of subsoil under culvert to be discussed with the engineer, 18 month time for the project to be completed with an opportunity for the applicant to submit detailed extensions letters for six months at a time as needed all given to the board prior to expiration, note on plan as directed by engineer, low lying limbs to be removed in accordance, numerical identifier for Fire and Emergency equipment, barn to be used in conjunction with farmland assessment since it is qualified as a farm and any additional standard resolution conditions. At a roll call vote, all present were in favor of the motion. Motion carried.

Resolution

There were no resolutions to be discussed.

Old Business

There was no Old Business to be discussed.

New Business:

There was no New Business to be discussed.

Public Comment

Liz Taylor – 116 Hawk School House Road – All share the lane and own the land. Her and her husband are one of the original owners. Barns are common on their lane to maintain the property. Many of the property owners have received approval. They have even used dump trucks to deliver pieces of asphalt to help maintain their lane. They take care of each other and have no issues with the neighbors. Her concern is the drain and she was thankful the engineers will be reviewing that issue. It is a great place to live.

With no other comments, the public comment was closed.

Laura Burke made a motion to adjourn. Motion carried.

Meeting ended at 8:45 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

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Secretary