

# **Holland Township Planning Board**

## **Minutes of the Regular Meeting**

**August 12, 2013**

The meeting was called to order by Chairman Rader:

“I call to order the August 12, 2013 Meeting of the Holland Township Planning Board. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board Secretary in December 20, 2012 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 20, 2012 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.”

### **Flag Salute**

Chairman Rader asked all to stand for the Pledge of Allegiance

### **Identification of those at the podium**

Present: , Susan Grimshaw, Dave Grossmueller, Michael Keady, Michael Miller, Carl Molter, Dan Rader, Thomas Scheibener, Laura Souders, Melissa Tigar, Duane Young, Don Morrow, Esq., Attorney, Bill Burr for Richard Roseberry, P.E., Engineer, Court Reporter Susan Berber for Lucille Grozinski, CSR, and Maria Elena Jennette Kozak, Secretary.

Excused Absent: Dan Bush

Let the record show there is a quorum.

### **Minutes**

A motion was made by Mike Keady and seconded by Mike Miller, to dispense with the reading of the July 8, 2013 minutes and approve them as distributed. All present were in favor, with the exception of Susan Grimshaw, Tom Scheibener and Melissa Tigar who abstained. Motion approved.

### **Resignation**

Chairman Rader stated that he received the resignation of planning board member Laura Souders. Ms. Souders has been a member of the planning board for many years and will be missed. Her resignation has been accepted and she is wished the best by all. Secretary Kozak is being asked to send a letter thanking her for all her dedication and years of service.

### **Appointments**

We have a new appointment to swear in:

*(Determined on August 6, 2013 at the Township Committee Regular meeting)*

Mike Miller - Regular Member IV filling the unexpired term of Laura Souders ending 12/31/2014

Duane Young – Alt #1 filling the unexpired term of Mike Miller ending 12/31/2014

Attorney Morrow administered the oath to all and all forms were signed in.

### **Executive Session**

A motion was made by Tom Scheibener and seconded by Susan Grimshaw to enter into executive session to discuss the possibility of litigation. At a roll call vote all present were in favor of the motion. Attorney Caldwell was in the audience and challenged the motion and asked for better clarification of the motion. Board attorney Morrow reminded Attorney Caldwell that his client, Huntington Knolls has insinuated litigation. The board needs to go into executive session to discuss this possibility but that no action will take place. A new motion was made by Tom Scheibener and seconded by Susan Grimshaw to enter into executive session for discuss the possibility of litigation expressed by Huntington Knolls. At a roll call vote, all present voted in favor of the motion. Motion carried.

All members of the public were asked to leave the building. Board member Mike Keady also recused himself as he does with the discussion of the Huntington Knolls project and left the building with the public.

A motion was made by Tom Scheibener and seconded by Dave Grossmueller to reopen the regular scheduled planning board meeting. All present were in favor. Motion carried.

The regular meeting resumed at 8:05 pm. All were invited back to the meeting room and board member Keady stepped back to the dais.

### **Old Business:**

Block 24 Lots 3 & 13 – Huntington Knolls LLC – Amended Site Plan Map(24 pages with a date stamp of July 13, 2013) and Stormwater Management System Hydrologic & Hydraulic Calculations report dated July 2013 received into the office on July 18, 2013. Board discussion.

Applicant’s Attorney William Caldwell was present. He stated that the applicant submitted the information in July and thought that it would be distributed which got into an escrow discussion. \$1500.00 was submitted and the board professionals do not believe that is enough to review what was presented. After more heated discussions, Attorney Caldwell stated that his applicant is done, either the board gives him a date for review or they seek other remedies. Board Attorney Morrow reminded the applicant’s attorney that while he understands that they must do what they feel they must do but that the applicant has spent a lot of money and time on this project and that maybe to avoid seeking other remedies should be considered. Attorney Morrow and Attorney Caldwell went back and forth with words spoken and interpretations with Mr. Morrow reminding everyone that he is not in favor of a hostile atmosphere. He also stated that we are not telling the

applicant what to do but that the board is trying to work with the applicant. If the escrow is resolved with the CFO then the planning board can proceed. More discussion took place regarding the simple request of the applicant to transfer the money from other accounts into the Huntington Knolls account and to then move on. Attorney Caldwell asked if they were finished and if the planning board would give them a date or not. The chairman stated NO. Attorney Caldwell asked why the secretary did not send a letter requesting escrow since July and further stated that Township Attorney Cushing is hostile. The applicant and attorney left the building.

### **New Business:**

There was no new business to be discussed.

### **Completeness Review:**

Block 23 Lot 37 – 547 Milford Warren Glen Road – John & Meredith Oliver – Minor Site Plan/Change of Use – The current owners want to discuss changing the current use from office space to a barbershop. Received into the office July 2, 2013. 45-completeness is August 16, 2013. This is on the agenda for the August 12, 2013 scheduled meeting. Chairman Rader had to recuse himself and Vice-Chairman Keady took over the meeting. Board member Duane Young also recused himself. Applicant's attorney Anthony Danzo was present. Mr. Danzo described the property in question and explained how the applicant has made visual improvements to the property. The property was used previously for office space. The whole inside has been done over. The building has been redone to be handicapped accessible.

The letter prepared by Board Engineering firm Maser Consulting dated August 8, 2013 was discussed. F-18 – the applicant did not provide a plot plan. There are conversion issues that need to be addressed and they can be answered on simple site plan. Testimony is valid. There are requirements that are necessary. Parking is a concern. Requirement states that one parking spot is needed for every 200'. There became a discussion how if anyone looked at the property they would see that it is fine to do what they want to do. The board's professionals stated that what has been provided is not enough information to validate the requirements. Planner McKenzie said that while things were often done in years past on a napkin, that is not how things are done today and an informal site plan submission on file would benefit not only the board but the applicant and future occupants as well. It would be easy to amend it later but having something on file protects the owner as well. The site plan checklist gives the applicant clear cut expectations of what the board is looking for. Other issues that the board engineer can discuss with the applicant include but are not limited to: lights, proposed hours of operation, county right of way, parking, zoning table (what is allowed and recommended), landscaping, county board of health, existing conditions, improvements, etc. The applicant can use the survey they provided with additional details shown on it as a way to avoid the applicant having to spend money on sealed plans. Attorney Danzo stated that he understood what was being asked of the applicant and that they can do what has been suggested and come back before the planning board. They need to satisfy the concerns expressed. A motion was made by Tom Scheibener and seconded by Mike Miller to waive completeness item F18 with the understanding that the applicant will address all the concerns expressed in the future. At a roll call vote, all present were in favor. The applicant does not need to hire professionals but needs to address the concerns expressed to him. The applicant does not need to go before the Highlands Council as this is just a change of use unless there is a change to the 300' buffer (at which time that could trigger a Highlands Council review). Mr. Oliver was present and stated that he understood what was being asked of him regarding this application.

A motion was made by Susan Grimshaw and seconded by Tom Scheibener to deem the application complete with the understanding that once the applicant has addressed the concerns expressed they would contact the planning board to have it put on the agenda for a public hearing as no public hearing is being created at this time. All present were in favor. Motion carried.

Chairman Rader and board member Young were asked to return to the meeting.

### **Resolution**

Block 17 Lot 37.01 – 401 Milford Warren Glen Road – Borough of Milford (Mount Pleasant Road Booster Pump and Standpipe Improvement Project) – Minor Site Plan – received into the office June 17, 2013. 45-day completeness deadline August 1, 2013. Deemed Complete July 8, 2013. Public Hearing held July 8, 2013. Board Approved with conditions July 8, 2013. All have read the resolution prepared by Alternate Attorney Gianos as Attorney Morrow was not present for the July 8, 2013 meeting. All present understood the resolution prepared and no questions were discussed. A motion was made by Dave Grossmueller and seconded by Michael Keady to memorialize the resolution presented. At a roll call vote, all present were in favor of the motion. Motion carried.

### **Public Hearings**

There were no public hearings scheduled.

### **Sub-Committee Status and Updates:**

Mr. Keady stated the Highlands Environmental Resource Inventory has been forwarded to the Planning Board but the planning Board sub-committee has not meet to discuss the revised Highlands Council Master Plan element worked on by Planner Michael Mueller. Planner Mueller is waiting for the comments of the sub-committee. The Highlands Council will need to approve the document before it is distributed to the planning board and a public hearing is established.

The Land Use Ordinances with start at the Township Committee level and then come to the Planning Board for review and endorsement.

### **Public Comment**

Ted Harwick – had a question about which property was being discussed earlier.

### **Miscellaneous**

There was nothing to discuss at this time.

**Executive Session**

Opened earlier in the meeting.

**Adjournment**

Mike Keady made a motion to adjourn. Motion approved. The meeting ended at 9:00 p.m.

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