Holland Township Planning Board

Minutes of the Regular Meeting

September 14, 2015

The meeting was called to order by the Chairman Rader:

"I call to order the September 14, 2015 Regular Meeting of the Holland Township Planning Board. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by:
Posting such notice on the bulletin board at the Municipal Building.
Published in the December 11, 2014 issue of the Hunterdon County Democrat
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: Dan Bush, Casey Bickhardt, Ken Grisewood, Dave Grossmueller, Michael Keady, Mike Miller, Carl Molter, Dan Rader, Tom Scheibener, Duane Young, Don Morrow, Esq, Lucille Grozinski, CSR, and Maria Elena Jennette Kozak, Secretary.

Excused Absent: Richard Roseberry/Bill Burr, Engineer, Elizabeth McKenzie, Planner per Chairman Rader

Let the record show there is a quorum.

Minutes

A motion was made by Mike Keady and seconded by Dan Bush to dispense with the reading of the minutes of the August 10, 2015 regular meeting and to approve the minutes as recorded. All present were in favor of the motion with the exception of Dan Bush, Ken Grisewood and Tom Scheibener. Motion carried.

Old Business:

There is no Old Business to discuss at this time.

New Business:

Highlands Council approved projects – Grants available – Board Action

This is a summary of the information sent to Holland Township.

Dear Mayor,

Please be advised that today, the Highlands Council is mailing to you and your municipality's service list information regarding an updated Plan Conformance Grant program to assist in meeting the requirements of the Fair Housing Act and the March 10, 2015 NJ Supreme Court's decision. The Highlands Council is offering this Plan Conformance Grant Program to provide updates to Module 2: Municipal Build-Out Analysis and Report, Module 3: Housing Element and Fair Share Plan, and Module 7: Highlands Implementation Plan and Schedule.

In accordance with Highlands Council resolution 2015-16, passed on July 16, 2015, the Highlands Council may provide funding in an amount not to exceed $25,000 to municipalities that have an approved Petition for Plan Conformance and require adoption of a Housing Element and Fair Share Plan. Guidance to support these changes is available on the Highlands Council website: www.nj.gov/njhighlands/grantprograms/plan_conformance/mod2_3_7_updates_aug2015.pdf.

Prior to initiating work under this program, a scope of work must be submitted to and approved by the Highlands Council (www.nj.gov/njhighlands/grantprograms/plan_conformance/grant_scope_of_work_reqs.pdf). Funding under this grant program may not be utilized for the preparation and submission of any declaratory judgment action, litigation costs, or other legal fees. Any funds awarded will be appended to the conforming municipality's Plan Conformance Amended Grant Agreement in accordance with the existing approved Petition for the municipality.

If you have any questions please contact your Highlands Council Municipal Liaison.

- Module 3 - Revised (amended) Housing Element and Fair Share proposal submitted by Planner McKenzie.
- Module 2 Update – Municipal Build-Out Report –proposal submitted by Group Melvin
- Module 7 Update – Implementation Plan & Schedule – proposal submitted by Group Melvin

The proposals are as follows:

PROPOSAL FOR PREPARATION OF AMENDMENTS TO MODULE 3
REVISED HOUSING ELEMENT AND FAIR SHARE PLAN

Prepared by Elizabeth C. McKenzie, AICP, PP, President
Elizabeth C. McKenzie, PP, PA September 4, 2015

The preparation of an amendment to the previously prepared Module 3, Housing Element and Fair Share Plan, will include the following:

1. An update to the demographic analyses contained in the 2010 Module 3 document, to include an analysis of data pertaining to population, housing and employment within the municipality based upon the 2010 Census.

2. A review of the Module 2 Build-Out Analysis, as updated, to determine the municipality's capacity to accommodate inclusionary residential development based on its vacant developable land. Supplementing the Module 2 Build-Out Analysis will be an identification of potentially redevelopable sites within the municipality, if applicable, and their capacity to accept additional development, consistent with the NJDEP regulations and/or the Highlands Regional Master Plan.

3. Based upon our evaluation of the updated Module 2 Build-Out Analysis and any identified opportunities for redevelopment within the municipality, we will compare the municipality's fair share obligation, as assigned by the Court or as otherwise determined or accepted by the municipality, with the municipality's capacity to accept further development based upon its vacant and redevelopable land resources. If the vacant and redevelopable land resources are insufficient to address the entire fair share obligation, that obligation will be divided into a proposed Realistic Development Potential (RDP) and a proposed Unmet Need.

4. To the extent that the municipality's ability to accommodate its RDP is limited by lack of infrastructure or infrastructural capacity, this will be separately analyzed and documented in support of a durational adjustment.

5. A revised Housing Element and Fair Share Plan will be prepared addressing the RDP and proposing mechanisms for addressing the Unmet Need as opportunities arise to do so.

6. The revised Housing Element and Fair Share Plan will eliminate all references to the growth share obligation previously established by COAH and calculated by the Highlands Council in the 2009 Module 2 Build-Out Analysis.

7. All of the Appendices to the Housing Element and Fair Share Plan will be updated to eliminate references to the growth share obligation, to conform to COAH's prior round Rules (N.J.A.C. 5:93-1, et seq.) and UHAC (N.J.A.C. 5:80-26.1, et seq.), and to provide for the implementation of the municipality's amended Housing Element and Fair Share Plan.

8. The revised Housing Element and Fair Share Plan will comply fully with the MLUL and the Fair Housing Act, as amended, as well as with COAH's prior round Rules and UHAC (cited above) and will include proposals for the provision of affordable housing that are appropriate to the municipality and its specific opportunities and constraints, including an analysis of mechanisms for creating affordable housing that do not involve new construction.

9. To the extent that any of the Mandatory Plan Conformance Implementation items have not yet been adopted by the municipality and/or supplied to the Highlands Council, the Implementation Schedule (Module 7) will be updated and appended to the Fair Share Plan, as a required condition of its implementation, and also separately submitted to the Highlands Council for approval.

10. Any new affordable housing sites proposed in the Plan will include documentation as to their consistency with the HRMP and their viability for the development proposed in the Housing Element and Fair Share Plan with reference to the Highlands Consistency Review Report. All new residential construction projects that are not 100 percent affordable shall include a 20 percent set-aside for low and moderate income housing.

11. To the extent that it is appropriate for the municipality to have a Development Fee Ordinance, a Spending Plan will be prepared and submitted with the Fair Share Plan that addresses the disposition of all anticipated and collected fees in the Affordable Housing Trust Fund.

12. It is specifically understood that all work on Module 3, including Module 7, that is covered by this grant is to be completed and submitted to the Highlands Council no later than December 8, 2015, in one (1) electronic (pdf) format and one (1) hard copy.

13. It is further understood that costs for the completion of Module 3 shall not exceed $12,500.00 maximum, inclusive of all expenditures for printing, etc., and that no legal costs or court-related costs will be covered by the grant funds.

A proposal for the preparation of:

- **Module 2 Update – Municipal Build-Out Report – Holland Township**
- **Module 7 Update – Implementation Plan & Schedule – Holland Township**

Prepared by Ben Bryant, AICP, PP Group Melvin Design

Date: September 10, 2015

Module 2 Update – Municipal Build-Out Report

This review will be limited to an analysis of buildable lots in the municipality. This review will also incorporate the latest Highlands data regarding preserved lands in the municipality. We understand that the Highlands Council will supply an updated Geodatabase for 2015 Preserved Lands and that the scope of work will include a review of any additions to preserved lands contained in this data set. We will use this data to analyze preserved and developable lots that have changed since the last update, checking status in the field or through a search of Township records where necessary.

Deliverable: An excel file with a status of block and lots in the Township (template is to be provided by the Highlands Council), broken out by Preservation Area and Planning Area.

Cost for the Module 2 Update is not to exceed $10,000.00.

This task is to be completed by October 1, 2015.

Module 7 Update – Implementation Plan & Schedule

We will review the Highlands Council's most recent version of the Highlands Implementation Plan and Schedule, reviewing outstanding items and developing a specific timeframe for the adoption of Modules 3, 4, 5, 6, and any other outstanding conditions for Plan Conformance petition approval.

Deliverable: An updated Implementation Plan & Schedule.

Cost for the Module 7 Update is not to exceed $2,500.00.

A draft of this task is to be completed by October 15, 2015, with a final update due on November 25, 2015.

A motion was made by Mike Keady and seconded by Ken Grisewood to recommend that the Township Committee move forward with the Grant funding request thru the Highlands Council so that Holland Township can meet its COAH obligation. At a roll call vote, all present were in favor of the motion. Motion carried. Secretary Kozak will forward the information to the Township Committee.

Completeness Review:

Block 6 Lot 1.02 – Holland Township – 914 Milford Warren Glen Road – Minor Subdivision – Received into our office August 28, 2015 – 45-day completeness deadline October 12, 2015. Board Action needed. "*if deemed complete a public hearing could follow"* Let the record show that Planning Board members, Deputy Mayor Dan Bush and Township Committeemen Tom Scheibener recused themselves from participating in the application before the Planning Board. The two members left the room and will be asked to return to the dais when the application discussion is completed.

Holland Township's Attorney Tara St. Angelo is present representing the Applicant.

The board's professional reviews are as follows:

MEMORANDUM TO:

Holland Township Planning Board

FROM: Elizabeth C. McKenzie, AICP, PP

DATE: September 9, 2015

SUBJECT: Application of Township of Holland for Minor Subdivision and Variance for Bethany Ridge Property, Block 6, Lot 1.02, 914 Milford-Warren Glen Road

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The purpose of this memorandum is to offer our comments on the above-captioned application for a minor subdivision and variance to subdivide the "Bethany Ridge" property, formerly owned by the Diocese of Metuchen and now owned by Holland Township into two lots, one of which will be retained by the Township as permanent open space and the other of which will be used for an as yet undetermined residential or other non-open space purpose.

The existing lot 1.02 in Block 6 encompasses about 41 acres of land located in the immediate vicinity of the Riegel Ridge Community Center and the Oak Hill Golf Course. The property itself has no street frontage, although it does have access over an existing easement to Milford-Warren Glen Road (County Route 519) approximately 1,500 feet to the west.

The Township is proposing a subdivision of the lot into two parcels (one new lot and a remainder). Proposed Lot 1.04 will encompass 35.892 acres and will be retained by the Township as permanent public open space. The remainder lot, Lot 1.02, will be reduced in size to 5.11 acres and will contain the existing residential structure. The proposed lot area of the remainder lot conforms to the lot area requirements for the R-5 zone in which the subject property is located. Neither of the lots has or will have any street frontage, however, so that a "c" variance is required to be granted by the Board as part of the approval of the subdivision in order to create a new lot with no street frontage. The lot frontage requirement is presented in Note (1) in the *Schedule of*

Requirements for R Districts (1), which states that "All lots shall have frontage on a street...".

In view of the fact that the purpose of this subdivision is to separate the future open space portion of Lot 1.02 from the portion that will be retained for residential (or other non-open space) use, and given that the existing dwelling to remain on Lot 1.02 has long been served by the existing access easement, I would recommend the granting of the variance in this particular case.

The variance is requested pursuant to N.J.S.A. 40:55D-70c, for which the applicant can present either an argument of “hardship or practical difficulty” or an argument that granting the variance will promote the purposes of the MLUL and the benefits of granting the variance will substantially outweigh any potential detriment. Clearly both arguments apply in this case. Moreover, granting the variance will not be substantially detrimental to the public good nor will it substantially impair the intent and purpose of the Township's zone plan and zoning ordinance, as the entire purpose of the subdivision is to facilitate the creation of public open space, which not only serves an important public purpose, but also is consistent with the conservation and preservation intentions for the R-5 zoning district.

The Board's Engineer can opine as to the condition of the existing access easement and its adequacy to continue to serve its purpose.

It is noted that there is, on a portion of existing Lot 1.02, an area of wetlands and required wetlands transition areas. Almost all of this constrained area will be encompassed by proposed Lot 1.04, the open space lot. Only a small portion of the outer edge of the wetlands transition area will overlap the rear lot line of proposed Lot 1.02, well away from the existing buildings and improvements on that lot.

Proposed Lot 1.02 will retain, in addition to the large residential structure, two small cottages. It is my understanding, based upon conversations I have had with Ms. St. Angelo and Mr. Cushing, that these structures will remain on Lot 1.02, and that, contrary to the statement made in the August 27, 2015, letter accompanying the application, *no final decision* has been made as to the future use and disposition of Lot 1.02, except that it will not be retained as open space. I am comfortable with this representation, which keeps open the question of whether the remainder lot will be sold for private use or retained for some other valid public purpose. With

this understanding, I am recommending the Board's approval of the subdivision.

M E M O R A N D U M

To: **Members of the Holland Township Planning Board**

From: **C. Richard Roseberry PE, PP,**
AICP William H. Burr, IV, PE

Date: **September 14, 2015**

Re: **Minor Subdivision & Variance – Township of Holland ("Bethany Ridge") Completeness/Technical Review #1**
Township of Holland, Hunterdon County, NJ MC Project No.
HLP-015

Dear Board Members:

This office is in receipt of an application for the above referenced Conditional Use Approval and Minor Site Plan application. The following documents were submitted for our review:

- Completed application for Minor Subdivision with supporting documents.
- Completed checklist for Determining Completeness of Application for Minor Subdivision.
- A letter from the applicant's attorney, Tara St. Angelo, dated August 27, 2015, regarding the submission documents.
- A letter from the applicant's attorney, Tara St. Angelo, dated September 10, 2015, providing some clarification to the application.
- A plan consisting of one (1) sheet titled "Minor Subdivision for Township of Holland, Block 6 - Lot 1.02, Township of Holland, Hunterdon County, NJ" prepared by Patrick H. Fatton, P.L.S. of Heritage Consulting Engineers, dated June 22, 2015
- NJDEP Letter of Interpretation, dated May 26, 2015.
- Copy of submissions to Hunterdon County Planning Board, Hunterdon County Health Department, Hunterdon County Soil Conservation District and Highlands Council.
- Copy of existing property deed.

Project and Property Description

The subject property is known as Block 6; Lot 1.02 consists of 41.002 acres (gross) and is located in the R-5 (Residential) Zoning District. The property known as the "Bethany Ridge" property was formerly owned by the Diocese of Metuchen but has since been acquired by the Township of Holland. The property itself has no street frontage, although it does contain access to Milford-Warren Glen Road (County Rt. 519) through an existing easement.

The Township is proposing to subdivide Lot 1.02 to create one (1) new lot and one (1) remaining lot consisting of 35.892 acres (new Lot 1.04) and 5.110 acres (remaining Lot 1.02), respectively. The smaller lot, Lot 1.02, will contain the existing residential structure and related improvements, while proposed Lot 1.04, will be retained by the Township as permanent open space. There is no new land disturbance being proposed as part of this application.

As mentioned in Board Planner McKenzie's report dated September 9, 2015, since neither of the lots has or will have any street frontage, a "c" variance is required as part of the subdivision in order to create a new lot with no street frontage.

COMPLETENESS

Upon review of the above-referenced submission versus the Holland Township Development Review Checklist, the applicant is seeking waivers of the following items on the minor subdivision checklist:

Item A-2 Checks for filing fees and review escrow.
The applicant has requested the Board waive the filing fees and escrows since this is an application by the Township. We defer to the Board Attorney for discussion on this matter; however, we feel that this request is outside of the Board's jurisdiction. Rather, the Township Committee should weigh in on this matter since they are the applicant.

Item A-43 Plans indicating topography within 200 feet of the entire tract.
Due to the fact that there is no new disturbance proposed as part of this application, we recommend the Board grant this waiver.

The applicant has listed a few items as being "Not Applicable" on the checklist including #A-7 (certification of taxes paid), A-13 (Flood Hazard Area Permit), A-18 (soil testing), A-44 (grading plan), A-45 (plan showing soil logs), A-46 (plans showing septic disposal field) and A-48 (stormwater management plans). Since there is no new disturbance proposed as part of this application, our office agrees that the above items are not applicable to the minor subdivision or variance application.

It is the recommendation of this office to deem the application **COMPLETE**, conditioned upon the applicant addressing the Item A-2, which would allow the applicant to proceed with the public hearing on the application.

TECHNICAL

1. The plan includes a "match-line" along the left side of the sheet along the existing access easement. Is there information missing from the plan? The existing access easement language will likely need to be amended, if the application is approved, to reflect access for both Lots 1.02 and 1.04. A revised easement document shall be submitted for review and approval.

2. Metes and Bounds descriptions shall be provided to this office for review of the proposed lots.

If you have any questions regarding this correspondence, please contact this office at your earliest convenience.

CRR/WHB/jmc

Cc: Holland Township Land Use Board Members (via email) Elizabeth McKenzie AICP, PP
Don Morrow Esq., Board Attorney
Township of Holland, Applicant
Tara St. Angelo, Esq., Applicants Attorney
Patrick Fatton, P.L.S., Applicant's Surveyor

Don Morrow stated that everyone has received the board professional letters. Mike Keady questioned the fee and escrow, however, the discussion is that topic is for the Township Committee and not of the Planning Board as only the Township Committee can waive a application fee and required application escrow. The Township Committee is in favor of waiving the money since it would only be a matter of shuffling money. Secretary Kozak will send a memo to the Township Committee stating that the Planning Board is comfortable with waiving the application fee and application escrow request. A motion was made by Dave Grossmueller and seconded by Duane Young to deem this application complete. At a roll call vote, all present were in favor of the motion. Motion carried.

Resolution
There were no resolutions scheduled.

Public Hearings
Block 6 Lot 1.02 – Holland Township – 914 Milford Warren Glen Road – Minor Subdivision – Received into our office August 28, 2015 – 45-day completeness deadline October 12, 2015. Board Action needed. "*if deemed complete a public hearing could follow"* The application was deemed complete at the September 14, 2015 meeting (action outlined above under completeness).

Let the record show that the board has jurisdiction. Attorney Morrow has reviewed the jurisdictional material provided and has found it acceptable.

Exhibit 1 – Jurisdictional material

Applicant's Attorney Tara St. Angelo stated that this application is a subdivision application with bulk variance. It originally was for a minor subdivision but Planner McKenzie expressed the need for a bulk variance as the lot has no road frontage.

The proposal for Lot 1.02 is that the lot will be a little over 5 acres and will consist with what we know as the Bethany Ridge house or Park House and the cottages. The township wants to separate the residential from the open space. The township has made no decision of what it wants do with the

subdivision. Both lots meet minimum acres but neither has road frontage so they need a "c" variance. The lot is land locked and has been. Granting this helps the public good to allow open space to exist. The house already has access. The deeds would need to be updated if the subdivision takes place.

Patrick Fatton – professional land surveyor – sworn in by Lucille Grozinski. He is licensed in New Jersey and has prepared the plan for review. In 2013 he surveyed the property.

Exhibit 2 – is the plan dated 06/22/15 – the same map in the package to the board but with highlights for display.

Lots 1.02 and 1.03 the Township Committee from the Dioceses of Metuchen. In 2014 the Township contacted Patrick Fatton to do a subdivision from Lot 1.02. The proposed new lot is 500 in depth and 390' wide and will be lot 1.02. The preserved portion will be lot 1/04. The numbers have been approved by assessor. Both have access by easement to Milford Warren Glen Road. The existing drive to the park house goes thru lot 1.04 and into a strip and down to route 519. The park house connects to a sanitary sewer line. It connects to the manhole near the swimming pool at the Ridge. Public Water is also there.

Board questions/concerns:

Future public access. The existing drive out of Lot 1.02 crosses the stem of Lot 1.04 and also cuts thru Lot 1.03 with the stem being part of Lot 1.03 (technically all properties have access). The wetlands delineation is down by the Oak Hill Golf Course property and a Letter of Interpretation (LOI) has been received by the Department of Environmental Protection (DEP). The wetlands buffer just barely comes onto Lot 1.02 (it is in the back of the park house). The existing site easement site easement is on Lot 1.01 and is also for Lot 1.03. The other site triangle is on private property. Ken Grisewood asked about putting the site plan easement into the deed. There were also questions about the sanitary sewer and if an easement is in place which Patrick Fatton stated that he would look into the deed issue and explore possibilities?

Attorney Morrow asked about the review of our Engineer and Patrick Fatton stated that he is addressing the concerns. The dwelling would be using the sanitary sewer easement. They will investigate the concerns expressed. Comments were made about how it should be in the prior title search and will be noted on the plans. Mike Keady asked about people accessing the property and the ability to park. Attorney St. Angelo said there is a gravel parking lot by the water tower and is the only parking lot now. There are no formal plans but the parking lot has been used for Community Day and maybe trails will spin off that in the future. Ms. St. Angelo reminded everyone that the first stage in the project is dealing with the residence and trying to see what is best for the community.

There were no other questions at this time.

Witness #2 – Robert F. Lorentz – Licensed Engineer and professional planner. He has served as the county engineer as well as for other counties and municipalities. He has served as a fill-in in Holland Township. He is an expert and has been accepted as an expert. This clearly meets the requirements of a minor subdivision. There are no improvements on or off site. This proposal creates only one lot and the remaining lot. There will be no new streets and no capital improvements. The application as presented conforms to requirements except for the frontage issue. Access to the Park House being over an existing travel way which is in good condition has already been explained. As for a hardship, none of the property in question has frontage on a public road. It is all addressed by existing access easement conditions which will be modified. It complies with the intent and purpose without tearing things down. Concerns about the potential for a future buyer to expand the footprint towards the buffer were brought up and the board was told that the buffer is far from the house. Restraints and conditions exist with any lot preexisting lot in Holland Township. Carl Molter asked about how they formulated the property line on the right side and Attorney St. Angelo stated that they just followed the natural tree line. Dave Grossmueller voiced questions about the wetlands buffer, the labeling and the buffer farther down which caused a technical buffer conversation.

The public portion of the public hearing was opened and let the record show that there were no public comments expressed.

A motion was made by Mike Keady and seconded by Ken Grisewood to approve the variance requested for all the reasons so testified. At a roll call vote all present voted yes. Motion carried.

A motion was made by Mike Keady by Duane Young to approve the application as presented with conditions illustrated in the Maser review letter and with the requirement that a new map will be presented to clarify the access easement. At a roll call vote, all present voted yes. Motion carried.

Attorney Morrow will draft a resolution for review.

Dan Bush and Tom Scheibener were asked to return to the meeting.

Sub-Committee Status and Updates:

Mr. Keady stated that progress is being made with the Highlands Council Land Use Ordinance. Mr. Keady also reported that continued progress is being made with the zoning map(s). The old Zoning map is looking good but Maser is still working on the interactive map. They are working with the Highlands Council to incorporate the Highlands Zones. When the interactive made is completed it will be available on our web page as an interactive tool.

Public Comment

Ted Harwick stated that Lenard Lance was in Pohatcong. The meeting went well.

Member Comment

Mike Keady expressed concerns about moving from a completeness review to a public hearing. He feels it is not fair to the public or to the board members. He believes the completeness review is the first step in understanding. He thinks people need to digest or process information and to then go into a public hearing. Mike Keady did state that he had no problems with the recent applications going from Completeness review to public hearing but he just does not want to see if become a habit.

Attorney Morrow reminded everyone that we have had two applications recently that were unusual in the process. There have been a few members in the public or none at all so the ability to proceed just made sense. If it did not make sense, he would also speak up. The benefits outweighed the detriment.

Chairman Rader extended congratulations to our new mom, Casey Bickhardt on her new adventure in motherhood. Well wishes were extended to her and her husband.

Executive Session

Nothing at this time.

Adjournment

Mike Keady made a motion to adjourn. Motion approved. The meeting ended at 8:20 p.m.

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