

## **Holland Township Planning Board**

### **Minutes of the Regular Meeting**

**July 13, 2020**

(Notice-The Chairman reserves the right to change or revise the order of the agenda as needed. Formal action may or may not be taken)

The Meeting was called to order by Chairman Rader:

“I call to order the July 13, 2020 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 on December 13, 2019 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 13, 2019 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.

HOLLAND TOWNSHIP PLANNING BOARD  
PUBLIC NOTICE  
TOWNSHIP OF HOLLAND

NOTICE OF CHANGE OF FORMAT OF REGULAR TOWNSHIP PLANNING BOARD MEETING AND PUBLIC PARTICIPATION FOR THE MEETING SCHEDULED FOR  
7:30 PM MONDAY JULY 13, 2020

PLEASE TAKE NOTICE.

THE MEETING FORMAT HAS BEEN CHANGED FROM IN-PERSON ATTENDANCE AT THE MUNICIPAL BUILDING, 61 CHURCH ROAD, TO TELECONFERENCE DUE TO COVID-19 OUTBREAK AND THE STATE OF EMERGENCY DECLARED BY GOVERNOR MURPHY.

IN LIEU OF IN-PERSON ATTENDANCE, THE PUBLIC MAY ATTEND THIS MEETING VIA TELECONFERENCING AND COMMENT DURING THE DESIGNATED PUBLIC COMMENT PORTION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT.

OFFICIAL ACTION TO BE TAKEN

TO JOIN THE MEETING FROM A:

Computer:

<https://zoom.us/j/91193291552?pwd=TXN0UTRaMS9oK2tNMEVDRO85dEtWZz09>

Phone:

1 646 558 8656

Meeting ID: 911 9329 1552

Password: 401862

### **Flag Salute**

Chairman Rader asked all to stand for the Pledge of Allegiance

### **Appointments and Re-appointments**

*(The appointments and re-appointments were determined at the January 2, 2020 Township Committee Reorganization meeting)*

Secretary Kozak stated that the following member signed their Oath of Office before the scheduled meeting.

Carl Molter – Class II Member for a one year term 12/31/20

The following position is vacant:

- Alternate #2 – Member for a two year term 12/31/21

Chairman Rader asked for Identification of those at the podium for the benefit of the Court Reporter.

Present: Michael Keady, Mike Miller, Nickolas Moustakas, Dan Rader, Scott Wilhelm, Duane Young, John Gallina, Esq., Rick Roseberry and Adam Wisniewski, Engineer, Darlene Green, and Court Reporter Lucille Grozinski, CSR and Maria Elena Jennette Kozak, Secretary.

Excused Absent: Dan Bush, Dave Grossmueller, Carl Molter and Tom Scheibener  
Let the record show there is a quorum.

### **Minutes**

A motion was made by Scott Wilhelm and seconded by Duane Young to dispense with the reading of the minutes of the February 10, 2020 meeting and to approve the minutes as recorded. All present were in favor of the motion. Motion carried.

### **Old Business:**

There was no Old Business scheduled at this time on the agenda.

### **New Business:**

There was no New Business scheduled at this time on the agenda.

### **Completeness Review:**

Block 2 Lot 1.02 – Holland Solar Farm LLC - 10 Mill Road – Preliminary & Final Site Plan Application - Received into the office on June 12, 2020. The 45-day completeness deadline is July 27, 2020. On the July 13, 2020 agenda for completeness. Alternate/Substitute Engineer and Planner required. Board Action needed. The Substitute Engineer is Michael Finelli of Finelli Consulting Engineers Inc and the Substitute Planner is James Kyle of Kyle & McManus Associated. Engineer Finelli is present tonight.

Applicant's Attorney Mark Bellin is present. Applicant's team present consists of: Steve Gouin, Ian Hill, Joseph Sana, and Rodger Ferguson.

Attorney Bellin stated that the proposed 9MW – 2 array solar projects will be on the old Hugessville Mill property where the mill buildings have been demolished. Present tonight will be Ian Hill of Van Cleef who will explain the project and discuss completeness.

Witness #1 – Ian Hill of Van Cleef Engineering was sworn in by Court Reporter Grozinski. Mr. Hill was accepted as an expert witness.

Mr. Hill explained that the property in question is off Mill Road and is known as Block 2 Lot 1.02. The Musconetcong is adjacent to the property. There is a raceway that ran in the middle of the Mill that went to the generating plant. It is dry now. The proposed 2 arrays will be on the old mill site. This was a Brownfield.

Member Mike Keady, also the Environmental Commission Chairman asked if a Licensed Site Remediation Professional (LSRP) is working on corrections.

Witness #2 – Rodger Ferguson was sworn in by Court Reporter Grozinski. Mr. Ferguson was accepted as an expert witness for the Environmental concerns.

Mr. Ferguson stated that both Georgia Pacific and Fiber Mark have an LSRP. There is a cap that remains an LSRP issue from the mill demolition. The Hunterdon County clerk needs to finalize, and then the paperwork goes to the DEP. The other LSRP from FiberMark is also trying to follow up on remedial work involved.

Member Keady asked if there are any concerns with Area D on the contaminated ground of the old mill. Mr. Ferguson responded that the building footprint was relatively clean. Area of Concern E was ROK A and in 2010 the LSRP said all was ok and that there could be a development with no restrictions. Area "D" will have deed notice and require follow-up. Member Keady asked when construction would begin and Mr. Ferguson responded that they are close to filing but the DEP memorializing deed notice is what they are waiting for. As all are aware, July had a lot of closures due to State mandated furloughs. The hope is that a six month timeline is sufficient.

Member Ken Grisewood asked about the Flood Hazzard Verification and Mr. Hill responded that the applicant is in the process of applying.

Member Keady asked if Area “D” is in the flood plains and Mr. Hill responded no as the Musconetcong banks are deep in that area. The area does have two riparian zones so there are rules governing where the arrays can be placed. You have the Pohatcong Creek and the Musconetcong.

Chairman Rader asked if anyone else had any questions and the Public Alan Hunt questioned if he could discuss at this time. Chairman Rader responded that the public would be able to ask questions when the public portions are opened.

Mr. Hill and Mr. Finelli agreed to discuss the letter dated July 8, 2019 as prepared by Substitute Engineer Finelli.

A professional review is an advisory review and submitted for the board to accept some, none or all the recommendations in the report. Secretary Kozak has modified the submitted reviews for the minutes. Hard Copies of all report(s) can be viewed in their entirety in the application file.

July 8, 2020

Maria Elena Kozak, Land Use Administrator  
**HOLLAND TOWNSHIP PLANNING BOARD**  
61 Church Road  
Milford, New Jersey 08848

Re: Initial Completeness Review  
**Holland Solar Farm, LLC - Preliminary Site Plan**  
Block 2 Lot 1.02  
Holland Township, Hunterdon County  
*FCE No. PHOH20070*

Dear Ms. Kozak:

1. One (1) copy of transmittal letter from Van Cleef Engineering Associates to the Holland Township Planning Board dated, June 12, 2020.
2. One (1) copy of Planning Board & Board of Adjustment Application Form.
3. One (1) copy of Holland Township Preliminary Major Site Plan Checklist.
4. One (1) copy of Holland Township Final Major Site Plan Checklist.
5. One (1) copy of Summary of Variances, Design Waiver & Submission Waivers Requested", dated June 12, 2020.
6. One (1) copy of Township of Holland, Fee Calculation Form.
7. One (1) copy of check in the amount of \$1,300 (preliminary & final site plan application fee).
8. One (1) copy of check in the amount of \$10,000 (initial preliminary & final site plan escrow deposit).
9. One (1) copy of letter from Attorney Bellin regarding escrow deposit dated May 9, 2020.
10. One (1) copy of Boundary and Topographic Survey of Block 2, Lot 1.02 prepared by Van Cleef Engineering dated February 25, 2020.
11. One (1) copy of Preliminary/Final Major Site Plan for Holland Solar Farm, Block 2, Lot 1.02 prepared by Van Cleef Engineering dated June 5, 2020 comprising 22 sheets.
12. One (1) copy of Geologic Evaluation Report prepared by Van Cleef Engineering dated June 4, 2020.
13. One (1) copy of Stormwater Management Study prepared by Van Cleef Engineering dated, June 5, 2020.
14. One (1) copy of Freshwater Wetlands Letter of interpretation from NJDEP dated, September 12, 2011.
15. One (1) copy of draft Decommissioning Agreement and Deed Restriction prepared by Attorney Bellin (no date).
16. One (1) copy of Escrow Replenishment Certification signed by the applicant dated May 5, 2020.
17. One (1) copy of certified list of property owners within 200 feet from Holland and Pohatcong Townships.
18. One (1) copy of Title Report for the property prepared by Stewart Title dated August 30, 2018.
19. One (1) copy of Ownership Certification signed by the property owner dated April 22, 2020.
20. One (1) copy of Ownership Disclosure for the applicant
21. One (1) copy of a transmittal letter and application to the Hunterdon County Planning Board dated June 12, 2020.
22. One (1) copy of a transmittal letter and application to the Hunterdon County Soil Conservation District dated, June 12, 2020.

23. One (1) copy of Holland Township Site Walk Authorization dated May 5, 2020.
24. One (1) copy of an email from the NJDEP Office of Permit Coordination dated April,6, 2020.
25. One (1) copy of completed W-9 form.

#### PROJECT SUMMARY

The applicant, Holland Solar Farm, LLC., is seeking Preliminary and Final Site Plan approval for construction of a ground mounted photovoltaic electric generation system on Block 2, Lot 1.02, and the former FiberMark paper plant. The property is currently owned by Fiberville Estates, LLC and comprises 65.55 gross acres fronting on Willow Road and Cyphers Road, running partially along the Musconetcong River. It is located in the township's IND-Limited Industrial Park zone and within the Highlands Planning Area. Photovoltaic electric generation systems are a permitted principal use in the IND zone.

The northerly boundary of the property runs along the Musconetcong River, a Category One water-way with tributaries of the creek and a mill race running through portions of the property. The property is bounded on the south by lands owned by Hunterdon County and on the west by the Milford Solar Farm. There are freshwater wetlands, flood hazard areas, and riparian buffers associated with these features, some of which are being impacted by the development.

The project is proposing the construction of two (2) separate solar arrays (Arrays D and E) generating a total of 9 MW to be connected to the JCP&L electric grid. It is noted that there is an existing solar array (Array C) located on the southwest portion of Lot 1.02 operated by Milford Solar LLC.

Array D will be accessed by a stone driveway from the existing access driveway which runs from Cyphers Road to existing Block 2, Lots 10 thru 17 and Array E will be accessed by two (2) separate gates along a new paved driveway connecting to Cyphers Road. The facility will be connected to the JCP&L electric grid at the existing 250 feet wide JCP&L easement which runs along the east side of the property.

The property is the site of the former FiberMark paper mill which has been classified by NJDEP as a 'brownfield' site and has apparently been subject to remediation for a number of years.

#### INITIAL COMPLETENESS REVIEW - PRELIMINARY SITE PLAN

Our office has conducted this initial completeness review of the Preliminary Site Plan application using the previously referenced information against the Township's Preliminary Site Plan Check-lists. Based upon our review, we offer the following comments:

1. Item D-2 - A waiver has been requested to permit an initial \$10,000 escrow deposit in lieu of providing the total required \$32,163.80 escrow deposit for preliminary site plan approval. Additional fees would be deposited, as necessary. We defer to the Board on this particular matter and if prior escrow deferral precedent has been a practice of the Board.
2. Item D-3 - A completed Escrow Agreement was not received.
3. Item D-8 - Certification by the Tax Collector of the payment of taxes was not received.
4. Item D-14 - The September 12, 2011 Wetlands LOI which was submitted is not valid as it expired within five (5) years of issuance. A new LOI should be provided.
5. Item D-15 - The applicant should provide a Flood Hazard Area Verification as suggested in the September 12, 2011 Wetlands LOI. Also, there may need to be an FHA permit as there is tree removal within the riparian zones along the Musconetcong River and the riparian zones associated with State Open Waters. Confirmation should be provided from NJDEP.
6. Item D-17 - The survey should clarify whether there are any easements or covenants related to the presence of existing Solar Array C, owned by Milford Solar, LLC on Lot 1.02.
7. Item D-19 - A waiver has been requested from obtaining a consistency determination from the Highlands Council prior to a determination of completeness. We support the waiver request as the Highlands Council has advised via recent email that since Holland is a fully conforming Township, the consistency determination is the responsibility of the Planning Board for new applications within the

Planning Area. Per Chapter 101 of the Holland Township Code entitled "Land Use, Highlands". the applicant is required to submit "Appendix Q, Checklist For Determining Completeness of Application Submitted Under Chapter 101 Highlands Land Use Ordinance", along with all required information and

8. Item D-25 -The title sheet should include the phone number of the owner.
9. Item D-26-The title sheet should include the phone number of the applicant.
10. Item D-34 - A waiver has been requested to not provide the owners certification on the site plan. We support the waiver request for completeness as a separate signed owner's certification has been provided. The owner's signature should be required on the site plan prior to signature by the Board. subsequent to any approval which may be granted.
11. Item D-36 - The "Boundary and Topographic Survey" map should include the survey certification referenced in the Preliminary Site Plan checklist.
12. Item D-51 - The plans should define the extent of the area of disturbance and provide the area in acres.
13. Item D-52 - The plans should clearly indicate the extent of existing and proposed impervious surfaces and provide areas in acres. Note that the use of a runoff coefficient is permitted if the hydrologic condition associated with that coefficient has existed for at least five (5) years. Given that the site has been undergoing remediation, existing runoff conditions to be used in the stormwater management analysis needs to be clarified.
14. Item D--60 - Details for any signs including site identification and safety signs should be provided.

Based upon the above listed comments we would recommend that the Board deem the Preliminary Site Plan application incomplete until such time as requested waivers have been granted and the above required information has been provided.

I trust this correspondence is satisfactory. Please feel free to call with any questions or comments.

Very truly yours,

FINELL/ CONSULTING ENGINEERS, INC.

Michael S. Finelli, P.E., P.P., C.M.E. Planning Board Conflict Engineer

1. Item D2- Escrow - The first discussion that took place was about the request for a reduction in the required escrow. The determination to reduce escrow is not the jurisdiction of the Planning Board but that of the Township Committee. Various options were discussed and the board can grant a waiver subject to the Township Committee approval. The board all agreed and Secretary Kozak will follow up with sending information to the Township Attorney.
2. Item D3-escrow agreement is in effect
3. Item D8-taxes are up to date
4. Item D14-Wetlands is good for five years per Mr. Ferguson
5. Item D15 – DEP approvals...submitting soon. This can be a condition of approval when we say outside agency approval required. Mr. Ferguson agreed.
6. Item D17- easements – array C is on Lot - no easements or covenant exist as it is "JCP&L" The title report was submitted and Mr. Ferguson agrees.
7. Item D19 – Waiver requested. Mr. Ferguson supports the waiver as the Planning Board is the responsible agent. Checklist "Q" of Chapter 101 is required. This was not part of the site plan application but Attorney Bellin clearly agrees that that the applicant needs to supply the checklist. Discussions took place about the requirement but that this is not on the checklist but is outlined in our Code Book. After much discussion all agreed that this should be incomplete with the applicant supplying the information and then doing a completeness at the next meeting with a public hearing following. All agreed that this is a fair compromise to a situation that caused a lot of discussion during the entire day. Chapter 101 does have a sentence that states....in no case shall an application be deemed

complete until the board received items. Our professionals will work with the applicant. Chairman Rader stated that the board cannot deem this application complete until checklist Q is received but that the board will put this on the next agenda for completeness and a public hearing. Mr. Ferguson stated that this is a compromise. Other items as well as the escrow will be addressed in time for the next schedule meeting. Attorney Bellin also stated that this is a good compromise and fair. The glitch is the checklist as it does not point the applicant into the direction of Checklist "Q".

8. Item D25-To do before resubmit
9. Item D26 – To do before resubmit
10. Item D34-Actual owner – Engineer Finelli said ok
11. Item D36-To update
12. Item D51 – Sheet 5, 5.1 & 5.2 is provided
13. Item D52 – to do. Stormwater assessment – IPPE signed and the Mill was still there but now the mill is not there so there are changes.
14. Item D60 – to modify

Discussions took place about the resubmittal schedule. If the applicant supplies everything by July 27<sup>th</sup> then that fits the two week requirement and gives time for professional review.

Attorney Bellin asked the professionals if the time line worked and they agreed to try.

Realistically everyone thinks September 14, 2020 will be the date for being on the agenda but they will try for the August meeting. If they cannot meet the deadline for the August 10<sup>th</sup> meeting then they will send a request to extend to the September 14, 2020 meeting. Attorney Bellin thanked the board for how they handled this situation.

A motion was made by Scott Wilhelm and seconded by Mike Miller to deem the application incomplete as discussed with the application being on the August 10<sup>th</sup> agenda (or September 14<sup>th</sup> agenda) for completeness and a public hearing. At a roll call vote, all present were in favor of the motion. Motion carried.

### **Resolution**

There are no resolutions to discuss at this time on the agenda.

### **Public Hearings**

1. The Municipal Stormwater Management and Mitigation Plan report, which is a sub-element of the Utility Service Plan Element. The purpose of the report is to comply with the requirement that every municipality in the State prepare a Stormwater Management Plan. The report discusses the goals of the plan, development impacts on stormwater runoff, riparian buffers, and water quality. Design and performance standards, nonstructural stormwater management strategies and a mitigation plan. BOARD ACTION NEEDED

The plan was distributed to all and put on the website for public viewing. Adam Wisniewski is present and explained that the plan was original prepared as part of the Highlands Council grant in 2018 as an update to DEP regulations. The last plan was in 2005. There were updates needed to our ordinance and the Township Committee did adopt them. We needed two municipal owned properties for mitigation. We have not had many projects for off-site improvements but the Highlands Council required us to have a plan. The Developers plea regarding cost is not to be considered as a waiver request. The property needs to be owned by the Township so no outside agency is involved. The plan follows the DEP template and identifies environmental information such as stream class, waterways, watersheds etc.

Board members were asked if they had any questions or comments and with none being said the public portion was opened.

Alan Hunt – director of the Musconetcong Watershed Association – He had comments such as:

- Stormwater Plan should reference new C-1 changes effective April 6, 2020; e.g. Trout Brook increased to TP (Trout Production). (Page 6 and Map 2 of the Stormwater Plan)
- Musconetcong River is designated eligible for National Wild and Scenic River from Hughesville Mill to the Delaware River confluence by Congress effective December 22, 2006; Designation is pending designation final approval at Department of Interior. (Page 7 of the Stormwater Plan)

- The Lower Delaware River is a designated National Wild and Scenic River. (Page 7 of the Stormwater Plan)
- The Plan should reference the need to reduce and eliminate pollution to these wild and scenic rivers per Section 12(c) of the federal Wild and Scenic Rivers Act. Also, projects involving construction in the bed and banks of the river, including stormwater outfalls, require National Park Service (NPS) review. Also projects within a ¼ of a designated Wild and Scenic River should involve NPS consultation and review.
- The Musconetcong River is underlain with Carbonate Rock downstream of Warren Glen. This geological formation can enable the transmission of surface and ground waters, and is not a confined aquifer. As a result, contaminated surface waters could enter wells if they are hydrologically connected, and vice versa, contaminated groundwater could reach the surface waters if connected. Specifically, fecal coliform commination could be transmitted from the river to nearby wells, and vice versa, waste water systems discharging to groundwater could transmit bacterial or other contamination to the river. (Page 8-9 of the Stormwater Plan)
- The Runoff and Recharge section of the Stormwater Plan should reference and discuss the management of stormwater in Carbonate Bedrock areas, and how to protect these carbonate bedrock recharge areas from degradation (Page 13 Stormwater Plan)
- Looking at Table C-1, high impervious coverages are allowed in the Industrial areas along the Musconetcong and Delaware rivers. If Buildout occurs, this will contribute to stormwater run-off, and increased temperature discharges into the river. Looking at Table c-3, if the TN in the river went to 16 mg/L, the river would be pretty dead and full of algae. A river is impaired at TN at 3 mg/L. Also, looking at the TSS, a river is impaired around a TSS of 20-40. The units in the table are lbs/ac. Maser should be asked to convert the loading ind rates into concentrations in mg/L.
- On Page 27, the three compensating mitigation methods are not equivalent. The first and second options are only 1:1 exchanges, for amount of new degradation and equal reduction is made somewhere else. The third option, of payment to reduce an existing impact is vague, and could be more than 1:1, and could result in a more than 1:1 reduction. It is also worth considering is 1:1 the desired outcome? The mitigation sites on Page 28 are problematic. The mitigation should be required within the same HUC 14 watershed where the impact will occur. If you degrade the Musconetcong river, you should not get mitigation approval if you improve the Delaware River, and vice versa. If the concern is that there is not suitable public land to improve in the Musconetcong river, I would argue improvement could be made to the roadway stormwater management, or to land owned by the State or County, of which there is a lot
- On Page 27, the three compensating mitigation methods are not equivalent. The first and second options are only 1:1 exchanges, for amount of new degradation and equal reduction is made somewhere else. The third option, of payment to reduce an existing impact is vague, and could be more than 1:1, and could result in a more than 1:1 reduction. It is also worth considering is 1:1 the desired outcome? The mitigation sites on Page 28 are problematic. The mitigation should be required within the same HUC 14 watershed where the impact will occur. If you degrade the Musconetcong river, you should not get mitigation approval if you improve the Delaware River, and vice versa. If the concern is that there is not suitable public land to improve in the Musconetcong river, I would argue improvement could be made to the roadway stormwater management, or to land owned by the State or County, of which there is a lot.

Mr. Wisniewski stated that he did see some comments of the MWA and he can do category changes for the trout and Wild & Scenic. Discussion took place about the designation of Wild & Scenic and how Holland has not been designated yet. Conversations also took place about carbonate rock and how the Stormwater Management Plan addresses the issue. Engineer Roseberry reminded everyone that this is the plan that goes into the Master Plan and it is not an Ordinance. After this plan is adopted then we can develop laws by way of ordinance. The Township Committee did update the Ordinances in 2018 but we can re-visit the ordinances for updates. More carbonate rock discussions took place. Discussions about the well head and how

principles and how projects should be reviewed took place. Questions about an ordinance took place. BMP Manual conversations took place. Mitigation project conversation took place with the MWA asking for consideration to be for a Musky project and not what is proposed. More conversations took place about the need for more ordinances.

Alan Hunt was thanked for participating in the discussion.

Member Keady had some questions and stated that he worked on this project and the River input was a nice addition.

Attorney Gallina asked if there would be any revisions to the plan. If yes then this would have to be reintroduced. Engineer Roseberry stated that Maser can do clarifications discussed which would be some language changes but nothing major.

Public Comment included additional comments from:

Dwight Pederson – resident and Environmental Commission member – who said he had concerns about the Mitigation Plan. He understands it is a requirement but are there grants to help us make things happen. That is the next phase? Will we update ordinances? When does this trigger the developer actually following the plan?

Mr. Wisniewski responded that the trigger for a developer is when an application is being reviewed by the Planning Board. The applicant would let the board know why they are requesting it. The board will have the final say and all is done in conjunction with the Board Engineer.

Attorney Gallina asked again if there will be amendments to the proposed plan. Mr. Wisniewski stated that Maser will follow his notes and make revisions to the plan.

The plan will be on the Planning Board agenda of August 10<sup>th</sup> for a Public Hearing. Secretary Kozak will work with Attorney Gallina on the re-notice and proper procedures. No board action to take place tonight. Tabled to the next meeting and the public hearing.

2. The 2020 Master Plan and Development Regulations Reexamination report, which is mandated for reexamination every 10 years under the New Jersey Municipal Land Use Law The purpose of the report is to provide for a general reexamination of the Township's Master Plan and Development Regulations, and to make recommendations for any changes. BOARD ACTION NEEDED

Planner Green explained that in working with Secretary Kozak we discovered the last reexamination was in 2011 for the Highlands Council which we thought would be sufficient. Township Attorney St. Angelo advised us that we needed to do the re-examination report and that we were three years behind as the last reexamination report was done in 2007.

This plan is a very hand on plan and is being funded by the Highlands Council. Planner Green reviewed past documents.

“A review of Holland’s master planning documents reveals that the Township’s last reexamination report was adopted on September 12, 2011. However, the 2011 Reexamination Report specifically dealt with the Township’s compliance with the Highlands Regional Master Plan and did not fully address the five requirements of the MLUL.

Prior to that, the Township’s last full reexamination report was the 2007 Reexamination Report, which was adopted on or about January 18, 2007. Holland Township’s most recent Master Plan was adopted in 2001”

Planner Green reviewed the document with all. On page 17 is the Affordable Housing section.

#### AFFORDABLE HOUSING

On March 10, 2015, the Supreme Court ruled that the New Jersey Council on Affordable Housing (hereinafter “COAH”) failed to act and as a result, the Courts would be assuming jurisdiction over the Fair Housing Act. The Order divided municipalities into one of three categories – those that achieved Third Round Substantive Certification, those that filed or petitioned COAH and those that had never participated in the COAH process.

The transitional process created by the Supreme Court tracked the Fair Housing Act procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a thirty-day window between June 8 and July 8, 2015 that sought an adjudication as to their fair

share. This enabled a municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction of affordable housing. Consistent with its past history of voluntary compliance, Northvale was proactive and filed its Declaratory Judgement Complaint on July 6, 2015.

On January 18, 2017, the Supreme Court ruled that municipalities are responsible for obligations purportedly accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need (also referred to as Rehabilitation Obligation), which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need). This obligation is commonly referred to as the Gap Need.

See page 29 for a description of Holland's response to the March 2015 decision.

Round 2 will be from 1999-2025 with huge state policy changes.

Planner Green went on to discuss how in November 2019 that the Governor added a new section about electric charging stations. There are also County changes that needed consideration. The 2008 Farmland Plan mentions Holland Township and so do the 2018 Parks and Open Space Plan.

Chapter V on Page 26 is the Meat of the plan and talks about moving forward. Section one talks about goals from 2001 which we had to see which policies were outdated, not applicable and what are applicable and how to move forward. Master Plan Elements were identified:

The Stormwater and Mitigation Plan – currently in a Public Hearing

Water Use & Conservation Plan – September is the goal for a Public Hearing

Housing Element & Fair Share Housing – 1999-2025 – Public Hearing goal by the end of 2020

Other plans being discussed:

Open Space & Recreation Plan

Ag Tourism Plan

Land Use Plan Element

Traffic Circulation, Community Facilities & Conservation Plan Element

Land Use Ordinance Review – Planner Green calls this section the pound cake! There are minor issues that need to be addressed. One area is in Section 10 where the solar is in the industrial zone and the ordinance needs clarification of a Conditional Use which gives the zoning board more control. Warehouses are another hot commodity – they are popping up all over and while Holland will probably not be a location for a large warehouse it could be used for what is being called the last mile facility. Warehouses are allowed in all limited Industrial; if you move it to a conditional use then Holland would have more control.

Board members were asked if they had any questions or comments and with none being said the public portion was opened.

Alan Hunt – director of the Musconetcong Watershed Association – He had comments such as:

He thanked everyone for preparing such a comprehensive plan with emphasis on page 29 and goals 7,12 and 29. He was a fan of the ordinance and submission checklist. He liked the Open space and Recreation Element and thinks there are more opportunities and asked that consideration be made for fishing. He did remind everyone that the watershed land uses are along the river. Water quality impacts are important considerations as well as environmental constraints. He question Holland keeping the Industrial zone as a use since there is concern about a future power generating station. He believes more restraints need to be put on lighting as he likes the dark sky standards. Planner Green mentioned that it would be in drafting ordinances that you would review those elements as that are the place for enforcement.

Mr. Hunt asked more questions about page 38 and the Air B&B and how municipalities should protect the land but recreation tourism is also a way to make money. Can we redevelop the land and encourage people to come out for more than one day. Planner

Green said that was a valid point and that Bed & Breakfast locations are a nice project. Zoning only historic could be a potential problem. Attorney Gallina suggests a conditional use is better.

Mr. Hunt did mention that he would like to see scenic in protecting resources. Member Keady responded that Holland Township is supporting Wild & Scenic but Pohatcong was later in its desire to participate. Because of that Washington is not accepting us as Wild & Scenic yet. No one had to go to the Department of Interior to review an application yet. Parks will have to review in the future and resources of eligibility could be affected.

Chairman Rader asked if there were any other comments. No one in the public had anything to say and neither did the board or professionals.

Planner Green explained that the plan is approved by the Highlands Council and that they have given us the “green light” for adoption. There are revisions needed.

A motion was made by Mike Keady and seconded by Duane Young to approve and adopt the 2020 Master Plan and Development Regulations Reexamination report as presented. At a roll call vote, all present were in favor of the motion with the exception of Ken Grisewood who abstained. Motion carried.

Planner Green thanked the subcommittee for all their help with working on this plan.

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

Ongoing work to be discussed – Holland Township Highlands Council Subcommittee –update – Planner Green outlined in the 2020 Master Plan and Development Regulations Reexamination report.

The Municipal Stormwater Management and Mitigation Plan report, which is a sub-element of the Utility Service Plan Element will be on the August 10, 2020 agenda for a public hearing.

### **Public Comment**

There were no public comments offered at this time.

### **Executive Session**

There was no Executive Session scheduled at this time.

### **Adjournment**

Mike Keady made a motion to adjourn. Motion approved. The meeting ended at 9:40 p.m.

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