

Holland Township Planning Board

Minutes of the Regular Meeting

July 13, 2015

The meeting was called to order by the Chairman Rader:

“I call to order the July 13, 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: Casey Bickhardt, Dan Bush, Ken Grisewood, Dave Grossmueller, Michael Keady, Mike Miller, Carl Molter, Dan Rader, Tom Scheibener, Melissa Tigar, Duane Young, Don Morrow, Esq, Paul Sternbenz for Richard Roseberry/Bill Burr, Engineer, Court Reporter Susan Baber for Lucille Grozinski, CSR, Elizabeth McKenzie, Planner, and Maria Elena Jennette Kozak, Secretary.

Excused Absent:

Let the record show there is a quorum.

Minutes

A motion was made by Mike Miller and seconded by Thomas Scheibener to dispense with the reading of the minutes of the June 8, 2015 regular meeting and to approve the minutes as recorded. All present were in favor of the motion with the exception of Carl Molter who abstained. Motion carried.

Old Business:

There is no Old Business to discuss at this time.

New Business:

There is no New Business to discuss at this time.

Completeness Review:

There is no Completeness Review to discuss at this time.

Resolution

Block 1.01 Lots 27 – Cellco Partnership d/b/a Verizon Wireless – 9 Dennis Road – Minor Site Plan & Hardship “c” Variance Relief – Received into our office April 28, 2015 – 45-day completeness deadline is May 11, 2015, extension granted by Applicant’s attorney to do completeness at June 8, 2015 meeting. Deemed complete June 8, 2015. Public Hearing June 8, 2015. Application approved with conditions. Attorney Morrow was authorized to prepare the resolution. Board Action needed.

Board member Carl Molter recused himself and left the room.

Attorney Morrow submitted the resolution for review. The applicant’s attorney had minor comments which were addressed. The resolution reads as follows:

**RESOLUTION APPROVING “C” VARIANCE
AND MINOR SITE PLAN FOR
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS
BLOCK.1.01 LOT 27**

WHEREAS, Cellco Partnership d/b/a Verizon Wireless has made application to the Planning Board of Holland Township for a Variance and minor site plan approval on property owned by Paul S. Becker and Nancy W. Becker for the following:

1. Variance relief pursuant to N.J.S 40:55D-70(c) to permit a side yard setback of the proposed new equipment shelter and compound to permit an equipment shelter with a height of 12 feet 6 inches.

2. Minor Site Plan Approval to co-locate its wireless communications antenna on an existing transmission tower – increasing the height of the existing antenna mounted on the tower from 81 feet to 96 feet

WHEREAS, the request of the Applicant was considered at a duly noticed public hearing on June 8, 2015; and

WHEREAS, the members of the Planning Board after carefully considering the evidence presented by the Applicant consisting of exhibits and recorded testimony, have made findings of facts as follows:

1. The Applicant submitted a certified list of property owners; affidavit of service and proof of publication satisfying the jurisdictional requirements.
2. The Owners of the property known as Block 1.01, Lot 27 and located at 9 Dennis Road are Paul S. Becker and Nancy M. Becker.
3. The property is located in the R-5 Zone.
4. The property has a lot area of 4.497 acres.
5. There presently exist on the site a transmission tower containing communication antenna having a height of 81 feet.
6. The equipment will be located 21.7 feet from the north side lot line. The required side yard setback is 75 feet.
7. The equipment shelter to be constructed will have a height of 12 feet 6 inches. The permitted height is a maximum of 10 feet.
8. The owners of the property have consented to the application.
9. The Applicant has demonstrated that it complies with all applicable FCC and FAA regulations.
10. The strict application of the Zoning Ordinance provisions at issue would result in peculiar and exceptional practical difficulties or undue hardship upon the applicant because of the location of the pre-existing facilities on the property.
11. The requested variances can be granted without substantial detriment to the neighbor's use and enjoyment of its property.
12. The requested variance will not impair the intent and purpose of the zone plan or ordinances of the Township.

NOW, THEREFORE BE IT RESOLVED that in consideration of its findings of fact as hereinabove set forth the Planning Board does on this 13th day of July, 2015 grant approval for variances as follows:

- a. A side setback of 21 feet 7 inches shall be permitted on the north side line.
- b. An equipment shelter having a height of 12 feet 6 inches shall be permitted.

BE IT FURTHER RESOLVED that the Planning Board does hereby approve the minor site plan subject to conditions as follows:

1. Compliance with all outside agency approvals.
2. Compliance with all representations made by Applicant in the recorded testimony.
3. The applicant will drop the steel platform for the generator down to ground level, drop the fence to ground level, and plant shrubs around the perimeter of the fence and the equipment shelter. Shrubs shall be deer resistant, and shrubs that die will be replaced. Maintenance of the required plantings shall be a condition of site plan approval.
4. The applicant will submit a turning template for fuel oil delivery trucks.
5. A preconstruction meeting shall be held with the Board Engineer to address construction procedures and signage.
6. The applicant shall replace any portions of the driveway or roadway that are damaged by construction activity or vehicles.
7. The proposed equipment shelter shall be of barn red vertical siding. The pitched roof shall be shingled.
8. The applicant shall comply with Section 100-36.D(4)(c) with respect to the colors used for the transmount (galvanized steel) and cable bridge and coaxial cables (greyish white).
9. The applicant will file copies of all franchises and licenses with the Township Zoning Officer.
10. The applicant will file for the Highlands Exemption. No approval shall be deemed final unless and until the Highlands Exemption and all other required outside approvals have been received by the applicant.
11. The site plan shall be revised to show information requested by Robert Martucci, P.E., Board Engineer pro tem.
12. A site inspection escrow account shall be established.
13. The escrow account shall be in good standing as determined by the Holland Township Financial Officer.

ROLL CALL VOTE:

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Planning Board of the Township of Holland at its meeting held on the 13th day of July, 2015

Maria Elena Kozak, Planning Board Secretary

Upon review, a motion was made by Dan Bush and seconded by Duane Young to approve the motion as submitted. At a roll call vote, all present were in favor of the motion with the exception of Dave Grossmueller who abstained. Motion carried.

Board Member Carl Molter was asked to return to the meeting.

Public Hearings

Block 23 Lots 1 & 45 – John Oliver – 615 Milford Warren Glen Road – Minor Site Plan/Change of Use – Received into our office May 19, 2015 – 45-day completeness deadline is July 3, 2015 Board Action needed. Deemed complete June 8, 2015. Public Hearing July 13, 2015. Board Action needed.

Exhibit A-1 – certification, affidavit of service and proof of publication

Attorney Morrow has reviewed the exhibits. The planning board has jurisdiction to hear the public hearing.

Applicant's Attorney William Edleston is present. He reminded the board that some testimony was given at the completeness review. This was a vacant bank. The applicant purchased the bank and wants to change the use to another permitted use which will be a martial arts school (relocating from the Dutch Mill Market) and a personal trainer. The Grange had rights to a room in the bank. The Grange has been inactive for approximately 20 years. The applicant has been advised that the Grange no longer has interest in the property.

The Board received prior professional members as cited in the June 8, 2015 minutes. Board Engineer Letter dated June 3, 2015 was discussed. (slightly Tailored to fit the minutes).

MEMORANDUM

June 3, 2015

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

- Completed Application for Minor Site Plan along with required forms;
- Completed Checklist for Determining Completeness of Application –Minor Site Plan;
 - A letter from the applicants attorney, William R. Edleston, Esq., received by Holland Township on May 19, 2015;
- Copy of a plan entitled "Map of Survey of Spring Mills Grange Lot in Holland Township, Hunterdon County, New Jersey" as prepared by William U. Bohren, II, P.L.S. of Bohren and Bohren Engineering Associates Inc., dated May 29, 1981;
- Copy of a plan entitled "Landscaping & Lighting Plan for First National State Bank in Holland Township, Hunterdon County, New Jersey" as prepared by Richard O. Luster, P.E. and Robert W. Lee, P.L.S. of R.W. Lee Assoc., Inc., dated September 25, 1984, last revised November 20, 1984.

Project and Property Description

The subject property is known as Block 23, Lots 1 & 45, consists of 0.51 acres and 2.16 acres respectively, is located in the COM (Commercial) Zoning District and has frontage along County Route 519 (Milford-Warren Glen Road) and Spring Garden Road. The property is owned by John and Meredith Oliver and is developed with a bank building that is currently vacant.

The proposed project includes converting the existing use from a bank to a proposed martial arts school/personal training studio. According to the Township Land Use Code, indoor commercial recreational facilities are permitted in this zone district.

COMPLETENESS

Upon review of the above-referenced submission versus the Holland Township Development Review Checklist for Minor Site Plans, the checklist indicates a number of items as "complies", "not applicable" or "waiver requested" which we do not agree with. As a result, the following deficiencies were identified:

Item F-7 Certification of Taxes Paid.

This information shall be provided to the Board (a copy was not included in our submission package).

Item F-8 Submission of Completed Application to Hunterdon County Planning Board.

The applicant has indicated that this item "complies"; however, we do not agree with this designation. Since the property is located along a County road, and the County may have comments/concerns about the existing parking lot, an application should be filed with the County Planning Board. At a minimum, a letter of exemption should be sought from the County.

Item F-9 Submission of Completed Application to Hunterdon County Health Dept.

The applicant has indicated that this item "complies"; however, we do not agree with this designation. Since the use may have an

impact on water and sewer

usage, an application should be filed with the County Health Department. At a minimum, a letter of exemption should be sought from the County.

Item F-42 Plans Shall Indicate the Dimensions, Floor Area for the Building. The applicant has indicated that this item is "not applicable"; however, we feel that this information should be provided to confirm adequate on-site parking – see Item F-49 below.

Item F-49 Calculation of Parking and Loading Areas on Plan. The applicant has indicated this item "Complies" on the checklist, but there has not been any information submitted on the proposed floor area of the martial arts/personal training studio in order to confirm whether the existing parking is sufficient.

Item F-50 Location of all Existing Sewerage Disposal Systems and Wells. The applicant has indicated that this item "Complies"; however, we feel that this information should be provided.

Item F-56 Location, Height, Size, Appearance of all Proposed Signs. The applicant has indicated that this item is "not applicable"; however, information should be provided on any proposed signage for the site.

The applicant should address these items either through submission of additional information or testimony. This office has no objections to the Board granting the rest of the waivers being requested by the applicant.

TECHNICAL

While we have no objection to the Board waiving many items typically required as part of a site plan application due to the minor nature of this application (with the exception of those items listed above), we do have several comments for the Board's consideration:

- 1) Are any site improvements proposed as part of this application? How will traffic circulation function with two (2) separate parking areas and the existing drive-thru aisle from the previous bank use.
- 2) A copy of the Landscape & Lighting Plan from 1984 was submitted with the application materials. Does this plan accurately represent the current conditions on site?
- 3) The submitted application form indicates the subject property is actually two (2) separate lots known as Lot 1 and 45. Has the applicant considered merging these lots?
- 4) The applicant should advise the Board of the proposed intended use of the property, number of employees, number of patrons, hours of operation, anticipated deliveries, method and quantity of trash removal, etc.
- 5) Additional information (i.e. floor area plans) will need to be provided to confirm that the on-site parking will be sufficient (in accordance with Township Code Section 100-85) to handle the proposed martial arts/personal training business.
- 6) The applicant should clarify if any special events, banquets, etc. will be proposed at the site? If so, how will parking be accommodated for this increased usage?
- 7) The change of use is subject to the appropriate building subcode and other construction permits as may be required by the Construction Official's office.
- 8) Testimony shall be provided to clarify whether any site signage is proposed. If so, information shall be provided to allow the Board to confirm compliance with the ordinance requirements.
- 9) Applications or requests for exemption should be filed with the Hunterdon County Planning Board and Health Department for this project.

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

Board Planner Letter dated June 3, 2015 was discussed. (slightly Tailored to fit the minutes).

MEMORANDUM

June 3, 2015

The purpose of this memo is to comment on the application of Mr. and Mrs. Oliver to convert an existing vacant bank building located in the COM Zone for use as an indoor recreational facility (a personal training studio and martial arts school). Both the prior use of the premises as a bank and the proposed use are permitted in the COM Zone. The subject property encompasses a total of 2.67 acres (in both lots).

It appears that no improvements are contemplated in connection with the proposed change of use, and this is of some concern. The existing parking areas are outlined on the plan submitted in support of the application, but no parking spaces are actually delineated, so it is not possible to determine how many parking spaces are actually provided on the site, nor is there any information provided as to how

many parking spaces are required for the proposed use in a building of this size. Thus, it is not possible to determine how many, if any, additional parking spaces should be provided. Testimony may be needed from the applicant about proposed class schedules and sizes, so the Board can determine that the number of parking spaces currently available on the site, whatever, that number may be, is adequate.

Additionally, the applicant should indicate what changes may be proposed to the building exterior. Right now, there is a drive-up facility that was used in connection with the bank use. The drive-up facility is obviously no longer needed for the indoor recreational use. It should be removed and the façade of that side of the building should be restored or refinished appropriately.

No information is provided about the proposed signage. This is a relevant site plan approval consideration, even in connection with a minor site plan..

No information is provided about the intensity of the existing site lighting. The Board needs to be able to determine that there is adequate site lighting, as this use is likely to have some night-time activity.

It is puzzling as to why the two lots that comprise the subject site have never been merged. This should be done as part of the Board's approval of this application.

The Board may want to consider whether some additional landscaping and sidewalks would be appropriate in this case.

I have reviewed and concur with the memorandum from Maser Consulting as to the additional information the Board will need to properly review this application.

Planner McKenzie stated that she has been to the location and believes that some improvements can be phased in and do not have to restrict the applicant from moving forward with the changes needed to the bank for the karate school relocation. The drive thru area either needs a larger turning radius or should be blocked off since there is no reason to keep it for a karate school. If you keep the drive thru then the curve needs to be safer and she also recommends one way in and one way out as a better flow pattern for traffic.

Witness # 1 – John Oliver – - previously sworn in - owner. This property has been a bank. He is in favor of closing off the drive thru but not in favor of getting rid of the actual drive thru in case he does another change of use in the future to make the property a bank again. Discussion of the drive thru took place and everyone agreed that if you kept the drive thru overhang but put curbing in to block the pass thru of traffic and re-paved then that would be an acceptable compromise for all parties. Additional discussion took place with restricting the front lot to employees and the back lot for visitors but that concept was rejected. The vault is remaining but the door has been taken off for safety. The inside layout was discussed as the bank counter has been removed and the area is opened up.

Board member questions...Ken Grisewood asked about the site being a non-conforming lot and if the change of use triggers anything? Planner McKenzie responded that the use is a permitted use in this zone. The lot is a pre-existing non-conforming lot. There is no "d" variance triggered but you could say a "c" variance is triggered. The applicant has responded that the karate school is the **ONLY** business to operate in the building with a turnover of about 14 to 15 students per class. The number of cars per class are approximately 10. Although Ken Grisewood believes that this a more intense use than the previous bank Planner McKenzie responded that she does not think a variance is needed but is more concerned with the parking and the circulation. If the use is permitted and it is a non-conforming lot you look to see what is the applicant proposing to do. The applicant is not changing anything outside with the existing building structure. The sign is even remaining in the same location. Attorney Morrow said that the applicant is improving the location but if a bank was to return to the location then that would trigger the need for improvements. For the purpose of a karate school this is acceptable. Chairman Rader had questions about the sewer calculations and if there are changes in the water usage. The DEP calculates the water use and this is a Business Use calculation which is 1/10th of a gallon per square footage per day. The applicant stated that they are not making any changes to the water usage and Will **NOT** be adding showers. Carl Molter had questions about the lighting. John Oliver stated that he just replaced existing lights and added 4 new lights in the front. They are on a timer and shut off at 10 pm. Someone asked about some of the trees that are not maintained and the response was that the resident adjacent to the property has that responsibility. Mike Keady questioned the traffic flow between classes.

Witness #2 – Kim Holzworth – sworn in previously – teacher of the karate school. Kim Holzworth responded that there is a 15 minute switch between classes. Parents of younger students may stay but most parents drop off their children. Some kids stay for multiple kids. The exercise portion of the application begins at 6 am and is over around 10 am. The karate portion begins at about 5pm and is over around 10pm.

The public portion of this hearing was open to the public.

Bob Heinsick – Block 23 Lot 43 – owner of the house 2 doors away from the bank and rents the property out to tenants. He had concerns the building having showers which the applicant has responded that there are NO SHOWERS. He also had concerns about the sewer and the Engineer Sternbenz explained how they are charged for use depends on the number of employees. This is a one unit facility and Kim Holzworth testified that only 2 employees will be there at a time. This is consistent with the prior allotment.

With no other comments being offered by the public the public portion of this hearing was closed.

After some additional discussion, a motion was made by Dan Bush and seconded by Tom Scheibener to approve this application with conditions such as the standard conditions plus the engineers recommendation of parking and curbing (front and back), the merging of the lots and changing the ingress and egress to a 2-way in the back lot. At a roll call vote, all present were in favor of the motion. Motion carried. Attorney Morrow is authorized to draft a resolution for consideration. The As-built was submitted showing parking on site.

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 progress is being made with the zoning map(s). One map pertaining to Highlands Council information is to be very informative and interactive. The Mayor has also agreed that the Holland Township Zoning Map should be updated.

Public Comment

There were no public comments offered at this time as there was no one present in the audience.

Member Comment

Ken Grisewood stated that the DEP is proposing revisions to the Flood Hazard Area with potential removal of the SWRPA (the buffer around the streams). The DEP has re-classed many C1 streams. Planner McKenzie will discuss with the Highlands Council with the conversation to also include the Build-out analysis revisions. As a reminder, Holland Township made a decision not to do a “DJ” action. She does recommend that Holland Township amend the Housing Element and the Fair Share Plan. If we are sued and our plan is updated it could help us. Changes are needed to be included in the plan. The Highlands Council is exploring grant money to help with achieving some of the additional amendments needed. The professionals are trying to protect Holland Township and the Township Committee needs to make some decisions. Attorney Cushing sent an email to the Township Committee. Just a reminder, the Highlands Council based their reports on the real world while the COAH numbers are much higher. Our last revision was done in 2009 so we would really be refining what has already been submitted.

Executive Session

Nothing at this time.

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 8:15 p.m.

Respectfully submitted,
Maria Elena Jennette Kozak
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Secretary