Holland Township Board of Adjustment

Reorganization

Minutes of the January 31, 2018

The meeting was called to order by the Secretary, Maria Elena Jennette Kozak:
"I call to order the January 28, 2018 Reorganization and Regular Meeting of the Holland Township Board of Adjustment. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board Secretary December 21, 2017 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 21, 2017 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.

Flag Salute
Maria Elena Jennette Kozak asked all too please stand for the Pledge of Allegiance.

Re-Appointments – Secretary Maria Elena Jennette Kozak asked 2017 Chairman Crawford to recite the ***oath of office*** to the following member:

Jerry Bowers – regular member – term expires 12/31/2021

Secretary Maria Elena Jennette Kozak asked for a nomination for the position of the Chairman.

2017 Chairman Crawford thanked the board for all the support over the years but feels since the board is in transition with other board changes that it is also time for a change with the chairman.

A motion was made by Jerry Bowers to nominate William Martin as chairman. Peter Kanakaris seconded the motion. William Martin accepted the nomination. All present were in favor of the motion. The motion carried. Congratulations to the 2018 Chairman William Martin.

Secretary Maria Elena Jennette Kozak asked for a nomination for the position of Vice-chairman. A motion was made by William Martin to nominate Jerry Bowers as vice-chairman. Peter Kanakaris seconded the motion. Jerry Bowers accepted the nomination. All present were in favor. The motion carried. Congratulations to the 2018 Vice Chairman Jerry Bowers.

Chairman Martin took over the meeting.

Professional Appointments: A resolution exists for each award of contract for services not utilizing the process defined in the third definition under N.J.S.A 19:4A-20.7. These contracts are awarded without competitive bidding as a "Professional Service" in accordance with 40 A:11-5-(1)(a) of the Local Public Contracts Law. This resolution shall be printed once in the Hunterdon County Democrat.

The subcommittee conducted interviews for a board attorney. After some additional conversations, the subcommittee endorses Attorney David Pierce of Lindabury, McCormick, Estabrook and Copper PC for the position of board attorney.

A motion was made by Jerry Bowers and seconded by Gail Rader to appoint Attorney David Pierce of Lindabury, McCormick, Estabrook and Copper PC for the Board of Adjustment attorney for 2018. All present were in favor. Motion carried.

A motion was made by Ginger Crawford and seconded by Gail Rader to appoint Robert Martucci of Van Cleef Engineering as the 2018 Board of Adjustment Engineer. All present were in favor of the motion. Motion carried.

Secretary Kozak explained that the Planning Board planner subcommittee conducted interviews for the position of planner. The candidates were excellent. Darlene Green of Maser Consulting has been appointed as Township Planner at the Township Reorganizational meeting and the Planning Board also appointed Darlene Green of Maser at its reorganizational meeting. For many years, the planner has been the same for the Township Committee, The Planning Board and the Board of Adjustment. Although the Board of Adjustment could have conducted their

own interviews, the decision remained to allow the Planning Board subcommittee to conduct the interviews. Another endorsement has been to name Elizabeth McKenzie as the alternate planner so she can complete some of the projects started and assist with the transition.

A motion was made by Ginger Crawford and seconded by Gail Rader to appoint Darlene Green of Maser Consulting as the 2018 Board of Adjustment Planner. All present were in favor of the motion. Motion carried.

A motion was made by Ginger Crawford and seconded by Gail Rader to appoint Elizabeth McKenzie as the 2018 Board of Adjustment Alternate Planner. All present were in favor of the motion. Motion carried.

A motion was made by Ginger Crawford and seconded by Peter Kanakaris to appoint Maria Elena Jennette Kozak as secretary for the board of adjustment for 2018. All present were in favor. Motion carried.

A motion was made by Gail Rader and seconded by Ginger Crawford to appoint Lucille Grozinski, CSR as the court reporter for the board of adjustment for 2018. All present were in favor. Motion carried.

A motion was made by Ginger Crawford and seconded by Peter Kanakaris to make the Hunterdon County Democrat as the Official News Paper for the board of adjustment for 2017. All present were in favor. Motion carried.

*** Jerry Bowers had some questions regarding the Democrat as the official paper which triggered a conversation about the Easton Express Times. Secretary Kozak mentioned that the Democrat has been the official paper for the township for many years. It is the paper that is local. Secretary Kozak will pass on the question to the Mayor and Committee.

The announcement of the time, date and location of the board of adjustment monthly meetings was previously approved but is as follows:

Township of Holland
Board of Adjustment

2018 Meetings

PLEASE TAKE NOTICE that the Board of Adjustment, Township of Holland, County of Hunterdon, New Jersey, will hold their regular meetings on the following dates in 2018 at 7:30 p.m. to act on public business at the Municipal Building, 61 Church Road, Milford, NJ. Meetings are open to the public.

Meeting Dates	Agenda Deadline
January 31, 2018	January 10, 2018
February 28, 2018	February 7, 2018
March 28, 2018	March 7, 2018
April 25, 2018	April 4, 2018
May 30, 2018	May 9, 2018
June 27, 2018	June 6, 2018
July 25, 2018	July 4, 2018
August 29, 2018	August 5, 2018
September 26, 2018	September 5, 2018
October 24, 2018	October 3, 2018
November 28, 2018	November 7, 2018
December 12 , 2018	November 21 , 2018
January 30, 2019	January 19, 2019

By ordinance the meetings of the Holland Township Board of Adjustment are held the last Wednesday of the month, with the agenda deadline three weeks prior to the meeting with the following exceptions:
Identification of those at the podium for the benefit of the recording machine:

Present: Jerry Bowers, Ginger Crawford, Bill Ethem, Peter Kanakaris, William Martin, Gail Rader, David Pierce, Esq., Robert Martucci, Engineer, Lucille Grozinski, CSR and Maria Elena Jennette Kozak, Secretary.

Absent: Laura Burke, and Elizabeth Mckenzie, Planner. The board approved this as an excused absence.

Minutes: A motion was made by Bill Martin and seconded by Peter Kanakaris, to dispense with the reading of the January 25, 2017 minutes and to approve as recorded. All Present were in favor. Motion carried.

Report of the Board of Adjustment Attorney

There was nothing to report by the 2017 Attorney Bolig. The board did not have much before them in 2017 and have no comments.

Completeness

Kathleen Sciarello – Block 14 Lot 70 – 5 Amsterdam Road - Variance Relief-hardship – porch on an existing house. Received into our office November 9, 2017. The 45-day completeness deadline was December 24, 2017. Scheduled completes review December 13, 2017. Extension granted. Completeness review scheduled January 31, 2018. If the application is deemed complete a Public Hearing could follow. Board Action Needed

Applicant's Attorney Guy DiSapio is present.

Board Engineer Martucci's completeness memo of December 5, 2017 and January 30, 2018 were presented for discussion:

December 5, 2017

Township of Holland
61 Church Road
Milford, New Jersey 08848

Attention: Maria Elena Jeannette Kozak (via e-mail PlanningBoard@hollandtownship.org)

Reference: Kathleen P. Sciarello Variance Application
Block 14 Lot 70
Township of Holland Hunterdon County, New Jersey

Dear Maria:

Our office has received and reviewed the above referenced application for the purpose of determining compliance with the Township's Board of Adjustment "Checklist for Determining Completeness of Application for Submission". I understand the Zoning Board of Adjustment will discuss and make a completeness determination at their meeting on December 13, 2017. Documents received on November 9, November 16, and December 5, 2017 consist of the following:

A. Cover Letter and Application documents consisting of:
Al. Application form
A2 Site Walk Authorization
A3 Certification of Ownership
A4 Escrow Fee Calculation Form and Replenishment Agreement
A5 W9 Request for Taxpayer Identification Number and Certification
A6 Board of Adjustment Checklist for Determining Completeness of Application
A7 Denial of Zoning Permit dated October 26, 2017 from Lawrence D. Creveling, Holland Township Zoning Officer. AS. Certified List of Property Owners within 200 feet of the subject property
A9 Certification that Property Taxes were paid.
A10 Letter from Applicant dated November 9, 2017 outlining the intended scope of work to be completed.

B. Deed of the Property prepared by Catherine Lori Kopf Mac William Esq.. dated May 30, 2017.

C. Plans prepared by the following:
Cl. "Plan of Survey" (1 sheet) prepared by Engineering and Land Planning dated 12/4/2017 with no revisions.
C2. "Plot Plan" (1 Sheet) prepared by Engineering and Land Planning dated 12/4/2017 with no revisions.

D. Photographs and sketches submitted as part of the application.

E. Other Items Consisting of:
El. Email from Applicant dated November 9, 2017 granting the Board an extension of time to discuss completeness of this application at its December meeting.
E2 Highlands Preservation Area Checklist stating "Application is within the Highlands Planning Area but is exempt from Highlands review since the residence pre-dates the Highlands Act".
E3 Hunterdon County Health Department Construction Permit Referral Form checked "Approved" from the Health Department.
E4 Hunterdon County Health Department Form "A" and Statement of Number of Bedrooms Confirmation.

Application Summary

The property is within the R-5 zone. A general review of the project notes that the applicant wishes to construct a porch to the existing dwelling of approximately 507 square feet as noted on the plot plan. Other documents submitted prior to receiving the survey survey and plot plan note a "proposed porch not to be more than 538 square feet". The Applicant is seeking a variance relief under a hardship [N.J.S. 40:55D-70c (1)] for the porch, which would exacerbate an existing non-conforming condition. The Zoning Officer has issued a denial letter for the porch.

A review of the site photos note the house and related lawn areas in the vicinity of the intended improvements and noting that the house had a porch before 1905 to approximately 1940. The applicant submitted sketches and site diagrams initially with the application. Upon request, the Applicant has provided a survey of the property and plot plan noting the proposed improvement and its relation to the road right of way and additional road right of way dedication.

Completeness Review

The following is my review of the application for completeness. **I** have provided comments for the Boards benefit noting deficiencies in **Bold.**

Variance Completeness Items:

Item H-1 The application and escrow fees have been paid for the application and variance.

Items H-2 and H-3 Both the certification from the tax collector and certified property owners within 200 feet have been provided.

Item H-4 The financial disclosure statement is not applicable since the applicant is not a corporation or partnership.

Item H-5 The Hunterdon County Health Department Construction Permit Referral Form has been provided.

Item H-6 A denial letter from the zoning officer outlining the denial reasons has been provided as part of the application.

Item H-7 The letter from the Fire Company is checked as "not applicable" since the property abuts a public road.

Item H-8 An "Applicant's Certification" from the property owner has been provided.

Item H-9 Consent of the property owner is not applicable since the owner of the property is the applicant.

Item H-10 A sitewalk authorization has been provided.

Items H-11 through H-13 The fees have been calculated, the escrow agreement form has been provided and three copies of the deeds have been provided.

Item H-14 The applicant has provided a complete application form.

Item H-15 The applicant has provided photographs as part of the application.

Item H-16 A copy of the plot plan has been provided.

Item H-17 Overall lot dimensions are noted on the plot plan.

Item H-18 The tract acreage is noted on the plan.

Item H-19 A referenced meridian has been provided.

Item H-20 The well and septic tank are shown on the plan.

Item H-21 Existing structures (shed, barn, house, septic tank, and well) are shown on the plan.

Item H-22 A written and graphic scale has been provided on the plan.

Items H-23 through H-24 I have summarized the bulk requirements and information for R-5 Zone (setback lines and dimensions of the plot plan for the existing and proposed improvements) per attachment six of the ordinance and as presented on the submitted plan is summarized in the table. Comments are provided in the following table and noted below:

Requirement	Required	Existing Amsterdam/Alfalfa Hill Road	Proposed
Lot Area Minimum (acres)*	5	1.43 / 1.31	No Change
Lot Width Minimum* (feet)	325	323.03 / 207.91	No Change
Lot Depth Minimum* (feet)	350	196.59 / 321.85	No Change
Lot Frontage Minimum* (feet)	260	325.75 / 217.94	No Change
Height Maximum (feet)	35	<35	No Change
Stories Maximum	2-1/2	2	
Setback from Street Line (ROW), Minimum (feet)* *	75	7.74	1.20
Rear Yard Minimum (feet)	75	N/A	N/A
Side Yard Minimum (feet)* *	75	59.94	58.99

*** Notes Existing Non-Conforming Condition**
**** Variance Requested**

Item H-25 A floor plan has been provided. However, details of the porch, steps, overhangs, etc. must be submitted in order to determine the extent of the clearance between the edge of the porch and the right of way line. Since the clearance is noted at 1.20 feet, more detail is required. **This item must be completed.**

Item H-26 An elevation plan of the proposed porch has not been submitted. **For reasons noted in H-25, this item must be completed.**

Item H-27 The applicant has noted the exemption from the Highlands as noted in her statement provided.

Based on the above, items H-25 and H-26 is not complete at this time. I would recommend that a temporarily waiver could be issued by the Board subject to the applicant providing these items for review prior to scheduling the public hearing on this application.

Technical Review

Based on my review of the plan and application, 1 offer the following comments:

1. Due to the close proximity of the proposed porch to the right of way, a detailed plan will be required in order to note all improvements, steps, overhangs, etc. on the plan and elevation drawing. The

applicant must also note any sidewalk improvement as part of the plan in order to verify that no encroachment to the right of way would occur as part of the improvement.

2. The width of the proposed porch is minimized in order to construct the improvements noted above.

3. The Applicant must conform to any recommendations by the Historic Preservation Commission in accordance to §100-156.1 as the property is within the Amsterdam Historic District.

4. The applicant shall comply with any other requirements as determine by the Board, Board Planner, or Board Attorney.

5. The application, if approved by the Board, is subject to all construction and subcode permits prior to start work.

6. Other comments and conditions to be determined upon subsequent review of future documents to be provided by the applicant as required by the Board.

7.

If you have any questions or require additional information, please feel free to contact me.

January 30, 2018

Township of Holland
61 Church Road
Milford, New Jersey 08848

Attention: Maria Elena Jeannette Kozak (via e-mail PlanningBoard@hollandtownship.org)

Reference: Kathleen P. Sciarello Variance Application Review #2
Block 14 Lot 70
Township of Holland Hunterdon County, New Jersey

Dear Maria:

Our office has received and reviewed documents subsequent to my letter dated December 5, 2017 on the above referenced application. I understand the Zoning Board of Adjustment will discuss and make a completeness determination and possible public hearing at their meeting on January 31, 2018. Documents received on November 9, November 16, and December 5, 2017, January 9, and 11, 2018 consist of the following:

A. Cover Letter and Application documents consisting of:
A1 Application form
A2 Site Walk Authorization
A3 Certification of Ownership
A4 Escrow Fee Calculation Form and Replenishment Agreement
A5 W9 Request for Taxpayer Identification Number and Certification
A6 Board of Adjustment Checklist for Determining Completeness of Application
A7 Denial of Zoning Permit dated October 26, 2017 from Lawrence D. Creveling, Holland Township Zoning Officer.
A8 Certified List of Property Owners within 200 feet of the subject property
A9 Certification that Property Taxes were paid.
A10 Letter from Applicant dated November 9, 2017 outlining the intended scope of work to be completed.

B. Deed of the Property prepared by Catherine Lori Kopf Mac William Esq.. dated May 30, 2017.

C. Plans prepared by the following:
Cl. "Plan of Survey" (1 sheet) prepared by Engineering and Land Planning dated 12/4/2017 with no revisions.
C2. "Plot Plan" (1 Sheet) prepared by Engineering and Land Planning dated 12/4/2017 with no revisions.

D. Photographs and sketches submitted as part of the application.

E. Other Items Consisting of:

El. Email from Applicant dated November 9, 2017 granting the Board an extension of time to discuss completeness of this application at its December meeting.
E2 Highlands Preservation Area Checklist stating "Application is within the Highlands Planning Area but is exempt from Highlands review since the residence pre-dates the Highlands Act".
E3 Hunterdon County Health Department Construction Permit Referral Form checked "Approved" from the Health Department.
E4 Hunterdon County Health Department Form "A" and Statement of Number of Bedrooms Confirmation.
E5 "Porch Floor Plan, Section and Elevation" prepared by Electric Architecture dated January 8, 2018 E6.Previous approval of subdivision for the property in question dated December 28, 1970.

Memo to the Board from Elizabeth C. McKenzie, ACIP, PP dated January 5, 2018

Application Summary

The property is within the R-5 zone. A general review of the project notes that the applicant wishes to construct a porch to the existing dwelling of approximately 507 square feet as noted on the plot plan. Other documents submitted prior to receiving the survey survey and plot plan note a "proposed porch not to be more than 538 square feet". The Applicant is seeking a variance relief under a hardship [N.J.S. 40:55D-70c (1)] for the porch, which would exacerbate an existing non-conforming condition. The Zoning Officer has issued a denial letter for the porch.

A review of the site photos note the house and related lawn areas in the vicinity of the intended improvements and noting that the house had a porch before 1905 to approximately 1940. The applicant submitted sketches and site diagrams initially with the application. Upon request, the Applicant has provided a survey of the property and plot plan noting the proposed improvement and its relation to the road right of way and additional road right of way dedication.

Completeness Review

The following is my review of the application for completeness. **I** have provided comments for the Boards benefit noting previous comments in *italics* and responses in **Bold.**

Variance Completeness Items:

hem H-1 The application and escrow fees have been paid for the application and variance.

Items H-2 and H-3 Both the certification from the tax collector and certified property owners within 200 feet have been provided.

Item H-4 The financial disclosure statement is not applicable since the applicant is not a corporation or partnership.

Item H-5 The Hunterdon County Health Department Construction Permit Referral Form has been provided.

Item H-6 A denial letter from the zoning officer outlining the denial reasons has been provided as part of the application.

Item H-7 The letter from the Fire Company is checked as "not applicable" since the property abuts a public road.

Item H-8 An "Applicant's Certification" from the property owner has been provided.

Item H-9 Consent of the property owner is not applicable since the owner of the property is the applicant.

Item H-10 A sitewalk authorization has been provided.

Items H-11 through H-13 The fees have been calculated, the escrow agreement form has been provided and three copies of the deeds have been provided.

Item H-14 The applicant has provided a complete application form.

Item H-15 *The applicant has provided photographs as part of the application.*

Item H-16 *A copy of the plot plan has been provided.*

Item H-17 *Overall lot dimensions are noted on the plot plan.*

Item H-18 *The tract acreage is noted on the plan.*

Item H-19 *A referenced meridian has been provided.*

Item H-20 *The well and septic tank are shown on the plan.*

Item H-21 *Existing structures (shed, barn, house, septic tank, and well) are shown on the plan.*

Item H-22 *A written and graphic scale has been provided on the plan.*

Items H-23 through H-24 *I have summarized the bulk requirements and information for R-5 Zone (setback lines and dimensions of the plot plan for the existing and proposed improvements) per attachment six of the ordinance and as presented on the submitted plan is summarized in the table. Comments are provided in the following table and noted below:*

Requirement	Required	Existing Amsterdam/Alfalfa Hill Road	Proposed
*Lot Area Minimum (acres) **	*5*	*1.43 / 1.31*	*No Change*
*Lot Width Minimum * (feet)*	*325*	*323.03 / 207.91*	*No Change*
Lot Depth Minimum (feet)*	*350*	*196.59 / 321.85*	*No Change*
*Lot Frontage Minimum * (feet)*	*260*	*325.75 / 217.94*	*No Change*
Height Maximum (feet)	*35*	*<35*	*No Change*
Stories Maximum	*2-1/2*	*2*	
Setback from Street Line (ROW), Minimum (feet)**	**75*****	**7.74**	**1.20******
Rear Yard Minimum (feet)	75	N/A	N/A
Side Yard Minimum (feet)**	75	59.94	58.99

**** Notes Existing Non-Conforming Condition***
***** Variance Requested***
***** Notes reported setback from the plans. The setback distance from the Street would be 50' in accordance with §100-109A of the ordinance as noted in Planner McKenzie's Memo**
****** Distance to be verified upon coordinating the plot plan to the architect plan.**

Item H-25 *A floor plan has been provided. However, details of the porch, steps, overhangs, etc. must be submitted in order to determine the extent of the clearance between the edge of the porch and the right of way line. Since the clearance is noted at 1.20 feet, more detail is required* **An architectural plan has been submitted by the applicant. This item has therefore been addressed.**

Item H-26 *An elevation plan of the proposed porch has not been submitted.* **An architectural plan and elevation have been submitted by the applicant. This item has therefore been addressed**

Item H-27 The applicant has noted the exemption from the Highlands as noted in her statement provided.

Technical Review

Based on my review of the plan and application, I offer the following comments noting previous comments in *italics* and updated/new comments in **bold:**

1. *Due to the close proximity of the proposed porch to the right of way, a detailed plan will be required in order to note all improvements, steps, overhangs, etc. on the plan and elevation drawing. The applicant must also note any sidewalk improvement as part of the plan*

in order to verb that no encroachment to the right of way would occur as part of the improvement. **The applicant must coordinate the plot plan with the architectural plan, section, and elevation noting the information provided and actual setback from the right of way line. The street setback must be revised in accordance with H-23 and H 24 above. The plot plan must be completed prior to applying for any building permits.**

2. The width of the proposed porch is minimized in order to construct the improvements noted above. **The applicant should provide testimony that the proposed width has been minimized for reasons noted above.**

3. The Applicant must conform to any recommendations by the Historic Preservation Commission in accordance to §100-156.1 as the property is within the Amsterdam Historic District. **understand that the applicant has sought approval from the Historic Preservation Commission. The applicant should provide testimony on this item.**

4. The applicant shall comply with any other requirements as determine by the Board, Board Planner, or Board Attorney. **Ongoing obligation.**

5. The application, if approved by the Board, is subject to all construction and subcode permits prior to start work. **Ongoing obligation with complete building and updated plot plan to be submitted to the Construction Official. I recommend a copy of the revised plot plan must be submitted to my office for approval as a condition should the variance be approved.**

6. Other comments and conditions to be determined upon subsequent review of future documents to be provided by the applicant as required by the Board

If you have any questions or require additional information, please feel free to contact me.

Discussion and review of the application and memo's took pace.

A motion was made by Gail Rader and seconded by Ginger Crawford to deem the application complete with additional discussion and testimony being required at the public hearing. All present were in favor of the motion. Motion carried.

Public Hearing

TBD - Kathleen Sciarello – Block 14 Lot 70 – 5 Amsterdam Road - Variance Relief-hardship – porch on an existing house. Received into our office November 9, 2017. The 45-day completeness deadline was December 24, 2017. Scheduled completes review December 13, 2017. Extension granted. Completeness review scheduled January 31, 2018. Deemed completed January 31, 2018. Public Hearing immediately following. Board Action Needed.

Board Attorney Pierce reviewed the proof and notice of publication and has determined that the board has jurisdiction. The public hearing can proceed.

Attorney DiSapio explained the house is almost within the setback line and has been since the ordinance was created. Anything the applicant does will require a variance. It is the applicant's desire to show the board that it is reasonable to put on a porch on this historical house. The house goes back to 1840 and had a porch similar to what is being asked. The porch design will be similar to other homes in the area with porches. The house is located in the Amsterdam Preservation area.

Witness #1 – Kathleen Sciarello – residing at Crabb Apple Hill Road but owner of 5 Amsterdam Road Bock 14 Lot 70. The home consists of about 1.4 acres and was originally part of a 40 acre tract of land that has been in the family since about 1806 with the home being built in the 1840's. She is familiar with the ordinance of setback requirements. Originally the applicant was told the requirement from the road was 75 feet but the Planner stated that it is 50 feet from the street. Her engineer redid the drawing to show the 50 foot setback.

Exhibit A1 – Drawing – plot plan – 5 Amsterdam Road by dated December 4, 2017

Kathleen Sciarello described the plot plan as showing 50 foot setback. Most of the house violates the setback. Wants to replace a porch on the front of the house and wrap around the side

to meet the side door on side of the house which does not violate the setback. The reason she wants to build the porch to enjoy the view.

Exhibit A2 – Photos of the house. 1 is the house with the porch and a little girl who is her grandmother with a date of about 1900. The second picture on the bottom is dated 1940 and shows a better picture of the porch on the house.

The pictures are of the same house, however an addition was put on in the back later in time. With the exception of the porch, the front has remained the same over the years.

Exhibit A3 – Pictures showing the front of the house today with no porch. Kathleen Sciarello was able to use the pictures to show what she is trying to do by adding a new porch. She explained how the porch would come across the front and be flush to the left part of the house.

Exhibit A4 – Picture showing the front and the side of the house which enable Kathleen Sciarello to show the board where she wants to wrap the porch to the side which does not interfere in a setback.

Exhibit A5 – five pictures that were taken by Kathleen Sciarello. One picture shows the Historic District sign and the rest are pictures of homes along the ¼ mile known as Amsterdam Road.

At this time, Kathleen Sciarello gave the history of Church Road which is at the intersection of Amsterdam Road. The grandfather to Kathleen Sciarello gave the township an easement to avoid the main road going thru his property on Amsterdam.

Additional discussions took place about how the proposed porch is similar to those already existing in the area.

Exhibit A6 – a rendering of the proposed porch dated January 8, 2018 as prepared by her architect. This is what the porch could look like. It is consistent with what is in the area.

Discussion of the plot plan and how the area shaded on the plot plan is the area that is needed for the variance. Kathleen Sciarello found a 1970 survey and a copy of the deed which was done from a subdivision in which the family preserved farmland. On the survey she noticed a road easement and a dedication to a future road expansion which would be thru the wagon house. There is a note on the survey stating that there could not be an expansion of the road if an existing building was present.

Exhibit A7 – Survey dated Nov 13, 2070 - Legion talks about 8.5 additional width of dedicated to the township for future road widening except where existing buildings do not allow

Discussion took place about how the survey and the notation are not mentioned in the deed. Kathleen Sciarello has checked other deeds and has also not found that language to exist. She has also checked with the township and has found nothing to support that language or the intent to expand the road. The minutes of the subdivision just state that the subdivision exists. She would like to see that language disappear. She also expressed her opinion that she does not see the township expanding that road. Kathleen Sciarello also stated that she looked at the adjacent property owners' deeds and did not see any of the language of the survey in their deed.

Exhibit A8 – Township Map showing Amsterdam Road

Additional discussion took place about asking the Board of Adjustment to make a recommendation to the Township Committee to vacate the right of way. Discussion took place about the applicant having to go to the Township Committee on her own and that it is not the jurisdiction of the Board of Adjustment to be involved in that discussion.

Exhibit A9 – Historic Preservation Chairman LaFevre email

"At it's Jan 5, 2018, meeting, the Holland Twp. Historic Preservation Commission reviewed the Sciarello 'application for variance', and as a result, thoroughly and enthusiastically supports the restoration of the porch on the dwelling at 5 Amsterdam Rd. It was noted that the applicant plans

to reconstruct a historically appropriate porch and that there is at least one neighboring house with porch trim nearly identical to the old porch that had been on this dwelling.

I've already communicated this information to Betsy.

Thanks.

Larry”

Board Planner McKenzie’s report dated January 5, 2018 was also discussed.

MEMORANDUM

TO: Holland Township Zoning Board of Adjustment

FROM: Elizabeth C. McKenzie, AICP, PP

DATE: January 5, 2018

RE: Kathleen P. Sciarello, Application for “c” Variance for Front Yard Setback, Block 14, Lot 70, 5 Amsterdam Road, R-5 Zone

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As requested by the Board, we have reviewed the above-captioned application in which the applicant proposes to reconstruct a front porch formerly attached to the single-family dwelling located on the property in question.

The property is situated in the R-5 zone. It is noted that this property is also located within the Amsterdam Historic District. The property in question, and the buildings located thereon, are themselves historic, with the buildings appearing on early maps of the area.

The applicant proposes to reconstruct a porch using building materials and a design that will replicate a porch that was added to the house around the turn of the last century and subsequently removed. The porch will intrude into the required front yard setback, which, for this undersized lot (1.43 existing *gross* acres versus 5.0 acres required) is required to be 50 feet (per Section 100-109.A. - please note that the zoning table on the Plot Plan incorrectly states the front yard setback requirement as 75 feet, but the 50 foot setback is clearly stated in Section 100-109.A.). The house as it exists today is located only 32.74 feet from its front lot line, which falls within the right-of-way of Amsterdam Road. Absent an application to construct the porch, the non-conforming front yard setback is and would remain a lawfully preexisting non-conforming condition.

Considering the existing right-of-way plus the additional right-of-way dedication of another 8.5 feet due to the application, the dwelling will end up being located just 7.74 feet from the *proposed* right-of-way of Amsterdam Road, even without the porch. Adding the porch will bring the front yard setback to within 1.20 feet of the *proposed* right-of-way, thus exacerbating the existing non-conforming condition. The addition of the porch will replicate a previously existing condition on the lot, albeit a condition that has not existed on the lot for the past three-quarters of a century (thus there is no automatic entitlement to the reconstructed porch as a pre-existing non-

conforming condition).

The application does not require site plan approval as it involves a single-family dwelling, which is exempt from site plan review under the MLUL. However, it does require proofs regarding the front yard setback variance sought, pursuant to N.J.S.A. 40:55D-70c.

As the Board is well aware, the granting of any "c" variance requires that the applicant demonstrate either that there is a hardship or practical difficulty to the developer in complying with a standard in the ordinance due to the exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or some other extraordinary or exceptional situation uniquely affecting the property itself or the structures lawfully existing upon it, or, in the alternative, that the granting of the variance would promote the purposes of the Municipal Land Use Law and the benefits of approving the variance would substantially outweigh any detriment.

Additionally, the Board must be satisfied that, if a variance is granted, there will be no substantial detriment to the public good and no substantial impairment of the intent and purpose of the Township's zone plan and zoning ordinance.

The Board must be able to make findings related to these statutory criteria in its resolution granting or denying the “c” variance for the proposed front yard setback.

In light of the fact that the property is located in an Historic District and is itself a contributing site, efforts by the applicant to restore the building to a previous condition may be found to promote at least purposes a. and j. of the MLUL, particularly if the Historic Preservation Commission advises that the proposed construction is faithful to the building's earlier architectural style and is undertaken using building materials that replicate in appearance, texture, and detail those that would have been used in the prior porch construction.

Assuming the Board is able to find that this is the case, it could grant a variance pursuant to N.J.S.A. 40:55 D-70.c(2), on the grounds that to do so would promote the following purposes of the Municipal Land Use Law and the benefits of approving the variance would substantially outweigh any potential detriment:

> a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
>
> j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;

Amsterdam Road is a lightly used rural road compared to Church Road, which it parallels until it makes a right turn and becomes Alfalfa Hill and then Adamic Hill Road. Consequently, there is little likelihood that the full extent, if any, of the available right-of-way of Amsterdam Road will ever be used for road

widening purposes. Holland Township is located in the Highlands Region and has opted into compliance with the Highlands Regional Master Plan for the land in its Planning Area. Consequently, future development in this already developed portion of the Amsterdam Historic District and further north along Alfalfa Hill/Adamic Hill Roads will be severely restricted by applicable septic density limits, as none of this area is within the Township's sewer service area. Thus, despite the proposed proximity to the new right-of-way line of Amsterdam Road, I see little potential for interference with road improvement policies in the future if the variance is approved. Should the Board concur in this assessment, it could find that granting the variance will not be substantially detrimental to the public good or to the intent and purpose of the Township's zone plan and zoning ordinance.

Exhibit A10 – Email dated 01/07/18 from Historic Preservation Committee member Carl Molter supporting the proposed porch project

Additional discussion took place about the building material being a composite because of being so close to the ground. Wood will also be used and not vinyl. Construction was discussed along with the need for detailed building plans to be reviewed by the engineer. The applicant needs to do a title search and look to work with the township on vacating the wording on the 1970 survey. The board is not involved with the vacating conversation as the applicant is before them regarding a variance for a setback for the porch.

The application was opened to the public for discussion. Let the record show that there was no one in the public that wanted to comment and that the member in the public was Lawrence LaFevre who responded as the Historic Preservation Committee Chairman. (on the record as an exhibit).

A motion was made by Peter Kanakaris and seconded by Ginger Crawford to close the public hearing. All present were in favor. Motion carried.

A motion was made by Peter Kanakaris and seconded by Jerry Bowers to approve this application as discussed with conditions stated in the public hearing such as to authorize Attorney Pierce to draft a resolution and to include all outlined tonight such as item 1 of the January 30, 2018 report, item 5 of the January 30, 2018 report, condition on detail plans with construction information, porch and overhang not to exceed more than 5 feet from corner of existing kitchen and standard conditions.

Attorney DiSapio talked about condition one and asked for logistics and clarification. This would be submitted at construction and when the permit is applied for. Plans are needed for the permit process. The final drawing must meet the approval of the board engineer.

Discussion took place about the side and the potential to find the original footings. The board is concerned with the front setback. Our zoning officer and construction is concerned with the footings and the side setback.

At a roll call vote, all present were in favor of the motion. Motion carried.

Resolution

There were no resolutions to be discussed.

Old Business

There was no Old Business to be discussed.

New Business:

There was no New Business to be discussed.

Public Comment

There was no one present in the audience.

Board Comment

Peter Kanakaris made a motion to adjourn. Motion carried.

Meeting ended at 8:50 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak
Maria Elena Jennette Kozak

Secretary