

## **Holland Township Board of Adjustment**

### **Minutes of the August 29, 2018**

The meeting was called to order by the Chairman, William Martin:

“I call to order the August 29, 2018 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:**

Chairman Martin asked all too please stand for the Pledge of Allegiance.

Identification of those at the podium for the benefit of the recording machine:

**Present:** Jerry Bowers, Bill Ethem, Peter Kanakaris, Gail Rader, William Martin, David Pierce, Esq., Robert Martucci, Engineer, Marcia Shiffman for Darlene Green, Planner, Susan Baber for Court Reporter Lucille Grozinski, CSR. and Maria Elena Jennette Kozak, Secretary.

**Absent:** Ginger Crawford, Elizabeth McKenzie, Alternate Planner

**Resignation:** Laura Burke – Laura Burke submitted her resignation which was forwarded by Secretary Kozak to the Township Committee for acceptance. A special thank you was extended to Laura Burke for her help over the years and for her dedication to the Community.

Let the record show there is a quorum.

**Minutes:** A motion was made by Gail Rader and seconded by Jerry Bowers, to dispense with the reading of the February 28, 2018 minutes and to approve as recorded. All Present were in favor of the motion. Motion carried.

#### **Completeness**

Block 23 Lot 37 – County Route 519/547 Milford Warren Glen Road –JHM Signs (Alan Stern) – John Oliver-owner – Variance Relief – Sign for Edward Jones office – Received into our office on July 20, 2018. 45-day completeness review deadline is September 3, 2018. Board action needed.

Alan Stern was present to discuss the application and wanted to review the letter prepared by Board Engineer Martucci.

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.

August 27, 2018

Township of Holland  
61 Church Road  
Milford, New Jersey 08848

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

Reference: JI-IM Signs Variance Application (Review  
#2) Block 23 Lot 37

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 August 29, 2018. Documents received on July 24-26 and August 1, 2. Additional documents received subsequent to the initial submission (*italics*) consist of the following:

A. Cover Letter and Application documents consisting of:

- A1. Application form *and with signed Certification*
  - 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 April 17, 2018 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 *Deed for property dated August 5, 2010*
- \*\* Request included in application documents.

B. Plans prepared by the following:

- C1. Sign plan and details for 547 Milford Warren Glen Road (4 sheets) prepared by South Water Signs dated December 18, 2017.
- C2. *"Map of Land for John and Meredith Oliver" prepared by Newton Land Surveyor dated 9/27/2014.*

**Application Summary**

The property is within the COM zone. A general review of the project notes that the applicant wishes install a total of 2 (two) signs on the property for an investment business noted on the plans. The applicant was denied the request for two signs from the Zoning officer noting § 100-87 B (3) of the Township Ordinance that allows for 1 (one) sign per business in that zone to be mounted on the building. The applicant is seeking variance relief under a hardship [N.J.S. 40:55D-70c (1)] for the second sign, which is intended to be a free standing sign citing concerns with the current roof pitch and style cannot sustain signage.

**Completeness Review**

The following is my review of the application for completeness. I have provided updated comments based on subsequent submittals and review of previous applications on file for this property for the Boards benefit utilizing the checklist for variance (not included in application) 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 **The certification that taxes were paid are now included, however the certified property owners list within 200 feet are missing.**

Item H-4 A Financial Disclosure Statement has been checked as not applicable to the application. The applicant should provide testimony that the applicant is not a corporation or partnership.

Item H-5 **The Hunterdon County Health Department Construction Permit Referral Form has not 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 The property owner consent has been provided. Item FI-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 been signed and notarized.

Item H-15 **The applicant has not provided photographs** as part of the application. This item is **incomplete**.

Item H-16 **Although a copy of a survey has subsequently been provided, the proposed signage plot plan has not been provided or dimensioned on the plot plan.**

Item H-17 Overall lot dimensions are provided on the survey.

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

Item H-19 A referenced meridian has been provided.

Item F1-20 **The well and septic tank (if applicable) are not shown on the plan. The applicant has noted these items as not applicable, however, a well was noted on previous survey and site plan submissions.**

Item H-21 **Existing structures (any sewer lateral or septic tank, utility lines or easements) are not shown on the plan.**

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

Items 11-23 through H-24 **A summary of bulk requirements has not been provided on the plan.**

Item H-25 **A floor plan has not been provided. The applicant has checked not applicable on the checklist. The Board should decide if this item can be excluded.**

Item H-26 **An elevation plan showing front, sides, rear, with dimensions has not been submitted.**

Item H-27 **An exemption from the Highlands Council has not been provided.**

**Based on the above, items II-3, H-5,11-15, II-20-21 H-23-24 H-25-27 have not been submitted. I would recommend the Board determine the application incomplete at this time until the noted items are provided unless waived by the Board.**

### **Technical Review**

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

1. Based on the review of the submitted items, previous applications, and a recent site visit, I note the following:
  - a. The survey notes an existing sign on the North East corner of the property. A site inspection notes remains of wood posts and no sign was present. The survey must be updated to note this condition.
  - b. This property was subject to previous applications in 1998 (which was for a commercial/office), 2013 (for a beauty salon), and in 2015 (for a retail space). The 2013 and 2015 applications included a minor site plan prepared by Kurt Hoffman Engineering which re-configured the parking spaces and modified the handicap access ramp to the building and other details. Hunterdon County Planning Board, in their letter dated December 17, 2015 requested an easement from the applicant measured 40 feet from the centerline of Route 519. it is unclear what the County Planning Board will require as part of the installation of the sign at this time. I would suggest applicant submit an application to the County Planning Board for comments prior to proceeding with this application in order to determine if the sign will be an appropriate in the location. I have attached a copy of this letter for reference.

- c. The well location and handicap parking space and ramps (with elevations) must be located on the survey and plot plan.
  - d. A table noting the bulk requirements for the zone and all existing/proposed dimensions must be shown on the plot plan. The proposed free standing sign must be detailed on the plot plan with dimensions to the property line noted on the plan and in the table.
  - e. A floor plan noting the entire square footage of office space would be submitted to determine that adequate parking exists onsite if the Board chooses to request this item.
2. The applicant will need a review from the Hunterdon County Planning Board since this property fronts a County Road as noted in item 1b.
  3. All plans submitted must be signed and sealed by the appropriate licensed professional.
  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.

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

Very Truly Yours,

Robert Martucci, P.E.

Board of Adjustment Engineer

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Alan Stern has since submitted a 200' list, A Hunterdon County Health Department application, provided photos and stated that there is no septic and the well in the front does not affect the sign positions. He also asked for clarifications on the summary of the bulk requirements. Alan Stern does not believe a floor plan or elevations are applicable.

Engineer Martucci is favorable to stating that the Board of Health application is satisfied if the application is provided to Secretary Kozak. Engineer Martucci has photos that were provided. Engineer Martucci wants to discuss the signage plot plan. In order for the board to consider the application they need the plan to indicate the dimensions of to the sign. In regards to items H23 and H24 the bulk requirements were discussed in that a table needs to be on the plot plan. This helps everyone see what is current against what is not current in the zone. Although this is a preexisting undersized lot, usually a surveyor or engineer provides this information with an application. The table helps the board. In an effort to help the applicant, Engineer Martucci will work with Secretary Kozak on providing Mr. Stern with an example of a table. The applicant would be required to apply the table to his application but a sample will be emailed to Mr. Stern as guidance. In a conversation about the floor plan, Engineer Martucci suggested that there are parking requirements and the plan does not show it. Elevations are needed as the square footage is relative to the area. The floor plan and front elevations with the width or height of the building area is necessary and important. Engineer Martucci is agreeable to saying items H3, H15, and H27 are now satisfied with the understanding that anything shown by Alan Stern tonight will be given to Secretary Kozak for distribution to the board members. The following items are deficient H5, H16, H20, H23, H24 and H25. A motion was made by Peter Kanakaris and seconded by Gail Rader to deem the application incomplete as outlined above. All present agreed and the applicant was advised that he can satisfy the outlined conditions and come back to the board.

Block 8 Lot 2 – 3 Upper Oak Lane – Charles & Barbara Tirrell – Variance Relief – Porch addition – set back issue - Received into our office on July 31, 2018. 45-day completeness review deadline is September 14, 2018. Board action needed.

Applicant, Charles Tirrell was present and wanted to review the letter prepared by the board engineer.

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.

August 6, 2018

Township of Holland 61  
Church Road  
Milford, New Jersey 08848

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

Reference: Charles and Barbara Tirrell Variance Application  
Block 8 Lot 2  
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 August 29, 2018. Documents received on July 31, 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 July 26, 2018 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 outlining the existing conditions and intended scope of work to be completed. \* List of property owners within 200 feet has not been provided.

B. Deed of the Property prepared by Frederick R. Stem Esq. dated July 12, 1991.

C. Plans prepared by the following:

C1. "Plan of Survey" (1 sheet) prepared by Control Layouts Inc. dated 6/12/91.

C2. "Proposed Addition and Alteration at the Tirrell Residence" (2 sheets) prepared by Ralph Finelli, Architect dated 7/5/18.

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

E. Other Items Consisting of:

E1. Note from applicant stating that both Hunterdon County Health Department Referral and Highlands Exemption are not required since the lot is served by public water and sewer and the property is for residential use accordingly.

E2. Notice to be sent to the property owners within 200 feet of the

parcel. **Application Summary**

The property is within the R-1 zone. A general review of the project notes that the applicant wishes to construct a new porch and an expansion of an existing porch that will be enclosed to the existing dwelling. 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 on the front yard setback line that calls for a minimum of 50 feet (§ 100-109 B. (1)) currently 30.36' (from survey) to 24.88' (from plan). The Zoning Officer has issued a denial letter for the construction due to this condition. In

addition to the porches, the applicant's roof must be repaired due to a tree falling on the roof as part of the overall project.

A review of the site photos note the house and related lawn areas in the vicinity of the intended improvements.

### 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 The certification from the tax collector has been provided.

**H-3 The certified list of property owners within 200 feet has not 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 is not applicable to this application as the property is served by public water and sewer.

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

Item 11-7 The letter from the Fire Company is checked as "not applicable" since the property abuts a public road.

Item 11-8 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 not noted on the plan. **This item must be completed. I have obtained the total acers of both tracts 1&2 from the deed. I would recommend a temporary waiver be granted subject to revision of the porch plans and survey.**

Item H-19 A referenced meridian has been provided.

Item H-20 **The well and septic tank are not applicable and therefore not required to be 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 scale has been provided. A graphic scale has not been provided on both the survey and porch plan. **A graphic scale must be provided on the plans. I recommend a temporary waiver could be granted for this item subject to plan revisions.**

Items H-23 through H-24 I have summarized the bulk requirements and information in feet for R-1 Zone (setback lines and dimensions of the plot plan for the existing and proposed improvements) per attachment six with public water and sewer with inserts from §100-109 of the ordinance and as

presented on the submitted plans and application documents is summarized in the table. Comments are provided in the following table and noted below:

Requirement	Required	Current Existing	Proposed
Lot Area Minimum (acres)*	1	0.56	No Change
Lot Width Minimum (feet)	150	162.25	No Change
Lot Depth Minimum* (feet)	175	140.00	No Change
Lot Frontage Minimum (feet)	120	162.25	No Change
Height Maximum (feet)	35	<35	No Change
Stories Maximum	2-1/2	1	No Change
Setback from Street Line (ROW), Minimum (feet)**	50	30.36	24.88
Rear Yard Minimum (feet)*	25	20.89	No Change
Side Yard Minimum (feet)	25	85.77	78.16

\* Notes Existing Non-Conforming Condition

\*\* Variance Requested

Item H-25 A floor plan has not been provided. **This item must be completed.**

Item H-26 An elevation plan of the proposed porch has not been submitted. **This item must be completed.**

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

**Based on the above, items H-3, H-18, H-22, H-25 and H-26 are not complete at this time. I would recommend that a temporarily waiver could be issued for these items. However, Item II-3 must be completed prior to the public hearing.**

**Technical Review**

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

1. A copy of deed book 526 Page 7 must be submitted in order to review any other restrictions and conditions noted in the current deed of record.
2. Locations of existing sewer and water lines must be shown on the plans.
3. All proposed plans must be signed and sealed by a Licensed Professional Engineer or Architect as appropriate. The survey provided should be updated by a Licensed Land Surveyor as our office will not concur with any existing conditions or dimensions noted or not shown on the survey.
4. All proposed porch plans must show all architectural details, material type(s) etc. as required by the construction official.
5. The application, if approved by the Board, is subject to all construction and subcode permits prior to start work.
6. The applicant shall comply with any other requirements as determine by the Board, Board Planner, or Board Attorney.
7. 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.

Very Truly Yours,

Robert Martucci, P.E.  
 Board of Adjustment Engineer  
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Cc Board Members (via email)

Darlene Green PP, ACIP, Planner ([dgreen@maserconsulting.com](mailto:dgreen@maserconsulting.com))

David Pierce Esq., Attorney ([dpierce@lindabury.com](mailto:dpierce@lindabury.com))

Applicant Tirrell wanted to discuss the history of the property and what he would like to do now in the present and Attorney Pierce asked him to hold off on that so that completeness could be addressed. Engineer Martucci agreed that the certified list has been provided and that item H18 could have a temporary waiver for completeness as well as for item H22. A motion was made by Jerry Bowers and seconded by Peter Kanakaris to deem the application complete and to grant the temporary waivers for items H18 (Item H-18 The tract acreage is not noted on the plan. **This item must be completed. The total acreage of both tracts 1&2 from the deed have been provided. A revision of the porch plans and survey subject to plan revisions**) and H22 (Item H-22 A written scale has been provided. A graphic scale has not been provided on either the survey and porch plan. **A graphic scale must be provided on the plans, subject to plan revisions.**). All present agreed.

### **Public Hearing**

Block 8 Lot 2 – 3 Upper Oak Lane – Charles & Barbara Tirrell – Variance Relief – Porch addition – set back issue - Received into our office on July 31, 2018. 45-day completeness review deadline is September 14, 2018. Completeness review scheduled for August 29, 2018. If the application is deemed complete a Public Hearing could follow. Board action needed.

Attorney Pierce indicated that the Applicant assumes the risk of any jurisdictional challenge regarding a defective notice, and neither Holland Township nor the Board of Adjustment will defend any suit involving either deficient notice or the Board's lack of jurisdiction.

Attorney Pierce stated that the board has Jurisdiction. The proofs are part of the exhibits.

Applicant Tirrell was sworn in and gave an overview of the history of the home with him and his wife being the second owners. The home was built in the 40's and they have lived there for approximately 30 years. The house is full of charm. The Tirrell's have done updates to the home but maintained with the character of the house. The exterior has had a facelift. The porch is currently 6 x 10 with a door off the porch entering into the dining room which is part of a 1000 sq. foot home. The Tirrell's are looking for a functioning porch which would still be consistent with the neighborhood. Charles Tirrell believes that the updated porch would increase the value of the home. He is seeking relief from a front yard setback not a side yard setback. Many board members stated that they conducted a site visit and agreed that the addition would bring the home more in character of the neighborhood. Everyone present understood that the applicant wants to further encroach into the setback which is adding to the preexisting non-conforming property and that the process is a hardship. The board has to make a judgement call with this proposal regarding the request of the applicant and if it has an impact on the neighbors, the neighborhood or even the township. Planner Shiffman reminded everyone to look at this C2 variance request with regards to the deviation and how the deviation benefits or detracts the neighborhood. There are positives and negatives with deviations. Planner Green's Review was presented.

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.

August 20, 2018

### **PLANNING REPORT**

Board of Adjustment

Township of Holland

61 Church Road

Milford, NJ 08848

Re: Charles Tirrell  
3 Upper Oak Lane  
Block 8, Lot 2  
Review Letter #1  
MC Project No. HLZ-003

Dear Board Members:

Charles Tirrell seeks approval to construct an addition in the form of a covered porch. Renovations to the exterior of the dwelling including the deck, portico over the front door, siding, roof material and front porch are also proposed. This Application requires three variances, which are detailed in Section B.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Plans entitled "Survey Plan Block 8 / Lot 2", author unknown, dated July 26, 2018, revised through July 31, 2018, consisting of 1 sheet. (Three sheets at different scales were submitted).
2. Plan entitled "Current Construction Plan/ Perspective", author unknown, dated July 10, 2013, consisting of 1 sheet.
3. Plan entitled "Proposed Concept Perspective Views", author unknown, dated April 9, 2018, consisting of 1 sheet.
4. Plans entitled "Proposed Addition & Alteration at the Tirrell Residence", prepared by Ralph L. Finelli of Ralph Finelli Architect, LLC, and dated July 5, 2018 consisting of 4 sheets.
5. Plan entitled "Plan of Survey", prepared by Control Layouts Inc., dated June 12, 1991, consisting of 1 sheet.
6. Planning Board and Board of Adjustment Application.
7. Board of Adjustment Checklist Section H, no date.
8. Zoning Officer Denial Letter, dated July 26, 2018, consisting of one page.
9. Letter entitled "Summary for Zoning Variance Application, Charles Tirrell", prepared by Charles Tirrell, no date, consisting of 2 pages.
10. Packet of photographs, author unknown, no date, consisting of two pages.

#### **A. Existing Zoning and Surrounding Land Use**

The property is located in the R-1 Residential District on the north side of Upper Oak Lane. The property is surrounded by single-family homes except to the north where the property abuts the Riegel Ridge Community Center property. See the image below for the general location of the site.<sup>1</sup>

As per Section 100-46, Attachment 6 contains the bulk requirements for the R-1 District, which are as follows for properties with public water and sewer:

Minimum Lot Area – 1 acre  
Minimum Lot Width – 150 feet  
Minimum Lot Depth – 175 feet  
Minimum Setback from Street Line –  
50 feet Minimum Rear Yard Setback –  
25 feet Minimum Side Yard Setback –  
25 feet Maximum Building Height – 35  
feet/ 2.5 stories

## **B. Variances**

The Application requires the following “C” variances:

1. Attachment 6 via Section 100-46 – Variance for front yard setback. The Ordinance requires a 50-foot front yard setback.

The Applicant proposes a 24-foot, 9.25 inch front yard setback to the new enclosed porch. The Board should note that the existing front yard setback is 30 feet and 2.25 inches.

Additionally, the following pre-existing non-conforming condition exists on the property:

1. Attachment 6 via Section 100-46 – The Ordinance requires properties in the R-1 District with water and sewer service to be at least one acre.

The property is approximately 0.56 acres.

2. Attachment 6 via Section 100-46 – The Ordinance requires a 150-foot lot depth for properties in the R-1 District with water and sewer service.

The existing property is 140 feet deep.

3. Attachment 6 via Section 100-46 – The Ordinance requires a 25-foot side yard setback. The existing eastern side yard setback is 23 feet and 8.5 inches.

## **C. Variance Proofs**

“C” Variances

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involve the C(2) or flexible "C" variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

## **D. Design Waiver**

The Application does not require any design waivers.

## **E. Comments**

Based on our review of the above-referenced materials, we offer the following comments:

1. The Applicant's professionals must provide testimony to support the grant of the variance required. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. The Survey, Site Plan and Architecture Plans are not signed and sealed by a licensed professional. The Applicant shall submit signed and sealed plans.
3. The Applicant should provide a table of the bulk standards in the R-1 District for the existing and proposed conditions on the Site Plans.
4. There is a bold, dotted area adjacent to the wooden deck with no description on the Survey Plan. The Applicant shall provide testimony on what this area is or will be.

Should you have any questions with regard to the above comments please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Very truly yours,  
MASER CONSULTING  
Darlene A. Green,  
P.P., AICP Zoning  
Board Planner

The homes in the area are very similar. Mr. Tirrell provided an aerial photo. Member Rader asked for clarification of the porch. Some paperwork shows the porch as an open porch and other paperwork shows the porch as enclosed. Charles Tirrell stated that it will be an enclosed porch; however it will be a screened porch with windows but without heat. A classic look will be maintained. The use of the porch is a porch and not living space. More like a mudroom/porch that can be used to enter the house.

The public portion of the hearing was opened to the public. Let the record show that there was no one in the public to discuss this application. The public portion of the hearing was closed.

Planner Shiffman discussed the planner memo with reference to E2, E3 and E4. The applicant will provide information so the items are satisfied.

A motion was made by Jerry Bowers and seconded by Peter Kanakaris to have Attorney Pierce prepare a resolution approving the application for B 8 Lot 2 with conditions that would include outside agency approval, revised plans being resubmitted, and a one year time frame on the commencement of construction. At a roll call vote, all present were in favor of the motion. Motion carried.

Mr. and Mrs. Tirrell asked for some more clarification of the process and understand that the resolution will be on the agenda for memorialization at the meeting of September 26, 2018. Then the action will be published in the newspaper and that triggers the 45-day process that someone could contest the action taken and go to court. Once the resolution is memorialized then it is distributed. If the applicant wants to obtain a zoning permit then that is at the applicant's risk.

### **Resolution**

There were no resolutions to be discussed.

### **Old Business**

There was no Old Business to be discussed.

### **New Business:**

Kathleen Sciarrello – Block 14 Lot 70 – 5 Amsterdam Road - Variance Relief-hardship – porch on an existing house. Received into our office November 9, 2017, deemed complete January 31, 2018, Public Hearing January 31, 2018 – application approved with conditions. Resolution memorialized February 28, 2018. Extension request July 31, 2018. Board Attorney to prepare an extension resolution for Board review. Board Action Required to also memorialize the resolution.

Board Attorney, David Pierce prepared a resolution as follows:

#### **RESOLUTION 2018-002**

**THE ZONING BOARD OF ADJUSTMENT  
OF THE TOWNSHIP OF HOLLAND  
RESOLUTION APPROVING AN EXTENSION OF TIME TO BEGIN CONSTRUCTION FOR  
BLOCK 14, LOT 70,**

**LOCATED ON 5 AMSTERDAM ROAD,  
BY APPLICANT, KATHLEEN P. SCIARELLO**

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WHEREAS, Kathleen P. Sciarello, 97 Crab Apple Hill Road, Milford, New Jersey (the “Applicant”), by virtue of Memorializing Resolution 2018-001, dated February 28, 2018, has received approval from the Holland Township Board of Adjustment (the “Board”) of a front yard setback variance to permit the construction of a porch on, and is the owner of, Block 14, Lot 70, located on 5 Amsterdam Road, in the Township of Holland, County of Hunterdon, State of New Jersey (the “Subject Property”);

WHEREAS, the variance approval contained a condition requiring construction to commence within six months of the date of the Memorializing Resolution;

WHEREAS, the Applicant has filed a request seeking an extension of the time within which to commence construction via email dated July 31, 2018 (the “Request”);

WHEREAS, the following documents were submitted with regard to the Request, are on file with the board, and are part of the record in this matter:

1. Email dated July 31, 2018 from Alex Fisher of AJ Fisher Company to Maria Elena Kozak; and

WHEREAS, the Request is not subject to the requirements of notice pursuant to the Municipal Land Use Law and the Board having jurisdiction to proceed, a public hearing was held on the Request on August 29, 2018, at which hearing appeared the Applicant, Kathleen P. Sciarello;

WHEREAS, the Board of Adjustment of Holland Township having reviewed the Request, and the Board having heard and considered the evidence and testimony given by the Applicant, and members of the public in attendance, and the Board having heard from the Township’s professionals, Robert Martucci, P.E., Darlene Green, A.I.C.P., P.P., and David R. Pierce, Esq., with respect to the Application, the Board makes the following **Findings of Fact**:

1. Pursuant to Memorializing Resolution 2018-001, the Applicant is required to commence construction of the porch not later than August 28, 2018;
2. The Applicant has been attempting to proceed with the construction of the porch, however, she has encountered delays beyond her control;
3. The Applicant has obtained a zoning permit and a building permit, but her contractor has is a small contractor and has experienced unexpected delays, including weather related delays, on another project and has been unable to commence the construction of the Applicant’s porch;
4. The Applicant has made a good faith attempt to commence construction within the time period required by Memorializing Resolution 2018-001, but has been unable to do so because of circumstances beyond her control;

5. Good cause exists under the circumstances of this case for granting an extension of time within which to commence construction of the porch.
6. No testimony was presented in opposition to the Request.

WHEREAS, the Board of Adjustment of Holland Township, having reviewed the Request, and having heard and considered the evidence and testimony given by the Applicant, and having heard from its own professionals with respect to the Application, hereby makes the following **Conclusions of Law**:

1. The Board of Adjustment of Holland Township has jurisdiction in this matter with no notice required under the Municipal Land Use Law in connection with this Request;
2. The Board of Adjustment of Holland Township possesses the authority to impose conditions on any variance approval it grants, particularly to ensure that the positive criteria is satisfied. Eagle Group v. Zoning Board, 274 N.J. Super. 551, 564-565 (App. Div. 1994);
3. The Board of Adjustment of Holland Township may, upon a showing of good cause, exercise its discretion and extend the time period within which the construction must be commenced. Sherman v. Zoning Bd. Of Adj., 242 N.J. Super. 421 (App. Div. 1990), certif. den. 122 N.J. 404 (1990).

**WHEREAS, on August 29, 2018, the Board of Adjustment of Holland Township voted with respect to the Request and the attendant requested relief as follows:**

- 1. TO GRANT THE FOLLOWING:**
  - A. The time within which the Applicant must begin construction pursuant to Condition 2.I. of Memorializing Resolution 2018-001 is hereby extended for a period of sixty (60) days.
- 2. SPECIFICALLY CONDITIONED UPON THE FOLLOWING:**
  - A. All other conditions of Memorializing Resolution 2018-001 shall remain unchanged and in full force and effect.

**ROLL CALL VOTE**

<b>Board Member</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent/Ineligible</b>
Jerry Bowers						
Ginger Crawford						
Bill Ethem						
Peter Kanakaris						
William Martin						
Gail Rader						

**Motion Carried By Vote of: \_\_\_\_\_ Ayes to \_\_\_\_\_ Nays**

**THIS RESOLUTION OF THE BOARD IS ADOPTED ON AUGUST, 29, 2018**

**ROLL CALL VOTE**

<b>Board Member</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent/Ineligible</b>
Jerry Bowers						
Ginger Crawford						
Bill Ethem						
Peter Kanakaris						
William Martin						
Gail Rader						

**Motion Carried By Vote of: \_\_\_\_\_ Ayes to \_\_\_\_\_ Nays**

ATTEST:

\_\_\_\_\_  
Maria Elena Jennette Kozak, Secretary  
Township of Holland Board of Adjustment

\_\_\_\_\_  
William Martin , Chairman  
Township of Holland Board of Adjustment

A motion was made by Peter Kanakaris and seconded by Jerry Bowers to approve the resolution granting an extension for Block 14 Lot 70 as prepared by Attorney Pierce. At a roll call vote, all present voted in favor of the motion. Motion carried.

Christine Aber & Craig Lillis – Block 3 Lot 18 - 98 Hawks School House Road – Variance pursuant to N.J.S.A. 40:55D-70c and D-35 for a Structure on a Lot Not Abutting a Street – Rec’d into our office February 17, 2016. Deemed incomplete March 30, 2016. Applicant amended Application to be for a “C” Variance. Deemed complete April 27, 2016, Public Hearing April 27, 2016 application approved with conditions. Resolution memorialized May 25, 2016. Extension request August 1, 2018. Board Attorney to prepare an extension resolution for Board review. Board Action Required to also memorialize the resolution.

Board Attorney, David Pierce prepared a resolution as follows:

**RESOLUTION 2018-003**

**THE ZONING BOARD OF ADJUSTMENT  
OF THE TOWNSHIP OF HOLLAND**

**RESOLUTION APPROVING AN EXTENSION OF TIME TO BEGIN CONSTRUCTION FOR  
BLOCK 3, LOT 18,  
LOCATED ON 98 HAWKS SCHOOLHOUSE ROAD,  
BY APPLICANT, CHRISTINE ABER & CRAIG LILLIS**

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WHEREAS, Christine Aber & Craig Lillis, 98 Hawks Schoolhouse Road, Holland, New Jersey (the “Applicants”) received approval from the Holland Township Board of Adjustment (the “Board”), by virtue of Memorializing Resolution, dated April 30, 2016, of variance relief permitting the construction of a barn on a residential lot lacking frontage along a public road for, and are the owner of, Block 3, Lot 18, located at 98 Hawks Schoolhouse Road, in the Township of Holland, County of Hunterdon, State of New Jersey (the “Subject Property”);

WHEREAS, the variance approval contained a condition requiring construction to commence within two years of the date of the Memorializing Resolution;

WHEREAS, on or about August 1, 2018 the Applicants filed a request seeking an extension of the time within which to commence construction (the “Request”);

WHEREAS, the following documents were submitted with regard to the application, are on file with the board, and are part of the record in this matter:

2. Letter from Michael P. O’Grodnick, Esq. of Savo Schalk, Gillespie, O’Grodnick & Fisher, P.A. to Holland Township Board of Adjustment dated August 1, 2018, with exhibits; and
3. Letter from Christopher Nusser, P.E., P.P. of Engineering & Land Planning Associates, Inc. to Craig Lillis, dated August 3, 2018; and

WHEREAS, the Request is not subject to the requirements of notice pursuant to the Municipal Land Use Law and the Board having jurisdiction to proceed, a public hearing was held on the Request on August 29, 2018, at which hearing appeared the Applicants, Christine Aber and Craig Lillis, represented by Michael P. O’Grodnick, Esq. of Savo Schalk, Gillespie, O’Grodnick & Fisher, P.A.;

WHEREAS, the Board of Adjustment of Holland Township having reviewed the Request, and the Board having heard and considered the evidence and testimony given by the Applicant, and members of the public in attendance, and the Board having heard from the Township’s professionals, Robert Martucci, P.E., Darlene Green, A.I.C.P., P.P., and David R. Pierce, Esq., with respect to the Application, the Board makes the following **Findings of Fact**:

7. Pursuant to Memorializing Resolution dated April 30, 2016, the Applicants were required to complete construction of the barn within eighteen months (October 30, 2017);
8. The Applicants have made application to the New Jersey Department of Environmental Protection for wetland approvals and/or permits that are required before the construction can be commenced and is still issuance of such approvals and/or permits;
9. The Applicants have promptly applied for and diligently pursued the approvals and/or permits that must be issued by the New Jersey Department of Environmental Protection;
10. Because of the delay in issuance of approvals and/or permits by the New Jersey Department of Environmental Protection the Applicants have been unable to initiate construction of the barn;
11. The delay in issuance of approvals and/or permits by the New Jersey Department of Environmental Protection constitutes good cause for an extension of the time within which to commence construction of the barn.
12. No testimony was presented in opposition to the Request.

WHEREAS, the Board of Adjustment of Holland Township, having reviewed the Request, and having heard and considered the evidence and testimony given by the Applicant, and having heard from its own professionals with respect to the Application, hereby makes the following **Conclusions of Law**:

1. The Board of Adjustment of Holland Township has jurisdiction in this matter with no notice required under the Municipal Land Use Law in connection with this Request;
2. The Board of Adjustment of Holland Township possesses the authority to impose conditions on any variance approval it grants, particularly to ensure that the positive criteria is satisfied. Eagle Group v. Zoning Board, 274 N.J. Super. 551, 564-565 (App. Div. 1994);
3. The Board of Adjustment of Holland Township may, upon a showing of good cause, exercise its discretion and extend the time period within which the construction must be commenced. Sherman v. Zoning Bd. Of Adj., 242 N.J. Super. 421 (App. Div. 1990), certif. den. 122 N.J. 404 (1990).

WHEREAS, on August 29, 2018 , the Board of Adjustment of Holland Township voted with respect to the Request and the attendant requested relief as follows:

**1. TO GRANT THE FOLLOWING:**

- A. The time within which the Applicant must complete construction of the barn pursuant to Condition 2.F. of Memorializing Resolution dated April 30, 2016 is hereby extended by a period of \_\_\_\_\_ months after Applicants’ receipt of the required approvals and/or permits from the New Jersey Department of Environmental Protection.

**2. SPECIFICALLY CONDITIONED UPON THE FOLLOWING:**

- A. All other conditions of Memorializing Resolution dated April 30, 2016 shall remain unchanged and in full force and effect.

**ROLL CALL VOTE**

<b>Board Member</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent/Ineligible</b>
Jerry Bowers						
Ginger Crawford						
Bill Ethem						
Peter Kanakaris						
William Martin						
Gail Rader						

Motion Carried By Vote of: \_\_\_\_\_ Ayes to \_\_\_\_\_ Nays

**THIS RESOLUTION OF THE BOARD IS ADOPTED ON AUGUST, 29, 2018**

**ROLL CALL VOTE**

<b>Board Member</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent/Ineligible</b>
Jerry Bowers						
Ginger Crawford						
Bill Ethem						
Peter Kanakaris						
William Martin						
Gail Rader						

**Motion Carried By Vote of: \_\_\_\_\_ Ayes to \_\_\_\_\_ Nays**

ATTEST:

\_\_\_\_\_  
Maria Elena Jennette Kozak, Secretary  
Township of Holland Board of Adjustment

\_\_\_\_\_  
William Martin , Chairman  
Township of Holland Board of Adjustment

Applicant’s Attorney O’Grodnick was present to discuss the request with the board. There was an 18 month allowance in the resolution to build the barn with a Certificate of Occupancy being issued as well. The applicant has completed that condition. In the resolution, another condition talks about outside agencies. This is where the applicant needs and extension. Due to extenuating circumstances with the DEP the driveway has not been completed. The applicant is working with the DEP but the approval has yet to be granted. Municipal Land Use Law allows for an applicant to ask for an extension of 2 years and if outside agency approval has yet to be granted then the applicant can request another 1 year extension. The applicant has been working in good faith with the DEP to obtain permits and satisfy the condition of the resolution. A motion was made by Peter Kanakaris and seconded by Gail Rader to approve the resolution granting an extension for Block 3 Lot 18 as prepared by Attorney Pierce with the insertion of six months on page 3 of the resolution under 1a. At a roll call vote, all present voted in favor of the motion. Motion carried.

**Public Comment**

There were no Public Comments.

Gail Rader made a motion to adjourn. Motion carried.

Meeting ended at 8:40 p.m.

Respectfully submitted,

*Maria Elena Jennette Kozak*  
Maria Elena Jennette Kozak  
Secretary