

Holland Township Board of Adjustment

Minutes of the February 26, 2020

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

“I call to order the February 26, 2020 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 on December 13, 2019 by:

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

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, Ginger Crawford, Peter Kanakaris, William Martin, David Pierce, Esq., Robert Martucci, Engineer, Court Reporter Donna Mackey for Lucille Grozinski, CSR and Maria Elena Jennette Kozak, Secretary.

Absent: Bill Ethem, Kelley O’Such (recused), Gail Rader, and Darlene Green, Planner.

Let the record show there is a quorum.

Minutes: A motion was made by Jerry Bowers and seconded by Peter Kanakaris, to dispense with the reading of the January 29, 2020 reorganization minutes and to approve as recorded. All Present were in favor of the motion with the exception of Ginger Crawford who abstained. Motion carried.

A motion was made by Peter Kanakaris and seconded by Jerry Bowers, to dispense with the reading of the January 29, 2020 Executive minutes and to approve as recorded. All Present were in favor of the motion with the exception of Ginger Crawford who abstained. Motion carried.

Completeness

Lawrence Seibel – Block 13 Lot 23 – 177 Mount Joy Road
Variance Relief – Direct issuance of Permit for a Lot Lacking Street Frontage NJS 40:55D-35. Rec’d into our office February 5, 2020. The 45-day completeness review deadline is March 21, 2020. Completeness review scheduled for February 26, 2020. Board Action needed.

Applicant Lawrence Seibel was present with realtor Bill Penyak.

Board Engineer Robert Martucci of Martucci Engineering LLC, prepared an advisory memo dated February 24, 2020 for the board to review. The applicant also received a copy of the advisory memo. The secretary had to convert the memo for the minutes but it basically is as follows:

Memorandum

To: Holland
Township
Zoning Board
81 Church
Road
Milford, New Jersey 08848

Attention: Maria Elena Jennette Kozak

From: Robert Martucci, P.E. BOA Engineer
February 24, 2020

Reference: Variance Relief - Direct Issuance of Permit for a Lot
lacking Street Frontage NJS 4:55D-35
Block 13 Lot 23, 177, Mount Joy Road
Holland Township Hunterdon County, New Jersey

Dear Maria:

Our office is in receipt of the following documents on the above referenced application:

1. Application and completed application checklist.
2. Confirmation that taxes were paid on the subject property.
3. List of all properties within 200 feet of the subject property.
4. Certification of Ownership.
5. Site Walk Authorization
6. Fee Calculation form and checks for the Application and Escrow fees.
7. Deed of record for the subject property.
8. W-9 Form
9. Letter to Holland Township Fire Chief from Engineering and Land Planning Associates.
10. Waiver Request from Checklist items from Engineering and land Planning Associates.

Limit of Disturbance Metes and Bounds prepared by Engineering and Land Planning Associates.

11. "Variance Plan" - 6 sheets prepared by Engineering and Land Planning Associates dated January 10, 2020. The plan includes a site survey prepared by Wayne Ingram, P.E./P.L.S.
12. Photographs of the subject property.
13. Soil Logs and Permeability Tests for the subject property.
14. A letter (email) has been provided by the Fire Chief for the subject property dated September 20, 2019.

The proposed project is for the construction of a single-family dwelling and associated improvements to an existing vacant lot. The lot has no frontage on a public road. An easement for access has been deeded for this lot. A variance and approval of the plans are required from the Zoning Board prior to issuance of a building permit. The applicant is requesting a C variance under a hardship and plan approval. The application is scheduled for a completeness hearing on the next Board Meeting on February 26, 2020.

In order to the Board to hear the application, a completeness determination must be completed. Please be advised that our office has completed the Completeness Review and notes the following deficiencies/comments **in Bold:**

1. Item H-2, Financial Disclosure Statement has been checked "Not Applicable" . **Our office concurs with this notation as the applicant is not a corporation or partnership.**
2. Item H-5 Hunterdon County Health Department Construction Permit

Referral Form has been checked as "Not Applicable". **This item must be completed, or a temporary waiver could be granted by the Board provided the applicant notes the reason for the waiver request. The soil testing and septic design should be approved by the Township and County Board of Health prior to approval of the plot plan.**

3. Items H-25 and H-26 Floor plans and building elevations for the proposed building must be provided. **A Waiver is requested by the applicant for the proposed dwelling. Architectural plans were noted to be provided as part of the plot plan approval. I have no objection to granting this waiver provided that the number of bedrooms is noted in testimony and no other bulk variances are required as part of the plot plan approval.**

4. Item H-27 Highlands Planning Area Exemption must be obtained. **The applicant noted that this qualifies for exemption #2 from Highlands planning Area. I concur with this item.**

Based on the above, I recommend this application be deemed as incomplete unless temporary waivers are granted by the Board for items H-5; H-25 and 26. Item H-2 is not applicable and H-27 is subject to the waiver to be granted.

Other Comments:

1. Stormwater management must be addressed as part of the plot plan approval. Our office shall review and approve the plot plan for this prior to signing of the plans. This shall include hydrologic and hydraulic calculations, swale design, and flared end section scour whole sizing.

2. Retaining wall design shall be approved by our office prior to signing of the plans.

3. The application must be approved by the Hunterdon County Soil Conservation District.

4. Applicant shall complete required improvements as noted in Fire Chief Tom Welsh in his email to the Board Secretary. All improvements shall be noted on the plot plan and our office along with the Fire Chief must review and approve same prior to issuance of a certificate of occupancy. Any maintenance and repair agreements for the access drive must be provided (if noted in book 596) or obtained subject to Board and Attorney comment.

1. Application subject to other agency approvals and comments from the Board Planner and Attorney.

2. Application subject to other engineering comments as required during review of plans and property.

Robert Martucci, P.E., C.M.E.

Engineer Martucci explained his memo to the board. Checklist item H2 is non-applicable. Checklist item H5 is required but can be waived as long as the board understands the reason and the applicant understands that soil testing and septic design should be approved by the Township and County Board of Health prior to the approval of the Plot Plan. The applicant is looking for a waiver for Checklist items H25 and H26 which pertain to floor plans and elevations. Court Reporter Mackey swore in applicant Lawrence Seibel who explained that he is not building on the land

but wants to make sure the lot is an approved lot. He is not looking to build a single family home at this time. He is interested in getting the approval so he will have the option to build in the future or sell the land as an approved building lot.

Potential Bulk variance requirements came up in discussions, however Attorney Pierce reminded the board that they are not appropriate for this application as this application is just about a building permit for a lot not abutting a public road. Attorney Pierce further explained that Emergency Equipment needs to have access to the lot and that the applicant will need to build a conforming structure with building requirements, setback requirements, size, and that septic is subject to a Board of Health County review. The only reason for the applicant to be present before the Board of Adjustment is regarding the direction of the issuance of a building lot not abutting a public street and does the lot provide access for an emergency vehicle. Septic and plot plans are not proper subjects of this application. Focus on is adequate access which is the jurisdiction of the Board and the Board can impose maintenance of the access which could include tree trimming and turn around for trucks and to support the weight of the truck. A pull off or by pass for the trucks to pull over if up and down can also be required. A drainage culvert could be needed at the end of the driveway. A public hearing is necessary but this is only about someone being able to build a single family home on the lot. Attorney Pierce further reminded the Board that they can impose restrictions for safety.

Checklist items H25 and H26 are not applicable. Waivers should be granted for checklist items H5, H25 and H26.

Checklist item H27 was discussed and Highlands Council exemption #2 is the waiver applicable to this application.

Engineer Martucci said he would perform a site visit and concur with the chief to make sure concerns are addressed.

Witness – William Penyak – sworn in my Court Reporter Mackey. Mr. Penyak lives on the lane and stated that pull offs do exist. 2019 Fire Chief Welsh stated that there needs to be something and Mr. Penyak stated he has been on the lane for 30 years and there have been many emergency vehicles go on the lane which provides access to six consists of 6 current homes. The Fire Company has turned into the neighbor's driveway to deal with brush fires. There is access and he expressed his appreciation that they have never had a problem.

All were reminded that this is not a hearing.

A motion was made by Jerry Bowers and seconded by Peter Kanakaris to grant permanent waivers for Checklist items H5, H25 and H26. At a roll call vote, all present were in favor of the motion. Motion carried.

Some more discussion took place about shortcomings expressed pertaining to emergency vehicles on the land and Attorney Pierce reminded everyone that the board can impose improvements on the property not the lane. Testimony on the existing lane will be helpful but it's the property driveway the 2020 Fire Chief is talking about.

A motion was made by Jerry Bowers and seconded by Ginger Crawford to deem this application complete and schedule the public hearing for Wednesday March25, 2020. At a roll call vote all present were in favor of the motion. Motion carried.

Public Hearing

There was no Public Hearing scheduled to discuss on the agenda.

Resolution

There were no Resolutions scheduled to discuss on the agenda.

Old Business

There was no Old Business scheduled to be discussed on the agenda.

New Business:

There was no New Business scheduled to be discussed on the agenda.

Public Comment

There were no Public Comments.

Board Member Comment

Ginger Crawford stated that she would not be available to attend the scheduled meeting of March 25, 2020. Secretary Kozak stated that member Gail Rader confirmed that she would be able to attend the March 25, 2020 meeting. Kelley O'Such will still recuse himself from the meeting. Secretary Kozak will check with member Bill Ethem to see if he will attend the scheduled meeting. Secretary Kozak will work with Attorney Pierce regarding a quorum for the scheduled March meeting.

Ginger Crawford made a motion to adjourn. Motion carried.

Meeting ended at 8:00 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

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Secretary