

Holland Township Board of Adjustment

Minutes of the July 29, 2020

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

“I call to order the July 29, 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.

HOLLAND TOWNSHIP BOARD OF ADJUSTMENT

PUBLIC NOTICE

TOWNSHIP OF

HOLLAND

NOTICE OF CHANGE OF FORMAT OF REGULAR HOLLAND TOWNSHIP BOARD OF ADJUSTMENT MEETING AND PUBLIC PARTICIPATION FOR THE MEETING SCHEDULED FOR 7:30 PM WEDNESDAY

June 24, 2020

PLEASE TAKE NOTICE.

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

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

OFFICIAL ACTION TO BE TAKEN.

All attendees will enter a waiting room when they first sign in. Once admitted to the meeting, they may be muted.

To make a comment during a Public Hearing or the Public Comment portion of the meeting please use the “raise your hand” function and the host will unmute or recognize you during your comment.

Join Zoom Meeting

Computer:

<https://zoom.us/j/91575208156?pwd=VFB3dWdhaHEvWTkwMGZDSk8xOFJyQT09>

Phone:

1 646 558 8656

Meeting ID: 915 7520 8156

Password: 231836

Flag Salute:

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

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., and Maria Elena Jennette Kozak, Secretary.

Absent: Kelley O’Such (recused) and Michael Welsh. As per Chairman Martin, the following professionals were excused: Robert Martucci, Engineer, Darlene Green, Planner, Court Reporter Lucille Grozinski, CSR

Guest present: N/A

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 June 24, 2020 regular meeting minutes and to approve as recorded. All Present were in favor of the motion.

Completeness

There was no completeness scheduled to discuss on the agenda.

Public Hearing

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

Resolution

Lawrence Seibel – Block 13 Lot 23 – Old Farm 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. Deemed Complete February 26, 2020. Public Hearing scheduled for March 25, 2020. Due to COVID-19 Pandemic, an extension was granted to May 27, 2020. Board Action needed. Public Hearing carried to June 24, 2020 due to defective notice regarding Zoom meeting. Approved with conditions June 24, 2020. Attorney Pierce authorized to draft a resolution to be memorialized. Board Action needed.

Present for the Applicant included Attorney Doug Cole.

Board Attorney Pierce prepared the resolution which was distributed to the board, the board professionals and the applicant and their team.

RESOLUTION 2020-00_

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

**RESOLUTION APPROVING THE APPLICATION
FOR A VARIANCE TO PERMIT AN ACCESSORY STRUCTURE WITHIN THE
FRONT YARD AND FOR A SIDE YARD SETBACK VARIANCE FOR
BLOCK 13 LOT 23,
LOCATED ON OLD FARM ROAD,
BY APPLICANT, LAWRENCE SEIBEL**

WHEREAS, Lawrence Seibel, 177 Mount Joy Road, Milford, New Jersey (the “Applicant”), with the consent of the owner, Werner Kiene (the “Owner”) has applied to the Holland Township Board of Adjustment (the “Board”) for variance relief for, Block 13, Lot 23, located on Old Farm Road, in the Township of Holland, County of Hunterdon, State of New Jersey (the “Subject Property”);

WHEREAS, The Subject Property is situated in Holland Township’s Residential “R-5” zone;

WHEREAS, the application, dated January 10, 2020, was filed on or about February 5, 2020 (the “Application”);

WHEREAS, the Applicant proposes to construct a single-family dwelling on the Subject Property;

WHEREAS, the Applicant seeks the following relief from the Township of Holland Land Use Ordinance:

1. Variance relief under N.J.S.A. 40:55D-36 permitting the issuance of a building permit

for a lot not abutting a public street;

2. Variance relief under N.J.S.A. 40:55-70c(1) from Section 100-111A, which provides that lots without frontage along a public street are permitted provided that the lot possesses at least 500 feet of frontage along a driftway; and
3. Variance relief under and N.J.S.A. 40:55D-70c(1) from Section 100-161A(2)(a), which provides that a driftway “right-of-way” is at least 40 feet in width;
4. Variance relief under and N.J.S.A. 40:55D-70c(1) from Section 100-161A(5)(a), which provides that the traveled way portion of a driftway is at least 18 feet in width.

WHEREAS, the current Application was the subject of a completeness hearing on Wednesday, February 26, 2020, at which time the Board, on recommendation of the Board Engineer, deemed the Application complete;

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:

1. Application for Variance Relief, undated and filed on February 5, 2020, including the following:
 - a. Site Walk Authorization;
 - b. Request For 200 Foot Property Listing, dated January 23, 2020;
 - c. Certification of Ownership, dated January 15, 2020;
 - d. Holland Township Tax Assessor’s “Certified List of Property Owners Within 200 Feet,” dated January 28, 2020;
 - e. Proof of payment of real property taxes, dated January 23, 2020;
 - f. Fee Calculation Form;
 - g. IRS Form W-9;
 - h. Highlands Preservation Area Certification;
 - i. Section “H” Checklist for Determining Completeness;
 - j. Correspondence dated January 14, 2020, from Maria Elena Jennette Kozak, Holland Township Land Use Administrator denying Applicant’s requested relief;
 - k. Escrow Replenishment Agreement, dated January 31, 2020;
 - l. Deed from Riegel Paper Corporation to N.J. Power & Light Co., dated June 4, 1940 and recorded in Deed Book 425 at Page 25 in the Hunterdon County Clerk’s office;
 - m. Deed Book 793, page 797 recorded in the Hunterdon County Clerk’s office;

- n. Letter from Derek Ranger of Engineering & Land Planning Associates, Inc. to Holland Township Fire Department, dated January 10, 2020;
- o. Letter from Derek Ranger of Engineering & Land Planning Associates, Inc. to Holland Township Planning Board, dated January 10, 2020;
- p. Description of Limit of Disturbance, prepared by Engineering & Land Planning Associates, Inc., dated January 10, 2020;
- q. Letter from Derek Ranger of Engineering & Land Planning Associates, Inc. to Holland Township Board of Adjustment, dated May 8, 2020;
- r. Eight photographs of the Subject Property and driftway;
- s. Email from Tom Welsh, Fire Chief to Lawrence Seibel, dated September 20, 2019;
- t. Hunterdon County Health Department Application For Permit To construct An Individual Subsurface Sewage Disposal System, dated November 15, 2019;
- u. Plans entitled “Old Farm Road, Block 13 Lot 23 Holland Township, consisting of six sheets, as follows:

Sheet 1 – “Variance Plan” prepared by Wayne J. Ingram, P.E. of Engineering & Land Planning Associates, Inc., dated January 10, 2020;

Sheet 2 – “Boundary and Topographic Survey” prepared by Wayne J. Ingram, P.E. of Engineering & Land Planning Associates, Inc., dated November 15, 2019;

Sheet 3 – “Grading, Drainage, Utility, Soil Erosion And Sediment Control Plan” prepared by Wayne J. Ingram, P.E. of Engineering & Land Planning Associates, Inc., dated January 10, 2020;

Sheet 4 – “Highlands Exemption Plan” prepared by Wayne J. Ingram, P.E. of Engineering & Land Planning Associates, Inc., dated January 10, 2020;

Sheet 5 – “Soil Erosion And Sediment Control Notes And Details” prepared by Wayne J. Ingram, P.E. of Engineering & Land Planning Associates, Inc., dated January 10, 2020;

Sheet 6 – “Soil Erosion And Sediment Control Notes And Construction Details” prepared by Wayne J. Ingram, P.E. of

Engineering & Land Planning Associates, Inc., dated January 10, 2020 (the “Plans”);

2. Email correspondence dated September 26, 2019 from Keri Green, Highlands Council to Maria Elena Kozak, Board secretary confirming that the Application is not subject to Highlands Council review;
3. Holland Township Board of Adjustment Engineer’s review letter, dated February 24, 2020;
4. Holland Township Board of Adjustment Planner’s review memorandum dated March 18, 2020;
5. Holland Township Board of Adjustment Planner’s updated review memorandum dated May 18, 2020;
6. Proof of Service/Publication Package including Affidavit of Publication dated June 11, 2020 evidencing a June 11, 2020 publication in the *Hunterdon County Democrat*, and the Affidavit of Service signed by the Applicant’s attorney’s assistant, dated June 18, 2020;

WHEREAS, the Applicant having satisfied all jurisdictional requirements and the Board having jurisdiction to proceed, a public hearing was held on the Application on June 24, 2020, at which hearing appeared the Applicant, Lawrence Seibel, who was represented by Douglas Cole, Esq. of Stem & Cole;

WHEREAS, the following individuals appeared at and provided testimony or objections during the public hearing:

Christopher Nusser, P.E. and P.P. (Applicant’s professional engineer and professional

Planner;

Werner Keine (Owner of the Subject Property)

Tom Welsh (Fire Department Representative)

Scott Bullock, Esq. (attorney for objectors Roger Brahler and Jacqueline Kuzora);

WHEREAS, the Board of Adjustment of Holland Township having reviewed the Application and Exhibits submitted by the Applicant, 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., Nick Dickerson, P.P., A.I.C.P., and David R. Pierce, Esq., with respect to the Application, the Board makes the following findings of fact:

1. The Board has jurisdiction to proceed as all necessary notices were served and published in accordance with law;
2. All taxes for the Subject Property have been paid;
3. Application fees were paid, and review escrows established;
4. The Applicant was authorized by the Owner of the Subject Property to seek the relief herein requested;
5. The Application has been deemed complete;
6. Tom Welsh, former Fire Chief for the Holland Township Volunteer Fire Company, after being duly sworn according to law, testified during the hearing, and which testimony is part of the record in this matter, that:
 - A. He has met with the Applicant, visited the Subject Property and reviewed the Plans.
 - B. In order to provide adequate access to the Subject Property the following changes must be made:
 - i. The proposed driveway area on the Subject Property needs to be modified to include a hard surface (gravel or paving) turnaround or loop area that will allow a 35-foot-long fire truck to turn around on the Subject Property;
 - ii. The driveway must be maintained clear of overhead obstructions and vegetation to a minimum height of 13 feet.
 - iii. The width of the proposed driveway on the Subject Property needs to be increased from 15 feet to 18 feet.
7. Christopher Nusser, after being duly sworn according to law, testified during the hearing, and which testimony is part of the record in this matter, that:
 - A. He is the engineer and planner for the Applicant and was accepted as an engineering and planning expert.
 - B. The Subject Property is the last lot at the end of a driftway that services several other lots.
 - C. The driftway is approximately six tenths of a mile long and exits onto Adamic Hill Road.

- D. The traveled way of the driftway varies in width along its length and is approximately eight feet in width as it crosses the southwestern portion of Lot 22 but is otherwise between twelve and fifteen feet wide.
- E. The Subject Property possesses a deeded easement along the driftway for ingress and egress.
- F. The easement running along the driftway is 40 feet wide.
- G. The driftway has been in existence and serving other homes situated along it from at least 1958.
- H. The Applicant plans to increase the width of the traveled way on Lot 22 from eight feet to eleven feet and use shale or other stone to harden that area of the traveled way.
- I. The Subject Property has a frontage of 44.42 feet along the driftway.
- J. There are no issues regarding the drainage, erosion or safe use of the existing driftway.
- K. The Applicant could provide the required 500 feet of frontage along the driftway by extending the driftway 500 feet into the subject Property, but such extension would serve no purpose and would not provide any benefit to the public or any other lots utilizing the driftway.
- L. The Subject Property is an existing undeveloped lot. The conditions necessitating the variance relief requested have existed since the 1940s when the driftway was created.
- M. The driftway does not satisfy the requirement under Section 100-161A(5)(a), which provides that the traveled way portion of a driftway must be at least eighteen feet in width.
- N. The benefit of granting a variance from the minimum width of the traveled way of eighteen feet is that there will be less impervious coverage created.
- O. There are no detriments to granting a variance from the minimum width of the traveled way of eighteen feet because the driftway currently provides adequate access to the existing homes that utilize it.
- P. The grant of the other variances is justified as a hardship because the Subject

Property has existed in this condition since at least 1958, well before the existing driftway ordinance was created.

Q. The requested variances are peculiar to this lot and the circumstances surrounding its existence as the last lot on the driftway.

R. There are no detriments associated with the granting of the variances and the

benefits are that they will allow the Subject Property to be developed for a residential use otherwise in accordance with the zoning ordinance.

8. Scott Bullock, Esq., attorney for objectors Roger Brahler and Jacqueline Kuzora raised objections to the proposed variances and suggested that the Applicant be required to post a bond to repair any damage to the driftway.

9. Mr. Bullock also questioned the lack of negative impacts of granting the requested variances.

10. Mr. Nusser responded that there are no negative impacts, that the variances will allow the development of the Subject Property in accordance with the zoning ordinance and without any increase in permitted density.

WHEREAS, the Board of Adjustment of Holland Township, having reviewed the Application and Exhibits submitted by the Applicant, and having heard and considered the evidence and testimony given by the Applicant, the Applicant's attorney, the objector's attorney 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 all required parties having been properly noticed in accordance with law;
2. Variance relief under N.J.S.A. 40:55D-35 prohibits the issuance of a building permit for a lot not abutting a public street;
3. Section 100-111A, provides that lots without frontage along a public street are permitted provided that the lot possesses at least 500 feet of frontage along a driftway;
4. Section 100-161A(2)(a), provides that a driftway "right-of-way" must be at least 40 feet in width;
5. Section 100-161A(5)(a), requires that the traveled way portion of a driftway be at least 18 feet in width.

6. **Building Permit Variance:** N.J.S.A. 40:55D-36 permits the Board of Adjustment to grant a variance allowing the issuance of a building permit for a lot not abutting a public street if:
 - A. Enforcement of the restriction in N.J.S.A. 40:55D-35 would entail practical difficulty, or unnecessary hardship or the circumstances do not require that the building or structure be related to a street; and
 - B. The approval is made subject to conditions that will provide adequate access for firefighting and other emergency vehicles necessary for protection of the public health and safety.
7. **“C” Variance:** N.J.S.A. 40:55D-70c, and specifically, N.J.S.A. 40:55D-70c(1) and (2), establishes the Applicant’s burden with respect to satisfying both the positive and the negative criteria attendant to this Application. To satisfy the “positive” criteria, the use must demonstrate either that: a) 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 b) the granting of the variance would promote some purpose of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the benefits of approving the variance would substantially outweigh any detriment;
8. **The Positive Criteria / Promote Purposes of Zoning :** The Board finds as a matter of law that, the Subject Property is a unique property and that the strict enforcement of N.J.S.A. 40:55D-35 and the zoning ordinance sections 100-111A, 100-161A(2)(a) and 100-161A(5)(a) present exceptional difficulties and/or hardship to the Applicant with respect to the construction of a conforming single family dwelling on the Subject Property;
9. **The Negative Criteria / Substantial Detriment to the Public Good:** The Board finds as a matter of law that, provided the conditions imposed are complied with, the proposed grant of the variances requested will not result in any substantial detriment to the public good for several reasons. First, the proposed development will result in an improvement of the traveled way of the driftway and will provide emergency

response vehicles with an improved turnaround area. Second, there will be no adverse impacts to neighboring properties. As a result of the foregoing, there is little to no detriment associated with the proposed improvements should the variances be granted; The request to require a bond for the repair of damages to the driftway is beyond the authority of this Board since the driftway is not a public street and its repair and maintenance is governed by the easement document.

10. **The Negative Criteria/Substantial Impairment of Intent and Purpose of the Zone Plan and Zoning Ordinance:** The Board finds as a matter of law that the granting of the requested variances will not substantially impair the intent and purpose of the zone plan and Land Use Ordinance of Holland Township for several reasons. First, the Subject Property is an isolated and uniquely situated property, the last lot that utilizes the driftway in question. Second, if the requested relief is denied the Applicant will not be able to make any reasonable use of the Subject Property as he will not be able to construct a single-family dwelling.
11. **Weighing the Benefits Against the Detriments** The benefit resulting from the approval of the application clearly outweighs any potentially negative impact on Holland Township, although no substantial negative impact was noted by the Board.

WHEREAS, on June 24, 2020, the Board of Adjustment of Holland Township voted with respect to the Application and the attendant requested relief as follows:

1. **TO GRANT THE FOLLOWING:**
 - A. Variance relief under N.J.S.A. 40:55D-36 permitting the issuance of a building permit for a lot not abutting a public street in accordance with the Exhibits, submissions and testimony presented on the record at the hearing;
 - B. Variance relief under N.J.S.A. 40:55-70c(1) from Section100-111A, which provides that lots without frontage along a public street are permitted provided that the lot possesses at least 500 feet of frontage along a driftway in accordance with the Exhibits, submissions and testimony presented on the record at the hearing;
 - C. Variance relief under N.J.S.A. 40:55D-70c(1) from Section100-161A(2)(a),

which provides that a driftway “right-of-way” is at least 40 feet in width in accordance with the Exhibits, submissions and testimony presented on the record at the hearing; and

- D. Variance relief under and N.J.S.A. 40:55D-70c(1) from Section 100-161A(5)(a),

which provides that the traveled way portion of a driftway is at least 18 feet in width in accordance with the Exhibits, submissions and testimony presented on the record at the hearing.

2. SPECIFICALLY CONDITIONED UPON THE FOLLOWING:

- A. The Applicant shall submit Plans to be reviewed and approved by the Board’s professionals with the following revisions:

- i. Addition of a Note stating that the section of the traveled way of the driftway on Lot 22 that is less than 8 feet in width shall be widened to not less than 11 feet in width and the surface thereof hardened to the satisfaction of the Holland Township Fire Company;
- ii. Removal of the notation stating “stone driveway to be paved”;
- iii. Addition of a pull-off area for two vehicles to pass on Lot 23 by widening the driveway from 15 feet to 18 feet for a distance and in a location to be approved by the Holland Township Fire Company and the Board’s engineer;
- iv. Addition of a Note stating that the driftway must be kept clear of vegetation to a height of 13 feet above grade;
- v. Addition of a Note stating that the driftway and driveway shall be subject to an annual inspection by the Holland Township Fire Company and Holland Township Zoning Officer and maintenance as directed by those inspectors;
- vi. Addition of a Note stating that the traveled way will be improved for the length of the “stone drive” to a hardened

surface approved by the Holland Township Fire Company and the Board engineer;

vii. Addition of a turnaround area on Lot 23 that will accommodate a 35-foot-long truck, the location, dimensions and construction of which shall be subject to approval by the Holland Township Fire Company and the Board engineer;

viii. Addition of a Plan and Profile drawing of the proposed driveway that will be subject to approval by the Holland Township Fire Company and the Board engineer;

B. That section of the traveled way of the driftway on Lot 22 that is less than 8 feet in width shall be widened to not less than 11 feet in width and the surface thereof hardened to the satisfaction of the Holland Township Fire Company;

C. A pull-off area for two vehicles to pass on Lot 23 shall be added by widening the driveway from 15 feet to 18 feet for a distance and in a location to be approved by the Holland Township Fire Company and the Board's engineer;

D. The driftway must be kept clear of vegetation to a height of 13 feet above grade;

E. The driftway and driveway shall be subject to an annual inspection by the Holland Township Fire Company and Holland Township Zoning Officer and maintenance as directed by those inspectors;

F. The traveled way must be improved for the length of the "stone drive" to a hardened surface approved by the Holland Township Fire Company and the Board engineer;

G. A turnaround area must be added on Lot 23 that will accommodate a 35 foot long truck, the location, dimensions and construction of which shall be subject to approval by the Holland Township Fire Company and the Board engineer, the turnaround area must be installed and approved prior to the issuance of a Certificate of Occupancy for the single-family dwelling to be constructed on Lot 23;

- H. When the single-family dwelling is constructed on Lot 23, if the total area of disturbance exceeds 5,000 square feet, the Applicant shall obtain a soil erosion & sediment control permit from the Hunterdon County Soil Conservation District;
- I. Prior to the signing of plans:
- 1) The final revised and detailed plans showing details of the driftway and driveway required to meet the requirements of the construction code and sub code officials shall be submitted to and approved by the Board engineer prior to the issuance of any building permits. The final plans shall conform with this approval and the testimony and plans upon which it is based and shall include notes as specified above;
- J. Prior to the start of construction:
- 1) The applicant shall post the required performance guarantee, if any, and inspection escrow fees in accordance with the Board Engineer's calculations. The form of guarantee shall be approved by the Township Attorney;
 - 2) A preconstruction conference shall be scheduled and held at the Holland Township Municipal Building;
 - 3) All permits shall have been issued by the Township Construction Official for all items under his jurisdiction;
 - 4) All site work shall be inspected by the Board Engineer or his designee for conformance with the approved site plan. Any proposed deviations from the approved site plan must be either pre-approved by the Board Engineer as field changed or shall be resubmitted to and approved by the Zoning Board, if the deviations are deemed by the Board Engineer to be significant enough to require such approval.
- K. The Applicant shall submit an as-built plan after completion of the driveway;
- L. This approval shall be subject to all State, County and Township statutes, ordinances, rules and regulations affecting development in the Township, County and State;

- M. The approval herein memorialized shall not constitute, nor be construed to constitute any approval, direct or indirect, of any aspect of the site plan, or of the proposed improvements which is subject to the jurisdiction of any third-party agencies and require review and approval(s) by any third-party agencies;
- N. Applicant shall apply for and obtain any and all Township, County, State and Federal permits as may be required for any aspect of the construction as contemplated by this Application;
- O. Applicant shall comply with all other applicable rules, regulations and ordinances of the Township of Holland, the effect of this decision being merely to relax the zoning requirements and restrictions to the specific extent forth herein;
- P. The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations set forth in all prior governmental approvals, to the extent same are not inconsistent with the approvals, terms and conditions set forth herein;
- Q. The variance relief granted herein shall expire unless such construction or alteration permitted by the variance relief has actually commenced within twelve (12) months from the date of this Resolution;
- R. That Applicant shall pay all outstanding and /or required review, inspection, and professional escrow fees to the Township of Holland. Neither the Board nor its employees or professionals shall perform any service in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The Applicant shall be under a continuing duty to maintain a positive balance in all accounts until all conditions of this Resolution have been satisfied and all charges have been paid;
- S. All performance requirements as set forth in the findings of fact herein shall be satisfied by the Applicant as a condition of this approval whether or not repeated at length as conditions in this section of the Resolution; and
- T. The terms and conditions of this approval shall be binding upon the Applicant, and the Applicant's successors in interest and assigns. Further, each of the terms and conditions of this approval are material elements of the approval based upon the submission of the Application and the Subject

Property in its entirety, and the non-compliance with any term or condition by the Applicant or their successors or assigns shall be deemed a material default subjecting the Application to revocation of this approval. The request to change any single condition, since all conditions are integrally related, shall cause the entire Application to the Board of Adjustment to be reopened for re-consideration and possible re-approval subject to new terms and conditions in addition to those terms and conditions presently existing in this approval.

ROLL CALL VOTE

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Gerard Bowers	X		X			
Ginger Crawford			X			
Bill Ethem			X			
Peter Kanakaris			X			
William Martin			X			
Kelley O'Such						X
Gail Rader		X	X			
Michael Welsh						X

Motion Carried By Vote of: Six Ayes to Zero Nays

THIS RESOLUTION OF THE BOARD IS ADOPTED ON JULY 29, 2020

ROLL CALL VOTE

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Jerry Bowers						
Ginger Crawford						
Bill Ethem						
Peter Kanakaris						
William Martin						
Kelley O'Such						X
Gail Rader						
Michael Welsh						X

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

The board had no additional questions or comments. Attorney Cole noted that long-term conventional practice was that the professionals historically contact the attorney when they review the draft resolution prior to the scheduled meeting. With that being said, the board opted to hear the comments of Attorney Cole. Attorney Cole did apologize to the board and then continued to question the expiration date. The plan is not to build but the applicant wanted a guarantee that the land is buildable in order to purchase the land. The property owner wanted to validate that the lot is marketable. Attorney Pierce asked when the applicant is thinking to build and Attorney Cole stated that he was not sure and that it could be a few years out. The

board discussed an open timeline and all agreed that a date is reasonable with the understanding that the applicant can request an extension with the Board of Adjustment. Attorney Cole requested a future date for consideration and the board after discussion amongst themselves and consultation of Attorney Pierce decided that three year expiration is reasonable with an extension being possible at the request of the applicant.

Member Crawford asked Attorney Cole if the transaction of land took place and Attorney Cole stated that he was not sure if it did or did not take place. All agreed that the decisions made regarding the application were with the understanding that Mr. Seibel was purchasing the land.

A motion was made by Gail Rader and seconded by Peter Kanakaris to amend the draft resolution to include an expiration of three (3) years with the understanding that the land purchase is taking place as proposed. At a roll call vote, all present voted in a favor of the motion. Motion carried.

Attorney Cole had some additional questions about a bond and a preconstruction meeting. Attorney Pierce stated that the building permit is issued based on the variance so it is necessary for a bond to be placed so that the professionals can review. Professionals will make sure the conditions approved are completed. No public improvements will be made but the time of pulling a permit verifies this. There was no other discussion. A motion was made by ginger Crawford and seconded by Peter Kanakaris to memorialize the resolution as prepared by Attorney Pierce subject to the amendments outlined above. At a roll call vote, all present were in favor of the motion. Motion carried.

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

Chairman Martin requested Secretary Kozak to unmute everyone for public comment. All were asked if they had any comments at this time and no one had comment.

Board Member Comment

There were no board member comments at this time.

Peter Kanakaris made a motion to adjourn. Motion carried.

Meeting ended at 7:55 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak

Secretary