

Holland Township Planning Board

Minutes of the Regular Meeting

July 11, 2016

The meeting was called to order by the Chairman Rader:

“I call to order the July 11, 2016 Meeting of the Holland Township Planning Board. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Planning Board Secretary on November 12, 2015 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the November 12, 2015 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.

Flag Salute

Chairman Rader asked all to stand for the Pledge of Allegiance

Identification of those at the podium

Present: Casey Brickhart, Dan Bush, Ken Grisewood, Dave Grossmueller, Michael Keady, Mike Miller, Carl Molter, Dan Rader, Thomas Scheibener, Duane Young, Don Morrow, Esq., Bill Burr, Engineer Court Reporter Lucille Grozinski, CSR and Maria Elena Jennette Kozak, Secretary.

Excused Absent: Per Chairman Rader, Elizabeth McKenzie Planner are not in attendance for this meeting.

Let the record show there is a quorum.

Minutes

A motion was made by Mike Miller and seconded by Dan Bush to dispense with the reading of the minutes of the March 14, 2016 regular meeting and to approve the minutes as recorded. All present were in favor of the motion with the exception of Casey Brickhart and Tom Scheibener who abstained. Motion carried.

Discussion Item:

There were no Discussion Items scheduled at this time.

Old Business:

There was no Old Business scheduled at this time.

New Business:

There was no New Business scheduled at this time.

Completeness Review:

Block 23 Lot 37 – 547 Milford Warren Glen Road – John & Meredith Oliver – Amended Minor Site Plan-Received into the office on June 21, 2016. The 45-day completeness deadline is August 4, 2016. Board Action needed.

Applicant’s Attorney William Edleston was present with applicant John Oliver. The applicant intends to close in the drive thru and put up three walls to expand the interior space that his client needs. The applicant’s tenant will use the space. The frame and the roof are already there so it is the opinion of the applicant that this is an easy application. The board engineer brought up the issue of the Highlands Consistency Determination and the applicant asked for a waiver. They can comply with all other issues. To go to the Highlands Council will cost the Oliver’s time and money. It was explained that it is a Highlands process. The Township Committee does not have an ordinance in place to make the determination in house. On the surface this application appears that it would qualify for an exemption but the issue is a process issue the application has to go to the Highlands Council. It has to be at time of completeness and not after. Many members and professionals who have worked with the Highlands Council stated that the process is not nearly as complicated as the DEP application process. The original change of use application did not have to go before the Highlands Council but this application is an expansion of the building structure and triggers the Highlands Council review. All members of the board agreed that this is out of their hands and that the Highlands Council review is required. Ken Grisewood expressed his concern about granting a waiver for the requirement until the public hearing which the applicant requested would be this same evening. He also expressed concern with doing a completeness review and public hearing all on the same evening.

Memo by Maser:

To: Members of the Holland Township Planning Board

From: Richard Roseberry P.E. Date: July 6, 2016

**Re: John & Meredith Oliver - Completeness/Technical Review
Block 23, Lot 37 – 547 Milford-Warren Glen Road
Minor Site Plan Application
MC Project No. HLP-016**

Dear Board Members:

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

- Completed Application for Minor Site Plan along with required forms;
- Completed Checklist for Determining Completeness of Application – Minor Site Plan;
- Plans titled “Minor Site Plan for John G. & Meredith Oliver, Block 23, Lot 37, County Route 519. Holland Township, Hunterdon County, N.J.”, as prepared by Kurt Hoffman, P.E. of Kurt Hoffman Engineering, LLC, dated June 13, 2016.
- Plans titled “Map of Land for John G. and Meredith Oliver, Lots 1 & 45 in Block 23, Holland Township, Hunterdon County, NJ” prepared by David M. Newton NJPLS No. 38605, dated May 4, 2016;
- A plan titled “Proposed Addition under Existing Roofed Area for Block 23 Lots 1 & 45”, unsigned and undated.

Project and Property Description

The subject property is known as Block 23, Lot 37, consists of 0.2493 acres, is located in the COM (Commercial) Zoning District and has frontage along County Route 519 (Milford-Warren Glen Road). The property is owned by John and Meredith Oliver and is currently occupied by a martial arts/personal training facility.

The applicant had originally appeared before the Township Planning Board in 2015 to convert the prior vacant space into an indoor recreational facility. According to the Township Land Use Code, this is a permitted use in the COM Commercial zone district. The current application is to convert the existing covered “drive-thru” lanes into part of the building.

COMPLETENESS

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

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

The applicant has indicated that this item “Complies”; however, we did not receive proof of a submitted application to the County. Since the property is located along a County road, and the County may have comments/concerns about the existing/proposed parking lot, an application should be filed with the County Planning Board. At a minimum, a letter of exemption should be sought from the County.

Item F-17 Submission of Highlands Exemption or Consistency Determination.

The applicant has indicated that this item “Complies”; however, we did not receive any information from the Highlands. The project appears to be eligible for an exemption, but the application cannot be deemed complete until the exemption letter is received.

Item F-41 Location of Features within 200’ of the Tract

The applicant has indicated that this item “Complies”; however, we do not agree with this designation. As this is not an expansion of the footprint and no new impervious is proposed, we recommend a waiver of this item.

Item F-44 Contours at 2’ intervals

The applicant has indicated that this item “Complies”; however, we do not agree

with this designation. The plan does not contain any spot grades or contours. We have no objection to granting this waiver for completeness purposes only, but will require them as a condition of approval in the area around the drive-thru.

Item E-46 Flood Hazard Areas

The applicant has indicated that this item “Not Applicable”; however, we do not agree with this designation. The site is adjacent to the Milford Creek that has a floodway and flood hazard area. As this is not an expansion of the footprint and no new impervious is proposed, we recommend a waiver of this item for this application. Should the applicant propose any modifications to the site plan that extend closer to the stream in the future, these features will need to be shown and verified.

Due to the lack of an exemption or consistency determination from the Highlands Council, this office recommends the application be deemed **INCOMPLETE** at the July 11, 2016 Planning Board Meeting.

TECHNICAL

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

- 1) Contours or spot grades are required in the vicinity of the converted drive-thru to insure drainage can be directed away from the building. The building code requires that the ground slope away from the building. If this cannot be achieved, modifications to the stormwater system will be needed.
- 2) The parking requirements indicate 30 spaces are required and 26 are proposed. It appears that sufficient parking exists for the increased floor area.
- 3) We concur with the Board Planner’s comments regarding the removal of the pavement adjacent to the building and the planting of a couple shade trees. We also concur with the Board Planner’s comments regarding the dumpster.
- 4) The plan does not show existing lighting. No lighting is shown on the architectural plans. Additional information shall be provided to verify sufficient lighting exists in the vicinity of the new doorway.
- 5) Applications or requests for exemption will need to be filed with the Hunterdon County Planning Board for this project.

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

A motion was made by Tom Scheibener and seconded by Dan Bush to deem this application incomplete. At a roll call vote, all present were in favor of the motion.

Block 2 Lot 1.02 & Block 4 Lot 1– Mill Road Solar Project LLC – 10 Mill Road – Preliminary and Final Site Plan – Solar Project – Deemed incomplete February 8, 2016. Revised Site Plans Received into our office June 21, 2016, 2016 – 45-day completeness deadline July 31, 2016. Board Action needed.

Applicant’s Attorney Cole and Engineer Pantel were present. Attorney Cole reviewed the letter prepared by Maser dated July 6, 2016. Checklist items D9, D10 and D11 were discussed and all agreed that they are satisfied.

Checklist item D16 – a financial statement – ownership – needs to be provided.

Court Reporter Gozinski swore in Engineer Richard Pantel.

D4 will be completed on the next submission.

D7 – the applicant was hoping not to do this because they are taking down the house and a few trees. They are not touching a lot of the land. They are asking for a waiver. Engineer Burr stated that this issue was discussed in February and the board is asking for an EIS. It was also stated that the applicant’s attorney agreed to the request then. The board still wants an EIS. There are concerns in the field regarding the spray dispersal of chemicals. The property was deemed a brownfield and although that is good for solar, there are concerns. The BPU letter states that the site was reviewed

under the site recovery process and that the DEP was convince that no further remediation is needed but there are concerns with runoff into the Musconetcong. Engineer Pantel stated that nothing is being done differently on site so the impact is nothing new. The applicant is not proposing any new changes to the water course. They are trying to avoid an EIS. All agreed that there are concerns and the applicant needs to provide the document requested. Attorney Cole stated that they are also ordering title work.

D14 – LOI – secretary Kozak will resend what was submitted but the applicant needs to address DEP comments

D19-Highlands Council – letter not on file and is needed.

D32-after some discussion all agreed this is acceptable.

D36-survey will be referenced

D38-easier to read on the enlarged plans. All agreed acceptable.

D39-Survey to come

D41-to enlarge the area topo

D43 and D47 the Topo will come soon. This was discussed in February.

D42 – not proposing easements for the track. Existing easements to be shown on the plan.

D49-working with the DEP. FEMA line is shown but not approval from DEP

D52-to be worked on

D54-the well has been found but not the septic. Engineer Burr suggested that they show the well on the plan and a note about “no evidence” on septic within the area of development. This is satisfied but D10 is still needed.

D60 – ok for now but in the hearing if this is brought up then they will need to discuss

D62-working on this

D63-site lighting not proposed. Secretary Kozak will send plans to fire, police and OEM about this project. It needs to follow the ordinance. Warning signs need to be posted on a fence. A correct plan needs to be filed with the secretary. This was outlined in Engineer Roseberry’s letter in conjunction with the ordinance. Engineer Pantel said they are working on this. All agreed this is off the checklist as the ordinance will follow up.

Discussion if general comments took place. This is a large project and to scale the project is difficult. This makes the plans hard to read and everyone agreed it needs to be legible. The text needs to be enlarged. There will be a key in the overall so all will know where to look for one set within the plans to be large set for easier viewing. All agreed this is acceptable. The applicant agreed with the second comment and will do the third and fourth comment. After some additional discussion, the applicant was told that they will have to comply with the ordinance for a major commercial application at the hearing.

D64 – The landscape plan. The waiver was denied and the applicant is to work with board member Molter. The board is asking for a “LA” to prepare the plan. A concern expressed is reflective glare of the surrounding neighborhood.

The applicant is working with the DEP on the flood boundaries. Plans will comply with ordinances. Engineer Pantel did explain that they are having difficulties in establishing a pre-application meeting with the DEP.

The memo prepared by the Holland Township Environmental Commission was discussed. The major concern is in the area marked K and the need for a better understanding of it. The Municipality has the right to ask for clarification from the owner. Engineer Pantel said he would look into this but has no idea of area K. Attorney Morrow and Mike Keady will work together on the request. Everyone agreed this is the best way to move forward.

Some discussion also took place about the farmstead which will be demolished with this project. It is designated as a historic resource and a cultural resource to the town. The board cannot stop the applicant from tearing this down but the Holland Township Historic Preservation Committee wants it documented.

A motion was made by Mike Keady and seconded by Dan Bush to deem this application incomplete. At a roll call vote, all present were in favor of the motion. Motion carried.

Resolution

There are no resolutions to discuss at this time.

Public Hearings

Block 23 Lot 37 – 547 Milford Warren Glen Road – John & Meredith Oliver – Amended Minor Site Plan-Received into the office on June 21, 2016. The 45-day completeness deadline is August 4, 2016. If the board deems the application complete 07/11/16 then the Applicant requests a public hearing on the

same night. Board Action/Determination Needed. See above. Application deemed incomplete so no Public Hearing scheduled at this time.

Sub-Committee Status and Updates:

Ongoing - Holland Township Highlands Council Subcommittee – Per Mike Keady an ordinance should be in place regarding the exemption. Dan Bush said we can learn what we should and should not take over from the Highlands Council and that we are not in a rush to take over from the Highlands Council. Mike Keady talked about some of the easy things. There was a brief discussion with reviews being on who would pay for the reviews if done in house or the need to establish escrow. All agreed that our professionals should handle the application. Mike Keady will look to see how other towns are handling it.

Public Comment

Chairman Rader reminded the audience that you cannot ask questions regarding the above mentioned applications.

Ted Harwick – Bellis Road. He expressed his opinion that he was disappointed in how the Oliver’s were received. In his opinion “when Chester tells us what to do then you are taking away home rule.” He also expressed his desire to see things done in Holland as much as possible. Ted Harwick was asked not to continue his discussion of the application.

Henry Gore – you could not hear the discussion and asked that people go to the mic. He requested that the board ask people to speak clearly.

Executive Session

There was no Executive Session scheduled at this time.

Adjournment

Tom Scheibener made a motion to adjourn. Motion approved. The meeting ended at 8:40 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak
Secretary