

Holland Township Planning Board

Minutes of the Regular Meeting

September 12, 2016

The meeting was called to order by the Chairman Rader:

“I call to order the September 12, 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 (arrived 7:35 pm), Dan Bush, Ken Grisewood Michael Keady, Mike Miller, Carl Molter, Dan Rader, , Duane Young, Todd Bolig, Alternate Attorney, Bill Burr, Engineer, Elizabeth McKenzie Planner, Court Reporter Lucille Grozinski, CSR and Maria Elena Jennette Kozak, Secretary.

Excused Absent: Dave Grossmueller, Thomas Scheibener, and Don Morrow, Esq.

Let the record show there is a quorum.

Minutes

A motion was made by Mike Keady and seconded by Ken Grisewood to dispense with the reading of the minutes of the July 11, 2016 regular meeting and to approve the minutes as recorded. All present were in favor of the motion. 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:

Chairman Rader announced that Attorney Morrow will be retiring at the year end. Alternate Attorney Bolig will be filling in and working with the Planning Board. Chairman Rader requested that a subcommittee be created to interview potential attorney applications and make a recommendation to the Planning Board. Chairman Rader, Ken Grisewood and Mike Miller volunteered to be the subcommittee. Secretary Kozak will work with the subcommittee.

Completeness Review:

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 and July 11, 2016.. Revised Site Plans Received into our office August 22, 2016, 2016 – 45-day completeness deadline October 6, 2016. Board Action needed.

Applicant’s Engineer Pantel sent an email dated September 9, 2016 to Secretary Kozak who forwarded to the board members. The summary is as follow:

“Hi Maria:

Sorry to be getting back to you so late, but we will not be heard this coming Monday and instead would like to postpone our attendance until October’s meeting. There are a few small things that we need to clear up.

Among them, we will be meeting on site with the Highlands Commission on 9/21 and hope to have that item completed before the October meeting.

I apologize for any inconvenience that our postponing may cause.”

A motion was made by Dan Bush and seconded by Duane Young to grant an extension for the Mill Road Solar project until October 10, 2016 scheduled Planning Board meeting. At a roll call vote, all present were in favor of the motion except Casey Brickhart who arrived just after roll call took place. Motion carried.

Block 22 Lot 29.19 – 621-641 Milford Warren Glen Road – Qi Zhang Lin and Shen Jain Lin t/a Asian Yummy – Minor Site Plan-Received into the office on August 18, 2016. The 45-day completeness deadline is October 2, 2016. Board Action needed.

Applicant's Attorney Anthony Giambrone was present for discussion of the application. Applicant's Architect and Planner Frank D. Mileto of 14 Beaver Brook Drive Ling Valley NJ was also present. He has been working in the field since 1971 and is also a Zoning Officer in many towns including Clifton and Long Valley. He was accepted as an expert.

The Board's Engineer Maser Consulting prepared a memo dated September 8, 2016 which was modified for the minutes and appears as follows:

MEMORANDUM

To: Members of the Holland Township Planning Board

**From: William H. Burr, IV, P.E.
C. Richard Roseberry P.E.**

Date: September 8, 2016

**Re: Asian Yummy - Completeness/Technical Review
Block 22, Lot 29.19 – 621-641 Milford-Warren Glen Road
Change of Use - Minor Site Plan Application
MC Project No. HLP-018**

Dear Board Members:

This office is in receipt of an application for the above referenced Change of Use/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;
- A letter from the applicants attorney, Anthony Giambrone, Jr., Esq. of Giambrone & Saltzman, LLC, dated August 5, 2016;
- Certification of Taxes Paid through the 3rd Quarter of 2016.
- Copies of various deeds and easements for the subject property;
- Site Plan titled “Asian Yummy, 641 Milford-Warren Glen Road, Milford, NJ 08848” as prepared by Frank D. Mileto, A.I.A., dated July 12, 2005.

Project and Property Description

The subject property is known as Block 22, Lot 29.19, consists of 5.06 acres and is located in the COM (Commercial) Zoning District. The property has frontage along County Route 519 (Milford-Warren Glen Road) and Spring Garden Drive, and is developed with an existing retail building/shopping center.

The applicant has filed a minor site plan/change of use application to occupy a currently vacant space in the existing building with a Chinese and Thai restaurant known as “Asian Yummy”.

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, we have the following comments:

Item F-9 Submission of Completed Application to Hunterdon County Health Dept.

The applicant has indicated that this item “Complies”; however, we did not receive proof of a submitted application to the Health Department. Since the use may have an impact on water and sewer usage, an application should be filed with the County Health Department. At a minimum, a letter of

exemption should be sought from the County.

Item F-10 Submission to Hunterdon County Soil Conservation District

The applicant has requested a waiver of this item and we have no objections to the Board granting same since there are no site improvements proposed at this time.

Item F-11 Traffic Impact Study

The applicant has requested a waiver of this item and we have no objections to the Board granting same since the proposal is to occupy a vacant space in a retail shopping center.

Item F-12 Impact Assessment of Water Supply

The applicant has requested a waiver of this item; however, we feel that additional information on water supply and usage should be provided (relative to the site's water budget) to ensure that there is adequate capacity to serve the new restaurant.

Item F-32 Signed Certification on the Plan by the Owner of the Property.

The applicant has requested a waiver of this item; however, we feel that this information should be added to the plan.

Item F-42 Plans Shall Indicate the Dimensions, Floor Area for the Building.

The applicant has indicated that this item "Complies"; however, we do not agree with this designation. This information should be provided on the plan to confirm that there is adequate on-site parking – see Item F-49 below.

Item F-48 Area of Impervious Surface.

The applicant has requested a waiver of this item and we have no objections to the Board granting same since there are no site improvements proposed at this time

Item F-49 Calculation of Parking and Loading Areas on Plan.

The applicant has indicated this item "Complies" on the checklist, but there has not been any dimensions provided on the proposed floor area of the restaurant nor has there been any parking calculations provided to confirm whether the existing on-site parking is sufficient. The applicant also needs to review the other existing tenants to ensure that the overall parking count is sufficient.

Item F-50 Location of all Existing Sewerage Disposal Systems and Wells.

The applicant has indicated that this item "Complies"; however, we feel that additional information on sewage disposal should be provided to ensure that there is adequate capacity to serve the new restaurant.

Item F-52 Construction Details for all On-Site Improvements.

The applicant has requested a waiver of this item and we have no objections to the Board granting same since there are no site improvements proposed at this time.

Item F-53 Plans and Profiles for all Proposed Water Mains, Sanitary Sewers, etc.

The applicant has requested a waiver of this item and we have no objections to the Board granting same since there are no site improvements proposed at this time.

Item F-54 Locations, Sizes, and Capacities of Ex. Sanitary Sewers, Storm Drains, etc.

The applicant has requested a waiver of this item; however, we feel that additional information on sewer capacity and water supply and usage should be provided.

Item F-55 Existing and Proposed Location of all Utilities

The applicant has requested a waiver of this item and we have no objections to the Board granting same since there are no site improvements proposed at this time.

Item F-56 Location, Height, Size, Appearance of all Proposed Signs.

The applicant has requested a waiver of this item; however, information should be provided on any proposed signage for the site.

Item F-58 Plan for Lighting.

The applicant has requested a waiver of this item and we have no objections to the Board granting same since there are no site improvements proposed at this time

Item F-59 Landscaping and Buffer Planting Plan.

The applicant has requested a waiver of this item and we have no objections to the Board granting same since there are no site improvements proposed at this time

Item F-60 Location of any Existing and Proposed Storage Tanks

The applicant has requested a waiver of this item and we have no objections to the Board granting same

since there are no site improvements proposed at this time.

The applicant should address the outstanding items either through submission of additional information or testimony.

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. Additional information (i.e. floor area plans with dimensions) will need to be provided to confirm that the on-site parking is sufficient to handle the proposed restaurant.
2. The applicant should advise the Board of the proposed intended use of the property, number of employees, number of patrons, hours of operation, anticipated deliveries, method and quantity of trash removal, etc.
3. Parking calculations in accordance with Section 100-85 of the Township Code should be provided for the proposed use. We note that the Township Code requires the following parking for restaurant uses:
 - a. 1 space for each full and part time employee at maximum shift of all establishments.
 - b. 1 additional space for each 50 S.F. of floor area or,
 - c. 1 additional space for each 2 seats, whichever is greater.
4. Is additional exterior lighting necessary for the proposed restaurant? If so, information shall be provided on the plan to show the light styles, locations, etc.
5. Testimony shall be provided to clarify whether any site signage is proposed. If so, information shall be provided on the plan to allow the Board to confirm compliance with the ordinance requirements.
6. The change of use is subject to the appropriate building subcode and other construction permits as may be required by the Construction Official's office.

In summary, due to the lack of information submitted, we would recommend the Board deem this application incomplete at its September 12, 2016 meeting.

The Board's Planner Elizabeth McKenzie prepared a memo dated September 12, 2016 which was modified for the minutes and appears as follows:

MEMORANDUM

TO: Holland Township Planning Board

FROM: Elizabeth C. McKenzie, AICP, PP

DATE: September 12, 2016

SUBJECT: Qi Zang Lin and Shen Jian Lin Application for Change of Use and Minor Site Plan Approval, 621-641 Milford-Warren Glen Road, Lot 29.19, Block 22, Township of Holland

The purpose of this memorandum is to comment on the above-captioned application which is on the Board's agenda for completeness review.

The applicant is proposing to occupy a currently vacant store space in an existing shopping center with a Thai restaurant.

The subject property is located in the Township's COM Commercial zone and is developed with a small strip center containing other retail uses, including a restaurant. A total of 56 parking spaces are shown on the site plan.

The main issues to be addressed include water usage (relative to the site's water budget) and parking - i.e., whether or not sufficient parking spaces exist on the site to accommodate this use along with all of the other existing and/or permitted uses in the building. The Board will undoubtedly also want to review any proposed signage in connection with the new use, as well. To date, no information has been provided regarding a proposed sign.

We have the following comments to offer on the issue of completeness:

1. The square footage of the existing building and of each of the other uses within the building should be given, so that parking requirements and water demands can be calculated and compared to the available parking and the available water capacity based on the site's water budget.

2. The floor plan presented on the site plan shows 32 seats, which would require 16 parking spaces in addition to the required employee parking. To determine the additional number of parking spaces needed for employee parking, a full description of the operation, including hours and shifts and numbers of employees at maximum shift, must be provided. Presumably there will also be take-out activity in connection with the restaurant use, but this is covered by the relatively high parking ratio (one space per two seats plus one space for each employee at maximum shift) required by the Ordinance.

3. The property is located within the Highlands Region (as is all of Holland Township), and is part of the Highlands Planning Area.

The Highlands Council has already indicated in an e-mail to the Project Architect (dated August 24, 2016), that the Board may waive the checklist requirement in this case in view of the fact that there is no proposed land disturbance or addition of impervious surface coverage in connection with the application.

4. The issue of water usage *vis a vis* the water budget will need to be reviewed by the Board Engineer as well as the Board of Health and the County Health Department.

5. While I do not generally get involved with an application at the completeness review stage, there is so little information provided in connection with the issues raised by this application that I believe it would be useful to refer the applicant to the need to demonstrate compliance with Sections 100-81 D. (and, by reference, 100-90 B.), 100-85, and 100-87 of the Land Use Ordinance and to provide the information that will allow the Board to determine compliance with these regulations.

6. Holland's Ordinance does not appear to contain any definition of a Minor Site Plan or any regulations pertaining to Minor Site Plan Approval (as a process separate from Preliminary and Final Site Plan Approval), although the Ordinance does reference an adopted checklist for Minor Site Plan Approval, and the applicant has submitted that checklist as part of the application.

For the most part, the applicant has either requested waivers of checklist items or has determined that the requirements are not applicable.

The Board may certainly approve waivers of submission requirements if it finds that the information is not necessary to its review, and it may well concur that most of the requested waivers and "not applicable" items are just that. However, at this juncture, it is my opinion that at least the following checklist information is needed: F-12, F-32 (for which waivers have been requested) and F-56 (checked off by the applicant as inapplicable). Moreover, it does not appear that the applicant has provided the information needed to demonstrate compliance with F-49.

Both reports were discussed. Board Engineer Burr explained that some of the waivers being asked for are acceptable however, the parking needs to be addressed and the revised floor area calculations, parking and signs are important. After discussion about items F32, F42, F49, F50, F54, F53 and F56 the applicant stated that they would address or submit the information. Discussion took place about the possibility of deeming the application incomplete but scheduling the public hearing with the need for the completeness review to take place prior to a public hearing at the next scheduled meeting. No one was in favor of moving forward with that concept. A motion was made by Dan Bush and seconded by Carl Molter. At a roll call vote, all present were in favor of the motion. Motion carried. The applicant will submit the revised information and the application will be on the next scheduled meeting for completeness only.

Resolution

There are no resolutions to discuss at this time.

Public Hearings

There were no Public Hearings scheduled at this time.

Sub-Committee Status and Updates:

Ongoing - Holland Township Highlands Council Subcommittee – Per Mike Keady had received a copy of the Highlands Council exemption ordinance. You can pick and choose how you want to move forward. Currently an applicant goes to the Highlands Council and the review is done for free. If we

decide to do some things in house then Holland Township has to decide how to pay for that. The town does have the option to create an escrow to be used against time spent reviewing an application. Secretary Kozak and Zoning Officer Creveling are trained as is Planner McKenzie and staff at Maser Consulting. Deputy Mayor Bush is in favor of the professionals doing the review with the engineer reviewing first and then the planner. After some discussion, Mike Keady will look into the best way to move forward with the situation.

Secretary Kozak has been working with the Engineer on updating the checklists. This has been an ongoing project that was on hold and then rekindled. The Highlands Council presented Holland with some changes to the existing checklist that are just housekeeping changes. After some additional discussion, it was decided that as soon as Secretary Kozak has the modifications to the checklist that she will submit them to the board members for review but that the project will not move forward with a recommendation to the Township Committee to move forward with adoption until next year.

Public Comment

Ted Harwick – Bellis Road. He thinks we should help the tax payer and the citizens. The Highlands Council wants the towns to own certain Highlands exceptions and we should explore the options.

Executive Session

There was no Executive Session scheduled at this time.

Adjournment

Dan Bush made a motion to adjourn. Motion approved. The meeting ended at 8:05 p.m.

Respectfully submitted,

Maria Elena Jennette Kozak
Secretary