

Holland Township Planning Board

Minutes of the Regular Meeting

April 9, 2018

The meeting was called to order by the Chairman Rader:

"I call to order the April 9, 2018 Regular 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 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 Rader asked all to stand for the Pledge of Allegiance

Identification of those at the podium

Present: Dan Bush, Casey Bickhardt, Ken Grisewood, Dave Grossmueller, Michael Keady, Mike Miller, Carl Molter, Dan Rader, Tom Scheibener, Duane Young, John Gallina, Esq., Bill Burr, Engineer, Darlene Green, Planner, and Court Reporter Donna Mackey (for Lucille Grozinski, CSR) and Maria Elena Jennette Kozak, Secretary.

Excused Absent: Elizabeth McKenzie, Alternate Planner (excused per the Chairman).

Let the record show there is a quorum.

Minutes

A motion was made by Mike Miller and seconded by Tom Scheibener to dispense with the reading of the minutes of the February 12, 2018 meeting and to approve the minutes as recorded. All present were in favor of the motion with the exception of Ken Grisewood who abstained. Motion carried.

Old Business:

- Block 24 Lot 3 and 13 – Huntington Knolls LLC – request modification of conditions that are considered "insignificant conditions" in the Board's prior Resolutions – Ken Grisewood and Mike Keady recused themselves and left the meeting. This portion of the meeting started at 8:20 pm.
 - Applicant Attorney Alexander Fisher was present. Attorney Fisher reminded the board that this application is a five (5) phase project with approximately 130 units of which some represent an Affordable Housing component for the Township. The applicant is interested in doing a few insignificant changes.

April 2, 2018

VIA E-MAIL

Maria Elena Kozak

Holland Township Planning Board Secretary

61 Church Road

Milford, NJ 08848

Re: Huntington Knolls, LLC — Holland Township
Planning Board Block 24, Lots 3, 13 & 13.01 —
Holland Township

Dear Ms. Kozak:

As you are aware, this firm represents Huntington Knolls, LLC ("Huntington Knolls") with regard to this matter. I am in receipt of e-mail correspondence from Board Engineer Richard Roseberry, P.E. dated March 30, 2018 and write in response thereto.

Initially, I would like to clarify that Huntington Knolls is not seeking an

amended or modified phasing plan for this project at this time. Any such reference in the March 29, 2018 report of Andrew Holt, P.E. is merely a matter of phrasing and should not be intended as a request to amend the phasing plan unless and until such time as the applicant formally makes such a request. To be clear, the applicant seeks the following insignificant modifications/clarifications of conditions at the April 9, 2018 meeting:

Clarification as to why permits are being withheld for the construction of one townhouse building for office/model use pursuant to Paragraph 8 of the September 8, 2014 resolution, when the Board gave permission to obtain a Construction Permit "upon grant of preliminary site plan approval" and "notwithstanding any other provision of this Resolution" and, if required, a modification of that condition to ensure that a Construction Permit may be promptly issued.

A modification of the conditions in the September 8, 2014 and November 13, 2014 Resolutions to permit the immediate issuance of permits for the construction of the Phase III detention basin.

A modification of the conditions in the September 8, 2014 and November 13, 2014 Resolutions to permit the immediate issuance of permits for rough grading of the Road from Station 7+00 to 5+00. A modification of the conditions in the September 8, 2014 and November 13, 2014 Resolutions to permit the immediate issuance of permits for installation of required site utilities.

A modification of the conditions in the September 8, 2014 and November 13, 2014 Resolutions to permit the deferral of the construction of the Phase II detention basin until the issuance of the first Certificate of Occupancy for a Phase III building, except for a temporary Certificate of Occupancy for the model townhouse building.

It is our position that each of these requests constitutes insignificant modifications and/or clarifications and can and should be acted upon favorably by the Board at the April 9, 2018 meeting.

It is our position that each of these requests constitutes insignificant modifications and/or clarifications and can and should be acted upon favorably by the Board at the April 9, 2018 meeting.

It has also come to our attention that Mr. Roseberry will not be available to attend the April 9, 2018 Planning Board Meeting. We remind the Board that this is the Township's only affordable housing development and forms the core of the Township's compliance with its Mt. Laurel obligations. The Board thus has a responsibility under Section 14(b) of the Fair Housing Act and N.J.A.C. 5:9310.1 and 10.2 to expedite all hearings and approvals, eliminate any unnecessary cost-generating requirements and work with and assist the applicant to realize the production of affordable housing. In light of these requirements, it would be appropriate (and incumbent upon the Board) to have the Board's alternate/conflict engineer attend the meeting if Mr. Roseberry is not available. It would represent both an act of bad faith and a failure to comply with the Fair Housing Act and COAH regulations should the Board decline to provide a full and fair hearing on each of these requests for insignificant modifications due to the absence of the Board Engineer.

In conclusion, we reiterate that it is the Township's responsibility under the Fair Housing Act to expedite and approve the requests pursuant to Section 14(b) of the Fair Housing Act and N.J.A.C. 5:93-10.1 and 10.2. Please do not hesitate to contact me if you have any questions or concerns regarding this matter.

It is worth noting for the record that we were advised by the Board Secretary of the availability of the April 9, 2018 meeting at 12:15 PM on March 27, 2018. Curiously, the

deadline for submitting notice for publication in the Hunterdon County Democrat necessary to provide 10-days' notice for the April 9, 2018 meeting was March 27, 2018 at noon.

- Engineer Burr of Maser Consulting provided a letter dated April 4, 2018 which was submitted for discussion. In summary....

MEMORANDUM

To: Members of the Holland Township Planning Board

From: C. Richard Roseberry PE, PP, AICP

Date: April 4, 2018

**Re: Huntington Knolls
Block 24, Lots 3, 13 & 13.01
Holland Township, Hunterdon
County, NJ MC Project No. HLP-002**

Dear Members of the Planning Board:

Our office has received the following several pieces of correspondence regarding a request for “insignificant” changes to the Huntington Knolls development plan:

- April 2, 2018 letter from Alexander G. Fisher to Maria Elena Kozak. regarding a clarification that the applicant is not seeking approval to revise a phasing plan.
- March 16, 2018 letter from Alexander G. Fisher to Maria Elena Kozak. regarding several requests related to the development application.
- A report entitled “Water System Design Recommendation Report for Huntington Knolls LLC Development Project” dated March 2018, prepared by Suburban Consulting Engineers.
- March 29, 2018 letter from Suburban Consulting Engineers to Huntington Knolls LLC regarding the water system design.

Request #1:

“Clarification as to why permits are being withheld for the construction of one townhouse building for office/model use pursuant to Paragraph 8 of the September 8, 2014 resolution, when the Board gave permission to obtain a Construction Permit "upon grant of preliminary site plan approval" and "notwithstanding any other provision of this Resolution" and, if required, a modification of that condition to ensure that a Construction Permit may be promptly issued.

Our office is unaware of any applications being made for the construction of a townhouse building on the site or any denials of such application. The September 8, 2014 resolution grants “conditional” preliminary approval of the development. Paragraph D on Page 4 of the resolution states that preliminary approval of Phases III and IV, subject to all conditions of the Master Resolution, as last amended September 8, 2014...”

On May 17, 2017, our office provided a summary memo of the status of the conditions of approval. There are still many conditions of the approval that have not been satisfied. Once the conditions of the resolution are satisfied, we would expect that construction can begin.

Request #2

“A modification of the conditions in the September 8, 2014 and November 13, 2014 Resolutions to permit the immediate issuance of permits for the construction of the Phase III detention basin.”

We have no objection to the applicant constructing a detention basin on the site, but question why they would want to undertake a task without having a final engineered plan. The design of the detention basin may change when the plans are revised to address the conditions of the resolution. If the Board approves this request, we would recommend that the developer acknowledges that it is being done solely at his own risk as the design of the basin may change.

Request #3

“A modification of the conditions in the September 8, 2014 and November 13,2014 Resolutions to permit the immediate issuance of permits for rough grading of the Road from Station 7+00 to 5+00.”

We have no objection to the applicant moving dirt on the site. As above, we question why they would want to undertake a task without having a final engineered plan. If the Board approves this request, we would recommend that the developer acknowledges that it is being done solely at his own risk as the design of the road may change.

Request #4

“A modification of the conditions in the September 8, 2014 and November 13,2014 Resolutions to permit the immediate issuance of permits for installation of required site utilities.

There are many conditions of the prior resolutions that have not been satisfied. Most notably related to the utilities is the lack of a fully engineered water system. Our office cannot support the applicant installing any utilities on the site until the plans are fully engineered and all conditions of the resolution are satisfied. **Request #5**

“A modification of the conditions in the September 8, 2014 and November 13,2014 Resolutions to permit the deferral of the construction of the Phase II detention basin until the issuance of the first Certificate of Occupancy for a Phase III building, except for a temporary Certificate of Occupancy for the model townhouse building.”

Phase II of the development consists of the construction of the farmette building. Prior to occupancy of the farmette, the applicant was required to satisfy several conditions of the resolution for preliminary approval of Phase II dated September 8, 2014. These conditions have not been satisfied and we understand the farmette has been occupied. The approved stormwater management plan for the entire development (including the farmette) required the construction of a bio-retention basin in the vicinity of the farmette. This basin has not been constructed.

The stormwater management facilities for the farmette should have been installed prior to its occupancy. We do not see any benefit to deferring the basin construction, only detriments caused by the unmanaged and untreated stormwater from the farmette continuing to flow into the stream. As any modifications to the stormwater management design will also require the applicant to get a revised approval from the DEP. In our opinion, the likelihood of the bio retention basin on the farmette lot being eliminated is slim.

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

Maser Consulting also prepared a memo dated May 3, 2017 which is also a reference for this application. **MEMORANDUM**

To: Members of the Holland Township Planning Board

From: C. Richard Roseberry P.E., A.I.C.P.

Date: May 17, 2017

Re: Huntington Knolls–Technical Review #6 (Phases 2 & 3) and Technical Review #4 (Phase 4)

Block 24
Lots 3, 13 &
13.01 MC
Project No.
HLP002

Dear Members of the Holland Township Planning Board:

Our office has received a revised set of plan for the above referenced project. The plans are a *partial* set of site plans titled “Huntington Knolls, LLC Block 24, Lots 3 & 13, County Route 519, Holland Township, Hunterdon County, NJ”; prepared by Stephen M. Risse, NJPE No. 34795, dated August 22, 2016, with no revisions.

It should be noted the current plans consisting of 14 sheets were prepared for the purpose of obtaining approval from the DEP. These plans have differences from the previous set of plans consisting of 48 sheets prepared by Robert Zederbaum last revised January, 2015. Prior to final approval of any phases of the development a complete set of revised plans shall be submitted detailing all the revisions and conditions of approval.

In addition to the above referenced plans, our office has received the following:

- A copy of NJDEP Permit numbers 1015-01-1001.2 FHA160001 and 1015-01-1001.2FWW16001. These permits grant permission for the improvements to the access road; to construct stormwater management facilities; and to install a water main and sewer line crossing of the unnamed tributary to the Spring Mills Brook.
- A report titled “Supplemental Stormwater Management Report for the Site Plan for Huntington Knolls, prepared by Stephen M. Risse, PE dated January 11, 2016, with no revisions;
- A report titled “Stormwater Maintenance & Repair Manual” prepared by Stephen M. Risse, PE dated December 22, 2016, with no revisions;
- An engineer’s cost estimate prepared by Stephen M. Risse PE, dated May 5, 2017, with no revisions;

In 2014, the Planning Board adopted several resolutions for this development, which have been used as the basis of our review.

- On May 12, 2014, the Board adopted a resolution setting forth one set of conditions modifying all of the conditions of prior resolutions and superseding the prior conditions. On September 8, 2014, the Board adopted a resolution with further modifications to the conditions of the May 12, 2014. This resolution granted preliminary approval of Phase II of the development to construct a farmette, subject to conditions.
- The last resolution of the Planning Board for the development occurred on November 10, 2104 granting preliminary approval for Phases III and IV.

COMPLIANCE WITH THE MAY 12, 2014 RESOLUTION:

1. *The 2003 preliminary approval of the comprehensive planned development plan, which was schematic as to the details and specifications of the development, did not, in and of itself, grant any vested rights to the Applicant with respect to the details and specifications of the development. That approval was and is subject to and shall be modified by the details and specifications approved as part of the subsequent preliminary and final site plan approvals for the various phases of the development, except that any phase of the development involving the construction of a single-family dwelling (and its appurtenances) on a separate lot is not subject to site plan review as to the development of that separate lot. The 2003 approval of the comprehensive planned development plan specifically did not exempt the Applicant from complying with, nor did it exempt the Township from enforcing, any development requirements relating to the NJDEP's adoption of stormwater management and water quality regulations unless such regulations themselves provide for such exemption as to any phase of the development that may have already received a preliminary and/or final site plan approval.*

The applicant has received approval from the NJDEP for the stormwater management plan.

2. *The 2003 preliminary approval of the comprehensive planned development plan was a*

general plan approval of the approximate locations of the various elements of the planned development, but preliminary and final site plan review and approval shall be required to be granted for each phase of the development before the construction of any element of that phase of the planned development.

This comment has not been completed as requested. The applicant has obtained preliminary approval for Phases II, III, and IV. He has constructed the farmette building but has not yet complied with the conditions of the September 8, 2014 resolution and has not obtained final site plan approval for Phase II. Based on our understanding, the building is currently occupied.

3. *No variances other than the two variances specifically approved as part of the 2003 preliminary approval of the comprehensive planned development plan are to be considered approved even if other deviations may have appeared on the schematic plan submitted with the application for preliminary approval of the comprehensive planned development plan.*

Based on the current plans, it appears a variance may be needed for the requirement to provide recreational facilities on the site.

In the event of any changes to the approved comprehensive planned development plan or to any approved preliminary site plan for any phase of the development resulting from NJDEP requirements or permit reviews, the modified plan is required to be resubmitted to the Planning Board. If the required changes to the plan are substantial, or if the Planning Board determines that the plan should be substantially revised as a result of modifications required by the NJDEP, the Planning Board may require a new site plan to be submitted by the Applicant.

Based on our review of the recent plans, the revisions required by the DEP do not constitute a “substantial” plan change. Regardless, the revisions should be resubmitted to the Planning Board for review.

5. *The Township of Holland has proposed and will continue to advocate with the Hunterdon County Planning Board and the Highlands Council to have the entire Huntington Knolls development included within the Township's sewer service area as shown in the amended Areawide Wastewater Management Plan that is currently being prepared for submission to the NJDEP, consistent with the Township's adopted Housing Element and Fair Share Plan. To the extent amendment(s) may be required to the previously issued TWA for this development to accommodate changes in the uses and number of bedrooms proposed, the Township of Holland shall also support such amendment(s).*

This is an ongoing condition of the approval.

6. *The Applicant is now proposing a total of up to 133 residential units on Lots 3 and 13, and, pursuant to the approval of the Conversion Plan in 2011, none of these units is required to be age-restricted.*

The development is now comprised of the following five (5) phases:

- a. *Phase I consisted of Lot 13.01, a 20.0 acre lot, which was previously subdivided from the balance of the tract and is now developed with a single-family dwelling. It has been represented by the Applicant that this lot is now owned by a group home provider who may be operating a group home on the premises. This lot is no longer considered part of the planned development tract, although conservation easements were required to be placed on portions of the lot as a condition of subdivision approval.*

No changes have occurred to Phase 1 of the development.

- b. *Phase II consists of open space associated with the development on the remaining 67.16 acres encompassed by the balance of Lot 13 together with Lot 3 as well as a proposed farmette (one dwelling unit with appurtenant outbuildings), to be served by a well and septic system and to be accessed off the existing driveway into the tract, which also serves Lot 13.01. The farmette and its curtilage have not been approved for subdivision from the balance of the tract.*

No changes have occurred to Phase II of the plan, except for the addition of a bio retention basin that has yet to be constructed.

*Phase III consists of the development of 44 townhouse units and a minimum of 11 apartment units (minimum of 55 units) located in the north end of the tract. Phase III also encompasses the construction of all of Claremont Drive, all of the proposed recreational facilities and areas serving the development, and the required perimeter buffering and stormwater detention facilities. **Minor changes have occurred to the number of units to be constructed in Phase III. It should be noted that the recreational facilities have been reduced in size and content with the current plans.***

- d. *Phase IV consists of up to 15 additional apartment units also located in the north end of the tract as well as 62 additional townhouse units, the latter to be accessed via a driveway system off Claremont Road and located in the southwestern corner of the tract.*

Minor changes have occurred to Phase IV.

- e. *Phase V consists of a 12.63 acre commercial portion of the development that is largely constrained by wetlands and required wetlands transition areas but that includes an existing brick tavern and an existing barn. These structures are permitted to be restored and adaptively reused for any of the types of commercial uses allowed in the district, subject to site plan approval.*

No changes have occurred to Phase V.

7. *Pursuant to the 2011 Conversion Plan approval (and as required by law), 20 percent, or 26.6 units out of the total of 133 units approved for this development by the Planning Board, are required to be affordable to low and moderate income households in full compliance with all of COAH's requirements and the UHAC. The Applicant proposes to address the affordable housing set-aside requirement with 26 rental apartments available to the general public, to be constructed in Phases III and IV of the development, unless the Applicant can demonstrate that the six (6) bedrooms in the group home on Lot 13.01, created as Phase I of the development, satisfy all of the applicable requirements for crediting against Holland Township's fair share obligation as set forth at N.J.A.C. 5:97-1, et seq. (or any subsequent rules and regulations in effect at the time the creditworthiness of the group home is demonstrated), N.J.A.C. 5:80-26.1, et seq., and the Fair Housing Act, as amended. If this is the case, the Applicant need only construct 20 low and moderate income rental units, with no change in the number of market units permitted to be constructed. The 0.6 fraction of an affordable unit that is required based on a 20% set-aside within a 133 unit development may either be satisfied with one additional affordable unit (and one fewer market unit) being provided within the development or with a pro-rated in lieu payment into the Township's affordable housing trust fund.*

The plan for providing the affordable units shall include an identification of the locations of the units, sizes (number of bedrooms), utility systems, provisions for accessibility and compliance with all other applicable COAH and UHAC requirements, including COAH's phasing requirements for the construction of the affordable units. The COAH phasing requirements shall be separately and independently met within each of Phases III and IV of the development, and the Developer's Agreement(s) with Holland Township shall include a schedule for the construction and occupancy of the affordable units versus the market units within each phase that is both fair to the applicant considering the specifics of the project and also reflects COAH's intentions with respect to the timing of the completion of the affordable units. All of the affordable units shall comply with all requirements set forth at N.J.A.C. 5:97-1, et seq., N.J.A.C. 5:80-26.1, et seq., and the Fair Housing Act, as may be amended or superseded through the date of the issuance of Construction Permits for the affordable units.

This condition remains unsatisfied. A Developer's Agreement is required prior to any work starting on the site

8. *The proposed development is a planned development. No final site plan approval shall be granted for any phase of the planned development unless the Board finds that such phase will comply with N.J.S.A. 40:55D-45e. and with all of the requirements of Holland Township's Land Use Code and the Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.). Prior to final site plan approval for each phase, the improvements required for that phase shall either be installed, inspected and approved by the Township Engineer or a performance bond shall be issued to cover the cost of such improvements pursuant to N.J.S.A. 40:55D-53, and no Certificate of Occupancy shall be*

issued for any dwelling unit in any phase until all improvements associated with that phase have been substantially completed as defined and regulated at N.J.S.A. 40:55D-53 (which specifically excludes the top or surface course of street pavement), provided that the installation of landscaping, may, in the discretion of the Township Engineer, be deferred to an appropriate planting season, if all other required improvements have been substantially completed. Notwithstanding any other provision of this Resolution, upon the grant of preliminary site plan approval for Phase III of the development, the Applicant may obtain a Construction Permit for and may construct one townhouse building to be used and occupied as an office and model for sales or leasing promotions, but no part of such building shall be permitted to be sold or rented or otherwise occupied for residential purposes until all required improvements associated with Phase III have been substantially completed.

This condition remains unsatisfied. The applicant has constructed and occupied the farmette without obtaining final site plan approval for Phase II. A bio retention basin is to be constructed immediately downhill of the farmette to comply with the township's stormwater management regulations. The applicant is required to submit an application for Final Site Plan approval for Phase II and provide a cost estimate of the work, bonding, and inspection fees.

9. *The issuance of a Certificate of Occupancy for the farmette in Phase II of the development shall not require the construction of any portion of Claremont Drive. A maintenance easement and agreement for the existing driveway shall be submitted to the Board for review and approval and shall be recorded prior to the issuance of a Certificate of Occupancy for the farmette in Phase II of the development. Should the development of Phase II occur prior to the construction of the stormwater management facilities that are proposed as part of Phase III of the development, then an appropriate stormwater management plan shall be prepared and implemented for Phase II, as a condition of the grant of a Construction Permit for Phase II and based on the approval of the Phase II stormwater management plan by the Township Engineer.*

10. **This condition remains unsatisfied. The applicant has constructed and occupied the farmette without submitting a maintenance easement or agreement. In addition, the farmette has been occupied without implementing a stormwater management plan for Phase II.** *The required commercial portion of the development shall be deemed satisfied by the creation of a 12.63 acre commercial portion of the development tract encompassing the existing brick tavern and the existing barn. These structures may be restored and adaptively reused for any of the nonresidential uses permitted within the district, subject to site plan approval. The front yard setback variance related to the placement of the existing tavern building was approved on the condition that the existing building be retained, restored and adaptively reused. If the existing building cannot be converted to a permitted use and is to be demolished, then such demolition would be deemed an abandonment of the previously granted front yard setback variance.*

This condition remains unsatisfied. The applicant is required to prepare and record the minor subdivision plan (boundary line adjustment) to create the 12.63 acre lot.

11. *Since 2003, the amount of open space to be provided within the development has been reduced from 34.55 acres or 42.36 percent of the original 87 acre tract, to 27.26 acres or 41 percent of the now 67 acre tract, due to the approval of the subdivision of Lot 13.01 from the tract. The new open space figure is acknowledged to be in excess of the minimum open space requirement of 35 percent of the tract, and the Planning Board recognizes that the areas currently designated as open space may need to be modified as future phases of the development are refined and approved by the Planning Board, provided that under no circumstances shall the designated open space comprise less than 35 percent of the tract area. All currently proposed open space areas, regardless of their future ownership, are to be as shown on all approved site plans, with calculations. Documents addressing the reliability of the provisions for the ownership, maintenance and conservation of the open space in the development shall be submitted to the Planning Board and Township Committee for review prior to final approval for Phase II of the development. These documents may include, at the discretion of the Applicant and with the formal agreement of the Township Committee, documents indicating an intention to convey all or a portion of the open space to the Township of Holland. Any subdivision or conveyance of land within the area encompassed by the planned development prior to the approval and filing of such documents shall be accompanied by an appropriate deed restriction ensuring that the future owner of such land is subject to and bound by all terms and conditions of approval of the planned development, including the imposition of conservation easements and/or permanent deed restrictions,*

as needed.

Open space areas shall be subject to such conservation easements or permanent deed restrictions as may be required to effectuate the preservation of such open space, and such conservation easements or deed restrictions shall reflect that no other use shall be permitted thereon except for those open space and recreational uses as may be expressly permitted pursuant to the preliminary and/or final site plan approval(s) granted by the Planning Board. The conservation easements or deed restrictions shall run in favor of and be enforceable by Holland Township as well as any open space organization established (or Homeowners' Association that may be established) to own and maintain such open space.

Certain areas of Lot 13.01 were required to be and shall remain permanently protected by a conservation/tree protection easement in favor of both the owner of (or any Homeowners' Association established for) the Huntington Knolls development and the Township of Holland.

12. **This condition remains unsatisfied.** *The Applicant shall provide the Board with records of water usage for all completed and occupied units in Phase III within six (6) months of occupancy. Such records shall be obtained from Aqua New Jersey or its successor utility based upon monthly metering data. The Planning Board reserves the right to require the applicant to make any modifications needed and appropriate to reduce water usage in Phase IV, if water usage in Phase III is found to exceed the projections of water usage, in order to maintain consistency with NJDEP permits and requirements.*

This condition does not become effective until Phase III units are occupied.

13. *The Applicant shall prepare and submit a revised landscaping plan for each phase of the development. The revised landscaping plan for Phase III shall include the proposed tract perimeter buffer plantings for all phases of the development which tract perimeter buffer plantings shall be designed to supplement rather than replace existing vegetation. Such tract perimeter buffer plantings shall be installed and inspected for compliance with the approved landscaping plan prior to the grant of any Certificates of Occupancy for Phase III of the development. A previous condition requiring landscaped berms to be provided in all perimeter buffer areas is hereby stricken in favor of preserving and supplementing existing hedgerow vegetation wherever possible.*

All species of landscape plantings used shall be deer resistant, non-invasive and viable where proposed to be planted.

To the extent permitted by the NJDEP, detention basins shall be landscaped to screen and soften the impact of the land disturbance involved in creating them.

All areas disturbed for construction shall, upon completion of that portion of the development, be graded and stabilized and planted as open lawn with an approved turf mix or sod over an appropriate layer of topsoil and shall be maintained in this condition until these areas are ready for the installation of the landscaping approved for the applicable phase of the development.

This condition remains unsatisfied. The applicant had previously provided a landscaping plan prepared by a Landscape Architect. The current plans have revised the landscaping plan and have been prepared by a professional engineer. The plans do not provide the tract perimeter buffer plantings.

A set of proposed Homeowners' Association documents shall be submitted for review and approval by the Planning Board and Township Committee prior to the grant of a Certificate of Occupancy for any unit to be occupied as a dwelling in Phase III of the development (i.e., not including the units in the model building) unless the applicant has previously declared his intention to rent the market units within the development instead of selling them. These documents shall include, but shall not necessarily be limited to, the proposed By-Laws and Declarations of Covenants and Restrictions. These documents (or in the event the units are rented) any residential leases issued by the owner shall include a prohibition against the use of garage space in any manner that precludes the storage and garaging of the number of passenger vehicles each garage is designed to accommodate, including a prohibition against the conversion of garage space to living space; shall prohibit the storage of boats and recreational vehicles within any portion of the development; and shall limit fireplaces, if provided within the dwelling units, to non-wood-burning, non-coal-burning or non-charcoal-burning models.

This condition remains unsatisfied.

15. *The Applicant has represented to the Board that all roads in the development will be privately owned and maintained, and the Board accepts and includes this representation as part of its approval of any phase of the development. Consequently, all plans and all Homeowners Association documents for Phases III and IV of the development, if applicable, shall reflect that the owner and/or Homeowners' Association will be responsible for the maintenance of all of the on-site improvements proposed in Phases III and IV, including the proposed stormwater collection and detention system, the sanitary sewage collection system, street and area lighting, and all landscaping and buffer areas. All plans for Phase V and any documents related to the ownership or occupancy of the commercial development in Phase V shall reflect that the owner(s) of Phase V shall own and maintain all improvements associated with Phase V, including the stormwater management and sanitary sewer systems, located therein. Any other provisions for maintenance of common and proprietary facilities within the development shall be subject to review and approval by the Planning Board and Township Committee.*

This condition remains unsatisfied.

16. *The lighting fixtures to be used along the streets within the development shall be the Sternberg Old Town, Model A850, with Augusta, Model 4200, poles, or their approved equivalent, and that the Old Town lighting fixtures shall be furnished with Sternberg "NightSky" optical systems to reduce the potential for sky glow and glare. Plan notes shall indicate: 1) that the wattage of the lighting fixtures shall be reduced by Applicant upon request of the Planning Board based upon the Board's finding that the lighting given off by such fixtures is unnecessarily bright or causes glare or sky glow at any time after the fixtures are installed and operational; and 2) that none of the proposed outdoor recreational areas or facilities shall be lighted for night play.*

The RBZ plans contain the light fixture specified above. The current plans do not show the light fixtures. Prior to final site plan approval, a fully revised set of plans incorporating all of the revisions, including the light fixtures should be submitted to the Board.

17. *The proposed water system shall be looped in accordance with RSIS standards (N.J.A.C. 5:21-1, et seq.) and to have adequate water storage for firefighting purposes. The looped portion of the water main shall be constructed in Phase III of the development.*

18. **This condition remains unsatisfied. The current plans do not contain a plan for water lines. Based on communication with the applicant, we understand they do not intend to install hydrants but plan to install a 20,000 gallon water tank near Route 519. The plan that was used as the basis of the preliminary site plan showed 8" looped water lines and hydrants. Section 100-173 of the Land Use Ordinance states "Wherever a central water supply system services a development, provisions shall be made for fire hydrants along streets and/or on the walls of nonresidential structures...". A fully engineered water system design shall be provided, including hydrants, with flows and pressures suitable for both domestic water and firefighting.** *The appearance of buildings in the development shall reflect the approved architectural plans for the development. Any substantial architectural changes to the exterior appearance of any of the various buildings from the architectural elevations approved by the Planning Board must be submitted to the Planning Board for approval, with the term "substantial" referring to changes in roofline, fenestration placement or style, building materials and colors. Otherwise the buildings shall be required to maintain the general appearance reflected on the architectural elevations approved by the Board in June of 2006 for the townhouse buildings. Architectural elevations and floor plans shall be submitted to and approved by the Board for the apartment buildings prior to approval of the Phase III revised final site plan and both the townhouse and apartment architectural plans shall be fully dimensioned as to the height, width and depth of the buildings.*

This condition is effective prior to approval of Phase III.

19. *To the extent feasible, given the tract's topography, townhouse units shall be designed so that each dwelling has direct access from the living space within the unit to a private side or rear outdoor area. The site plan for Phases III and IV of the development shall show how this will be accommodated and for which units.*

This condition remains unsatisfied. The plans are based on "conceptual" building footprints.

20. *Sufficient recreational facilities shall be provided and shall be shown on the final site plan for Phases II and III to meet the needs of a non-age-restricted community. The outdoor recreational areas and facilities that had been shown on the plans for the age-restricted development shall be at least doubled to meet this requirement and shall be subject to approval by the Board as part of its approval of the final site plan for Phases II and III. Any preliminary site plan approval granted for Phase II shall be subject to modification at the time of final approval to accommodate such additional recreational facilities and any associated parking or access improvements as may be approved by the Planning Board.*

This condition remains unsatisfied. The recreation areas have been reduced from the prior plans. The original age-restricted plan proposed two (2) play areas with swing sets, grills, 840 LF of trails, and a tennis/basketball court. The RBZ plan proposed four (4) play areas, 1,877 lf of trails, and an 8,525 s.f. grass area. The proposed plan contains an 18,222 s.f. grass area, with no formal recreation facilities. Section 100-91.14E.(3) requires “Not less than 5% of the developed area of the PSV, and excluding public open space lands, shall be developed for outdoor recreational use. This may include swimming pools and related facilities, shuffleboard and horseshoe courts, tennis courts and other appropriate facilities and the immediately surrounding lawns and parking areas”.

21. *To the extent that the approvals encompassed in this Resolution include any de minimus exceptions from, or agreements to exceed, any of the standards set forth in the Residential Site Improvement Standards (N.J.A.C. 5:21, et seq.), the Applicant shall have the obligation to notify the Commissioner of the Department of Community Affairs of such exceptions or agreements pursuant to N.J.A.C. 5:21-3.1 and 5:21-3.6, respectively.*

This remains an on-going condition of approval. Any reasonable conditions attached to the technical review and Planning Board's approval of the final site plan(s) for Phases II through V of the development shall be in addition to the conditions set forth herein pertaining to all prior approvals as modified herein.

We have summarized the current status of our technical review later in this memo.

23. *The following outside agency approvals are required to be granted, if they have not already been received, as a condition of any subdivision or site plan approval granted by the Township of Holland for any phase of the development requiring subdivision or site plan approval, and prior to the issuance of any Construction Permit for the applicable phase except as specifically provided herein or in any subsequent resolution(s) approved by the Planning Board:*

- a. *Hunterdon County Planning Board approval.*

Hunterdon County has issued a “Conditional Approval Not to Construct” memo.

- b. *Hunterdon County Soil Conservation District approval.*

Hunterdon County Soils has granted plan certification. We note that the certification was based on a 2014 plan set. A current revised set of plans should be submitted to them for review.

- c. *All applicable New Jersey Department of Environmental Protection permits and approvals, including, but not necessarily limited to:*

- 1) *Wetlands Disturbance. **Obtained***
- 2) *Flood Hazard Area Disturbance. **Obtained***
- 3) *Dam Safety. **Not Applicable***
- 4) *TWA for Sanitary Sewer Extension. **Obtained***
- 5) *Amended TWA for additional units in Phase III. **Only for Phase III and IV of the project.***
- 6) *RFA General Permit for Construction Activities. **Obtained***
- 7) *Water Extension. **Unsatisfied***

- d. *Approval of the proposed water supply, storage, and distribution system design and details by Aqua New Jersey, Inc., the NJDEP and the Holland Township Fire Chief.*

This condition remains unsatisfied. No plans, details, or calculations have been

submitted in regards to the proposed water system.

24. *No lot or dwelling unit in the development shall be conveyed unless and until all applicable deed restrictions, easements and covenants required by this Resolution have been duly recorded or, in the alternative, that the lot or dwelling unit in question has been suitably deed restricted in recognition of its being part of a planned development and thereby subject to any such deed restrictions, easements and covenants that might be required by the Planning Board to ensure compliance with N.J.S.A. 40:55D-45.*

25. **This condition remains unsatisfied and the applicant may be in violation of this condition due to the occupancy of the farmette.** *Prior to receiving any final approval, a cost estimate shall be provided by the Applicant's Engineer for review and approval by the Township Engineer. A performance guarantee in the amount of one hundred twenty (120) percent of the approved cost estimate shall be posted with the Township, of which ten (10) percent shall be in cash. The Applicant shall also post a municipal inspection fee deposit in the amount of five (5) percent of the approved cost estimate.*

A cost estimate has been provided, but it is premature to review until the conditions of preliminary approval are satisfied and a final site plan application is submitted for Phases II and III.

26. *As a condition of approval for any phase(s) of the development, the Applicant shall confirm with the Planning Board Secretary that all required property tax payments, application and escrow fees are current. All review and inspection escrow accounts shall be maintained with a positive balance by the developer. Upon a finding that the property taxes are overdue or upon depletion of the escrow account, no further reviews will be undertaken and no further inspections will be made until the account is brought up to a positive balance, and, if the site is under construction, a stop work order may be issued by the Township until the escrow account is brought up to a positive balance and all overdue property taxes have been paid.*

This is an ongoing condition of the approval.

27. *This Resolution shall not take effect unless and until all outstanding professional review fees, escrow fees and taxes are paid up and Applicant's accounts are current.*

This is an ongoing condition of the approval.

28. *Prior to the grant of final approval for any phase of the development, the applicant shall have complied with all of the technical comments and recommendations of the Board's professionals with respect to the design of such phase(s), and the Resolution approving such phase shall include not only reasonable conditions pertaining to the development of such phase(s) but also compliance with all of the foregoing conditions set forth in this Resolution, to the extent that such conditions have not yet been met and therefore remain applicable.*

This condition remains unsatisfied.

29. *As a condition of final approval for any phase of the development, the Applicant shall enter into a Developer's Agreement with the Township of Holland addressing how all of the conditions of such final approval and of this Resolution will be met with respect to that phase.*

This condition remains unsatisfied.

COMPLIANCE WITH THE SEPTEMBER 8, 2014 RESOLUTION:

1. *The grant of preliminary approval for Phase II of the development is limited to the locations of the proposed farmette dwelling and the well and septic system needed to serve the dwelling but does not include approval at this time of the curtilage of the farmette or the locations of any outbuildings, and the Board reserves the right to require modifications to the Phase II portion of the plans following the grant of this preliminary approval based upon the Board's ongoing review and eventual approval of the revised plans for the development as a whole, including but not limited to the possible inclusion in Phase II of additional open space areas, recreational areas and uses, parking to serve such recreational areas and uses, and stormwater management and drainage improvements, and to include any modifications or changes that may be required by outside agencies having jurisdiction over the application.*

This is an ongoing condition of the approval.

2. *The following outside agency approvals are required to be granted, if they have not already been received, as a condition of preliminary approval of Phase II:*

- a. *Hunterdon County Planning Board approval. **Not Obtained***
- b. *Hunterdon County Health Department and Holland Township Board of Health approval of the well and septic system. **Not Obtained***
- c. *Hunterdon County Soil Conservation District approval. **Obtained***
- d. *All applicable New Jersey Department of Environmental Protection permits and approvals, including, but not necessarily limited to:*
 - 1) *Wetlands Disturbance. **Obtained***
 - 2) *Flood Hazard Area Disturbance. **Obtained***
 - 3) *RFA General Permit for Construction Activities. **Obtained***

3. *The Planning Board has no objection to the issuance of a Zoning Permit and a Construction Permit for the farmette dwelling and its appurtenant agricultural outbuildings only, provided said structures are all to be located southwest of the driveway (as shown on Exhibit A-1 for Phase II, dated September 8, 2014), prior to the Applicant's having obtained all of the above- listed outside agency approvals required for Phase II, if the issuance of such permit(s) is deemed appropriate by the Zoning Officer and by the Construction Official, in the individual and sole discretion of each, and is at the Applicant's own risk, provided, however, that no Certificate of Occupancy shall be issued for the farmette dwelling and no final approval shall be granted for Phase II unless and until all Township and outside agency approvals pertaining to Phase II have been obtained.*

This condition has not been satisfied and the applicant may be in violation of this condition due to a certificate of occupancy being issued for Phase II without final site plan approval of Phase II and not satisfying all conditions of the Phase II approval.

4. *If the permits/approvals issued by the NJDEP or by the Hunterdon County Planning Board required modifications to the driveway and/ or to the construction of a portion of Claremont Road or County Route 519, the Applicant shall post bonds and inspection fees consistent with conditions #7 and #24 of the Planning Board's Resolution adopted May 12, 2014, as amended by the Resolution adopted by the Planning Board on September 8, 2014, which now includes such conditions as conditions #8 and #25.*

5. **This condition has not been satisfied pending Hunterdon County Planning Board approval of Phase II.** *This resolution and the approval it embodies shall not take effect unless and until all outstanding professional review fees, escrow fees and taxes are paid up and Applicant's accounts are current.*

This is an ongoing condition of the approval.

6. *Prior to the grant of final approval for Phase II of the development, the applicant shall have complied with all of the technical comments and recommendations of the Board's professionals with respect to the design of such phase(s), including additional reasonable conditions pertaining to the development of Phase II as well as compliance with all conditions of approval set forth in this resolution and in the resolution adopted by the Planning Board on May 12, 2014, as amended by the resolution adopted by the Planning Board on September 8, 2014 pertaining to the conditions of all prior approvals.*

This condition has not been satisfied.

7. *As a condition of final approval for Phase II of the development, the Applicant shall enter into a Developer's Agreement with the Township of Holland covering Phase II and addressing how all of the conditions of such final approval will be met.*

This condition has not been satisfied. The applicant has not applied for, or obtained, Phase II final approval.

8. *The Applicant shall also comply with all of the following conditions precedent to obtaining final approval for Phase II:*

- a. *The proposed development is a planned development. No final site plan approval shall be granted for any phase of the planned development unless the*

Board finds that such phase will comply with N.J.S.A. 40:550-45e. and with all of the requirements of Holland Township's Land Use Code and the Residential Site Improvement Standards (N .J.A.C. 5:21 et seq.). Prior to final site plan approval for each phase, the improvements required for that phase shall either be installed, inspected and approved by the Township Engineer or a performance bond shall be issued to cover the cost of such improvements pursuant to N.J.S.A. 40:550-53, and no Certificate of Occupancy shall be issued for any dwelling unit in any phase until all improvements associated with that phase have been substantially completed as defined and regulated at N.J.S.A. 40:550-53 (which specifically excludes the top or surface course of street pavement), provided that the installation of any required landscaping, may, in the discretion of the Township Engineer, be deferred to an appropriate planting season, if all other required improvements have been substantially completed.

This condition has not been satisfied for Phase II.

The issuance of a Certificate of Occupancy for the farmette in Phase II of the development shall not require the construction of any portion of Claremont Drive. A maintenance easement and agreement for the existing driveway shall be submitted to the Board for review and approval and shall be recorded prior to the issuance of a Certificate of Occupancy for the farmette in Phase II of the development. Should the development of Phase II occur prior to the construction of the stormwater management facilities that are proposed as part of Phase III of the development, then an appropriate stormwater management plan shall be prepared and implemented for Phase II, as a condition of the grant of a Construction Permit for Phase II and based on the approval of the Phase II stormwater management plan by the Township Engineer.

This condition has not been satisfied.

- c. *Documents addressing the reliability of the provisions for the ownership, maintenance and conservation of the open space in the development shall be submitted to the Planning Board and Township Committee for review prior to final approval for Phase II of the development. These documents may include, at the discretion of the Applicant and with the formal agreement of the Township Committee, documents indicating an intention to convey all or a portion of the open space to the Township of Holland. Any subdivision or conveyance of land from the tract encompassing the planned development prior to the approval and filing of such documents shall be accompanied by an appropriate deed restriction ensuring that the future owner of such land is subject to and bound by all terms and conditions of approval of the planned development, including the imposition of conservation easements and/ or permanent deed restrictions, as needed.*

Open space areas shall be subject to such conservation easements or permanent deed restrictions as may be required to effectuate the preservation of such open space, and such conservation easements or deed restrictions shall reflect that no other use shall be permitted thereon except for those open space and recreational uses as may be expressly permitted pursuant to the preliminary and/ or final site plan approval(s) granted by the Planning Board. The conservation easements or deed restrictions shall run in favor of and be enforceable by Holland Township as well as any open space organization established (or Homeowners' Association that may be established) to own and maintain such open space.

This condition has not been satisfied.

COMPLIANCE WITH THE NOVEMBER 10, 2014 RESOLUTION:

1. *The plans shall be revised to address all of the following outstanding items in the Township Engineer's technical review memoranda dated October 11, 2014, and November 6, 2014, which items were identified at the November 10, 2014, hearing, and such revisions shall be accomplished to the satisfaction of the Township Engineer consistent with his October 11, 2014 and November 6, 2014 technical review memoranda:*

Partially Satisfied. Our office completed a review and issued an updated technical memo dated April 1, 2015. Compliance with the April 1, 2015 memo is included in this memo.

- a. *The plans shall be revised to show sidewalks along one side of the roadway(s) serving the development, with such sidewalks and roadway crossings to be fully ADA compliant. To the extent feasible, the sidewalk shall be separated from the curb by a landscaped strip and shall be elevated above the curb line. ADA compliant ramps shall be provided at all curb cuts, as required by law. Curb heights shall be shown on the plan.*

This condition has not been satisfied.

- b. *The pavement specification shall be revised to match RSIS requirements with a pavement section of 5" HMA base course and 2" surface course.*

This condition has been satisfied.

- c. *The plans shall be revised to show any proposed signage and/ or striping along Claremont Drive between the entrance of the development and the first building. At a minimum, speed limit signs shall be placed midway between these two points.*

This condition has been satisfied.

- d. *Fire truck turnaround areas shall be reviewed by the Fire Company for*

adequacy. This condition has not been satisfied.

- e. *Sight distance lines shall be provided around each of the horizontal curves based on a 25 mph speed limit. The area within the sight lines shall be kept clear and open.*

This condition has been satisfied.

- f. *The portion of the roadway approaching the stop intersection separating Phases III and IV and located adjacent to the Phase III twelve (12) unit apartment building shall be redesigned to be compliant with RSIS and AASHTO requirements, and a revised site plan showing such redesign shall be reviewed by and shall be satisfactory to the Township Engineer. The road profile shall be revised so that the crest vertical curves do not have a K value of less than 12 and the sag vertical curves do not have a K value of less than 26, based on a 25 mph design speed.*

This condition has not been satisfied.

- g. *Additional lighting shall be shown in Phase IV to address potential dark areas. All new lighting information shall include height, wattage, light intensity and proposed shielding of all fixtures.*

This condition has not been satisfied.

The Applicant shall obtain an easement for the proposed connection of the water main to the 8" water line on the Fox Hill property, since it appears that work will be required to be undertaken on private property. This condition has not been satisfied.

- i. *The plans shall be revised to show fire hydrants in accordance with the RSIS and water company requirements.*

This condition has not been satisfied.

- j. *Additional details should be added to the site plan regarding the water storage tank area and access driveway shown to the rear of the building located at Sta. 6+50 in Phase IV of the development. A note should be added to the plan clarifying when the tank will be constructed, if it will be above ground and, if so, its height above ground. If the area will be fenced and/ or a gate is proposed at the access driveway, then details of the fence and gate design and location and gate locking apparatus shall be provided. A construction detail of the proposed access driveway material shall also be added to the plans.*

This condition has not been satisfied.

- k. *The plans shall be revised to address the discrepancy on Sheet 17 of 48 between the plan and the profile views regarding the HDPE pipe slope (5.36% shown on the profile versus 5.58% shown on the plan).*

This condition has not been satisfied.

- l. *All proposed retaining walls shall be labeled with bottom/top of wall elevations.*

This condition has not been satisfied. The applicant is requesting the Board defer the full design with each building cluster's individual lot development and grading plan.

- m. *Additional dimensions and spot elevations shall be shown on the plans within all accessible parking spaces and van accessible parking spaces to demonstrate full compliance with ADA requirements. Proposed elevations shall be provided at the four corners of each space and along each accessible walkway to the building(s).*

This condition has not been satisfied. The applicant is requesting the Board defer the full design with each building cluster's individual lot development and grading plan.

- n. *Additional spot elevations shall also be provided in the vicinity of the COAH buildings to confirm compliance with ADA requirements. To the extent that the current design is not fully ADA compliant, the plan shall be modified.*

- o. **This condition has not been satisfied. The applicant is requesting the Board defer the full design with each building cluster's individual lot development and grading plan.** *The proposed grading and contours shall be confirmed and corrected in the vicinity of Station 12+00 as the 300 foot contour appears to be missing.*

This condition has been satisfied.

- p. *The plans shall be revised to include the proposed driveway slopes at townhouse building #R15A-R15D.*

This condition has not been satisfied. The applicant is requesting the Board defer the full design with each building cluster's individual lot development and grading plan.

- q. *A lawn inlet shall be provided to collect the runoff from the Phase IV diversion swale located at the north corner of Unit #R-11D. The lawn inlet shall be located so as to intercept the stormwater before it overtops the curb.*

This condition has not been satisfied.

- r. *A note shall be added to the swale detail indicating that the soil erosion matting will be Curlex double net matting or approved equal.*

This condition has not been satisfied.

- s. *The plan shall be revised to provide further information/ details regarding the roof runoff of the proposed townhouses. The map included in the Stormwater Report entitled "Post Developed Drainage Area Map" currently shows the runoff from the northern sides of the roofs of the townhouses located on the north side of the street as draining uncontrolled into the existing stream on the north side of the property. The runoff from the southern sides of these townhouse roof areas is shown as being collected into the roadway drainage system. The site plan shall be revised to reflect the proposed roof leader pipes connecting to the roadway drainage system with proper cleanouts and inverts to ensure that the improvements can actually be constructed as proposed. As for the runoff from the north side of the townhouses, more information shall be provided to demonstrate how this runoff will be directed so as not to negatively impact the proposed recreation areas.*

This condition has not been satisfied. The applicant is requesting the

Board defer the full design with each building cluster's individual lot development and grading plan.

t. *The Stormwater Operations and Maintenance Manual shall be modified as follows:*

1) The specific individual and phone number(s) for the person responsible for maintenance of the system shall be provided. The current draft only lists Huntington Knolls, LLC, as the contact.

This condition has been satisfied. *2) As-built construction plans shall be included with the Maintenance Plan as required prior to filing on the deed for the property. Section 6 shall be revised to state that "the as-built plans are attached", not that they "will be available through the property owner."*

This condition has been satisfied.

2. *Note 1 on Sheet 7 of 48 shall be corrected to insert the word "grades" at the end of the fifth line. This condition has not been satisfied.*

3. *Note 2 on Sheet 7 of 48 regarding the storage of refuse shall amended to clarify that it only applies to the townhouse units.*

This condition has not been satisfied.

4. *The landscaping plan for the development shall be addressed at a meeting to be held between the Township Engineer, a designated qualified member of the Planning Board, and the Applicant's Engineer to devise an appropriate use of mixed native species suitable to the site and capable of providing perimeter screening, where needed, shade, where needed, and ornamentation, where needed. Additionally, the tract perimeter shall be photographed by the Applicant's Engineer during the winter months to document areas along the boundaries of the site where existing vegetation that will remain provides adequate screening and areas where new or supplemental plantings may be needed. A revised landscaping plan for the development that includes the specific proposals for perimeter buffering shall be submitted to the Planning Board for review and approval based on the recommendations of the Township Engineer and the designated qualified member of the Planning Board, and such submission shall be made at least six (6) months prior to the issuance of the first residential Certificate of Occupancy in Phase III (note that this is not required prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for the construction, occupancy and use of one building in Phase III for model units and a sales office, provided there is no residential occupancy of that building.*

This condition has not been satisfied.

5. *The site plan shall be revised to include additional information regarding each of the proposed recreation areas, including, but not limited to, dimensions, surface materials, grading, ADA accessibility, etc. The revised site plan shall be reviewed by and shall be satisfactory to the Township Engineer.*

This condition has not been satisfied. Note my prior comments regarding the reduction in recreation area.

Final architectural plans, including floor plans, for both of the apartment buildings and for the townhouses proposed in Phases III and IV shall be submitted to the Board for review and approval in plan form prior to the issuance of the first Construction Permit for any building in Phase III. The architectural plans for the apartment buildings shall indicate compliance with COAH and/ or UHAC Rules regarding the bedroom distribution of the units, shall show adequate storage areas within the buildings for bicycles, strollers, and the like, and shall demonstrate compliance with COAH's accessibility requirements. Compliance with COAH's accessibility requirements shall be confirmed by the Construction Official prior to the issuance of Construction Permits for each of the two apartment buildings.

This condition has not been satisfied.

7. *Prior to the issuance of the first Construction Permit for any building in Phase III, a legal instrument shall be recorded to ensure that the Applicant and its successors and*

assigns maintain(s) the stormwater collection and management facilities on the site in accordance with the Township's Stormwater Control Ordinance. The form of the legal instrument shall be subject to the review and approval by the Board Attorney and Township Attorney and Township Engineer prior to its recordation.

This condition has not been satisfied.

8. Pursuant to Condition 14 of the Master Resolution, prior to the issuance of a Certificate of Occupancy for any unit to be occupied as a dwelling in Phase III, the required Homeowners' Association documents shall have been reviewed and approved by the Planning Board and Township Committee.

This condition has not been satisfied.

9. Prior to the issuance of the first Construction Permit for any building in Phase III, the location and design of the mailbox clusters shall be reviewed and approved by the applicable USPS postmaster.

This condition has been satisfied.

10. Prior to the issuance of the first Construction Permit for any building in Phase III, a Developer's Agreement shall be executed with the Township of Holland in a form satisfactory to the Township Attorney, Township Engineer and Township Planner. The Developer's Agreement shall include a specific plan for phasing in the construction of the low and moderate income units in compliance with COAH's Rules, with reasonable accommodation to the specifics of the project, based upon the recommendation of the Township Planner.

This condition has not been satisfied.

Prior to the issuance of the first Construction Permit for any building in Phase III or for any building in Phase IV, the Applicant shall be required to post the Performance Guarantees and Inspections Fees applicable to each phase in amounts to be determined by the Township Engineer based on a cost estimate to be provided by the Applicant's Engineer, subject to review and approval of such cost estimate by the Township Engineer. **This condition has not been satisfied. We have received a cost estimate for the work, but it is premature to review it until an application for Final Site Plan is submitted.**

12. Prior to the issuance of the first Construction Permit for any building in Phase III or for any building in Phase IV, the Applicant shall have procured all required approvals or waivers thereof from all applicable review agencies with jurisdiction over the development, including but not limited to the following:

- i. Hunterdon County Planning Board. **Approval not to Construct.**
- ii. Hunterdon County Soil Conservation District. **Obtained**
- iii. RFA General Permit for Construction Activities. **Obtained**
- iv. Hunterdon County Department of Health. **Not Obtained**
- v. NJDEP for Wetlands Disturbance. **Obtained**
- vi. NJDEP for Flood Hazard Area Disturbance. **Obtained**
- vii. NJDEP for Dam Safety. **Not Applicable**
- viii. NJDEP for TWA for sanitary sewer extension for Phase 3 & 4. **Obtained**
- ix. NJDEP for water extension. **Not Obtained**
- x. New Jersey American Water Co. **Not Obtained**
- xi. Holland Township Fire Chief. **Not Obtained.**

14. This Resolution and the approval it embodies shall not take effect unless and until all outstanding professional review fees, escrow fees and taxes are paid up and Applicant's accounts are current.

This is an ongoing condition of the approval.

15. The development shall include 26 apartment units that shall be restricted as to their affordability to and occupancy by low and moderate income households in full compliance with applicable COAH requirements (N.J.A.C. 5:93-1, et seq. or successor regulations), the Fair Housing Act (N.J.S.A. 52:270-301, et seq.), and UHAC (N.J.A.C.

5:80-26.1, et seq.). Twelve (12) of these units shall be constructed as part of Phase III, and the remaining fourteen (14) units shall be constructed as part of Phase IV. A reasonable method for complying with COAH's phasing requirements for the construction of the affordable units within each phase shall be established by the Township Committee as part of the Developer's Agreement executed with the Township of Holland, based on a recommendation from the Township Planner.

This condition has not been satisfied.

15. *All debris and demolition materials shall be removed and disposed of off-site in accordance with all applicable local, county and state regulations. No on-site disposal is permitted.*
16. **This is an ongoing condition of the approval.** *The Applicant shall comply with all representations made by the Applicant and any of its witnesses or representatives as accepted or modified by the Board at the public hearings conducted on this application.*

This is an ongoing condition of the approval.

17. *All improvements made on the premises shall conform to Construction Code standards and other regulations as set forth in applicable federal, state, county, or municipal statute, regulation, code or ordinance at the time of the installation of such improvements.*

This is an ongoing condition of the approval.

18. *All improvements made on the premises shall conform with the plans as approved by the Planning Board, which approval is subject to the Applicant's submission of all of the plan revisions and supplementations required to address the comments and conditions listed herein, and these revisions and supplementations shall be accomplished to the satisfaction and approval of the Township Engineer.*

This is an ongoing condition of the approval.

19. *Any deviation from the terms and conditions of this approval shall require prior approval of such deviation by Resolution of the Planning Board, except that this shall not apply to minor deviations and field changes specifically authorized by the Township Engineer.*

This is an ongoing condition of the approval.

20. *In the event that any other regulatory approval conflicts with or materially alters the terms of this approval, or in the event any other governmental agency from which approval is required causes revisions to be made to the approved preliminary site plan, which revisions, in the opinion of the Township Engineer, represent a significant departure from the terms of this approval, then the Applicant shall apply for and obtain approval of an amended application for a revised preliminary site plan from the Planning Board.*

This is an ongoing condition of the approval.

21. *Prior to the grant of final approval for either Phases III or IV of the development, the applicant shall have complied with all of the conditions and requirements of the preliminary approval as set forth in this Resolution and with all of the conditions and requirements set forth in the Master Resolution, except as same may have been specifically modified by the terms and conditions of this Resolution.*

This condition has not been satisfied.

The proposed development is a planned development. No final site plan approval shall be granted for any phase of the planned development unless the Board finds that such phase will comply with N.J.S.A. 40:550-45e. and with all of the requirements of Holland Township's Land Use Code and the Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.). Prior to final site plan approval for each phase, the improvements required for that phase shall either be installed, inspected and approved by the Township Engineer or a performance bond shall be issued to cover the cost of such improvements pursuant to N.J.S.A. 40:550-53, and no Certificate of Occupancy shall be issued for any dwelling unit in any phase until all improvements associated with that phase have been substantially completed as defined and regulated at N.J.S.A.

40:550-53 (which specifically excludes the top or surface course of street pavement), provided that the installation of any required landscaping, may, in the discretion of the Township Engineer, be deferred to an appropriate planting season, if all other required improvements have been substantially completed.

This condition has not been satisfied as it relates to Phase II of the project.

23. Documents addressing the reliability of the provisions for the ownership, maintenance and conservation of the open space in the development shall be submitted to the Planning Board and Township Committee for review prior to the grant of final approval for any phase of the development. These documents may include, at the discretion of the Applicant and with the formal agreement of the Township Committee, documents indicating an intention to convey all or a portion of the open space to the Township of Holland. Any subdivision or conveyance of land from the tract encompassing the planned development prior to the approval and filing of such documents shall be accompanied by an appropriate deed restriction ensuring that the future owner of such land is subject to and bound by all terms and conditions of approval of the planned development, including the imposition of conservation easements and/or permanent deed restrictions, as needed. Deeds shall be submitted for all required easements in forms acceptable to the Township Attorney, Board Attorney and Township Engineer. No deed shall be recorded unless and until it has been approved by the Planning Board.

This condition has not been satisfied as it relates to Phase II of the project.

24. Open space areas, including agricultural areas, conservation areas and recreation areas within the development, shall be subject to such conservation easements or permanent deed restrictions as may be required to effectuate the preservation or intended use of such open space, and such conservation easements or deed restrictions shall reflect that no other use shall be permitted thereon except for those agricultural, conservation and recreation uses as may be expressly permitted pursuant to the preliminary and/ or final site plan approval(s) granted by the Planning Board. The conservation easements or deed restrictions shall run in favor of and be enforceable by Holland Township as well as any open space organization established (or Homeowners' Association that may be established) to own and maintain such open space.

This condition has not been satisfied.

No Construction Permit shall be issued for any building in either Phases III and IV unless and until such time as all outside agency permits have been procured, all required deed restrictions and easements have been recorded, the construction plans have been approved by the Township Engineer and others as specified in this Resolution, the stormwater maintenance agreement has been approved and recorded as provided in this Resolution, a Developer's Agreement has been executed with the Township of Holland, required Performance Guarantees and Inspection Fees have been posted by the Applicant, and the Applicant has attended a Preconstruction Conference to be scheduled by the Township Engineer.

This condition has not been satisfied

26. Copies of all revised plans and supplementary submissions shall continue to be filed with the Planning Board and other entities as required by the Holland Township Land Use Ordinance.

The plans submitted contain revisions to specific sheets of the overall plan set. A fully revised set of plans shall be submitted with all revisions required by outside agencies and conditions of the prior resolutions.

27. Within 30 days of the adoption of this Resolution, notice shall be provided by the Applicant the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, P.O. Box 802, Trenton , NJ 08625-0802, concerning the Planning Board's approval of de minimis exceptions from the RSIS for the roadway width and for the provision of sidewalks on one side of the development roadways only. Such notice shall be clearly marked "Site Improvement Exceptions" and shall be accompanied by a copy of this Resolution.

This condition has been satisfied

COMPLIANCE WITH BOARD ENGINEER'S TECHNICAL MEMO DATED APRIL 1,

2015:

The following is a status on the items that were listed as not being satisfied on the April 1, 2015

memo:

7. *The plans need to show where sidewalks and patios will be constructed as well as any outdoor equipment such as mailbox clusters and dumpster/recycling enclosures.*

SATISFIED. The plans have been revised to show a mailbox cluster along Claremont Drive near the beginning of Phase 3 and the Postmaster has approved the location.

8. *Utility easements shall be clearly labeled on the plans and delineated with metes and bounds.*

NOT SATISFIED. Easements are required for access and utilities and shall be identified on the site plans.

9. *The current plan with the sidewalk directly adjacent to the road is going to require the curb height to be constantly changing between 6" and 0" to accommodate the curb ramps. These varying curb heights shall be shown on the plan. Our office recommends a design that would have the sidewalk installed 6' away from the curb and 6" higher than the curb with a landscaped strip between them. This will allow the sidewalk to be built without truncated domes at each driveway and eliminate the varying curb heights on Claremont Drive.*

PARTIALLY SATISFIED. The applicant has provided sidewalks with a 4' setback from the road, but not higher than the curb. In many situations, the sidewalk is situated so that it is lower than the road and dwelling unit, which will cause stormwater to flow down the sidewalk. The applicant has requesting deferring the sidewalk design at each driveway with each individual building cluster lot development and grading plan.

15. *The proposed limits of the recreation area are not clear on the latest plan set. Previous plan revisions had shown playground equipment and notes on the current plan set (Sheet 8) refers to a combination of play areas, trails and a tennis court; however, plan sheet 40 now shows nothing more than a 19,200 SF lawn area with some walking trails. Additional information needs to be provided by the applicant's engineer to clarify the calculations on Sheet 8 as they do not appear to "add up". This issue needs to be discussed by the Board.*

We strongly recommend that the applicant provide more substantial recreation components including a mixture of playground equipment, along with walking trails – see below for examples of what the ordinance suggests. We also note that a much more extensive network of trails/pathways could be constructed than what is currently shown.

Condition #19 (now #20) of the Resolution states that "Sufficient recreational facilities shall be provided and shall be shown on the final site plan for Phases II and III to meet the needs of a non age-restricted community. The outdoor recreational areas and facilities that had been shown on the plans for the age-restricted development shall be at least doubled to meet this requirement and shall be subject to the approval by the Board as part of its approval of the final site plan for Phases II and III. Any preliminary site plan approval granted for Phase II shall be subject to modification at the time of final approval to accommodate such additional recreational facilities and any associated parking or access improvements as may be approved by the Planning Board.

The governing Ordinance Section #100-91.14.E(3)(c) – Development requirements specific to planned senior village developments indicates that "Not less than 5% of the developed area of the PSV, and excluding public open space lands, shall be developed for outdoor recreational use. This may include swimming pools and related facilities, shuffleboard and horseshoe courts, tennis courts, and other appropriate facilities and the immediately surrounding lawns and parking areas". We assume that this is where the initial recreational proposal originated from. Testimony and plan revisions/calculations will be necessary to confirm that the above ordinance and resolution requirements have been adequately satisfied.

It is also important to note that the proposed recreation areas are currently shown within the 300 ft. SWRPA/Riparian Zone. The applicant's engineer should comment upon the impact of the recreation areas being located within these environmentally sensitive areas, in particular if the Board requires playground equipment or other recreation improvements

other than “open lawn space” as currently shown. A letter has been received from the NJDEP, dated July 2, 2014, stating that the pathways shall be relocated to a point no more than 40’ from the proposed buildings and all structures and development shall be outside the SWRPA and Riparian Zone. Additionally, the DEP is requiring all areas within 300’ of the SWRPA/Riparian Zone to be protected with a conservation easement and planted with a mix of trees and shrubs. Obviously, if the DEP requires the area to revert to a natural succession area, it cannot be used as a recreation area.

NOT SATISFIED. The plans have been revised to reduce the recreational area and does not appear to meet the ordinance requirement.

The applicant shall explain the parking calculation summary. Based on this plan, there are 44 units with 44 garage spaces and driveway spaces totaling 88. Where are the 2-car driveway spaces that are shown in this chart? RSIS requires that vehicles parked in driveways may not obstruct the sidewalk. There are several areas where the proposed driveways only provide 15’ of space between the building and sidewalk, which cannot be counted toward meeting the parking requirement.

This comment was previously satisfied but is now not satisfied. The sidewalk that has been added to the plans obstructs most of the driveways. As Title 39 will be enforced on the site, parking will not be permitted in the driveways if the sidewalk will be blocked. There needs to be a minimum of 18’ between the townhouse unit and the sidewalk, or additional parking provisions need to be incorporated in the plan to meet the parking requirement. The applicant is requesting deferral of the design of the driveways and sidewalks with each building and individual lot development plan.

ADA COMMENTS:

32. *The plans have been revised to include five (5) recreation areas on the north side of the site with four (4) play areas and one (1) grass play area. The Board will need to determine if the facilities proposed in the play area are appropriate for the development. The plans will need to be amended to show that each of the recreational areas provide handicap accessible routes to each of them. The ADA regulations require that all of the recreational facilities have an accessible route from all of the residential units. This will be nearly impossible to achieve on the site due to topography, so a parking area must be provided for the recreational area with sufficient parking for both handicapped and non-handicapped individuals. An accessible route must then be provided from the parking lot to all of the recreational areas. The plan shall include a profile of the accessible routes, a detail of their construction, and railings where needed. Walking trails do not need to be ADA accessible unless they are part of the accessible route between the parking areas and the recreational areas.*

PARTIALLY SATISFIED. ADA accessibility requirements will need to be confirmed with more detailed plans prior to construction.

33. *The COAH units shall be reviewed by the Construction Official for ADA accessibility and adaptability.*

PARTIALLY SATISFIED. A request was sent to the Construction Official for review, but a response has not yet been received. The applicant is requesting deferral of the design of the driveways and sidewalks with each building and individual lot development plan.

35. *Dimensions of all accessible parking spaces and van accessible parking spaces shall be shown on the plans. Spot elevations shall be provided at all accessible parking spaces to confirm that they do not exceed the maximum cross slope requirements.*

PARTIALLY SATISFIED. We note that many of the accessible spaces are being constructed with cross slopes in excess of 2%. The plans need to be revised to be in conformance with ADA regulations. The applicant is requesting deferral of the design of the driveways and sidewalks with each building and individual lot development plan.

DRAINAGE COMMENTS:

36. *Both of the proposed detention facilities have earth berms over 10’ tall and will be considered to be dams per the DEP. Approval from the NJDEP Bureau of Dam Safety is required. Sheets 8 and 9 detail the grading for the detention basins, which is inconsistent with the grading shown on the rest of the plans. Construction of this type of basin does not allow full excavation during construction. At least 2’ of the bottom of the basin must remain in place to allow sediment to accumulate. At the conclusion of the site work, the bottom 2’ of*

the basin gets excavated to the infiltration level. The plan shall clearly state the sequence of construction.

SATISFIED. A note has been added to the plan regarding the removal of the 2' of soil after the site is stabilized. DEP approval for the dam is no longer applicable.

39. *Our office did not review the SWRPA Plan, understanding that the DEP will review it and the applicant will need to comply with their regulations.*

SATISFIED. DEP Permits have been obtained by the applicant for Flood Hazard Individual Permit and Wetland General Permit #10B.

55. *The drainage plan has been designed for all of the roof runoff from the townhouses on the north side of the street to be connected to the collection system in the street. The plans shall detail piping of the roof leaders for all the gutters on these units to insure this is feasible. If patios are proposed for these units, they shall be included as impervious area in the post development bypass area calculations.*

PARTIALLY SATISFIED. The revised drainage calculations include the bypass areas but do not provide details for roof leaders or gutters. The northern half of the proposed townhouses are shown to bypass the detention basin. No patios are included in the impervious coverage calculations. If the Board allows individual lot grading plans in the development, they should include a summary of impervious coverages versus the permitted coverages assumed in the drainage report.

LANDSCAPING COMMENTS:

61. *The Landscaping Plan does not show the perimeter buffering plants that the applicant agreed to install in Phase 2.*

NOT SATISFIED. Revised landscaping plans have not been submitted in accordance with the resolution of approval.

WATER COMMENTS:

*The plans shall be reviewed by the Fire Marshall for approval of the hydrant locations. There may also be the need for water storage for fighting purposes. The applicant's engineer shall provide information regarding the ability of the designed water system to provide sufficient pressure and volume per RSIS. **NOT SATISFIED. A detailed water system design including hydrants has not been provided.***

63. *New Comment. Only 2 fire hydrants are shown on the plans. RSIS requires the hydrants to be located at specific distances to provide coverage for all buildings.*

NOT SATISFIED. All hydrants have been removed from the current

plan set. COORDINATION:

64. *It appears that this plan will require the following approvals:*

The Applicant's Engineer should provide the Board with an update on all outside agency reviews/approvals.

- i. DEP for Wetlands Disturbance. **Obtained***
- ii. DEP for Flood Hazard Area Disturbance **Obtained***
- iii. DEP for Dam Safety. **Not Applicable***
- iv. DEP for amended TWA for the additional units in Phase 3. **Obtained***
- v. Hunterdon County Planning Board. **Conditional Approval Not to Construct.***
- vi. Hunterdon County Soil Conservation District. **Obtained.***
- vii. DEP RFA General Permit for Construction Activities. **Obtained.***
- viii. DEP for water extension. **Not Obtained.***
- ix. DEP TWA for sanitary sewer extension. **Obtained.***

65. *Prior to Final Approval, a cost estimate shall be provided by the applicant's engineer for review and approval by this office. A performance guarantee in the amount of 120% of the approved cost estimate shall be posted with the Township, of which 10% shall be in cash. The applicant shall also post an inspection fee deposit in the amount of 5% of the*

approved cost estimate for municipal inspections.

PARTIALLY SATISFIED. A cost estimate for Phase III has been submitted but it is premature to review pending an application for Final Site Plan approval and satisfaction of the outstanding conditions of the approval.

PHASE 4-TECHNICAL COMMENTS (follows same order as our September 4, 2014 correspondence with our latest comments in **BOLD**):

8. *Sheet 29 and a few other plan sheets now appear to show a retaining wall to the rear of the building on the south side of Claremont Drive at Sta. 18+0. The plans need to be revised to clearly label this feature and also provide a construction detail.*

SATISFIED. Structural engineered plans and calculations for the wall shall be provided prior to start of construction.

15. *Additional spot elevations need to be provided throughout the Phase 4 road and within the parking areas to ensure positive drainage to the proposed inlets. NOT SATISFIED. The roadway has a sag at Station 12+42 without any inlets. Revised plans have not been submitted.*

LANDSCAPING COMMENTS:

34. *The landscape plans do not show the required perimeter buffer plantings in accordance with Condition #12 (now #13) of the Board's Resolution.*

NOT SATISFIED. The plans have been revised and are not prepared by a licensed landscape architect. They also do not satisfy the prior resolution of approval as it relates to the perimeter buffer plantings.

36. *The Utility and Lighting Plan (Sheet 21) contains a large black area – what is this supposed to be?*

PARTIALLY SATISFIED. The applicant has submitted documents intending to show that AQUA has permission to extend the water main from Fox Hill. As a detailed water system design has not been submitted, we defer comment on this easement until we review the design.

WATER COMMENTS:

38. *The plans show a water storage tank area and access driveway to the rear of a building at Station 6+50 in Phase 4 of the development. Testimony should be provided to clarify when this tank is proposed to be constructed. Additional notes may need to be added to the plans to clarify this. Will there be a gate at this access driveway? If so, it should be noted on the plans. There should also be a construction detail for the proposed access driveway material. Is the storage tank above ground – will the area be surrounded with a fence? Additional information needs to be provided.*

NOT SATISFIED. The water tank has been eliminated from the plans. As the water system design has not been submitted, we defer comments on the grading around the tank until it is determined it is not needed.

ADDITIONAL PLAN REVISIONS

At the Board's July & August 2014 meetings, the applicant agreed to provide the following information:

1. *Patios (or proof of rear access) were to be shown on the plans, where possible (on a case-by-case basis), at the units in accordance with Condition #18 (now #19) of the Resolution.*

NOT SATISFIED. The applicant is requesting deferral of the design of the driveways and sidewalks with each building and individual lot development plan

3. *Revised architectural plans were to be submitted.*

4. **NOT SATISFIED.** The applicant is requesting deferral of the design of the driveways and sidewalks with

each building and individual lot

development plan Landscape

perimeter buffering was to be shown.

NOT SATISFIED

5. *Based on the July 2, 2014 letter from the NJDEP, the driveway/road construction for Block 24, Lot 3 has been constructed through wetlands and crosses a stream without any permits and is the subject of an enforcement action. Our office recommends that any approvals (including the approval of the Phase 2 farmette) should be conditioned upon the applicant obtaining the wetlands and flood hazard permits for the driveway and satisfying the conditions of the permit. It is possible that the NJDEP may require the driveway and/or stream crossing to be relocated or replaced. Since this is the only access to the property, this issue needs to be resolved before any permits are issued.*

SATISFIED.

ADDITIONAL COMMENTS BASED ON THE REVISED PLAN:

1. *Details shall be provided for each of the ADA ramps where the sidewalk intersects the curb.*

NOT SATISFIED. The applicant is requesting deferral of the design of the driveways and sidewalks with each building and individual lot development plan

2. *A concrete apron detail shall be provided.*

NOT SATISFIED. The applicant is requesting deferral of the design of the driveways and sidewalks with each building and individual lot development plan

3. *A note has been added to the plans stating that a stormwater management plan is only required for Phase 2 if the construction on Phase 3 has not commenced prior to the issuance of a CO for Phase 2. This is not acceptable. The stormwater management plan for the site did not include the Phase 2 work and the applicant's engineer stated that an independent plan will be provided for this phase. The plan and report shall be provided prior to the issuance of any building permits.*

SATISFIED. The stormwater management plan includes a bio-retention basin for Phase II.

5. *A note has been added to the plans stating "At the discretion of the developer, townhouse units may be offered with an option of a secondary access from the living space within the unit to a private side or rear outdoor area, which may include a balcony, deck or patio, provided this can be accomplished without requiring any changes to the finished shown on the approved plans, without adding retaining walls and without exceeding the permitted impervious surface coverage on the tract."*

6. **This note shall be revised to read "At the discretion of the developer, with the approval of the Township Engineer,...". Also, the drainage design does not have surplus impervious coverage available for any patios. There needs to be a note added to the plan indicating the surplus impervious coverage available in the design (for each drainage area) so that this can be tracked during the course of construction. SATISFIED.**

If you have any questions, please do not hesitate to contact me at (610) 868-4201 or roseberry@maserconsulting.com.

Secretary note: Documents are converted for the minutes. Conversion the documents are so that the reader can obtain an understanding of what is being said and are not the actual documents. Original documents or copies of said letters, memos, reports and the such are available in the file located in the Planning Board/Board of Adjustment office.

Discussions of the above took place. Attorney Fisher expressed concern that the conditions could impact the manner the building gets built. In order to get a construction permit, certain items must be done. Attorney Fisher stated that there are a handful of conditions that need to be addressed. Various discussions took place regarding conditions which evolved into discussions about prior resolutions in 2014. Attorney Fisher thanked the board for discussing the 2014 resolutions however, he wanted to address the point that his applicant wants to move forward and wants to build

a model. The professionals expressed their opinions with regards to satisfying conditions of opinions as well as reminding the applicant that they were to provide revised plans which have yet to be received. Everyone present agreed that they are trying to work together to move forward with the plan however, certain conditions need to be satisfied. Stormwater needs to be addressed. Certification was obtained in 2014 which was four years ago. County approval is required.

Vincent Jiovino Jr. came to the mic to discuss the project. He is the builder. He stated that Hunterdon County Soils wants the detention basin where they are saying. He will get us a letter.

The board is requesting additional information in order to make a decision of the importance or significance of the request of the applicant. The letter from Hunterdon County Soils will help with the decision. All agreed that they want to fast track and help the applicant. Attorney Fisher reminded the board that this project has a component of Affordable Housing in it. All agreed they understand that this application has an affordable housing component in the project and they are in favor of supporting the application but additional information is necessary to make decisions. A motion was made by Dan Bush and seconded by Tom Scheibener to have attorney Gallina prepare a resolution for the next meeting stating that the board sees significant changes and is not in the position to grant relief without notice and seeing the letter from Soil Conservation. At a roll call vote, all present were in favor of the motion. Motion carried. The applicant will be on the May 14th meeting agenda as agreed and our professionals and board members agree with trying to fast track the project but with proper procedures being followed.

Housekeeping items – professional items – nothing new to report.

New Business:

There was no New Business to discuss at this time.

Completeness Review:

There is no completeness review to discuss at this time.

Resolution

There are no resolutions to discuss at this time.

Public Hearings

Holland Township Master Plan Element, The Farmland Preservation Plan Update, dated March 1, 2018 – Planning Board will seek to adopt the proposed plan. – Board Action Required. Board Planner, Darlene Green is present to discuss the plan. The plan is as follows:

Farmland Preservation Plan Update

Township of Holland
Hunterdon County, New Jersey

Prepared by:

Darlene A. Green, AICP, PP -----

NJ License #33LI00611400

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Introduction

On May 5, 2010 the Holland Township Planning Board approved the 2010 Farmland Preservation Plan Element. The 100-plus page document provides a comprehensive review of the Township’s agricultural land base, agricultural industry, the plan to preserve farmland, future preservation program and agricultural industry sustainability, retention and promotion. The New Jersey Highlands Council provided grant funding to prepare a new Farmland Preservation Plan, but after reviewing the 2010 document, it was determined that only an update to certain facts and figures was needed. The overwhelming majority of the 2010 document remains valid and there is no need to waste finite resources and grant funding to reinvent the wheel. Therefore, this Farmland Preservation Plan Update has been prepared with a purposefully limited scope using grant funding from the New Jersey Highlands Council. The remaining chapters are divided into six sections. The first chapter reviews the vision statement. The second chapter provides updated data figures. The third chapter offers updated mapping. The fourth chapter discusses any issues that have occurred since the adoption of the 2010 plan. The next chapter analyzes opportunities that have occurred in the past seven years. Finally, the last chapter discusses the target areas.

Vision Statement

Page 88 of the 2010 plan provides the vision statement guiding the Farmland Preservation Plan. It is as follows:

Holland Township views the primary objective of farmland preservation as protection and enhancement of the local agricultural economy and promotion of the general welfare by strengthening the economic viability of agriculture as an industry. Farmland preservation promotes opportunities for continued agriculture as a way of life and protects the livelihood of farmers that are the stewards of the Township’s farmland. Preservation of agriculture also protects the natural, historic and rural character of the cultural landscape. The preservation of farmland and agriculture in Holland Township also enhances opportunities for both local and regional agri-tourism, community supported agriculture, farmers markets and farm-to-table businesses.

The Agricultural Advisory Committee (“AAC”) determined that the vision statement is well-written and still represents the goals and objectives of the community. However, the Committee asked to add language regarding soil quality and contiguous acres of preserved farmland. Based upon their request, the vision statement has been modified as follows:

Holland Township views the primary objective of farmland preservation as protection and enhancement of the local agricultural economy and promotion of the general welfare by strengthening the economic viability of agriculture as an industry. Farmland preservation promotes opportunities for continued agriculture as a way of life and protects the livelihood of farmers that are the stewards of the Township’s farmland. Preservation of agriculture also protects the future economic viability and productive capacity of quality soils in the Township. The preservation of farmland and agriculture in Holland Township also enhances opportunities for both local and regional agri-tourism, community supported agriculture, farmers markets and farm-to-table businesses. One of the

central tenants of farmland preservation in Holland Township is the retention of contiguous areas of preserved farmland.

Data

This document updates key data tables contained within the 2010 plan. To aid readers in comparing the data in this document against the data in the 2010 document, we have maintained the table numbering. The first table to be updated is the Holland Township Property Class. This table provides a snapshot of the number of parcels within the community by tax classification for the year 2016. As shown in the below table, approximately 46% of Holland’s land area qualifies for reduced tax assessment under the Farmland Assessment Act of 1964. According to the 2016 MOD IV tax data, there are 1,869 “residential” or one to four family dwellings, within the Township. This accounts for nearly 28% of Holland’s land. Publicly-owned land comprises 16.1% of the Township’s area while the remaining 10% of Holland consists of commercial, industrial, vacant and tax exempted properties. See the table below for complete details.

Table 1 - Holland Township Property Class			
Class	Number of Parcels	Total Acres (GIS)	%
Farm Assessed/Qualified	244	6,789	46.0%
Residential	1,869	4,103	27.8%
Public Property	77	2,374	16.1%
Vacant	124	772	5.2%
Industrial	5	226	1.5%
Commercial	21	251	1.7%
Railroad	4	63	0.4%
Church	5	24	0.2%
Other Exempt	15	135	0.9%
Public School	2	33	0.2%
Total	2,366	14,769	100.0%

Source: NJ Real Estate MOD-IV Tax List Search Plus Database, 2016

Table 6 on page 5 provides information on the acres of preserved farmland by program. Through September of 2017 the Township has preserved 2,346 acres of farmland through the State Agricultural Development Committee (“SADC”), Hunterdon County and Municipal programs. The Hunterdon County Easement Purchase Program has preserved the most farmland with 900 acres followed by the SADC’s Easement Purchase Program, which has preserved 851 acres.

Table 6 - Preserved Farmland By Agency	
Type of Acquisition	Acres
Hunterdon County Easement Purchase Program	900
SADC Easement Purchase Program	851
Municipal Planning Incentive Grant	359
SADC Non-Profit	235
Total	2,346

Source: "Holland Township Preserved Farms - 17" excel file provided by Larry LaFevre

To date, over \$12 million has been spent within Holland to preserve farmland. The SADC has provided most of the funds, nearly seven million dollars. Holland Township has spent almost \$1,556,000 preserving farmland, while the County has expended just under \$1.5 million. See Appendix B on page 9 for total cost of each preserved property.

Table 21 - Total Cost of Preserved Farmland To Date	
	Total
Preserved Acres	2,346
Total Cost	\$12,205,786
Municipal Share	\$1,555,987
County Share	\$1,497,196
SADC Share	\$6,979,169
Federal Share	\$700,000
Average Cost/Acre	\$5,202.81

Source: "Holland Township Preserved Farms - 17" excel file provided by Larry LaFevre

Table 22 on page 6 illustrates the preserved farm acreage by year since 2001. Holland has set an ambitious preservation goal of 250 acres per year. There have been three instances where Holland exceeded the goal of preserving 250 acres per year, 2002, 2003 and 2007. There were five years where no acres were preserved, three of which occurred since 2010 Farmland Preservation Plan was adopted. On average the Township has preserved 138 acres per year over the 17-year period.

Table 22 - Preserved Farms by Year	
Year	Acres
2001	122
2002	422
2003	326
2004	-
2005	184
2006	-
2007	313
2008	189
2009	88
2010	182
2011	137
2012	-
2013	178
2014	-
2015	71
2016	-
2017	133
Total	2,346

Source: "Holland Township Preserved Farms - 17" excel file provided by Larry LaFevre

Based on data provided by the Agricultural Advisory Committee, Holland plans to preserve 2,145.3 acres over the next ten years. This equates to approximately 215 acres per year. See Appendix C on pages 10 and 11 for complete details on each of the targeted farms.¹

Table 23 - Holland Township Preservation Goal by Year	
Year	Acres
1	706.6
5	1,618.5
10	2,145.3

Source: "TargetedFarmsYr2018 09-15-17" excel file provided by Larry LaFevre

There are four project areas within the Township totaling 11,143 acres. Preserved farmland comprises approximately 21% of the total land area. As the table below indicates, the Bunn

Valley area, the largest of the four, has 1,578 (27.8%) acres of existing preserved farmland. Areas 2 (Holland Station) and 3 (Hawkes Schoolhouse) have had some farmland preservation activity. It should be noted that there is currently no preserved farmland within the Musconetcong Area (Area 4).

Table 25A - Preserved Farmland in Holland Township Project Areas			
Target Area	Total Target Area (Acres)	Preserved Farmland (Acres)	Percent Preserved
1 - Bunn Valley	5,680	1,578	27.8%
2 - Holland Station	2,664	588	22.1%
3 - Hawkes Schoolhouse	1,078	179	16.6%
4 - Musconetcong	1,721	0	0.0%

Source: "Holland Township Preserved Farms - 17" excel file provided by Larry LaFevre

When preserved open space is included in the preserved lands calculation, 37.14% (4,139 acres) of the 11,143 acres of the total project areas are preserved. Like preserved farmland, the Bunn Valley Area has the most acres of preserved open space with 952 acres preserved, bringing the total to 2,530 acres (44.5%) of preserved land in Area 1. The Musconetcong Area (Area 4) has the second highest number of preserved acres with 450 acres preserved. Less open space preservation activity has occurred in Areas 2 and 3. See the table below for complete details.

Table 25B - Preserved Land in Holland Township Project Areas			
Target Area	Total Target Area (Acres)	Preserved Land (Acres)	Percent Preserved
1 - Bunn Valley	5,680	2,530	44.5%
2 - Holland Station	2,664	661	24.8%
3 - Hawkes Schoolhouse	1,078	498	46.2%
4 - Musconetcong	1,721	450	26.1%

Source: "Holland Township Preserved Farms - 17" & "Holland Twp Preserved Open Space" excel files provided by Larry LaFevre

In addition to the data tables, the 2010 plan provided a series of appendix documents. Two of these appendix documents have been updated through September of 2017 based on data provided by the Agricultural Advisory Committee. Appendix B, which is located on page 9, provides a table summarizing preserved farmland by agency. As indicated in the table, the 27 preserved farms within the Township have been preserved using Federal, State, County, Municipal and a combination of the four's funds. To date, \$700,000 has been spent by the Federal government, \$6,979,196 has been expended by the State, \$1,497,196 has been spent by the County and \$1,555,987 has been disbursed by the Municipality. The most expensive per acre cost has been the KJA Holdings, LLC farm, which totaled \$9,000 an acre. Comparatively, the most economical per acre price has been the Holland Township/Kinney farm, which totaled only \$1,952 per acre.

Appendix C is located on pages 10 and 11. This table provides a list of the Target Farms. The properties are grouped by target year (1, 5 and 10). The largest target farm is the Clark Farm (Block 6, Lot 60) with over 179 acres. The smallest is the Snyder Farm (Block 14, Lot 52.01).

Mapping

Based on information received from the Agricultural Advisory Committee, two maps have been updated to reflect conditions as of September 2017. The first map is the Preserved Farmland by Agency Map, which is located on page 12. This map color codes the preserved properties into one of four colors. Pink highlighting indicates County Easement Purchase farms. Lime-highlighted lots are Municipal Planning Incentive Grant ("PIG") farms. Light blue-highlighted lots are SADC Easement Purchase farms. Dark blue-highlighted lots are SADC Non-Profit farms. This map also illustrates the four project areas within the Township.

The second map is the Target Farms and Year of Priority Map, which is located on page 13. This map is a visual illustration of Appendix C. The target farms are color-coded by year (1, 5, 10). The map also illustrates the relationship of these target farms to the Township's target areas.

INSERT

TABLE

B

HERE

INSERT

TABLE

C

1

HERE

INSERT

TABLE

C

2

HERE

INSERT

Preserved

Farmland

by Agency
Map
Here

INSERT
Target
Farms
year of
priority
Map
Here

Issues Since the 2010 Plan

Six issues have been identified by the AAC that have the potential to impact farmland preservation, the agricultural economy, the Township’s scenic vistas and other agricultural-related activities. The following sections describe these issues.

PennEast Pipeline Project

The PennEast Pipeline is a proposed project involving the installation of a 120-mile-long, 36-inch wide pipeline to transport natural gas from the Marcellus Shale region in Pennsylvania to New Jersey. The proposal also includes above ground facilities including eight metering and regulating stations, eleven mainline valves, launching and receiving stations and a compressor station.ⁱⁱ The proposed pipeline begins in Dallas, Luzerne County, Pennsylvania and ends near Pennington, Mercer County, New Jersey at the Transco pipeline interconnection. The project was proposed by the PennEast Pipeline Company, LLC, a conglomerate of six energy companies, originally AGL Resources, NJR Pipeline Company, Public Service Enterprise Group, South Jersey Industries, Spectra Energy Partners and UGI Energy Services.ⁱⁱⁱ The pipeline would travel through four Pennsylvania counties and two New Jersey counties.^{iv}

The proposed pipeline path would cross the State border south of Riegelsville, but north of the Georgia-Pacific Corporation site in Holland. The pipeline will then travel in a southeast fashion and turn to run eastward in a parallel fashion to the Delaware River.

According to the Final Environmental Impact Statement^v prepared by the Federal Energy Regulatory Commission (“FERC”) issued on April 7, 2017, the PennEast Pipeline would temporarily affect 496.6 acres of prime farmland soils during construction. This represents approximately 50% of the total soil along the proposed route. Of the nearly 497 acres, 326.6 acres will be permanently impacted by the pipeline. The proposed above ground facilities and access roads would temporarily impact an additional 241.1 acres of prime farmland and permanently affect 24.7 additional acres of prime farmland soils.

Activities that cause impacts on prime agricultural soils include clearing, grading, trench excavation, backfilling and the movement of construction equipment and vehicles. Because of land clearing, the protective vegetative layer of soil decreases or is removed completely, exposing the prime soil to natural processes, such as wind and rain, and increasing the chance for soil erosion. The grading of land and movement of equipment can compact vulnerable soils, which reduces the porousness of the soil and increases runoff potential. Additionally, when material is brought on-site for backfill, the soil content is modified and reduces the existing soils revegetation potential. These impacts to prime agricultural soils are possible during the construction of the proposed pipeline project. Moreover, the Township understands that the pipeline will need to perform blasting, which may disturb livestock, especially horses, and impact private wells.

PennEast’s Agricultural Mitigation Plan can be found at the following location: <http://penneastpipeline.com/wp-content/uploads/2016/03/2016%20Ag%20Mitigation%20Plan%203-9-16%20330pm.pdf>

The Township is rightfully concerned about the impact of the pipeline on the community’s farmland due to the miles of pipeline proposed in the community. As noted in the FERC report, the pipeline will impact prime farmland soils. Moreover, there is concern about the pipeline bisecting farms and creating non-contiguous areas of farmland. There is also apprehension regarding the visual impact to the community, potential farm access issues over the pipeline and potential negative impact to the Township’s many waterways.

On January 19, 2018 the FERC issued a Certificate of Public Convenience and Necessity (Certificate) that is conditioned on additional state and federal permits and approvals to PennEast. The next step in the process will involve eminent domain proceedings against landowners who have not given easements for the project. Upon receipt of either condemnation or easement, the pipeline will complete wetlands delineations, threatened and endangered species surveys and other surveys required by the New Jersey Department of Environmental Protection (“NJDEP”) for wetlands and flood hazard area permitting, and submit their applications for those permits. During NJDEP’s review the New Jersey Highlands Council is able to comment on the permit applications through a full Consistency Determination for impacts to Highlands Resources. After the permits are issued, the pipeline may begin construction.

Emerald Ash Borer

The Emerald Ash Borer (“EAB”) is a one inch long by one eighth inch wide metallic green invasive insect that attacks and kills ash trees. After the female lays eggs on the bark of an ash tree, the eggs hatch and the larvae bore into the tree, cutting off the flow of nutrients and killing the tree. Typically, it takes three to five years for a tree to die after the initial infestation. The first sighting of an EAB in the United States was in Michigan in 2002. However, it was not until May of 2014 that an EAB was discovered in New Jersey, specifically the Township of Bridgewater in Somerset County.^{vi} As of July 2017, the New Jersey Department of Agriculture has reported the EAB in 52 towns in 12 counties, including Hunterdon County. West Amwell

Township reported the EAB in 2016, while Delaware Township and neighboring Alexandria Township reported the EAB in 2017.^{vii}

There are approximately 24.7 million ash trees in New Jersey, 99% of which have the potential to be killed. The detecting and preventing of the EAB is rather difficult due to the size of the insect. However, active awareness and evaluation of ash trees for symptoms help fight the insect before the tree declines further or the infestation spreads.^{viii}

One method of mitigation is tree removal. Ash trees that are dead or already declining, in poor locations, untreated or infested should be removed to help reduce the risk of the EAB spreading to other trees in the area. Tree removal and processing should be done in the fall months before emergence of the EAB in the spring. The wood from removal should be used as fully and locally as possible to reduce spreading impacts.^{ix}

The Township is exploring another treatment option, which involves spraying or injecting an insecticide into the trunk of an infected tree. However, this treatment should only be done on trees with at least 70% live crown remaining or any tree where an EAB infestation has occurred within 10-15 miles to ensure the tree can recover. Trees with less than 50% crown remaining typically will not be able to be saved. There are four different types of insecticide treatment, systemic insecticides applied as soil injections or drenches, systemic insecticides applied as trunk injections, systemic insecticides applied as lower trunk sprays and protective cover sprays applied to the trunk, main branches and occasionally the foliage.^x

The utilization of EAB predators can also help control or reduce existing EAB populations. The main predator of the EAB are stingless parasitic wasps. In the fall of 2015, the New Jersey Department of Agriculture released nearly 9,000 larval and 1,600 eggs of the predator into four locations containing low levels of EAB. Bridgewater, Hillsborough, Franklin and Ewing Townships received this treatment.^{xi} In May of 2016, a press release was issued stating that additional biocontrol parasitoids will be released in parts of Mercer and Somerset counties every two weeks throughout the EAB's active season.^{xii}

There is concern that EAB will spread to Holland Township and destroy the ash trees within the community. This will have a visual impact on the community as well as an impact on any landowner that relies on the logging of ash as an income.

Proliferation of Solar Farms

Within the Township solar facilities are permitted as principal and accessory uses in certain zones. Solar panels are permitted as accessory uses in the Village Residential District (roof-mounted only), Village Residential – A District (roof- or ground-mounted), R-1 and R-5 Residential Districts (roof- and ground-mounted), Multi-family Residential District (roof-mounted), Commercial District (roof- or ground-mounted) and Planned Commercial Development/Planned Senior Village Development District (roof- or ground-mounted).

A solar energy facility is permitted as a principal use in the Limited Industrial Park District if the use meets several conditions outlined in Section 100-21M. Within this zone a solar energy facility must have a minimum lot area of at least 20 contiguous acres.

Since the 2010 plan, two applications have been approved for solar facilities. The first site is known as Garden Solar located on Spring Mills – Little York Road. The application was filed in September of 2011 and heard between November 2011 and January 2012. The Applicant was approved to construct two solar arrays that are not connected to each other in March of 2012.

The second is known as the Mill Road Solar Project, located at 10 Mill Road. This application was filed in January 2016. On November 14, 2016 the application was deemed completed. Public hearings occurred in January, February and May of 2017. The Board approved the application and memorialized the resolution in June of 2017. The site consists of Block 2, Lot 1.02 (abandoned paper mill buildings) and Block 4, Lot 1 (farm fields). The Applicant was approved to construct a solar farm facility consisting of three distinct solar arrays on the site, generating 8.9 megawatts. The system is known as a “direct grid” system, which connects to an existing off-tract electrical distribution grid system.

It should be noted that in 2009 the State passed legislation that added “wind, solar or photovoltaic energy facility(ies) or structure(s)” as inherently beneficial uses. The statute also permits renewable energy facilities on parcels of 20 or more acres owned by the same entity in all industrial zones.

In October of 2012, the New Jersey Department of Environmental Protection issued a Solar Siting Analysis. The purpose of the guidance document is to “aid the Department, local communities and potential developers in planning for solar installations by distinguishing between sites where the Department encourages solar development from those where the Department discourages solar development.”^{xiii} The report provides two categories – sites preferred by the Department for Solar Development and sites not preferred by the Department

for Solar Development. Page 5 commences the discussion of preferred sites, which are summarized below:

- Existing impervious surface
- Properly capped/closed landfills and remediated brownfields
- Landfills requiring proper closure and brownfields requiring remediation
- Barren and disturbed uplands

Sites not preferred by the Department for Solar Development are as follows:

- Agriculture
 - Agricultural lands provide important and economically valuable ecosystem services including stormwater retention, preservation of soil and water resources, wildlife habitat, and carbon sequestration. ... A solar project could potentially damage agricultural land, impede or reduce the productive agricultural capacity of the land for future use, and displace wildlife habitat.”^{xiv}
- Natural and/or protected lands
 - “Solar projects on natural and/or protected lands such as forest, wetlands, flood hazard areas, wildlife habitat, open space, historic lands, etc. are also not preferred.”^{xv}

According to the NJDEP’s Division of Land Use Regulation website, the division supports solar panel projects and encourages the siting of solar projects within developed areas of the State.^{xvi} The website notes that solar projects may require authorization for the Division of Land use Regulation if there are potential impacts to special areas, such as critical wildlife habitats, farmland conservation areas, public open space, riparian zones, steep slopes and wetlands. For a full list of “special areas”, see: <http://www.nj.gov/dep/landuse/specialareas.html>.

In reviewing any future solar applications, the AAC encourages the Planning and Zoning Board to refer to this guidance document in evaluating the site(s) selected by the developer.

The AAC is concerned about the impact solar facilities will have on the Township’s view sheds as well as the impact to farmland soils where these arrays are installed.

Wind Energy

In May of 2010 the Township Committee adopted Ordinance 2010-14, which permits small wind energy systems as conditional uses in the Limited Industrial Park District. There are 13 conditions. The maximum tower height is 120 feet. The Ordinance also permits small wind energy systems as an accessory use to a permitted farm that encompasses 20 or more contiguous acres within the Limited Industrial Park District. Small wind energy systems are also permitted as an accessory use to an agricultural use on at least 20 acres in the R-1 and R-5 Residential Districts.

As noted in the section above, wind energy facilities have been determined by the State to be inherently beneficial uses.

The AAC has expressed concern about the potential development of wind energy in the future. The Committee is apprehensive about the potential view shed impacts to what is otherwise a bucolic landscape.

Illegal Dumping

Illegal dumping is an issue in rural communities across the country. Items that are difficult to dispose of such as electronics, bulk items, etc. are the typical roadside castaways. Illegal dumping can cause property damage and contaminate the soil and/or waterways. It is a nuisance to the property owner, who is left to appropriately dispose of the items, and unsightly to the traveling public.

Section 105-4 of the Township code prohibits illegal dumping. However, the section does not contain fines. The AAC should work with the Township Committee to ensure that hefty fines are in place to penalize any perpetrators.

Transfer of Farmland

The last, but not least, apprehension of the AAC is the fact that many farmers are near retirement age and will be looking to sell their farms. The Committee is concerned about the transfer of farmland, especially those parcels that are not preserved, from the current owner to the future owner and how the Township ensures those parcels remain farmland. The worst possibility is that the farmland is sold to a developer, who is interested in developing the land for some other

use. However, the Township expects to realize some protections from this since the new Highlands Land Use Ordinance requires residential developers to set aside at least 80% of the project area as open space or preserved farmland.

The key to preventing the sale of a farm to a developer is ensuring there is a supply of young farmers. The National Young Farmers Coalition, established in 2010, represents, mobilizes and engages young farmers to ensure their success. The Coalition works to connect young farmers to older farmers. They offer training and even provide a list of farming internships, jobs and land to rent on their website (<http://www.youngfarmers.org>). Resources also include reports and a guide on where to find credit and capital. The AAC is establishing a relationship with the National Young Farmers Coalition.

The difficulty in transferring farmland from a retiring farmer to a beginning farmer is affordability. For the farmer looking to retire, this is his 401(k) and the money from the land sale is needed to support his retirement years. For the beginning farmer, who doesn't have a lot of money, it is difficult to find suitable and affordable farmland due to New Jersey's high real estate values. One entity that helps young farmers is Dirt Capital Partners, whose mission is to invest in farmland in partnership with farmers in the northeast. For more information on Dirt Capital see: <http://www.dirtpartners.com/>

Another issue regarding the transfer of farmland is the dual appraisal provision, unique to property owners within the Highlands Region. Under the dual appraisal method, property owners in the Highlands Region who preserve their land under the Green Acres Program or State Farmland Preservation Program receive two appraisals – one based on the current property value and one based on the local zoning, State environmental laws and NJDEP regulations in effect as of January 1, 2004 (before the adoption of the Highlands Act). The higher of these two values is used as the basis for negotiation when the applicant meets certain conditions.^{xvii} The conditions include:

- The Applicant owned the property as of August 10, 2004;
- The Applicant is an immediate family member of the owner that owned the property as of August 10, 2004; or
- The Applicant is a governmental unit or non-profit organization that acquired the property from an original owner or immediate family member.

However, the dual appraisal provision is set to expire on June 30, 2019. The dual appraisal is an invaluable tool in preserving farmland within Holland Township. The AAC encourages the legislature to extend or renew the law that permits dual appraisals within the Highlands Region.

Opportunities Since the 2010 Plan

There have been three “opportunities” or positive factors that have occurred since the 2010 Plan that support the preservation of farmland and/or the farming economy.

Farmer's Market

On May 17, 2011, the Township Committee adopted an ordinance, which established the farmer's market within Holland. The first farmer's market occurred in 2011 and the first food handlers' licenses were issued in 2013.

The market is located at the Holland Township Firehouse on the corner of Milford-Warren Glen Road (Route 519) and Anderson Road. Hours of operation are 9am to 1pm every Saturday starting in June. The vendors offer a variety of goods including fruits, vegetables, eggs, fresh cut flowers, plants, herbs, desserts and breads, beef, pork, chicken, dairy products, etc.

Bobolink Dairy & Bakehouse

Located at 369 Stamets Road is Bobolink Dairy and Bakehouse. The White family moved into Holland Township in June of 2010. The farm produces and sells artisanal cheeses and bakes breads in a wood-fired oven. They also sell pastured meats. In addition, the farm offers classes on baking and cheesemaking.^{xviii} The farm store is open six days a week, but Bobolink also attends several farmer's markets across the state. One can also book a tour of the farm, offered on Saturdays and Sundays. Visitors can see the bakery, farm store, cows, chickens and pigs. During the one hour plus tour, visitors also can taste the breads and cheeses made on-site. The farm store and tours attract Township residents as well as visitors from outside the community and exposes them to agricultural activities and nature. It is a great way to bring awareness to the importance of agriculture and farmland preservation in both Holland and in the State of New Jersey.

Highlands Land Use Ordinance

On November 8, 2017 the Township Committee adopted Ordinance No. 2017-2012, the Highlands Land Use Ordinance, which became effective November 21, 2017. This was the result of years of work of volunteers and Township professionals. The Ordinance applies to any application that creates three or more dwelling units and non-residential applications that disturb more than one acre of land, produce a cumulative impervious surface area of ¼ acre or more or introduce or expand a use not permitted by the regulations (unless the application is able to obtain an exclusion or exemption).

The Ordinance works to both enhance the ability to farm and protect the natural resources that make farming financially feasible and sustainable. Section 5-2.1 allows agricultural and horticultural uses as a principal permitted use in the defined Agricultural Resource Area (unless the site is forested) regardless of the underlying Township zoning. As noted in the Ordinance, The Agricultural Resource Area (“ARA”) consists of the areas of most concentrated and contiguous agricultural uses in the Highlands Area and contains major areas of Important Farmland Soils.

Section 6-9.3 of the ordinance works to preserve contiguous pieces of farmland, by restricting permitted residential development in the ARA to residential cluster development. Therefore, if a farmer wanted to sell his 80-acre farm to a residential developer, the developer would have to abide by the regulations contained in Section 8 of the code. The ordinance requires that 80% of the site must be preserved in perpetuity for agricultural use or for environmental protection.^{xix} If this hypothetical 80-acre farm is in the Planning Area, Conservation Zone, under the Ordinance, 64 acres of the farm would have to be preserved for farming or open space and 16 acres could be used for residential development. In accordance with the septic requirements, 6 homes would be permitted to be constructed on the remaining 16 acres.

The clustering requirement ensures that most of a large tract is going to be preserved for farmland or open space and that area will be contiguous and not subdivided into useless slivers. The ordinance provides a new opportunity to preserve farmland in a non-traditional way even when a portion of the tract is being developed for residential uses. Between 80 and 90% of any new project would be preserved for either open space or agriculture. If the project area is contiguous to a preserved farm or within a project area, the AAC would prefer the land be preserved for farmland. This new ordinance creates a new dimension to managing preserved land within the Township.

Project Areas

There are four project areas within Holland Township. The boundaries of these four areas can be seen on page 12. Area 1 – Bunn Valley is both the largest area and the area of highest priority. The Holland Station District is the second highest priority project area. The third highest priority project area is Hawks Schoolhouse. Finally, the fourth highest priority project area is Musconetcong.

The AAC has some concerns for future farmland preservation in the project areas. The first concern is maintaining contiguous acres of farmland. Proximity of farmland is important for farmers and their ability to farm efficiently and effectively. The Committee is worried with the pending pipeline project traversing the Township, that the ability to retain contiguous acres will be undermined. The second concern the Committee noted is the worry that the pipeline will bring with it easements that farmers can’t cross or that they must maintain setbacks from during day-to day operations. These easements could translate into physical barriers and financial impediments for farmers within Holland.

¹ The Township recently adopted the Highlands Land Use Ordinance that mandates any new residential subdivisions to cluster and preserve at least 80% of the site. To the extent such projects occur, it will positively affect the anticipated acreage of preserved farmland and open space within the Township. Furthermore, it should be noted that these additional preserved lands would not draw upon the usual four funding sources because the developer purchases the land and then deed restricts it.

¹ <https://www.ferc.gov/industries/gas/enviro/eis/2017/04-07-17-FEIS.asp>

¹ <http://penneastpipeline.com/member-companies/>

¹ <http://penneastpipeline.com/proposed-route/>

¹ <https://www.ferc.gov/industries/gas/enviro/eis/2017/04-07-17-FEIS.asp>

¹ <http://www.nj.gov/agriculture/news/press/2015/approved/press151008.html>

¹ <http://www.nj.gov/agriculture/divisions/pi/prog/emeraldashborer.html>

¹ <http://www.nj.gov/agriculture/divisions/pi/prog/whatiseab.html>

¹ Ibid.

- ¹ <http://www.nj.gov/agriculture/divisions/pi/pdf/eabinsecticidefactsheet.pdf>
¹ <http://www.nj.gov/agriculture/news/press/2015/approved/press151008.html>
¹ http://www.nj.gov/dep/newsrel/2016/16_0047.htm
¹ http://www.nj.gov/dep/ages/docs/solar_analysis_final.pdf, page 3.
¹¹ Ibid, page 9.
¹ Ibid, page 10.
¹ <http://www.nj.gov/dep/landuse/activity/solar.html>
¹ http://www.highlands.state.nj.us/njhighlands/news/pres/dual_062910.pdf
¹ <http://www.cowsoutside.com/>
¹ This assumes the site is outside a sewer service or public water service area.

Secretary note: Documents are converted for the minutes. Conversion the documents are so that the reader can obtain an understanding of what is being said and are not the actual documents. Original documents or copies of said letters, memos, reports and the such are available in the file located in the Planning Board/Board of Adjustment office.

Planner Green explained that the plan was last updated in 2010 with a prior date of 2007. The Highlands Council grant funding allowed for a revision to this plan. Upon review of the 2010 plan, everyone agreed that minor modifications were needed and that we would not need to use the original \$15,000.00 allocated for this task. This will enable us to use the difference towards another task in our Grant Implementation schedule. The plan had the involvement of the Holland Township Highlands Council Subcommittee, the Holland Township Agricultural Advisory Committee, with review from the Highlands Council, The State Agriculture Board and the County Agriculture board. This is an addendum or an enhancement to the 2010 plan on file.

Planner Green reviewed the plan so as to best explain it. While plan gives a snapshot of preserving farmland in Holland Township it also allows for a snapshot of the open space in Holland Township. Some highlighted items in the plan include the addition of Bobolink Farm, concerns expressed such as the Emerald Ash Borer, Proliferation of Solar Farms. Wind Energy, Illegal Dumping, Transfer of Farmland and the desire of our Agricultural Advisory Board to have the Township Committee expand the dual appraisal provisions. The Highlands Land Use Ordinance adopted in November 2017 also mentions provisions regarding clustering which could have a positive impact on farmland preservation. A conversation about clustering and percentages took place which also touched on the topic of buffering.

Board questions included a request to number the maps which Planner Green will tweak that request into the plan.

The Public Hearing was open to the public for comment.

Ted Harwick – Bellis Road – he questioned Page 7 and wanted clarification regarding the tables and if this pertained to the county which the answer was affirmative.

There were no other questions from the public and the Public Hearing portion was closed.

There were no other questions from the board or professionals.

A motion was made by Tom Scheibener and seconded by Dan Bush to approve the plan as presented with a change to be made which included the numbering request as acknowledged by Planner Green. At a roll call vote, all present voted in favor of the motion. Motion carried.

Sub-Committee Status and Updates:

Ongoing work to be discussed – Holland Township Highlands Council Subcommittee –Noting new to report at this time other than – Work is progressing. Maser Consulting is moving forward with some specific tasks such as: The Stormwater & Wastewater Plan and Water Use and Conservation Plan. The Secretary is working with Rick Roseberry on the NJ Highlands Council Stormwater Management Implementation process in Holland Township.

Mike Keady reported that Maser Consulting reached out to him and explained that one of the components requires that the Township revise their Stormwater Plan to include a list of mitigation projects on Township lands and develop concept plans and cost estimates for 2 priority mitigation projects. Mike Keady will follow up with Department of Public Works Supervisor, Al Turdo for his input in this project.

Board Member Discussion:

Ken Grisewood wanted to follow up on information sent by Secretary Kozak regarding Bock 15 Lot 1 – Phillips Farm on the corner of Rt 519 and Rt 614. He went to Rutgers to review the file and was unable to make copies of anything but took notes. The project is for farm irrigation. The Public Notice is:

IN THE MATTER OF: PHILLIPS FARMS LLC

Application No. HNO040 to divert water from one existing, uncertified well in the Borough of Milford, Hunterdon County.

Pursuant to the provisions of the Water Supply Management Act, N.J.S.A. 58:1A et seq., PHILLIPS FARMS LLC, 45 Phillips Rd, Milford, NJ, 08848, filed an application on January 22, 2018 with the Rutgers Cooperative Extension and the Department of Environmental Protection, Bureau of Water Allocation & Well Permitting, for approval of plans to divert 9 million gallons of water per month and 54 million gallons of water per year, at a maximum rate of 425 gallons per minute from one existing, uncertified well. This request is for a new Agricultural Water Use Certification. The well is located in Borough of Milford, Hunterdon County at the Phillips Farm off of Spring Mills Road. The diversion is to be used for irrigation of Agriculture-Field Crops, Agriculture-Vegetables, Leaf Crops.

The application is available for public review, by appointment only. at the Offices of the Rutgers Cooperative Extension, 324 State Route 12 Building, Flemington, NJ 08822 and at the Bureau of Water Allocation & Well Permitting, 401 East State Street, Trenton, NJ (609) 984-6831.

Written comments and/or requests for a public hearing on the application must be received by the Department no later than Monday, April 30th, 2018, and submitted to:
Mail Code 401-040

Secretary note: Documents are converted for the minutes. Conversion the documents are so that the reader can obtain an understanding of what is being said and are not the actual documents. Original documents or copies of said letters, memos, reports and the such are available in the file located in the Planning Board/Board of Adjustment office.

First of all, the notice is defective. The property is in Holland Township and not Milford.

Ken Grisewood also reached out to the DEP Division of Water Supply and spoke in general terms. The DEP will only look at wells within 1 mile if comments or concerns are expressed. There are no hydrogeology studies on file. There is no discussion about water availability in the aquifer or the impact of this project. Ken Grisewood is bringing to the boards attention in the hope that the board thinks we should reach out to the DEP with potential concerns. He thinks a revision to the well application should show potential impacts on the community wells. The overall number can be reduces as it is monitored and the use can only be what is applied for which is farmland irrigation. The permit is specific. The DEP determines zones of influence. A new well can be open and a cone is the draw down from that. Holland Township does not have any information regarding this project. Dan Bush question the absorption and no one is able to give him an answer on that. All we know if that the DEP will monitor the well and investigate drought years as best as possible. They also monitor consumption. Farmers are exempt from restrictions. Some discussion took place about the meeting of the Highlands Council subcommittee regarding the Water Use and Conservation Management Plan and how Holland Township should be ok since the old paper mills are defunct but more information will follow as the plan is worked on. This plan will come before the Planning Board as an element of the Master Plan.

Secretary Kozak was working with Township Attorney Richard Cushing on this subject.

Ken Grisewood expressed that the township needs to see the documentation that supports the permit. All present agreed that Attorney Gallina needs to write a letter immediately addressing the concerns expressed. Attorney Gallina will work with Secretary Kozak. In essence, Holland Township is requesting that the application be reviewed properly and that documents are sent to us for review. Holland Township wants to know if this project is safe for the community or not. We have current residents as well as a planning board project in the one mile radius that could be affected.

Public Comment

There were no public comments offered at this time.

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 8:50 p.m.

Respectfully submitted,
Maria Elena Jennette Kozak
Maria Elena Jennette Kozak
Secretary
