

Holland Township Planning Board

Minutes of the Regular Meeting

February 11, 2019

*** In light of the pending snow storm, Chairman Rader had to rearrange his scheduled flight tomorrow for today which caused him to miss this scheduled meeting. Vice Chairman Keady, in attendance, will recuse himself from the building later in the meeting. Board member Michael Miller will be the acting Chairman for this meeting ONLY. ***

The meeting was called to order by the Acting Chairman Miller:

“I call to order the February 11, 2019 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 13, 2018 by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Published in the December 13, 2018 issue of the Hunterdon County Democrat
3. Faxed to the Express Times for informational purposes only.

Flag Salute

Acting Chairman Miller asked all to stand for the Pledge of Allegiance

Identification of those at the podium

Present: Dan Bush, Dave Grossmueller, Michael Keady, Carl Molter, Mike Miller, Tom Scheibener, Duane Young, John Gallina, Esq., Bill Burr, Engineer, and Court Reporter Donna Mackey for Lucille Grozinski, CSR and Maria Elena Jennette Kozak, Secretary.

Excused Absent: Ken Grisewood, Dan Rader, Darlene Green, Planner

Let the record show there is a quorum.

Minutes

A motion was made by Mike Keady and seconded by Duane Young to dispense with the reading of the minutes of the January 14, 2019 meeting and to approve the minutes as recorded. All present were in favor of the motion with the exception of Tom Scheibener who abstained. Motion carried.

Appointments and Re-appointments

(Determined January 2, 2019 at the Township Committee Reorganization meeting)

Attorney John Gallina swore in the following member:

Thomas Scheibener – Class III Member for a one year term 12/31/19

Everyone extended their congratulations and best wishes for another year of being involved with the Planning Board.

Discussion

- Block 10 Lot 9 – Maryann Saeger – Lot acres approximately 7.8 – interested in a minor subdivision with potential lot 1 to be 5 acres and lot 2 the remaining acres – nothing submitted – interested in talking with the board. – The Saegers have been in touch with the Municipality many times to discuss options with the land. This recent proposal was in a phone call at which time Secretary Kozak was asked to add this to the agenda for a discussion item. The Saeger’s were not present at this meeting. Discussion did not take place other than the board asking if Secretary Kozak has distributed prior resolutions to the Saegers regarding this property and if Secretary Kozak has suggested to the potential applicant to review the resolution to see if there is anything in the prior resolution regarding a restriction of another subdivision.

Old Business:

There was no Old Business scheduled to discuss.

New Business:

There was no New Business scheduled to discuss.

Completeness Review:

There was no Completeness Reviews scheduled to discuss.

Resolution

- Block 24 Lots 3 and 13 – Huntington Knolls LLC – Minor Subdivision & Final Site Plan – Phases 2, 3,4 – Received into the office on July 24, 2018 and July 27, 2018 – The 45-day-completeness deadline is September 7, 2018. Deemed complete August 13, 2018 for Minor Subdivision & Final Site Plan – Phases 2 and 3 only. Revised Plans received September 19, 2018. Carried from September 10, 2018, October 8, 2018, November 12, 2018, December 10, 2018 to January 14, 2019 – Approved with conditions January 14, 2019. Attorney authorized to prepare the resolution. Resolution distributed. Board action needed to memorialize the resolution.
- Board Member Mike Keady recused himself and left the meeting and the building.

Submitted for review:

Block 24 Lots 3, 13 & 13.01

**HOLLAND TOWNSHIP PLANNING BOARD
RESOLUTION**

WHEREAS, the Applicant, Huntington Knolls, LLC was previously granted overall planned development approval, preliminary major subdivision approval, and preliminary site plan approval for Phases II, III and IV of its planned development application; and

WHEREAS, on May 12, 2014, the Board adopted a Resolution amending prior Resolutions of May 12, 2003; June 12, 2006 and September 12, 2011. The Resolution adopted May 12, 2014 contained a revised list of applicable conditions of all prior approvals, which embodied all conditions of the prior approvals, and which superseded the conditions listed in the prior approvals; and

WHEREAS, on September 8, -2- 2014, the Planning Board modified the Resolution of May 12, 2014, and adopted additional changes, that superseded the conditions of all prior approvals; and

WHEREAS, on November 10, 2014, the Planning Board adopted a Resolution, which among other items, granted preliminary approval of Phases III and IV of the planned development, subject to all conditions of the Master Resolution of September 8, 2014, except as they may be specifically further modified by the findings, terms and conditions as set forth in the November 10, 2014 Resolution; and

WHEREAS, the Applicant, Huntington Knolls, LLC has applied to the Holland Township Planning Board for final site plan approval of Phases II, III and IV of the planned development; and

WHEREAS, the Applicant has published the proper Notice of Hearing in the

newspaper and made service upon the property owners within 200 feet regarding the requested relief; and

WHEREAS, the Planning Board considered the application at its meetings of October 8, 2018; December 10, 2018 and January 14, 2019; and

WHEREAS the Applicant was represented at the October 8, 2018 hearing by William Caldwell, Esq., and at the December 10, 2018 and January 14, 2019 hearing by Anthony Ambrosio, Esq.

WHEREAS, testimony at the hearings was given by Andrew Holt, PE; Peter Chandler, PE and by Vincent Jiovino, member of Huntington Knolls, LLC ; and

WHEREAS, the following Exhibits were marked and identified and permitted into evidence at the public hearings:

- A-1 - Certification of Service;
 - A-2 - List of owners and utilities requiring notice;
 - A-3 - Notice of Hearing;
 - A-4 - Proof of newspaper publication;
 - A-5 - Certified mailing slips;
 - A-6 - Correspondence of Suburban Consulting Engineers dated 10/8/18 regarding Fire Suppression Calculations
 - A-7 - Correspondence of Suburban Consulting Engineers dated 10/8/18 regarding water system service
 - A-8 - Colored rendering of project;
 - A-9 - Fire truck circulation exhibit;
 - A-10 - Garbage truck circulation exhibit;
 - A-11 - Open space plan (sheet 6 of 53 of site plan submission, last revised 9/17/18
 - A-12 - Correspondence from Fire Chief dated 12/10/18 ;
 - A-13 - COAH plan (Sheet 34 of site plan submission, unsigned, dated 12/10/18)
 - A-14 - COAH plan (Sheet 34 of site plan submission revised 1/2/19)
 - A-15 - Correspondence of Suburban Consulting Engineers dated 1/9/19 re: COAH plan;
 - A-16 - Correspondence of Suburban Consulting Engineers dated 1/10/19 re: COAH plan;
 - A-17 - Correspondence of Suburban Consulting Engineers dated 1/11/19 to NJDCA
-
- B-1 - Report of -3- Engineer Roseberry dated 10/4/18;
 - B-2 - Report of Planner Green dated 10/4/18;
 - B-3 - Report of Planner Green dated 12/5/18;
 - B-4 - Report of Engineer Roseberry dated 11/28/18;
 - B-5 - Report of Planner Green dated 1/8/19;

WHEREAS, the Board members having carefully considered and reviewed the Applicant's request, made the following findings of fact and conclusions of law:

1. All the information shown on the application filed with the Planning Board is adopted by reference as though the complete application were set forth herein and made a part hereof.

3. At the hearing on October 8, 2018, testimony was given by Andrew J Holt, PE. Engineer Holt gave testimony regarding the proposed water supply for the project. He stated that Aqua, NJ is the water utility for the project. Aqua owns and operates a water tank at the Fox Hill

development, located to the north of the site. The Applicant desires to extend the water supply to this development for Phases III and IV of the project. A Will Serve letter has been issued for Phase III, but Aqua cannot commit to Phase IV at this time. Engineer Holt also discussed a booster pump system for fire suppression for Phases III and IV. He stated that a 750 gallon per minute supply would be provided, which would comply with RSIS requirements.

4. Engineer Holt produced a copy of his correspondence dated October 8, 2018 (Exhibit A6), which contained fire suppression calculations. The correspondence states that the calculations indicate that the proposed 750 gallon per minute booster pumps would be sufficient to satisfy Insurance Services Office standard fire suppression standards and RSIS requirements.

5. Engineer Holt also referred to correspondence of October 8, 2018 (Exhibit A-7), regarding the RSIS requirement that the distribution mains of the overall system be connected into loops, so that the water supply be delivered to consumers from more than one direction. Engineer Holt testified that given the proposed layout of the residential development, there would be more than 50 dwelling units that would result in "dead end" lines. According to Engineer Holt, looping the mains to receive multiple sources of water supply would not be practical and would be hydraulically impossible given the infrastructure and the DEP requirements under the Safe Drinking Water Act (SDWA). He testified that the SDWA regulations anticipate that the water supply cannot be looped in all cases, referring to N.J.A.C. 7:10-11.10(e) 1, which states that "So far as practicable, distribution mains shall be laid in a loop system to eliminate dead ends". (Emphasis added). Engineer Holt testified that the proposed design proposes to install an 8 inch water transmission main from the Aqua NJ Fox Hills water system to the proposed booster pump station, which will provide adequate pressure for the residents of the development. Subsequent to the pump station, the water main will be installed with standard hydrants and terminate with a flushing hydrant.

6. Engineer Holt testified that the design as presently constituted, complies with the SDWA regulations, in particular N.J.A.C. 7: 1 0-1 1 .1 0(e)1 , which recognize that looping is not possible in all situations. Therefore, the Applicant would request an exception from RSIS looping requirements in accordance with SDWA regulations.

6. With regard to the requested RSIS exception/waiver, Engineer Roseberry commented that an RSIS exception is under the jurisdiction of the State. Generally, there are 4 requirements to obtaining an RSIS deminimis exception:

- it is consistent with the intent of the site improvement act;
- it is reasonable, limited and not unduly burdensome;
- it meets the needs of public health and safety;
 - it takes into account the existing infrastructure and possible surrounding future development.

Engineer Roseberry stated that the Planning Board can adopt a Resolution in this regard requesting a de minimis exception and forward it to the Department of Community Affairs. Also, the Applicant can apply directly to the DCA for a waiver for deviations that are not considered de minimis. It was noted that under RSIS standards, (NJAC 5:21-5.3), that dead end lines are permitted provided that there are no more than 20 dwelling units permanently or, or more than 50 dwelling units temporarily on a dead end water line. Since the proposed development will exceed this limitation, Engineer Roseberry suggested that the Applicant apply to the DCA for an RSIS waiver.

7. Further testimony at the October 8, 2018 meeting were given by Peter Chandler, PE. Engineer Chandler stated that the Applicant is seeking final site plan approval for Phases 3 and 4 of the project. The project consists of five Phases. Phase I was a subdivision with a new lot being created. Phase II is a farmette with an access road shared with Phase I. Phase III will consist of improvements to Claremont Drive, 44 townhomes and 12 affordable housing units. Phase IV will consist of 62 townhomes and 14 affordable housing units. Engineer Chandler noted that the Applicant is not seeking Phase IV final approval at this time, contrary to what is stated in the Application. He also noted that the site is located in the Planned Commercial /Planner Senior Development (PCD/PSV) District. The project previously contained a senior housing component, but was converted to non-age restricted housing, with a recreation area. Engineer Chandler indicated that the NJDEP permits have been issued for the bioretention basin, and overflow to the wetlands area. He also produced a colored rendering of the project (Exhibit A8). Additional Exhibits consisting of a fire truck circulation exhibit (A-9) and a garbage truck circulation exhibit (A-10), and a copy of the Open Space Plan, last revised 9/17/18 (A-11) were also introduced.

8. At the meeting of October 8, 2018, the October 4, 2018 report of Board Engineer Roseberry was discussed. (Exhibit ⁻⁶⁻ B-1). The report notes that Suburban Consulting had issued correspondence dated September 19, 2018 addressing outstanding conditions from prior Board Resolutions, and that plans entitled "Minor Subdivision and Final Site Plan for Phases 2, 3, and 4 dated July 19, 2018 and revised September 17, 2018 were received, along with plans entitled "Playground Layout Compliance", dated September 18, 2018.

9. Engineer Roseberry's report also noted that Phase IV of the project cannot proceed until the Applicant provides proof of sufficient water supply. It was also noted that the minor subdivision is intended to adjust the boundary lines between Lots 3 and 13 to create the minimum 12 acre commercial property that would be required of the PCD/PSV zoning district. No development is proposed on the 12 acre parcel which would be considered Phase V of the project, which is the

commercial portion of the project. Phase V does not have water or sewer allocation from the DEP.

Engineer Chandler noted that the existing tavern building and barn concerning Phase V are presently on well and septic.

10. The following items regarding Engineer Roseberry's October 4, 2018 report were discussed:

-Comment #9 — the proposed water system shall be looped in accordance with RSIS standards (NJAC 5:21-1, et seq.) It was noted that the plans do not propose a looped system for Phase III. Only Phase IV will be looped. A waiver or exemption from RSIS may be required. Since there is no water allocation for Phase IV, the Board may desire to consider an alternate plan for a looped system is the event Phase IV is never built.

Comment #10 - Outside agency approvals. Engineer Chandler indicated that Hunterdon County Planning Board conditional approval to construct would be obtained.

- **Comment #14** - Fire truck turnaround areas. It was noted that circulation Exhibits A-9 and A-10 were submitted. The Applicant will follow up with the Township fire chief regarding the circulation plan. It was mentioned that the standard length of a firetruck is about 24 feet, and for a garbage truck about 29 feet. Engineer Chandler stated that the exhibits demonstrate adequate turning space.

Comment #20b. - Minor subdivision Plan, the hatching for the access easement shall extend to Route 519. The Applicant agreed to revise the plan accordingly

Comment #20. - The proposed easements on the plan shall indicate who the grantee will be. The Applicant agreed to revise the plans.

Comment #21. - The plans prepared by Engineer Zederbaum, the Applicant's prior Engineer, are required to comply with the former resolutions of approval. The Resolutions requires that the 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. Engineer Roseberry indicated that the Applicant could either revise the plans accordingly or seek to change this condition.

11. Board Planner Darlene Green had also prepared a report dated October 4, 2018 (B-2). The following items in her report were discussed at the October 8, 2018 meeting:

- **Page 5, #4** - The site plan consists of 51 sheets. The index lists sheets 52 and 53 as "reserved".

The Applicant indicated that these sheets were kept open for the circulation exhibits (A-9, A-10.)

Page 6, #7 - Sheet 7 of the site -8- -7- plan contains 2 zoning tables that reference the "PCD Zone". It should read "PCD/PSV Zone". Many of the distances cannot be found on the plan. The Applicant has revised the zoning tables. However, the information on the tables needs to be revised.

The Applicant has indicated that this information will be provided.

Page 6, #8 - The trail leading to the recreation area is proposed to have a woodcarpet path surface. Correspondence from the Applicant's Engineer indicates that the trail between Phases III and IV will be stone aggregate.

The applicant has indicated that the trail between Phases III and IV will be compacted gravel. The trail to the recreation area will be woodcarpet

- **Page 6 #9-** Sheet 7 of the plans illustrate the location of a 30 square foot sign on Route 519. No details were provided. Ordinance Section 100-91.14E(13) only permits a 30 foot square sign for assisted living facilities.

It was noted that senior citizen housing is no longer proposed for this project. The Applicant can request a design waiver or not put up the sign.

-Page 6, #11 - The plans note on Sheet 5 that Building 2 and its amenities will be constructed in Phase IV. As to the "amenities" referred to, the Applicant has indicated that refers to the sidewalk to be constructed.

– **Page 6, #12** - The Applicant is to clarify if the proposed dumpster area for the COAH Units will be constructed during Phase III or IV.

The Applicant has indicated that the dumpster will be constructed as part of Phase III. The phasing also shows the dumpster area as part of Phase IV.

– **Page 7, #16** - Sheet 22 of the plans illustrates the landscaping planted beyond Phase III. It is unclear if the plantings are part of Phase III or Phase IV.

The Applicant's response letter of September 19, 2018 (Comment C. 20) indicates that the plans have been revised to indicate Phase III vs. Phase IV plantings. However, other than perimeter plantings, no indication regarding the plantings over the Phase III construction limit was provided. It is noted that the quantities in the Planting Schedule match the number of plantings illustrated, regardless of phasing.

Page 8, #19 - Section 100-91.12B.(3)(g) requires evergreen trees to be planted at a height of at least four feet. The height of the evergreen trees needs to be supplied to ensure Ordinance compliance.

The Applicant has indicated that the plans will be revised to show a height of 5 to 6 feet of the evergreen trees.

- **Page 8, #20** - The size of the paper birch trees was not provided. The plans need to be revised on the Plant Lists (Sheets 21 and 22) to ensure Ordinance compliance.

The Applicant indicated that the trees will have a 2 to 2.5 inch caliper, and be spaced 12 to 14 feet apart.

-Page 9, #26A - A detail for the proposed trash enclosure needs to be provided.

A trash enclosure detail was provided. The Applicant indicated that the color of the vinyl fence would match the color of the building.

12. Pages 8 and 9 of Planner Green's report (Items 20 to 25) discussed the COAH architecture plans, and the affordable housing component of the project. Planner Green noted that this was a key component when the project was converted from senior village housing. Architectural plans were submitted that were not signed or sealed. Items 20 to 25 discuss plan revisions required regarding the architectural plans and COAH restrictions. It is also noted in Planner Green's report (Page 8, # 23e) that the number of one-bedroom units cannot exceed 20% of the total of 26 affordable units. This would amount to 5.2 one-bedroom units, or a maximum of 5 one bedroom units. The rules also require that 20% of the units to be three-bedroom units, which would amount to 5.2 three-bedroom units. Generally, the rules require that the total be rounded upward, which would require 6 three-bedroom units. The plans currently provide for 2 three-bedroom units. Planner Green also noted that in the response letter from the Applicant's Engineer, the Treatment Works Approval permit from the DEP allows 5 three-bedroom units.

13. Planner Green noted that under COAH regulations, the Applicant has an obligation to provide 26.6 affordable housing units, and 26 are proposed. The Applicant would have the option of providing 27 affordable units, or making a pro-rated payment in lieu. Planer Green's report recommends a fee of \$150,000.00 for the year 2018. Therefore, the prorated amount

would be \$90,000.00 (.6 x \$150,000.00). Also, an Administrative Agent will need to be retained regarding COAH compliance.

14. In response to Planner Green's testimony, Attorney Caldwell commented that based on the ordinance in effect at the time the application was made, Ordinance Section 100-91.14 D only required a payment in lieu of \$25,000.00. Attorney Caldwell argued that based on the "time of decision" amendments to the MLUL, they would only need to comply with the Ordinance as it existed at the time the application was made. Without resolving this issue at this time, it was noted that signed and sealed architectural plans would need to be submitted which addressed the comments in Planner Green's report.

15. Engineer Chandler also discussed the proposed subdivision concept with the Board. The subdivision concept proposes that each phase of the project would become its own lot. Lot 13 would be subdivided into 5 portions. Lot 1 would be the farmette. Lot 2 would be the 44 townhouse units; Lot 3 would be the 12 COAH units; Lot 4 would be the remaining 62 townhouse units and 14 COAH units. Lot 5 would be the barn and commercial component of the project, which would be deed restricted for commercial use. Claremont Road would be a private road. It was noted that this could create possible issues with lots not fronting on a public road.

16. There was also discussion concerning the farmette, which is Phase II of the project. It was mentioned that the Department of Community Affairs had given a Certificate of Occupancy for the farmette. Engineer Chandler indicated that the Applicant is also seeking final site plan approval for the Phase II farmette as part of this application.

17. The public hearing was continued at the December 10, 2018 Planning Board meeting. At that time, Anthony Ambrosio, Esq. appeared on behalf of the Applicant.

-Page 7 Item C 10 - the Applicant indicated that the trail between Phase III and Phase IV will now be totally completed in Phase III. 18. I
n
connection with the continued - 10- hearing, reports were issued by Board Engineer Roseberry dated November 28, 2018 (Exhibit B-4) and Planner Green dated December 5, 2018 (Exhibit B-5).

19. Further testimony was given by Engineer Andrew Holt. Engineer Holt presented correspondence from Thomas Welsh Chief of the Holland Township Volunteer Fire Company dated December 10, 2018, (Exhibit A-12). The correspondence contained various recommendations, which Engineer Holt responded to as follows:

- A booster pump station will be installed for both Phases III and IV;
- An additional fire hydrant will be added by the COAH apartment complex at the far end of the parking lot;
- Due to constraints of the site, a 16 foot sidewalk width cannot be provided;

- There is access provided to the site. The correspondence requested that access be increased behind the COAH apartment building to allow for ground operations and use of ladders or fire apparatus in case of emergency. Engineer Holt indicated that the site is constrained, in that the rear of the COAH building backs up against a steep slope;

- No parking will be permitted on any roadway in the development, except in designated areas.

- The correspondence requested that hydrant flow be increased to 1000 gallons per minute at 20PSI. However, Engineer Holt noted that the hydrant flow will meet the RSIS requirement of 750 GPM. He also noted that the water will be drawn from the one hundred thousand gallon tank at the Fox Hill development. Increasing the flow to 1,000 GPM would not be feasible and exhaust the water supply.

20. There was also discussion with Engineer Holt regarding Planner Green's report of December 5, 2018. The following outstanding items were discussed:

-Page 5 Item B - design waiver for the proposed 30 foot sign.

The Applicant has indicated that no sign is proposed at this time.

-Page 7 Item C 12 - the applicant indicated that the proposed dumpster will be constructed during Phase III

-Page 8 Item C 16 - the Applicant indicated that all buffer plantings indicated for Phases 3 and 4 will be planted in Phase III.

- **Page 8, Item C 21** - the report notes that architectural plans have been submitted that are neither signed nor sealed by as licensed architect. Signed and sealed plans must be submitted.

- **Page 8, Item C 22** - the Township Ordinance requires that garbage be stored within the townhouse unit. Testimony is needed on the sufficiency of space within the garage to store garbage, recycling and a motor vehicle.

- **Page 9, Item C 23b** - The site plan illustrates two different building for the COAH units, which are a 12 unit building (50 feet wide by 120 feet long) in Phase III and a 14 unit building (50 feet wide by 140 feet long) in Phase IV. The new architectural plans indicate a 16 unit building (82 feet wide by 94 feet long). It is unclear if the second affordable housing Building is a different size or the same size as shown on the architectural plan. Also, the dimensions of the architectural plans do not match the buildings as shown on the site plan.

It was also noted that a revised COAH plan dated 12/10/ 18 was submitted (Exhibit A13) which indicates 16 affordable units in Phase III and 10 in Phase IV. The bedroom distribution in Phase 3 shows 4 one-bedroom units; 8 two-bedroom units, and 4 three-bedroom units. Phase 4 shows 1 one-bedroom unit; 8 two-bedroom units and 1 three-bedroom unit.

- **Page 9, Item C 23c.** Interior dimensions of the affordable units need to be provided. The Applicant suggested providing this information as part of Resolution compliance.

-1213-

- **Page 9, Item C 23e** The TWA permit indicates 5 three-bedroom units. Twenty percent (20%) of the total affordable units must be three-bedroom units, which amounts to 5.2 units, which would be rounded up to 6. Engineer Holt requested that the additional three bedroom unit be built in Phase IV. Then new plans show 4 three-bedroom units; 4 one-bedroom units and 8 two-bedroom units. The floor plans are only for one building. Testimony is needed for the remaining unit bedroom distribution.

- **Page 10, Item C 23f** — the previous approvals indicated a total of 26 affordable units. Twelve are to be constructed in Phase III and 14 in Phase IV. The revised COAH Plan (Sheet 34) indicates 14 units per building in Phase III and Phase IV, for a total of 28 affordable units. Also, the building shapes on the site plans do not match the new architectural plans. The architectural plans need to be revised.

- **Page 10, Item C 23i** - the floor plans indicate an 82-foot-deep building while the elevations illustrate and 81 foot 6 inch deep building. The Applicant indicated the plans would be revised as a condition of Resolution compliance.

- **Page 11, #25** - As previously indicated, the Applicant has an obligation to supply 26.6 affordable units. The Applicant has the option of providing 27 affordable units, or making a pro-rated payment

in lieu.

It was noted that the Applicant's Attorney had previously indicate that the Applicant would pay \$15,000.00 (0.6 x \$25,000.00). This issue still need to be resolved.

21. At the December 10, 2018 hearing, Planner Green reiterated that the architectural plans for the affordable units are not signed and sealed by a licensed architect, and must be submitted before the Board can grant any approval. The architectural plans were previously requested. It was also noted that in the Resolution of May 12, 2014, (page 15, Paragraph 17), that the architectural elevations and floor plans were to 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 were to be fully dimensioned as to height, width and depth of the buildings.

22. Engineer Chandler referred to the Resolution of November 10, 2014. He referred to Page 9, Paragraph 6, which stated that "Final architectural plans, including floor plans, for both the apartment buildings and for the townhouse s 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." Engineer Chandler stated based on this language, that submission of the architectural plans should be made a condition of approval. In response, Board Attorney Gallina stated that the language that the plans be submitted to the "to the Board for review and approval", indicates that the Board is to review and approve the plans at a Board meeting, and indicate in their findings and conclusions that the plans are approved.

23. In response to Attorney Gallina's comments, Attorney Ambrosio stated that this condition should be modified, so that submission of the plans be made a condition of approval. In response, Attorney Gallina stated that the Board has continually requested the plans, and that signed and sealed plans have not yet been supplied. Further, the furnishing of the architectural plans could be viewed as a significant -14- element of this application, especially with regard to the affordable housing units and COAH requirements. In order to modify a significant condition of approval, the Municipal Land Use Law would require that such a request for modification be done on public notice. (N.J.S.A. 40:55D-12a).

24. In discussing the project with the Board, the Applicant indicated that it would build 2 additional affordable housing units in Phase IV of the project. Therefore, in Phase IV, there would be 2 one-bedroom units; 8 two-bedroom units; and 2 three-bedroom units, for a total of 12 affordable units. Combining this with the 16 affordable housing units in Phase III of the project would yield a total of 28 affordable housing units. This would exceed the 26.6 affordable unit requirement, and would also eliminate the need for a pro-rated payment in lieu.

25. In further discussing the application, the Applicant agreed to address the outstanding conditions and items listed in Engineer Roseberry's report of October 4, 2018.

26. The Applicant also agreed to address the following items listed in Planner Green's report of December 5, 2018:

- **Page 6, #7** - Revise Zoning table information.

Page 7, #10 - Revise plans to show trail to be entirely in Phase 3.

Page 8, #19 - Indicate height of evergreen trees to comply with Township Ordinance Sec 100-91.12B(3)(g).

Page 8, #20 - Revise Plant Lists on Sheets 21 and 22 to show 2 to 2.5 inch caliper of Paper Birch trees.

- **Page 8, #21** - Submit signed and sealed architecture plans, to be consistent with plans and building footprint as shown on the site plan.

Page 9, #23(c) - Affordable Building Architecture Plans - The new architecture plans shall provide interior dimensions of the units. The handicapped units must provide radius circles to ensure the bathrooms are properly sized.

Page 9, #23(1) - Applicant shall confirm which dimension is correct and revise the plans accordingly.

Page 9, #24 - Affordable Housing. The Applicant shall comply with items a through e as a condition of any approval granted.

Page 11, #25 - This comment is now moot, since the Applicant will supply 28 affordable units.

27. Based on the revised affordable housing plan, Phase III will contain 16 affordable units and Phase IV will contain 12 affordable units, for a total of 28 affordable housing units. In order to comply with COAH regulations and UHAC rules, the affordable units will consist of the following:

- Phase III: 4 one bedroom units; 8 two-bedroom units and 4 three-bedroom units. (16 total units)
- Phase IV: 2 one-bedroom units; 8 two-bedroom units and 2 three-bedroom units (12 total units)

Total : 28 affordable units

Since the Applicant will supply 28 total affordable housing units, this will exceed the 26.6 minimum affordable unit requirement, and will therefore not require a pro-rata payment in lieu.

28. The public hearing continued on January 14, 2019. Attorney Anthony Ambrosio again appeared on behalf of the Applicant.

29. Planner Green had issued a report dated 1/8/2019 (B.5). At the hearing, Planner Green commented that the Applicant had complied with most of the items in her report. Planner Green noted on Page 7, Item 11 of her report, that based on the revised COAH Plan (Sheet 34), that as a condition of approval, all references and illustrations in the site plan should be required to match the revised plan

(Exhibit A-17).

30. Planner Green also noted that she received a letter that was e-mailed to her by Architect JS Klein regarding disability access in the units. It was represented that she would receive the original signed and sealed letter at the meeting. However, the Applicant did not have the original letter. Planner Green stated that the original signed and sealed letter could be made a condition of approval.

31. Planner Green also noted that as a condition of approval, that pursuant to COAH regulations, the affordable units are required to be "phased in" during construction of the market units. Planner Green noted that the Phasing in of the affordable units applies to Phases II and III at this time. She noted that under COAH rules, that once 25% plus one of the market units receive a C.O., that 10% of the affordable units are also required to have a C.O.

32. It was noted by Board Engineer Burr that based on the correspondence of Suburban consulting Engineers dated January 9 and 10, 2019, (A-15, 1A-16) that the COAH building redesign will not result in any increase of building area, and would not result in any impact to building coverage or impervious coverage. Engineer Burr also noted that the Applicant has applied to the DCA for an RSIS waiver regarding the looping of the water system.

33. There was discussion with the Applicant regarding the planting /landscaping plan, concerning the species and height of trees. The Applicant represented that as a condition of approval, the plan would be reviewed by the Board Engineer and Planner and revised accordingly.

34. Attorney Ambrosio stated at the hearing that the Applicant may desire to subdivide the site in the future. It was noted that the previous subdivision plan was abandoned. The Board indicated that the Applicant may apply for a subdivision of the project in the future, but the Board makes no comment on the merits of such an application at this time.

35. In discussing the -17- application, it was indicated that final site plan approval for Phases II and III, subject to appropriate conditions, of the project would be appropriate, subject to conditions. The Board finds that will comply with the requirements of N.J.S.A. 40:55D-45e concerning planned developments, and with the requirements of Holland Township's Land Use Code.

36. It was noted by the Board Attorney that under N.J.S.A. 40:55D-49a, that preliminary site plan approval grants the Applicant protection from zoning changed for a period of three years, from the date the resolution granting approval was adopted. Under N.J.S.A. 40:55D-49b, the three year time period may be extended for an additional two years. It was noted that Applicant had not previously requested an extension of preliminary site plan approval. The most recent

Resolution was adopted on November 10, 2014. Therefore, the automatic protection period would have expired on November 10, 2017. Under N.J.S.A. 40:55D-49e, the two-year extension would begin to run from the expiration date. Therefore, to the extent applicable, in order that the period of protection run to the date of final approval to

the date of final approval, pursuant to N.J.S.A. 40:55-49b, the Board hereby grants, an extension of preliminary site plan approval of Phases II and III to February 11, 2019, which is the anticipated date the Resolution for final site plan approval is scheduled for adoption, and which the Applicant requested during the hearing.'

NOW, THEREFORE, BE IT RESOLVED BY THE HOLLAND TOWNSHIP

PLANNING BOARD , on this fourteenth day of January, 2019, that the Planning Board hereby grants final site plan approval for Phases II and III of the project, subject to the following conditions:

1. The Applicant shall obtain all necessary approvals, as applicable from all outside agencies having jurisdiction. No construction permit will be issued for any building unless and until such time as all outside agency permits have been obtained, all required deed restrictions and easements recorded, the construction plans have been approved by the Township Engineer and others as required, the stormwater maintenance agreement has been approved and recorded, a Developer's Agreement has been executed with the Township, the required performance guarantees and inspection fees have been posted by the Applicant, and the Applicant has attended a preconstruction conference to be scheduled with the Township Engineer.

_____ 2. The Applicant shall obtain the necessary RSIS waiver from the Department of Community Affairs regarding the looping requirement for the water system for Phase III and

Additionally, under N.J.S.A. 40:55D-45.lb., the term of the effect of general development shall be determined by the planning board for a term not to exceed 20 years from the date on which the developer received final approval of the first section of the planned development.

provide a copy of the waiver to the Township Engineer.

3. The Applicant shall comply with all prior conditions of approval and comments in the report of Board Engineer Richard Roseberry, dated October 4, 2018, which are incorporated herein by reference.

4. The Applicant shall comply with the conditions of approval and comments as set forth in the reports of Board Planner Darlene Green, dated December 5, 2018 and January 8, 2019, which are hereby incorporated by reference.

5. The Applicant shall furnish the original signed and sealed letter from Architect JS Klein regarding disability access in the affordable housing units.

6. The project shall provide for twenty eight (28) affordable housing units as shown on Sheet 34 of the site plan. Sixteen affordable units will be provided in Phase III and 12 affordable units will be provided in Phase IV.

7. This Resolution and the approvals it grants shall not take effect unless and until all outstanding professional review fees, escrow fees and taxes are paid and the Applicant's accounts are current.

8. The Applicant will prepare and submit a revised landscaping plan for Phase III. The plan shall include the proposed tract perimeter buffer plantings for all phases of the development, and shall be reviewed and approved by the Board Engineer and Planner. The buffer plantings shall be installed and inspected for compliance with the approved plan prior to any certificate of occupancy being granted for Phase III. The species of landscape plantings shall be deer resistant, non-invasive and viable where proposed to be planted.

9. The Applicant shall comply with the applicable outstanding applicable conditions as contained in the prior Resolutions of May 12, 2014, September 8, 2014 and November 10, 2014.

10. The following conditions shall apply to the affordable housing units and COAH

requirements:

- a. The Applicant shall deed restrict the affordable housing units for a minimum of 30 years. The deed restriction shall indicate the unit or apartment number for the affordable units. The deed restriction shall be reviewed and approved by the Township prior to it being recorded. Said deed shall be recorded before any Certificates of Occupancy are issued for the affordable housing units.
- b. A copy of the Master Deed that covers the affordable units shall be provided to the Township for review and approval prior to it being recorded. Said deed shall be recorded before any Certificates of Occupancy are issued for the affordable units.
- c. The Applicant/Developer shall be responsible for retaining a certified Administrative Assistant, subject to review and approval by the Township Committee.
- d. An affirmative marketing plan shall be prepared and submitted for review and approval by the Township Committee at least 60 days prior to the issuance of any affordable unit Certificate of Occupancy.
- e. The affordable housing units shall be affirmatively marketed for a minimum of 120 days before any Certificate of Occupancy is issued for an affordable unit.
- f. The phasing of the affordable housing units will comply with the affordable housing rules, as follows:

The maximum number of market rate units completed in Phase III (i.e. Certificate of Occupancy issued), require that the following number of affordable units be completed (Certificate of Occupancy issued):

-12 market units completed	-2 affordable units required completed
-22 market units completed	-8 affordable units required completed
-33 market units completed	-12 affordable units required completed
-39 market units completed	-16 affordable units required completed

11. The Applicant shall confirm that all required property tax payments, application fees 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 property taxes are overdue, or upon deletion of the escrow account, no further reviews will be undertaken and no further inspections will take place until the account is brought current to a positive balance and property taxes paid up to date, and if the site is under construction, a stop work order may be issued until the escrow account is brought up to a positive balance and all overdue property taxes have been paid.

12. The Applicant will comply with the following comments/recommendations in the letter from Thomas Welsh Chief of the Holland Township Volunteer Fire Company dated December 10, 2018, (Exhibit A-12), :

- A booster pump station will be installed and active for completion of Phases III;
- An additional fire hydrant will be added by the COAH apartment complex at the far end of the parking lot;
- No parking will be permitted on any roadway in the development, except in designated areas.
- The hydrant flow will meet the RSIS requirement of 750 GPM.

13. All references and illustrations in the site plan shall be revised to match the revised COAH Plan (Exhibit A-17; Sheet 34 of site plan.)

Planning Board Roll Call Vote

Board Member	Motion	Second	Ayes	Nays	Abstain	Absent/Ineligible
Dan Bush						
Ken Grisewood						
David Grossmueller						
Michael Keady						
Michael Miller						
Carl Molter						
Dan Rader						
Thomas J. Scheibener						
Duane Young						

Motion carried.

The foregoing Resolution was duly adopted by the Holland Township Planning Board at a regular meeting held on

ATTEST:

 Maria Elena Jeanette Kozak, Secretary
 Holland Township Planning Board

 Dan Rader, Chairperson
 Holland Township Planning Board

The applicant’s Attorney, Bill Caldwell had communication with Attorney Gallina but was not present for this meeting. Applicant’s Attorney, Anthony Ambrosio also received a copy of the resolution as well as the applicant and the Engineer. The comments of Attorney Caldwell would not change the resolution with the exception of condition 8 discussing the Landscape Plan. The applicant will not be required to revised the plan, however, the applicant agreed to work with the board’s Engineer and Planner and to revise plans for the professionals but not for the board’s review. The board will leave this in the hands of the professionals.

The board members had questions about when the applicant could begin Phase 3 and Attorney Gallina stated that the applicant needs to satisfy the conditions and then they can move forward.

A motion was made by Dan Bush and seconded by Duane Young to approve the resolution as discussed with the revised resolution pertaining to the Landscape Plan being sent to Secretary Kozak for processing. At a roll call vote, All present were in favor of the motion. Motion carried.

Public Hearings

There was no Public Hearing scheduled to discuss.

Sub-Committee Status and Updates:

Ongoing work to be discussed – Holland Township Highlands Plan Conformance Subcommittee –The Water Use and Conservation Management Plan is still being worked on with the subcommittee and consultant CDM Smith. The sub-committee consisting of Tom Scheibener, Mike Keady and Jerry Bowers along with Secretary Kozak and Highlands Council Liaison Keri Green to have a meeting February 13, 2019 to discuss new funding available and new potential projects. The Highlands Council announced a supplement to its Regional Master Plan (RMP), implementation grant program: the Environmental and Economic Sustainability Grant Awards Program. There is still funding available under the original grant for items and tasks suggested in our plan but not yet completed. The Water Use and Conservation Management Plan and the Stormwater Plan are examples of grant funding still being used for Holland Township. More details to follow.

Housekeeping – The Planning Board submission checklists – the marked up versions were submitted to the board members for review. Secretary Kozak is working with the Highlands Council, Planner Green of Maser Consulting and Attorney St. Angelo of Gephardt and Keiffer with the creation of checklist for Chapter 101 Land Use Ordinance. Nothing new to report. Mike Keady will work with Maser Consulting regarding the Environmental Checklist. Nothing new to report. Additional information to follow.

Board Member Discussion:

- Bock 15 Lot 1 – Phillips Farm on the corner of Rt 519 and Rt 614. Nothing to report at this time.

Public Comment

Ted Harwick – Had a question about the Discussion Item and Secretary Kozak explained that the potential applicant wanted to discuss the idea of a minor subdivision of the remaining lands.

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 7:50 p.m.

Respectfully submitted,
Maria Elena Jennette Kozak

Maria Elena Jennette Kozak
Secretary