

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, November 3, 2020

There was a regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, November 3, 2020 held via Zoom Virtual Meeting Service. Chairman Richard Tillman led the Board in the pledge of allegiance and called the meeting to order at 7:30 p.m. Board Secretary Alfia Schemm announced that adequate notice of the meeting has been provided in accordance with the "Open Public Meetings Act" by publishing notice of all meetings and Zoom meetings in the Official Newspapers as well as providing said schedule in the Municipal Clerk's Office.

Roll call: Present: Melillo, Lund, Tillman, Walsh, Suggs, DeVincenzi, Werner, and O'Neill
Absent: Peck
Also Present: Board Attorney Thomas, Planner Snyder, and Board Engineer Rodman.

Approval of Minutes:

The October 6, 2020 regular meeting minutes were distributed prior to the meeting. A error was noted in the attendance. Board Secretary Schemm stated that she will make that correction.

Ms. Lund made the motion to approve the minutes, as corrected. Motion seconded by Mr. Suggs. Roll call vote: Suggs-yes, O'Neill-yes, Werner-yes, DeVincenzi-yes, Melillo-yes, Walsh-yes, Lund-yes, and Tillman-yes

The October 6, 2020 executive session minutes were distributed prior to the meeting.

Ms. O'Neill made the motion to approve the minutes. Motion seconded by Mr. Werner. Roll call vote: Suggs-yes, O'Neill-yes, Werner-yes, DeVincenzi-yes, Melillo-yes, Walsh-yes, Lund-yes, and Tillman-yes

New Business:

#ZB17-006 PMG NJ II LLC, Block 28, Lots 7, 8, 9 & 10-Whispering Woods Hearing

Jason Tuvel, Esq. was present on behalf of the Applicant. He reviewed that they are here this evening to present a settlement plan via a Whispering Woods Hearing. He went on to give a brief history of the application and he stated that the present Plan is a result of the settlement. Board Attorney Thomas stated that the application was the subject of an appeal and he reviewed the settlement proposed via the Whispering Woods hearing and the procedure and the prior testimony provided. The Board discussed the opportunity to make recommendations/modifications. Board Engineer Rodman stated that there are open drainage/technical issues that will need to be addressed.

Attorney Tuvel provided an introduction to the present proposal. He stated that in his opinion, the main issues that came up during the prior hearings were: access, circulation, and the orientation of the site pertaining to vehicle lights. He stated that they reached out to the DOT and they were able to change the orientation of the project by getting a third driveway off of Route 46. He stated that they were able to eliminate the Walnut Road access and change the orientation of the site, so that the vehicle lights are no longer facing residential properties.

Jeffrey Martell was sworn in and he presented his engineering qualifications. The following was marked as an Exhibit:

- A-1 Rendered Sheet C-4, last version presented to the Board, dated 3/22/19
- A-2 Sheet C-4, Settlement Plan, dated 8-7-20

Attorney Tuvel stated that they will stipulate that they have no issues with any of the comments listed in Board Engineer Rodman's report. He stated that they will also address any concerns raised, by the Board, regarding lighting and signage.

Mr. Martell reviewed the Plans that were presented and denied by the Board; along with the new revised Plans, which he stated is an improved circulation plan and a better design to separate the passenger and tractor trailer vehicles. He stated that there are now proposing three driveways on Route 46 and the elimination of the driveway on Walnut Road. He went on to review: the rotated fuel pumps and convenience store; the relocation of the diesel canopy and pump area; and the retaining wall. He then summarized the items that have retained and carried forward from the prior design to the present design. He stated that they agree to maintain the area size and height of the existing free standing sign, which will be illuminated and moved to a better location; one sign on the convenience store externally illuminated, and only the logo to be lit on the canopy. He also addressed the overall lighting of the project and they agree to comply on all of the technical comments listed in the 10/20/20 report of Board Engineer Rodman and the 10/25/20 report of Planner Snyder. Ms. O'Neill questioned the new lighting code. Planner Snyder stated that the Applicant has complied with the comments in his report. It was noted that the new lighting code has not been adopted yet. Engineer Martell briefly summarized the changes and improvements. Board Attorney Thomas stated that the testimony provided at the prior hearings remains in force and effect to the extent that it still is applicable.

Mr. Martell was qualified as a Planner and he confirmed that he was present during the prior hearings and when the prior planning testimony was provided. He reviewed his opinion that he feels that the present plan is a better overall site plan and mitigates the concerns relative to the negative criteria. The Board had several questions relative to the proposal, which the Applicants addressed and they displayed and described prior Exhibits. They stated that they will reach out to DOT to request a wider driveway as they have an active DOT application. Board Attorney Thomas also stated that the Board can require that the approved landscaping be maintained.

Board Engineer Rodman noted the possible conditions of an approval, from his Report: #7, #9 through #27, a night light test to be done, #29, #30, and outside agency approvals.

The hearing was then opened to the public.

Hal Bromm was sworn in and he questioned the traffic circulation and the proposed signage, electric charging stations, the proposed operator, purpose of the flood hazard warning signage, the canopy illumination, external illumination, and LED lighting, which was addressed by the Applicant and the Board. He stated that the reconfiguration of the truck fueling area and the elimination of the Walnut Road driveway access, are improvements. He did state a concern over vehicles entering the wrong driveway.

With there being no further public comment, the hearing was closed to the public.

Dr. Melillo questioned restricting and limiting delivery times. Board Attorney Thomas then reviewed the possible conditions of an approval, which were discussed with the Board and the Applicant. He then reviewed the voting procedure.

Mr. Werner made the motion to grant the "D" variance, as conditioned and discussed and agreed to and outlined by Board Attorney Thomas. Motion seconded by Mr. Suggs.

Roll call vote: Suggs-yes, O'Neill-yes, Werner-yes, DeVincenzi-yes, Melillo-yes, Lund-yes, and Tillman-yes

Ms. Lund made the motion to grant Preliminary and Final Site Plan, along with the "C" variances, as conditioned and discussed and agreed to and outlined. Motion seconded by Mr. Suggs. Roll call vote: Suggs-yes, O'Neill-yes, Werner-yes, DeVincenzi-yes, Melillo-yes, Lund-yes, and Tillman-yes

Attorney Tuvel thanked the Board for their attention to this matter.

Open to the Public:

No public

Other:

Dr. Melillo questioned the status of the Wenner application. Both Board Engineer Rodman and Board Secretary Schemm stated that the Applicant is researching their options. She asked that the Board hold onto the application.

Approval of Vouchers:

Dr. Melillo made the motion to approve the vouchers. Motion seconded by Ms. O'Neill. Roll call vote: Suggs-yes, O'Neill-yes, Werner-yes, DeVincenzi-yes, Melillo-yes, Lund-yes, and Tillman-yes

Adjournment:

In a motion made and seconded, roll call vote, the meeting was adjourned at 9:10 p.m. Roll call vote: Suggs-yes, O'Neill-yes, Werner-yes, DeVincenzi-yes, Melillo-yes, Lund-yes, and Tillman-yes

Respectfully Submitted:

Alfia Schemm
Board Secretary
11/27/20