

**Minutes**  
**Knowlton Township Zoning Board of Adjustment**  
**Tuesday, April 2, 2019**

There was the regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, April 2, 2019. Chairman Tillman led the Board in the pledge of allegiance. 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 in the Official Newspapers as well as providing said schedule in the Municipal Clerk's Office.

**Roll call: Present:** Peck, Lund, Suggs, Schad, Melillo, Tillman, Werner, and O'Neill  
**Absent:** DeVincenzi  
**Also Present:** Planner Eric Snyder, Planner Nicholas Dickerson, Board Attorney Thomas, and Board Engineer Rodman

**Approval of Minutes:**

The March 5, 2019 minutes were distributed prior to the meeting. Mr. Suggs made the motion to approve the minutes. Motion seconded by Ms. Peck. Roll call vote: Melillo-yes, O'Neill-yes, Peck-yes, Werner-yes, Lund-yes, Suggs-yes, Schad-yes, and Tillman-yes.

**Old Business:**

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

Jason Tuvel, Esq. was present on behalf of the Applicant and he reviewed that the following modifications have been made to the plans to address the feedback from the Board and the Public: the truck fueling positions have been reoriented, landscaping was added, and the Walnut driveway is now a right out only. He stated that they have also met with the Board Planner to address his concerns. He stated that their LSRP is present this evening to testify, along with Jeff Martell who is present to address the site plan changes, and their Planner who will review the positive and negative criteria. He stated that they did receive the Environmental Commission's latest memo and he feels that the report has gone above and beyond their scope of authority and that it goes into zoning issues and at the conclusion tells the Board how to vote. He said the report is prejudicial and should not be considered by the Board. He stated that they have addressed noise and air quality, and he questioned whether the Environmental Commission was in attendance at all of the hearings. He stated that they also reached out to the Environmental Commission and offered to participate at their last meeting and they received no response back. He asked that the report not be considered as part of the record as it is prejudicial as opposed to advisory. Board Attorney Thomas noted that revised plans were received and they were marked as an Exhibit:

A-28 Plan submission, dated March 22, 2019

Board Attorney Thomas then addressed the Environmental Commission report and he noted that there are certain things in the report, that are beyond the scope of the Commission, in terms of them giving advice and there are some mischaracterizations. He stated that he will go into more detail when the time comes.

William Groeling was sworn in and he provided his qualifications and experience as a LSRP. He then went on to review the sampling and monitoring of the sites in accordance with the DEP rules. He addressed the Residential and Non-Residential standards. He stated that the goal is to get a "Limited Restricted Action Outcome" and a clean site.

He stated that they are proposing to excavate/remove the contaminated soils. The following was marked as an Exhibit:

A-29 Proposed Remedial Excavation Map, dated 1-28-15

Board Attorney Thomas asked that a copy of the map be provided to the Board. Mr. Groeling went on to address the monitoring wells on the site and across the street. He also addressed his responsibilities to the NJDEP. He then went on to address the adjacent site (23 Route 46) and the sampling of soils and groundwater. He addressed the Environmental Commissions report and noted that some of the incident reports attached are not associated to the sites. He concluded by agreeing that the contamination has been reduced over time and that the proposed development can enhance and improve the quality of the soils and water onsite. The following was submitted and marked as an Exhibit:

A-30 Soil Sample Results Map, for 23 Route 46, dated 9-20-2017

The Board requested that the map be emailed to the Board.

The hearing was opened to the public, for questions of Mr. Groeling.

Janis Smith questioned the removal of the soil, which was addressed by Mr. Groeling.

Paul Bartos questioned the standards for Residential and Non-Residential sites and the testing done onsite and offsite, which was addressed by Mr. Groeling.

Jeff Milesky questioned an incident, cleanup, testing and impacts, which was addressed by Mr. Groeling. He also noted that an Environmental Commission member has been present at every meeting except for one.

Jaime Murray of the Environmental Commission questioned the information in the March 27, 2019 report: the surface water, spills, testing on the sites, excavation, and remediation, which was addressed by Mr. Groeling.

Hal Bromm questioned the deed notice, the sampling done and contaminants, and the standards for the sampling, which was addressed by Mr. Groeling.

Kirk Pierson questioned a spill that happened several years ago and the testing of his well, which was addressed by Mr. Groeling.

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

Attorney Tuvel stated that they will conclude for this evening as they know that there is another matter on the agenda. Board Attorney Thomas announced that this matter is being carried to May 7, 2019, with no further public notice being provided.

The Board then took a brief recess at 8:54 p.m. The meeting resumed at 9:00 p.m.

**#ZB17-008 Delaware Gap Realty, LLC, Block 51, Lot 1.01**

Richard Keilling, Esq. was present on behalf of the Applicant. He summarized that they were before the Board back in October. The following were submitted and marked as an Exhibit:

A-10 Bertin Engineering letter dated October 17, 2018

A-11 Deed of Dale and Jackie Gray, dated December 27, 1984

A-12 Landscaping rendering, dated April 2, 2019

Board Attorney Thomas noted that Planner Snyder has left for the evening and Planner Dickerson is present for this application.

Jasvinder Arjani, acknowledged that he was still under oath and he provided an overview of the proposal: adding canopies, additional fueling stations, and converting the existing repair bays to a convenience store. He then reviewed the modifications made to the proposed plans: moving the canopy, adding a fire water tank, moving the propane tank, reducing the width of the parking stalls and adding a parking space, adding electric charging station, added signage, additional landscaping, improve the existing small office building, addition of a loading zone, and the installation of grooves in the pavement to catch spills. He described how the grooves work and their maintenance.

Jason Panetta acknowledged that he was still under oath. He then went on to address how service stations deal with larger spills and the Applicants reviewed the emergency shut off and the newer technology. The Applicants continued to review the proposal at great length, which was discussed with the Board.

Jasbir Chandi was sworn in and he reviewed the existing food component and the proposed food component, which was discussed with the Board. The Applicant and the Board continued to discuss the proposal.

Board Engineer Rodman then reviewed his comments, which were addressed by the Applicants. Planner Dickerson stated that he believes that the planning questions have been addressed by the Applicants. The Board and the Applicants continued to discuss the proposal and the traffic circulation/impact.

The hearing was then opened to the public. .

Paul Bartos questioned whether an oil-water separator can be installed and who will be doing the cooking inside of the convenience store, which was addressed by the Applicants.

Jeff Milesky questioned the disturbance in the riparian buffer. Mr. Arjani reviewed the letter that they received from the DEP.

Hal Bromm questioned whether the present/existing signage ever received approval by the Township/Board and the proposed lighting, which was reviewed and discussed by the Applicant and the Board.

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

The hearing was then opened to the public for testimony/comments.

Jaime Murray was sworn in and she commented on the comments made by the Environmental Commission, the Natural Heritage Priority Sites, and the environmental and historic concerns. Board Attorney Thomas asked if there are any benefits to the proposal.

Hal Bromm was sworn in and he questioned the inherit benefit to the Township by expanding this location and he addressed his concerns. Board Attorney Thomas asked if there are any benefits to the proposal.

The Board continued to discuss the spill prevention measures proposed.

Chairman Tillman asked if Board Attorney Thomas can provide the Board with the procedure for this application. Board Attorney Thomas stated that he can after Attorney Keiling provides his summation.

Attorney Keiling stated that the site is an existing site and although the proposal is not perfect, it will be an improvement. He went on to describe the improvements and benefits of the proposal. He reviewed the planning testimony provided in regards to the variances being requested. He asked that the Board approve the Use Variance and Bulk Variances.

Board Attorney Thomas then addressed the standards for the positive and negative criteria for a Use Variance. He addressed the conditions outlined in Board Engineer Rodman's report and items addressed in Engineer Bertin's report. He then went on to review other potential conditions. He also reviewed the voting procedure and the Board Members eligible to vote on the application. He stated that the Board is to vote on the Use Variance, Bulk Variances, and Site Plan approval. The Board then discussed the positive and negative aspects of the proposal, improvements, and expansion. Attorney Keiling stated that the site is an existing site and the proposal is a step in the right direction and is an improvement and a benefit to the Community. The Board continued to discuss the proposal.

Mr. Suggs made the motion to grant the D-1 Use Variance, conditioned as discussed and reviewed this evening. Motion seconded by Ms. Peck. Roll call vote: Melillo-no, O'Neill-no, Peck-yes, Lund-yes, Suggs-yes, Schad-no, and Tillman-yes. The motion does not pass.

Attorney Keiling asked if the Board would consider the approval of the construction of the two canopies and allowing the existing two digital signs. The Board discussed the proposal. Dr. Melillo made the motion to approve the variance proposal for the construction of the canopies, approve the existing signage, with no truck parking authorized, and the installation of landscaping/trees . Motion seconded by Mr. Suggs. Roll call vote: Melillo-yes, O'Neill-no, Peck-yes, Lund-yes, Suggs-yes, Schad-yes, and Tillman-yes

Board Attorney Thomas stated that there needs to be a revised calculation for the dimension of the canopy for the gasoline pumps. Mr. Arjani stated the canopy for the gasoline pumps will be 24 x 46. The signage was then discussed. Board Attorney Thomas summarized the need for a limited site plan approval and the variance approval granted this evening for the proposed expansion.

Ms. Peck made the motion to grant the limited site plan as discussed this evening. Motion seconded by Ms. Lund. Roll call: Melillo-yes, O'Neill-yes, Peck-yes, Lund-yes, Suggs-yes, Schad-yes, and Tillman-yes

**Open to the Public:**

The meeting was opened to the public.

Jaime Murray had a question in regards to the comments made by the Environmental Commission. Board Attorney Thomas stated that he cannot discuss it with the Applicant not being present; however, he would talk to her after the meeting is adjourned.

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

**Approval of Vouchers:**

Mr. Suggs made the motion to approve the vouchers. Motion seconded by Ms. Lund. Roll call: Melillo-yes, O'Neill-yes, Peck-yes, Lund-yes, Suggs-yes, Schad-yes, and Tillman-yes

**Adjournment:**

In a motion made and seconded the meeting was adjourned at 11:35 p.m.

Respectfully Submitted:

Alfia Schemm  
Board Secretary  
5/1/19