

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, June 7, 2022

There was a regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, June 7, 2022, held via Zoom. Chairman Tillman led the Board in the pledge of allegiance and he 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: Tillman, Walsh, Lund, DeVincenzi, O'Neill, and Mezzanotte
Absent: Peck and Werner
Also Present: Board Attorney Thomas, Board Planner Bloch, and Board Engineer Keenan.

Approval of Minutes:

The March 1, 2022 minutes were distributed prior to the meeting. Ms. Lund made the motion to approve the minutes. Motion seconded by Ms. O'Neill. Roll call vote: O'Neill-yes, Walsh-yes, Lund-yes, Mezzanotte-yes, DeVincenzi-yes, and Tillman-yes.

New Business:

#ZB21-003 John Minton, Block 48, Lot 13-Completeness

Michael Finelli was present on behalf of the Applicant. Mr. Keenan reviewed his review letter of 6-07-22 and he recommended that the application be deemed incomplete. Mr. Finelli stated that they agree to provide additional information by 6/17/22 and he asked if the Board would consider completeness and possibly starting the hearing at the July 5th Meeting. Ms. O'Neill asked about the procedure and the issues were discussed. Mr. Finelli stated that they hope to address some of the technical comments and there may be more revisions. It was agreed to allow the Applicant to notice for the July meeting.

Mr. Walsh made the motion to deem the application incomplete. Motion seconded by Ms. Mezzanotte. Roll call vote: O'Neill-yes, Walsh-yes, Lund-yes, Mezzanotte-yes, DeVincenzi-yes, and Tillman-yes

Old Business:

#ZB21-001 AT Truck Stop Inc, Block 55, Lot 16

Lawrence Cohen, Esq. was present on behalf of the Applicant and he reviewed where the Board left off at the March meeting and the experts scheduled to testify this evening.

Jasvinder Arjani was present and he acknowledged that he was still under oath. The following was displayed and marked as an Exhibit:

A-20 Revised plans, 5 sheets, dated 5-18-22

Mr. Arjani described the plan changes/revisions (removal of the gap in the berm, removal of block, signage location and reduction in area of signage, planting of evergreens and low shrubs to fill in the gaps, reduction in lighting intensities and lighting to be at 16 feet, and propane tank). He then addressed the signage in detail. Several Board Members had questions/concerns regarding the safety of the service of propane sales and trucks parking in the rear. Photographs have been submitted and it has been found that signs are not effective, violations continue to happen, and no one is enforcing the restrictions.

Huseyin Akarsu, one of the owners, was sworn in and he stated that he understands the problem and they will adhere and comply with the no parking. Mr. Thomas explained to Mr. Akarsu that it is the property owner's responsibility to enforce the restrictions every day of the week.

Ms. O'Neill requested that the lighting poles be cut or replaced to 16 feet and she asked if the lighting meets the code. She also suggested that the 10 hour parking approval be rescinded, as the landscaping is deficient, it no longer protects the Village residents and the 2011 Resolution is being violated. Mr. Cohen addressed the federal law regarding truck driver rest time/parking. He stated that the undergrowth that was dead/dying was removed, and he stated that they have been agreed to replant the berm. The Board discussed the planting proposal. Ms. O'Neill questioned the proposed signage and she stated her concern over the number of building signs and the pylon signs.

Mr. Bloch asked if electric is being provided to trucks. The Applicants stated that there is no electric and it is not being proposed at this time. Mr. Bloch also stated that the sale of propane tanks is an expansion.

The hearing was then opened to the public.

Hal Bromm commented on the truck idling and he asked if Mr. Arjani is aware of the numerous violations that were issued for the site. He also stated his concern over adding more signage when enforcement is the issue.

Robert McNinch asked if the Applicant is complying with the lighting ordinance. Mr. Arjani stated that they are exceeding the lighting standards and they are requesting a variance.

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

Mr. Keenan stated that the Applicant is not meeting the lighting standards. Mr. Bloch referenced the new lighting ordinance. The Board discussed design waivers/variances, the lighting standards and it was noted that there are dark spots in the parking lot. The Applicants and the Board continued to discuss the lighting.

The Board took a brief break at 9:25 p.m. The meeting resumed at 9:29 with all Board Members present.

Jessica Caldwell was sworn in and she presented her qualifications as a Planner. She stated that the subject site is developed as a truck stop, restaurant and convenience store. She stated that the site has received numerous approvals throughout the years reaffirming their status as pre-existing non-conforming and also granting some changes and expansion. She stated that the site is in the C-1 zone and she reviewed the permitted uses in the zone. She went on to review the proposed changes and the use variance. She stated that the overall the site has been improved. She then reviewed some of the changes being proposed to comply with the Board's concerns. She addressed the variances (signs, lighting, and the expansion) being requested. She provided testimony supporting the variances and the positive and negative proofs supporting the application along with her review of the Township Master Plan.

The Board asked if the improvements are consistent with the Township Master Plan. The Board also questioned the safety of the propane sales, the freezer, the signage, which the Applicants addressed.

The hearing was opened to the public.

Bob McNinch asked if Ms. Caldwell knew that the subject building used to be the railway station and may have historical significance. She stated that she was not aware.

Hal Bromm stated that the site is adjacent to the Delaware Village Historic District, which is listed on the State and National Registers. He asked if the expansion has little or no negative impact on the neighboring historic district and the residents. Ms. Caldwell stated that the expansion is quite minor. She stated that the changes improve the visual appearance of the site and the site has been granted approvals many times in the past. Mr. Bromm questioned the chronic ongoing violations of idling and parking. Ms. Caldwell stated that it appears that there is an enforcement issue. Mr. Bromm questioned the signage and the Master Plan and if the changes enhance the Route 46 corridor.

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

Mr. Cohen stated that they have concluded their presentation. The Board noted that is now 10:29 p.m. and Chairman Tillman suggested that the Applicant come back next month to summarize their application as there have been many changes. Mr. Thomas also stated that there are 6 Board Members present this evening.

The hearing was opened to the public for comments.

Rebecca Day was sworn in and she stated that there is an enforcement problem. She stated that she has seen the trucks violating the parking regulations and the Village is not benefiting from the proposal.

Hal Bromm was sworn in and he stated that he has testimony to submit on behalf of the Knowlton Township Historic Commission. Mr. Thomas reviewed the process and he asked if Mr. Bromm wishes to present his own testimony/position. Mr. Bromm also questioned the submission of his photographs and how to present them. Mr. Thomas suggested that they be presented next month. Chairman Tillman stated that they expect to be in person next month and he suggested that Mr. Bromm prepare to distribute the photos for the Board and the Applicant. Mr. Cohen objected to the photos being disseminated via email, as the photographs need to be presented and described. Board Secretary Schemm confirmed that the photographs were already sent to Mr. Cohen.

Robert McNinch stated that he would like to address the variance to the lighting ordinance and he is hopeful that the Engineers involved would review the ordinance.

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

Mr. Cohen stated that they will be prepared for the next meeting. Mr. Thomas announced that this matter is carried to the July 5th meeting, at 7:30, at the Municipal Building. Mr. Cohen granted an extension to the end of July.

Open to the public:

The meeting was opened to the public for non-agenda items. With there being no public comment, the meeting was closed to the public.

Other Business:

Zoning Officer Memo

Deferred until next month.

Approval of Vouchers:

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

Adjournment:

In a motion made and seconded the meeting was adjourned at 10:45 p.m.

Respectfully Submitted:

Alfia Schemm
Board Secretary
6/30/22