

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, March 5, 2019

There was the regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, March 5, 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.

Swearing in of New/Reappointed Members:

Attorney Thomas administered the oath of office to Ms. Schad prior to the meeting.

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

Approval of Minutes:

The February 5, 2019 minutes were distributed prior to the meeting. Dr. Melillo 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-abstain, Schad-abstain, and Tillman-abstain

Old Business:

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

Board Attorney Thomas announced that this matter is being carried to the Board's April 2nd meeting at 7:30 p.m. without the need for further public notice.

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

Board Attorney Thomas stated it has come to his attention that Board Members may have received an email outside of the "record", which is inappropriate. He polled the Board to see who may have received and read the email. Board Members Peck, Lund, Werner, O'Neill, and Tillman said that they did read the email, but they are not influenced by it. Board Attorney Thomas went to review the rules and constraints in regards to engaging in "conversations" outside of the "record".

Jason Tuvel, Esq. was present and he gave a brief history of the proposal and where they left off at the last meeting. He stated that he did renotice for tonight's hearing as a few months have passed. He then went on to give a brief overview of the modifications that have been made to address comments that have been made at the meetings. He stated that they require a D-1 variance and sign variances.

Jeff Martell acknowledged that he was still under oath and he went on to provide a brief history of the application and he displayed some of the marked exhibits and described the proposal and some of the modifications that were made to the plan. He stated that they have received their DEP Permit and they have submitted their septic design. He stated that they agree to comply with Board Engineer Rodman's report. He reviewed the proposed oil water separators and spill containment. He went on to review the building design. He stated that both air quality and sound analysis's were done and they agree to any restrictions. He went on to state the discussions that were had, when the Applicant acquired the service station lot, along with the adjacent lot.

The following was submitted and marked as an Exhibit:

A-27 Photograph of existing truck fueling-Summer 2018

He stated that in their opinion the current proposal to utilize both lots is a better site plan, a better design, and a better product. He went on to describe the traffic circulation.

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

Janis Smith questioned the traffic circulation for a landscaping truck and/or camper, and the width of Walnut Road, which were addressed by Mr. Martell.

Hal Bromm questioned the DEP Permit that was issued for the project, the oil water separators, and access to Walnut Road; which were addressed by Mr. Martell.

The Board continued to discuss the traffic circulation, enforcement of traffic violations, and the function and maintenance of the oil water separators.

Jeff Milesky questioned the river flappers and his conversation with FEMA regarding improvements, which Mr. Martell addressed.

Hal Bromm questioned when the original convenience store was approved and the parking of the tractor trailers, which was addressed by Mr. Martell.

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

Board Engineer Rodman reviewed his November 30th report with the Applicants and the Board at great length.

Planner Snyder addressed his concerns with the vehicle head lights directed across the street, the proposed landscaping, and sight distance issues on Walnut Road. Mr. Martell stated that the Applicant agrees to fair/reasonable neighbor plantings. Mr. Snyder stated that he believes that his comments can be resolved. Attorney Tuvel stated that if they cannot come to an agreement with the Board Professionals, they would have to come back to the Board. With there being no further questions for Mr. Martell, he was excused.

The Board took a brief recess at 8:59 p.m. The meeting resumed at 9:08 p.m.

Attorney Tuvel stated that they are agreeable to addressing Planner Snyder's comments.

Matthew Seckler was sworn in and he provided his qualifications as a Planner and he stated that he reviewed all of the submitted materials, the transcripts, and review documents. He stated that he also reviewed the Township Ordinances and Master Plan, along with doing a site review and field investigations. He described the zoning of the property, the existing site conditions, and the needed improvements to both lots. He reviewed the variances requested and the uses permitted in the zone. He described truck fueling vs. a truck stop. He addressed the positive criteria, the Township Master Plan, the proposed improvements, the negative criteria, and the proposed sign variances. He concluded by stating that he believes that the benefits of granting the variances outweigh any deterrents and that they have met the positive and negative criteria.

The Board had questions/concerns regarding the illuminated signs, the vehicle headlights directed into the homes across the street, the truck fueling, traffic circulation, which were addressed by the Applicants.

The hearing was then opened to the public for questions of Mr. Seckler.

Hal Bromm had several questions regarding the development of a pre-existing non-conforming use, which were addressed by the Applicants

Janis Smith questioned the traffic circulation, which was addressed by Mr. Seckler.

Jeff Milesky questioned the testimony provided by the Experts.

Hal Bromm questioned the noise testimony and the evaluation, which was addressed by Board Attorney Thomas.

Jaime Murray, a member of the Environmental Commission, questioned the groundwater samples, the status of the remediation, and the amount of total fuel stored on site, which were addressed by the Applicants.

With there being no further public questions, the hearing was closed to the public for questions of Mr. Seckler.

The meeting was then opened to the public for comments and testimony.

Attorney Tuvel asked for a brief recess at 10:19 p.m. The meeting resumed at 10:26 p.m.

Attorney Tuvel suggested that this hearing be deferred to the April 2nd meeting, so that he can try and address any open items and provide additional testimony to tie up some possible loose end and also address Planner Snyder's comments. The Board asked if it was possible to limit the number of enforcement items.

Board Attorney Thomas announced that this matter is being carried to the Board's April 2nd meeting, at 7:30 p.m., without further public notice. The Board discussed whether they wished to hold off on public comment, as the Applicant has not concluded their presentation. It was agreed that they would hold off on opening to the public, until the testimony has concluded. Attorney Tuvel agreed to an extension of time.

Open to the Public:

The meeting was opened to the public.

Hal Bromm questioned the placement of the Exhibits so the public can also see them. The Board stated that the public is always invited to move their seat if the Exhibits cannot be seen.

Jamie Murray thanked the Board for their time.

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

Approval of Vouchers:

Dr. Melillo made the motion to approve the vouchers. 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

Adjournment:

In a motion made and seconded the meeting was adjourned at 10:40 p.m.

Respectfully Submitted:

Alfia Schemm
Board Secretary
3/29/19