

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, June 4, 2019

There was the regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, June 4, 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: Lund, Suggs, Schad, Tillman, Peck, Melillo, and O'Neill
Absent: DeVincenzi and Werner
Also Present: Board Attorney Thomas, Planner Snyder, and Board Engineer Rodman

Approval of Minutes:

The May 7, 2019 minutes were distributed prior to the meeting. Ms. Schad made the motion to approve the minutes. Motion seconded by Mr. Suggs. Roll call vote: O'Neill-yes, Lund-yes, Suggs-yes, Schad-yes, Peck-abstain, Dr. Melillo-abstain, and Tillman-yes.

Old Business:

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

Chairman Tillman announced that the hearing may be moved to the meeting room, once the polls are closed and the meeting room is cleared of the election equipment.

Jason Tuvel was present on behalf of the Applicant and he stated that it is his understanding that the hearing will now be opened to the public. He stated that he is prepared to provide his closing statement after the public comment period is over. He thanked the Board and the Public for their professionalism and time. Board Attorney Thomas commented and reviewed the procedure in opening the hearing to the public.

Chairman Tillman then opened the hearing to the public.

Janis Smith was sworn in and she stated her concerns over the proposed traffic circulation onto Walnut Road, the present gas station operation (missing directional signs, etc...), and the maintenance of Walnut Road.

Kirk Pierson was sworn in and he stated that he has a concern over the increased congestion and truck traffic, safety, and the number of traffic accidents.

Barbara Bartos was sworn in and she stated her concerns over the missing directional signs and the enforcement/monitoring of operations and violations.

Gary Kowalski was sworn in and he stated his concern with the proposed truck exit. He stated that he was offered landscaping/screening; however, he does not know why he needs to alter his property to accommodate the proposal.

Paul Bartos was sworn in and he questioned the testimony presented in regards to there not being an increase in traffic. He stated that the present business is not run well now and he asked that the Board not approve the proposal.

Tom Drake was sworn in and he stated his concern over the drivers that ignore the existing directional signs, safety, and the number of traffic accidents in the area. He asked that the Board not approve the application.

Robert Peterson (President of Knowlton Fire and Rescue) was sworn in and he also commented on the number of traffic accidents in the area due to the present circulation.

Robert Manasco was sworn in and he stated that the subject area is a bad area for a gas station as there have been many fuel spills.

Jeff Milesky was sworn in and he stated a concern over the future development in neighboring towns and the increase in truck traffic. He also commented on the drainage and the Applicant's presentation at the Environmental Commission meeting and the filing of a deed of contamination.

Mike Mulligan (Chief of Knowlton Fire) was sworn in and he stated that the area is a hot spot for traffic accidents and he stated that he did appreciate the proposed widening of the road.

Wanda Pierson was sworn in and she stated that she has listened to the Applicant's testimony and went on to describe the amount of noise generated at the site, the number of traffic accidents, the property damage that has occurred on their property, and the traffic circulation. She stated that the proposal will make things worse as they just want to make more money by expanding the station.

Hal Bromm (Member of the Planning Board, Environmental Commission, and Chair of the Historic Commission) was sworn in and he stated that the Historic Commission has prepared a written statement to be presented later in the hearing. He stated that the Historic Commission, like the Environmental Commission, asks that the Board not approve the application. He then spoke about his involvement with the 1997 study performed by the Route 46 task force and the impact of the expansion of non-conforming sites. He continued to state his concerns over high air pollution levels, noise, traffic, flooding, and the impacts to an environmentally sensitive area. He asked that the Board hear the concerns voiced by the Residents, the project is not appropriate, it does not benefit the Township/Residents, and there will be negative impacts to many. He went on to address the granting of variances, along with the Township Master Plan and the Flood Plain/Hazard Area regulations. He concluded by stating that the Applicant's profit should not come at such high cost to the Knowlton residents.

The Board took a recess at 8:17 p.m. to relocate to the meeting room. At 8:50 p.m. the public comment period resumed in the meeting room.

Bradford Day stated that he was asked to read a statement prepared by the Historic Commission; however, he is not a Commission Member. Board Attorney Thomas reviewed the Municipal Land Use Law and the jurisdiction of the Historic Preservation Commission and he stated that he is not going to authorize the acceptance of the report as it does not meet the statutory requirement. Mr. Bromm stated that the Applicant requested comments from the Historic Commission and it was also brought to the Board's attention. Board Attorney Thomas stated that he stands by his opinion.

Bradford Day was then sworn in and he stated his concerns over the traffic circulation issues and impacts. He stated that there are enforcement issues, within the Township, with controlling the conditions imposed on applications with part time enforcement. He stated that it appears that it is clear that this expansion is not wanted. He questioned whether testimony has been provided to support the requested expansion of a non-conforming use. He asked that the Board act prudently in reviewing the merits of the application to determine whether it meets the standards of the law.

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

Attorney Tuvel again thanked the Board and the Public for their time and patience. He stated that the application should be judged on its merits. He went on to describe the existing property and he stated that no new uses/components are being added. The existing site is composed of a gas station, a convenience store, and diesel fueling facilities. He stated that the gasoline station and convenience store are permitted uses and they are not requesting any bulk variances. He went on to review the description of a "truck stop". He summarized the testimony that they provided. He stated that they are looking to redevelop the site, with the same uses, that exist there today, to be consistent with modern times. In addition the site will be remediated from an environmental standpoint. He then described the proposed improvements and proposal at great length. He stated that they meet the flood hazard area regulations and they have a NJDEP permit. He stated that they will comply with all of the Board Engineer's comments, they are meeting the DEP requirements, they have supplemented the landscaping plan and exceed the requirement, they have modified and enhanced the architectural design, they have agreed to comply with the Fire Department and the request for the onsite water tank, the electric charging station has been included, and there will be no phasing. He stated that there will be no restaurant seating, no showers or locker rooms, no overnight accommodations, no laundry facilities. He stated that there will be one tractor trailer delivery per week for the convenience store during off peak hours to the rear loading zone, no tuck deliveries between 10 p.m. and 7 a.m. and they will comply with Board in regards to garbage pick up. He continued to review the number of employees and parking requirement. He stated that there will be no overnight truck parking. He spoke about the diesel attendant, the environmental compliance, and the LSRP testimony. He stated that a DEP deed restriction is permitted on contaminated sites; however, by redeveloping the site they would be removing the contaminated soil. He stated that they provided air and noise testimony. He stated that they agree to comply with all outside agency approvals and permits. He stated that they are under the FAR and coverage requirements and they are not seeking any bulk variances. He discussed the traffic studies that were done. He stated that the only component they meet, with a conventional truck stop, is the fueling component. He stated that they have met the statutory requirements and have met the positive and negative criteria. He thanked the Board and he respectfully requested that the Board approve the application conditioned upon all of the discussions and stipulations that have been placed on the record.

Board Attorney Thomas summarized the Municipal Law, the positive and negative criteria, and the variance process. He reviewed the modifications made to the proposal, the concerns raised by the public, and the voting procedure. Attorney Tuvel stated that the Applicant also agrees to not allow truck fueling between 12 a.m. and 5:00 a.m.

Board Attorney Thomas then re-reviewed the positive and negative criteria at great length and the possible conditions of an approval were outlined.

Mr. Suggs made the motion to grant the variance relief requested. Motion seconded by Ms. O'Neill. Discussion on the motion: Ms. O'Neill stated her concerns over the increase truck activity and congestion. Mr. Suggs stated that Route 46 is a corridor between Route 31 and Route 80 and he feels that the Applicant has made a concerted effort to address the concerns and problems that have been raised. Ms. Peck stated that she agrees with Mr. Suggs and she feels that they have met the legal requirements. Ms. Lund stated her concern with the traffic and she asked if the proposal will be an improvement and the benefit to having the contaminated soil removed. Ms. Schad stated her concerns over the ill suited site, the traffic pattern, the lack of maintenance of the present property, the increased truck traffic, and the use of Walnut Road. Chairman Tillman thanked everyone and he stated his concerns. He stated that the site should be cleaned up and there is a benefit to what is being proposed.

Roll call vote: O'Neill-no, Lund-yes, Suggs-yes, Schad-no, Peck-yes, Dr. Melillo-no, and Tillman-yes. Motion does not pass

Open to the Public:

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

Other:

Board Secretary Schemm polled the Board attendance for the July meeting.

Adjournment:

In a motion made and seconded the meeting was adjourned at 10:25 p.m.

Respectfully Submitted:

Alfia Schemm
Board Secretary
6/28/19