

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, February 2, 2016

There was the regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, February 2, 2016. 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 regularly scheduled meetings in the Official Newspapers as well as providing said schedule in the Municipal Clerk's Office.

Roll call: Present: Peck, Tillman, Schad, Melillo, DeVincenzi, Suggs,
Alt #1 McGuinness, and Alt#2 Trongone
Absent: McGeehin
Also Present: Board Attorney Thomas and Board Engineer Rodman.

Approval of Minutes:

Ms. Peck made the motion to adopt the minutes of January 5, 2016. Motion seconded by Mr. Suggs. Roll call vote: Suggs-yes, McGuinness-yes, Peck-yes, Schad-yes, Melillo-yes, Trongone-yes, DeVincenzi-yes, and Tillman-yes

New Business:

#ZB15-001 PMG NJ II LLC, Block 28, Lot 8

Angelo Camelotto, Esq. was present on behalf of the Applicant. He stated that their application is for upgraded signage. He stated that they have modified their submission to remove some of the variances that were originally proposed. He stated that they are now proposing a reimaging of the existing signs. The following was submitted and marked as Exhibit:

A-1 Alternate Free Standing Sign

Board Attorney Thomas reviewed the discussion had with Attorney Camelotto. He stated that based on the recent modification to the proposal a bulk variance will be required for the LED lighting.

Patrick Lynam provided his qualifications and experience as an Engineer. The following was submitted and marked as an Exhibit:

A-2 Rendered Sheet 2 of 2, dated 12-2-15

Engineer Lynam went on to describe the existing site, the existing signage, and the existing condition of the signage where it is not fully lit due to bulbs being out. He stated that they are going to maintain the existing free standing sign and they are proposing to refurbish and improve/upgrade it with LED lighting. He reviewed that they are proposing to change the facade sign and the canopy sign. He stated that the LED lighting is more efficient, it is safer for the employees that need to change the pricing, and it can be seen better. The following was submitted and marked as an Exhibit:

A-3 Night Time Exhibit

A-4 Revised Site Plan, Revised 2/2/16

Engineer Lynam described the Exhibit, the existing lighting and the proposed lighting, with the Board. The Board discussed the intensity of the existing lighting vs. the intensity of the proposed lighting.

The hearing was opened to the public

Roger Smith questioned the existing signage and whether the illumination will increase with the proposed signage. The Applicants stated that the illumination will not increase.

Nathan Smith asked if any there are any "new" illuminated signs being proposed. Engineer Lynam stated that they are not.

Winfred Ginter questioned the application process.

Chairman Tillman asked if there were any further questions from the public. With there being no further public questions, the hearing was closed to the public.

Dan Block was sworn in and he provide his qualifications and experience as a Planner. He stated that they are applying for one variance, which is for the LED lighting. He stated that there were variances granted back in 1997 for the existing free standing sign. He then went on to state that they are promoting 5 purposes of zoning: promoting general public welfare, securing safety, promoting free flow of traffic, a desirable visual environment, and utilizing a renewable energy resource. He stated that the signs can be dimmed and brightened. He stated that there will be no substantial detriment to the public good and there will be no impact to the neighboring properties. He stated that the level of lighting will remain the same and there will be no light spillage or glare. There will no flashing signage and the change in pricing would happen once a day. He stated that the signs will be visibly better for the customer. He stated that the 2009 Master Plan Reexamination indentifies an issue with Commercial Reinvestment and he stated that the Client proposes to reinvest and upgrade the signage with state of the art technology. The Board questioned the comparison and measurement of the existing lighting if all of the bulbs were functioning vs. the proposed lighting with the LED lighting. Attorney Camelotto stated that they can provide that information. The Board continued to discuss the proposal and the color of the pricing lighting.

Ms. Schad questioned the spill. The Applicants stated that the issue is being handled by the DEP. Engineer Lynam addressed the malfunction of the diesel pumps. He stated that it is an active case and the concrete and pump islands will be replaced in the near future. Board Engineer Rodman stated that there is an ongoing investigation. Ms. Schad asked if there is a release response plan posted onsite and if the new owner has registered with the DEP. The Applicants stated that they are not sure, they would have to ask someone from Operations. The Board continued to discuss the proposal, with the Applicants. Attorney Camelotto stated that the additional proposed future improvements are not part of this application.

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

Winfred Ginter questioned the law in regards to the posting of pricing, which was briefly discussed.

Roger Smith was sworn in and he reviewed the conversation that he had in regards to the remediation and the state law in regards to posting of pricing.

William Housel was sworn in and he stated that the present site has issues. He stated that there are a lot of traffic concerns.

Pam Rusweiler was sworn in and she stated that she feels that the Board needs definitive answers to the questions being asked. She also stated her concerns over the traffic.

Fain Webb was sworn in and she stated that Environmental people have visited them; however, she does not have any results from their investigation. She also commented on the traffic and the existing problems.

Nathan Smith was sworn in and he reviewed the variance granted in 2004 and he stated that he would ask that the Board not grant this variance if the Applicant cannot prove that they are not reducing the intensity of the lighting.

Janice Smith was sworn in and she commented on the temporary flapping banners and the entrance/exit signs that have been knocked over. She stated that she feels the situation is dangerous.

Dawn Housel was sworn in and she stated her concerns over safety. She stated that the diesel pumps are a problem because there is not enough room for the trucks and the cars to maneuver entering and leaving the site.

Roger Smith acknowledged that he was still under oath and he reviewed his concerns over the traffic circulation onsite and offsite and the diesel pumps not functioning correctly. He stated that at one point the Owner of the site was considering installing a new septic system and he recommended that the Owner consider acquiring more property.

Sharon Valentine was sworn in and she stated her concern over the traffic circulation.

Thomas Oliver was sworn in and he commented on the proposal and the amount of traffic problems. He suggested that the Applicant just replace the light bulbs, instead of installing LED.

Chairman Tillman asked if there was anyone else from the public that had questions or comments. With there being no further public comments or questions, the hearing was closed to the public.

Attorney Camelotto stated that they are present this evening requesting the relief requested for the signage. He stated that the proposed modifications may address some of the problems happening at the site. He stated that his client is going to make a good faith effort to make improvements to the site and be good neighbors. Ms. Schad stated that she feels that there are other deficiencies at the site that should/ need to be addressed and she does not see this signage application as a good faith effort to be a good neighbor. Ms. DeVincenzi also stated her concerns. Dr. Melillo asked if the Board can condition an approval. Board Attorney Thomas stated that that the Board can place reasonable conditions that are reasonably related to the application. Dr Melillo felt that the spill needs to be addressed and that there may be other items that will need to be addressed. Ms. Peck stated that she is a proponent of good lighting. She went on to state that she would also like to see the Applicant address the ingress and egress signage.

Board Attorney Thomas reviewed the proofs/standards that need to be presented in the granting of a variance, reasonable conditions that can be imposed, and what the Board can and cannot do. He stated that the Board can always recommend that the site be reviewed by the Zoning Officer to confirm that the site is in compliance with prior approvals. He stated that the Board can either get additional information now or make the additional information a condition of any approval. He stated at this time it seems as if the issues are the spill remediation and confirmation that the lighting is either equal or less than what presently exists. He asked if the Board has any recommendations in regards to the ingress and egress signs. The Board discussed the options and it was suggested that the signs be larger and brighter and that striping be provided on the pavement providing direction. Mr. Trongone stated his concerns with the traffic flow onsite, where tractor trailers cross over two lanes of traffic exiting the site and even driving onto other people's property. Attorney Thomas stated that he feels that ingress and egress signage and the striping can be incorporated into the present application.

Chairman Tillman stated his concerns over the submission and tonight's presentation and the lack of factual data. He stated that he does not see a good faith effort to address the totality of the site. Board Attorney Thomas repeated that any proposed conditions need to be rational in relation to the submitted application. The Board continued to discuss the submission. Board Engineer Rodman stated that any approval should be conditioned on comment #4, along with comments 5, 6, 7, and 8 of his 12-30-16 report.

The Board took a brief recess at 9:30 p.m. The meeting resumed at 9:47 p.m.

Attorney Camelotto stated that they will address the spill issue. He stated that the pump islands are being replaced soon. He stated that the temporary flag/banners can be removed, and that the entrance and exit signs and striping can be addressed. He stated that they can provide information on the present signage and the proposed signage. He stated that they will agree that the illumination will be either less or the same as the present signage. Chairman Tillman also addressed the Board Engineer Rodman's report of 12-30-15, comments 4, 5, 6, 7 and 8. Board Attorney Thomas stated that he does not feel that a site plan is required at this time. He then reviewed the possible conditions of an approval. Mr. Suggs asked that the Board receive the levels of comparison lighting prior to voting. Ms. DeVincenzi stated that there has to be a way to provide the conversion information. Board Engineer Rodman stated that there will be a night light test done.

Attorney Camelotto asked if the Board would be willing to consider authorizing the Board Attorney to prepare a draft favorable Resolution for the March meeting. He stated that they would also submit revised plans. The Board discussed the procedure.

Ms. Peck made the motion to authorize Board Attorney Thomas to prepare a draft Resolution for the March 1st meeting. Motion seconded Mr. Suggs. Roll call vote: Suggs-yes, McGuinness-yes, Peck-yes, Schad-yes, Melillo-yes, DeVincenzi-yes, and Tillman-yes.

Board Attorney Thomas announced to the public that this matter is being carried to the Board's March 1st meeting, without further public notice.

Approval of Vouchers:

Mr. Suggs made the motion to approve the vouchers. Motion seconded by Dr. Melillo.
Roll call vote: Suggs-yes, McGuinness-yes, Peck-yes, Schad-yes, Melillo-yes,
DeVincenzi-yes, and Tillman-yes

Adjournment:

In a motion made and seconded the meeting was adjourned.

Respectfully Submitted:

Alfia Schemm
Board Secretary
4/5/16