

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, June 6, 2017

There was the regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, June 6, 2017. Chairman Tillman led the Board in the pledge of allegiance. Board Secretary 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: Tillman, Suggs, McGuinness (Alt #1), DeVincenzi, Schad, Wunschuh, O'Neill (Alt #2), and Melillo.

Absent: Peck

Also Present: Board Engineer Rodman and Board Attorney Thomas.

Approval of Minutes:

The May 2, 2017 minutes were distributed prior to the meeting. Ms. Schad made the motion to adopt the minutes. Motion seconded by Mr. Suggs. Roll call vote: Suggs-Yes, Melillo-Yes, McGuinness-Yes, Schad-Yes, Wunschuh-Yes, O'Neill-Yes, DeVincenzi-Yes, and Tillman-Yes.

New Business:

#ZB17-002 Simpson Road Project, Block 14, Lots 1 & 2

Ms. DeVincenzi recused herself and sat in the audience. Elizabeth Marshall, Esq. was present on behalf of the Applicant. She stated that they are present this evening to present their signage variance application for the Simpson Road Project. She stated that also present is Sam Millron and Jasvinder Arjani.

Jasvinder Arjani was sworn in and he provided his qualifications and experience as a Architect. He displayed a copy of the submitted plans and a photograph was submitted and marked as an Exhibit:

A-1 Photograph of the current site taken by Sam Millron on 6-6-17

He described the proposed approved building. He stated that the proposal has 4 tenants along with the gas station. He went on to review the plan submission: the proposed building signs, the canopy signs, the freestanding site signs, directional signs, and the menu board. He stated that they are also proposing a 80 foot flag pole. Board Planner Layton asked how large of a flag would be supported by the flag pole. Mr. Arjani stated that he does not know the size of the proposed flag. He went on to state that the signs will be internally illuminated. The Board Members questioned: the adopted Resolution, lighting, the design and finish of the freestanding signs, and the color of the Delaware Water Gap Travel Plaza sign, which were addressed by Mr. Arjani.

The hearing was opened to the public.

Dennis Behsman questioned whether the flagpole is needed and the intensity of the illumination. Mr. Arjani stated that they will comply with the Township Ordinance.

Jaime Murray asked if any other types of signage was considered due to the rural nature of the Township. Mr. Arjani stated that they went with the brand standards of their tenants and they did not explore other options. Board Planner Layton reviewed the code and standards of the Township Ordinance.

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

Jessica Caldwell was sworn in and she provided her qualifications as a Planner. She referenced Board Planner Layton's report of May 26, 2017. She went on to review the variances being requested. She described the character of the property. She addressed the signage package and traffic safety, along with the national franchise requirements. She reviewed the needs of the high quality national franchises and the design of the design of the signage. She stated that the site has been approved for a travel center in a business zone and the proposal is in keeping with the area. She stated that the benefits outweigh the detriments. Board Attorney Thomas asked if Planner Caldwell could address the Environmental Commission's report of May 31, 2017, which she did. The Board questioned and discussed with the Applicants the proposed signage, the variances, the Township Ordinances, and safety.

The hearing was opened to the public.

Dennis Behsman questioned Ms. Caldwell's experience in working on rural projects and whether a precedent would be set. Ms. Caldwell stated that she has done many projects in rural areas and Board Attorney Thomas stated each application rises and falls on its own merits.

Susan Licatase questioned the entrance for the tenants and the Simpson Road signage, which was addressed by the Applicant.

Rene Matheze questioned the distraction of signage and safety on Route 80.

The Board took a brief break to transition the meeting back to the upstairs meeting room. The meeting resumed at 8:40 p.m.

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

Sam Millron was sworn in and he discussed with the Board the position of the proposed quality tenant in regards to their signage. The Board discussed their concerns as the subject site is the gateway to the Delaware Water Gap. Mr. Millron asked if the Board could provide him with comments, so that he can possibly negotiate and come back with a modified plan. The Board discussed possible alternatives. Board Planner Layton discussed the number of free standing signs. The Applicants agreed that they will review the issues and meet with a subcommittee (Board Planner, Board Engineer, the Chairman, and another possible Board Member) to review alternatives. The Board then discussed an alternative meeting night of June 29th instead of July 4th. The hearing was then carried to June 29th, without further public notice. Board Planner Layton left for the evening.

#ZB17-003 James H. Stone, Block 3, Lot 25.02-Completeness

The Board announced that this matter is being carried to the Board's new meeting date of June 29, 2017, to allow for the utilities to be noticed. Ms. DeVincenzi resumed her position on the Board. Mr. Suggs left as he has a conflict.

#ZB17-004 Christina Gotty, Block 62, Lot 12

Steven Tombalakian, Esq. was present on behalf of Ms. Gotty. He reviewed the appeal that has been filed in regards to the cease and desist order. He reviewed the prior Resolution which was prepared by Board Attorney Roger Thomas, and approved by the Board, which lists the findings of facts, the conclusions of law, and the approval/conditions of the Resolution. He reviewed the Knowlton Township Ordinances and he stated that there was no condition in the Resolution pertaining to a deed restriction or conservation easement, in regards to the preservation of trees or disturbance. He stated that the Zoning Officer, who issued the cease and desist order, was forced/directed to do so. He went on to address what transpired at the April Township Committee meeting.

Joseph Rossi, Knowlton Township Zoning Officer, was sworn in and he testified to his understanding of the adopted Resolution. He stated that he was directed to issue the cease and desist order. He went on to describe his site visits and what he observed. He stated that the Applicant did receive a fence permit. He continued to review the matter.

William Hinkes, Esq. was present on behalf of Mr. and Mrs. Frank DeGroot and he questioned Mr. Rossi on their conversation, where it was determined that this matter should be before the Zoning Board of Adjustment. He stated that the fencing was also discussed. The following was submitted and marked as an Exhibit:

O-1 Drawing of the Fencing Requirement

Mr. Tombalakian stated that the fence is not a part of their application and as far as he knows Attorney Hinkes has not filed an application. The following was submitted and marked as a record:

O-2 Letter 4-13-17 and 4-20-17, 2 page letter.

Application for Zoning Permit, dated 4-3-17

Driveway Application, dated 4-6-17

Mr. Rossi addressed the fence, which was discussed.

Mr. Tombalakian questioned Mr. Rossi as to what had transpired at the April Township Committee meeting.

Christina Gotty was sworn in and the following was submitted and marked as an Exhibit:

A-1 Deed

Ms. Gotty stated that when she purchased her home in March of this year, she was never apprised of a Township Resolution. She stated that there is no reference in her deed of a Township Resolution. The following was submitted and marked as an Exhibit:

A-2 Title Commitment

Ms. Gotty stated that there is no reference of a Resolution in her title commitment. She stated that her neighbors began to approach her prior to her closing on the property. She also stated that there were people from the Township at her home and in her home. She stated that this is her first home, which was a foreclosure. She stated that there were a lot of trees threatening the home and the outbuilding on her property.

The hearing was opened to the public for questions of Ms. Gotty. With there being no questions, the hearing was closed to the public.

A member of the Board asked about the trees. The following were submitted and marked as Exhibits:

A-3 Photograph current

A-4 Photograph current

Ms. Gotty described the current conditions depicted in Exhibits A-3 and A-4. She stated that she installed a fence, planted new trees, and put gravel down.

A-5 Photograph

A-6 Photograph

A-7 Photograph

A-8 Photograph

A-9 Photograph

A-10 Photograph

Ms. Gotty described the photographs submitted and marked as Exhibits A-5 through A-10, which were taken when she purchased the home back in March. She stated that she removed some scrub trees and a large tree was taken down next to the house. The following was submitted and marked as an Exhibit:

A-11 Aerial photograph

Ms. Gotty described the aerial photograph depicting her property. She stated that some landscaping was removed for the fence, along with dying and overgrown landscaping. She stated that she also planted 30 more trees on her property. She described the landscaping that was removed. She stated that she does not feel that she has impacted any buffer. She stated that she removed trees that were threatening the outbuilding if they were to fall down. She reviewed the location of the removed landscaping. She stated that she put gravel down so that she can drive on it. She mentioned that she has jet skis and snowmobiles to be put on a trailer. Dr. Melillo questioned how this neighbor dispute got to this point. Ms. Gotty stated that there is a lot of work being done on her property, so there may be equipment/trucks on site. She stated that the existing outbuilding will be used as a hobby garage and there will be no business being run out of it. She stated that she did have a conversation with Mr. Cusak about the outbuilding.

The hearing was opened to the public.

John Cusak asked whether there is any proof of their conversation. He stated that he has an aerial photograph and trees were removed. He also asked if the driveway has been widened. Ms. Gotty stated that the driveway was not widened.

A question was asked if there was a business being run out of the home. Ms. Gotty stated that there is no business being run out of the home.

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

The Board discussed their jurisdiction in this matter. Board Attorney Thomas stated that the focus should be on the buffer around the outbuilding. The Board continued to discuss the issues. Ms. Gotty stated that her property is a work in process and she will be planting additional landscaping. She stated that there was dead trees, brush, and overgrowth. She asked what she can or cannot do on her property. The fence was then questioned and discussed. Board Attorney Thomas stated again that the fence is not currently before the Board at this time and the tree removal was discussed again.

Board Attorney Thomas stated that it is getting late and he suggested that the hearing conclude for the evening. Attorney Hinkes stated that Ms. DeGroot would not be available for the June 29th meeting; however, Mr. DeGroot is available. Attorney Tombalakian stated that they cannot use the outbuilding at this time, as there is no C/O. The matter continued to be discussed and refocusing on the buffer issue. The burden of proof was discussed and Board Attorney Thomas stated that there is still more that needs to be presented along with the review of the prior record.

It was announced that this matter is being carried to the June 29th meeting, without further notice.

Other:

Annual Report:

Deferred

Approval of Vouchers:

Ms. McGuinness made the motion to approve the vouchers. Motion seconded by Ms. Schad. Roll call vote: Melillo-Yes, McGuinness-Yes, Schad-Yes, Wunschuh-Yes, O'Neill-Yes, DeVincenzi-Yes, and Tillman-Yes.

Adjournment:

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

Respectfully Submitted:

Alfia Schemm
Board Secretary
7/31/17