

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, October 4, 2022

There was a regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, October 4, 2022 at 7:30 p.m. 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. A moment of silence was held for our military personnel in harm's way.

Roll call: Present: Tillman, Walsh, Lund, DeVincenzi, O'Neill, Werner, and Mezzanotte
Absent: Baley
Also Present: Board Attorney Thomas, Board Engineer Keenan, and Planner Bejin.

Approval of Minutes:

The September 6, 2022 minutes were distributed prior to the meeting. Mr. Walsh made the motion to approve the minutes. Motion seconded by Ms. Lund. Roll call vote: O'Neill-yes, Walsh-yes, Lund-yes, Mezzanotte-yes, DeVincenzi-yes, Werner-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. He noted that a draft working resolution was distributed listing possible conditions of an approval. He addressed the request for the two free standing signs along with the removal of the existing roof mounted signs. The Board and Applicants went on to review and discuss the 12 comments prepared by Ms. O'Neill along with: truck idling and the need for the submission of revised plans. It was agreed that the resolution will be amended to include tonight's discussion if not already addressed in the draft. Ms. Mezzanotte questioned and recommended the installation of the split rail fence. She also had some additional comments. Mr. Thomas reviewed the possible voting procedure for the Applicant's application.

Ms. O'Neill made the motion to grant the D variance for the expansion of the existing building as outlined and discussed this evening. Motion seconded by Ms. Mezzanotte. Roll call vote: O'Neill-yes, Walsh-yes, Lund-yes, Mezzanotte-yes, DeVincenzi-yes, Werner-yes, and Tillman-yes. Motion passes.

Mr. Walsh made the motion to grant the D variance for the two free standing signs and the removal of the two roof signs. Motion seconded by Ms. DeVincenzi. Roll call vote: O'Neill-no, Walsh-yes, Lund-yes, Mezzanotte-no, DeVincenzi-yes, Werner-no, and Tillman-no. Motion fails

Mr. Cohen asked if the Board would consider a vote on the one free standing sign, which was reviewed and discussed with the Board. Concerns were raised about the location of the sign, which would be located close to the entrance of the historic village.

The Board then discussed the C variance for the one free standing sign (move it, replace it, and enlarge it-higher and larger) and to remove the two existing roof signs.

Mr. Walsh made the motion to approve the one sign as discussed this evening. Motion seconded by Mr. Werner. Roll call vote: O'Neill-no, Walsh-yes, Lund-yes, Mezzanotte-no, DeVincenzi-no, Werner-no, and Tillman-no. Motion fails.

The Board then discussed the remainder of the C variances, design waivers, and preliminary and final site plan, conditioned upon the discussed conditions.

Mr. Werner made the motion to grant the remainder of the C variances, design waivers and preliminary and final site plan approval. Motion seconded by Ms. Mezzanotte. Roll call vote: O'Neill-yes, Walsh-yes, Lund-yes, Mezzanotte-yes, DeVincenzi-yes, Werner-yes, and Tillman-yes

The Resolution will need be amended and voted on next month. Mr. Cohen thanked the Board but he did state that he was confused with the denial vote for the one sign, as they agreed to remove the two roof signs.

New Business:

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

John Caleca, Esq. was present on behalf of the Applicant. John Minton and Mike Finelli acknowledged that they were still under oath.

Mr. Finelli presented a drawing which was submitted and marked as an Exhibit:
A-4 Amended Site and Parking Plan, dated 9/28/22

Mr. Finelli stated that he met at the site to review the parking situation. He reviewed the prior plan and the proposed plan (Exhibit A-4) with the expanded parking (8 spaces). He stated the parking is still deficient and he reviewed the handicap parking, employee parking, motorcycle parking, impervious coverage, handicap ramps-rails/pedestrian circulation, flood hazard area, flood plain/DEP permitting/regulations, parking striping/bumper blocks, loading zone/tent area, the parking requirements per ordinance, and stormwater design/permitting.

The hearing was opened up to the public.

Sandy Siroky questioned the setback of existing front parking, the number of parking spaces required for the restaurant, and the number of parking spaces required for the restaurant/tent/pavilion.

Nathan Smith questioned whether the proposal meets the township code for the rear setback.

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

The Board continued to discuss the elevations and topography, what are considered accessory structures, and whether the site is a pre-existing non-conforming use. Mr. Minton stated that the bar has existed since 1938 and expansion projects occurred in 1940's. He stated that the patio was constructed by the Santini family. The Board continued to discuss the proposal, the policing of the approval, the proposed seating capacity (indoor and outdoor), enforcement, the limited parking, haphazard parking on Route 46, seasonal use of the pavilion, the need for outdoor seating, the outstanding items outlined in the memos from the Board Professionals, health department approval, traffic, the prior capacity (restaurant, tent, patio) vs the proposed capacity (restaurant, pavilion,

and patio). Mr. Keenan questioned the scale/size of the pavilion and the impact to the site. Mr. Minton spoke about how they handle special events. Mr. Finelli addressed the parking layout plan and they stated that they are aware of the outstanding requirements. Ms. O'Neill questioned the distance between the existing residents and the pavilion.

James Kyle was sworn in and he provided his qualifications as a Professional Planner and he stated that he reviewed the Township Master Plan, Ordinances, and the reports from the Board Professionals. He stated that they are applying for a D-2 variance. He reviewed the existing conditions and the bulk variances and the parking waiver being requested. He spoke about managing the activity and what the kitchen can handle. He then went on to provide the proofs (positive and negative criteria) supporting the proposal. He stated that in reviewing the Master Plan he feels that the Board can grant the variance relief. He stated that the situation is a unique situation and the parking is not always predictable. He addressed the impervious coverage and stated that the appearance of the site should not change significantly. He addressed the retaining wall, the parking standard, and managing the parking. Mr. Thomas questioned the pandemic and the ending of the emergency order. He also questioned the need for the seating, the topography/the location of the existing homes, the density of the woods/forested areas, and the impervious coverage, which Mr. Kyle addressed.

The hearing was opened to the public for questions for Mr. Kyle. With there being no public comment, the hearing was closed to the public.

The hearing was opened to the public for statements.

Nathan Smith was sworn in and he stated his concern over the increase in the intensity of the use and although he cannot see the Log Cabin, he can hear it. He states that the property is in a bowl and he can hear the motorcycles. He is concerned with the location of the pavilion and the noise that will be generated.

Sandy Siorky was sworn in and she questioned the commercial objectives of the township and the property restrictions. She is stated that the use is grandfathered and she is concerned that this proposal is not in the best interest of the Township. She stated that the parking and the special events are not definable. She commented on the lack of parking, lighting, and sound issues. She stated that the site is not intended for this purpose, that the site is a grandfathered limited site. She stated that the Board has a great responsibility to ensure that we do not go beyond what is good for the community. She stated that she is concerned about the lack of patron lighting and she stated that there is an existing light that shines into her home. She also commented on the noise coming from the site and the enforcement and the lack of definition of the use.

Robert McNinch was sworn in and he stated that they need to comply with the lighting ordinance. The Board discussed with the Applicant the existing safety lighting and if additional lighting is required due to the additional parking. They also discussed the sound attenuation. Ms. Siorky stated that zoning is in place for a reason and she does not think this proposal in the in the best interest of the community and she questioned the value to the community.

The hearing was then closed to the public.

Mr. Thomas summarized where they are at this point, the concerns that were raised, the possible conditions of an approval, which were discussed with the Board.

Ms. O'Neill made the motion to grant the D variance for the expansion of the pavilion and parking, as discussed and agreed to this evening. Motion seconded by Mr. Werner. Roll call vote: O'Neill-yes, Walsh-yes, Lund-yes, Mezzanotte-yes, DeVincenzi-no, Werner-no, and Tillman-yes

Ms. O'Neill made the motion to grant the D variance for the impervious coverage and height of the wall. Motion seconded by Ms. Mezzanotte. Roll call vote: O'Neill-yes, Lund-yes, Walsh-yes, Mezzanotte-yes, DeVincenzi-no, Werner-no, and Tillman-yes.

Ms. O'Neill made the motion to grant the Preliminary and Final Site Plan as discussed this evening. Motion seconded by Ms. Mezzanotte. Roll call vote: O'Neill-yes, Lund-yes, Walsh-yes, DeVincenzi-no, Werner-yes, Mezzanotte-yes, and Tillman-yes

Approval of Vouchers:

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

Other:

Zoning Officer Memo

Deferred

Retirement-Board Secretary

Ms. Schemm stated that she will be retiring as of 12/31/22.

Adjournment:

In a motion made and seconded the meeting was adjourned at 11:25 p.m.

Respectfully Submitted:

Alfia Schemm
Board Secretary

10/29/22