

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, March 7, 2023

There was a regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, March 7, 2023 at 7:30 p.m. Chairman Tillman led the Board in the pledge of allegiance. Secretary Apgar 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: Walsh, O'Neill, Mezzanotte, Werner, DeVincenzi, Baley, Starrs
And Tillman

Absent:

Also Present: Board Engineer Keenan, Board Planner Bloch and Attorney
Thomas

Appointment of Board Secretary:

Ms. O'Neill made the motion for appointment of Doreen Apgar as Board Secretary. Seconded by Mr. Baley. Roll Call vote: Walsh-yes, O'Neill-yes, Mezzanotte-yes, Baley-yes, Werner-yes, Starrs-yes, DeVincenzi- yes, Tillman-yes.

Approval of Minutes:

The January 31, 2023 minutes were distributed prior to the meeting. Ms. Starrs asked for an addition to the Hayden's House of Healing minutes to include the applicants were asking for "inherently beneficial use". A motion was made by Mr. Werner to approve the minutes with the addition and seconded by Mr. Baley. Roll call vote: Walsh-yes, O'Neill-yes, Mezzanotte-yes, Werner-yes, DeVincenzi-yes, Baley-yes, Starrs-yes, Tillman-yes.

Prior to the start of testimony from the applicants, Board Attorney Thomas stated the Torzilli application #ZB22-003 would be carried without further notice to the April 4, 2023 meeting as it would be unlikely to be heard today. He announced anyone at the meeting for that application would not be heard and is invited back at the April 4th meeting.

Old Business:

#ZB22-001 Daniel Deroche/Deroche Truck Covers & Tarp Inc, Block 12 Lots 7, 8, 9

The applicant's attorney, Mr. Rosenberg stated this is an application for a D1 variance. The property consists of Block 12, Lots 7, 8 and 9 in the C2 zone. The proposed use would be considered light industrial use. The applicant, Mr. Deroche, is seeking to build a 30,000 square foot structure to operate his digital printing company called Quiet Valley Products. He initially intends to use 15,000 square feet for his printing business and rent out the other 15,000 square feet. Mr. Rosenberg reviewed that after some discussion from the board at the previous meeting, it was decided the application be carried to await review from the board's planner.

The applicant's planner, Tony Hajjar from Chatham, NJ was then asked to address some of the concerns listed in Mr. Bloch's report.

Mr. Hajjar explained due to the property layout and elevation the proposed building would not be visible from the roadway to adjacent properties or Route 94 traffic so this would not make it suitable to a retail business. There would be no customers only truck deliveries which would be two to three times a week and UPS daily. He stated he believes the purpose 2A will apply as general welfare to the public, there would be no noise involved in the printing process, there is minimum lighting only what is needed for security purposes. Parking would apply with only 3 employees and there would be minimum traffic. Tree line buffering was discussed as well as the proposed retention basin.

Attorney Thomas recommended that there be a condition included on any potential tenant that would require them to come before the board to get approval for their use particularly if it's a non-permitted use. This would be a condition that would remain on the resolution and would also be a condition of the lease from Mr. Deroche. Attorney Rosenberg asked if the board would approve the application with a condition in place to allow his client to occupy the entire 30,000 square foot building for his particular use if his business required expansion. The number of overhead doors was discussed to reduce them from the original rendering of 12 to 6 with three for each unit. Mr. Deroche explained to the board that one door is for the forklift, one for receiving and the last for sending out product. These are not loading docks but ground level doors. There were questions again regarding the type of ink used in the printing process, which Mr. Deroche explained is nontoxic and the consistency of water. Milk jug type containers are completely emptied prior to disposal. Mr. Hajjar explained lots 7, 8 and 9 will be merged into one, he also went over the number of intended parking spaces. Mr. Bloch was asked if he felt this proposed business was inconsistent with the town's master plan. He stated he didn't feel it was inconsistent with what's allowed in the zone. There were no public questions.

Attorney Thomas went over the summary statement. He explained the applicant is seeking a variance and the board members must agree that both the negative and positive criteria have been met. He continued by going over the conditions that were discussed and the number of overhead ground level doors. A board member question was raised regarding the hours of operation, which Mr. Deroche stated would be 8:00 to 5:00 Monday to Friday. A public question regarding recycling the empty milk jug type ink containers. Mr. Deroche will look into it.

Chairman Tillman asked for a motion in the affirmative to approve with the conditions outlined. Motion made by Mr. Baley, Seconded by Ms. Mezzanotte. Roll call vote: Walsh-yes, O'Neill-yes, Mezzanotte-yes, Werner-yes, DeVincenzi-abstain, Baley-yes, Starrs-yes, Tillman-yes.

#ZB22-002 Hayden's House of Healing, Block 44, Lot 56

The applicant's attorney Michael Selvaggi stated this is a continuation of the public hearing for Hayden's House from the January 31, 2023 meeting. Following that meeting the Dorset's reflected on what was discussed and questions raised by the public. They have formulated a list of conditions to try to address these issues which has been previously sent to board members and professionals. Board members stated they thought the entire list should be read verbatim for the public's benefit. Mr. Dorset stated he would

read the list of 12 items. Board questions included how they intend to notifying residents of the emergency contact information during retreats, usage of people other than during retreats, hours of permitted music and the maximum amount of parking on site.

The Dorset's said maximum would be 16 cars and they have offsite parking located on Knowlton Road with shuttle service. Questions were then raised on zoning regulations of parking that number of cars in a residential driveway and emergency service access to the home. Attorney Selvaggi stated the applicant's planner will be available at the next meeting. Chairman Tillman stated he did not feel the list of proposed conditions altered much from the original testimony given. Attorney Selvaggi stated this was a method to try to reconcile with the neighborhood, this is not a business it is a retreat. Board member question if anyone took a salary last year. The attorney stated taking a salary doesn't make it a business. There was discussion on non-for profits versus businesses. Mr. Dorset stated the conditions were put in writing to show they are willing to work with the board and because it's very important to their community of grieving parents. He went on to say they are desperate at this point and willing to do anything because they know how important it is for the people who haven't made it to the retreat yet. He also stated they have spent 29 thousand dollars in the community for things they wouldn't have if they just lived here including transportation, photography, landscaping and catering. There was a board question on why they didn't choose to include on the list the significant questions raised on where people sleep. Mr. Dorset said they wouldn't be using the common area anymore and would see what the Health Department says on the number of people based on their septic system. Attorney Selvaggi stated that there are other uses in the FP zone, it is not exclusively a residential zone. Business uses are allowed such as dude ranches and bed & breakfasts. More board questions as to who will enforce these conditions, is our zoning officer going to check on compliance, and who is responsible for getting the background checks. Mr. Dorset said he has a company that he has an account with already for background checks. Chairman Tillman stated it is a continuing issue with setting conditions but having no way to enforce them.

Mrs. Dorset said it was her understanding that a variance would be stripped if not upheld and she is not willing to let that happen. Discussion took place regarding the variance running with the entity versus the land; with the applicants consent.

The meeting was opened up to public comment. Patricia Simmons from Meadow Ridge Road asked about parking on Meadow Ridge. Mr. Dorset said there would be none. She also noted their website states they own the private lake. Mr. Smaracko regarding winter month usage of the home and questions on their mortgage company and mortgage paperwork. The Dorset's stated usage is March to November. Andrew Drake from Hope stated he is a fireman and explained where trucks would park in the event of an emergency. Michael Tironi, President of the Countryside Lake Property Owners Association, read a prepared letter going over what is considered inherently beneficial and any benefits and/or burdens to people who live in this community. Keith Labrunda from 14 Ivan Rd, read a prepared 10 item statement regarding accepted uses in the FP zone and regulations involved. Gary Wilson from 6 Ivan Rd, read a prepared statement going over septic design criteria and New Jersey Statutes involved. He added his concern rises from his time living in Lake Hopatcong and how that lake is a mess because of sewage.

Lisa Kleber-Siebens read a prepared statement regarding satisfying positive criteria for a D1 use variance and NJ Supreme court rulings establishing the concept of particular suitability. Kalagh Mendoza from Tinton Falls, spoke on attending and hosting retreats at Hayden's House and asked if the Lake Association would issue a limited amount of guest passes for lake usage. Betty Dziamba from Ivan Rd, read NJ statues on inherently beneficial use and sections of the land use code. Zachary Rosthauser from Pennsylvania, stated he served in the military and has attended and hosted retreats at Hayden's House, as have other military personnel. He also went over parking and certified lifeguards on duty during retreats. David and Jessica Brown from 18 Ivan Rd, spoke regarding their children and number of retreats. Jessica Wehrenberg of Hackettstown spoke on attending a retreat, what it entailed and how it's helped her children also. Jennifer Partyka from 10 Ivan Rd, spoke regarding her children.

After the last public comment Mr. Dorset asked if they could pull the plug on this. He stated it is clear we couldn't propose anything that would convince you to say yes. He said they would move on and thanked the board for their time. Chairman Tillman asked Mr. Selvaggi if he was withdrawing the application. Mr. Selvaggi stated he would consult with his clients. There were questions in the public asking what withdrawing would mean. Mr. Dorset stated it would be for personal use only as a residential home.

Other:

Annual Report: Mr. Thomas apologized as the report was just sent today and if no one had a chance to look it over, it could be carried until the next meeting. Chairman Tillman agreed.

Letter from AT Truck Stop:

Chairman Tillman stated a letter was received from AT Truck Stop's attorney regarding resubmitting plans and coming before the board again. When they appear depends on how quickly they submit the plans. There was a board question regarding when the board voted they separated signage from everything else and everything else was approved. The only thing rejected was the signage and that is what they keep coming back for. Can the resolution be finalized and leave that as a separate issue? Attorney Thomas said he would have to look at the resolution again.

Approval of Vouchers:

Ms. O'Neill made the motion to approve the vouchers. (excluding one to be checked on) Motion was seconded by Mr. Baley. Roll call vote: Walsh-yes, O'Neill-yes, Mezzanotte-yes, Werner-yes, DeVincenzi-yes, Baley-yes, Starrs-yes, Tillman-yes.

Adjournment:

Chairman Tillman asked for a voice vote for adjournment, all were in favor. The meeting was adjourned at 10:04 p.m.

Respectfully Submitted:

Doreen Apgar
Board Secretary