

**KNOWLTON TOWNSHIP ZONING BOARD OF ADJUSTMENT
RESOLUTION OF MEMORIALIZATION**

**Approved: March 7, 2023
Memorialized: April 4, 2023**

**IN THE MATTER OF
DANIEL DEROCHE/DEROCHE TRUCK COVERS & TARPS, INC.
BLOCK 12, LOTS 7, 8, AND 9
USE VARIANCE APPLICATION
APPLICATION NO. ZB22-001**

WHEREAS, Daniel Deroche/Deroche Truck Covers & Tarps, Inc. (hereinafter known as the “Applicant”) filed an application for use variance approval with the Township of Knowlton Zoning Board of Adjustment (hereinafter known as the “Zoning Board”) on October 7, 2022, and

WHEREAS, the application was deemed complete on December 6, 2022, and

WHEREAS, public hearings with notice were held on January 31, 2023 and March 7, 2023, at which time the Zoning Board rendered its decision on the application in accordance with the requirements of N.J.S.A. 40:55D-10(g), and

WHEREAS, it has been determined that the Applicant has complied with all of the rules, regulations and requirements of the Zoning Board for purposes of filing the application and that all of the required provisions of said compliance have been filed with the Zoning Board, and

WHEREAS, the Zoning Board has received as part of the hearing process the following testimony and documentary evidence submitted by the Applicant and its Consultants, the Zoning

Board Staff, and members of the public:

The Applicant is the owner of property known as Block 12, Lots 7, 8 and 9 on the Tax Map of the Township of Knowlton. It is otherwise known as 692, 696 and 698 Route 94, Knowlton, New Jersey. The property consists of 6.285 acres of property. It is located in the C-2 Commercial Zoning District. All three (3) properties are currently undeveloped and vacant.

The Applicant had received a prior approval from the Zoning Board of Adjustment for a 20,000 square foot building on Lot 7, which had been approved in 2006. The Applicant is now seeking to obtain approval of a "d" variance for a 30,000 square foot building on Lot 7 with a proposed detention basin on Lots 8 and 9. This is a bifurcated application. In the event of an approval, the Applicant will be required to return to the Zoning Board for appropriate site plan approval prior to construction of the building. Applicant also indicates that it will have as part of the plan 48 parking spaces, 12 loading spaces and an access driveway.

Mr. Daniel Deroche testified as the owner of the property. He indicated that he operates a digital printing business known as Quiet Valley Products. The digital printing business does not use old style printing ink. Mr. Deroche explained that the nature of the process is nonhazardous. They use a latex-type printing material which is not hazardous. It is contained in gallon jugs similar to a milk gallon jug. It is poured into the printing press and then the jug is disposed of. The viscosity of the ink is similar to water. Therefore, there is no residual material in the jugs.

He testified that while he is looking for a 30,000 square foot building, he does not believe he can presently occupy the entirety of the site. He is looking to utilize half the building, or 15,000 square feet, for his business and to then rent out the remaining 15,000 square feet for a similar business.

The Applicant's engineer, Mr. George Gloede, testified. He had indicated that the septic system was compatible to a four (4) bedroom house and that there is a well on site. He further indicated that this has been approved by the County Health Department. He described the building as having 12 overhead doors; six (6) on each section of the building so that each 15,000 square foot segment would have six (6) overhead doors. He noted further that these would not be in the nature of the loading docks. The overhead doors would be at ground level.

Mr. Tony Hajjar, a professional planner, testified on behalf of the Applicant. He indicated that the proposal was in the nature of a light industrial use. He indicated that the site is particularly well suited for its intended purpose. He noted that the site is located on Route 94. It is an odd-shaped property. It has a 100 foot drop from the top to the bottom. It is therefore not visible particularly from Route 94. There are trees that will remain that will impede the visibility of the building. He said that because of the topography and the unusual shape of the lot, it is not suitable for general retail or commercial. He confirmed that there would be no customers to the building. The only deliveries would be in the nature of UPS deliveries on a regular basis. There

would also be 45 foot long box trucks that would have deliveries two (2) to three (3) times per week. A question arose with the regard to removal of trees and the visibility. Mr. Hajjar noted that the area where the proposed detention basin was to be located already had trees removed, which was Lots 8 and 9. It had previously been the site of a house.

Concern was raised with regard to the number of overhead doors. The Applicant agreed to reduce the number of overhead doors from 12 to six (6) with three (3) overhead doors assigned to each 15,000 square foot segment.

Mr. Deroche indicated that while he does not believe that he is in a position to occupy the entirety of the building at this time, he believes that ultimately his business will be successful enough that he will occupy the entire building by way of expansion. He also requested that during the interim period, he would like the opportunity to be able to store materials in whole or part of the remaining 15,000 square foot building that were associated with his operation.

The Applicant did review the technical report of Mr. Denis Keenan. His report is dated December 5, 2022. The Board also requested and did receive a report from its Planner, Mr. Daniel Bloch, which report is dated February 6, 2023. As a result of that report, Mr. Hajjar returned and testified. He reiterated that because the lot was unusually shaped and had a significant slope differential it was not suitable for either commercial or retail activity. He further reiterated that the site would have relatively limited traffic. He pointed out that the

Applicant testified that the site would be serviced by 45 box trucks two (2) to three (3) times per week and the rest of the servicing would be by way of UPS-type trucks. He reiterated that the Purpose of Zoning was advanced in that there would be less traffic and a limited view.

Therefore, this was an efficient use of property pursuant to N.J.S.A.40:55D-2(g). He reiterated further that with regard to the negative criteria, that the building was going to be well buffered, that the printing operation would not create noise and based upon the information submitted by the Applicant, there would be no toxic chemicals that would potentially leach into the property. He also noted that the current employee population is three (3) including Mr. Deroche. In response to questions about this building being akin to a warehouse operation, Mr. Hajjar noted that the overhead doors were not in the nature of loading docks but were rather located at ground level and therefore not susceptible to a loading dock operation or a warehouse operation. He further pointed out that the Master Plan did encourage more businesses in the commercial zones. This application is fulfilling that goal.

Questions were raised with regard to the three (3) separate lots. It was agreed by the Applicant that they would merge the lots into a single lot.

There were also questions with regard to the hours of operation. It was agreed that they would be operating generally from 7:00 A.M. to 7:00 P.M. Monday through Friday. No Saturday or Sunday operations would be authorized.

The Applicant raised a question as to whether or not the Board would be willing to permit the use of the printing business in the entirety of the 30,000 square foot building as expansion may warrant it. The response of the Board was that the approval, if granted, would be for the use proposed by the Applicant. However, any other use, either by a tenant or a use different from that which is being outlined by the Applicant, to be used by the Applicant would require further Board review and approval. The Board also acknowledged that if there was some need to store materials in the remaining 15,000 square feet as part of the operation of the printing business, this would be authorized.

In addition to the testimonial evidence, the Applicant submitted the following documentary evidence:

A-1: Photo of the printing press operation.

WHEREAS, the Zoning Board, in reviewing the foregoing testimony and documentary evidence, makes the following findings of fact and conclusions:

The Board was asked to determine whether or not the Applicant met the standards for a “d(1)” variance and outlined that they were seeking to establish the use of a portion of the building for a digital printing operation using latex ink materials that were nontoxic. The Applicant presented testimony from the engineer and the planner indicating that there was a basis for the grant of the variance in that one of the Purposes of Zoning was advanced in that this is an

efficient use of property which advances Purpose (g) under the Municipal Land Use Law under Section N.J.S.A.40:55D-2(g). It was also pointed out by the Applicant's planner that there is no substantial negative impact to the grant of the variance either to the intent and purpose of the Zone Plan or the Zoning Ordinance or to surrounding properties. Mr. Hajjar testified that the site is well buffered and that the building, while not being totally screened, would be substantially screened by both the trees that would remain and the topography. It was also pointed out that the operation would not have noise, that the traffic generated would be relatively light and that the employee population would be low. It was also pointed out that there would be no detriment to the environment since there are no toxic materials that would be utilized in the printing process operation based upon the testimony of the Applicant. The Applicant also agreed to merge the lots into a single lot and Applicant agreed to reduce the number of overhead doors on the building from 12 to six (6) with three (3) overhead doors for each 15,000 square foot component.

I reviewing the above testimony, the Board found that the Applicant has met its burden with regard to both the positive and negative criteria.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Adjustment of the Township of Knowlton does hereby approve the "d" variance as more particularly described in a map entitled, "Proposed Concept Plan for Deroche Business Park, Lots 7, 8 and 9, Block 12" prepared by G. Gloede and Associates dated October 14, 2022 consisting of one (1) sheet.


This approval is subject to the following terms and conditions:

1. This approval is for the grant of a “d” variance for the operation of a digital printing operation using latex ink which is nontoxic. The ink is to be obtained in gallon jugs and put into the printing machine and then disposed of. To the extent that the plastic containers can be properly recycled, the Applicant is encouraged to do so.
2. The building is approved in two (2) 15,000 square foot segments. The Applicant is authorized to utilize the entirety of the building for the approved use listed above based upon expansion that may occur. However, this approval does not include any use that is not incorporated as part of the approval listed above and therefore any tenant or any use proposed by this Applicant other than what has been otherwise approved is subject to further Board approval.
3. The Applicant shall revise the plans to conform with the testimony submitted by eliminating the 12 overhead doors and reducing them to six (6) with three (3) on each unit. Those overhead doors shall be at ground level and not in the nature of loading docks.
4. The hours of operation for the use shall be from 7:00 A.M. to 7:00 P.M. Monday through Friday. No weekend operation is hereby authorized unless subsequently

approved by this Board.

5. Applicant shall, by way of deed, consolidate Lots 7, 8 and 9 into a singular lot. The deed shall be reviewed by the Board Engineer and the Board Attorney.
6. This approval incorporates all the representations made by the Applicant during the course of the hearing and makes them a part of this approval.
7. This approval is subject to the Applicant submitting an as-built plan to be reviewed by the Township Engineer and Township Planner prior to the issuance of a Certificate of Occupancy.
8. As a bifurcated application, this approval is for the “d” variance only. Applicant will be required to return to the Zoning Board for appropriate site plan approval prior to the construction of the building.
9. This approval is subject to the payment of all appropriate fees and taxes.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Zoning Board of Adjustment of the Township of Knowlton at its regular meeting of March 7, 2023.



Board Secretary