

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, May 2, 2023

There was a regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, May 2, 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: O'Neill, Mezzanotte, Werner, DeVincenzi, Baley, Starrs, Walsh
And Tillman

Absent:

Also Present: Engineer Williams, Planner Dickerson and Attorney
Thomas

Approval of Minutes:

The April 4, 2023 minutes were distributed prior to the meeting.

A motion was made by Ms. O'Neill to approve the minutes. Motion was seconded by Ms. Mezzanotte. Roll call vote: O'Neill-yes, Mezzanotte-yes, Werner-yes, DeVincenzi-yes, Baley-yes, Starrs-yes, Walsh-yes and Tillman-yes.

Memorializing Resolutions:

#ZB22-003 Michele Torzilli, Block 39, Lot 4.16

Attorney Thomas stated it was brought to his attention and he agrees to include an additional condition to include the fact there will be no outside lighting. The applicant did agree to that and it should be a condition. Chairman Tillman asked for a motion with that condition inserted. Motion made by Ms. O'Neill and seconded by Mr. Baley. Roll call vote: Baley-yes, DeVincenzi-yes, Mezzanotte-yes, O'Neill-yes, Starrs-yes, Walsh-yes, Werner-yes, Tillman-yes.

#ZB23-001 Julius and Anne Harajda, Block 8, Lot 60

It was clarified by Attorney Thomas and Chairman Tillman that although the agenda read (request to carry to June 6 meeting) the resolution should be adopted but the matter will be carried to the June 6 meeting. The resolution is just for completeness deeming it incomplete. A motion to approve the resolution was made by Ms. O'Neill and seconded by Ms. Mezzanotte. Roll call vote: Baley-yes, DeVincenzi-yes, Mezzanotte-yes, O'Neill-yes, Starrs-yes, Walsh-yes, Werner-yes, Tillman-yes.

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

Attorney Thomas stated the Hayden's House of Healing resolution has not been prepared yet as it is complex and will be available at the next meeting.

Old Business:**#ZB21-001 AT Truck Stop Inc, Block 55, Lot 16**

The applicant's attorney, Mr. Cohen, stated he is appearing again and reminded the board there was a vote on this but the resolution was not prepared because there was a discussion at the end of the meeting after the vote on the approval that they would have the right to come back to talk about this free-standing sign. They had made an application for two new free-standing signs at each end of the property. That was not granted. They have an existing sign on the westerly side of the property which is 21 feet high. They also have the roof signs that are old and have been there for many years. He stated the board indicated he would have the right to come back to make this application for the one sign in the location that it is at and if that is granted they would remove the roof signs. Everything else would remain the same. He stated because of the delay, they did re-notice for this meeting. Mr. Cohen continued, they have submitted a new plan which shows the sign, which has been reduced in size, to be put at the same location as the existing sign – some 30 feet away from the right of way of Route 46. The sign is 21 feet high and he reminded the board they had approval to go to 24 feet, but that was never done. The applicant's engineers had designed it for 72 square feet. The board planner's report was received which states the measurements are wrong, it comes out to 85 square feet. Mr. Cohen stated he tried but could not reach his engineer to go over this. So he has no response to that, but stated this sign is definitely smaller than the one proposed before. Attorney Cohen said they had provided testimony from their professional planner, Jessica Caldwell, for the reason of granting this under the C2 criteria. He asked that the board incorporate her testimony which was primarily about the two signs. The lot frontage on this particular zone is 100 feet. The applicant's planner had testified theoretically you could have 6 signs if you broke it down into 6 separate lots. She also testified about the ability for motorists to see the sign and know the price. Mr. Cohen believes the Shell station sign looks larger than what AT is proposing. He went over the board planner's review and noted besides size it also spoke about the light intensity. Attorney Cohen stated they don't anticipate the lights intensity to be any greater than what they have. The report also suggested a dimmer be put on the sign if it is approved. The applicants have no objection to that. So he is here to ask that the condition would be that the two roof signs would be removed. He went on to say the resolution has been held by Mr. Thomas and hopefully this can be incorporated. Mr. Cohen then asked if there were any questions. Attorney Thomas suggested in light of the planner's report, your people state that it is 72 square feet and the planner indicates it's 85 feet. So why don't we indicate that it would be up to the measurements that our planner has, but not in excess of what has been submitted, as part of the plan which is designated as - sign plan re-imaging plan prepared by Bertin Engineering and dated 3/23/23. Attorney Thomas went on to explain if it turns out that their number is wrong and your number is right it doesn't suggest that you have the right to go up to 85 feet. Attorney Cohen noted their old sign, based on the way the engineer measured it, was a total of 81.2 so it's been dropped to about 10 square feet on each side.

Attorney Thomas added, the two roof signs will be removed. He stated Mr. Cohen is correct the resolution has not been prepared for the prior action. This action will be incorporated as part of that and then suggested that being this has been an ongoing matter there are a number of conditions that need to be accomplished as part of the original approval. He continued that before this particular sign approval is signed and the sign is erected that all those conditions be satisfied by way of a compliance from the town's engineering office. Mr. Cohen said this will be the last thing to be done on the property and does not see a problem with that. He also stated he didn't recall if there were any outside approvals from any outside agencies. It was confirmed the complete list of conditions will be incorporated into the final resolution. Ms. Mezzanotte asked why the sign had the number 71 at the top, which appears to be their street address. Mr. Cohen then conferred with his clients and stated that could be eliminated. Discussion then took place regarding an automatic dimmer for the sign. Mr. Cohen said he anticipates there will not be any more intensity than there is now. After the sign is erected the brightness could be checked by the engineer. The sign will have a built-in dimmer to reduce the intensity if needed. But the intensity will remain the same throughout the day and night-time hours. Discussion took place if the light intensity was something previously discussed and if the board's professionals mentioned it. Ms. O'Neill stated she believes the Shell station has a dimmer, as the light is visibly dimmer at night. It was concurred that the township engineer would be responsible for checking the brightness. Regarding the professional's reviews, the township engineer had no further comments. The township planner stated all their comments were addressed. Ms. O'Neill stated the plans that were submitted still showed the Mobil sign on the corner and feels the plans need to be updated. Mr. Cohen conferred with his clients who indicate there is no sign there now. Attorney Thomas stated the plans need to be revised to remove that from the plan. Mr. Cohen agreed to submit new plans. He then went on to ask a procedural question regarding any new members on the board since their last appearance. It was agreed that only members present at the prior hearing would be able to vote.

The hearing was then open to the public for questions and/or comments. Mary VanHorn was sworn in. She stated she lives on the back side of the truck stop property. She said they do have a lot of light especially when there are no leaves on the trees. Her concern is if this sign is higher, will it be above the tree line. Mr. Cohen stated the sign will be the exact same height as it is now and the lighting is going to be changed and will be significantly reduced which was part of the previous approval. Ms. VanHorn's other concern was for the vegetation to be replaced on the berm. Attorney Cohen stated that will be done as the weather permits. There being no other public questions, the public portion was closed.

Attorney Thomas then stated if there is to be a motion in favor, it would be for the sign as indicated in the map previously referred to as sign plan re-imaging plan dated 3/23/23. It would be for one sign at a height of 21 feet with 30.7 foot setback, the roof signs will be removed, there will be a dimmer device attached to the sign for appropriate intensity subject to the review by the township engineer, also subject to all the conditions of the prior approval, no installation of the sign until those conditions are complete, the number 71 on the sign will be removed, and a revised as built map will be provided to eliminate the Mobil sign.

Chairman Tillman asked for a motion to approve. Motion made by Mr. Werner, motion seconded by Mr. Baley. Roll call vote: Baley-yes, DeVincenzi-yes, Mezzanotte-yes, O'Neill-yes, Starrs-abstain, Walsh-yes, Werner-yes, Tillman-yes.

Attorney Cohen asked if there will be a resolution for the June meeting. Attorney Thomas said he will have it for the June meeting.

Approval of Vouchers:

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

Executive Session:

Executive session was called by Chairman Tillman at 7:57 p.m.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment, the Township of Knowlton, Warren County, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Litigation
3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
4. This Resolution shall take effect immediately.

Date adopted: May 2, 2023

The board came out of Executive Session and resumed the regular meeting at 8:26 p.m.

Adjournment:

There being no further business, Chairman Tillman asked for a motion to adjourn.

Motion was made by Ms. O'Neill. In a voice vote all were in favor.

The meeting was adjourned at 8:27 p.m.

Respectfully Submitted:



Doreen Apgar
Board Secretary