

Knowlton Township Land Use Board

Minutes

Tuesday, November 28, 2023

There was a regular meeting of the Knowlton Township Land Use Board on Tuesday, November 28, 2023. Clayton Taylor led the Board in the flag salute at 7:00 p.m. He 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 NJ Herald and Express Times-NJ Zone Edition, as well as providing said schedule in the Municipal Clerk's Office and the Township Website. A moment of silence was held for our Military Personnel serving in harm's way.

Roll call:

Present: Cuntala, Baley, Mathez, Mazza, Mezzanotte, O'Neill, Smith, Starrs, Werner, and Taylor.

Absent: Drake

Also Present: Attorney Gavan and Engineer Keenan

Approval of Minutes:

The October 24, 2023 Land Use Board minutes were distributed prior to the meeting. A motion to approve with minor grammatical changes was made by Mr. Mathez and seconded by Mr. Smith. Chairman Taylor asked for a roll call vote to approve the minutes. Roll call vote: Cuntala-abstain, Baley-yes, Mathez-yes, Mazza-abstain, Mezzanotte-yes, O'Neill-yes, Smith-yes, Starrs-yes, Werner-yes, Taylor-yes.

Adoption of Resolutions:

#23-001 Triplebrook RV & Camping Resort, LLC, Block 65, Lot 3

Chairman Taylor asked if everyone had reviewed the resolution. He then asked if there was a motion on the resolution. A motion to approve the resolution was made by Ms. Mezzanotte and seconded by Mr. Werner. A brief discussion took place regarding whether the resolution needs to list if the applicant had legal counsel. Roll call vote: Cuntala-yes, Baley-yes, Mathez-yes, Mazza-abstain, Mezzanotte-yes, O'Neill-yes, Smith-yes, Starrs-yes, Werner-yes, Taylor-yes.

#23-002 Makarevich, Block 44, Lot 9

Chairman Taylor asked if everyone had reviewed the resolution. A motion to approve was made by Mr. Werner and seconded by Ms. Starrs. When asked if there was any discussion on the resolution, Mr. Mathez noted there was no mention of the exceptions. He feels it is confusing and sounds like we are allowing development on preserved land. Nothing explains there are 2 exceptions. Attorney Gavan said he could add that wording to the resolution. Chairman Taylor asked with that addition does the motion and second still stand. Mr. Werner and Ms. Starrs confirmed. Roll call vote: Cuntala-yes, Baley-yes, Mathez-yes, Mazza-abstain, Mezzanotte-yes, O'Neill-yes, Smith-yes, Starrs-yes, Werner-yes, Taylor-yes.

#23-003 JBar Pocono, LLC, Block 17, Lots 1 & Lot 2

Chairman Taylor asked if everyone had reviewed the resolution. A motion to approve was made by Mr. Smith and seconded by Mr. Mathez. Chairman Taylor asked if there was any discussion on this and noted anyone who voted no and the person that abstained cannot participate in the vote. Roll call vote: Cuntala-abstain, Baley-abstain, Mathez-yes, Mazza-abstain, Mezzanotte-yes, O'Neill-abstain, Smith-yes, Starrs-yes, Werner-yes, Taylor-yes.

Determination of Completeness:**#23-005 TowerCo 2013, LLC, Block 60, Lots 9 & 9.02**

James Mitchell from Hambro and Mitchell introduced himself as legal counsel on behalf of the applicant. He noted their appearance was in case there were any questions. Engineer Denis Keenan went over his completeness review. He stated the recommendation was to deem the application incomplete subject to three items. He continued; he believes one item, the certified list of property owners, was taken care of. The two items that are open for discussion are the need for an environmental impact statement and nothing was submitted regarding wetlands. Our checklist requires a submission of an LOI to the state to verify there are no wetlands. He believes the application should include a letter from a wetland specialist. Chairman Taylor asked the board secretary to confirm the fees have been paid and this property is exempt from property tax. Ms. Apgar confirmed both items. He then asked the board if they had any questions for our engineer. Ms. Starrs asked about a previous cell tower that was approved recently near Route 80. She said there is no mention of that or how it may overlap with this, would an EIS take that into account. Engineer Keenan said from an RF signal standpoint, no it would not. He is sure the applicant will have an RF expert testify during the hearing. Chairman Taylor said the two items mentioned by Mr. Keenan are what would need to be waived for completeness only. You could always require them later. Attorney Gavan said even if you waive the LOI or letter you could make that a requirement to be submitted. The EIS is not an uncommon item to be waived for completeness. Waivers are all conditional. Engineer Keenan and Chairman Taylor agreed there was a lot of information given on the flood hazard zones. But they may need more for the hearing. Mr. Keenan said they are in the vicinity of a flood hazard area and there are new regulations increasing the flood hazard elevations. With there being no further questions on completeness, Chairman Taylor said it would be a waived for completeness only for the EIS and waived for completeness (but we would need it before the hearing) a wetlands letter from a certified wetland's specialist. With those 2 items as conditions of deeming this application complete is there a motion. Motion was made by Mr. Taylor and seconded by Mr. Smith.

Roll call vote: Cuntala-yes, Baley-yes, Mathez-yes, Mazza-yes, Mezzanotte-yes, O'Neill-yes, Smith-yes, Starrs-abstain, Werner-yes, Taylor-yes.

Chairman Taylor noted this applicant has sent notices to adjoining property owners advertising the hearing for this evening. They also put a notice in the newspaper, but there are some questions if it was the correct paper. It seems it was in the Express Times Pennsylvania edition. Mr. Mitchell said when they contacted Lehigh Times, they were advised this would be in both the PA and NJ versions and they were charged accordingly. Attorney Gavan noted the paper's affidavit states the circulation is in Lehigh and Northampton counties it doesn't even mention New Jersey.

It was agreed upon to either get a letter confirming it was published in both papers or re-notice. The matter will be carried without further notice to the next meeting date in December. (It was inadvertently noted as December 28th. Following the meeting the board secretary read the 2023 Annual Meeting Notice and realized the agreed upon meeting date for December is the 19th. The applicant was notified, as was the board and professionals.)

New Business:**#23-004 Quiet Valley Printing/Daniel Deroche/Deroche Truck Covers & Tarps, Inc. Block 12, Lots 7, 8 and 9.**

The applicant's attorney, Zach Rosenberg, from Bressler Amery & Ross introduced himself. Attorney Gavan asked him (for the record) who is the official applicant. Mr. Rosenberg said the official co-applicants are Daniel Deroche and Deroche Truck Covers and Tarps, Inc. One lot is owned by Daniel Deroche and the other 2 lots are owned by the corporation. Attorney Gavan asked why Quiet Valley Printing was also listed. Mr. Rosenberg stated that Quiet Valley Printing will be the operating company at the property. He continued that Deroche Truck Covers was a former company which is no longer operating. Attorney Gavan asked who owns what. Mr. Deroche said he owns 2 of the lots (the smaller ones) in his name and the larger lot (he thinks lot 9) is owned by Deroche Truck Covers. Mr. Rosenberg said the plan was to consolidate the 3 lots after they receive all the approvals. That was a comment received on each of the reports they received. But if the board would prefer they do that prior, as opposed to after the site plan approval is issued, they are happy to do that. The plan is to convey all 3 lots to a new single purpose entity for real estate holdings to be owned by Mr. Deroche solely and consolidate those 3 into one single lot. He then spoke to a comment from the planner's report which indicated that they would need to seek a parking variance. They are not seeking a parking variance. He believes there may have been a mistake in the report on the calculation of the required number of parking spaces. His understanding is only 20 spaces are required and that is what they are proposing, so the plan would be in compliance.

George Gloede was then sworn in. He gave his qualifications as a licensed engineer in the State of New Jersey. He then went over the planner's report regarding parking spaces. It listed office spaces as one per 200 square feet which is 12 spaces and correct. For warehouses it reads one per 5,000 and listed 54 spaces. That should be 5.4 spaces. Based on this report that would be a total of 66 spaces, but they only need 20. He believes there is an error in the report and a variance is not really required or requested for parking. Mr. Rosenberg then spoke regarding their use variance, which was previously approved. One of the conditions of the approval, memorialized April 4th, was to obtain a final site plan approval. They submitted revised plans in September and have since revised them further addressing the towns experts' comments. Those plans have not yet been provided to the board. There will be further revisions after tonight, but Mr. Gloede would like to present the current version of the plans to the board to give a sense of where we are at. Mr. Gloede then showed a previously submitted plan dated Aug 7, 2023. Then he introduced the revised site layout (sheet A1) showing less parking and box trucks instead of tractor trailers. This enabled them to reduce the amount of impervious coverage from the original amount of 68,107 square feet down to 46,754 square feet. The total lot coverage was 99,307 and is now 77,954.

In terms of percentage of coverage on the original plan (which included all 3 lots) they were at 28.3% of the site and are now down to 22.2%. He believes this will change the stormwater detention. The walls will be brought in closer and there will be less disturbance to the site overall. The island on the original plan has been removed. One thing that is still outstanding is the sewer issue. Mr. Gloede said he spoke with the town's sewer engineer, Mark Bahnick, who informed him he had spoken to the township and requested they contact the Truck Stop about getting an easement. This would allow them to install a pump station at a location on their property and pump it to the Truck Stop's treatment facility. This is needed because their proposed site is in the sewer service area. He then said if there were any issues, they would still have the option to go with the septic system like they originally talked about. Mr. Mathez then commented that his understanding is that the township ordinance requires any commercial building in the sewer service area to connect to the sewer plant. It is not an option. Chairman Taylor confirmed that point and noted the closest connection is the Truck Stop. This way they could connect through their connection rather than going around through public right-of-way's. Mr. Mathez questioned why the town would reach out to the Truck Stop instead of the applicant. Discussion took place regarding who would be responsible for contacting the Truck Stop. Board secretary Apgar stated she had reached out and has the contact information for the general manager. Attorney Gavan stated it is not the town's obligation to get the approval. They can save money connecting with TCA, but they will have to find out if they can go that way or go all the way around using the public right-of-way. Mr. Gloede said they do have a copy of the sewer service area map. Ms. Starrs then spoke regarding the quarterly fees associated with being hooked up to the sewer system. She quoted amounts paid by the 3 businesses now using the system and wanted the applicant to be aware of the costs involved. Chairman Taylor said the rates will be based on their gallonage. There will also be their initial connection fee costs. Mr. Rosenberg asked if they are unable to connect to the sewer line would it be appropriate to seek a C variance for a septic. Attorney Gavan responded they cannot get a septic. Mr. Gloede brought up another item listed in the planner's report regarding buffering. He stated the property borders a farm and cemetery and wonders why buffers would be needed. Ms. Starrs stated she lives a mile away from this area and the trees block the sound from the highway. Mr. Gloede said they will be back with revised plans and what was discussed tonight regarding the sewer and the buffers. Engineer Keenan and Mr. Smith asked to include truck turning templates on the plans. Ms. Mezzanotte asked about the engineers' plans for retaining walls. Mr. Gloede said they will be done separately as his firm does not do structural work.

Dan Deroche was sworn in as the next witness. He stated the Deroche Truck Covers & Tarps business was sold in 2015 and they will not be occupying this building. Ms. O'Neill had questions regarding still seeing the name used. Mr. Deroche said it is still being used because the name is on the deed to this property. His original plan was to move that company to this site, but the business outgrew the property so he sold the company. But he never changed the name on the property. Mr. Baley asked if he had any plans on having a truck cover company here in Columbia. Mr. Deroche does not, just the print shop. Other questions from the board included the application plans using the term proposed "warehouse". Mr. Gloede said the new plans will call it proposed "light industrial building". The plans will call the building sections storage and office.

Attorney Gavan said what they have done here is give us a conceptual heads up. They received the use variance already. Now it's down to the layout and technical items so our engineer can review it. They could have just carried this, but this is helpful so we have a sense of what is going on and can have some questions answered. He then asked if they will be ready for the December meeting, they responded no. They believe they will be ready in January. Chairman Taylor asked if they would have to re-notice. Attorney Gavan said it could be carried without further notice until the January meeting.

Public Comment:

Chairman Taylor opened the meeting to public comment. There was a gentleman who identified himself as a realtor from New York. He asked about a commercial property he was interested in purchasing on Route 46 in Delaware. Attorney Gavan stated he needs to speak to the zoning officer; he cannot come before the board without an application. The board cannot address that. He would need to speak to the professionals.

At this point the previous applicant Mr. Deroche and professionals returned with questions regarding the sewer service. They stated it would be complicated to use the public right-of-way and quite expensive for the amount they would be using. They then asked about the possibility of using portables. Attorney Gavan said that would be a question they would have to present to the board after they review everything. Make your proposal and let the professionals' comment on it. Mr. Rosenberg then asked if they construct the building are they required to have septic. Attorney Gavan replied the construction officials will require you to have one. That is not even a zoning issue. Engineer Keenan added he doesn't believe the state would allow it.

Other Business:**Alternate/Replacement Planner**

Chairman Taylor went over the fact the cell tower application is using the same planning firm as the board uses, Colliers Engineering & Design. This would be a conflict even if Mr. Bloch is not directly involved with it. We have received 2 quotes from other planners for their services. One is from Mr. Keenan's firm, French & Parrello. The other firm is Engineering & Land Planning Associates (ELP), which was used for a prior conflicting application. Chairman Taylor said in some applications you don't need a planner, but with an application of this nature, it is a good idea to have a planner. The quote from French & Parrello would be the same amount as the engineer now gets and this is less than the quote from ELP. He asked if everyone had copies of the 2 proposals. Ms. Mezzanotte made the motion to use French & Parrello for less money. Motion was seconded by Ms. O'Neill. Mr. Keenan noted the planner will be Wayne Ingram. Roll call vote: Cuntala-yes, Baley-yes, Mathez-yes, Mazza-yes, Mezzanotte-yes, O'Neill-yes, Smith-yes, Starrs-yes, Werner-yes, Taylor-yes.

Review of Land Development Ordinance:

Ms. Starrs spoke regarding attending the recent Township committee meeting to inform them the Land Use Board was considering setting up a post approval escrow account for the engineers to sign off and make sure the changes were made. They said they were in favor of that, but the township attorney asked that we review the existing ordinance just to see if there was anything else in the ordinance we would also like to change at the same time.

The attorney also recommended that we specify that the engineer sign off on any approval before the CO is issued. If it was a small applicant, you could include that a waiver be given. Ms. Starrs continued that what we are waiting on is our engineer to provide us with an appropriate amount. We need a number that we could recommend. The attorney also asked that we prepare a memo and provide it to the township committee so they could draft the ordinance. The number should be large enough that it would be an incentive to get money back. Mr. Keenan asked when would we collect the escrow. Attorney Gavan said it would be the first condition in the approval, once it's approved it has to be paid. Ms. Starrs added they wouldn't be able to get the money back until the engineer signs off. Mr. Keenan asked what if they walk out with the approval and do not pay. Attorney Gavan replied then they wouldn't have their CO to do whatever they are doing. If you go to inspect the site you would inform the zoning officer they are in violation and he would write the summons. Mr. Werner asked about collecting this escrow money with the application. This way if they don't pay, it doesn't become an enforcement issue. Attorney Gavan gave another idea of making it a condition of the application that they put up a percentage of the inspection, at least to cover the first inspection. Ms. Starrs asked about adding it into the current fee schedule and increase the amount that is already listed, adding another step for post approval inspection. Attorney Gavan said it could be added into the escrow argument and listed as for all post approval site inspections by the board professionals. Questions arose regarding the bigger developers versus the smaller applicants. Attorney Gavan explained right now, the current ordinance regarding fees is generally broken up and based on what you are doing. We will have to come up with a similar scheme and come up with a waiver of that. Chairman Taylor believes that's why it should be a separate fee so it could be waived. Mr. Keenan spoke regarding just enacting it as part of the approval process rather than make it formal because in some instances in just looking they may not know. Attorney Gavan stated it would still need to be codified somewhere. Chairman Taylor asked the board secretary if the current escrow fees are covering the expenses from the professionals and/or how often do we need to reach out for more money. Ms. Apgar replied 3 of the current applicants were contacted for more escrow money. It was decided to look over the current fee schedule to see if it needs to be increased. Ms. Starrs asked again for Mr. Keenan to come up with a recommendation on a number. Attorney Gavan said he would speak to Ms. Apgar regarding the number of times she needed to call for more money in the past few months. Mr. Keenan said the post construction escrow has to be enough to cover the inspection plus enough that it is worth them getting their money back. Attorney Gavan said we can either create something new or include language in what we already have to say it includes this. Chairman Taylor said that is the question for the board. Whether you want a separate post inspection escrow fee or add language that your escrow fee is going to cover post inspections also. Attorney Gavan said there should be a suggested number for both. Mr. Keenan said he sees a benefit of keeping them separate because you can run out of the escrow, but you will always have that post approval money.

Mr. Mathez spoke regarding massive warehouses going in across the river. The projection for the number of single car trips is 19,000 a day. It would seem to him that each employee would be making 2 trips a day. He continued that some towns are changing their zoning. He thinks we should look at our zoning and see if it needs to be upgraded as this is the biggest threat to our quality of life since he has lived here.

He was asked what kind of changes he is talking about. He said what he is proposing is to have a sub-committee to look at this because he has some ideas but would like some other input. He feels towns should be acting proactively to this. Discussion took place regarding the influx of people that warehouses could bring. Chairman Taylor said to start a sub-committee we should have a specific direction and goal. He then asked if anyone was interested in talking with Mr. Mathez about this. Ms. Mezzanotte, Ms. O'Neill and Mr. Baley confirmed they were. Chairman Taylor noted when they have something ready have it added to the agenda and bring your suggestions back to the board. Attorney Gavan recommended they start with the master plan. Ms. Starrs added to reach out to Mr. McNinch as he has done a presentation recently and knows what our available acres are for development.

Lighting Ordinance:

Mr. Smith said the last task the sub-committee had was to have the zoning officer look at both ordinances to make an assessment. That still has not happened, as the zoning office is quite busy. The comments that Mr. Werner input were not incorporated into the ordinances that they have out. Discussion took place regarding having the zoning officer attend a Land Use meeting. Mr. Smith then suggested having the township committee ask the zoning officer to review the 2 ordinances. Ms. Cuntala confirmed she will do that. Chairman Taylor added this whole question of the lighting ordinance was at the request of the former zoning officer. If this zoning officer has no interest in it, it might be a moot point. Mr. Werner spoke regarding the current ordinance and enforcement. He would still like the ordinance revised, he doesn't want it not revised based on non-enforcement. Chairman Taylor concluded we just need input from the zoning officer. Mr. Mazza asked Ms. Cuntala if they could come up with a list of questions for the zoning officer and invite him to come to a meeting. Ms. Cuntala confirmed but thinks first she will email him to look at both of the ordinances.

Bills:

Chairman Taylor asked if everyone looked over the bills. There was a motion to approve the bills by Ms. Mezzanotte. Motion was seconded by Mr. Baley. Roll call vote: Cuntala-Yes, Baley-Yes, Mathez-Yes, Mazza-yes, Mezzanotte-yes, O'Neill-yes, Smith-yes, Starrs-yes, Werner-yes and Taylor-Yes

Adjournment:

A motion to adjourn was made by Mr. Baley and seconded by Mr. Smith all were in favor. The meeting was adjourned at 8:40 P.M.

Respectfully Submitted:



Doreen Apgar,
Board Secretary