

**Knowlton Township Land Use Board  
Minutes  
Tuesday, July 23, 2024**

There was a regular meeting of the Knowlton Township Land Use Board on Tuesday, July 23, 2024. 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 Zoned 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:** Baley, Cuntala, O’Neill, Starrs, Werner, Drake, Mezzanotte and Taylor (Mr. Mazza arrived at 7:08 PM)

**Absent:** Mathez, Smith.

**Also Present:** Attorney Gavan, Engineer Keenan, Planner Dickerson

**Approval of Minutes:**

The June 25, 2024 Land Use Board minutes were distributed prior to the meeting. A motion to approve the minutes was made by Ms. O’Neill and seconded by Ms. Mezzanotte. Chairman Taylor asked for a roll call vote to approve the minutes. In a roll call vote, all were in favor with Ms. Cuntala and Ms. Starrs abstaining.

**Adoption of Resolution:**

**#23-005 TowerCo 2013, LLC, Block 60, Lots 9 and 9.02**

Chairman Taylor noted this was brought before the board last month, we have had some revisions made. He then noted another section regarding a road name that needed correction. Mr. Werner questioned some of the public comments included in the resolution. Attorney Gavan advised it wasn’t part of the decision making, but the point was raised. With the correction noted, Chairman Taylor asked for a motion. Mr. Werner made the motion to adopt. Motion seconded by Ms. O’Neill. Council members may not vote on this application. Roll call vote: Baley – yes, O’Neill – yes, Starrs – yes, Werner – yes, Drake – yes, Mezzanotte – yes, Taylor – yes.

**#ZB21-002 Belvidere NJ Congregation of Jehovah’s Witnesses, Block 68, Lot 10.01**

Chairman Taylor asked if everyone had reviewed this resolution. He asked for a motion on the resolution. Motion made by Ms. O’Neill and seconded by Ms. Mezzanotte. There were no questions from the board. Roll call vote: Baley – yes, Cuntala – abstain, O’Neill – yes, Starrs – yes, Werner – yes, Drake – yes, Mezzanotte – yes, Taylor – yes.

**Old Business:**

Chairman Taylor noted the application for Quiet Valley Printing is being carried until next month and must be re-noticed.

**#24-002 Kenneth Jahn, Block 63, Lot 1.05**

Attorney for the applicant, Michael Selvaggi, introduced himself. He followed up with the proceedings of the previous meeting noting as they concluded their presentation there was a neighbor who expressed some concerns about the location of the garage. So, they tried to come up with an alternative location that would be less offensive to the neighbor. The engineer, Bryce Good, met with the clients and came up with a different design. Mr. Good will present what is now proposed and is still under oath. The revised plans were submitted to the board and list a revised date of July 1<sup>st</sup>. The revised location of the garage meets the setback requirements for this zone, so they are no longer asking for a variance for the setbacks. The only variance they are now requesting is for the impervious coverage. The applicant has approved the removal of a small portion of the driveway and a portion of his deck to reduce the amount of impervious coverage. The requirement is 15% which on this lot would be 6,535 sq ft. They are currently showing on their plan, with the removal of the deck and small piece of driveway, 126 sq ft over that limit. They are at 6,661 sq ft., which is 15.29%. So, they are requesting the variance for the .29% over the required 15%. There is a proposed gravel driveway to the garage, this is not considered impervious material. The garage is wide enough for 2 cars and the door is 16 feet wide which matches the width of the gravel driveway. They will be removing the existing gravel area and the existing shed. There were no questions from the board members or professionals.

Chairman Taylor opened the meeting to questions from the public for this witness. Regina Vitkosky asked to see where on the revised plan the garage will be. With no other questions, Chairman Taylor asked if there was a motion. Mr. Baley made a motion to approve the variance for a very small impervious coverage. Motion was seconded by Ms. Starrs. (It was noted Ms. Starrs and Mr. Werner who were absent at the previous meeting have both listened to the recordings and signed certifications) Roll call vote: Baley – yes, Cuntala – abstain, O'Neill – yes, Starrs – yes, Werner – yes, Taylor -yes. (Alternate member votes were not needed)

**#24-001 JBar Pocono, LLC, Block 17, Lots 1 and 2**

Attorney for the applicant, Michael Selvaggi, introduced himself. He stated this is a continuing public hearing for the use variance relief for the expansion of a preexisting non-conforming use. This was triggered by a notice of violation issued by the township zoning officer. It pointed out lighting, signage and an HVAC system installed that he noted as an expanded use of the property. At the last meeting there were concerns brought up about the number of vehicles that would be parked on site. They have amended the plan to show how those vehicles will be parked on the property. Mr. Davies, who is the applicants civil engineer and still under oath, explained the proposed layout. Mr. Davies said there are two plans to discuss. One is the minor site plan referred to as revision #1 dated 7/11/24. This shows the site plan with topography overlaid. This is to show grades concerning the ADA pathway. It was discussed between engineers that ultimately it would be the building departments review and approval to satisfy the ADA requirements. The second plan they put together is the equipment parking analysis plan referred to as P1 dated 7/11/24. This shows six photos of various equipment and where they would be located on the property. They include a mechanics truck, light duty wrecker, medium duty rollback, 2 heavy duty wreckers, a trailer with lowboy and a forklift.

Attorney Gavan confirmed that contrary to previous testimony, some of this equipment (a minimum of three) will be parked outside of the building. The number of vehicles was also confirmed to have changed to 6 vehicles and a forklift. Mr. Davies stated 2 of their vehicles and the forklift could be kept inside. It was noted the availability of parking inside would be based on if nothing else is going on inside the garage. Mr. Keenan asked about getting the vehicles in and out. Mr. Davies said there is a gate on the north side of the building. There were no questions from the board members.

Chairman Taylor opened the meeting to the public of questions from this witness. Sharon Valentine had comments about the amount of traffic involved. Mr. Selvaggi noted this is a reactive type of business, traffic would depend on accidents. Pamela Rusweiler acknowledged the designated parking for JBar's vehicles and the spaces for cars. She asked to see where the tractor trailers brought in would be parked. Mr. Davies said that would be more of a question for the owner/operational person. There were no other questions from the public, board or professionals for this witness.

Mr. Selvaggi then brought Mr. Gentile back up for questions, he is still under oath. Regarding the question raised about parking of disabled vehicles he will be taking them to his Pennsylvania location. He will not be bringing them here unless they are accident vehicles. Attorney Gavan asked where they would park a tractor trailer if the state police said it must come here. Mr. Davies noted a 28-foot spot between the back of the parking spaces and where the lowboy will be parked. It is approximately 10 spaces long, so an area of 28 x 90. Attorney Gavan continued by asking if that tractor trailer was involved in an accident and had to be stored there for a month where it would be parked. Mr. Davies said the bays would be closed and the business would not be taking customers for the duration. There were no questions from the board members for the applicant.

Chairman Taylor opened the meeting to questions from the public for this witness. Bob Mooney spoke regarding living in town during the time Norman Hummel ran the business. He has reservations as to the placement of large 18 wheelers brought in. He spoke regarding the number of large vehicles already going through Decatur St. and is against this. Pamela Rusweiler asked for confirmation on the amount of time towed vehicles would be parked there. She stated she has done research with the State Police and they confirm a vehicle picked up in NJ cannot be towed across state lines into Pennsylvania. Attorney Gavan noted that is true in the case of an accident but not if it is a breakdown. She also wanted to confirm the hours of operation and stated this will add to the existing truck traffic issues in the town. There were no further questions from the public or board members for this witness. Planner Dickerson spoke regarding enclosing the dumpster and adding fencing not being shown on the revised plans. Chairman Taylor added the question about the oil separator not being addressed.

Chairman Taylor then opened the meeting to the public for general questions. Attorney Brian Tipton stated he had a witness to speak. Dennis Chamberlain was sworn in. He is the owner of Washington Collision Center. He stated he is an approved vendor for the State Police for towing on Route 80 and has been for 15 years. His section of Route 80 includes milepost 0 to 21. He stated the rotation is not week to week. It used to be rotated by call. In Jan of 2024 it was changed to day by day. You are either on for primary or for back up with a limited number of vendors per milepost section. Regarding impounded vehicles 70% they get stuck with because no one comes back for them. They have to sit there 60 days before they can file with the state for a junk title. That process can take 6 months.

He stated as of now, he has 19 vehicles at his facility that are either impounded or waiting on titles. Attorney Tipton asked him about the revised plans discussed tonight having any problematic operational issues that he can see. He thought there would be issues having to move vehicles out into the street to get vehicles in. In his experience with today's requirements from the state police, you need at least 2 acres to operate the equipment they want. Every few years they add on more equipment requirements. Mr. Tipton submitted 2 new exhibits to the board. These were identified by O-Bravo and O-Alpha. The photo depicts a Kenworth heavy-duty rotator. That same type vehicle is depicted in the applicants revised plan as photo 4. The other exhibit is a CAT-certified scale ticket for the weight of the Kenworth truck. Mr. Chamberlain stated the weight is 67,460 pounds empty. Chairman Taylor confirmed with Mr. Chamberlain the rotation he spoke of is for cars and tractor trailers. Mr. Werner asked the witness what it takes to keep these type trucks profitable, how many trips does he think are needed to stay profitable. Mr. Chamberlain said to replace the type truck depicted in the applicant's photo #4 would be almost a million dollars. He continued that state police require 2 rollbacks which aren't shown on the applicant's equipment plan. Mr. Werner noted the amount of traffic that would be generated just to remain plausible. Mr. Selvaggi followed up stating more calls would be received if there are fewer towing companies competing for the same business. Mr. Chamberlain said the SP have scaled down the list, in Jan 2024 there were four vendors. In other pilot programs 7 vendors were eliminated even though they had no complaints. There is a criteria you have to follow. When questioned by Mr. Selvaggi he agreed his business could potentially be eliminated if JBar came on board. The point was brought up by resident Bob Mooney (and confirmed by Attorney Gavan) that roads are developed differently and Decatur St is not constructed as a state highway. Engineer Keenan asked about the frequency of wrecks that they have to store at their facility for the police to inspect. How often does he see them on a weekly basis? Mr. Chamberlain said probably 2 every 6 months for DOT trooper inspections. He clarified he was speaking regarding semi-trucks. The length of time they remain at their facility depends on the insurance company, but the average would be 6 months. Vince Gaeta had questions on the impounding and releasing procedures after the SP are done with their investigations.

Chairman Taylor then opened the meeting to the public for general comments on the application. Dennis Melillo spoke about his opposition to the application and questioned if this site is ideally suited for the proposed use. Mr. Tipton closed with stating this is a much more intensive use than what Hummel's had. He also believes the applicant has changed testimony numerous times. He spoke about the excessive weights that would be used on the road. He does not feel that the impacts on the neighborhood will be minimized. He feels the detrimental impacts will well exceed any benefits. There was no evidence that the SP need more vendors. He does not believe they satisfied the criteria for the variance relief and the application should be denied. Mr. Selvaggi then spoke about the section 68 approval, public comment from Mr. Mooney about the previous level of use, and not being able to apply for the SP contract until they have a place to go to. He said there is no evidence that the intensity of use will be any more intense that what was there before. He continued that if the application is denied, Mr. Gentile has the section 68 approval allowing him to operate a towing and auto repair business here. He feels the concerns raised are enforcement issues. Regarding the weight limits Mr. Selvaggi said there is a NJ Statute 39:3-83 that allows for situations like this to exceed the weight limit. He believes they have met the standards under the use variance criteria. Regarding the

site plan which is what brought them here, he believes the HVAC is acceptable, they will comply with the signage and the lighting they got rid of. They are putting in the oil/water separator, a board on board vinyl fence and will enclose the dumpster. Pam Rusweiler stated she has lived here since 2008 and Mr. Hummel had very little operations going on. From 2008 till now there has been nothing there.

Chairman Taylor said this is for a minor site plan. We can impose conditions on the approval. Attorney Gavan went over the entire section 68 approval for everyone in attendance. He continued you can grant with conditions or deny the site plan. One of the problems is you are being presented with a hypothetical. They may not get the contract. Chairman Taylor asked Attorney Gavan about the statute Mr. Selvaggi spoke of exceeding weight limits. He said one of the conditions he was considering imposing is that no vehicles come on the premises that exceed the weight limit of the road access to the premises. Attorney Gavan doesn't believe that is an enforceable condition based on his understanding of the DOT. He also believes this road is the alternate route when Route 80 is shut down. Chairman Taylor then listed the conditions that are in place: the oil separator, dumpster screening, adequate fencing, compliance with the signage and lighting, approvals from the county for the septic and well use. He then asked if there was a motion and it should be in the affirmative, a motion to approve. Mr. Werner made the motion to approve with the conditions listed. Motion was seconded by Ms. Mezzanotte. Discussion on the motion; Ms. Starrs said she has concerns with the application and wanted to put them in the record. She then read a prepared statement. She noted the site is poorly suited, Decatur St is not equipped to handle heavy duty trucks, conflicting testimony, environmental concerns, and recent zoning and master plan amendments. There were no other comments. Roll call vote: Baley – no, O'Neill – no, Starrs – no, Werner – no, Drake – no, Mezzanotte – no, Taylor – no. Ms. Cuntala being a committee member cannot vote on a D variance application.

### **Other Business**

#### **Lighting Ordinance:**

Mr. Werner spoke regarding reviewing the existing ordinance which he had already done. He had made his comments in a letter. He feels the zoning officer needs to have input on what he can enforce. He feels the existing ordinance is more restrictive than what was being proposed. But he feels it's a moot point unless the zoning officer can enforce it. Ms. O' Neill recalled agreeing to leave the ordinance as is. Chairman Taylor agreed, but indicated we still need direction from the zoning officer. He thinks at this point we will leave the lighting ordinance where it is. Mr. Werner believes we still have a duty to the community to protect them from aggressive lighting. Attorney Gavan said whoever files the complaint is the one that will have to testify in court. Mr. Werner then spoke of the possibility of having a member of the community be a volunteer "reserve" Zoning officer. Not to cite anyone, but to verify a complaint. Especially at night when the zoning officer isn't available. Attorney Gavan doesn't believe there is any prohibition on it. But it would need to be brought up to the governing body.

Brief discussion took place on the letters Attorney Gavan will write to the entities violating the conditions of their approvals. He will have copies of the letters next month.

**Residential Full Build Out Analysis:**

Mr. Drake said Mr. Mathez has more to submit, but he is out this evening so it will be next month.

**Short Term Rental Draft Ordinance:**

Attorney Gavan will have something next month.

**Bills:**

Chairman Taylor asked if everyone looked over the bills. There was a motion to approve the bills by Mr. Baley. Motion was seconded by Ms. O'Neill. In a roll call vote all were in favor.

**Adjournment:**

A motion to adjourn was made by Ms. Starrs and seconded by Mr. Baley. In a voice vote all were in favor. The meeting was adjourned at 8:42 P.M.

Respectfully Submitted:



Doreen Apgar,  
Board Secretary