

Knowlton Township Land Use Board
Minutes
Tuesday, March 24, 2026

The regular meeting of the Knowlton Township Land Use Board was held on Tuesday, March 24, 2026. Chairman 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 compliance with the "Open Public Meetings Act" (as amended by Public Law 2025, chapter 72) notice of this meeting and the agenda were posted on Knowlton Township's official website and on the bulletin board at the Municipal Building. A moment of silence was held for our Military Personnel serving in harm's way.

Swearing in of new board member:

The board secretary administered the Oath of Office to Mitch Overpeck. He then signed his oath of office statement and it was notarized by the secretary.

Roll call:

Present: Baley, Allen, Mathez, Mazza, O'Neill, Smith, Gaeta, Drake, Overpeck, Mezzanotte and Taylor.

Absent: None

Also Present: Engineer Nusser

Approval of Minutes:

The February 24, 2026 minutes were distributed prior to the meeting. With no corrections or additions needed. A motion was made by Mr. Drake to adopt the minutes. Motion seconded by Mr. Mathez. Roll call vote: Baley – yes, Allen – yes, Gaeta – yes, Mathez – yes, Mazza – abstain, O'Neill – yes, Overpeck – abstain, Smith – yes, Drake – yes, Mezzanotte – yes, Taylor – yes.

Determination of Completeness:

#25-003 15 Simpson Road Project, LLC, Block 14, Lots 1, 2, & 3

Chairman Taylor announced he would need to recuse himself, as his family owns property within 200 feet of this project. Vice Chair, Ms. O'Neill, then took over the meeting. She noted the completeness review recommendation from Engineer Nusser who then went through the review. He explained this is their second submission and some items were addressed. There are some items he will take no exception to a waiver for but there are still outstanding items. This is ultimately up to the board, but he feels some of the bigger issues are:

1. The ownership structure, it's owned by two separate LLC's and they own it 50% each as tenants in common. There is no consent from the other party. They have been working on that.
2. The driveway they are proposing onto the existing welcome center property. It appears to him that lot is already over the 60% impervious coverage, and they will be adding more to that. They will need a variance for that. So, they will need to sort out what relief they need before they come before that board.

There are other items Mr. Nusser would like to hear the board's opinion on. He could then give the applicant some guidance on them. He has concerns on them having some DEP regulated areas. It looks like the flood plain comes up and touches the bottom corner of that property according to the state calculations and mapping. They are also discharging in that spot. The 300-foot buffer from the river comes into that same corner and if they are doing any work there, this would require a permit from the state. There will be a recommendation in the technical report that this is something they need to find out from the state whether or not they have an issue and need a permit. They are also in the carbonate rock area. They supplied the reports from when the welcome center was done which said there was no problem. But at this property they did soil logs and say they are hitting rock. Mr. Nusser asked if the board is comfortable proceeding with the application knowing that this is a concern the applicant will have to address at some point. He doesn't want them to have to keep making submissions, he would like them to give us what we are looking for and get it done. Mr. Baley asked if there is a solution to the carbonate rock issue for them. Mr. Nusser said his concern is the spot is tight. There are walls and features, they are not showing a gas service line. There is a pizza oven and no propane tank shown. Fire suppression isn't shown, no sprinklers in the building but there is a requirement for a water source. Their stormwater is based on a porous system. 70% to 80% of their parking lot is porous with it going into the ground. If there is a carbonate issue it affects the design and how will they deal with it. He would like to see the application move forward, but he doesn't want it to be a waste of time. There is also a use variance involved because of the welcome center sign. Regarding the DEP issues, they don't have to make the application to the state, but it should be shown on the plan before we would deem it complete. At some point they are going to need to make the application and get it confirmed. But for completeness he does not think they need to make the application. It is a concern with the state regulations on stormwater; they give zero relief if you are on carbonate rock. Ms. Allen: So right now, we don't know if it's carbonate rock there. Mr. Nusser: correct. With the travel center report, they didn't hit the bedrock within the testing they did. The basins they put in are lined and under drained. They don't infiltrate water into the ground, they go out into the county system on Simpson Rd, and it discharges. It does not go into the ground. Ms. Mezzanotte asked if the LOI was on them to supply. Mr. Nusser corrected it wouldn't be an LOI (for wetlands) it would be a flood hazard area verification. Ms. Mezzanotte: what is the turnaround time for that. Mr. Nusser: it takes 90 days for the state to process it. Mr. Mazza asked why they can't tie into the existing property next doors stormwater system. And also, why wouldn't their engineer know to include this with the application to begin with. Mr. Nusser: the other site's application was under the old rules (pre-2018). Rules have been updated twice since, and the new rules are you have to recharge; you have to put it in the ground. To try to connect and recharge at the other site would be a concern because of the gas station being there and the gas tanks being there. There were questions on the connecting driveway. There is still an entrance from the county road. When the travel center was approved, it was in the AR1 zone, the 2 lots were re-zoned after and are now in the C2 zone. So, there was not the impervious coverage issue at the time, but now that it's in C2 it has the 60% standard. (a notation was made that this was always in the C2 zone). Mr. Mathez questioned the infiltration of the stormwater note, asking is this is on the parking lot?

Mr. Nusser, the system as designed is a porous asphalt system. The water goes through the asphalt into a stone bed about 3 feet thick and then goes out the bottom. Mr. Mathez: does it have the potential to harm ground water with oil and other debris, salt. Mr. Nusser: Yes, that is the concern that potentially you are putting that into something so porous as carbonate rock. The state feels that porous asphalt provides treatment for water quality purposes. Mr. Smith: How does it do that. Mr. Nusser: it puts it in the ground and it keeps it from hitting the river. There are concerns with salt and oil, which need to be maintained. There should be a maintenance manual for it. On a site like this there are very few options on what they can use. The state regulations on stormwater kind of push them to where they are or they would have to have room for a basin. Mr. Baley: regarding tying into the stormwater runoff from the adjacent lot. Mr. Nusser: They would have to build their own system to manage what they would be adding and then they could connect to that discharge. Mr. Nusser doesn't have a concern on it infiltrating and impacting the water quality on wells. It is so far away you have Route 80 and then the river. Mr. Baley: are these overcomable issues for them? Mr. Nusser: Yes. Mr. Drake: is it the riparian corner that's in question, is that a couple of inches? Mr. Nusser: does not know, that is the problem. State guidance says you look at the 2-year flood depth of the river and extend from there. This is not on his engineer's office to figure out for them. They have some work to figure out where that is. Mr. Drake: regarding the buffer zone would it apply to their whole property or just that spot? Mr. Nusser: the buffer is into that corner; the state will review their stormwater and their stormwater discharge within the 300-foot buffer. If the state says they did 80% treatment everywhere else, but then if they are within that buffer and the state wants you at 95% and there is still more for them to do. How will they do that? So, if they are within those 300 feet it is a substantial issue that affects the layout and their ability to execute the plan. And the carbonate rock issue is the same.

The carbonate rock is addressed in Item 7 of the FPA review. The flood hazard area is summarized in that same item and also in item 40 and item 45. The board consensus was to see this information before the applicant appears. Mr. Nusser has spoken to the applicant's attorney to advise he would like to have a discussion with their engineer. Having the required information will make things go quicker during the hearing. Mr. Mazza asked if there was anything else to go over from the FPA review. Mr. Nusser noted the page 6 summary lists all the items we would like to see. Mr. Smith asked about including a water supply for domestic water. Mr. Nusser said there is an existing well on site. The updated plans show it. These plans were submitted electronically and only 2 sets of paper were sent which the secretary has.

A motion to deem the application incomplete based on the board engineers report was made by Ms. Mezzanotte. Motion was seconded by Mr. Drake. With no other questions or comments from the board Ms. O'Neill asked for a roll call vote. (The application includes a use variance; therefore, township committee members are unable to vote). Mr. Smith had a final question, the resolution of June 2011, have those conditions been met in this application? Mr. Nusser did not evaluate if there were any changes to any of them. As part of the technical review, he would look at that, but not for completeness. Roll call vote: Allen – yes, Gaeta – yes, Mathez – yes, O'Neill – yes, Overpeck – yes, Smith – yes, Drake – yes, Mezzanotte – yes.

Other Business:

Prior to the next application being discussed, Mr. Smith had a general question for the board engineer. He asked how his escrow account works. Chairman Taylor noted he also was going to discuss this topic during the other business section of the meeting. He remarked that some applications might be given a little extra help, does that go against their escrow account? Mr. Nusser replied if he is on the phone with the person for 45 minutes or an hour he would charge them. He tries to be mindful, especially for a resident of not running a bill up on them. He does not charge the town. Mr. Smith said he was looking at some of the reviews that include zoning tables which take a lot of time to put together. And he was wondering who pays for that time. Mr. Nusser replied the applicant is paying for that time through their escrow account. Mr. Smith asked if portions are separated between the town and applicant. Mr. Nusser said he has not billed the board for time. Chairman Taylor clarified if the engineer is doing review work for the board it would be charged to the board. But reviews on applications are billed to the applicant's escrow. The town pays the bill from the applicant's escrow fund. He then asked if there is an ethical question on how far the town engineer can help the applicant with the application. Mr. Nusser: the borderline or dividing line would be helping them along and giving them guidance is fine. Helping through their testimony is fine. The line would be if I generated plans in some way or signed/certified anything they do, that's a huge no. Mr. Smith again asked about the zoning tables, Mr. Nusser created them as part of the review it was an assessment that needed to be made for the relief needed. The applicant would be paying him instead of his own engineer, through his escrow.

#26-001 Mark Ozman, Block 55, Lot 11 (Withdrawn)

Mr. Nusser did a quick review of this. The home is in Delaware across from the Post Office. He applied for what he called an accessory apartment which is a conditional use. From the architectural plans it looked like he was going to have a proposed 4 family dwelling. When you look at it it's not an accessory apartment, that is a conditional use, because that is for an affordable unit distinctly. Ultimately it is currently a 2 family, and he wanted to make one side a 3 family (or one side 2 units) so it would be a 3 family not a 4. In the applicants' mind there were 6 bedrooms approved. Instead of having 2-3-bedroom units he would have 3-2-bedroom units. But that is not how the septic code works. The gallonage goes up. So, he would need a septic. Mr. Nusser said he then spoke to the applicant and explained the situation. The applicant felt if the septic needed upgrading it was beyond what he anticipated for the project and would withdraw the application. Mr. Mathez questioned the rationale behind the configuration of the bedrooms meaning the septic has to change. Mr. Nusser: the septic code reads 200 gallons for a unit and first bedroom 200 gallons and everyone after 150 gallons. It was noted the formality of the board accepting his withdraw is unnecessary, it is the applicant's choice.

#26-002 Charles Hooker, Block 29, Lot 1 (Withdrawn)

Chairman Taylor asked engineer Nusser if he put any time into this application. Mr. Nusser said he started the review and the first thing he always does is check the zoning on it. The application says it's in the PCD, but when he checked the zoning map it is in the FPD zone. He was applying for a use variance to build a house in a zone that doesn't permit it. But he actually is in a zone that expressly permits it.

The problem is the tax rolls have the zoning information and it's not always right. The zoning officer looks at the tax roll. So, he emailed the zoning officer, George, what he found and asked him to confirm the zone, and he doesn't need an application. George confirmed it as FPD. Chairman Taylor: so, it really isn't the applicant's fault. Mr. Nusser said he has not put even an hour to the review and has not billed any time. So, there has been nothing towards his escrow account. Chairman Taylor: does not know if the board has the authority to refund an application fee. Mr. Nusser: the committee has to do it. Chairman Taylor: the escrow account will be refunded once the application is gone. That gets returned to the applicant automatically. Ms. Mezzanotte: what is the process for the request to the township committee? Mr. Nusser: the applicant would have to make the request. Mr. Mathez: it is his understanding that legally the zoning "map" determines the zoning. Mr. Nusser/Chairman Taylor: that is correct. There was no other discussion on this application.

Public Comment:

Chairman Taylor opened the meeting to public comment, with no public in attendance, public comment was closed.

Other Business:

Chairman Taylor: while we are on the topic of the zoning map and zoning issues, the previous application (Pine Tree Lane) we had and other lots down by the river are in the FPD zone as well as all the lots down by Riverview and N. Riverview. This created a problem for that applicant because there was a percentage issue. As he added to the house it changed the set-backs. The lots along Route 46 by the Shell Station on both sides are in the AR1 zone. The lots behind Marshalls Farm Stand along the river are in the AR1 zone. It might make sense for us to look at those lots down there and consider changing them from the FPD zone to AR1. The board may want to look at them. It is B72 Lots 2-11, all of Block 74 and 75, and B76 Lots 5-22. There are a couple of larger lots there that I specifically excluded. These are all undersized lots that can't be divided. A lot of these aren't even half an acre. Chairman Taylor continued there is an area in the VR zone that is about 6 acres of undeveloped land. And the minimum lot size is 1/2 acre. This is the Lion's Club property. If we are going to be revising the zoning map there is a question whether that should remain in the VR zone or cut their 2 lots off. Lot 9 and lot 10 of block 60. With 1/2 acre minimum lot size you possibly could have up to 12 lots in there. Mr. Drake asked what the procedure is and secondly couldn't the tower application appeal the decision we made if we re-zone? Chairman Taylor: the tower is a conditional use in the FPD zone in the VR zone they needed a variance. The question is if this property sold, it could be divided into a lot of lots. It was noted this property could be in the flood plain zone. The procedure would be to make a recommendation to the township committee first. The planner would have input also for consistency with our master plan. Noticing would be done to advise that there would be a hearing on it. Zoning changes have been done before. The pros and cons of re-zoning this specific property was discussed.

Chairman Taylor then noted the Board of Adjustment every year was supposed to put out a review of any variances that were issued and any possible recommendations for zoning to the Planning Board and township committee. That would fall on us now. Regarding the re-zoning Chairman Taylor asked the board to look at them and decide whether or not we want to recommend to the committee that we change some of these lots zoning. AR1 is agricultural residential one-acre minimum lot size. Mr. Baley asked about the cost of having the map re-drawn. Engineer Nusser said that would be a question for the planner.

Ms. Mezzanotte brought up the letter the board was copied on from the zoning officer that was sent to the Mobile Station. She asked what happens if we know there is more to it than the 3 things listed. Chairman Taylor noted sharing the letter was a courtesy from the zoning officer to the board. As the board we have no way to act on it. But as an individual resident of the township a letter can be sent to George. Ms. O'Neill has already done this. This was a board of adjustment application, so he is not familiar with what the conditions were. But we are not an enforcement body. Ms. Mezzanotte asked about looking at the process. Engineer Nusser said it's up to George to issue the violations and if they don't correct the citation it goes to municipal court. Ms. Mezzanotte said it's a pattern of conditions of applications not being met. Mr. Nusser: Are C.O.'s being issued before. Ms. Mezzanotte is not sure. Mr. Nusser: procedure should be when the application is finished, they receive their resolution, we do compliance reviews until they are good, plans get signed, then they can get their permits. The letter that comes from our office says they are all good, you can send in the plans for signature, you need to post an inspection escrow and a performance bond for whatever items they may need that for. They need to contact his office before they start construction, and they have a pre-construction meeting. His office goes out to inspect as they do the work and before they get a C.O. The engineers should be doing a final sign off punch list. If everything is good they get a C.O. So maybe this should be a conversation for Mr. Nusser to have with George making sure we have internal checkboxes. Ms. Mezzanotte asked if the questions of compliance could fall under the Environmental Commission. Mr. Nusser: it's who's issuing the permit ultimately. Usually it is the construction department, they are the ones issuing the C.O. That would be a question if they are checking when there is a site plan approval and there are things they needed to do, have they done them. Chairman Taylor noted they need a zoning permit prior to the construction permit, so that would be on George. It was agreed the correct platform for this topic should be brought up to the township committee. The inspection escrow fee that has been set up is for applications going forward. It would not take care of these older problems. *(The Resolution Compliance Review Fees ordinance amendment was adopted Oct 7, 2024)* Mr. Mathez: it may be that we are not completing this properly. We don't know if construction has started or not. Mr. Nusser: assumes not unless his office is called. Mr. Mathez: We should have an absolute failsafe system whereby maybe you check at intervals. Mr. Nusser: Unfortunately, there is no failsafe system. This would entail checking if the applicant has money in their escrow to cover the costs of hunting them down and seeing what's going on. Time limits could be added to an ordinance or resolution. Mr. Mathez: we need to figure out some kind of system that makes people do what they are supposed to. Mr. Nusser: It could be a conversation with himself, George and construction to see about coming up with some kind of operating procedure. Mr. Nusser will check with George to see if a zoning permit was issued.

Mr. Smith questioned Ms. Mezzanotte regarding working on the Wild & Scenic designation. He asked where it would be applied, would Simpson Road fall under that because it's in the flood plain? Ms. Mezzanotte informed the board the Lower Delaware Wild & Scenic River currently has designation up to say Harmony. There is a project she is leading where they are looking to add the rest of the river up to Slateford area. And certain tributaries on both sides. So, let's assume our C1 streams would be in the Wild & Scenic River system. Only if there is a federal project (like the rock wall project) and pulling a big permit or on federal land (DWG NRA). The only change then is the NPS (as part of the Rivers Act) has to be provided the opportunity to review the project and provide input. This is only for federal projects. Mr. Smith confirmed this will not apply to Simpson Rd then. Chairman Taylor: asked regarding Knowlton accepting the Wild & Scenic River inclusion. Ms. Mezzanotte: the Paulinskill was studied to be included in the rivers act. Early on Knowlton had provided a resolution of support to add the Paulinskill in particular along with other tributaries and Knowlton's segment of the river. But Knowlton's segment on the other side resides in Upper Mount Bethel Township and Portland. So, unless they both give their support, our segment can't be designated. That's part of the law. But we have given permission.

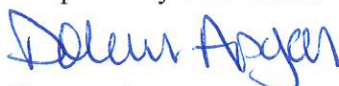
Approval of Bills:

Chairman Taylor asked if everyone had a chance to look over the bills. Mr. Smith made a motion to approve payment of the bills. Motion was seconded by Ms. Allen. With no discussion on the bills, in a roll call vote: Allen – yes, Baley – yes, Gaeta – yes, Mathez – yes, Mazza – yes, O'Neill – yes, Overpeck – yes, Smith – yes, Drake – yes, Mezzanotte – yes, Taylor – yes.

Adjournment:

A motion to adjourn was made by Ms. Allen and seconded by Mr. Smith. In a voice vote all were in favor. The meeting was adjourned at 8:39 p.m.

Respectfully Submitted:



Doreen Apgar,
Board Secretary