

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, November 7, 2017

The regular meeting of the Knowlton Township Zoning Board of Adjustment was held on Tuesday, November 7, 2017. Chairman Tillman led the Board in the pledge of allegiance. Board Secretary Schemm 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 Official Newspapers as well as providing said schedule in the Municipal Clerk's Office.

Roll call: Present: Tillman, DeVincenzi (arriving at 7:35 p.m.), Schad, O'Neill (Alt #2), Suggs, Peck, McGuinness (Alt #1) and Melillo
Absent: Wunschuh
Also Present: Board Engineer Rodman and Board Attorney Thomas.

Approval of Minutes:

The October 3, 2017 minutes were distributed prior to the meeting. Mr. Suggs made the motion to adopt the minutes. Motion seconded by Ms. O'Neill. Roll call vote: Melillo-Yes, Schad-Yes, O'Neill-Yes, Suggs-Yes, Peck-Abstain, McGuinness-Abstain, and Tillman-Yes.

Memorializing Resolution:

#ZB17-005 PMG NJ II LLC, Block 28, Lots 7, 8, 9 & 10a

Ms. Schad made the motion to approve the Resolution. Motion seconded by Ms. O'Neill. Roll call vote: Melillo-Yes, Schad-Yes, O'Neill-Yes, Suggs-Yes, Peck-Abstain, McGuinness-Abstain, and Tillman-Yes. Ms. DeVincenzi arrived.

Completeness:

#ZB17-008 Delaware Gap Realty, LLC, Block 51, Lot 1.01

Richard Keiling, Esq. summarized the proposal to renovate an existing site and he questioned whether the Board will require an Environmental Impact Statement. He also asked if the Board would agree to having a subcommittee review some of the issues. Also present was Jasvinder Arjani and he gave a brief overview of the proposal. After a brief discussion the Applicant agreed to submit an Environmental Impact Statement. It was also agreed that the Applicant should begin the public hearing, before the Board considers a subcommittee review/meeting. Board Engineer Rodman reviewed his completeness report of November 2, 2017, which was discussed with the Board and the Applicants. Attorney Keiling asked if the Board would consider a completeness determination and a hearing at the December meeting. The Board stated that they would need to review the agenda before making that decision. It was determined that items #1 and #5 could be waived and that the Applicants should meet with Board Engineer Rodman to review the remainder incompleteness items.

Mr. Suggs made the motion to waive items #1 and #5 and to deem the application incomplete based on Board Engineer Rodman's November 2nd Report. Motion seconded by Ms. Schad. Roll call vote: Melillo-Yes, Schad-Yes, DeVincenzi-Yes, Suggs-Yes, Peck-Abstain, Schad-Yes, McGuinness-Yes, and Tillman-Yes. Not eligible: O'Neill-Alternate #2.

New Business:

#ZB17-007 Frank & Jeanne DeGroot, Block 62, Lot 12-Appeal/Interpretation

Board Attorney Thomas stated that he has reviewed this matter and he advised the Board that they do have jurisdiction over this matter.

William Hinkes, Esq. was present on behalf of the Applicants. He stated that they are present this evening to appeal the determination of Mr. Rossi, the prior Zoning Officer, in regards to the fence on the Gotty property. He provided a brief history of the matter and the following were submitted and marked as Exhibits:

A-1 Materials supplied by Joseph Rossi

A-2 Fence Photograph

A-3 Fence Photograph

Attorney Hinkes described the Exhibits and he stated that they disagree with Mr. Rossi's determination. He stated that the current Gotty fence does not meet the Township Code.

The following was submitted and marked as an Exhibit:

A-4 Marked Survey Drawing

Attorney Hinkes described the marked Survey Drawing.

Eric Snyder was sworn in and he stated that he is the present Knowlton Township Zoning Officer and he provided his qualifications. He stated that the Gotty fence does not meet the requirements of the Township Code. The Board discussed the options. Attorney Hinkes also asked about an interpretation of the Township Ordinance that pertains to the setback location of the fence and property maintenance. Zoning Officer Snyder stated that he normally suggests that the fence not be located on a property line.

The hearing was opened to the public for questions of Zoning Officer Snyder. With there being no questions, the hearing was closed to the public.

The hearing was opened to the public for general comments and questions.

Christina Gotty was sworn in and she stated that she relied on the Zoning Officer to advise her on the construction of the fence. She stated that she then went on to adjust the fence, when she was later told by Mr. Rossi, that it needed to be adjusted.

Harold Finch questioned the definition of the front yard building line, which was addressed by Zoning Officer Snyder.

With there being no further public general comments/questions, the hearing was closed to the public.

The Board went on to discuss at great length the reliance on the prior Zoning Officer's determination along with the two different opinions from two different Zoning Officers. Mr. Finch stated his frustration. Board Attorney Thomas reviewed, with the Board, the Applicants, and the Public, the process, the findings, and the options available.

Ms. McGuinness made the motion to grant the DeGroot appeal (the Gotty fence is not in compliance with the Township Ordinance) with a 30 days suspension of enforcement to

see if the parties can reach an agreement. Motion seconded by Ms. Peck. Roll call vote: Melillo-Yes, Schad-Yes, DeVincenzi-Yes, Suggs-Yes, Peck-Yes, McGuinness-Yes, and Tillman-Yes. Not eligible: O'Neill-Alternate #2.

Approval of Vouchers:

Ms. Schad made the motion to approve the vouchers. Motion seconded by Dr. Melillo. Roll call vote: Melillo-Yes, Schad-Yes, DeVincenzi-Yes, Suggs-Yes, Peck-Yes, McGuinness-Yes, and Tillman-Yes. Not eligible: O'Neill-Alternate #2.

Adjournment:

In a motion made and seconded the meeting adjourned at 8:41 p.m. .

Respectfully Submitted:

Alfia Schemm
Board Secretary
12/01/17