

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, June 29, 2017

The rescheduled July meeting of the Knowlton Township Zoning Board of Adjustment was held on Thursday, June 29, 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, Suggs, McGuinness (Alt #1), DeVincenzi, Schad, Wunschuh, and Melillo
Absent: Peck and O'Neill (Alt #2)
Also Present: Board Engineer Rodman, Board Planner Layton, and Board Attorney Thomas.

New Business:

#ZB17-003 James H. Stone, Block 3, Lot 25.02

Kim Schad recused herself and left the meeting room. Mr. Stone was sworn in and he testified that he wishes to store a boat over 25 feet next to an adjacent structure. He stated that he meets all of the other setback requirements. The following was submitted and marked as an Exhibit:

A-1 Two Photographs

Mr. Stone described the photographs and he stated that the existing barn will screen the boat. He then proceeded to give a brief history of the boat and he submitted the book: Peggy An Affair with the Sea by Peggy Slater with Shelly Usen, wherein the boat is depicted on the back of the book. He stated that the boat needs work and it will be on site temporarily to make repairs. The Board discussed the amount of time that the boat may be on site and Mr. Stone stated that he would like to request 5 years. He also described how the boat will be transported to the site and how it will be stored on site. The Board discussed the safety of keeping the boat upright and that the requested variance would be more personal in nature and not run with the land.

The hearing was opened to the public of questions of Mr. Stone. With there being none, the hearing was closed to the public.

Board Engineer Rodman reviewed the use variance for the outdoor storage and he also reviewed the calculation for the side yard setback requirements. The Board continued to discuss the proposal and the possible conditions of an approval.

Ms. McGuinness made the motion to grant the relief requested as discussed and agreed to upon this evening. Motion second by Mr. Suggs. In a roll call vote: Tillman-Yes, Suggs-Yes, McGuinness-Yes, DeVincenzi-Yes, Wunschuh-Yes, and Melillo-Yes

Ms. Schad resumed her position on the Board.

Old Business:

#ZB17-002 Simpson Road Project, Block 14, Lots 1 & 2

Richard Keiling, Esq. was present on behalf of the Applicant. He stated that he had down work for Ms. DeVincenzi in the past. Board Attorney Thomas asked Ms. Devennzi

if she considers Mr. Keiling her attorney and whether she could act objectively. She stated that she does not consider Mr. Keiling to be her attorney at this time and she can act objectively. Attorney Keiling stated that he did listen to audio of the last hearing and he reviewed that a subcommittee meeting was held and revised plans were submitted. Board Attorney Thomas reviewed the Exhibits that were submitted at the prior hearing.

Jasvinder Arjani acknowledged that he was still under oath. He went on to review the modification to the plans and the present proposal. Both Board Engineer Rodman and Board Planner Layton reviewed the variances requested. The Applicants went on to address Board Engineer Rodman's report of June, 2017. The Board discussed the traffic circulation on the roadways and the status of the DOT "Problem Statement". The Applicants continued to review Board Engineer Rodman's report.

Sam Millron acknowledged that he was still under oath and he stated that he does not know the status of the "Problem Statement". Attorney Keiling stated that they will look into the status and it will be modified to address their project. He also commented on the directional sign at the McDonald's exit. The Board continued to review the proposal. Board Planner Layton asked if the tenants have agreed to the proposed modifications. The Applicant's stated that they have and the flag pole has been removed.

The hearing was opened to the public.

Paul Bartows was sworn in questioned the traffic circulation and the signage for Route 80 Eastbound.

Jaime Murray was sworn in and she stated that she is speaking on behalf of the Environmental Commission and she commented on the Delaware Water Gap Scenic Byway Designation Application. Board Planner Layton addressed the modifications to the plans.

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

Chairman Tillman stated that he was present at the subcommittee meeting and he felt that a fair compromise was reached. The Board continued to discuss the proposal and Board Attorney Thomas reviewed the possible conditions of an approval.

Mr. Suggs made the motion to approve the application as discussed and agreed upon this evening. Motion seconded by Dr. Melillo. In a roll call vote: Tillman-Yes, Suggs-Yes, McGuinness-Yes, DeVincenzi-Abstain, Schad-Yes, Wunschuh-Yes, and Melillo-Yes

Mr. Suggs recused himself and left for the evening.

The Board took a brief recess at 8:55 p.m. The meeting resumed at 9:05 p.m.

#ZB17-004 Christina Gotty, Block 62, Lot 12

Steven Tombalakian, Esq. was present on behalf of Ms. Gotty and he asked if the Board would consider recommending that Ms. Gotty be allowed to use her outbuilding as a C/O was never issued and this matter seems to be taking longer than anticipated. It was agreed that the issue can be discussed prior to adjourning this evening.

William Hinkes, Esq. was present on behalf of the DeGroots. Chairman Tillman stated that he is a condo owner in the same building as Mr. DeGroot. It was agreed that there is no conflict. Attorney Hinkes noted that the minutes from the 2003 hearing were distributed and marked as an Exhibit:

O-3 Zoning Board of Adjustment Minutes December 2, 2003

Attorney Hinkes summarized the testimony given at the hearings and the adoption of the Resolution. He asked to have Ms. Gotty testify. Attorney Tombalakian objected stating that Ms. Gotty has already testified and she is not available for testimony this evening, as she is not prepared. After a brief discussion, Board Attorney Thomas stated that Ms. Gotty should be prepared to testify at August meeting.

Frank DeGroot was sworn in and he testified that he has been a property owner since 1999 and he reviewed his conversation with Mr. Richmond, when he came before the Board, for his variance relief. The following were submitted and marked as an Exhibits:

O-4 Photograph

O-5 Aerial Photo

O-6 Photograph

O-7 Photograph

O-8 Photograph

Mr. DeGroot described the Exhibits. He described that the Gotty outbuilding was obscured from his property, and how that has changed since March of 2017, due to the cutting of trees. He stated that he was aware of the variance that was granted and he was concerned about what was allowed and not allowed on the property. He stated that trees were removed and there was excavation done around the outbuilding. He stated that he did speak with Mr. Finch about the work being done on the property. He stated that there was a lot of excavation done and he stated that there was continued clearing done, even after the cease and desist letter, was issued. He described the grading, the widening of the driveway, the concrete slab, the change in vehicular activity, the view of the outbuilding, the fence, and the permission he received to maintain the property on their side of the fence. He stated that there is no peace at 40 Auble Road. He stated that they are looking for enforcement of the prior variance that was granted. He continued to outline his concerns and he reviewed the intent of the prior approval.

Attorney Tombalakian had several questions of Mr. DeGroot on what has transpired before the Township Committee and with Zoning Officer Rossi. He also questioned him about his "Stop Work Order". Attorney Tombalakian stated that he would like to have Mr. DeGroot's brother in law, who was constructing Mr. DeGroot's deck, present to testify to what he said about the "Stop Work Order". He continued to question Mr. DeGroot about what could be seen from his property, what trees were removed, and photographs that he may have depicting his view. The following was submitted and marked as an Exhibit:

A-13 Photograph

Attorney Tombalakian continued to question Mr. DeGroot on how many trees have been removed and what large trees were removed. He asked if there was photographic evidence of what trees have been removed. He asked if Mr. DeGroot attended any of the Richmond public hearings or if he listened to the audio of the hearings. Mr. DeGroot stated that he did not attend and did not listen; however, he did have a copy of the Resolution. He also addressed the OPRA requests that he filed. Mr. DeGroot was asked if the minutes or Resolution reflect any restriction on the removal of trees, conservation

easement, or tree protection plan. Mr. DeGroot stated that they do not. Attorney Tombalakian continued to question Mr. DeGroot on what transpired between the Township Committee and the Zoning Officer. The following were submitted and marked as an exhibit:

- A-14 Photograph
- A-15 Photograph

Attorney Tombalakian continued to question Mr. DeGroot on the photographs and his prior testimony on the what existed prior to Ms. Gotty purchasing the property (trees and concrete pad). The driveway was also addressed. Attorney Tombalakian asked that Mr. DeGroot bring in photographic evidence of his testimony.

The hearing was opened to the public.

Harold Finch asked how Mr. Richmond was able to get equipment down to build the structure. Mr. DeGroot stated that there was equipment brought down initially, but after that there was minimal equipment.

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

Dr. Melillo asked if Mr. DeGroot discussed the conditions of the variance with the new neighbors. Mr. DeGroot stated that he did not. The Board also discussed whether they could get photographs of the site, perhaps taken in the same season.

The hearing was carried to the Board's meeting of August 1, 2017, without further public notice. Attorney Tombalakian asked if the Board would be willing to recommend, that the out building/pole barn/garage, be allowed to be used for personal uses, as the C/O was never issued to the prior owner. The Board was silent on the matter. The fence was then questioned.

Other:

Annual Report:

Ms. McGuinness made the motion to approve the annual report. Motion seconded by Dr. Melillo. Roll call vote: Tillman-Yes, Schad-Yes, McGuinness-Yes, DeVincenzi-Yes, Wunschuh-Abstain, and Melillo-Yes

Approval of Vouchers:

Dr. Melillo made the motion to approve the vouchers. Motion seconded by Ms. McGuinness. Roll call vote: Tillman-Yes, Schad-Yes, McGuinness-Yes, DeVincenzi-Yes, Wunschuh-Yes, and Melillo-Yes

Adjournment:

In a motion made and seconded the meeting adjourned at 10:26 p.m.

Respectfully Submitted:

Alfia Schemm
Board Secretary

7/31/17