

**Minutes**  
**Knowlton Township Zoning Board of Adjustment**  
**Tuesday, December 3, 2019**

There was the regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, December 3, 2019. Chairman Tillman led the Board in the pledge of allegiance. Board Secretary Alfia Schemm announced that adequate notice of the meeting has been provided in accordance with the "Open Public Meetings Act" by publishing notice of all meetings in the Official Newspapers as well as providing said schedule in the Municipal Clerk's Office.

**Roll call: Present:** Suggs, Tillman, Melillo, Peck , Lund, and O'Neill.  
**Absent:** DeVincenzi and Werner  
**Also Present:** Thomas, Rodman, and Snyder

**Approval of Minutes:**

The November 5, 2019 meeting minutes and executive session minutes were distributed prior to the meeting.

Dr. Melillo made the motion to approve the minutes. Motion seconded by Mr. Suggs. Roll call vote: Tillman-yes, Melillo-yes, Suggs-yes, Peck-abstain, Lund-abstain, and O'Neill-abstain

**#19-003 David Murray-Jurisdiction/Appeal of Zoning Permits issued to Block 68, Lot 8.02**

Board Attorney Thomas reviewed that the Board will first need to determine if they have the jurisdiction to hear the appeal application that has been filed by David Murray and he reviewed the case law that was provided to him along with his findings. He reviewed the date that the Zoning Permit was issued along with the date that the Appeal Application was filed with the Board, which is beyond the 20 day statutory appeal period.

David Murray was sworn in and he testified to the zoning permits that were issued for the Turbett's property and when he became aware that the zoning permits were issued. He stated that the issues have been going on for a number of years and he filed numerous OPRA's in regards to obtaining information pertaining to his concerns and the lack of zoning permits. He stated that he also wrote a letter (4-17-19) to the Zoning Officer requesting that he be notified if any action was taken/status of the filed zoning permits. Mr. Murray read the letter into the record. Zoning Officer Snyder acknowledged that he is aware of the letter. Mr. Murray stated he was never informed of the status of the zoning permits and had no knowledge that the zoning permits were granted. He stated that the Turbett's lights were turned off in April because there were no zoning permits for them. He stated that he has filed numerous complaints pertaining to the lighting and he became aware that the lights were turned back on September 3, 2019. He then filed another OPRA, wrote additional letters and attended a Township Committee Meeting. He then filed his appeal application to the Board on September 17, 2019. He continued to state his concerns over building permits being issued prior to Zoning Permits being issued and the impact of the lighting on his family. Board Attorney Thomas stated that at this time the Board is concentrating on the jurisdictional issue.

Eric Snyder was sworn in and he testified to his position as the Knowlton Township Zoning Officer. He acknowledged receiving the April letter and he stated that he did state that he would let Mr. Murray know of his final decision; however, he did not notify Mr. Murray of his decision. He reviewed the zoning permit that he issued on 6-26-19 as there were several items constructed without permits and he was working with the

property owner to get them into compliance. The Turbetts were present in the audience; however, they had no comments. Ms. Lund questioned the Zoning Officer letter that was sent to Attorney Keiling (Mr. Murray's Attorney).

The Board took a brief recess at 8:15 p.m. so that Mr. Snyder could get the correspondence out of his office. The Meeting resumed at 8:19 with all present.

The following was submitted and marked as Exhibits:

A-1 Application for Zoning Permit, 26-19, dated June 26, 2019

B-2 Letter from Mr. Keiling to Mr. Snyder, dated 3-27-19

B-3 Letter from Mr. Snyder to Mr. Keiling, dated 4-2-19

Mr. Snyder briefly reviewed the issues and the correspondence, the work that was done on the Turbett's property without permits, and bringing the property owner into compliance. The Board then questioned the procedure of getting property owners into compliance.

Board Attorney Thomas then went on to review and summarize the case law and the jurisdictional issue before the Board. The Board reviewed the dates provided in the testimony and the appeal hearing, which could be heard in January, if the Board has jurisdiction.

The meeting was opened to the public for the jurisdictional issue.

Ms. Turbett questioned the jurisdictional issue, which was addressed by Board Attorney Thomas.

With there being no further public comment, the meeting was closed to the public.

Mr. Suggs made the motion to assume/retain jurisdiction as Mr. Murray acted within 20 days of when he found out that the permit was issued. Motion seconded by Ms. O'Neill. Roll call vote: Tillman-yes, Melillo-yes, Suggs-yes, Peck-yes, Lund-yes, and O'Neill-yes.

Board Attorney Thomas then reviewed the concern raised by the Turbett's Attorney, Michael Lavery, Esq., in regards to the notice that was provided by Mr. Murray. He recommended that Mr. Murray renote and he suggested that Mr. Murray contact him in regards to the language in the notice. He also stated that he is recommending that he prepare a Final Resolution at the conclusion of the appeal hearing. Mr. Murray agreed.

**Open to the Public:**

No public.

**Approval of Vouchers:**

Ms. Peck made the motion to approve the vouchers. Motion seconded by Dr. Melillo. Roll call vote: Tillman-yes, Melillo-yes, Suggs-yes, Peck-yes, Lund-yes, and O'Neill-yes.

**Adjournment:**

In a motion made and seconded the meeting was adjourned at 8:50 p.m.

Respectfully Submitted:

Alfia Schemm  
Board Secretary  
1/3/20