

Minutes
Knowlton Township Zoning Board of Adjustment
Tuesday, January 7, 2020

There was the reorganization and regular meeting of the Knowlton Township Zoning Board of Adjustment on Tuesday, January 7, 2020. Attorney Roger Thomas led the Board in the pledge of allegiance. 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.

Swearing in of New/Reappointed Members:

Attorney Thomas administered the oath of office to Dr. Melillo, Mr. Walsh, and Mr. Werner.

Roll call: Present: Peck, Lund, Melillo, Tillman, Suggs, Walsh, Werner, and O’Neill
Absent: DeVincenzi
Also Present: Zoning Officer Snyder, Attorney Thomas, and Engineer Rodman.

Reorganization:

Election of Chairman

Attorney Thomas called for a nomination for Chairman.

Mr. Suggs made the motion to nominate Richard Tillman as Chairman. Motion seconded by Dr. Melillo. Attorney Thomas asked if there were any other nominations. With there being no further nominations, the nominations were closed. Roll call vote: Suggs-yes, Melillo-yes, O’Neill-yes, Peck-yes, Werner-yes, Lund-yes, and Tillman-yes

Election of Vice-Chairman:

Chairman Tillman called for a nomination for Vice-Chairman. Dr. Melillo made the motion to nominate Bill Suggs as Vice Chairman. Motion seconded by Ms. O’Neill. Roll call vote: Suggs-yes, Melillo-yes, O’Neill-yes, Peck-yes, Werner-yes, Lund-yes, and Tillman-yes

Appointment of Board Attorney, Board Planner, Board Engineer

Dr. Melillo made the motion adopt the Resolution, designating the Board Attorney Roger Thomas, Board Planner Dan Bloch, and Board Engineer Ted Rodman. Motion seconded by Mr. Suggs. Roll call vote: Suggs-yes, Melillo-yes, O’Neill-yes, Peck-yes, Werner-yes, Lund-yes, and Tillman-yes

Appointment of Board Secretary

Mr. Suggs made the motion to appoint Alfia Schemm as the Board Secretary . Motion seconded by Ms. O’Neill. Roll call vote: Suggs-yes, Melillo-yes, O’Neill-yes, Peck-yes, Werner-yes, Lund-yes, and Tillman-yes

Designation of Meeting Date, Time and Place

Mr. Suggs stated a concern over having to hold the June and November meetings, in the basement, due to elections. After a brief discussion it was agreed to revisit those dates as they get closer. Mr. Suggs asked that the June and November dates be marked (*) as subject to change.

Ms. Peck made the motion to adopt the meeting Date, Time, and Place as discussed this evening. Motion seconded by Mr. Suggs. Roll call vote: Suggs-yes, Melillo-yes, O'Neill-yes, Peck-yes, Werner-yes, Lund-yes, and Tillman-yes

Designation of Official Newspapers

Board Attorney Thomas stated that the Board should designate the same Official Newspapers as the Governing Body, which was discussed by the Board.

Mr. Suggs made the motion to designate the Official Newspaper, to receive notices as per the Open Public Meetings Act, the same as the Municipality (the Star Gazette and the NJ Herald) . Motion seconded by Dr. Melillo. Roll call vote: Suggs-yes, Melillo-yes, O'Neill-yes, Peck-yes, Werner-yes, Lund-yes, and Tillman-yes

Approval of Minutes:

The December 3, 2019 minutes were distributed prior to the meeting.

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

Old Business:

#ZB19-003 David Murray-Appeal of Zoning Permits issued to Block 68, Lot 8.02

David Murray was sworn in. He stated that he would like to submit the following documentation, establishing a time line, to support his appeal of the zoning permits that were issued to the Turbetts. The following were submitted and marked as Exhibits:

- A-1 #92-1 Knowlton Resolution for Biddle, 4/28/92
- A-2 Tax Property Record/List, 1991
- A-3 Tax Property Record/List, 1996
- A-4 Tax Property Record/List, 2000

Mr. Murray then went on to describe the Exhibits. He then proceeded to review the documentation and he stated that the property is no longer a farm. The following was submitted and marked as an Exhibit:

- A-5 Zoning Permit for Bear Creek Assoc, 4-4-20

Mr. Murray reviewed the history of the property, the Township Master Plans, Design Standards, and the Township Ordinances, which were discussed with the Board. Mr. Murray then addressed the zoning permits (#37-19 and #26-19) that were issued and his submitted appeal. He reviewed the documentation in his submission pertaining to lighting, the number of accessory structures, and fencing. He stated that he also provided this documentation to the Township and the Zoning Officer. The following were submitted and marked as an Exhibit:

- A-6 Four Photographs

Mr. Murray described the four photographs, which were reviewed with the Board. The following were submitted and marked as Exhibits:

- A-7 Twenty Photographs
- A-8 One Night Photograph
- A-9 Two Night Photographs

Mr. Murray described each photograph, which were discussed with the Board. He stated that the Turbetts utilize the excessive lighting to harass him. The Board continued to review the Exhibits. The following were submitted and marked as Exhibits:

- A-10 Two Photographs
- A-11 Photographs of new shed

Mr. Murray continued to describe the Exhibits and the fencing, sheds, lighting, and also the lack of permits.

A-12 Photograph

Mr. Murray continued to describe the lighting and the perimeter fencing. He said that he got no assistance when he complained to the Zoning Officer.

The hearing was opened to the public for questions.

William Hinkes, Esq. was present representing the Turbetts and he stated that he has no questions; however, he would like to hear from the Zoning Officer and then testimony can be provided on behalf of the Turbetts. It was agreed to hear from Attorney Hinkes next.

The Board took a brief recess at 9:20 p.m. The meeting resumed at 9:25 p.m. with all Board Members present.

William Hinkes, Esq. was present on behalf of the Turbetts. John Hansen was sworn in and he provided his qualifications. The following was submitted and marked as an Exhibit:

O-1 Existing Conditions Survey, 8-30-18, rev 4-22-19

Mr. Hansen went on to describe the 5 acre flag lot, the existing structures, the lights, and the night reading test done with a light meter. The following was submitted and marked as an Exhibit:

O-2 Existing Illumination plan, dated 10-3-18

Mr. Hansen described the Exhibit and what was done to address the Zoning Violations. He also addressed the shielding of the lights and the light measurements. Board Attorney Thomas gave Mr. Hansen some of the Exhibits/Photographs, to review, in terms of the lighting and shielding. Mr. Hansen testified that there are 13 lights and he did not see any lights pointed toward Mr. Murray's property. He reviewed the light testing done.

The hearing was opened to the public for Mr. Hansen.

Mr. Murray questioned the light measurements and he stated that additional lights were added. Board Attorney Thomas again gave Mr. Hansen some photographs (marked as Exhibits) to review and the lighting was questioned, which Mr. Hansen addressed. Mr. Murray questioned the lighting depicted in O-2 and what exists there today. Mr. Hansen stated that some poles may have 2 fixtures on it and it appears that there are 17 fixtures. He stated that they have not done any follow up review.

Patrick Turbett was sworn in and he reviewed the improvements that were made depicted in Exhibit O-2. He stated that they cleaned up and replaced the existing fencing (old wood fencing) that was horse fencing, with vinyl fencing. He addressed the fencing for their dogs, the perimeter fencing, and the shed that was replaced when the prior property owner moved. He stated that he has 21 lights with 19 shields. He addressed the violations and their attempt to remedy them. He stated that the lights are for utility and for safety. He stated that he can turn them on and off as needed. He stated that he is not looking to offend anyone and none of their other neighbors have complained. He said that one of the lights was even disconnected; however, it has not been removed yet. He stated that they have a large family and they are creating a park like setting at their home.

He continued to describe trying to comply, the zoning officer inspections, the complaint filed and dismissed in court, additional landscaping planted, the fence installation, the logging in of when the lights are on, and the painting of the inside of the shields, which were discussed with the Board.

The hearing was opened to the public for questions of Mr. Turbett.

Mr. Murray questioned whether the existing shed is on the drawing that was submitted with the permit, the fencing that was installed blocking an easement, and the removal of trees. Mr. Murray asked if the all of the improvements could be intrusive to the neighbors. Mr. Turbett stated that all of the modifications that were made, were made, to address his neighbors.

Eric Snyder was sworn in and he testified to his position as the Zoning Officer. He went on to review the Township Ordinances and Standards on lighting and fencing, for existing single/two family properties. He stated that he felt that he had some leeway to try and address the issues brought up by Mr. Murray, because there were zoning violations. He stated that he enforces what is in the Township Ordinances and not the Master Plan, which is a policy document. He stated that his objective was to get the property owner into compliance. He went on to address the accessory buildings and the fencing. Board Attorney Thomas questioned the Township Ordinances in regards to Single Family Homes, which Mr. Snyder addressed.

The hearing was opened to the public for questions of Mr. Snyder.

Mr. Murray had several questions regarding the Township Ordinance/Standards and the accessory structure, which were addressed by Mr. Snyder.

With there being no further questions, the hearing was closed to the public for questions for Mr. Snyder.

Board Attorney Thomas briefly summarized the Board's jurisdiction.

The hearing was opened to the public.

Daniel Novack stated that he lives in an all glass house and he has no issue with the lighting nor the fencing. He stated that he laid the gravel down, for the shed, for the prior home owners. He stated that the Turbetts are great neighbors.

Board Attorney Thomas reviewed the Board's jurisdiction, the testimony provided, the Master Plan and the Township Ordinances, which were discussed with the Board. He stated that the Board should affirm or deny the validity of permits #26-19 and #37-19.

Mr. Werner made the motion to deem permit #26-19 valid. Motion seconded by Mr. Suggs. Roll call vote: Suggs-yes, Melillo-yes, O'Neill-yes, Peck-yes, Werner-yes, Lund-yes, and Tillman-yes

Mr. Werner made the motion to deem permit #37-19 valid. Motion seconded by Mr. Suggs. Roll call vote: Suggs-yes, Melillo-yes, O'Neill-yes, Peck-yes, Werner-yes, Lund-yes, and Tillman-yes

Approval of Vouchers:

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

Adjournment:

In a motion made and seconded the meeting was adjourned at 11:23 p.m.

Respectfully Submitted:

Alfia Schemm
Board Secretary
1/31/20