

**KNOWLTON TOWNSHIP ZONING BOARD OF ADJUSTMENT  
RESOLUTION OF MEMORIALIZATION**

**Approved: April 4, 2023  
Memorialized: May 2, 2023**

**IN THE MATTER OF  
MICHELE TORZILLI  
BLOCK 39, LOT 4.16  
BULK VARIANCE AND  
MINOR SITE PLAN APPLICATION  
APPLICATION NO. ZB22-003**

**WHEREAS**, Michele Torzilli (hereinafter known as the “Applicant”) filed an application for variance approval with the Township of Knowlton Zoning Board of Adjustment (hereinafter known as the “Zoning Board”) on November 28, 2022, and

**WHEREAS**, the application was deemed complete on March 7, 2023, and

**WHEREAS**, public hearing with notice was held on April 4, 2023, at which time the Zoning Board rendered its decision on the application in accordance with the requirements of N.J.S.A. 40:55D-10(g), and

**WHEREAS**, it has been determined that the Applicant has complied with all of the rules, regulations and requirements of the Zoning Board for purposes of filing the application and that all of the required provisions of said compliance have been filed with the Zoning Board, and

**WHEREAS**, the Zoning Board has received as part of the hearing process the following testimony and documentary evidence submitted by the Applicant and its Consultants, the Zoning

Board Staff, and members of the public:

The Applicant is the owner of property known as Block 39, Lot 4.16 on the Tax Map of the Township of Knowlton. It is otherwise designated as 13 Meadow Ridge Road. The property is owned by Michele and Tara Torzilli. The Applicant is seeking a tennis court to be installed in the rear yard which requires a bulk variance.

The property is located in the Farmland Preservation zone. The tennis court is to be constructed with dimensions of 60 feet by 120 feet with grading being modified in the rear yard. Due to the size of the disturbance, the Applicant is in violation of Section 11-296.E which authorizes in this particular case a disturbance of 35,000 square feet or 50% of the lot area, whichever is less. In this particular case, with the addition of the tennis court and its disturbance, this will equal an area of disturbance of 84,312 square feet. Additionally, the Applicant is seeking a variance for Section 11-296.L which requires a maximum impervious coverage of 15%. The Applicant is seeking impervious coverage of 15.4%. Finally, the Applicant is also seeking a variance from Section 11-296.G which deals with Floor Area Ratio. Pursuant to the Ordinance, the maximum Floor Area Ratio is 0.026. The Applicant is proposing a Floor Area Ratio of 0.038. This is a preexisting nonconformity and will not be impacted by the proposed project.

Mr. Fred Stewart, a professional engineer in the State of New Jersey, testified that the

property is approximately 3.925 acres located in the Farmland Preservation zone. The property currently has in existence a two (2) story residence along with a pool, garden, septic and well. The topography is rolling. The Applicant seeks to construct a tennis court 60 feet by 120 feet. The actual dimensions of the court are less. There will be a black 10 foot vinyl fence around the outside of the tennis court area to catch tennis balls. There is also a two (2) foot wide trench to collect runoff surrounding the tennis court area. The slope is toward the rear of the property and Mr. Stewart indicated that the runoff from the house will be collected in the trench. He further indicated that there would be no lighting as part of the project. There will be the removal of two (2) trees. He described a rather substantial natural buffer around the property which would mitigate the impact of the tennis court activity from surrounding neighbors. Presented as A-1 was a Google map showing that the only neighbor to the property was to the southwest of the property with an adjoining house. He noted, however, that because of the sloping of the property, the tennis court would be lower than the existing house and presumably lower than the adjacent house to the northwest.

When questioned about the size of the trench, he noted that it would be two (2) feet wide and 36 inches deep with river stone at the bottom.

The Applicant also submitted a copy of a deed restriction impacting the property.

The Applicant, Mr. Torzilli, testified that he owned the property for nine (9) years. He

wanted to have the tennis court for personal use. He believes that it fits very well into his backyard. He does not believe that there will be any significant noise since there is a rather substantial buffer of natural trees that will not be disturbed. When asked about the buffer between his property and the property to the northwest, he indicated that he believed that the tree buffer was approximately 40 feet. When asked as to whether or not he had any intended purpose of making this a commercial activity. He said that this was not his intention and that the tennis court was solely for his personal use.

Mr. Dan Pierson, the contractor for the site, testified on behalf of the Applicant. He noted that he was and is a member of the American Sports Builders Association. He said that the standard area for a tennis court and enclosure is 60 feet by 100 feet. The court itself is significantly smaller. However, you need the extra room so as to allow a player to go after balls in the game, especially if the court is designed for doubles play. He also noted that the 10 foot high fence is a standard height to assure that balls do not leave the tennis court area and go off the property to disturb other property owners.

In addition to the testimonial evidence, the Applicant submitted the following documentary evidence:

- A-1: Google map of the area.
- A-2: Deed restriction.

The meeting was opened to the public and no public comment was received.

**WHEREAS**, the Zoning Board, in reviewing the foregoing testimony and documentary evidence, makes the following findings of fact and conclusions:

The Applicant is seeking a series of variances as a result of this application. They include a variance for exceeding the maximum lot disturbance, exceeding the maximum impervious coverage and also exceeding the height of the fence that is being proposed at 10 feet. It was noted that the FAR on the site is currently in excess of that which is authorized by the Ordinance. However, this application will not have any impact upon that situation.

The Board reviewed the testimonial evidence and documentary evidence presented by the Applicant. The Board finds that the Applicant met both the positive and negative criteria. With regard to the positive criteria, the Board found that the “c(1)” criteria is met since the property is unusually shaped. The lot is of a significant size (3.529 acres) and is an unusual configuration where a portion of the property is with an appendage to the north that is essentially not useable. Therefore, the property is more constrained for any activity beyond the existing pool. The Board does find that the safety requirements for a tennis court in accordance with the testimony of Mr. Pierson is 60 feet by 120 feet. This does meet a national standard as testified to by that witness. The Board therefore finds that the positive criteria under the “c(2)” standard is met in that it is providing for the advancement of Purpose (a) of the Municipal Land Use Law, providing for

health, safety and welfare.


In addition, the Board finds that there is sufficient testimony to indicate that the negative criteria has been met. In particular, the Board finds that there is no substantial detriment to the public good. This position is based upon the fact that there is a substantial buffer surrounding the property by way of an existing tree line. This is of particular note as the tree line is approximately 40 feet between the property in question and the homeowner to the northwest, which will substantially buffer the impact of the project. The Board also finds that the project will not substantially impact the intent and purpose of the Zone Plan and Zoning Ordinance. The Board does note that the Master Plan seeks to have homeowners improve property when appropriate. The Board finds that this is an improvement to the property in accordance with the goals of the Master Plan. It also finds that the conditions that are being imposed will mitigate against any negative impact.

**NOW, THEREFORE, BE IT RESOLVED** that the Zoning Board of Adjustment of the Township of Knowlton does hereby approve the variances as requested by the Applicant and the minor site plan as more particularly described in a map entitled, "Variance Map for Lot 4.16, Block 39" prepared by Stewart Surveying and Engineering, LLC of Kenvil, New Jersey, which map is dated March 24, 2023 and consists of two (2) sheets.

This approval is subject to the following terms and conditions:

1. The Applicant shall be required to install a surrounding drainage trench outside the tennis court perimeter, which will be two (2) feet wide and 36 inches deep with river stone as a base.
2. The tennis court shall be authorized for personal use only and no commercial use shall be authorized.
3. The Board specifically approved the variances for lot disturbance, impervious coverage and height of the fence the reasons expressed hereinbefore. The Board does not find that the FAR variance is being modified by this project and will not require an additional variance for same.
4. This approval is subject to the prohibition of any outside lighting in the tennis court area.
5. This approval is subject to the payment of all appropriate fees and taxes.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Zoning Board of Adjustment of the Township of Knowlton at its regular meeting of April 4, 2023.

  
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Board Secretary