

**Knowlton Township Land Use Board  
Minutes  
Tuesday, June 27, 2023**

There was a regular meeting of the Knowlton Township Land Use Board on Tuesday, June 27, 2023. Clayton Taylor led the Board in the flag salute at 7:00 p.m. He 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 NJ Herald and Express Times-NJ Zone Edition, as well as providing said schedule in the Municipal Clerk's Office and the Township Website. A moment of silence was held for our Military Personnel serving in harm's way.

**Roll call:**

**Present:** Cuntala, Drake, Baley, Mathez, Mazza, Mezzanotte, O'Neill, Smith, Werner and Taylor.

**Absent:** Starrs

**Also Present:** Attorney Gavan and Attorney Thomas

**Approval of Minutes:**

The May 2, 2023 Board of Adjustment and May 23, 2023 Land Use Board minutes were distributed prior to the meeting. It was noted by Chairman Taylor that only the former Board of Adjustment members can vote on the May 2<sup>nd</sup> minutes and the May 23<sup>rd</sup> minutes are for everyone.

For the May 2<sup>nd</sup> minutes: a motion was made by Ms. O'Neill to adopt the minutes. Motion seconded by Ms. Mezzanotte. Roll call vote: Baley-yes, Mezzanotte-yes, O'Neill-yes, Werner-yes.

For the May 23<sup>rd</sup> minutes: a motion was made by Ms. Cuntala to adopt the minutes. Motion was seconded by Mr. Mathez. Roll call vote: Cuntala-yes, Drake-yes, Baley-yes, Mathez-yes, Mazza-yes, Mezzanotte-yes, O'Neill-yes, Smith-yes, Werner-yes, Taylor-yes.

**Adoption of Resolution:**

**#ZB21-001 AT Truck Stop Inc, Block 55, Lot 16**

Chairman Taylor announced that the first 2 resolutions on the agenda are from the Board of Adjustment and so the meeting was then turned over to Attorney Thomas. Mr. Thomas stated in order to proceed with these resolutions a member of the old Board of Adjustment needed to be appointed as a temporary chairperson. A motion was made by Mr. Baley to appoint Nancy O'Neill. Motion was seconded by Ms. Mezzanotte. The former Board of Adjustment members were all in favor. Mr. Thomas stated there were previous modifications recommended by the board members and since that time there was one more suggestion with regards to replacing the word "utilize" with "install" (the freestanding sign). With that modification Mr. Thomas asked to solicit a motion to approve this resolution. With there being no further discussion, a motion to approve was made by Ms. O'Neill and seconded by Mr. Baley. Roll call vote: Baley-yes, Mezzanotte-yes, O'Neill-yes, Werner-yes.

**#ZB22-002 Hayden's House of Healing, Block 44, Lot 56**

Attorney Thomas stated the resolution had been previously submitted and since then there have been no further suggested modifications and so he would submit to the chair to solicit a motion to approve this resolution. Ms. O'Neill asked for a motion to approve. Motion was made by Mr. Werner and seconded by Mr. Baley. Roll call vote: Baley-yes, Mezzanotte-yes, O'Neill-yes, Werner-yes.

In closing Attorney Thomas stated he had been with Knowlton Township for approximately 35 years and enjoyed his time working for the town and members of the boards. He wished everyone good luck. The board thanked him for all his help. Chairman Taylor and Attorney Gavan then went over the next two resolutions. Diamond being able to be voted on by the previous Planning Board members and those that listened to and/or read the transcripts of the entire 3 months of meetings. Thunderstone can only be voted on by the previous Planning Board members.

**#22-004 Diamond Communications, LLC, Block 43.01, Lot 2**

Attorney Gavan went over modifications that he made to the resolution. Chairman Taylor asked if there was a motion to approve the resolution. Ms. O'Neill stated before the vote she had quite a few changes. Chairman Taylor stated it can't really be changed unless it's not what happened. Ms. O'Neill thought it lacked detailed testimony along with dates and public question responses. Attorney Gavan stated he'd be happy to review her comments and put in what is appropriate, but the resolution is not the minutes. It is the conclusions of the board, the synopsis and the action of the board. A motion was needed prior to further discussion. Motion to approve was made by Mr. Mathez and seconded by Mr. Baley. Mr. Mathez had comments regarding grammatical issues. Mr. Drake spoke on having a "standard format" for resolutions. Chairman Taylor then spoke regarding the board members sending their specific comments directly to the attorney for review. He asked the board if they wish to go forward with the resolution or have a revision of it. It was the consensus to have a revision. Chairman Taylor then advised the motion and second should be withdrawn. Mr. Mathez and Mr. Baley agreed and withdrew their votes. Further discussion from the board included how much detail should be included in resolutions. They also asked if all the public's questions need to include the responses. Attorney Gavan stated the resolution should include the findings and decision. It should list the facts that support the decision. Public questions are included so they know they were heard. He spoke to the board and advised them to email any comments they have or they can call him to discuss. Mr. Mathez added the maps were not referenced and also the generator noise was not listed. There being no further discussion, Chairman Taylor stated they will have a revised resolution for Diamond Communications for next month. Ms. Mezzanotte then brought up the fact that they hadn't really discussed what the "standard" is. She asked what is the legal standard, what needs to be put in the resolution. Attorney Gavan stated every case is different. If there was no chance of an appeal, less needs to be input. If there are a lot of valid objections, you would need to put more in factually to support your decision. If a case is voted down, you would need to put more into the resolution. This case had no grounds to challenge the decision. More discussion took place regarding changes to the town's ordinance. Chairman Taylor stated recommendations can come from the Land Use Board and be sent to the Township Committee or from the committee and passed down to the board for review. The Township Committee is who ultimately votes on it.

Attorney Gavan recommended the board let the committee know of their concerns prior to submitting any written requests on changes. Board discussion regarding this cell tower application took place and it was noted by Mr. Mazza that the applicant stated they were mandated by the government to cover so many miles of the highway. Attorney Gavan added; their licenses say all major highways must have full coverage. Mr. Mathez asked about requiring conceptual reviews prior to application submissions. Attorney Gavan stated the applicant would have to request that. Also, you cannot have conceptual reviews on applications that need a use variance. The law does not permit conceptual hearings if you need a use variance. Anything that needs a use variance has really become a spot zone. You would need to listen to real testimony to convince you it should be there for whatever the reason. Chairman Taylor said we will get back around to the cell tower ordinance, but we need to get this resolution done first. He recommended the board start thinking of things they may want to change in the cell tower ordinance. Discussion took place regarding the differences in Planning Board and Board of Adjustment applications and detailed vs. simple resolutions. Ms. O'Neill reflected with the Board of Adjustment quite often the town's zoning officer goes back to these resolutions when he's enforcing the laws. She feels the more detail they include the better they can be enforced.

**#22-005 Thunderstone Inc, Block 48, Lot 1**

Chairman Taylor announced this resolution will be for members of the old Planning Board only and checked that all of those persons attended all the meetings. Mr. Drake and Mr. Mazza did not attend all meetings, so therefore they have to abstain. There was discussion on what zone this parcel is in and confirmed it is in the C1 zone. Attorney Gavan went over a previous board question on "distribution". He stated the board determined that since the applicant was only storing for his locations it was not a distribution center. This application was voted on and approved. What we could do is have our zoning officer go and look at what was approved and if there is something there we were not noticed on, they could be cited. There was discussion on the applicant's hours of by appointment only and the term "warehousing". Chairman Taylor and Attorney Gavan discussed the applicant's intent was only to distribute to their own stores, the repackaging and distribution will be to their other two stores only. They will be using their own registered business trucks. Landscaping and permitted use in the zone were brought up. It was decided to add the owners name into the resolution and application dates, as this is more in line with what the former Zoning Board members had in their resolutions. Chairman Taylor asked if there were any more comments, as this has been hanging on since February. Attorney Gavan stated this application only needed minor site plan approval, they didn't need any variance. Chairman Taylor asked for a motion from the former Planning Board members eligible to vote. Motion to approve subject to the changes was made by Ms. Cuntala. Motion was seconded by Mr. Smith. Roll call vote: Cuntala-yes, Drake-abstain, Mathez-yes, Mazza-abstain, Smith-yes, Taylor-yes.

**New Business:**

All new applications had requested to be carried to the July 25<sup>th</sup> meeting. Discussion took place regarding Triplebrook and the length of time since their completeness hearing. Chairman Taylor recommended copies of the application packets be distributed to the new members who were not on the Planning Board. The Harajda application was discussed and confirmed no testimony was heard by the former Zoning Board members. There was a question regarding going to look at the application sites and confirmed members of the board can go look from public right-of ways. If you wanted to access the property, you must get consent from the applicant. Members should at least drive by to aid in their decision. The Makarevich application is also being carried as information was submitted too late for our engineer to review.

**Public Comment:**

Chairman Taylor asked the one gentleman in the audience if he was here for one of the applications. He stated he was here to listen to the Lighting Ordinance.

**Other Business:**

**Lighting Ordinance**

Mr. Smith, Mr. Mathez and Ms. O'Neill are working on the lighting ordinance. Mr. Smith stated right now they have two versions of the plan for the ordinance. He will send them out to all the members and ask for feedback. They will then sit down again and go through all the feedback. If they have any questions, they will reach out to clarify. He stated he will then get it back to the board for a final review for July. Ms. Mezzanotte asked for a deadline for submission. It was decided the deadline would be 10 days after receipt from Mr. Smith. Chairman Taylor then asked the gentleman in the public if he had any comment on the lighting ordinance. He stated he would like to see a copy of what the board has, to prepare for the next meeting. The board responded the documents are not public yet and are still being worked on. His general comments were that there are too many lights on 24 hours a day. He then asked about how the passing of an ordinance works and Chairman Taylor clarified it has to go to the township committee. The board can recommend an ordinance but it is approved by the governing body. There are then 2 votes by the township committee before it becomes law. Mr. Smith stated the lighting ordinance is referenced in all 5 zones. There is a lighting ordinance in place, the board is trying to make it more functional.

**Board member comment:**

Mr. Baley asked how do we move forward with revising the cell tower ordinance. Chairman Taylor said we will wait until we get done with the current resolution. He suggests that everyone on the board think about it and come up with ideas on what they would like to see in it. Maybe the cash bond item or different wording to minimize the impact on existing residences. Attorney Gavan said possibly a condition that the height of the tower has to be that distance from all the properties. Chairman Taylor noted that was included in the windmill ordinance. Ms. O'Neill asked if our professionals have experience with other towns or clients that have already processed some of this. Attorney Gavan replied; when our engineer and planner are at a meeting they will have input and concepts.

Mr. Smith said to check out other towns websites and see what their ordinances say. Also, the League of Municipalities could have “form” ordinances which might have some useful ideas. Mr. Baley asked about decommissioning plans and Attorney Gavan stated they have to give you a decommissioning plan. Further discussion took place regarding aging towers which could be a future problem for all to face. Ms. O’Neill asked if the towns have a right to ask for documentation on maintenance programs. Attorney Gavan said you could put that in a conditional use - maybe every so many years you would need a report stating it is still viable. Chairman Taylor added decommissioning is in the current ordinance, but whether it’s adequate or not...

**Bills:**

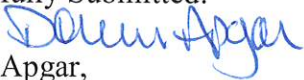
With no further discussion, Chairman Taylor asked if there was a motion to approve the bills. Mr. Smith made the motion to approve the vouchers. Motion seconded by Mr. Baley. Roll call vote: Cuntala-yes, Drake-Yes, Baley-Yes, Mathez-Yes, Mazza-yes, Mezzanotte-yes, O’Neill-yes, Smith-yes, Werner-yes, and Taylor-Yes (with a question) Some of the bills were from the Board of Adjustment. Attorney Gavan stated as Mr. Taylor is now the chair of the joint board he has the authority to sign.

Prior to adjourning, Attorney Gavan made final comments regarding cell towers on Municipal land. He stated he knows of municipalities now who are selling their cell towers to providers and the reason they are doing it is the fear of decommissioning issues. He feels cell towers are going to be gone with technology advancements. Towns are instead of collecting rent, selling for the cash so they don’t have to deal with it down the line. So, in modifications to the ordinance, don’t think of the past- think of the future. Changes should be consistent with solar panels, windmills and cell towers. Board discussion then went over the ordinance passed for cash escrow for decommissioning on solar facilities. Attorney Gavan stated it’s normally 150% of what todays estimates are. The board recalled a major applicant that came in for a conceptual review on Knowlton Rd for a solar facility that never came back.

**Adjournment:**

A motion was made by Mr. Smith and seconded by Mr. Drake, all were in favor. The meeting was adjourned at 8:12 p.m.

Respectfully Submitted:

  
Doreen Apgar,  
Board Secretary