

TOWNSHIP OF KNOWLTON
COUNTY OF WARREN, STATE OF NEW JERSEY
TOWNSHIP COMMITTEE MEETING
April 10th, 2023

The meeting of the Knowlton Township Committee was held on this date at the Knowlton Municipal Building, 628 Route 94, Columbia, New Jersey and was called to order at 7:00 p.m. by Mayor Van Horn. Mayor Van Horn led the public in the Pledge of Allegiance.

Mayor Van Horn read the following statements "This meeting of the Knowlton Township Committee is being held in compliance with the Open Public Meetings Act: P: 1975, Chapter 231, noting that notice of all regularly scheduled meetings has been published in the *New Jersey Herald* and/or Express Times as well as providing said schedule in the Municipal Clerk's office."

Roll Call: Bates--absent Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes
Committeeman Bates joined the meeting at 8:20 p.m.

PUBLIC COMMENT

Mr. Paul Avery addressed the committee on behalf of the rotary clubs yearly fourth of July firework celebration. Mr. Avery asked for the committee to consider a contribution towards the fireworks. The show will be held on July 3rd. The committee agreed to a contribution of \$1,000.

Motion made by Mazza, second by Shipps and approved by roll call vote: Bates--absent Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes approved \$1,000 contribution to the rotary club fireworks show.

Ms. Sharon Valentine on 8 Decatur Street addressed the committee regarding truck traffic on her road. Ms. Valentine has noticed more State troopers monitoring the area. Deputy Mayor Shipps advised Ms. Valentine that the NJSP will be attending the meeting tonight to discuss truck traffic and other issues in Knowlton.

Ms. Valentine mentions dead ash trees that have fallen on her property from a Knowlton Township owned property. She would like the trees removed. Deputy Mayor Shipps mentions there is an ongoing list of residents who are requesting trees to be removed as there are not enough funds within the budget to address all the dead ash trees. Clerk Molion will make sure Ms. Valentine is on the list.

PRESENTATION

New Jersey State Police-

Trooper Ruiz from Hope Station addressed concerns from residents regarding rocks being thrown onto Route 80 and truck traffic.

DEPARTMENT REPORTS

Recreation director Dennis Lembeck addressed the committee regarding the fire inspection done at Tunnel Field. There were no major issues to report, signage is needed above the stove at the concession stand which Mr. Lembeck has already ordered. The new range hood has passed inspection and the pending invoice can now be paid out of the recreation budget.

Mr. Lembeck discussed having community day on September 9th with a rain date of September 10th or October 21st with a rain date of October 22nd. Deputy Mayor Shipps will discuss with the administrative assistant to confirm which dates will work best for vendors and then will set the dates at the next Township meeting.

Deputy Mayor Shipps mentions North Warren little league now uses Tunnel Field for practices and would like the committee to reconsider using TruGreen to maintain the fields.

Motion made by Shipps, second by Mazza and approved by roll call vote: Bates--absent Cuntala—no, Mazza—yes, Shipps—yes, Van Horn—yes approved to use TruGreen at Tunnel Field.

BUDGET INTRODUCTION

Township Auditor John Mooney and Chief Financial Officer Christine Rolef introduce this year's budget. A 1.4 cent increase to the local tax rate. For the average local tax payer, that will be a \$29.00 increase for the year. The budget will be adopted at the next Township meeting on May 8th.

Motion made by Van Horn, second by Shipps and approved by roll call vote: Bates—absent Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes, the introduction of the 2023 budget.

ORDINANCES

PUBLIC HEARING/ADOPTION

2023-01 Ordinance Amending Chapter 11 of the Code of the Township of Knowlton, Entitled "Land Development," to Provide for the Planning Board to Assume all of the Powers, Duties and Functions of the Zoning Board of Adjustment in Order to Act as a Joint Land Use Board

WHEREAS, the Township of Knowlton (the "Township") Planning Board and the Township Zoning Board of Adjustment by ordinance have each been endowed with all of the statutory functions pertinent to each Board; and

WHEREAS, the provisions of N.J.S.A. 40:55D-25c(1) provide that in a municipality, having a population of 15,000 or less, a nine member Planning Board, if so provided by Ordinance, shall exercise to the same extent and subject to the same restrictions, all of the powers of a Board of Adjustment; but the Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A. 40A:55D-70; and

WHEREAS, the Township has a population of less than 15,000 as established by the 2020 United States national census; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township to have the Township Planning Board and the Township Zoning Board of Adjustment be a unified board where the Planning Board hereafter acts as a joint land use board, exercising all of the powers of the Board of Adjustment,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Knowlton, in the County of Warren, State of New Jersey, as follows:

Section 1. As of the Effective Date of this Ordinance, the Knowlton Township Planning Board Shall, in accord with N.J.S.A. 40:55D-25c(1), include those of a Zoning Board of Adjustment.

Section 2. The Knowlton Township Planning Board shall exercise, to the same extent and with the same restrictions, all of the powers of the Knowlton Township Zoning Board of Adjustment, provided, however, that the Class I and Class III members of the Knowlton Township Planning Board shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A. 40A:55D-70.

Section 3. Chapter 11, Article 2, entitled "Planning Board" is hereby renamed "Land Use Board;" and is hereby further amended as follows (additions noted in bold italic *thus* and deletions noted in ~~strikethrough thus~~):

§ 11-4 Establishment.

~~The Planning Board previously established is hereby continued pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) in the Township of Knowlton and shall consist of nine members consisting of the following four classes:~~

Pursuant to P.L. 1975 c. 291 (N.J.S.A. 40:55D-1 et seq.), the Land Use Board, consisting of nine members, is hereby established. The Land Use Board shall exercise, to the same extent and subject to the same restrictions, all of the powers of a Planning Board and a Zoning Board of Adjustment as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). All applications for development and all powers granted to the Planning Board and Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-1, et seq. are hereby granted to the Land Use Board. All authority previously granted to the Planning Board and/or the Board of Adjustment by the Code of the Township of Knowlton and any ordinance shall now be vested in the Land Use Board. Any reference to the Planning Board or Zoning Board of Adjustment in any existing Township of Knowlton ordinance shall be deemed to refer to the Land Use Board. The Land Use Board shall consist of four classes of members as follows:

- A. Class I: the Mayor or the Mayor's designee in absence of the Mayor.
- B. Class II: one of the officials of the municipality other than a member of the governing body to be appointed by the Mayor, *provided that the member of the Environmental Commission who is also a member of the Land Use Board, as required by Section 1 of P.L. 1968, c. 245 (N.J.S.A. 40:56A-1), shall be deemed to be the Class II Land Use Board member for the purposes of this chapter in the event that is among the Class IV members of the Land Use Board a member of the Board of Education.*
- C. Class III: a member of the governing body to be appointed by it.

D. Class IV: six other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment, except that in the case of nine-member Boards, one such member may be a member of the Zoning Board of Adjustment or Historic Preservation Commission *and one member may be a member of the Board of Education*. ~~No member of the Board of Education may be a Class IV member of the Planning Board, except that in the case of a nine-member Board, one Class IV member may be a member of the Board of Education.~~ If there is a Municipal Environmental Commission, the member of the Environmental Commission who is also a member of the *Planning Land Use* Board, as required by Section 1 of P.L. 1968, c.245 (N.J.S.A. 40:56A-1), shall be a Class IV *Planning Land Use* Board member, unless there is among the Class IV or alternate members of the *Planning Land Use* Board both a member of the Zoning Board of Adjustment or Historic Preservation Commission and a member of the Board of Education, in which case the member common to the *Planning Land Use* Board and Municipal Environmental Commission shall be deemed a Class II member of the *Planning Land Use* Board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature and the establishment of which is discretionary and not required by statute shall not be considered the holding of municipal office.

§ 11-5 Terms; conflicts of interest.

A. Terms.

(1) The term of the member composing Class I shall correspond with his or her official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or a Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of the member's term of office as a member of the Environmental Commission, whichever occurs first.

(2) The terms of a Class IV member who is also a member of the ~~Zoning Board of Adjustment or the Board of Education~~ shall terminate whenever he or she is no longer a member of such body or at the completion of his or her Class IV term, whichever occurs first.

(3) The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that to the greatest practicable extent the expiration of such terms shall be evenly distributed over the first four years after their appointment, provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years.

(4) Nothing herein shall affect the term of any present member of the ~~Planning Land Use~~ Board, all of whom shall continue in office until the completion of the term for which they are appointed.

(5) All terms shall run from January 1 of the year in which the appointment was made.

B. No member shall be permitted to act on any matter in which a member has, either directly or indirectly, any personal or financial interest. ~~A member may, after public hearing if the member requests one, be removed by the governing body for cause.~~

§ 11-6 Vacancies.

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment, as above provided, for the unexpired term.

§ 11-6.1 Removal.

Any member, other than the Class I member, after a public hearing if one is requested, may be removed by the governing body for cause.

§ 11-7 Alternate members.

A. There shall be two alternate members of the *Planning Land Use* Board appointed by the Mayor and meeting the qualifications of Class IV members. The alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. Notwithstanding the aforesaid, the initial terms of the members shall be arranged so as to accomplish the intent of this section. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only.

B. The alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

C. No alternate member shall be permitted to act on any matter in which the member has, either directly or indirectly, any personal or financial interest. An alternate member may, after public hearing if the member requests one, be removed by the Mayor and Township Committee for cause.

~~D. If the Planning Board lacks a quorum because of its regular or alternative members being prohibited by reason of disqualification from acting due to the members' personal or financial interests therein, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chairperson of the Board of Adjustment shall make the choice.~~

§ 11-8 Organization.

The Planning *Land Use* Board shall elect a Chairperson and Vice Chairperson from the members of Class IV and elect a Secretary who may or may not be a member of the Planning Board or a municipal employee. *The Land Use Board is authorized to adopt bylaws or other such rules and regulations governing its procedural operation, which bylaws, rules and regulations shall be consistent with the provisions of this chapter and P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.).*

§ 11-9 Powers and duties.

The Land Use Board shall be governed by and shall have such powers as are conferred upon it by P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.). More specifically, the Land Use Board shall have authority to: ~~The Planning Board shall have the following powers and duties:~~

A. Make and adopt and from time to time amend a Master Plan for the physical development of the municipality, including any areas outside its boundaries, which, in the Board's judgment, bear essential relation to the planning of the municipality, in accordance with the provisions of N.J.S.A. 40:55D-28.

B. Approve or deny applications for development in accordance with the provisions of this chapter.

C. Approve or deny conditional use applications in accordance with the provisions of Part VI, Zoning, pursuant to N.J.S.A. 40:55D-67.

D. Prepare and recommend for adoption an Official Map pursuant to N.J.S.A. 40:55D-32.

E. Prepare, when authorized by the governing body, a capital improvements program pursuant to N.J.S.A. 40:55D-29.

F. Participate in the preparation and review of programs or plans required by state or federal law or regulations.

G. Assemble data on a continuing basis as part of a continuous planning process.

H. Consider and make a report to the governing body within 35 days after referral as to any proposed development regulation, revision or amendment thereto submitted to the Planning *Land Use* Board pursuant to the provisions of N.J.S.A. 40:55D-26a, and also to pass upon other matters specifically referred to the Planning *Land Use* Board by the governing body, pursuant to the provisions of N.J.S.A. 40:55D-26b.

I. When reviewing application for approval of a subdivision plat, site plan or conditional use, grant, ~~to the same extent and subject to the same restrictions as the Zoning Board of Adjustment,~~ variances, pursuant to N.J.S.A. 40:55D-70c, from lot area and lot dimensional, setback and yard requirements. Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance.

J. Perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.

K. Exercise such other duties as may be assigned to it by ordinance or resolution of the governing body and perform such other functions as may be authorized by P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), and other state statutes and administrative regulations.

§ 11-10 Citizens advisory committee.

The Mayor may appoint one or more persons as a Citizens Advisory Committee to assist or collaborate with the Planning *Land Use* Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

Section 4. Chapter 11, Article 3, entitled "Zoning Board of Adjustment" is hereby renamed "Former Zoning Board of Adjustment Transferred to Land Use Board;" and is hereby further amended as follows (additions noted in bold italic *thus* and deletions noted in ~~strike through~~ thus):

§ 11-11 Establishment. *Powers Duties and Responsibilities of Zoning Board of Adjustment Transferred to Land Use Board.*

A. *From and after the effective date of the within chapter, all powers, duties, responsibilities, fees, and application requirements of the Zoning Board of Adjustment shall be transferred to or applied to the Land Use Board of the Township of Knowlton pursuant*

to the provisions of N.J.S.A. 40:55d-25c. All references in the within Chapter 11 of the Code of the Township of Knowlton and within the Code of the Township of Knowlton referring to the Zoning Board of Adjustment of the Township of Knowlton shall hereafter apply to the Land Use Board of the Township.

The Zoning Board of Adjustment previously established is hereby continued pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-69 et seq., and shall consist of seven residents of the Township of Knowlton appointed by the governing body to serve for terms of four years from January 1 of the year of their appointment.

~~B. No member of the Zoning Board of Adjustment may hold any elective office or position in the township.~~

~~§ 11-12 Variances. (Reserved)~~

~~A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.~~

~~§ 11-12.1 (Reserved) Removal.~~

~~Any member, other than the Class I member, after a public hearing if one is requested, may be removed by the governing body for cause.~~

~~§ 11-13 (Reserved) Alternate members.~~

~~The governing body shall appoint two alternate members to the Zoning Board of Adjustment. Alternate members shall be designated by the governing body as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members of the Board. The term of each alternate shall be two years except in the case of the appointment of the first two alternate members of the Board, in which case Alternate No. 1 shall be appointed to a one-year term and Alternate No. 2 to a two-year term. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.~~

~~§ 11-14 (Reserved) Officers.~~

~~The Board of Adjustment shall elect a Chairperson and Vice Chairperson from its members and shall select a Secretary who may or may not be a member of the Board or a municipal employee.~~

~~§ 11-15 Powers and duties.~~

A. Pursuant to N.J.S.A. 40:55D-70, the Zoning Board of Adjustment **Land Use Board** shall have the power to:

(1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an official based on or made in the enforcement of *the Township's zoning regulations* Part VI, Zoning.

(2) Hear and decide requests for interpretation of the Zoning Map or Ordinance or for decisions upon other special questions upon which the Board is authorized to pass upon by this chapter.

(3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or by reason of other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation in this chapter would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, grant upon an application or an appeal relating to such property a variance from such strict application so as to relieve such difficulties or hardship; where, in an application or appeal relating to a specific piece of property, the purposes of this chapter would be advanced by a deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to Article 8 of the Municipal Land Use Law; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use. and further provided that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board shall review a request for a variance pursuant to N.J.S.A. 40:55D-60a.

(4) In particular cases and for special reasons, grant a variance to allow departure from regulations to permit (a) a use or a principal structure in a district restricted against such use or principal structure; (b) the expansion of a nonconforming use; (c) deviation from the specifications or standards pertaining solely to a conditional use; (d) an increase in the permitted floor area ratio as defined by the Municipal Land Use Law, as amended; (e) an increase in the permitted density as defined by the Municipal Land Use Law, as amended, except as applied to a required lot area for a lot or lots for detached one- or two-dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; (f) a height of a principal structure which exceeds by 10 feet

or 10% the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members of the *Land Use Board Zoning Board of Adjustment*.

B. If an application for development requests one or more variances but not a variance for the purpose enumerated in this subsection, the decision on the requested variance or variances shall be rendered under Subsection C.

C. No variance or other relief may be granted under the provisions of this section unless such variances or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purposes of the Master Plan and this chapter. Any application under any subsection of this section may be referred to any appropriate person or agency, ~~including the Planning Board~~, for its report, provided that such reference shall not extend the period of time within which the *Land Use Board Zoning Board of Adjustment* shall act.

D. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved on the Official Map. ~~The Board of Adjustment shall not exercise the power otherwise granted by this subsection if the proposed development requires approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to direct the issuance of the permit pursuant to the Municipal Land Use Law and its amendments.~~

E. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street. ~~The Board of Adjustment shall not exercise the power otherwise granted by this subsection if the proposed development requires approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to direct the issuance of the permit pursuant to the Municipal Land Use Law and its amendments.~~

F. ~~Grant to the same extent, and subject to the same procedures and restrictions as the Planning Board,~~ subdivision or site plan approval pursuant to N.J.S.A. 40:55D-37 through N.J.S.A. 40:55D-59, inclusive, or conditional use approval pursuant to N.J.S.A. 40:55D-67 whenever the Board is reviewing an application for approval of a use variance pursuant to Subsection D of this section.

(1) The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditional upon granting of all required subsequent approvals by the *Land Use Board Board of Adjustment*. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Master Plan and this chapter. The number of votes of Board members required to grant any such subsequent approval shall be as otherwise provided in this chapter for the approval in question, and the special vote pursuant to the aforesaid subsection of N.J.S.A. 40:55D-70 not be required.

(2) Whenever an application for development requests relief pursuant of N.J.S.A. 40:55D-76b, ~~the Board of Adjustment~~ *Land Use Board* shall grant or deny approval of the application within 120 days after submission by a developer of a complete application to the administrative officer or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this chapter. Failure of the ~~Board of Adjustment~~ *Land Use Board* to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the ~~Board of Adjustment~~ *Land Use Board* to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

(3) Where review or approval of an application by the County Planning Board is required, ~~the Zoning Board of Adjustment~~ *Land Use Board* shall condition any approval that it grants upon timely receipt of favorable report or approval by the County Planning Board.

§ 11-16 Appeals.

A. Appeals to the ~~Zoning Board of Adjustment~~ *Land Use Board* may be taken by any interested party from a decision of an administrative officer based on or made in the enforcement of Part VI, Zoning, or the Official Map. Each appeal shall be taken within the 20 days prescribed by N.J.S.A. 40:55D-72a by filing a notice of appeal with the officer from whom the appeal was taken. Said notice of appeal shall specify the grounds of said appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. An appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made, unless the officer from whom the appeal is taken certifies to the ~~Board of Adjustment~~ *Land Use Board* after notice of appeal shall have been filed with the officer that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the ~~Board of Adjustment~~ *Land Use Board* or by the Superior Court of New Jersey on application or notice to the officer from whom the appeal is taken and on due cause shown.

§ 11-17 Power to reverse or modify decisions.

In exercising its power, the ~~Zoning Board of Adjustment~~ **Land Use Board** may reverse or affirm, wholly or partly, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the officer from whom the appeal was taken.

§ 11-18 Time for decision.

A. The ~~Zoning Board of Adjustment~~ **Land Use Board** shall render its decision not later than 120 days after:

- (1) The date an appeal is taken from the decision of an administrative official; or
- (2) The submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. 40:55D-72.

B. Failure of the Board to render a decision within such one-hundred-twenty-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

§ 11-19 ~~(Reserved)~~ **Expiration of variance.**

Any variance from the terms of this chapter hereafter granted by the Land Use Board permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation, unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced within one year, unless expressly limited to a shorter period by the terms of the variance as originally approved by the Land Use Board, from the date of entry of the judgment or determination of the Land Use Board; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Land Use Board to the governing body or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding or unless extended by the Land Use Board upon the showing of good cause.

§ 11-20 Annual report on variances.

The ~~Board of Adjustment~~ **Land Use Board** must prepare and adopt by resolution a report of its findings on zoning provisions which were the subject of variance requests and its recommendations for zoning amendment or revision, if any, be sent to the ~~Planning Board~~ and governing body.

Section 5. Chapter 11, Article , entitled "Provisions Applicable to both the Planning Board and Zoning Board of Adjustment," is hereby renamed "Additional Provisions Applicable to the Land Use Board;" and is hereby further amended as follows (additions noted in bold italic **thus** and deletions noted in ~~strikethrough thus~~):

§ 11-21 Conflicts of interest.

No member of the ~~Planning Board or the Zoning Board of Adjustment~~ **Land Use Board** shall act on any matter in which the member has, either directly or indirectly, any personal or financial interest. Whenever any such member shall be disqualified from acting on a particular matter, the member shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

§ 11-22 Compensation.

All members of the Boards shall serve without compensation.

§ 11-23 **Land Use Board** Attorneys.

There ~~are~~ **is** hereby created the offices of Attorney for the **Land Use Board** ~~Planning Board and Attorney for the Zoning Board of Adjustment.~~ Each **The** Board may annually appoint and fix the compensation for its attorney. Such compensation shall be within the appropriation made by the governing body. Neither **The** attorney shall **not** be the Township Attorney.

§ 11-24 Experts and staff.

Each **The** Board may employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 11-25 Rules and regulations.

The Boards shall adopt such rules, regulations and bylaws as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law (N.J.S.A. 2A:67A-1 et seq.) shall apply.

§ 11-26 Meetings.

A. Meetings of ~~each~~ **the** Board shall be scheduled at least once a month, unless canceled for lack of applications *or other good cause*.

B. Special meetings of the ~~Planning Board and the Board of Adjustment~~ **Land Use Board** may be requested by an applicant and with the consent of the ~~respective~~ Boards shall be scheduled by the Boards. Special meetings may be requested by the Chairperson of the Board or any two members of the Board. Notice to all Board members and the public in accordance with the Open Public Meetings Act is required.

C. No action shall be taken at any meeting without a quorum being present.

D. All actions shall be taken by majority vote of all members present except as otherwise required by any provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.). An executive session for the purpose of discussing and studying any matter to come before the agency shall not be deemed a regular or special meeting within the meaning of this Act.

F. A member of the ~~Planning Board or Zoning Board of Adjustment~~ **Land Use Board** who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding the member's absence from one or more of the meetings; provided, however, that such Board member has available to the member the transcript or recording of all of the hearing from which the member was absent and certifies, in writing, to the Board that the member has read such transcript or listened to such recording.

§ 11-27 Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Township Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party shall be charged a fee for reproduction of the minutes for the party's use as provided for in Table IV-1 in § 11-144.

Section 6. Upon the dissolution of the Zoning Board of Adjustment, any and all references in the Knowlton Township Code to the "Zoning Board," "Zoning Board of Adjustment" or the like shall be deemed to refer to the Land Use Board. Any and all references to the Planning Board and Zoning Board of Adjustment, in the conjunctive or disjunctive, shall be deemed to refer solely to the Land Use Board.

Section 7. All prior Ordinances inconsistent with this Ordinance, including but not limited to any prior ordinance creating a Knowlton Township Zoning Board of Adjustment, are hereby repealed to the extent of such inconsistency, and the Knowlton Township Zoning Board of Adjustment is hereby abolished.

Section 8. Severability. In the event that any provision of this Ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

Section 9. Effective Date. This Ordinance shall take effect after its passage and publication as required by law, but no sooner than May 9, 2023.

Mayor Van Horn opened up public comment on Ordinance 2023-01

Ms. Sharon Valentine asked the committee if the open positions for the new land use board will be advertised to the public. Deputy Mayor Shipps advised Ms. Valentine that the new board will consist of already existing members from the board of adjustment and planning board.

Mr. Hal Bromm addressed the committee regarding his concerns of merging the workload of both boards and having ample time to address all applicants. Deputy Mayor Shipps advised there is option for a second meeting if needed.

Motion made by Shipps, Second by Mazza and approved by roll call vote: Bates- absent, Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—no Ordinance 2023-01 effective May 9th, 2023.

INTRODUCTION

2023-02 An Ordinance Authorizing the Lease and Management of a Municipal Cellular Tower Site in the Township of Knowlton

WHEREAS, the Township of Knowlton (the "Township") owns property designated as Lot 5, Block 12 on the Tax Maps of the Township of Knowlton, County of Warren, more commonly known as 648 Route 94, Columbia, New Jersey (the "Property"); and

WHEREAS, a portion of the Property is developed with a cellular tower; and

WHEREAS, the current Wireless Communications Tower Site Lease applicable to the Property has expired; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14, authorizes the lease by municipalities of any real property, capital improvements, or personal property or interests therein, not needed for public use to the highest bidder by open public lease at auction or by submission of sealed bids after the required newspaper advertisements; and

WHEREAS, the Township Attorney and Engineer have prepared the attached bid specifications; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Knowlton, in the County of Warren and State of New Jersey, as follows:

SECTION 1. Lease of the Property for the purposes of construction or maintenance of a wireless communications tower is hereby authorized consistent with the Lease Agreement included with the bid specifications attached hereto.

SECTION 2. The attached bid specifications are hereby approved, and the Township Clerk is authorized to advertise such bids in compliance with N.J.S.A. 40A:12-14 (i.e. in a newspaper circulating in the Township of Knowlton by two insertions, at least once a week during two consecutive weeks, the last publication not to be earlier than seven days prior to the opening of the bids).

SECTION 3. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION 4. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 5. This Ordinance shall take effect after passage and publication in the manner provided by law

Motion made by Van Horn, Second by Cuntala and approved by roll call vote: Bates- absent, Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes

2023-03 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank ((N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Knowlton in the County of Warren finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$118,717.16 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Knowlton, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Knowlton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$54,001.99 and that the CY 2023 municipal budget for the Township of Knowlton be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion made by Van Horn, Second by Cuntala and approved by roll call vote: Bates- absent, Cuntala—yes, Mazza—yes, Shippo—yes, Van Horn—yes

RESOLUTIONS

2023-31 Resolution Approving the Issuance of Raffles License RA#23-01 -RA#23-02 to Children's Specialized Hospital Foundation to Conduct a Raffle on May 5, 2023

WHEREAS, the Children's Specialized Hospital Foundation has applied for raffles licenses to conduct raffles on May 5, 2022 at Brook Hollow Winery located on Route 94, Columbia, NJ consisting of New Jersey Legalized Games of Chance Control Commission applications RA#23-01 -RA#23-02; and,

WHEREAS, the proper fees have been filed with the applications, and the Findings and Determinations by the Municipal Clerk have determined that this organization is qualified to conduct raffles;

THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Knowlton, Warren County, New Jersey, that approval is hereby given for the issuance of raffle license RA#23-01 -RA23-02 to the Children's Specialized Hospital Foundation.

Motion made by Shippo, Second by Cuntala and approved by roll call vote: Bates- yes, Cuntala—yes, Mazza—yes, Shippo—yes, Van Horn—yes

2023-32 Payment of Vouchers

BE IT RESOLVED, by the Mayor and Committee of the Township of Knowlton, Warren County, New Jersey, that all claims attached are hereby approved as reasonable and proper claims against the Township of Knowlton.

THEREFORE, BE IT RESOLVED that approval for payment is hereby given to the Chief Financial Officer to pay said claims, subject to the availability of funds.

Motion made by Shippo, Second by Cuntala and approved by roll call vote: Bates- yes, Cuntala—yes, Mazza—yes, Shippo—yes, Van Horn—yes

2023-34 Self- Examination of Budget Resolution

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Knowlton has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Knowlton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Motion made by Shipps, Second by Cuntala and approved by roll call vote: Bates- absent, Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes

2023-35- Resolution to Support and Approve Construction of an Interpretive Educational Panel Depicting Knowlton Township Railroad History

WHEREAS, the Knowlton Township Historic Commission recommends installation of a historic interpretive educational panel depicting the history of railroads in Knowlton Township in the public park located in the village of Columbia, adjacent to the large piers that once supported a former railroad bridge that crossed the Delaware River, and

WHEREAS, the Knowlton Township Historic Commission submitted on January 12, 2023 a grant request to fund this project to the Warren County CHPP Grant Project, and

WHEREAS, the Warren County Commissioners awarded on March 8, 2023 to Knowlton Township Historic Commission a grant of \$2,500, and

WHEREAS, the Knowlton Township Historic Commission recommends this interpretive Knowlton Township railroad educational panel to be located on Block 15, Lot 11 with address of 22 Columbia Street, said property being owned by Knowlton Township, and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Committee of the Township of Knowlton, County of Warren, and the State of New Jersey support and approve the installation of a historical educational panel on Block 15, Lot 11 in the village of Columbia.

Motion made by Van Horn, Second by Cuntala and approved by roll call vote: Bates- yes, Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes

NEW BUSINESS

Dogs at Tunnel Field-

Recreation Director Dennis Lembeck mentions in the past, it has been discussed that there are to be no dogs at tunnel field, but people often bring their dogs. Mr. Lembeck would like to get confirmation from the committee on whether dogs are permitted at tunnel field or not. Attorney Tara St. Angelo will draft two ordinances to permit or not permit dogs at tunnel field for the next Township meeting.

Historic Railroad Resolution-

Mr. Bob McNich discussed the history of railroads that are throughout Knowlton Township. The historic commission would like to have a panel made with all facts and pictures of these railroads for residents to view. This resolution will allow the historic commission to receive funding through the Warren County CHPP Grant Project. The committee agreed to approve the drafted resolution by Mr. McNinch as resolution 2023-35.

Resolution 2023-35 reflects in the minutes under resolutions.

Portasoft Additional Work-

Portasoft who will be installing reverse osmosis systems in residents' home is requesting approval of additional costs regarding inspections and plumbing. Attorney St. Angelo states as this is a bid, these costs need to be discussed with the Township CFO and a change order resolution approved by the committee at the next Township meeting.

HLEO Officer/ Website update-

Deputy Mayor Shipps discussed putting together a description of the animal control officers' duties regarding animals and wildlife for the Townships website.

The committee agreed to use the Green Dog Inn for any stray animals that are picked up in Knowlton as Blairstown Animal Hospital can no longer be used as a holding facility. Attorney Tara St. Angelo needs to review the animal control officers' contract to make any amendments necessary. Committeeman Bates would like to make sure all proper certifications are on file for the ACO to become the HLEO officer.

Ramsaysburg Person in Charge-

Committeeman Mazza discusses appointing a person in charge that is required from a full time employee of Knowlton Township for all administrative duties in regard to the Ramsaysburg Project. Clerk Molion had concerns as to who would be responsible for site visits on this project as that job duty falls under the person in charge. Committeeman Mazza advised an employee of DPW would be responsible for site visits. Clerk Molion will be appointed as person in charge for administrative duties.

Wild flower garden-

Mr. Bob McNinch gave an update on the wild flower garden that has been started beside the barn at Ramsaysburg. Seeds have been ordered and invites anyone interested in helping to plant.

Free concerts for the community-

Mr. Hal Bromm discusses if funding is available, Ramsaysburg could hold 5 free concerts for the community this year.

Rt 80 Rockfall Mitigation update-

Committeeman Bates discussed the site visit done by Congressman Kean's to the Rt 80 rockfall project. Ms. Tara Mezzanotte and Committeeman Bates were both present to meet with Congressman Kean. The surrounding Townships were well represented and concerns regarding the project were relayed to Congressman Kean throughout the site visit. Committeeman Bates acknowledges Ms. Mezzanotte time and efforts towards this project and presenting the issues well to Congressman Kean.

Clean up day-

Deputy Mayor Shipps discusses the idea of renting a dumpster for those residents who are unable to travel to the Oxford landfill. Mayor Van Horn mentions the dumpster would need to be monitored during operating hours. Clerk Molion will get prices on dumpster rentals and will be brought to the Committee for May's township meeting.

Constellation Contract-

Deputy Mayor Shipps mentions the contract for the energy auction through Constellation for is due to expire next month. A copy of the contract will be given to the Township attorney to review which will be discussed at the May township meeting for the committee's decision.

Mt. Pleasant Rd paving-

Mayor Van Horn discussed funding is set to start the paving on Mt. Pleasant Road.

MEETING MINUTES

January 23rd Public Session Meeting Minutes

Motion by Shipps, second by Cuntala and carried to approve January 23rd public session meeting minutes.

January 23rd Executive Session Meeting Minutes

Motion by Shipps, second by Cuntala and carried to approve January 23rd executive session meeting minutes.

PUBLIC COMMENT

A member of the public asked if it were possible for a fire hydrant be put in Delaware near Ann and Valley Street as there is a 22,000 gallon tank in that area. Committeeman Bates states the tank would need to be examined but would like to follow up on this suggestion.

EXECUTIVE SESSION

2023-33 Resolution Authorizing Executive Session

Motion by Cuntala, Second by Shipps and carried to go into executive session at 9:29 p.m.

WHEREAS, the Open Public Meetings Act; N.J.S.A. 10:4-6 et seq., declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognized exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Township Committee find it necessary to conduct an executive session closed to the public as permitted by the N.J.S.A. 40:4-12; and

WHEREAS, the Mayor and Township Committee will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Knowlton Township, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic (s) as permitted by N.J.S.A. 40:4-12:

A. Attorney Advice

BE IT FURTHER RESOLVED that the Mayor and Township Committee hereby declare that their discussion of the subject (s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Township Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

ADJOURNMENT

Motion made by Van Horn, second by Cuntala and carried to adjourn tonight's meeting at 10:00 pm.