

**TOWNSHIP OF KNOWLTON  
COUNTY OF WARREN  
ORDINANCE #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 ~~strikerough~~ 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 ~~strikethrough~~ 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 drainageway, 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 ~~striketrough~~ 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 ~~Planning Board~~ **Land Use 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.

Introduction: March 13, 2023

Motion: Shipps

Second: Cuntala

AIF: Bates- yes, Cuntala- yes, Mazza- yes, Shipps- yes, Van Horn- absent

Adoption: April 10, 2023

Motion: Shipps

Second: Cuntala

AIF: Bates- absent, Cuntala- yes, Mazza- yes, Shipps- yes, Van Horn- no

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Kailene Molion, Acting Municipal Clerk

