

**Upper Pittsgrove Township  
Land Use Board Minutes  
September 19, 2019**

**TO:** Township Committee  
Land Use Board Members

Linda R. Stephens, Twp. Clerk  
L. Andrew Hoglen, Zoning Officer

A regular meeting of the Upper Pittsgrove Township Land Use Board was held in the Township Hall on the above date. The meeting was called to order at 7:30 P.M. by Board Chairman reading the public announcement stating that adequate notice had been given provided under the "Open Public Meetings Act" and a flag salute.

**Members present were:** John Coombs, Jack Cimprich, Edward Meschi, Thomas Buzby, William Gantz, Ralph Sickler, David Zeck, Jr., Glenn Myers and Linda Stephens.

**Also present was:** Adam Telsey, Esq., Board Solicitor, Carl Gaskill, Acting Board Engineer, Paul DeVivo, Pat Decker, Marshall and Michelle Redrow, Harry Eshelman, Melvin Beiler and Krissy DeFrehn, Recorder.

**Business to come before the Board:**

1. Minutes from August 15, 2019
2. Paul DeVivo
3. Marshall Redrow
4. Harry Eshelman
5. Melvin Beiler
6. Resolutions –  
Lee M. Fox, Inc.

**1. Minutes –**

A motion to approve the minutes from the August 15, 2019 meeting was made by Thomas Buzby. This motion was seconded by David Zeck, Jr. and adopted unanimously.

**2. Paul DeVivo – Block 2 Lot 40.01 – Three Bridge Road**

The Board Chairman opened the hearing for Paul DeVivo. Mr. DeVivo had been before the Board in August 2017. He was granted Minor Subdivision/Bulk Variance approval. Consequently the approval time lapsed without the deeds being filed due to some discrepancies in the Legal Descriptions. Mr. DeVivo stated that had all been

worked out and he was back asking for the Minor Subdivision to create a six acre lot where the existing dwelling, out buildings and recycling business were. The remainder of Lot 9 would contain 61.77 acres. Acting Board Engineer, Carl Gaskill commented on the review letter dated September 9, 2019. The applicant was requesting waivers from the following: Checklist "A" – Item 10 – Letter of Interpretation or alternative, Checklist "D" – Item 5 – Agricultural Buffer, Item 14 – Letter of Interpretation, Item 16 – 2 foot contours, Item 17 – grading plan and Item 18 – obtaining a list of qualified farmland from the Tax Assessor. Thomas Buzby made a motion to grant the requested waivers and to deem this application complete. This motion was seconded by Glenn Myers and adopted unanimously. Mr. Gaskill continued with the Technical comments from the letter. He stated that a Bulk Variance was required since the new lot would not have the required six acres of upland.

The Board Chairman opened the hearing to the public for comment. Delores Eisele questioned the Board as to exactly what a Bulk Variance was. The Board Chairman explained. Emerson Eisele asked if that meant the business approval would be expanded. The answer was no. The application was just to create one new lot that had been excepted out when the farm ground had gone through the Farmland Preservation process. There being no one else speaking either for or against this application, the Board Chairman closed the hearing to the public for comment.

Thomas Buzby made a motion to grant the Minor Subdivision and Bulk Variance for the creation of the six acre lot. This motion was seconded by Glenn Myers and adopted unanimously.

### **3. Marshall Redrow – Block 81 Lot 3.01 – 50 Cedar Road**

The Board Chairman opened the hearing for Marshall Redrow. This application was for Bulk Variance approval to permit 3 horses on a 1.5 acre lot. Mr. Redrow explained his application. He had three horses. It was his desire to house the three horses on his lot. The Bulk Variances he was requesting were as follows: Area needed for three horses 4 acres, provided 1.5acres, shelter for the horses must be one hundred feet from all property lines, provided 40 feet from the side and twenty-five feet from the rear property line, and all fencing must be at least ten feet from all property lines, provided zero to five feet. Mr. Redrow was proposing to build a forty foot by forty foot pole building to house the horses, hay and other related items. He stated he did have more than the minimum required fenced in area of nine-thousand square feet. The Board Chairman opened the hearing to the public for comment. Joseph Podsiadlo commented that the horses were currently housed on his ground. It was his opinion that the horses were well-taken care of and healthy. Charles Matera stated that he had no problem with the horses being located next to him. There being no one else speaking either for or against this application, the Board Chairman closed the hearing to the public for comment.

The Board reviewed Section 12.6 of the Ordinance as it pertained to horses. Michelle Redrow stated that they would be willing to reduce the number of horses being requested to two, if the extra one, which had belonged to her friend who had passed, could remain until she died. This horse was nineteen years of age and not in good health. After some additional discussion, Thomas Buzby made a motion to grant the Bulk

Variances as requested with the exception permitting only two horses, and the older staying until she died. She could not be replaced. Also stated, the horses could not be relocated to Lot 3.01 until the applicant presented a Certificate of Occupancy or Approval from the Construction office that the pole building had been completed. This motion was seconded by Glenn Myers and adopted unanimously.

#### **4. Harry Eshelman – Block 14 Lots 3 & 3.09 – 12 Island Road**

The Board Chairman opened the hearing for Harry Eshelman. This application was not open to the public for comment. Mr. Eshelman explained the request for the Minor Subdivision/Lot Line Adjustment. He stated that 3 acres would be added to Lot 3.09's current 2.29 acres and that the remainder of Lot 3 would contain 19.42 acres. Acting Board Engineer, Carl Gaskill commented on the review letter dated September 9, 2019. The applicant was requesting waivers from the following: Checklist "A" – Item 10 – Letter of Interpretation or alternative, Checklist "D" – Item 5 – Agricultural Buffer, Item 14 – Letter of Interpretation, Item 16 – 2 foot contours, Item 17 – grading plan and Item 18 – obtaining a list of qualified farmland from the Tax Assessor. Thomas Buzby made a motion to grant the requested waivers and to deem this application complete. This motion was seconded by Ralph Sickler and adopted unanimously. Mr. Gaskill continued with the Technical comments from the letter. The Zoning Table on the plan showed the correct bulk zoning requirements, but was labeled incorrectly. A revised plan would need to be submitted before the Deed Descriptions could be reviewed. Thomas Buzby made a motion to approve the Minor Subdivision. This motion was seconded by Ralph Sickler and adopted unanimously.

#### **5. Melvin Beiler – Block 60 Lot 5 & 5.02 – 452-430 Daretown Road**

The Chairman opened the hearing for Melvin Beiler. This hearing was not open to the public for comment. Mr. Beiler explained that he was requesting approval to create one new 6.08 acre lot and a Lot Line Adjustment to add 4.8acres to Lot 5 for a total of 18acres, and to reduce Lot 5.02 to 6.08acres. There are no variances necessary for this application. Acting Board Engineer, Carl Gaskill commented on the review letter dated September 10, 2019. Waivers being requested were from Checklist "A" – Item #10 Letter of Interpretation from DEP, Checklist "D" - Item 5 – Agricultural Buffer, Item 14 – Letter of Interpretation, Item 16 – 2 foot contours, Item 17 – grading plan and Item 18 – obtaining a list of qualified farmland from the Tax Assessor. Discussion was held with regards to the required one hundred foot agricultural buffer. Glenn Myers made a motion to grant the requested waivers except for the Agricultural Buffer. This motion was seconded by Ralph Sickler and adopted unanimously. Glenn Myers made a motion to waive the agricultural buffer. Ralph Sickler seconded that motion. The motion failed upon a roll call vote - Ayes: Myers, Sickler, Coombs Nays: Zeck, Buzby, Cimprich, Gantz, Meschi, Stephens. Board members were reluctant to waive the buffer entirely and proposed a fifty-foot buffer along the rear of Lot s 5.02 and 5.03. David Zeck, Jr. made a motion to grant the subdivision and to require a fifty-foot agricultural buffer along the rear of Lots 5.02 and 5.03. This motion was seconded by Thomas Buzby and adopted unanimously.

**6. Resolution –**

Thomas Buzby made a motion to adopt the resolution for Lee M. Fox, Inc. that had been previously mailed to all members. This motion was seconded by William Gantz and adopted unanimously.

There being no further comment and business before the Board, Thomas Buzby made a motion to adjourn the meeting. This motion was seconded by William Gantz and adopted unanimously.

Respectfully submitted,

Linda Stephens, Secretary  
Upper Pittsgrove Township  
Land Use Board