

**Upper Pittsgrove Township
Land Use Board Minutes
July 20, 2023**

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 the 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: Edward Meschi, William Gantz, Jack Cimprich, Thomas Buzby, Ralph Sickler, David Zeck, Jr., Tyler Bill, and Linda Stephens.

Also present were: Adam Telsey, Esquire, Robert Mulford, Eng., Brad and Carey Johnson, Clint Allen, Esquire, Greg Simonds, and Township Visitors.

Business to come before the Board:

1. Minutes from June 15, 2023
2. Public Hearing for the Farm Plan to the Master Plan
3. Johnsons Landscaping LLC

1. Minutes –

A motion to approve the minutes from the June 15, 2023 meeting was made by David Zeck, Jr.. This motion was seconded by Ralph Sickler and adopted unanimously.

2. Farmland Preservation Plan Element to the Master Plan –

The Board Chairman opened the meeting up to the public for comment on the Farmland Preservation Plan. No member of the public had any questions or comments. The Board Chairman closed the public portion for comment. Ralph Sickler made a motion to adopt the Plan as submitted by the Land Conservancy. This motion was seconded by Thomas Buzby and adopted unanimously.

3. Johnsons Landscaping, LLC – Block 27 Lot 5 – Route 77

The Board Chairman opened the hearing for Johnsons Landscaping, LLC. Board members Edward Meschi and Jack Cimprich recused themselves from this application. Clint Allen, Esquire represented the Johnsons for Preliminary and Final Site Plan approval with Bulk Variances. Johnsons Landscaping received Use Variance approval

on April 21, 2022. They were back, as a condition of the approval, for Site Plan approval.

Acting Board Engineer, Robert Mulford commented on the review letter dated July 18, 2023 as to Completeness. Items that Waivers have been requested are as follows: Checklist "A" Item #10/Checklist "B" Item #11 – Lettre of Interpretation from DEP. Mr. Allen stated that the applicant had submitted an application to DEP and it was pending. The location of wetlands was depicted on the submitted plan. After a brief discussion Thomas Buzby made a motion to grant the waiver request and to deem the application complete. This motion was seconded by Ralph Sickler and adopted unanimously.

Mr. Allen continued to address the proposed 32' x 72' lean-to which was depicted on the plan to be within the side yard setback. Mr. Allen stated that the building would be relocated eliminating the need for a Bulk Variance. Mr. Allen continued to explain changes that had been made to the property since the Johnsons were before the Board in April. The Lane had been smoothed to lessen noise from vehicles, and they changed the required hours of operations and deliveries. The applicant's Engineer commented on the Technical portion of the Board Engineer's review letter. The plan showed more than the minimum of 25 spaces. No additional landscaping was being proposed based on the density of the existing landscaping. Board member David Zeck asked if any public visited the site to do business. Mrs. Johnson responded that not only deliveries and employees came to the site. It was noted that there were structures located within the suggested wetland buffer areas. Mr. Simonds noted that if the DEP letter required those structures to be relocated they would be moved. This would be considered a field change and the applicant would not be required to come back before the Board. The Johnsons were proposing a sign, approximately 21 square feet in area. No sign waivers would be required before approving the sign.

The Board Chairman opened the hearing to the public for comment. Adjoining property owner, Eric Wade expressed concerns that there should be an agricultural buffer imposed as the commercial business activity was next to his property which was farmland assessed. He also was concerned that the proposed new building would cause runoff the flow towards his property. Mr. Simonds stated that the flow of water would be to the rear of the Johnson's property. That along with the landscaping would prevent the water from flowing towards Mr. Wade's property. David Zeck asked which side of the building would the opening be located. Mr. Simond responded the driveway side. Board member Ralph Sickler questioned Mr. Wade as to whether the implementation of the improvements have made conditions better for his family. Mr. Wade responded yes. Hearing no further comments from the public, the Board Chairman closed the hearing to the public for comment.

Carey Johnson addressed the runoff issue by stating that the landscaping berms were 3 feet high and would block the runoff from flowing towards the Wade's property as well as the 12-15 foot pines and shrubs blocking the view. Board member Thomas Buzby felt that a 30 feet setback for the proposed lean-to would be sufficient. He stated that after visiting that site he agreed the existing landscaping buffer was adequate.

After some additional discussion Thomas Buzby made a motion to grant preliminary and final site plan approval, requiring the proposed building be relocated to a 30 foot side yard setback, removal of the structures located within the wetland buffer if required by the DEP Letter of Interpretation and allow the Board Engineer approve those as administrative changes, to waive the agricultural buffer requirement. This motion was seconded by Tyler Bill and adopted upon a call of the roll: Ayes: Sickler, Bill, Buzby, Zeck, Gantz, Stephens Nays: None

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

Respectfully submitted,

Linda Stephens, Secretary
Upper Pittsgrove Township
Land Use Board