

**Upper Pittsgrove Township
Land Use Board Minutes
April 21, 2022**

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, Thomas Buzby, Ralph Sickler, William Gantz, David Zeck, Jr., Benjamin Wilson, Kevin Bishop and Linda Stephens.

Also present was: Adam I. Telsey, Board Solicitor, Stephen J. Nardelli, Board Engineer, Clint Allen, Esq., Brad and Carrie Johnson, Gregory Simmonds, and Township Visitors.

Business to come before the Board:

1. Minutes from January 21, 2022
2. Johnsons Landscaping, LLC

1. Minutes –

A motion to approve the minutes from the January 21, 2022 meeting was made by Thomas Buzby. This motion was seconded by Ralph Sickler and adopted unanimously.

3. Johnsons Landscaping, LLC, – Block 27 Lot 5 – 761 Route 77

The Board Chairman opened the hearing for Johnsons Landscaping, LLC. Johnsons Landscaping, LLC was represented by Clint Allen, Esq. Board Member Jack Cimprich recused himself from participating on this application. Mr. Allen gave a brief synopsis on the Johnson’s Landscaping, LLC application that was previously heard at the January 20, 2022 meeting. A landscaping business was being operated on a property that currently contains a single family dwelling. A commercial business was not permitted in the LR-A Low-Density Agricultural Zone. The applicant was seeking Use Variance approval to permit the landscaping business to continue and they were requesting a waiver from submitting a full Site Plan. Mr. Allen stated that the Johnson had already taken actions to try to mitigate the impact their business made on the adjoining property owners. They have turned off the security lights, relying now on cameras. Instead of the loud, beeping back up alarms they have implemented quieter ones that make a quacking-type noise. They have changed their operating hours ahead of the approval hearing to

start at 7am, which includes deliveries, and finally they have requested a change to the type of vehicles making deliveries to minimize the sounds of tailgates slamming.

Mr. Greg Simmonds, who prepared the Variance plan stated that all existing and the proposed building met current setback requirements. Board member Thomas Buzby questioned how much land on Lot 5 was involved with wetlands and wetland transition areas. The response was four (4) acres roughly. Mr. Rick Riccardi from Marathon Engineering addressed the wetland questions. He had prepared the plan identifying and delineating the jurisdictional wetlands. He stated that the Letter of Interpretation was being done and would verify any changes and the buffers required. There is an endangered species within 150 feet, the Red-Shoulder Hawk. Thomas Buzby questioned whether some of the activity/structures may be within the buffer areas. Mr. Riccardi stated that there may be minor encroachment but that it predated the Wetlands Act.

Carey Johnson spoke reiterating the changes they had made to mitigate some of the issues the adjoining property owners were experiencing. She acknowledged that the previous back-up alarms were loud and hoped the new alarms would help. They were going to maintain the interior lane better to lessen the noise from vehicles traveling it. The new hours for material deliveries would be from 8am to 5pm Monday through Friday. There would be no weekend deliveries. Mrs. Johnson gave a brief background on how the business came to be and asked forgiveness for missing a step along the way, that of not receiving approval before having the business located there.

The Applicant's Planner, Lou Joyce addressed the criteria for granting a Use Variance. He stated that this site was particularly suited for the proposed use along with the existing single family dwelling. It was located on a major road. The business operation was setback from the road quite a bit and had no negative impact on Route 77. It promotes the zoning purpose for developing business along the major roads. Due to screening there is no visual impact along the roadway and they can continue working to mitigate the impact on the adjoining neighbor.

The Board Chairman opened the hearing to the public for comment. Melinda Camelli spoke to the Johnsons being good neighbors who supplied her with wood during the winter. Debbie Hannigan read a letter from her father, Larry Flitcraft, who lived close and supported the application. Stacey and Eric Wade spoke with regards to the changes that had been made to help lessen the impact of the business activity noise. Mr. Wade was still concerned with wetlands. Mr. Riccardi responded that when the information was back from DEP that issue will be addressed at Site Plan. Jake, Mark and Luke Fedechko all spoke in favor of the application, as did Sandy Ruhl. Hearing no other comments, the Board Chairman closed the hearing to the public for comment.

Board member Kevin Bishop questioned Mrs. Johnson regarding the snow plowing. She stated that the income from the plowing sustained the business through the winter months. All salt was stored off site or picked up directly from distributors. Board member William Gantz concerns were where would the growth stop? He questioned what the proposed new building/lean-to would be for. Mrs. Johnson responded to store equipment under cover. Board member Thomas Buzby felt that the property was built-out. Board member Ralph Sickler stated that there were enough restrictions placed on the applicants to keep the business in check. Board member William Gantz questioned

whether approval for 30 employees was necessary since they currently only had 16. After a brief discussion, the Johnsons agreed to reduce the employees to 25.

There was a discussion held regarding site plan. Mr. Allen stated that as soon as the applicant received the LOI from DEP they would submit for site plan approval. He also agreed that they would not construct the proposed building until after receiving site plan approval. There was no further discussion.

Board member Ralph Sickler made a motion to grant Use Variance approval to operate a landscaping business on Block 27 Lot 5. There could be no more than 25 employees. Business hours would be Monday – Saturday 7am-7pm, deliveries would be no more than twice a week, Monday-Friday 8am-5pm. Changes would be continued to mitigate noise being emitted from the site through the change to back-up alarms, maintaining the interior lane, and lessening the banging from tailgates. Any additional screening could be addressed at site plan. The motion was seconded by Thomas Buzby and adopted upon a call of the roll: Ayes: Sickler, Wilson, Zeck, Jr., Bishop, Buzby, Coombs, Gantz Nays: None

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

Respectfully submitted,

Linda Stephens, Secretary
Upper Pittsgrove Township
Land Use Board