

**Upper Pittsgrove Township
Land Use Board Minutes
May 19, 2011**

TO: Township Committee
Land Use Board Members

Linda S. Buzby, 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, Robert Duus, Thomas Buzby, Glenn Myers, Edward Meschi, Sarah Tarpine-Smith, Dale Wilson, Alan Gardner, Eric Kern and Linda Buzby.

Also present was: George G. Rosenberger, Board Solicitor, Stephen J. Nardelli, Board Engineer, Gary and Shirley Hitchner, Ross Levitsky, Esquire and Larry Maltman.

Business to come before the Board:

1. Minutes from April 21, 2011
2. Gary & Shirley Hitchner
3. Closed Session

1. Minutes –

A motion to approve the minutes from the May 19, 2011 meeting was made by Robert Duus. This motion was seconded by Glenn Myers and adopted unanimously.

2. Gary and Shirley Hitchner – Block 65 Lots 1 & 26

Board Chairman John Coombs opened the public hearing for Gary and Shirley Hitchner. Sarah Tarpine-Smith, Dale Wilson, and Thomas and Linda Buzby recused themselves from acting on this application. Mr. and Mrs. Hitchner were represented by Ross Levitsky. This application was a Minor Subdivision lot line adjustment and Bulk Variances. Mr. Levitsky stated that the farm in both Upper Pittsgrove and Pilesgrove was farmland preserved and the Hitchners were exempting out one lot in Upper Pittsgrove and three lots in Pilesgrove for their children. Mr. Levitsky explained that the lane for reconfigured Lot 26 could be created as its lot in Pilesgrove or by easement. He stated that the Pilesgrove Planning Board had not yet acted on that parcel, waiting for the Land Use Board of Upper Pittsgrove to determine which they would accept. The Pilesgrove Planning Board was recommending an easement. After a brief discussion the Land Use Board determined that the lane in Pilesgrove should be its own lot and that language be included in the deeds making the two lots inseparable. Both these lots would be surrounded by ground that had been farmland preserved. The proposed reconfigured lot

had been exempted out prior to the Hitchners receiving the preservation. Board Engineer, Stephen Nardelli, commented on his technical review letter dated April 22, 2011. Mr. Nardelli stated that variances were required for lot width, depth and area as well as accessory structure setbacks. The Board Chairman opened the hearing to the public for comment. There being no one present, the Board Chairman closed the hearing to the public for comment. Robert Duus made a motion to grant Minor Subdivision Lot Line Adjustment approval with the requested lot area, depth and frontage for the reconfigured Lot 26. This motion was seconded by Alan Gardner and adopted unanimously.

3. Closed Session - Robert Duus made the following motion:

BE IT RESOLVED, by the Land Use Board of the Township of Upper Pittsgrove that the public shall be excluded from the following portion of this meeting during which time the Land Use Board will discuss a subject for which the general nature is Attorney-Client privilege. It is estimated that the time when, and the circumstances under which, the discussion conducted in closed session can be disclosed to the public is at the conclusion of the issue. This motion was seconded by Thomas Buzby and adopted unanimously.

Robert Duus moved that the next portion of the meeting be opened to the public which motion was seconded by Thomas Buzby and adopted unanimously.

Board Solicitor, George Rosenberger reported to the Board the outcome of the Atlantic Green Power lawsuit against the Board. He stated that Judge Georgia Curio found in favor of the Land Use. Mr. Rosenberger explained to the Board the options still open to Atlantic Green Power to appeal Judge Curio's decision to the Appellate Court. He had no knowledge as to whether they would appeal her decision.

The Board Chairman discussed the proposed changes to the Land Use Ordinance with the Board. Highlighting that the major changes involved small alternative energy sources, larger lot sizes in the A-Agricultural, LR-A-Low Density Residential/Agricultural, and the LR-Low Density Residential zones. His concern was whether the proposed increase in lot size to 6 acres in the A zone was good planning even though it is based on the Master Plan. After some discussion Robert Duus made a motion to table sending the proposed ordinance changes to the Township Committee for introduction and to hold a workshop at the next regular Land Use Board meeting to review the proposed changes with Sarah Birdsall Board Planner. This motion was seconded by Glenn Myers and adopted unanimously.

There being no further comment and business before the Board, Robert Duus made a motion to adjourn the meeting. This motion was seconded by Alan Gardner and adopted unanimously.

Respectfully submitted,

Linda Buzby, Secretary
Upper Pittsgrove Township
Land Use Board