

**Upper Pittsgrove Township
Land Use Board Minutes
August 18, 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 Vice-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 (Late), Robert Duus, Thomas Buzby, Ralph Sickler, Dale Wilson, Eric Kern, William Gantz, Alan Gardner, Sarah Tarpine-Smith (Late) and Linda Buzby.

Also present was: George G. Rosenberger, Board Solicitor, Stephen J. Nardelli, Board Engineer, Sarah E. Birdsall, Board Planner, Frank Hoerst, Esq., Jerard C. Stocker, Civil Engineer, Jeffrey Pompper, Director of Salem County Emergency Services, Keith Horton and Doug Frohock, Jennifer Akers and Township Visitors.

Business to come before the Board:

1. Minutes from July 12, 2011
2. Allen's Oil & Propane
3. Jennifer Akers

1. Minutes –

A motion to approve the minutes from the July 12, 2011 meeting was made by Thomas Buzby. This motion was seconded by Eric Kern and adopted unanimously.

2. Allen Propane – Block 52 Lot 3.02

Board Chairman John Coombs opened the hearing for Allen's Oil and Propane. This hearing was for completeness only. Allen Propane was represented by Frank Hoerst. Stephen Nardelli, Board Engineer commented on his review letter dated August 1, 2011, that all completeness items had been adequately addressed. Mr. Hoerst gave a brief synopsis of the previous use variance approval granted on this property. It was the intention of the business to add additional propane storage capacity by installing three additional storage tanks, 60,000 gallons each. This would benefit their local customers by having more product closer to the need, and enable Allen's Oil to buy in greater quantity when prices are lower. There would be no increase in traffic to or from the site and no additional employees were being proposed, therefore requiring no additional parking spaces. There were six spaces originally approved and they proposed to keep those six. Since no customers entered the site there was not a need for handicap accessible parking.

Keith Horton commented on the two storage trailers that were on this site plan, but not in the original plan. These were both placed on the property through zoning permits. One trailer houses the emergency shutoffs for the tanks. The second trailer is used to house the lawn care equipment necessary to maintain the site. Sarah Birdsall, Board Planner, commented on her review letter dated August 10, 2011. Ms. Birdsall questioned the applicant regarding previously approved and existing landscaping for the site. Mr. Hoerst explained at the time of the original approval the landscaping plan was waived on the western side of the sight. Currently there is an orchard on that side which creates a landscaping buffer for all vehicles heading east. Jerard Stocker, Civil Engineer for the applicant, stated that to allow ventilation throughout the site landscaping would not be desirable on either side. Salem County Director of Emergency Services, Jeffrey Pompper, was present to comment on the application. He stated from an emergency service standpoint having an open view of the site allowed first responders better visibility to assess any situation that may arise as well as provide an open view to deter trespassers. Mr. Pompper stated that Allen's Oil had been instrumental in aiding the Emergency Services with creating and implementing a plan for responding to a propane tank incident, as well as lending the site to local fire departments for drills. Mr. Pompper commented on Monroeville Fire Company Chief, William Martin's request to install a water source that would supply thirty minutes of water to the fire company, outside the fenced area. Mr. Hoerst stated that they would comply with the Fire Chief's request. Mr. Hoerst stated that they were seeking a Bulk Variance for relief from the side yard setback on the east side. The Board Chairman opened the hearing to the public for comment. There being no one present speaking either for or against this application, the Chairman closed the hearing to the public for comment. After a brief discussion, Robert Duus made a motion to grant Use Variance approval along with the requested Bulk Variance, stating that Allen's Oil provided a service to the residents of Upper Pittsgrove Township, since there were no other propane delivery services located within the Township and knowing that many residents and farmers relied on propane to function. Mr. Duus also stated that there was no negative impact to the community with granting the expansion requested. This motion was seconded by Thomas Buzby and adopted upon a call of the roll. Ayes: Coombs, Duus, Buzby, Sickler, Buzby, Wilson and Gardner. Nays: None. Robert Duus made a motion to grant preliminary and final site plan approval with the requested waivers conditioned upon the submission of revised plans showing the water storage tank. This motion was seconded by Thomas Buzby and adopted unanimously.

2. Jennifer Akers – Block 6 Lot 9

The Board Chairman opened the public hearing for Jennifer Akers. Ms. Akers had been before the Board on June 16, 2011 with a Use Variance/Bulk Variance request. At that time the Board determined that a Minor Subdivision would better serve the Master Plan and Zoning Ordinances as opposed to granting a Use Variance for two single family dwellings on one property. Ms. Akers has now submitted a Minor Subdivision application to create one new lot around the second single family dwelling located on Lot 9. The Bulk request was for the second dwelling which had a front yard setback of 42 feet where 50 feet was required. The Board Engineer, Stephen Nardelli, commented on his review letter dated August 18, 2011. Ms. Akers was requesting a waiver from providing a 100 foot agricultural buffer since the side that would require the buffer had an existing buffer due to woodlands and a hedgerow. A waiver was being requested from providing a Letter

of Interpretation from DEP, however the applicant's engineer had placed a statement on the plan regarding wetlands. The proposed new lot would contain 2.65 acres but less than 1 acre would be uplands, so a waiver is being requested for less than the required 50 percent upland area. The Board Chairman opened the hearing to the public for comment. There being no one present speaking either for or against this application, the Chairman closed the hearing to the public for comment. Robert Duus made a motion to grant the requested waivers since both lots were already developed. This motion was seconded by Dale Wilson and adopted unanimously. Thomas Buzby made a motion to grant Minor Subdivision approval along with a Bulk Variance for the 42 foot front yard setback on the dwelling on the proposed new lot. This motion was seconded by Dale Wilson 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 Ralph Sickler and adopted unanimously.

Respectfully submitted,

Linda Buzby, Secretary
Upper Pittsgrove Township
Land Use Board