

**Upper Pittsgrove Township
Land Use Board Minutes
November 21, 2013**

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 the 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: Robert Duus, Thomas Buzby, Ralph Sickler, Glenn Myers, Alan Gardner, Eric Kern, William Gantz, Jon Hitchner, and Linda Buzby.

Also present was: George G. Rosenberger, Jr., Board Solicitor, Stephen J. Nardelli, Board Engineer, Sarah Birdsall, Board Planner, Sarah Walker, Recorder, and Todd Batten.

Business to come before the Board:

1. Minutes from September 19, 2013
2. Jamell Rosario
3. Todd Batten
4. Resolution -
Janet Fithian

1. Minutes –

A motion to approve the minutes from the September 19, 2013 meeting was made by Alan Gardner. This motion was seconded by Linda Buzby and adopted unanimously.

2. Jamell Rosario – Block 61 Lot 19

The Board Secretary informed the Board that Jamell Rosario had submitted a letter requesting a continuance of his application until the December 26, 2013 meeting in order for him to have a full site plan prepared. The Vice-Chairman announced to the public that the application for Jamell Rosario would be continued until the December 19, 2013 meeting at 7:30PM and that no further notice would be required.

3. Todd Batten – Block 2 Lot 42

The Board Vice-Chairman opened the hearing for Todd Batten. The application was for a Use Variance to operate a 24-seat burger/ice cream eat-in restaurant. He stated that he was proposing 8 parking spaces for customers and then several for employees. He did not have an area designated for unloading of supplies. Sarah Birdsall, Board Planner, commented on her letter dated November 15, 2013. She determined that this proposed use was not inherently beneficial to the community, it was not particularly suited for this site, due to its intensity was not in keeping with the Master Plan and Zoning scheme. Stephen Nardelli, Board Engineer, only had two comments; he felt the site might not be able to contain a septic system adequate for the proposed use. Board Solicitor, George Rosenberger explained the proofs necessary for considering this application. Mr. Batten gave testimony that his special reasons were that farm families can stop work, come eat, and then go back to work. The Vice-Chairman opened the hearing to the public for comment. There being no one present, the Vice-Chairman closed the hearing to the public for comment. Mr. Rosenberger explained to the Board that the previous approvals for offices on this property may still be valid due to the permit extension acts. He would check into this. Board member Thomas Buzby stated that the lot did not appear suitable for the proposed use. Board member William Gantz concurred. Board member Eric Kern felt this lot was more suited for a small “Mom and Pop”-type business. The Board Chairman agreed with the comments made by the Board professionals regarding this application. He felt that an ice cream stand might draw children on bikes to an area that would pose safety concerns. Board member Glenn Myers commented that the proposed use was too intensive for the lot. Robert Duus made a motion to grant use variance approval to permit a hamburger/ice cream restaurant on Block 2 Lot 42. This motion was seconded by Thomas Buzby. Roll call vote Ayes: Gardner, Kern Nays: Duus, Buzby, Sickler, Myers, Buzby. The application was denied.

4. Resolution –

Ralph Sickler made a motion to adopt the resolution for Janet Fithian that had been previously mailed to all members. This motion was seconded by Alan Gardner. All those who voted in favor of the approval of this application voted in favor of the Resolution.

There being no further comment and business before the Board, Thomas Buzby 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