



# BASS RIVER TOWNSHIP

## (Burlington County)

P.O. Box 307, New Gretna, NJ 08224 • [www.bassriver-nj.org](http://www.bassriver-nj.org)

**DEBORAH BUZBY-COPE**  
MAYOR  
DIRECTOR OF  
REVENUE & FINANCE

**LOUIS BOURGUIGNON**  
COMMISSIONER  
DIRECTOR OF  
PUBLIC AFFAIRS & SAFETY

**NICHOLAS CAPRIGLIONE**  
DEPUTY MAYOR  
DIRECTOR OF  
PUBLIC WORKS & PROPERTY

**ELIZABETH GODFREY**  
ACTING MUNICIPAL CLERK  
(609) 296-3337  
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### *Bass River Township Planning Board – Reorganization Meeting* *January 19, 2022*

The annual reorganization meeting of the Bass River Township Planning board was held on January 19, 2022 in-person in the Municipal Building and via Zoom phone call. Meeting was called to order at 7:01 PM. The meeting was opened with the flag salute.

Planning Board members present were: Mrs. Cope, Mr. Capriglione, Mr. Bien, Mrs. Ruffo, Mr. Steele and Ms. DeLois. Board Attorney Mr. Christopher Norman and CME Engineers Mr. Joe Gray and Mr. John Hess also attended. Mrs. Adams joined by Zoom call after Class 1 and Class 3 members were renewed.

Class 1 Member Debbie Buzby-Cope, and Class 3 Member Nick Capriglione were sworn in by Board Attorney for a 1 year term which expires 12/31/2022. Class 2 Member Bonnie Adams was not yet in attendance, so she will need to be sworn in at a later date.

Renewing members Cindy Ruffo and Rick Steele were sworn in by Board Attorney for a 4 year term which expires 12/31/2025. Mr. Bob Neuweiler was not present, so he will need to be sworn in at a later date.

Chris Norman called for the nomination of the Board Chairman. A motion to nominate Russ Bien was made by Mrs. Cope and was seconded by Mr. Capriglione. Roll call was taken – all were in favor and the motion passed.

Russ Bien called for the nomination for Vice-Chairman. A motion to nominate Cindy Ruffo was made by Mr. Bien and was seconded by Mr. Capriglione. Roll call was taken – all were in favor and the motion passed.

Russ Bien called for the nomination of the Planning Board Solicitor. A motion to nominate Christopher Norman was made by Mr. Bien and was seconded by Mrs. Cope. Roll call was taken – all were in favor and the motion passed.

Russ Bien called for the nomination of the Planning Board Engineer. A motion to nominate CME Associates was made by Mr. Bien and was seconded by Mrs. Ruffo. Roll call was taken – all were in favor and the motion passed.

A motion to adjourn the meeting was made by Mrs. Cope and was seconded by Ms. DeLois. Roll call was taken – all were in favor and the motion passed.

Attorney Norman adjourned the Reorganization portion of this meeting at 7:10 PM.



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### *Bass River Township Planning Board Meeting*

*January 19, 2022*

The regular meeting of the Bass River Township Planning board was held on January 19, 2022 in-person and via Zoom phone call and was called to order at 7:10 PM. The meeting was opened with the flag salute. In accordance with the Sunshine Law, notice of the meeting was posted in The Beacon and the Atlantic City Press.

Planning Board members present were: Mrs. Cope, Mr. Capriglione, Mr. Bien, Mrs. Ruffo, Mr. Steele, and Ms. DeLois. Mrs. Adams attended via Zoom call.

Mr. Chris Norman attended as legal representative. Mr. Joe Gray and Mr. John Hess attended as engineering representatives.

The minutes of the regular meeting of December 15, 2021 were available for the board and the public.

Ms. Ruffo made a motion to approve the minutes and Ms. DeLois seconded the motion. Six were in favor and Mr. Capriglione abstained. The motion was passed.

Correspondence List was read by Mr. Bien.

#### **New Business:**

Mr. Jim McGettigan was present regarding his Waiver for a Site Plan to have a Produce Stand at 19 Teaberry Lane, New Gretna (Block 7 Lot 9.09). He has planted approximately 75 blueberry plants on a 120' by 30' area of his property. The plants are enclosed in a mesh fencing to deter deer. He also has several raised beds where he grows cucumbers, peas, tomatoes, bell and hot peppers. The fruit stand is a seasonal activity during summer break from his school teaching position, starting on or about June 1<sup>st</sup>. He purchases small quantities of Silver Queen corn from farmers markets to provide to his customers during July - August.

Mr. McGettigan has temporary mobile certifications from Ocean County, Atlantic County and Cape May County Health Departments to make and provide jams and condiments at those counties' farmers markets.

Usual customers at his residence are campers and local residents, one car at a time, occasionally two. He has a horseshoe shaped driveway 110' from the road to his garage. It has two 24' long arms of the driveway, with enough room between them to comfortably park 4 or 5 cars, up to 20 when he has private events at his home. The fruit stand is set up in the horseshoe, on stone, not on a concrete pad.

He has removed a tent and signage he had unknowingly placed against regulation on Route 9. He built a 10' x 10' structure for the stand because the tents kept blowing away. He will make signage out of plywood and hinges to place at the edge of his own property.

As to the Pinelands Commission concerns, Mr. McGettigan stated that there are several errors in the information that was provided to them, and that he will be providing corrected information regarding ownership and history of the lots shown on outdated zoning maps. The Pinelands' concern about native species can be refuted by the plantings of native blueberries, and the native marsh grass that has taken hold with the trees cut back in the solar array area of concern. He also stated that all variances and permits were approved when the solar array was installed 11 years ago.

Mr. Gray stated all Pinelands Commission concerns about the solar array will need to be addressed, but the solar issues do not seem to be connected to the produce stand. As long as Pinelands is okay with the farm stand, Bass River Township can be in agreement, on condition that Mr. McGettigan provides a new survey showing all necessary setbacks.

Mr. McGettigan stated that it is his intention to obtain a new survey to update incorporations of lots and property line changes. Mr. Gray said that a copy of that survey can be used to draw a site plan for the produce stand showing setbacks, parking, lighting and signage and submit it to the Board for a Site Plan Waiver approval.

A roll call vote was taken on whether this is a Seasonal Permitted Home Occupational Use, for which a Use Variance will not be required.

Mr. Steele made a motion to take a vote and Mrs. Ruffo seconded the motion. All were in favor, and the motion was passed. Planning Board will do a Resolution memorializing this decision at the next meeting on February 16, 2022.

### **Informal Business:**

1. Stacy Meighan-Turlish presented a map of her property at Block 35 Lot 6 and surrounding areas of Stage Road and Poor Man's Parkway, where she says people are using an opening in the guardrails past the Garden State Parkway toll booths to leave the parkway and travel to Stage Road. They had previously been using a maintenance road that is on the AT&T easement, so AT&T reinstalled two gates. With the gates now up, people have made their own cut away road through a forest fire push line to Bisham Road, Millie Road, and into the swamps. They've made an embankment that goes under the Garden State Parkway

overpass at Stage Road, which has become a hang-out area and when people are confronted about being there, they often become belligerent.

The bigger concern is that the cut from Bisham Road onto Stage Road provides NO visibility of oncoming traffic from either Bisham Road or Stage Road. With the speed limit on Stage Road at 45mph, it doesn't give drivers much time to respond to vehicles unexpectedly entering from an unmarked forest road. This is an accident waiting to happen.

Board discussed liability ownership of Bisham Road. This is a "paper road" on the township map, which means it is reserved by its owners, the State of New Jersey, to be developed by Bass River Township in the future if needed, but that it is not currently a legal road for vehicles.

Ms. DeLois noted that the State Forest Rangers enforce the removal of vehicles from these roads. Mr. Hess suggested involving the Pinelands Commission for any environmental damage that may be done. Mrs. Turlish said all she really wants is for the road to be blocked where it meets Stage Road. The Board determined that Bass River Township has no authority to block state owned property. Being as Stage Road is a county road, Mr. Hess and Mr. Norman advised Mrs. Turlish to take her presentation to the next Burlington County Freeholder Meeting, stressing the liability of potential accidents, and the Freeholders may be motivated to act quickly in blocking off that entry point.

2. David Robbins of 1930 Route 542 (Block 58 Lot 2) wants to get a Tidelands Grant for an existing 8' wide dirt dock on his property. He does not want to expand the dock, simply ensure he can legally keep and continue to launch his boat from it. Since his 1.75 usable acres does not meet the 2 acres required to apply for a Tidelands Grant, he was told he would need to get a Certificate of Nonconforming Use for the structure before going to the state.

The Board questioned Mr. Robbins on how long the dock has been there. Mr. Robbins stated that he has seen aerial photos from 1993 that show the dock, so it is over 20 years. The previous owner showed him a survey, permits and permission letters from the Department of Environmental Protection for the dock.

Mr. Norman stated that the seller is responsible. Mr. Hess advised Mr. Robbins to take the survey to the DEP, he may be grandfathered. Mr. Hess also advised Mr. Robbins to ask the surveyor named on the survey to look into the process of applying for a Tidelands Grant; he will have engineers who will know how to do that. Mr. Gray said it appears the property is in a Coastal Wetlands Zone. Mr. Norman stated that private boat docks are deemed a permissible use in a Coastal Wetlands Zone. Mr. Gray added that it appears to be within a Pinelands Preservation Zone, which does permit low intensity recreational uses, in accordance with Section 8.11.F.1.

## **Old Business:**

1. Board discussion for zoning changes – Engineer’s update:  
We have answered the Pinelands Commission questions. We are using autocad mapping that incorporates correct zoning boundaries to eliminate split zoning lots. We expanded the Village Commercial Zone, and incorporated it into the IRD-1 Zone, where commercial is permitted. We will request a Rezoning and Master Plan Reexamination Report, with notice to affected property owners. We will reduce Village Residential to 1 acre for buildable, and Village Commercial to 1 acre for buildable.

Board reviewed list of commercial uses for IRD-1 Zone, incorporating a few specific uses into a more general category.

**8:25 PM** A motion to open the meeting to the public was made by Mrs. Cope and was seconded by Ms. DeLois. All were in favor and the motion was passed.

1. Mr. Kevin Foder of 99 Jericho Road (Block 31 Lot 10.01) stated that the property across Route 9 from his house that used to be Ernie’s TV has fencing over 6’ high, and he asked if there was an ordinance restricting fence height. No board member remembered any height restrictions on fencing in the township.

Mr. Foder then accused his neighbor of having heavy trucks going in and out of the property at all hours of the night, 2:00-3:00 am, with lights and loud engine sounds going into his bedroom on that side. Mr. Foder believes these vehicles are moving storage Conex boxes on and off his neighbor’s property. He said that if his neighbor wants to open a business, he has no problem with that, as long as it is done the right way. He reminded the board that he had to apply for licenses and inspections to open his new business, and it’s not fair that other businesses in town don’t have to. And this man has never come in to file for a variance or change of use.

Mr. Foder believes his neighbor gets special treatment from the township because he volunteers time with the township and comes to the township meetings every month, and that creates a conflict of interest for the township to hold him accountable. Later in the meeting, Mayor Cope confirmed that the neighbor did volunteer once, 3 or 4 years ago, when several township residents used their personal equipment to assist in a project under the direction of the Public Works Department to move items at the Transfer Station, but that the neighbor does not volunteer on a regular basis. Mr. Foder said it is a conflict of interest because the man is covered by township medical insurance when he volunteers at the dump. Mr. Norman clarified that volunteers are not paid employees, so it is legally not a conflict of interest. Mr. Foder stated that the volunteer firefighters have medical coverage when they go out on calls. Mr. Capriglione stated that firefighter volunteers fill out an employment form and are paid \$1 as a token in order to

qualify for medical coverage. Mr. Norman reiterated that firefighters are thereby considered employees, but that volunteers who are not paid by the township will not pose a legal issue of conflict of interest.

Mr. Foder said that on walks through the marsh wildlife reserve, he noticed “rainbow-colored” liquid seeping from the neighbor’s property into the marsh. He talked about a pile of dirt on the property that he believes came from an old gas station, and that it smelled of diesel for a month and a half in his neighborhood. He said he called the DEP, but they never bothered to come down, and when they did come, they were not allowed onto the property.

Mr. Foder questioned why the owner is running a business on the property but not being charged a commercial tax rate. This led to board members looking on maps to determine what zone the property is in. It is unclear whether it is in Coastal Wetlands, Rural Development, or if it was grandfathered as a Commercial-Residential due to Ernie’s TV business on the property 40 years ago. The owner of Ernie’s TV closed the business, but continued to live on the property. Either he or his heirs sold the property to the new owner. There is no record of Bass River Township changing the previous commercial-residential determination to a non-commercial one. Mr. Foder stated that even if he is still approved for commercial use, the size of a small TV repair business to a scrap yard and self-storage business should have been done the proper way.

There was discussion of previous zoning violations, and that there were probably settlements on record from past court appearances. Mr. Norman stated that those past settlements with the Municipal Court will need to be reviewed by the Zoning Officer to determine if the neighbor is in compliance with those agreements. Mr. Foder’s request to have a non-biased Zoning Officer, perhaps from Little Egg Harbor Township, will be taken into consideration.

2. Mr. Leo Assur of 5682 Route 9 (Block 8.A Lot 9.A) asked about the status of the sale of the elementary school building. He was told that it will be on the Gov Sales Spring listing. Mr. Assur is concerned that future owners may bring in housing for drug addicts, or another use that may detract from the town’s rural personality. He would like to see the township or a non-profit partnership purchase it. Mrs. Cope said that the school is in the area that is being rezoned for Commercial use, and that the township will work with the new owners.
3. Mr. Foder asked about buildable lot sizes for the new homes being built on Ash Road. Are the lot sizes legal? Mrs. Cope stated that she had the Township Clerk check, and all lots meet the sizing requirements. Mr. Foder thinks that sizes of lots have changed since he bought his property, because a surveyor for the vacant property next to him has placed markers over property lines in both his front and back yards, where Mr. Foder had a fence installed along his property lines. Mr. Hess said that all surveyors must have their names on property markers they place, and he advised Mr. Foder to call that surveyor for any line discrepancies.

**8:57 PM** A motion to close the meeting to the public was made by Mrs. Ruffo, and it was seconded by Ms. DeLois. All were in favor and the motion was passed.

**9:00 PM** Being no other business at this time - A motion was made by Ms. DeLois to adjourn the meeting, and it was seconded by Mr. Capriglione. All were in favor and the meeting was adjourned.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Laura Moyer". The signature is written in black ink and is positioned above the typed name.

Laura Moyer  
Planning Board Secretary