

Bass River Township Planning Board

May 1, 2019

The regular meeting of the Bass River Township Planning board was held on May 1, 2019 in the Municipal Building and was called to order at 7:01 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. Steele, Mr. Hazard, Mr. Crowley, Mrs. Ruffo, Mr. Bien, Mr. Neuweiler and Mrs. Verdine

The minutes of the regular meeting of January 17, 2019 were available for the board and the public. Mrs. Verdine made a motion to approve the minutes and Mr. Hazard seconded the motion. All were in favor and the motion was passed. Mr. Neuweiler abstained.

Correspondence: The correspondence folder was gone through.

Old Business: No new business.

New Business: Major Site Plan and Variance Application for 5847 Route 9. Sherwood Properties.

Henry Cho- Attorney for the Applicant explained the proposed application for the site plan and also the D1 variance. He explained that the applicant is a military veteran and wants to put this large parcel of property that he owns toward helping other veterans. The proposal is to add a low intensity campground which is a permitted use in this zone. He wants to add 20 tent campsites for recreational use by Veterans. An existing building is being renovated to provide restrooms and showers. No other changes to the property or existing structures are proposed.

Mr. Norman stated that we will need 5 positive votes from the Board.

Barbara Allen Wooley Dillon stood up and announced that she had a problem and she believes the notice is defective. She disagrees that this will not be a "low intensity" use. She recited the definition of low intensity from the ordinance. She thinks it made need a D5 variance. (for density).

Attorney Norman stated he believes the Board should continue to hear the application because they do not yet have enough information to make a decision on it. The Board doesn't yet know what the application contains.

Mrs. Dillon stated she didn't think the notice was adequate.

Mr. Norman stated that he believes the notice was fine and clearly stated what the application was for.

Attorney Norman swore in Mr. Sherwood and all of the Professionals called for on this presentation.

Russell Smith – Civil Engineer and Licensed Professional planner gave a brief overview. He submitted exhibit A-1 into the record. It is a colored version of the master site plan, includes key map, zoning requirements- certified property owners list...”Site plan for Toms ranch- A Hero’s retreat”.

He went over the exhibit with the Board and audience members. He explained the entire set up for the property- focusing on the campsites and the bathhouse. Wetlands have been delineated and approved.

There is a little over a 1000’ of frontage. Access will be the main driveway. There will be a gravel 10’X20’ gravel parking area. There will be fireplaces and picnic tables within the 20 campsites.

There will be another septic system on the left side.

There will be gas line run to service everything.

This proposal for everything will actually reduce impervious coverage by 92%.

They don’t think it will ever exceed 60 campers (people) at the site at one time.

They are not disturbing more than 1 acre with this proposal.

The site will only be used for Veterans.

No recreational vehicles.

No additional parking areas needed.

There are 2 groundskeepers that stay there and maintain the property.

The site will be used for 12 weekends during the warmer summer months.

Mr. Sherwood is concentrating on the Vietnam Veterans.

There will be no cost to the Veterans to use this site for camping.

The Veterans will be bringing their own tents, no campers.

Activities- Horseshoes, playing cards, maybe some bicycles.

He does not plan on expanding beyond 20 campsites

No gun shooting...they would agree to have this as a condition of approval.

He has cleared off the wall- should reduce car accidents.

Sanitary / Sewer engineer was also present.

Use variance: 2 principle uses on one lot. Russell Smith –engineer went over permitted uses. Application for a use variance because these two uses are not permitted together in this zone.

Applicant is seeking a D Variance.

Mr. Smith went over the positive and negative criteria.

This site is particularly suited for this use. It is inherently beneficial. There is no environmental impact. Negative would be effect on surrounding properties. Is this site particularly suited? Very little environmental impact due to the size of the property.

Adequate infrastructure. Not inconsistent with the master plan. Both uses are permitted

uses. No negative impact on any of the goals or objectives of the Master Plan. The surrounding uses are consistent with the proposed permitted uses.

3 Bulk variances:

- 1- Side yard setback 17' where 50' is required. (restroom and shower building)
- 2- Lot coverage- 1% allowed, they would be at 9%.
- 3- Accessory shed- near the property line- does not meet side yard setback.

No one knows exactly when the shed was built. If it becomes an issue with the location, it can be moved.

Scott Brown from Guzzi Engineering went over the review letter:

Questioned where shed will be moved. Mr. Sherwood stated he would relocate it to meet setbacks or just take it down.

Will there be parties with extra cars? Mr. Sherwood stated there would not be.

Cap proposal per campsite- Mr. Sherwood was in agreement.

What happens when Mr. Sherwood decides to relocate?

Attorney Norman stated it's not the person...it's the "what". If this gets approved- as a Veteran campground- it is unclear exactly what will happen- unless it is made to stay that way as a condition of approval.

Make the approval for this unique use only.

No proposed signage.

No electric being supplied to the sites.

Mayor Cope was recused for the D Variance discussion for this application.

This is a nonprofit. No tax deductions. No exemptions.

Exhibit A-2- Architectural plans for the Restrooms and Bathhouse. They will be handicapped accessible. There are already some existing utilities.

There are multiple wells on the property.

Chairman Bien read over some of the Township's Campground ordinance.

There is an annual permit with a fee. No mobile homes. No more than 20 sites due to waste disposal. (8.04010)

8:21 PM - A motion to open the meeting to the public was made by Mrs. Ruffo and was seconded by Mr. Neuweiler.

Bill VanOrden – 5881 Route 9- sworn in. States this meeting is dealing on a business level. Plumbing- concerned engineer wasn't certain of how many wells were on the property. Concerned over poor planning regarding the bath house. He believes Mr.

Sherwood should- 12 times per year- rent out camp sites at a local campground and let the Veterans camp there.

The Chairman and Attorney reminded everyone- that even if the Board approves an application- it is still subject to reviews by outside agencies. Our approvals are conditional. If they can't meet all the outside agency guidelines, the application does not go through.

Bill ? from somewhere on Route 9 is concerned about the Fire Tower. The questions were to be only on the application being heard. The Planning Board has no say in the clearing of the trees for the fire tower anyway.

He asked about the trash for the proposed campground? Mr. Sherwood explained that he would have a dumpster service. It will be in an enclosure. He will show the location of the dumpster enclosure on the final plan.

Scott Barr- 5839 Route 9. Sworn in by Attorney Norman. Concerned about what happens when property sells. States that he is done some research and Mr. Sherwood is a very successful business man. He worries about someone drowning in the lake on the property- who is responsible. He wonders who will regulate the number of people coming in to camp at each site. Attorney Norman stated that it can be a condition of approval and if they violate it – it is a zoning violation. An enforceable violation. Mr. Barr asked who would be inspecting and was informed that we have a zoning officer and code enforcement officer also. If they don't comply- their license can also be denied annual renewal. He is concerned about noise- they live next door.

He questioned if the applicant could come back and ask to expand the campground.

Attorney Norman stated they could- and also stated the board could say no.

The Applicant was agreeable to put up some buffers. He wants everything to be done safely.

He stated he talked to the neighbors. There was a bit of an outburst as audience members stated they are neighbors and Mr. Sherwood had never attempted to speak to any of them. Mr. VanOrden stood up and yelled about several things. He thinks there are too many loose ends. Worried about RVs, fires, Veterans (not just Vietnam) what will they be doing? "Not just playing checkers".

Roger Dillon- 5856 Route 9- sworn in by Attorney Norman. He is a Veteran- thinks it's a really good idea- however He lives across the street and has seen everything go wrong with that property. He doesn't believe the campground will stay as proposed. He is against this application.

Ed Bourguignon- 1766 Route 542- sworn in- Asked if the property taxes will go down. They are not a non-profit. This will not be a tax-exempt property. Taxes will be paid.

Mrs. Dillon asked if they could be made to never in the future to receive a tax reduction based on the fact that this would be a not for profit operation.

Attorney Norman stated that legally he doesn't think that the board could make that a condition.

Mr. Sherwood stated that his property is beautiful. He wants to share it and is not looking for a tax reduction.

Emily Nogowski was sworn in. Stated that Mr. Sherwood's workers come on to her property. Mr. Sherwood stated he would put a fence up so this doesn't continue.

Random people started arguing about bringing sewer and water into the town.

Kelsey Barr- sworn in. Concerned that it will change to something else when the property changes hands.

Attorney Norman stated that he feels fairly confident that if the board approves this as an inherently beneficial use- that if they try to change it – it could require a new approval for any other use.

Any change of use- triggers a Site Plan.

Condition of approval- 'only for Veterans' or some other inherently beneficial use.

Bill Vanorden states walk the property- there are hunters back there. Concerned about shots. Thanksgiving Turkey shoots.

Mrs. Ruffo stated they will only be there during the Summer months.

Concerned a Veteran may wander off the property and get shot.

Someone asked if there will be a Lifeguard.

Tom Williams 9 S. Maple Avenue- sworn in. He can't believe that "shooting" is an issue- when the other neighbors all shoot on their property- how can it be restricted on "this" property? He believes this is an admirable and honorable thing that Mr. Sherwood is doing. He thinks it is a disgrace how Vietnam Veterans have been treated. ALL Veterans should be remembered. It will not affect any commercial properties in this town.

He states he could throw a party on his property for Veterans and no one can do anything because it would be free of charge. Mr. Sherwood is spending a ton of money to do it the right way and abide by township guidelines.

Barbara Allen Wooley Dillon was sworn in – 5856 Route 9. She listed her credentials. She has been a Licensed and Professional planner since 1998. Many other credentials were recited and she was accepted as a Professional Planner.

She had question about the proposed fencing. Since this was just discussed at the meeting tonight and not yet on the proposed plan, it was unsure of how many trees would need to come down.

She asked if the Applicant or Attorney was aware of any issues with the previous owner. She stated that the township had injunction against the previous owner. Attorney Norman stated that this did not apply to this application.

She has lived across the street for 20 years. Drunk driving on this stretch of road is common. Noise issues with previous owners.

Shared services for zoning officer- she stated on weekends that residents need to call the Burlington County Health Department for issues that occur on the weekend.

Asked if anyone was aware of the amount of fatal accidents in the last 10 years. She has seen at least 8 fatalities. It's the only passing section on Route 9. She went on about issues with previous owners at great length.

Asked for testimony about the width of the gate at the road. Concerned about traffic backing up onto Route 9 when more than one person arrives at the same time.

Questions wells to septic distance – The Professional for the Applicant stated that this would be an outside agency approval and they will comply with all guidelines. She was concerned that this was overlooked.

Concerned over the dwelling percentage allowed on this property. She states it is over the allowable.

Mrs. Dillon stated that this is NOT low intensity and it is not allowed. She read the code in the ordinance that defines Low Intensity. It was not stated as an approved use. She stated that it is an Intensive use. She states the notice in the paper is defective. Attorney Norman stated that the Notice was not misleading and everyone was aware what the notice was for and it was not defective.

She states this is commercial. 2 residential dwellings and 20 campsites. "It's not okay". 17.04.030 – is the code.

She asked if the Veterans could use other campsites.

Mr. Sherwood replied, yes they could. He wants them to "be with their own". They can go fishing, to restaurants etc. He is going to provide them with a list of activities in the area. Someone asked if they will be bringing boats to fish. No. No boats.

Mrs. Dillon asked if they were aware how many campgrounds there are in the area.

Mr. Sherwood thanked her for bringing up her concerns and stating them at the meeting. She asked not to be thanked as it is gratuitous.

She states it is not inherently beneficial.

Mr. Sherwood stated the campgrounds would charge the Veterans. Mrs. Dillon suggested he reach into his pocket and pay for them to camp at the existing campgrounds.

Mr. Sherwood stated that Mrs. Dillon does not want change.

She disagreed with the Township Engineers review letter on several areas and went over each one.

She said commercial uses do NOT work on this property.

She said this will be an Enforcement nightmare.

Again the Injunction was mentioned and she stated it cost the township \$30,000.00.

Because it is for Veterans, does not make it right.

She works 20 hours a day and hasn't had time to contact D.O.T. Regarding highway issues.

She will fight this application.

She wants her peace and quiet on her property that she didn't have when it was last a commercial use.

She states if this gets approved- she wants everyone on the Board's telephone number so that she can call them when things go wrong at 10:30 at night.

She asked about the LOI- 01.- Vernal pools –NJ Dep maps

02.- Endangered species

This is a DEP jurisdiction. It is not for this board to make a determination on this.

The conversation continued- and Mrs. Dillon stated that there are threatened and endangered species on this property.

Bill VanOrden stated that NOTHING positive will come out of this for this town.

Mr. Sherwood stated how nice the wall looks now that all the statues are down.

Glen Azzolino- 5859 Route 9. Shares the pond and has concerns. Mr. Sherwood stated that they will do whatever is legally possible to keep everyone safe. He stated he will have insurance on his property- just like everyone else does.

Ben Adams- Route 9- sworn in. Questioned the septic system. Size- large enough to handle the flow. Mr. Adams stated there are 4 or 5 septic systems on the property. The Professional stated there are 2 and will be a third one. It became argumentative. Mr. Adams asked how many septic systems are allowed on this property. The Professional stated as many as he wanted. Mr. Adams stated he is wrong. The professional stated that as long as they maintain proper separation distances and setbacks you can have as many as you want.

9:52 A motion to close the meeting to the public was made by Mr. Hazard and seconded by Mr. Neuweiler. All were in favor.

Closing statement by Mr. Cho- stating Mr. Sherwood could realistically have his family down tomorrow for a party and it would be essentially the same impact.

Attorney Norman stated this application will need 5 votes to pass.

Russ: No fencing – people wandering

Noise- No guns, no music- specify a time. Perhaps 8:00?

Mr. Neuweiler states the applicant should have an opportunity to address all the items brought up- and come back with an updated plan.

Attorney Norman stated that this can be 2 separate votes- one for the use variance and one for the site plan.

Mr. Hazard (campground owner) stated that the township has an ordinance and Mr. Sherwood would need to comply as all the other campgrounds do. He stated a lot of the issues brought up this evening are addressed in the township campground ordinance.

This application is going to be bifurcated- if variance gets granted it is subject to site plan approval.

10:03 A motion to vote on the use variance portion of this application was made by Mr. Hazard and was seconded by Mr. Crowley. Roll call was taken. Mr. Steele- no, Mr. Hazard- yes, Mr. Crowley- no, Mrs. Ruffo- no, Mr. Bien- yes, Mr. Neuweiler- yes, Mr. Bourguignon- abstained; Mrs. Verdine- vote is not eligible as 7 members voted. It was a

split 3/3 vote (with one abstention) and the application was not approved. They will not need to return for the Site Plan application.

10:00 Being no other business at this time -A motion was made by Mrs. Verdine to adjourn the meeting and it was seconded by Mr. Crowley. All were in favor and the meeting was adjourned.

Respectfully Submitted,

Elizabeth Godfrey
Planning Board Secretary