



# BASS RIVER TOWNSHIP

## (Burlington County)

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### *Bass River Township Planning Board Meeting*

*August 17, 2022*

The regular meeting of the Bass River Township Planning board was held on August 17, 2022 in-person only, Zoom call-in was not available. It was called to order at 7:04 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. Adams, Mr. Capriglione, Mr. Bien, Mr. Neuweiler, Mrs. Ruffo, and Ms. DeLois.

Mr. Christopher Norman attended as legal representative. Mr. Joe Gray attended as engineering representative.

The minutes of the reorganization meeting and regular meeting of July 20, 2022 were available for the board and the public.

Ms. Delois made a motion to approve the minutes and Mrs. Ruffo seconded the motion. The members were in favor with Mr. Capriglione abstaining, and the motion was passed.

Correspondence List was read by Mr. Bien.

#### **New Business:**

Application # 2022-03 Variance – Kraus Pole Barn at 17 South Maple Avenue (Block 8.1 Lot 14). Stephen and Megan Kraus were sworn in by Mr. Norman. The proposed pole barn will be 30' x 30' enclosed, with an additional 20' non-enclosed overhang area. It will initially have a dirt floor. The current house is approximately 850 square feet, 2 bedrooms. There are currently two “tented” carports separate from the house. Mr. Kraus stated that the driveway to the pole barn will be dirt and will be wholly on the owner’s property. Mr. Bien voiced concern over leaving enough setback off the property for fire trucks to have access between properties to the rear structures. Mr. Kraus stated that he has to build to the far left because of a leach field that the previous owner had built in 2017 as part of the home sewage system.

Mr. Gray noted that the lot size of 2.296 acres does not comply with existing buildable lot size of 3.2 acres, nor setback ordinances. The side yard ordinance is 20' and proposed setback is 4'. The rear yard is 25' and proposed setback is 20'. Also max fill is 20% and this structure would make it over 23% non-permeable fill. He noted that the enclosed section of the proposed 30' x 30' structure will be considered non-permeable once the roof is on, no matter what material is used as the flooring. Mr. Kraus stated that the current home was built in 1952, and Mr. Norman said it is an existing non-conforming structure, built before the current ordinances.

Mr. Norman noted aesthetics of building the pole barn similar to house. Mr. Kraus replied that he has plans to redo the outer covering of the house, at which time he will match the house and barn. Mr. Norman asked about screening between neighboring properties, and Mr. Kraus replied that as a landscaper, he wants to build an L-shaped planting as a privacy screen after the barn is complete.

Mr. Neuweiler noted that he drove past the property and saw a trailer parked on the neighboring Higgins property. He asked if they planned to turn the barn into a work shop, with plumbing. Mr. Kraus stated that he will only run electric, not plumbing. His intention is to store and repair his own equipment in the building and overhang area.

With several neighbors present at the meeting, **Mr. Neuweiler made a Motion to Open the Meeting to the Public at 7:18. Motion was seconded by Mrs. Ruffo.** All were in favor and the motion was passed.

Mr. Norman swore in Mr. Thomas Williams of 9 South Maple Avenue. Mr. Williams stated that he is aware that all the current lots are non-conforming due to pre-ordinance buildings, but his question was as to how high the proposed pole barn will be. Mr. Kraus replied that he had not measured overall, but the legs of the structure are 12'. Mr. Gray noted that the maximum allowable height is 35'. Mr. Kraus believes it will be well below that.

Mr. Norman swore in Mr. Edwin Truitt, Junior of 18 South Maple Avenue. Mr. Truitt said that the proposed pole barn will make the third structure apart from the house, and that there is a paved driveway to the existing two tent structures. He also said there is a lot of landscaping debris and that this is all on Mr. Williams' land. Mr. Kraus said that the land doesn't belong to Mr. Williams, and he admits he has expanded beyond his own property in trying to stay off his leach field. Mr. Williams stated that he is lienholder for that land, and he is in process of foreclosing, so the property will legally be his in the near future. Mr. Kraus said he will clear his items and the debris off of the neighboring property.

Mr. James Truitt said that he and Ed wouldn't mind if Mr. Kraus wanted to use his property to run a business. Mr. Gray responded that the property is not zoned commercial, it is residential, and a business is not allowed. Mr. Kraus reiterated that he only wants to store and do maintenance on his own personal equipment. He does not

intend to run a business out of his home, and he does not want customers coming to his home.

**7:23 PM** Mrs. Ruffo made a motion to close the meeting to the public, it was seconded by Ms. Delois, all were in favor, and the motion was passed.

Mr. Norman suggested that requirements be worded into the variance approval for usage to be only for residential storage purposes, and not for a work shop. Also that everything is to be cleaned off of neighboring properties that are currently being encroached upon. He went over the side and rear setbacks and the non-permeable coverage being over 23%. There will be electricity to the structure, but no plumbing. Mr. Gray reminded the Krauses that there is no drainage planned for the proposed structure, so there can be no water supplied. Mr. Neuweiler stated that the importance of adding these limitations to the variance in writing are to set a precedent for future buyers, to make it clear that these issues are important.

A motion to do a roll call vote to grant approval for setback variances for the residential pole barn to be used for accessory purpose only, electric supply with no water, with additional requirement to remove any structures encroaching on adjacent lots 15 and 21 was made by Ms. Ruffo and seconded by Ms. Delois.

Mrs. Adams, Mr. Capriglione, Mr. Bien, Mr. Neuweiler, Mrs. Ruffo and Ms. DeLois voted in favor. The variance was passed. Planning Board will do a written Resolution memorializing this decision at the next meeting on September 21, 2022.

Mr. Norman stated that a permit to build can be applied for after the Resolution. He then advised of the risk that anyone from the public legally has 45 days to challenge the Resolution, and if they were to win in court, the pole barn would have to be removed. Mr. Kraus did not want to wait until winter to start building, and Mr. Norman said that is fine, as long as they know the legal risk of doing so.

Mr. Neuweiler added that he would like them to think about the fire access.

### **Informal Business:**

1. Tom Holloway is interested in purchasing Block 56 Lot 15 (94 West Road). It currently has an old house. His plan is to demolish the house and build new. He would like to know steps he needs to take, whether current building is historical, will Pinelands need to be involved, any restrictions on new house? Mr. Holloway was not present. Planning Board Secretary Laura Moyer said that Mr. Holloway had been contacting other officials directly about his questions, so he may have resolved them.
2. James Maffia owns Block 56 Lot 50.B, a 1-acre lot on Rt 9 and (unofficially named) Church Street. He has not been able to build on it for 30 years. Will he be able to build after the new zoning changes? Mr. Maffia was not present, but

Ms. Moyer said she would relay the answers to Mr. Maffia by telephone. Mr. Norman said it will depend on what he wants to build. At this time, the buildable lot size is 3.2 acres, but yes, the new ordinances will lower that to 1-acre for buildable. He advised that Mr. Maffia might ask the owner of the neighboring lot to sell some property to him to meet the required setbacks. If that request is denied, Mr. Maffia could apply for a variance under undue hardship that there is no buildable land to purchase.

**Old Business:**

- Board discussion for zoning changes – Engineers update.  
Mr. Gray said we are still waiting for the Pinelands Commission to complete their review prior to approvals.

**7:40 PM** A motion to open the meeting to the public was made by Mr. Neuweiler and was seconded by Ms. Delois. All were in favor and the motion was passed.

- Patrick Spagnola asked about building setbacks in the Village Commercial zone. Mr. Gray read them off of the ordinances sheet, and he provided a copy of the ordinances sheet to Mr. Spagnola to take with him.

**7:45 PM** A motion to close the meeting to the public was made by Ms. Delois, and it was seconded by Mrs. Ruffo. All were in favor and the motion was passed.

**7:46 PM** Being no other business at this time, a motion was made by Mr. Neuweiler to adjourn the meeting, and it was seconded by Mrs. Adams. All were in favor and the meeting was adjourned.

Respectfully Submitted,



Laura Moyer  
Planning Board Secretary