

**BASS RIVER TOWNSHIP  
PLANNING BOARD  
MINUTES OF AUGUST 16, 2023**

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**FLAG SALUTE AND MEETING CALLED TO ORDER**

The flag salute and the meeting were called to order at 7:00 p.m., by Russell Bien, Chair.

**OPEN PUBLIC MEETINGS ACT – SUNSHINE LAW**

The meeting of the Bass River Township Planning Board was held in conformance with provisions Open Public Meetings Act, with notice transmitted to the Municipal Clerk, posted in the Municipal Building, and appearing in The Atlantic City Press, The Beacon Newspaper and The Burlington County Times. Read by, Russell Bien, Chair.

<b>ROLL CALL</b>	<b>PRESENT</b>	<b>ABSENT</b>
Deborah Buzby-Cope	X	
Nicholas Capriglione	X	
Russell Bien, Chair	X	
Cindy Ann Ruffo, Vice Chair.	X	
Robert Neuweiler		X
Richard Steele	X	
Mary Delois		X
Winfield G. Allen. Jr.		X
Abigail C. Spagnola		X
Bonnie J. Adams	X	

**PROFESSIONALS**

Solicitor	Christopher J. Norman, Esquire	The Platt Law Group
Engineer	Robert Romano, P.E.	Owen, Little and Associates
Secretary	Laura Moyer	

**APPROVAL OF MINUTES**

July 19, 2023 Minutes approved.

Motion to approve the minutes was made by Ms. Ruffo and seconded by Mr. Capriglione. All were in favor and the motion was passed.

**NEW BUSINESS:**

- Resolution # 2023-03
- Thomas Gormley - 9 Adams Avenue, Block 54, Lots 29 and 29.A.
- Variance on garage setback.

Motion to adopt Resolution 2023-03 was made. All were in favor and the motion was passed.

## **INFORMAL BUSINESS**

- Application 2023-02
- Mark Nocco of Patriot Gaming & Electronics, Inc., Block 6, Lot 10.
- Warehouse expansion is on hold for Pinelands Certificate of Filing. In working with the Pinelands Commission, (PC), Mr. Nocco was made aware that PC approvals are required for some development on the property, and PC wants this addressed prior to their approval. PC wants stormwater data on the asphalt driveway and permits for an accessory building on the property.
- Mr. Nocco said that the former driveway was never “crushed concrete” as described on old site plans. It was broken up lumps of concrete, and it presented a safety hazard to his employees and vehicles, so he had it paved in 2011. He did not know he needed a permit or PC approvals to pave a driveway.
- Mr. Norman said homeowners are usually allowed by PC to pave their driveway due to the small amount of ground that is used, but PC is stricter on commercial use property. Although Mr. Nocco’s property is in a Village Residential Zone, it is an acceptable conforming use as a commercial business, as per a letter from Bass River Township Construction Official John F. Ewert, III from June 18, 2009.
- Mr. Bien asked about septic requirements.
- Mr. Nocco said that he has one bathroom and 4 employees who are only there during work hours, so the septic system easily meets their usage requirements.
- Mr. Nocco noted that the previous owner sold insulation and had 50-gallon drums of chemicals that were stored in a small accessory building which was on the property before he purchased it. Neither Bass River Township nor Little Egg Harbor Township (LEHT) have permits on record for that building, and now PC wants him to take responsibility to get permits after the fact.

## **OLD BUSINESS:**

- Ms. Buzby-Cope provided an updated report that the Master Plan Reexamination Report and matching ordinances were approved at the July 10, 2023, Commissioners Meeting.
- The Pinelands Commission is expected to approve them soon.

## **PUBLIC COMMENT**

A motion to open the meeting to the public was made by Ms. Buzby-Cope and seconded by Mr. Capriglione. All were in favor and the motion was passed.

### **Chris Penella - Munionfield Road**

- Asked why we are subjecting everyone in Bass River Township to Pinelands Commission (PC) oversight and regulations.
- A lengthy discussion between Mr. Penella, Ms. Buzby-Cope, Mr. Norman, Mr. Bien, and Ms. Adams ensued. Originally, all the surrounding municipalities were also under PC designation. Towns wanted out, so an agreement was made for PC to have oversight over all land west of the Garden State Parkway, and not to the east of it. That freed up most other towns, including Manahawkin, but Bass River only has a small portion east of the GSP, so we still fall under their oversight.
- Every 10 years when we review the township Master Plan, we ask to be relieved, and we are denied. Since PC is a federal program, it will take an Act of Congress to approve the

change. In the meantime, we are required to align all township ordinances that come from our Master Plan Review with PC's Comprehensive Management Plan (CMP), which strives to maintain environmental protection for all water and land within their district, and although our zones are not all designated as "Pinelands," most of our township still falls under their authority.

#### **Thomas Sherwood - 5847 Route 9**

- Noted that he previously applied for a variance to have a campground on his property, and during the process, his lawyers were told by PC that his property is not in a Pinelands Zone. Ms. Buzby-Cope agreed that Tom's Retreat and many other township properties are not coded as "Pinelands Zone," however, our township's Master Plan must comply with PC's CMP. It streamlines any development if our own ordinances are already in compliance, so that each property owner does not have to individually submit their development plans to the Pinelands Commission. If they comply with township ordinances, they are assumed to be in alignment with PC's state and federal regulations.

#### **Timothy Bush - North Maple Avenue**

- Said that it is very confusing to get something done when we must go back and forth between Bass River, LEHT and PC. LEHT treats us like we are a bother to them, and it feels like we get a run-around because things are not the same at all three places, and it is difficult to work with multiple points of contact saying different things for construction permits. He said he does not need them to act "nice," he wants them to be fair and the same for everyone. Ms. Buzby-Cope said that is the main reason we have worked so long and hard at coordinating our ordinances and Master Plan with the CMP. We had to clean up a lot that did not match, like simple setbacks in each zone were all over the place. We hope the new ordinances and MPRR will simplify for everyone Bass River, LEHT and PC.

#### **Chris Penella - Munionfield Road**

- Mr. Penella suggested our ordinance of 5' seasonal high for septic and no new mounted (above ground) septic systems should comply with the rest of the State of New Jersey, which is 4'.
- Ms. Buzby-Cope said that can be addressed by an amendment to the ordinances once they are approved and in place. There is a process to be followed, but it can be brought before the Commissioners.

#### **Rick Adams - Lovelands Lane**

- Asked if there is any current ordinance about storage containers on properties.
- Ms. Buzby-Cope said there is an ordinance about agricultural containers.
- Mr. Norman stated that unless it is expressly allowed by ordinance (such as the named agricultural containers), it is not allowed (such as sea containers). Containers are mobile and temporary. If they are there for a long time, they will be considered permanent and must be approved.
- Mr. Adams asked whether there is anything in current ordinances about blacktopping driveways.

- Mr. Norman said if you pave at your residence, PC usually allows it because it will not disturb much land, but if it is commercial or a development with multiple homes, the multiple driveways would trigger stormwater regulation requirements.
- Ms. Buzby-Cope said that since Stormwater regulations started about 5 years ago, every year there have been more mandatory requirements added. For example, they recently told Bass River that we are required to provide a street sweeper, which would have cost us over a million dollars. We were able to be relieved of that requirement, but the mandatory requirements continue to grow. She said that everyone in the state is now considered “Tier A” and required to meet the standards for that level.

**8:03 p.m.**

A motion to close the meeting to the public was made by Mr. Capriglione and seconded by Ms. Ruffo. All were in favor and the motion was passed.

**8:03 p.m.**

Being no further business, a motion was made to adjourn the meeting by Ms. Buzby-Cope and seconded by Ms. Adams. All were in favor and the meeting was adjourned.

Respectfully Submitted,

*Laura Moyer*

Planning Board Secretary