

**BASS RIVER TOWNSHIP
PLANNING / ZONING BOARD**

**APRIL 17, 2024
MINUTES**

CALL TO ORDER AND FLAG SALUTE

The meeting was called to order by Chair Ruffo at 7:16 p.m., followed by the flag salute.

OPEN PUBLIC MEETING ACT - “SUNSHINE LAW”

Chair Ruffo read the Open Public Meetings Act Statement into the record.

This meeting of the Bass River Township Planning Board is being held in conformance with the Open Public Meetings Act. This notice was published in The Atlantic City Press and The Beacon on **December 30, 2023**. This Notice given to the Municipal Clerk, posted on the bulletin board in the Municipal Building and the Township website.

RECORD OF ATTENDANCE

MEMBERS	PRESENT	ABSENT
Deborah Buzby-Cope		X
Nicholas Capriglione	Attended for quorum only	
Cindy Ann Ruffo	X	
Robert Neuweiler	X	
Richard Steele		X
Mary Delois	X	
Winfield G. Allen, Jr.		X
Abigail C. Spagnola		X
Bonnie J. Adams		X
Carrie Crowley	X	

Planning Board Attorney Christopher J. Norman, Esquire - The Platt Law Group
Planning Board Engineer Absent
Planning Board Secretary Natalie Lewis

**COMMISSIONERS ATTENDANCE AT THE
MARCH 24, 2024, PLANNING BOARD MEETING**

Since the development application involves a “D Variance,” the Commissioners on the Joint Land Use Board were not statutory eligible to participate in the application. Accordingly, the Commissioners did not appear at the public hearing on the Maple River LLC development application.

APRIL 17, 2024 - ROLL CALL

Commissioner Nicholas Capriglione attended roll call solely to open the meeting for quorum purposes only. Mr. Capriglione left the meeting immediately after roll call - 7:20 p.m.

Mr. Norman explained:

- This is a combined Land Use Board which means you hear Planning Board applications where the use is permitted and D variance applications where the use is not permitted.
- Towns have a separate board; a zoning board and a planning board.
- The Commissioners are the members of the governing body and do not sit on the zoning board. The Commissioners only sit on the planning board.
- When there is a “D” variance application before a joint land use board, the two Commissioners must step down. They are not allowed to sit on the application, and it becomes seven members only board.
- Maple River, LLC is a “D” variance application and that is why the Commissioners cannot participate.
- A total revamping of the zoning ordinance was passed in 2023.
- The old zoning ordinance contained no provision, allowing approval of use variances to be appealed to the Commissioners.
- For the Commissioners to hear an appeal, there must be an ordinance in place.
- Clarification - the board voted on the application. The decision on the merits of is final.
- This meeting is for the board to memorialize its decision by resolution; and is strictly administrative. This meeting is not a second public hearing to reconsider the original vote. The resolution of the Board shall contain a statement of the Board's findings of fact and its conclusions from the Board's decision.
- A resolution is the written reasons in which the board has decided and voted. It is a collective decision, not a single board member decision.

Nonconforming Use means a use or activity that lawfully existed prior to the adoption, revision, or amendment of an ordinance but that fails to conform to the current requirements of the ordinance.

“D” Variance refers to MLUL Section 40:55D-70.d which allows the granting of use variances, nonconforming use variances, conditional use variances, and floor area ratio, density, and height variances. Applications for “D” variances can only be reviewed by the Zoning Board of Adjustment.

RESOLUTION(S) TO BE MEMORIALIZED

- Maple River, LLC
11 North Maple Avenue - Block 56, Lots 36 and 37

Use Variance Approval and Preliminary and Final Major Site Plan Approval to Permit Renovation of Former Public Elementary School to Private Religious Boarding School with Dormitories and Use Restriction of 35 full-time students, 7 day-time students and 3 staff.

Motion to grant Resolution 2024-10
Moved by: Neuweiler Second by: Crowley
Aye: Ruffo, Neuweiler, Delois, Crowley
Nay: None
Abstained: None.
Absent: Cope, Capriglione, Steele, Allen, Spagnola, Adams
Motion: Carried.

MINUTES FOR APPROVAL

Approved Minutes for: March 20, 2024

Moved by: Delois Second by: Neuweiler
Aye: Ruffo, Neuweiler, Delois, Crowley
Nay: None
Abstained: None.
Absent: Cope, Capriglione, Steele, Allen, Spagnola, Adams
Motion: Carried.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Chair Ruffo opened the meeting to public comment, with three minutes per comment.

Adams – 20 Lovelands Lane

- Stated that the board approved minutes that were to have a correction as requested via email by his wife Bonnie J. Adams, who is a current planning board member (who did not attend this meeting). He asked Secretary Lewis if the corrections were made.
- Chair Ruffo explained that Ms. Adams was asked to bring the matter up to the board.
- Mr. Adams stated that Ms. Adams brought the matter to Secretary Lewis.
- Secretary Lewis stated that Ms. Adams did make a request and Secretary Lewis replied to Ms. Adams via email that she (Ms. Adams) must make such request at the meeting and bring it before the entire board so that the request is made on record; however, Ms. Adams did not attend this meeting to make such request on record.

Mr. Norman explained:

- Definition: Minutes are a requirement under Open Public Meetings Act. (OPMA). N.J.S.A. 10:4-14. Minutes of meetings; availability to public Each public body shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with section 7 of this act.
- Meeting minutes are important because they are used to document the key issues raised during a meeting. Effective minutes can state the approaches that were proposed to solve a particular problem. Minutes have no legal significance, and the only use of minutes is for political reasons.

- If Ms. Adams can identify and specify the inaccuracy of the minutes, the change must be requested at a meeting on record so amended minutes can be made and the Board can make the decision and vote.
- March 20, 2024, minutes at present day stand as approved as written and submitted with motion carried.

Mel R. – N. Maple Avenue

- Asked for confirmation that if the applicant should need to make another application they must come before the Board. Confirmation was made that should there be any further changes than what is granted, the applicant must make application before the Planning Board.
- Made inquiry as to the students of Maple River: once they become of age to vote have with established residency; is there a possibility of someone can run for election.

Mr. Norman explained.

- It is unlikely as the students have parents will want to keep them on their tax return.

Stacy T. – Stage Road

- Confirmed that an appeal does not come to the municipality; the appeal must go to New Jersey Superior Court.
- If an appeal is made and overturned, asked if the Board would have to comply.

Mr. Norman explained.

- An appeal must go to New Jersey Superior Court.
- The Board would have to comply with the New Jersey Superior Court.
- If a Court overrules an approval, then it depends on what outcome; the court can rule to be remanded back for further hearings.
- The Court could reverse the Board's approval and the applicants are left with nothing to sue, because the decision would come from a Court not from the Board.
- The Planning Board can only consider land use.
- An inherently beneficial use is a use that promotes the general welfare of the community. These uses are of universal value needed by the community. Examples are hospitals, schools, child-care centers, etc.
- Religious Land Use and Institutionalized Persons Act – The land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws (for information on RLUIPA's institutionalized persons provisions).
- <https://www.justice.gov/opa>
- <https://www.justice.gov/crt/place-worship-initiative>

William V. – Route 9

- This is not the same town it was 20 years ago.
- Should an applicant choose to expand a population, does an applicant have to go before the board.

Mr. Norman explained:

- The applicant must come before the Board with a new application.
- Burlington County Health Department and the Pinelands Commission have authority over the septic system approvals.
- Applicant agreed to submit to inspections of the Septic System on an annual basis, as opposed to every three (3) years as required by Section 17.20.190 of the Bass River Township Code.

PUBLIC COMMENT

Motion to close: Moved by: Neuweiler Second by: Crowley
 Aye: Ruffo, Neuweiler, Delois, Crowley
 Nay: None.
 Abstained: None.
 Absent: Cope, Capriglione, Steele, Allen, Spagnola, Adams
 Motion: Carried.

DISCUSSION

Abrams

- 2 Residential Property (1 - 4 Family)
- 246 Route 679 / Block 64, Lot 4 and 5
- Resident seeks to adjust property lines between two adjoining lots.
- Zoning and Planning Board information was provided.

MOTION FOR ADJOURNMENT

Meeting adjourned: 7:57 p.m.
 Moved by: Crowley Second by: Neuweiler
 Motion: Unanimously carried.

PUBLIC NOTICE - Next scheduled meeting is: May 15, 2024 - 7:00 p.m.

Respectfully submitted,

Natalie Lewis

Natalie Lewis
 Planning Board Secretary