



BASS RIVER TOWNSHIP

Burlington County – New Jersey
3 North Maple Avenue - Post Office Box 307
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WILLIAM “RICK” ADAMS
MAYOR

LOUIS BOURGUIGNON
DEPUTY MAYOR

JANE ALLEN
COMMISSIONER

JENNY GLEGHORN
TOWNSHIP CLERK

LAND USE BOARD RESOLUTION 2025-9

BRETT C. NICKLOW AND SARAH E NICKLOW 3 NORTH MAPLE AVENUE - (BLOCK 54, LOT 1) MINOR SITE PLAN WITH BULK VARIANCE APPROVAL

WHEREAS, an application was submitted by Brett Nicklow for Minor Site Plan Approval with Bulk Variance Approval to permit retail sales within an existing 160 square-foot metal retail sales building with accessory 64 square foot storage shed and 20 square foot cooler box on real property, located at 3 North Maple Avenue, more particularly described as Block 54, Lot 1 as shown on the Tax Map of the Township of Bass River Township; and,

WHEREAS, a public hearing to consider the application was held on August 20, 2025, in accordance with public and personal notice requirements of the Township’s Zoning Ordinance and *N.J.S.A. 40:55D-12 et seq.*; and

WHEREAS, the following exhibits were entered into the record:

- A-1 Land Use Application Form, dated June 10, 2025;
- A-2 Minor Site Plan/Survey, prepared by William P. McManus, P.L.S. of Duffy, Dolcy, McManus and Roesch, last revised to 6/5/25; and
- A-3 Report of Land Use Board Engineer, Own Little & Associates, Inc., dated July 28, 2025, consisting of three (3) pages; and

WHEREAS, after hearing and considering the testimony of Applicant and after considering the report and testimony of the Land Use Board Engineer, the Land Use Board finds as follows:

1. Applicant requests Minor Site Plan with Bulk Variance Approval permit retail sales within an existing 160 square-foot metal retail sales building with an accessory 64 square foot storage shed and 20 square foot cooler box. Two retail sales activities are proposed on Applicant's 0.51-acre lot, including a crab stand for the retail sale of crabs, oysters, and clams, and the seasonal retail sale of Christmas trees, pumpkins, and corn stalks. The subject property is located in the Village VC Zoning District, which requires a minimum lot size of 1.0 acres and permits the two proposed retail sales businesses. The subject property is located at the intersection of Maple Avenue and New Jersey State Highway Route 9 (New York Road).
2. Applicant requests bulk variance approval since the lot is undersized (0.5 acres existing/proposed; 1-acre required). No other bulk variance relief is requested.
3. Brett Nicklow testified that he has been operating the proposed retail sales at the site for three (3) years without incident. The crab shack business would be open during the summer season from Wednesday to Sunday from Noon to 8 PM. The seasonal sales of Christmas trees (in winter) and pumpkin and corn stalk sales (in fall) would be seasonal and open during the same business hours as the crab shack. There is only one employee for the business. Mr. Nicklow testified that there is ample area to park on the lot, which could accommodate approximately 10 motor vehicles, and that peak usage for customer parking over the last three (3) years has been 6-7 vehicles. Applicant will provide private trash service with a dumpster on the property that is picked up every Wednesday.
4. The Land Use Board Engineer reviewed his July 28, 2025 report and recommended that Applicant submit a conformance plan for his review and approval showing: a) the location of the proposed dumpster; b) the location of any lighting fixtures, on timers, that shall not

exceed 0.5 footcandles; c), conforming signage; and d) the location of sight-triangles.

Applicant agreed to these recommendations.

5. Applicant must also obtain any required outside agency approvals from the New Jersey Department of Transportation, Burlington County Planning Board (for Maple Ave frontage), Burlington County Department of Health (for well and septic), Burlington County Soil Conservation Service and the New Jersey Pinelands Commission (no call-up letter).
6. In support of the bulk variance relief, Applicant indicated that the lot is undersized and relief should be granted based on undue hardship. Regarding the negative criteria, Mr. Nicklow indicated that the retail businesses have operated on site for three (3) years without incident and are a permitted use in the VC Zone District.
7. Based upon the foregoing, the Land Use Board finds that Minor Site Plan and Bulk Variance Approval should be granted for the reasons set forth above.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Township of Bass River that the within application for Minor Site Plan and Bulk Variance Approval to permit retail sales, as set forth above, is hereby granted subject to the following conditions:

1. Applicant shall pay all taxes, fees, and required escrow deposits that may be due and owing.
2. Applicant shall comply with the recommendations set forth in the July 28, 2025, report of the Land Use Board Engineer.
3. Hours of operation for the two retail businesses shall be limited from Noon to 8 PM.
4. Applicant submits a conformance plan to the Land Use Board Engineer for his review and approval showing: a) the location of the proposed dumpster; b) the location of any lighting fixtures, on timers (if possible), that shall not exceed 0.5 footcandles; c), conforming signage; and d) the location of sight-triangles.

5. Applicant shall obtain any required outside agency approvals, including and not limited to, New Jersey Department of Transportation, Burlington County Planning Board (for Maple Ave frontage), Burlington County Department of Health (for well and septic), Burlington County Soil Conservation Service, and the New Jersey Pinelands Commission (no call-up letter).

- A motion was made and seconded to approve this Resolution.

- Motion: Turlish
- Seconded: Adams
- Yes: All present voted in favor of the motion.
- Motion: Carried

BOARD MEMBERS	Yes	No	Abstain	ABSENT
1. William "Rick" Adams	x			
2. Jane Allen	x			
3. Cindy Ann Ruffo	x			
4. Robert Neuweiler	x			
5. Richard Steele	x			
6. Stacy D. Turlish	x			
7. James McGettigan	x			
8. Barbara Dillion	x			
9. Malinda Fritz				x
10. John Ewert	x			
11. Carrie Crowley	Does not vote		x	x

Date: September 17, 2025

TOWNSHIP OF BASS RIVER
LAND USE BOARD

ATTEST:

Natalie Lewis
SECRETARY

Cindy Ruffo
CHAIRPERSON