

PLANNING BOARD MINUTES

July 8, 2024

On the above date Planning Board Chairman Barry Horas called the meeting to order at 7:00 PM. After the Flag Salute he made a statement in compliance with Sunshine Law.

Roll Call

Members Present: Mayor Niki Giberson, Robert Haviland, Barry Horas, Joe Martin, Donna Riegel, Paul Smisek and Building Official Rich Stevens.

Board Attorney Joe McGroarty and Board Secretary Vicki Cantell

Absent: Kathy Brady, Gail Haviland and Bill Montag

Minutes – Paul Smisek made a motion to accept the minutes, Joe Martin seconded, carried unanimously to accept the minutes of June 10, 2024.

City Council Report – Councilperson Donna Reigel noted that the paperwork and deed to transfer the old firehouse to the Heritage Society for \$1.00 has been completed. Transfer will not take place until the liability insurance for the property is in place.

Mayor Niki Giberson stated that Port Day was very successful. The food trucks worked out extremely well and everyone had a great time.

NEW BUSINESS – Block 15 Lot 2 Blueberry Hill Campground

Barry Horas recused himself from this application.

Tom Darcy appeared as an attorney and planner. He and campground caretaker Robert Gubina were sworn in.

Mr. Darcy stated that the application was for an interpretation of an accessory use for the caretaker building. The property consists of 25+ acres and has a two-story duplex on site. The age of the building is unknown but appears on an aerial photo in 1959. The property was sold in 1977 and the use of the caretaker building discontinued due to its poor condition. The intention was to eventually rehab it. Mr. Darcy stated that this has always been the intention. Bill Johnson, Assessor, was contacted to confirm the tax status. He stated that the building is and has been taxed as a residence. The owners never requested it be “abandoned.” As this building has existed and been taxed as a residence from 1977 to the present it is and continuous incidental use.

This property shows on the PVR (Pinelands) map as campground which is a permitted use. Pinelands and the state require that all campground should have a caretaker. While the caretaker is not required the wording encourages the caretaker be on-site. The Board of Health agrees and allows for year-round habitation and recognizes them as a resident of the town.

There is legal precedent showing that accessory uses in zoning codes is not limited to those listed. The State of New Jersey states that just because a use is not mentioned it does not

preclude it as an accessory use. Customary use is also covered by law and residential use is incidental to the property in campgrounds. A caretaker on-site is significantly better for safety and a quicker response time in emergencies.

The intent is to have a three-bedroom HUD certified manufactured home on the site. HUD manufactured home have been recognized for forty years and cannot be denied. Rich Stevens stated that he recognized this and had no problem with proposed home.

Robert Gubina stated that he lives an hour away and has had to respond to multiple issues including electrical problems and unauthorized people in the campground in the off season. Being on-site would improve safety and allow him to respond quickly to any problems. He plans on living there year-round with his family.

Donna Riegel asked if this is approved would the zoning code need to be changed. Attorney Joe McGroarty stated that it would not affect the code as it would be a continuing use. Paul Smisek asked for clarification of accessory use of a home at a campground and received same.

Matt Doran, City Engineer, stated that Mr. Darcy had covered all his concerns and he agreed with the information presented.

The continuous use meets the accessory use requirements of the City and Pinelands. On the motion of Donna Riegel, second of Bob Haviland and carried by unanimous roll call vote to approve the Continuous Accessory Use with Barry Horas abstaining.

OLD BUSINESS

The addendum to the May 13th minutes noting the Bridge application conditions was approved.

OPEN TO THE PUBLIC – Chris Stankus appeared to express his on-going issue with water draining from Blueberry Campground onto his property. He noted that they had placed dirt along the property line but it just washes away and hasn't solved the issue. He asked if the Board could help in this matter. Unfortunately, this could not be addressed in this application. It was suggested that he bring the issue to City Council.

CORRESPONDENCE – Notification of Waterfront Development Permit for proposed relocation of existing stormwater outfall pipe.

BILLS – On the motion of Paul Smisek, second of Mayor Giberson carried by unanimous roll call vote to pay the secretary.

ADJOURNMENT – On the motion of Paul Smisek, second of Donna Reigel and carried unanimously to adjourn the meeting at 7:53 PM.

Respectively submitted,

Vicki L. Cantell, Board Secretary