

**Planning/Zoning Board  
TOWNSHIP OF GREENWICH  
REGULAR MEETING  
Monday, May 3, 2021 at 7:30 P.M.  
GoToWebinar Electronic Meeting due to COVID-19**

**I. Meeting called to order & Open Public Meeting Act:**

The regular meeting was called to order by Renée Brecht-Mangiafico, Secretary acknowledging as required by the Open Public Meetings Act, that “adequate notice of this meeting was provided in compliance with the Open Public Meetings Act by notifying South Jersey Times on January 26, 2021.”

**II. Roll Call:**

**Present:** Ms. Watson, Mr. Ivanick, Mr. Henry, Mr. Mangiafico, Mr. Lamanteer, Mayor Reinhart, Mr. Pisarski, Ms. Bacon, Mr. Riley

**Absent:**

**Also present:** Mr. DeSimone, Solicitor and Renée Brecht-Mangiafico, Secretary  
Public: Joan Berkey, Jim Caruluzzo, Taylor Hayes, Karen Gifford, Scott Gifford, Mark Waller

**III. Approval of Minutes:**

Minutes to be presented next month.

**IV. Historic District Research Project**

Ms. Berkey updated the board on the progress of the historic district research project. The report is attached as part of the official record.

Mr. Ivanick made a motion to accept the report into the minutes; Mr. Mangiafico seconded the motion; all were in favor.

**V. Applications:**

• **Waller, 999 Ye Greate Street**

Ms. Brecht-Mangiafico clarified that Mr. Waller does not have an application pending. He is attending informally as he has further questions regarding the process.

Mr. Waller inquired as to the setback requirement of 15', which would put him in the middle of his septic bed. He has an existing lean-to, and would like to know if he can build off of that and close it in. Ms. Watson confirmed that he would still require a setback variance, to apply and notify neighbors to make sure there are no objections.

Per Mr. DeSimone, his recommendation is to speak with a land use attorney regarding his goals. He will need to examine questions such as is existing lean-to a preexisting non-conforming use; did it have prior approval; what is the use; where does it fit (or not fit) within the municipal ordinances. If it is preexisting but he would like

to change it, and it affects the setback, he will need to send official notice to neighbors alerting them to proposed change. If heard and no objections, and the Board will vote on it.

Mr. Waller expressed concerns that in the interim, his equipment is exposed to the weather. Mr. DeSimone stated that such issues can take time to address but can likely be done within 30 days and must follow due process.

Mrs. Morgan Waller asked if the 15' setback is due to the historic district; Ms. Watson replied that it is due to the historic district area. Mrs. Morgan noted that the house had been moved twice and is not in the historic register. Ms. Watson explained that because the house is in the historic district, it is subject to Historic Conservation Zoning.

Mayor Reinhart requested clarification as to which property this was. Mr. Waller asked if the ordinances remain the same if a new shed were put in place; Ms. Watson and Mr. DeSimone responded affirmatively.

Mayor Reinhart noted that a house on Bacons Neck Road recently brought in a shed that sits 2'-3' off the property line and expressed concern that there be consistency in handling such situations. Ms. Watson responded that the situation mentioned is scheduled for later in this meeting.

Mrs. Waller noted that she was aware of the house on Bacons Neck Road, and felt the need for consistency, especially since their building is necessary for their livelihood.

Ms. Watson explained to Mrs. Waller that the Board is not telling them that they cannot do it; only that they must apply for a variance. Mrs. Waller questioned properties that are not following the rules. Ms. Watson explained that everyone is being asked to follow the same rules. Mr. DeSimone added that the Planning Zoning Board does not have the authority to enforce ordinances.

Mr. Waller asked what the variance entails. Mr. DeSimone suggested he contact the Cumberland County Bar Association for suggestions for a land use attorney.

Mr. Henry noted that no matter the zoning district, there are limits as to how close you can build to the property line. In Greenwich, that distance is the smallest in the Historic District. The zoning ordinance recognizes the small sizes of the properties in the historic district.

Mr. Ivanick asked for clarification as to the setback of the lean-to; Mr. Waller responded 3 to 5 feet. Mr. Henry noted that variances for setbacks have been granted previously for several locations on Bacons Neck Road, and that variance requests are often granted once people go through the process if there are no objections from neighbors.

Mr. Waller stated that he will put together everything and come back to the board.

- **Gifford, Bait Box**

Mrs. Brecht-Mangiafico received the site plan earlier today and forwarded to the Planning and Zoning Board. She had email correspondence with the Giffords and reassured them that there was no presentation needed; that the previous meeting Mr. Lamanteer was asked to check on the property to see what the status of the Bait Box was.

Mr. Lamanteer stated that Mr. Gifford had called him in October 2020 and applied for a zoning permit for a 30'x50' open canopy for eating purposes, as has been common during Covid-19. Mr. Lamanteer felt it was a proper use and did not require a site plan (although Mr. Gifford had provided him with plan for review). Mr. Lamanteer gave him a zoning permit, and Mr. Gifford pulled all of his construction permits and began work. It is not on a county or township road. Mr. Lamanteer did not ask Mr. Gifford to attend; he forwarded the email sent to him from Mr. Pisarski at the County. The construction is mostly done but he does not have final inspections, until the Planning Board decides if there is anything needed on their end.

Mr. Riley sees no issue in giving final inspection if all requirements have been met, noting that it cannot be used until it is signed off on. Mr. Lamanteer noted that the Construction Department is holding up final inspections as a courtesy to the Planning Zoning Board, and that from their perspective the applicant has met all of the requirements. Mr. Lamanteer is unsure why the County is involved as it is not on a County road.

Mr. DeSimone asked if there were any notifications to the State for environmental concerns. Mr. Lamanteer noted that it is not new nor is it an expansion; it is an open canopy. Ms. Watson noted that it is now a permanent structure. Mr. DeSimone is unsure if there are any riparian right concerns, which would be the State, not the Planning Zoning Board. Mr. Ivanick noted that the site plan shows 60' from the river. Mr. DeSimone noted that a resolution should include verbiage that it is subject to any State approvals. Ms. Watson asked if a resolution were needed. Mrs. Brecht-Mangiafico that the municipal CFO had informed her that the Planning Zoning Board should not pass resolutions unless there has been an application that has triggered an escrow that will pay the associated professional fees. Mr. Riley asked why an application would be needed for a final inspection, which was echoed by Mayor Reinhart. Mr. Desimone suggested that it be reflected in the minutes that this construction is not subject to a resolution, and meets all permit requirements, and that the Board trusts that all State requirements to riparian rights, wetlands requirements have been met.

Mr. Gifford appreciated the review; he will look into any potential environmental concerns. His goal is Memorial Day. He is trying to follow every procedure. He has the original site plan from Fralinger Engineering and is following every regulation that he is aware of. He appreciates the Board's support. Mayor Reinhart asked if there would be an escrow to cover; Mr. DeSimone explained that only those with formal applications require a resolution that is covered by escrow.

Mr. Henry noted that if the applicant were ever to put in an application to close in the structure, then it would be important to note that it is in a flood plain.

- **Hayes, 28 Bacons Neck Road**

Per Ms. Watson, Mr. and Mrs. Hayes will need to make a variance for setback under hardship, due to the proximity of the septic system.

Mr. Hayes asked what the procedure was for obtaining a variance. Ms. Watson stated that a formal application for a variance would be required. Mr. Lamanteer told them to contact Mrs Brecht-Mangiafico for the application; the site plan has already been completed and the drawing of the septic is completed. Ms. Watson

added that the property owners within 200' must be notified. Mrs. Brecht-Mangiafico stated that she would need direction in order to assist the Hayes as it is her first time through this process. Mrs. Hayes expressed frustration that have been trying to work through the process but still do not have a clear understanding of what needs to be done.

Mr. DeSimone explained the application process in detail to the applicant.

Mr. Lamanteer asked who would supply the application. Mrs. Brecht-Mangiafico said that she will reach out to Ms. Garrison for clarification of which application is appropriate and will get that to the Hayes, as well as check the escrow amount. Mrs. Hayes asked for clarification on why escrow is necessary. Mr. DeSimone explained that the costs of the professionals reviewing are covered by escrow, and can include attorneys, engineers, resolution, etc.

Mr. Hayes stated that he originally thought that he was filling out an application for a variance. Mrs. Brecht-Mangiafico stated that she sent him a standard application. Ms. Watson stated that the Board was not originally under the impression that they needed a variance, that originally the request conformed. Mr. DeSimone noted that the Board could not have known that. Mr. Hayes that he decided to bring a shed and did not have time to wait. Ms. Watson stated that the Planning Board did not understand that a variance was needed; and since the shed is too close to the property line, they will need a variance, which they will need to apply for. Ms. Watson apologized if the wrong application was sent, but the Board did not realize they were looking for a variance, which is the next step. Mrs. Brecht-Mangiafico noted in January she sent the application. Ms. Hayes emailed asking if needed a variance, which Mrs. Brecht-Mangiafico forwarded to the Chairperson. Following, that information was forwarded by Mrs. Brecht-Mangiafico to Ms. Hayes with the necessary setback, height, and lot coverage; and also the need for a certificate of appropriateness due to the property being in the Historic District. She noted that there were no subsequent indications following from the Hayes that the shed that would be placed closer to property line than what was indicated on the original application.

Mr. Lamanteer, Mrs. Brecht-Mangiafico, and Mrs. Hayes will be in contact.

Mr. Henry asked if the application on the website is the one that was sent to the Hayes; if so, page 4 gives detailed information about how to obtain certification of notice of property owners if variance is required. Mrs. Brecht-Mangiafico confirmed that it was the same application, but that she would talk with the Township Clerk to find out which application to use for the variance. Mrs. Brecht-Mangiafico thanked the Hayes for their patience.

#### VI. **Budget Discussion**

Mrs. Brecht-Mangiafico has had conversation with the municipality's CFO and Township Clerk. She has been apprised that the Board has expended over half of its budget four months into 2021 and that caution must be taken moving forward in its expenses. As noted prior, resolutions should not be passed if there is not escrow to cover them. Any costs incurred for research or other purposes must have monies set aside to cover them as they are not available in the Township budget.

There are two invoices of concerns: 6 Pier Road, for a background check, corporate history and letter that were approved by the Board; and a resolution allowing two bathrooms that are not covered by application at this point. The Board will need to

determine if they wish to request the Estate of Mr. David Henry to cover those costs. Secondly, the costs have exceeded the available escrow for the Gomez property; a request to refresh the escrow has been made to Mr. Ritter, Esq.

Mr. DeSimone noted that with Gomez, the proper step is to request a refresh of the escrow and noted that the application was more complex due to the history of the property. He explained the background behind the Pier Road invoice, the reassurance that the resolution provides in memorializing its decision. Mrs. Brecht-Mangiafico noted that the Board ultimately approved the research. The question that remains is how the Board decides to approach payment of the invoice. Ms. Watson asked if the Estate of Mr. David Henry had been contacted; Mrs. Brecht-Mangiafico stated that these conversations had taken place over the course of Friday and today. Mrs. Brecht-Mangiafico was asked to reach out to the Estate and inquire as to their amenability to cover those costs.

Mr. DeSimone explained that a resolution could be approved but hold it in escrow until costs are current. However, approvals must be published within 10 days and could be problematic if contested, so it is not his recommendation.

Mr. Michael Henry inquired as to whether or not 6 Pier Road was a corporate owned. Rock Haven owned the property, as opposed to an individual ownership. Neal Sheppard is managing the building for the corporation/estate and would have further information.

Mr. Henry noted that our application has detailed information that the applicants should read and referenced; he felt the application was very clear about variances, which is driven by State law. He expressed that it is problematic if someone says they are getting different stories, when the application process is quite clear and is posted on the website.

Mr. Lamanteer clarified that the owner at Pier Road went through the County Health Department for approvals and installed new septic. When they came in for their electrical permit to operate the septic system, and noted two bathrooms were going in, Mr. Lamanteer requested they come before the Board to clarify use of the property. No formal application had been made by the owner. He is unsure where escrow fees come into play. Mrs. Brecht-Mangiafico replied that they don't, wherein lies the concern and how to pay the invoice. Mr. DeSimone extended flexibility in the event it is needed.

## VII. **Resolutions**

None – resolutions to be pushed forward to next month.

## VIII. **Old Business:**

- **Stormwater Control Ordinances**

Mayor Reinhart confirmed this is complete.

- **Vacant Property List Updates**

Mr. Lamanteer stated that court is May 18.

- **Potential alternate board member**

Per Mayor Reinhart, he believes the applicant is Michelle Serabian. The Township Committee can appoint.

## IX. **New Business:**

- **663 Ye Greate Street**

Per Ms. Watson, permits are in hand and rumors of apartments are unbased. Mr. Lamanteer stated that the owner is framing; he still needs to apply for plumbing and electric. It is a single-family dwelling. Mayor Reinhart asked if wood could be placed over the open windows; Mr. Lamanteer will pass that along.

X. **Bill Review:**

None

XI. **Public Comment**

A motion was made by Mr. Riley and seconded by Mr. Ivanick to open the meeting to public comment. All were in favor.

No public comments were received.

A motion was made by Mr. Ivanick and seconded by Mr. Riley to close public session. All were in favor.

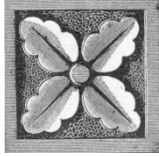
Mr. Lamanteer noted that new people are coming into the Township; and while it may be up to them to check before beginning work, but many do not know that they need to come before the Board. It may make sense to reach out to new residents to let them know. Ms. Watson noted that they can also be directed to the website. Mr. Lamanteer suggested that realtors should also be informed. He can look into the issue. He notes that other townships have the same issue. Mr. Henry suggested that the Township Committee probably would have responsibility for such outreach, that would include information on the school, firehouse, etc. Mayor Reinhart concurred. Mr. Lamanteer will check with the Township solicitor.

XII. **Adjournment**

On motion of Mr. Lamanteer, seconded by Mr. Ivanick to adjourn, unanimously carried.

Respectfully submitted,

Renée Brecht-Mangiafico  
Secretary



*Joan Berkey*  
*Historic Preservation Consultant*

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Greenwich Township Planning and Zoning Board  
Cumberland County, New Jersey

**Consultant's Report**  
**Greenwich National Register Historic District**  
**Additional Information and Potential Expansion**

April 30, 2021

On April 29<sup>th</sup>, I contacted Andrea Tingey, the State Historic Preservation Office staffer who is reviewing the nomination I submitted to her on Feb. 8th. I asked about the status of her review of the nomination. Imagine my surprise when she said she had not received it! Because of Covid, the SHPO is accepting only digital submissions and I followed their instructions to a tee, including a cover letter addressed specifically to her among the 16 files I uploaded. Additionally, I requested a link to upload two extra large files; a staffer confirmed via email receipt of the uploaded files and stated he was forwarding them that morning to Andrea. I had no reason to suspect she never received anything!

Regardless, Andrea says she found the nomination "living in the cloud under its project number," and was going to print it out and start reviewing it. She would like to have everything (her review, your review, my corrections, public comment/information meeting, etc.) completed by August 20<sup>th</sup> so the nomination can be on the agenda for the November 18<sup>th</sup> State Review Board Meeting.

Respectfully submitted,

Joan Berkey