

**TUCKERTON LAND USE BOARD**

Thursday, April 21, 2022 @7pm in Borough Hall

Mr. Morey called the Tuckerton Land Use Board meeting to order on Thursday, April 21, 2022 at 7:00pm at Borough Hall.

**Open Public Meeting Act Statement**

“Provisions of the Open Public Meeting Act have been complied with as notice was published in the Tuckerton Beacon and the Asbury Park Press stating the time, date and place of this meeting.”

**Flag Salute**

Mr. Morey led the salute of the flag.

**Roll Call**

The following members of the Tuckerton Land Use Board were in attendance: Mayor Marshall, Keith Vreeland, Calvin Morey, James McAndrew, Mike Dupree, Don Rochesky, Robert Rue and Greg Brojack. Peter Gioello and Wayne Tonnesen were absent.

**Approval of Minutes**

Mr. Vreeland motioned, seconded by Mr. Dupree to accept the March2022 Land Use Board meeting minutes. It was so moved. Mr. Morey, Mr. Rochesky, and Mr. Rue abstained

**Invoices**

**GENERAL - \$370.00**

04/07/2022	CVI-00995	NJ PLANNING OFFICIALS	\$370.00
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**WOODLAND, MC COY & SHINN - \$100.00**

4/8/2022	70287	TUCK. OLD HOME SOCIETY	\$100.00
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Mr. McAndrew motioned, seconded by Mr. Vreeland that the invoices be paid due to the availability of funds. It was so moved by unanimous consent of the Board.

**Correspondence**

None at this time.

**New Business**

Ordinance 4 of 2022:	<b>AMENDING AND SUPPLEMENTING ARTICLE V OF CHAPTER 255, ENTITLED “GENERAL REGULATIONS” TO AUTHORIZE AND ENCOURAGE ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) &amp; MAKE-READY PARKING SPACES</b>
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Mr. Shinn explained that a lot of municipalities are passing an ordinance like this and this one mimics state statute.

Mr. Vreeland motioned, seconded by Mr. McAndrew to accept this ordinance as written and send it back to council for public hearing and final reading. It was so moved by unanimous consent of the board.

Application: **TUCKERTON OLD HOME SOCIETY & GEORGE AND HANNAH  
BRADY – GREENWOOD CEMETERY  
BLOCK 46 LOT 11.01, 11.02, 11.03, 15.01  
ZONING VARIANCE AND MINOR SUBDIVISION**

Mr. Shinn stated that tonight's discussion will be limited only to the use variance and if that gets approved then they can come back for the subdivision and site plan approval. He believes that the applicant will also have to go to a cemetery association to get other approvals that maybe Mr. Mathis will be able to fill us in on when he comes up to speak.

Mr. Simmons, Esq., the applicant's attorney, approaches the board and introduces why the applicant is here, as well as why this will be beneficial to the town and how it aligns with the criteria of the Borough's Master Plan.

Mr. Simmons explained that the use variance is inherently beneficial to the community even if Municipal Land Use law does not list cemeteries under their definition of inherently beneficial. He continued to state that their definition is not exclusive though and other Boards in the state have stated that cemeteries are inherently beneficial, such as Fort Lee and Hillsborough.

In the Master Plan, he shows that it stated "quasi-public uses include churches, cemeteries, educational facilities, libraries, etc..." which shows that it does align with the Master Plan.

He also stated that this disproves the negative criteria by saying that by extending the cemetery there is no detriment to the community, because the community wants to see this incorporated.

Mr. Simmons calls his first witness. George Brady, 240 Yorktown Drive, Little Egg Harbor, New Jersey 08087.

Mr. Brady confirms that he is one of the owners of Block 46, Lot 11.01, 11.02, 11.03, and 15.01 and has a contract with New Jersey Old Homes Society to sell Lots 11.01, 11.03, and 11.03. He continues to confirm that this contract is contingent on getting this variance.

Mr. Brady stated that to the best of his ability he believes that plot plan that was submitted to the Borough in 1991 is still accurate.

Mr. Shinn marks the exhibits thus far as...

## **A1: Application**

### **A2: Plot Plan**

Mr. Brady also confirmed that he has never had any prior approvals on these properties before.

Mr. Simmons calls his second witness. Christopher Mathis, 508 Duck Road, West Creek, New Jersey 08092.

Mr. Mathis explained that he is the president and a trustee of the Tuckerton Old Home Society.

He describes the operations of the cemetery as the final resting place for people. The Old Home Society trustees manage the day to day operations, keep records in accordance with the New Jersey Cemetery Association, and generally take care of the grounds.

Mr. Mathis stated that they have a marker in the cemetery stating that there are graves as old as 1817. He continued that he is aware of other cemeteries in Tuckerton, including the Old Methodist Cemetery on North Green Street and the Quaker's cemetery. However neither of these cemeteries are still in use that he is aware of.

Mr. Mathis believes that if the property is not expanded, the cemetery will be completely full in the next 10-15 years however it does depend on the different types of internments. Continually, Mr. Mathis stated that the cemetery has about 40 to 60 burials a year and he does not believe that this will really increase if they were to expand the cemetery.

Mr. Mathis stated that he has been involved with the cemetery since 2012.

Mr. Simmons asked if Mr. Mathis was aware of any wetland restrictions regarding the 3 properties they are interested in purchasing. Mr. Mathis stated that he is aware for some wetlands at the north and rear of the property and they understand that that there are setbacks that need to be followed in regards to the wetlands, however it is still a viable piece of property for the cemetery use. He continued that they would never bury someone where they are at risk.

Mr. Mathis stated that if the application is approved the new parts of the cemetery will be reached by extending the already existing roads. He stated that they may have to make some adjustments depending on the traffic but as of right now there are 10 ways to get in/out of the cemetery. He continued by stating that the only utility he foresees maybe going up is water because they may want to add a new water line to the back areas to water flowers and such.

Mr. Mathis stated that there are no permanent employees and no one is on payroll. Everyone is volunteer and they hire outside companies to mow the grass, dig graves, set foundations, make monuments, install headstones, etc. He stated that there are very specific laws on who can do what in cemeteries and they are very careful to follow all the rules.

Mr. Mathis stated that the hours of operations are from dawn to dusk right now and they do not anticipate changing them.

Furthermore, they do not plan on adding additional lighting unless it is required. He stated that right now if you were to go to the cemetery at night time, there are enough marker lights around people's graves that you would be able to see just fine.

Mr. Mathis stated that he anticipates the traffic to circulate in through Route 539 going down to the end of the road and turning left or right to go back out the way they came much like how it is set up now.

He continued that the cemetery does not own any vehicles and when contractors come in they use the same roads and the biggest trucks that come are the ones that carry the vaults. Mr. Mathis believes that the egress is sufficient for these vehicles because they have not had any problems so far.

Mr. Mathis stated that they do not plan on storing any flammable materials on the premise.

Mr. Mathis also stated that he does not anticipate any additional signage on the property, however they do want to move the signage into a better location.

Mr. Simmons asked Mr. Mathis whether he was familiar with the usages of the surrounding lots. Mr. Mathis stated that he has lived in the area all his life. He continued that on the south side is the large vacant lot that's part of Mr. Brady's property. On the north side, there are the homes on McConomy Ave. On the east side is the property that they are looking to purchase and on the west side are the businesses along 539. Mr. Simmons also wanted to clarify that there are some residential properties along 539 as well. Mr. Mathis confirmed that there were.

Mr. Mathis stated that he does not believe there will be a huge impact on the surrounding properties. Furthermore, he does not believe there will be more visits than normal either.

Mr. Mathis also believes there will be no more light pollution than there was before because they are not putting up more lighting unless it is required.

He also stated that there is no plan to put any new structures, such as mausoleums or sheds, on this new property.

Mr. Mathis also reconfirmed that he believes that the new addition, if approved, would not cause any more traffic than normal.

Mr. Mathis also confirmed that any work that would be done would be past the 300 foot mark off North Green Street.

Mr. Shinn asks Mr. Simmons to tie in his beginning testimony with the witnesses testimonies and how they prove a necessity for the town.

Mr. Simmons states that 10 to 15 years does not seem like a lot now but with all the prices consistently going up this is the opportune time to expand. He continued that the cemetery is run by volunteers and they are already anticipating a 10 year payout with Mr. Brady so they are trying to make sure they are prepared for the future.

He also stated that his witnesses testimonies show that there is no negative criteria because there will be no noise or traffic increases.

He also believes that the Borough has always cherished its history and the cemetery has proven that it has tons of history including one of its oldest occupants being from the civil war.

Mr. Shinn asked if the variance is granted what the next step is. Would it be going before the state cemetery board?

Mr. Mathis stated that he does not believe that they need to go before the cemetery association, after doing his research. He continued that this cemetery has expanded before without state prior approvals so he does not think it will be a problem.

Mr. Simmons added that he noticed that cemeteries are not allowed in any of the zones in Tuckerton and this may be a good opportunity to change that.

Mr. Dupree asked if there have been any issues with water runoff on the cemetery properties. Mr. Mathis stated that he does not know of any and that because there are only a few roads it does not really shed a ton of water, it's all grass.

Mr. Dupree also wanted to know if they are planning on bringing in any gravel to bring the property up to grade. Mr. Mathis stated that they cannot fill the areas designated as wetlands, however there is always extra fill when digging for new graves, so they can use that to level any areas out. He does not anticipate bringing 100 of pounds of gravel in.

Mr. Mathis stated that they do not believe they will be able to purchase the property later on and it's now or never expand the cemetery.

Mr. McAndrew wants the audience to know that he made the right decision nominating Mr. Mathis all those years ago and he is doing a great job.

Mr. Rue asked how they plan on clearing the lots if the application is approved. Mr. Mathis stated that they will be clearing the lots as needed in small portions. They want to save as many trees as they can. He continued that the roots do tend to get in the way with graves, but the trustees have thought about trying to leave a couple groups of trees.

Mr. Rue asked if lot 15.01 was a part of the original contract. Mr. Mathis explained that it was in the original agreement and then it was taken out and put back in again. Mr. Rue continued to ask Mr. Mathis if he believes lot 15.01 will be utilized for cemetery purposes. Mr. Mathis stated that most of the lot is wetlands.

Mr. Rohmeyer, PP, PE, CME, reiterated the beneficial uses and criteria for this variance and wanted to know if Mr. Mathis agrees that the lots in question are in a well suited location for the proposed use. Mr. Mathis agrees and states he believes these lots are the best location for this use.

Mr. Rohmeyer also stated that if the application gets approved, the Tuckerton Borough Tax Assessor recommended the lots be consolidated in to one and he agrees.

Mr. Rue asked if there is a creek on the map that was provided. Mr. Mathis stated that it is more of a stream and only when it rains. He also confirms that it does get swampy back there which is why they are categorized as wet lands.

Mr. Simmons stated that the applicants also requested a waiver of the environmental impact statement due to the fact that the site plan is not done yet.

Mr. Shinn explained that if the use variance gets approved, the applicants will come back with the site plan.

The board opened the application for public comment. Seeing none Mr. McAndrew motioned, seconded by Mr. Rue to close public comment.

The board confirmed the block and lot of the application and where it is located and what is surrounding it.

Mr. Dupree motioned, seconded by Mr. McAndrew that the use variance be approved as written for all the reasons Mr. Simmons and the witnesses testified to. It was so moved by Mr. McAndrew, Mr. Dupree, Mr. Brojack, Mr. Morey, Mr. Rochesky, and Mr. Rue.

### **Old Business**

None at this time.

### **Informal Discussion**

Mr. Shinn stated that he will be on vacation for next month's meeting so if there is no business next month he will not send his partner, he will just make sure the resolution is ready to be voted on.

### **Public Forum**

Seeing no public, public forum was not opened at this time.

**Adjournment**

Mr. Dupree made a motion, seconded by Mr. McAndrew to adjourn. It was so moved by unanimous consent of the Board. The meeting was adjourned at 7:45pm.

Sincerely,  
Samantha Hollberg  
Tuckerton Land Use Board Secretary