

**BOROUGH OF TUCKERTON LAND USE BOARD**  
**June 17, 2021**

In accordance with the provisions of the Open Public Meetings Act, Calvin Morey opened the meeting of the Tuckerton Land Use Board on Thursday, June 17, 2021, at 7:00 p.m. in the Tuckerton Borough Complex.

**FLAG SALUTE:** Calvin Morey led the flag salute.

**SUNSHINE STATEMENT:** Carol Scurman read the provisions of the Open Public Meetings Act.

**ROLL CALL:**

Members of the Land Use Board in attendance were Mayor Marshall, James McAndrew, Keith Vreeland, Greg Brojack, Mike Dupree, Robert Rue, Don Rocheskey, Wayne Tonnesen and Calvin Morey. Peter Gioiello was absent.

**MINUTES**

Keith Vreeland made a motion to accept the minutes of the May 20, 2021 meeting as written. Jim McAndrew seconded the motion. On roll call, all voted yes. The motion was carried.

**INVOICES**

**T & M Associates totaling \$1,804.00**

6/8/21	SE406769	General Engineering	451.00
6/8//21	SE406770	D & L Properties (Doyles) B16 L1&23	1,230.00
6/8/21	SE406771	Lokal 3 Penny, LLC Wood St. B46 L3.01#322	123.00

**Woodland, McCoy & Shinn totaling \$187.50**

6/4/21	68714	General Board Representation – May	150.00
6/4/21	68715	D & L Properties (Doyles) B16 L1&23	37.50

A motion was made by James McAndrew and seconded by Keith Vreeland to approve the payment of bills on the availability of funds. On roll call vote, all members agreed. The motion was carried.

**NEW BUSINESS**

**SITE PLAN FOR RESTAURANT ADDITION**  
**BLOCK 16, LOTS 1 & 23 / 210 W. MAIN ST.**

Robert Shinn addressed the board. Al Sicheri will be covering for Kevin Quinlan. Board member, Wayne Tonnesen, had a conflict.

The following exhibits were marked into evidence:

- A-1 Application #2021-2 dated 4/6/21
- A-2 Survey of Property entitled "Plan of Survey, 210 W Main St., Block 16, Lots 1 & 23, Tuckerton Borough, Ocean County, NJ" signed by Anthony DeRosa, PLS of Dante Guzzi Engineering Assoc., dated 10/18/2013 (reduced size copy not to scale)
- A-3 Architectural Sketch Plat, unsigned by Joseph A. Courter Jr., AIA, consisting of the following 2 sheets: Sheet A1, dated 3/8/2021 and Sheet A2, dated 2/24/21
- A-4 Architectural Sketch Plat, unsigned by Joseph A. Courter Jr., AIA, Sheet S1, dated 12/14/20, last revised 3/12/21
- A-5 Notices
  
- B-1 Land Use Board Engineer's Review Letter dated 5/18/21, prepared by Mark Rohmeyer, PE CME, PP, 5 pages

Al Sicheri addressed the board. Block 16, Lots 1 & 23, is approximately 22,000 square feet, currently occupied by a 2-story commercial building known as the Pour House. The parking lot is currently partially paved and partially gravel.

The applicant, Danny Pomponio, 165 Stage Road, Little Egg Harbor, NJ and the Land Use Board Engineer, Mark Rohmeyer, were sworn in by Robert Shinn.

Mr. Pomponio testified he recently purchased the property and is proposing to expand the business by building a 32' x 56' addition; 16 feet will be for inside dining and the remaining 16 feet will be for outside dining. He is proposing seating for 245, inside and outside combined. Regarding the 8 perpendicular parking spaces noted in the borough engineer's review letter that encroach into the drive aisle, he said he would be willing to rearrange those spaces if 4 of them would remain.

Regarding waivers requested, Mr. Sicheri noted there was no objection to waive an Environmental Impact Statement since this addition has been located over an impervious surface for at least 15 years. There was also no objection to waive a formal site plan as the site was fully improved as per the submitted survey and the improvements are minor and over existing impervious surface. The applicant testified that clearly marking parking spaces would be very difficult considering it is gravel and they have encountered no problems so far. Landscaping of the parking lot with plantings within the parking area would interfere with the number of spaces. There currently is a fence around the property to shield residential homes.

The proposed use of the structure will be for dining and parties which can be inside or outside and should not affect the adjoining properties. The current lighting will remain the same, with lights in the parking lot facing away from the houses.

Music in the outside area for parties, weddings, etc. will play no later than 10:00 pm. No changes to the existing sign are planned.

Mark Rohmeyer addressed the board. The application is for a permitted use. They are only seeking waivers from some of the borough's design requirements which they have provided reasons. Regarding the parking spaces, from a safety standpoint, he recommended delineating the spaces by using bumpers or spray paint to help with proper circulation. Mr. Sicheri said that wheel-stops would interfere with the flow of traffic. Mr. Vreeland agreed. It was agreed limiting wheel-stops to the outer edges of the lot would be sufficient. Mr. Rohmeyer also recommended the spaces protruding into the drive aisle be removed to maintain the 24-foot drive aisle. The applicant said he had no objection working with the engineer. Other waivers requested include the paving of the parking lot, and landscaping, if the board finds it necessary.

Land Use Board member, Wayne Tonnesen, was given permission by Mr. Sicheri to ask if more handicap spaces were required. Mr. Rohmeyer stated they meet the requirement for both handicap and nonhandicap spaces. Mr. Vreeland asked the amount of total spaces provided. Mr. Rohmeyer said, roughly 45 which exceeds the requirement. Discussion followed regarding total occupancy. It was agreed, considering the square footage of the building, it would be 225.

Mr. Rohmeyer asked the applicant if the submitted architectural plans are in agreement with the site plan as shown. Mr. Pomponio said they are. Mr. Pomponio also testified the proposed addition will match the existing structure, there are no existing drainage issues on the property, and the site triangle on the corner and the existing sign is outside of the site triangle.

Mr. Dupree asked if the fire company would have access to the dumpster area. Mr. Pomponio said he would work that out with Mr. Rohmeyer.

Public Portion was opened. There being no comments or questions, Public Portion was closed.

A motion was made by Jim McAndrew to approve the application as presented with the modifications indicated. Keith Vreeland seconded the motion. On roll call vote,

Mayor Marshall abstained

James McAndrew voted yes.  
Keith Vreeland voted yes.  
Greg Brojeck voted yes.  
Mike Dupree voted yes.  
Robert Rue voted yes.  
Don Rocheskey voted yes.  
Wayne Tonnesen abstained.  
Calvin Morey voted yes.

The motion was carried.

There being no variances required in this application, Mr. Shinn prepared a draft resolution that the board will vote on at the end of the meeting.

**INFORMAL SITE PLAN REVIEW FOR HOTEL AND SITE AMENITIES  
BLOCK 46, LOT 3.01 / WOOD ST.**

Mr. Shinn advised that for this informal hearing, we are acting as a Planning Board. We are being asked about a variance application. Mr. Rohmeyer and Mr. Shinn both agree a use variance is required because it goes through a residential section. For this reason, he advised Mayor Marshall and Councilman Vreeland could stay on the dais, however, not participate. This being an informal hearing, there will be no testimony given and no decisions will be made.

One of the consulting engineers that prepared the concept addressed the board. Block 46, Lot 3.01 is an irregular tract that fronts on Wood Street. A very small narrow piece located in the R-100 Zone extends back to the west and opens up to a larger space located in the B-2 Zone. The proposal is for a small hotel with 20 to 25 units. Amenities would include a pool and spas. This is a landscape hotel; carving out a small space in the woods, all the rooms will be facing the woods, providing privacy.

They are looking for guidance or a general opinion regarding using stone or gravel surface, as opposed to pavement, for driveway and parking area and thoughts regarding emergency service access to the site. Mr. Shinn asked if there is any other way to access the site except through the residential zone. He was told there is none. Mr. Shinn said he would have questions for their attorney on how this lot was created. Mr. Rohmeyer asked if they have reached out to Tuckerton Fire Company. He said they have not.

Mr. Shinn asked about the large area marked "wet area." He was told there is a lot of wetlands on the property.

Mr. Rue asked if there was a liquor license with the property. He was told there is not, but they are considering a small coffee shop.

There are 25 parking spaces provided. Mr. Rohmeyer said that 25+ parking spaces require a paved parking lot so a waiver will be needed. Mr. Rohmeyer said the proposed 28-foot-wide entrance road would be sufficient and the proposed height is permitted. A variance will be needed for a sign placed on the residential property entrance.

**ORDINANCE REVIEW  
PROHIBITING CANNABIS BUSINESS OPERATIONS**

Robert Shinn addressed the board. NJ has passed a new ordinance. By referendum they decided they were going to allow cannabis business. The towns that do not opt out by August will not be permitted to opt out after that for 5 years. Tuckerton has looked at it and said, to make sure we have time to look at it in more detail, we would like to have an ordinance passed prohibiting the sale of marijuana, hashish or any cannabis business such as growing it, harvesting it, etc. in the borough. Since this involves zoning, it normally comes before the Land Use Board (The Planning Board) for a recommendation.

Mr. Vreeland said the reason we are doing this now is the August deadline. In order to meet the August deadline, the first reading had to be by June 21<sup>st</sup>. The problem is the State Cannabis Control Commission is not going to let us know all the information because they have only met twice this year and won't be meeting again until sometime in September or October. Our feeling is if we deny or prohibit the use now, we can change it in September or October. If we do not prohibit it now, we can't do anything for 5 years. If a business does come in, it will be grandfathered. From a revenue standpoint, we don't know if there's going to be a fee to the town for a license. The reason it comes before this board for zoning is because if we do allow cultivation, distribution, or delivery service, it would only be allowed in certain zones and not throughout the entire town.

Mike Dupree asked if this is going to impact the medical marijuana use. Mr. Vreeland said it does not affect the marijuana coming into the town. There is a license for delivery service. If a delivery service is based out of a different town, they can deliver to Tuckerton. We are not prohibiting the use, just the businesses that are listed under the Cannabis Control Commission Licensing.

Keith Vreeland made a motion to approve the ordinance as written. Jim McAndrew seconded the motion. On roll call vote

Mayor Marshall voted yes.  
James McAndrew voted yes.  
Keith Vreeland voted yes.  
Greg Brojack voted yes.  
Mike Dupree voted yes.  
Robert Rue abstained.  
Don Rocheskey Voted yes.  
Wayne Tonnesen voted yes.  
Calvin Morey voted yes.

Motion was carried.

### ***PUBLIC PORTION***

Nedean Maddox, chair of the Environmental Commission, said they are trying to get their Green Team up and running, which requires them to reach out to Land Use for different things to get certified. They are asking for people to either volunteer for their Green Team or help guide them with 4 or 5 projects that can be done in a short amount of time and not a lot of bodies required. She also wanted to thank the Council and whoever got the native trees together for Clay Street.

They would like the restaurants to break down and secure their cardboard for recycling. This would keep it from blowing around the neighborhood and also keep it dry. After cardboard gets wet, it is no longer recyclable. Jim McAndrew said he would do that next week.

Calvin Morey said there is poison ivy growing along the walkway on the lake. He asked who would be responsible for taking care of that. Ms. Maddox said that would be the property owner. Keith Vreeland said the walkway is part of the Route 9 right-of-way. Ms. Maddox said she would reach out to the DOT and ask them to alleviate the issue.

### ***RESOLUTION***

#### ***APPLICATION FOR MAJOR SITE PLAN, PRELIMINARY AND FINAL WITHOUT VARIANCES DANDL PROPERTIES LLC 210 W MAIN STREET. B 16, L 1 AND 23***

Mr. Shinn read into the record the resolution for DandL Properties LLC. Mr. Vreeland made a motion to accept the resolution as written, Mr. McAndrew seconded the motion. On roll call vote,

Mayor Marshall abstained.  
James McAndrew voted yes.

Keith Vreeland voted yes.  
Greg Brojack voted yes.  
Mike Dupree voted yes.  
Robert Rue voted yes.  
Don Rocheskey voted yes  
Wayne Tonnesen abstained.  
Calvin Morey voted yes.

Motion was carried.

**ADJOURN**

There being no further business, a motion was made by Jim McAndrew, seconded by Keith Vreeland, and unanimously agreed to adjourn the meeting.

Respectfully submitted,

Carol Scurman  
Land Use Board Secretary