

BOROUGH OF TUCKERTON LAND USE BOARD

June 21, 2018

In accordance with the provisions of the Open Public Meetings Act, Joan Rosenberg opened the meeting of the Tuckerton Land Use Board on Thursday, June 21, 2018, at 7:00 p.m. in the Tuckerton Complex.

FLAG SALUTE: Joan Rosenberg led the flag salute.

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

ROLL CALL:

The members of the Land Use Board in attendance were Mayor Susan Marshall, James McAndrew, Joan Rosenberg, Greg Brojack, Peter Gioiello, Robert Rue, and Wayne Tonnesen.

Keith Vreeland, Tom Hennaut, and Calvin Morey were absent.

MINUTES:

A motion was made by Jim McAndrew to accept the minutes of the June 21, 2018 meeting as written. Mayor Marshall seconded the motion. On roll call, all voted yes, with the exception of Joan Rosenberg, Greg Brojack, Peter Gioiello and Robert Rue, who abstained. The motion was carried.

INVOICES

Woodland, McCoy & Shinn totaling \$250.00

6/11/18 (64146)	General Board Representation-June 2018	150.00
6/11/18 (64147)	H2 Investments (Sheltered Cove) B 40, Lot 1 & 2 Litigation	50.00
6/11/18 (64149)	Cooney (Wagner Estate) 45 Admiral Dr. B 51 L 14-16	50.00

T & M Associates totaling \$4,679.75

5/25/18 (SCL345660)	Master Plan Update	2,067.00
5/25/18 (SCL345661)	Zoning Map Update	1,438.00
5/25/18 (SCL345663)	H2 Investments (Sheltered Cove) B 40, Lot 1 & 2 Litigation	117.00
5/25/18 (SCL345664)	Tuckerton Terr. / B 65, L 9.01 / Maj. Subdivision	332.50
5/25/18 (SCL345665)	Cooney (Wagner Estate) 45 Admiral Dr. B 51 L124-16	725.25

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

CORRESPONDENCE

- 5/24/18 from T & M Associates re: Coastal GP 24 Application, South Green St. Shoreline Protection Project, 420 E. Main St.
- 6/4/18 from Kim Dixon Environmental Consultant LLC, re: Application for a Freshwater Wetlands Letter of Interpretation, Delineation Under 1 Acre & Freshwater Wetlands Individual Permit, B 118, L 5.01.

NEW BUSINESS

**APPLICATION FOR MINOR SUBDIVISION AND BULK VARIANCE
BLOCK 51, LOTS 14, 15, 16
45 ADMIRAL DRIVE
ESTATE OF OLIVER & BARBARA COONEY**

The Exhibits:

- A-1 Application dated 3/14/18
- A-2 Minor Subdivision Plan prepared by Jay F. Pierson (3/8/18), Nelke, Constantine & Assoc., Inc. Engineering Services, dated 2/12/18, 1 sheet
- A-3 Plan of Survey, Block 51, Lot 14, prepared by Jay F. Pierson (9/3/17), Nelke, Constantine & Assoc., Inc. Engineering Services, dated 8/30/17, 1 sheet

- A-4 Plan of Survey, Block 51, Lot 15, prepared by Jay F. Pierson (2/7/18), Nelke, Constantine & Assoc., Inc. Engineering Services, dated 1/31/18, 1 sheet
- A-5 Engineer review letter, dated 5/2/18, prepared by Jack Mallon, Land Use Engineer
- A-7 Notices

Robert Shinn swore in Jack Mallon.

Adolph Sicheri, the applicant's attorney, addressed the board. The application states a variance is required for lot area for Lot 14; however according to Mr. Mallon's review letter, the dimensions of the lot are 50 foot (frontage) by 100 foot (depth), which equates to 5,000 square feet making the lot conforming. They are applying for a minor subdivision and a variance for the side yard setback of 2.8 feet where 5 feet is required. His client is agreeable to combine Lots 15 and 16 so they retain at least a 10 foot distance. He also intends to seal off the side door and remove the concrete steps.

Jeff Daum, the applicant's engineer, was sworn in by Robert Shinn and accepted as an expert in his field by the board. Mr. Daum testified he prepared the plans for this application and described the area as basically 50 by 100 foot lots. The house and the garage will remain on a 100 by 100 foot lot, leaving the 50 by 100 foot buildable lot which conforms with the neighborhood. The ordinance requires a 5 foot side yard setback with 15 foot combined. They are restricting the most eastern side of the lot to have the 10 foot setback because of the encroachment into the side yard setback. In addition they are stipulating the side door be closed off and concrete steps be removed. This will not create a safety issue because there are other existing access doors. The air conditioning unit will be relocated to the other side of the house, (which will require a permit) to an area conforming with the setback. Mr. Daum also testified they agree with the conditions in Mr. Mallon's letter.

Wayne Tonnesen asked the setback of the chimney and gas meter. Mr. Mallon said encroachment is allowed into the side setback, usually two feet, but there will be nine inches between the chimney and the property line. Mr. Daum said this is not an uncommon condition. Mr. Tonnesen said in the event the neighbor wanted to put a fence up, there would be no room to do work on that side of the house. He questioned if it would be better if the lot line was moved, making it 5 feet conforming and take away the stipulation on the other side. Mr. Sicheri said his client will agree to a three foot easement to allow access to the chimney with the stipulation no fence or obstruction can be made within the easement.

Regarding their request for a curb and sidewalk waiver, Mr. Mallon advised a condition of that waiver would be the voluntary contribution to the Pedestrian Safety Fund. The applicant agreed.

Regarding lot area, Mr. Mallon said he can find nothing in the ordinance that states you measure to the bulkhead. Mr. Daum said he agrees with his interpretation; however the Zoning Officer does not and would like that to be clarified. Mr. Mallon said he would be happy to do that.

It was agreed the subdivision would be done by deed.

Regarding drainage of the new structure, Mr. Daum testified the lot slopes a little to the street, but mostly back to the lagoon; he believes there are no drainage issues. His recommendation would be anyone building a house there direct roof drainage out to the lagoon. Mr. Mallon agreed.

Lots 15 and 16 will be combined, making Lot 15.01.

Mr. Daum agreed the gazebo would be removed.

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

Mr. Rue asked if the three foot easement will run the length of the property. It was agreed it would run to the back of the house.

Mr. Tonnesen questioned the "fishing pier." He was told that is not a zoning issue. Once past the bulkhead, it's a state issue.

A motion was made by Robert Rue and seconded by Peter Gioiello to approve the application with the conditions discussed. On roll call vote, all members voted yes. The motion was carried.

OLD BUSINESS - Master Plan Review

Robert Shinn asked the secretary to notice for public hearing of the proposed Master Plan for the next meeting. Certified letters also need to be sent to neighboring municipalities. Jack Mallon advised he emailed the Master Plan and also brought copies for the board to review. If there are any changes, they should be voiced at the next meeting during the public hearing.

He also brought colored copies of the new Zoning Map. The Town Center line is highlighted in red, the zone lines are in blue and the orange crosshatching is the Historic District.

It was noted by Jon Miller that the Economic Development Committee wanted to come before the board to discuss plans regarding the Master Plan. Mr. Mallon said that part of our recommendations is to talk about redevelopment, which means we can always listen to suggestions regarding redevelopment and possibly follow through on it. He believes presently there are no areas that qualify for redevelopment. The state law is clear on how to qualify; he will try to get us that information.

INFORMAL DISCUSSION

Mr. Mallon informed the board, due to health issues, he will be retiring. He planned on retiring in June, but promised the borough he would stay to complete the Master Plan and new Zoning Map. He said working with Tuckerton has been a pleasure. Mayor Marshall said the borough has always appreciated his hard work, dedication, and knowledge of Tuckerton.

Joan Rosenberg asked Mr. Mallon about "The Greater Tuckerton Center Guidelines." Mr. Mallon said that was a joint venture dating back to Mayor Jacoby. It was eventually adopted and proved to be beneficial since it gives the municipality points when applying for grants and different development is allowed. An example would be CAFRA restricts impervious coverage to 30%; inside the Town Center you can go up to almost 90%.

Joan Rosenberg said last year we had an applicant for a variance where the Construction Office guidelines didn't match up with the new flood guidelines. She asked if that is addressed in the Master Plan. Mr. Mallon said the ordinance already addresses it. After Superstorm Sandy, we adjusted the elevations based upon our actual results in Tuckerton Beach.

There was a discussion regarding the DEP's requirement of all Land Use Board members to view a 45 minute video on Stormwater Management. It was advised the members watch the video and let the secretary know. She will keep a record.

Carol Scurman read a thank you note from Chris and Laura Bethmann for their gift from the Land Use Board.

PUBLIC PORTION

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

ADJOURN

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

Respectfully submitted,

Carol Scurman
Land Use Board Secretary