

TUCKERTON LAND USE BOARD

Thursday, **December 16, 2021** @7pm in Borough Hall

Calvin Morey called the Tuckerton Land Use Board meeting to order on Thursday, December 16, 2021 at 7:04pm in 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 for the Tuckerton Land Use Board were in attendance: Mayor Marshall, Pete Gioello, Calvin Morey, Wayne Tonnesen, Keith Vreeland, James McAndrew, Don Rochesky, and Mike Dupree. Greg Brojack and Robert Rue were absent.

Approval of Minutes

Mr. Morey asked for the approval of last month’s minutes however Jenny Gleghorn and Samantha Hollberg were not at the last meeting therefore they were unable to take minutes from that meeting. Mrs. Gleghorn asked if anyone took any notes from the last meeting that they could go off of because they do not have a recording either. Mr. Shinn stated that last meeting was seven minutes long and consisted for the hotel pulling their application out and the board didn’t even open the meeting to the public.

Mrs. Gleghorn stated that the mayor gave her a couple notes from the last meeting that she will put together and bring to be approved at the next meeting.

Mr. McAndrew motioned seconded by Mr. Vreeland that the Board push the October meeting minute’s approval to the next meeting. It was so moved by unanimous roll call vote.

Invoices

Mr. Morey asked if there were any invoices for this meeting. Mrs. Gleghorn stated there was and directed everyone to the Memorandum where the invoices were attached.

T&M ASSOCIATES - \$984.00

11/22/2021	SE415254	CORAZZA 224 W. Main St.	\$984.00
------------	----------	-------------------------	----------

WOODLAND, MC COY & SHINN - \$1950.00

11/4/2021	69547	LOKAL 3 PENNY, LLC	\$1300.00
11/4/2021	69546	General Board Rep October	\$650.00

Mr. McAndrew motioned seconded by Mr. Vreeland that the invoices be paid subject to the availability of funds.

Mr. Dupree asked that before we proceed with the roll call vote he wanted to know about the expenditures from Lokal 3 Penny. He wanted to know if the rest of the invoices were paid through their escrow before they got their refund. Mr. Shinn and Mrs. Gleghorn stated that they did not get a refund because they did not put enough money out to cover all their expenses.

Mr. Shinn stated that he will be reducing his bill substantially to offset the costs of what was not paid from them. Mrs. Gleghorn stated that we will still try and pursue them for the money.

Seeing there were no more questions on the invoices, the invoices were so moved by unanimous roll call vote.

Correspondence

Letter from Phil Reed, Zoning Officer – RE: Temporary Use Permit – Block 33 Lot 45
332 South Green Street – Robert Keeney, Jr. & Julia Matta

Letter from Ocean County Soil Conservation District RE: Block 44 Lot 1

Waterfront Development Permit – Block 45, Lots 9 and 10 1200-1220 South Green Street
Filed with the NJDEP on 11-2-2021

Mrs. Gleghorn read through the above correspondence and explained that she also sent these to everyone on the board. She was unsure how they are normally presented.

Mr. Shinn elaborated on the letter from Phil and stated that this is the only property in the B3 zone and Phil gave them a temporary use permit however they are unable to do a lot of the things they would like to so they will need to come to us at some point. He continued that he does not want to have too much discussion on it just in case they do submit an application to us.

Mrs. Gleghorn and Ms. Hollberg asked to make sure they have the correct email for everyone so everyone is in the loop. Mrs. Gleghorn and Mr. Vreeland also discussed when the

information will be available to them for the next meeting and it was determined that Ms. Hollberg and/or Mrs. Gleghorn will try and get everything to the board the Friday before their next meeting so the board has the next week to pick everything up and prepare for the meeting.

New Business

Mr. Shinn explained that the board was supposed to hear a new application tonight however they need to re notice it because it was not correctly noticed the first time. He continued that the Applicant's attorney was here tonight and they spoke about the matter to be re noticed as a use variance.

Old Business

Mr. Shinn stated that the board needed to do the year-end report. He stated that the only think he could think of was the issue with LOKAL 3 Penny and how they did not put enough money in escrow to finish paying the town fees. He continued that he would recommend to the Board to think about asking the council to increase escrow fees and they could discuss it more at the January meeting.

Mr. Morey asked Mr. Shinn if he would like to put together a resolution for this. Mr. Shinn stated that he will look at the fee schedule for other towns that he works with and come up with something. However he explained that the LOKAL application was a rather unusual case because they were not the owner of the property.

Mr. Shinn stated that if there is anything else that the board would like to discuss in the year-end report, let him know so he can put a resolution together for Mayor and Council.

Mr. Tonnesen wanted to clarify that the escrow money that the applicant pays in the beginning of the application process is supposed to cover all the fees that have to do with that application. Mr. Shinn agreed however the problem is unless we have some leverage such as owning the land they have the application for, there is not a ton of recourse to recovery. Mr. Vreeland asked if the Lokal application was an anomaly and Mr. Shinn agreed that this was a unique situation.

Mr. Morey asked if there was a way that if a big application comes in if we could get more money to put in escrow. Mr. Vreeland stated that the escrow amounts are set by ordinance however he is not sure that the application in question was big rather than there was a lot more outside work and research that needed to be done then normal which made the expenses go up. He continued that if the Board were to raise escrow fees, someone who has a smaller business/application that wants to come to the board may not be able to because they will not be able to afford the application and escrow fees.

Mr. Gioello asked if the board could go after the property owner in the Lokal case. Mr. McAndrew and Mr. Shinn stated that the property owner is not the applicant and did not sign

all the paperwork so he cannot be held responsible. Mr. Tonnesen asked that if the applicant signed the paperwork for the application isn't he bound by a contract to pay the town all escrow fees even if it goes beyond the initial amount they put in. Mr. Shinn and Mrs. Gleghorn agreed. Mr. Shinn stated that he was going to look into getting the money that is owed to the town however the cost may end up being greater than what is owed to them in the first place.

The Board also discussed that if Lokal wanted to come back and put in another application, they would need to pay what they owed to the town first before they move forward with another application.

Mr. McAndrew asked if the board should look at trying to get more money from the applicant if it is obvious that they are going to run out of money in escrow. Mr. Shinn and Mr. Vreeland agreed and stated that normally Carol would send out a letter to the applicant saying the board needed more money and would not move forward with any further review until another check was received. The problem with this specific case was that Mr. Shinn and Mr. Rohmeyer do not bill until the end of the month so sometimes we will not know until it's too late that they owe the board more money.

Mr. Shinn stated he did not want to go into too much detail with the Lokal application because it was withdrawn and they could still come back.

Mr. Shinn stated that he will talk to Mrs. Gleghorn and Chris Connors to see if the Borough can do anything about getting the escrow money.

Mr. Vreeland stated that the other question is depending on the type of application that is submitted, can we calculate how much should be put in escrow on a graduated scale.

Mr. Dupree asked if the board could put something in place, where if the applicant is not the property owner, we could add on some additional fees to make sure we get the money. Mr. Shinn stated that is a question for Chris Connors.

Mrs. Gleghorn stated that this ordinance was created in 2000 by the governing body and it could be looked at to see if it can be updated. Unfortunately this specific instance with Lokal was the perfect storm. All of our other escrow accounts are good.

Informal Discussion

Mr. Morey asked if everyone signed the card for Carol.

Mr. Tonnesen wished the Mayor a Happy Birthday!

Public Forum

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

Adjournment

Seeing there were no more comments from the Board, Mr. Vreeland motioned seconded by Mayor Marshall to adjourn the meeting. It was so moved by unanimous consent of the Board. The Tuckerton Land Use Board meeting ended at 7:32 pm.

Sincerely,
Samantha Hollberg
Tuckerton Land Use Board Secretary