

TUCKERTON LAND USE BOARD

Thursday, **February 16, 2023** @7pm in Borough Hall

Mr. Gioiello called the Tuckerton Land Use Board meeting to order on Thursday, February 16, 2023 at 7:01pm 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. Gioiello led the salute of the flag.

Roll Call

Pete Gioiello, Chairman	P	Don Rocheskey, Vice-Chair	P
Mayor Marshall	P	Keith Vreeland	P
Jim McAndrew	P	Calvin Morey	A
Wayne Tonneson	P	Greg Brojack	A
Kaylyn Ullman	A	Mike Dupree (Alt #1)	P
Robert Rue (Alt #2)	P		

Approval of Minutes

Mr. McAndrew motioned, seconded by Mr. Vreeland to accept the January 2023 Land Use Board meeting minutes. It was so moved.

INVOICES

T&M ASSOCIATES - \$1,230.00

01/19/2023	VP437104	CLOVERFIELD B23/L7	\$410.00
01/19/2023	VP437105	CLOVERFIELD B23.01/L7.01	\$492.00
01/19/2023	VP437106	461 S. GREEN ST. B91/L21	\$328.00

WOODLAND, MC COY & SHINN - \$1,350.00

02/03/2023	705642	GENERAL REP – JAN 2023	\$600.00
02/03/2023	705651	KEENEY’S MARINA	\$500.00
02/03/2023	705652	CLOVERFIELD L7/B23	\$100.00
02/03/2023	705653	CLOVERFIELD L7.01/B23.01	\$50.00
02/03/2023	705656	MICKEY’S PORT OF CALL	\$100.00

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

APPLICATION

CLOVERFIELD VENTURE, LLC BLOCK 23 / LOT 7 ZONE: R-100 MINOR SUBDIVISION (EXEMPT)

Mr. Shinn, Esq., Land Use Attorney, pre-marks the exhibits as the following...

- A1: Application
- A2: Minor Subdivision Plan
- A3: Radio Road Improvement Plan (used for both applications)
- A4: Notices
- B1: Mr. Rohmeyer, Land Use Engineer's Letter

Mr. Shinn swears Mr. Rohmeyer in and he is accepted as an expert.

Bruce Jacobs PE, PP, Director of Engineering at Gravatt Consulting Group, states that he has been there for many years, has a bachelor's degree in civil engineering and is a licensed planner and licensed engineer. He also stated that he is the Land Use Board Engineer for Lacey Township. The Board recognizes him as an expert witness.

Mr. Jacobs describes where the property is located and how big it is. He states it is an irregular shaped property and describes the other properties surrounding it.

He also stated that they have been in communication with the County to see how they would like certain things handled when it comes to the subdivision. The County asked for a roadway dedication and turnaround driveways.

He stated that these lots will be 100% conforming and the owner seeks to sell the lots and all proposed dwellings will meet all building standards.

Mr. Rohmeyer goes through his engineering review letter. Mr. Jacobs confirms that the survey is accurate and complete.

Mr. Rohmeyer confirms with the attorney and the engineer that everything in his letter is accurate and has not changed which determines that this application is in compliance with an exempt subdivision.

Mr. Rohmeyer makes the Board aware that curbs and sidewalks are required for a minor subdivision and discusses the procedure for this. He states that the Borough needs to guarantee that improvements get installed and the owner will post a bond to make sure that it gets done properly. The applicant is requesting that the bonding be taken care of before any building permits are pulled because the owner would like to sell to another owner. Mr. Rohmeyer continued that he spoke to the Borough Engineer today and he stated that he does

not have a problem with that as long as the town is protected and the improvements do get installed.

Mr. Shinn stated that if they want to do that, we can make it a condition in the resolution to see the deed if the property is sold to make sure that everything is taken care of by the new owner.

Mr. Rohmeyer stated that this is on a County Road so anything that is done here tonight is subject to the Ocean County Planning Board approvals and any conditions they may have.

Mr. Jacobs stated that they have a tentative approval from the County. One of the conditions is to provide a road dedication to them.

Mr. Rohmeyer asked if the Applicant would be agreeable to take on any tax map revision fees so the Borough can be up to date on their current tax map. They agreed.

Mr. Shinn asked if they should pay it now before the lots are sold or make it a condition of the resolution. Mr. Rohmeyer stated that the applicant should do this when the application gets approved per Borough ordinance.

Mr. Rohmeyer states that the proposed three lots are consistent with the Master Plan and that there are public utilities available. He also confirmed that there are no existing houses on any of the proposed lots.

Mr. Rohmeyer stated that he had a couple minor comments on the plot plan that would be revised as a conditional of approval.

Mr. Rohmeyer stated that there are filing deadlines in accordance with the Municipal Land Use Law and asked if they plan to comply with all deadlines. They confirmed they will comply.

The Applicant comments on the grading and storm water runoff of the property.

Mr. Shinn states that the Board does not usually get subdivision requests, we mainly handle variances. Because of this the Board is acting as a Planning Board tonight and there is not much discretion when it comes to subdivisions. He continued that they can put conditions on it however it is hard to say no.

Mr. Dupree stated he has concerns on the drainage. Mr. Jacobs stated that he would really need to look when building the homes and they will bring in fill to raise any areas if they need to. Mr. Rohmeyer stated that these properties are not located in the flood zone or wetlands and believes that the grading should not be an issue with these properties.

Mr. Gioiello motioned, seconded by Mr. Vreeland that the Board open the floor for public comment.

Kirk Olsen, 228 Western Ave, stated that he lives across the street and there are a lot of drainage problems already. He states that it floods all the time and he has had several issues. A lot of the water comes from Rt. 9 and goes all the way down to radio road. He believes that a lot of it comes from the work that was done at the triangle with the generator and now all the water slopes to Western Ave. Some of it has been taken care of because the town has put in some inlets but the property is still very wet. He is concerned that any more water coming on to

the street will be a problem. He asked if there is a map where he could point out where the properties are.

The board discussed where Mr. Olsen's property is compared to the applicant's property.

Mr. Vreeland asked if maybe a condition of approval is to make sure all runoff goes into drywells.

Mr. Rohmeyer stated that we could do that but if the resident has a concern about the flooding the board should consider the surrounding areas. He believes the County might be more appropriate to handle this issue because Radio Road is a County Road. Mr. Rohmeyer stated that it sounds like right now the properties in question are acting as a basin for extra runoff and if the applicant's wish to build on it that may become a problem. He also states that it is not appropriate to use any private property for runoff so we need to find some sort of solution.

Mr. Rohmeyer states that if the application is approved they will need to submit a grading plan to the Borough Engineer and that could be another time where they might require additional improvements to help this problem.

The Board discusses the surrounding properties and who owns what. It is determined that the one property is owned by the County and maybe they can use that property for all the runoff. They also discussed where all the properties could drain too.

Mr. Gioiello and Mr. Shinn discussed what the Board needs to do to pass this application. Mr. Shinn stated that the resolution will state that the runoff issue must be mitigated. He also stated that this is only the first step in the application. They must also get approvals from the County as well as the Borough Engineer.

Mr. McAndrew asked if they can put in the resolution as a condition of approval that the runoff situation be thoroughly investigated. Mr. Shinn stated absolutely and the County would get a copy.

The applicant stated that they will definitely bring it up to the County.

Mr. Shinn asked if they have submitted a copy of the plans to the County already. The applicant confirmed that they did.

The Board asked if there was an Environmental Impact Statement done on this property. Mr. Rohmeyer stated that he does not believe so. They believe for a minor subdivision that it is exempt from this.

Mr. Gioiello motions, second by Mr. Vreeland to close the public portion of the hearing.

The applicant closes by stating that they appreciate all the boards and public's comments and concerns and will do everything they can to address all the issues at hand. He ends by thanking the Board for their time.

Mr. Shinn stated that the applicant is looking for preliminary and final approvals for tonight so the resolution will be detailed.

Mr. Vreeland motion, seconded by Mr. McAndrew that the subdivision be approved based on all stipulations discussed tonight. It was so moved by unanimous consent of the Board.

APPLICATION

**CLOVERFIELD VENTURE, LLC
BLOCK 23.01 / LOT 7.01 ZONE: R-100
MINOR SUBDIVISION (EXEMPT)**

Mr. Shinn, Esq., Land Use Attorney, pre-marks the exhibits as the following...

- A1: Application
- A2: Minor Subdivision Plan
- A3: Radio Road Improvement Plan (used for both applications)
- A4: Notices
- A5: Photographs
- B1: Mr. Rohmeyer, Land Use Engineer's Letter

It was determined that Mr. Jacobs is still sworn in from the last application.

Mr. Jacobs explains the specs of the property. Including the frontage of the properties, the curbs and sidewalks, the square footage, etc.

He stated the applicant is requesting two bulk variances regarding the width. He states that you can see what they are talking about on the map. The smallest size of the oversized lots is roughly 20,000 square feet which is double the zoning requirement. He believes that this will be satisfactory at best.

They believe that by subdividing these lots it will make it more seamless with the surrounding area.

As for the negative criteria, he states that because this is a County road they may be concerned about the traffic. However it does meet the intent of the zoning plan and does not believe it will have any substantial effect on the surrounding areas.

Mr. Rohmeyer stated that he does not believe there is any reason not to grant the variances due to the size of the properties.

Mr. Rohmeyer goes through his letter which is similar to the other application. He goes through the curb and sidewalk requirements as well as the approvals from the County that are needed. He asks if the applicant would agree to any fees for revisions of the Borough's tax map. The applicant agreed.

Mr. Rohmeyer asked if the applicant could confirm that they have no undersized lots, that the lots are not in a flood zone, that the lots have access to the public right ways as well as access to public utilities, and the street addresses will be determined by the Borough Tax Assessor. The applicant confirmed everything discussed.

Mr. Rohmeyer stated that there are some filing deadlines in accordance with the Municipal Land Use Law and asked if the applicant will comply to them. The applicant confirms as well as confirms to comply with any stormwater management regulations.

Mr. Shinn proposed the same as the application above regarding the deed and suggests the board consider restricting any further subdivisions for the first three months.

Mr. Rohmeyer asked to describe the existing proposed grading for the properties.

Mr. Jacobs explains how they will fill the lots in regard to the grading.

Mr. Vreeland motions, second by Mr. McAndrew to open the meeting to the public. It was so moved.

Seeing no public comment, Mr. McAndrew motioned, seconded by Mr. Vreeland that the public portion of the meeting be closed. It was so moved.

The board asked if this property will have access to Borough water and sewer. The applicant confirmed that it would.

Mr. Shinn stated that the Board is voting on two variances and subdivision. They are asking for variances for two of the three sides that are 90 feet and should be 100 feet.

Mr. Vreeland motioned, seconded by Mr. McAndrew to approve the variances based on the testimony given and the fact that they are providing oversized lots for the area. It was approved by majority consent of the Board. Mr. Tonessan and Mr. Rue abstained.

Mr. Vreeland motioned, seconded by Mr. McAndrew to approve the subdivision based off all the testimony and conditions that were set forth. It was approved by majority consent of the Board. Mr. Tonnesan and Mr. Rue abstained.

Old Business

The Board recapped what the resolution will do including taking the insurance sign down at Keeney's.

The board asked what would happen if they needed to open on a Tuesday. Mr. Shinn stated they would need to come in for a modification. He states that this is a routine kind of thing.

RESOLUTION 2023-05
LAND USE BOARD OF THE BOROUGH OF TUCKERTON
COUNTY OF OCEAN, STATE OF NEW JERSEY
RE: APPLICATION FOR: USE VARIANCE – 2 PRIMARY COMMERCIAL USES AND HARDSHIP
VARIANCES
APPLICANT: KEENEY'S MARINA, LLC

PROPERTY: 332 SOUTH GREEN STREET
LOCATION: BLOCK: 33 LOT: 45
ZONE: B-3 (MARINE COMMERCIAL ZONE)

Mr. Tonnesan motioned, seconded by Mr. Rocheskey to approve Land Use Board Resolution 2023-05. It was so moved by majority consent of the Board. Mr. Vreeland, Mayor Marshall, and Mr. McAndrew abstained.

Informal Discussion

Mr. Gioiello stated that Mr. Morey's wife passed in the last week and was wondering if the Board could send him flowers for his loss. The Board states that they will get a donation together for the flowers. They suggested \$20 each.

It was determined that Mr. Gioiello will get in touch with Mr. Morey as well as Ms. Hollberg to coordinate the donation.

Public Forum

Mr. Gioiello motioned, seconded by Mr. Vreeland that the meeting be opened to the public. It was so moved.

Mr. McAndrew complimented the attorney and engineer for their testimony and believed that they were very thorough and the procedure ran very smoothly.

Seeing no public comment, Mr. Vreeland motioned, seconded by Mr. McAndrew that the meeting be closed to the public. It was so moved.

Adjournment

Mr. Vreeland motioned, seconded by Mr. McAndrew to adjourn. It was so moved by unanimous consent of the Board. The meeting was adjourned at 7:58pm.

Sincerely,
Samantha Hollberg
Tuckerton Land Use Board Secretary