

BOROUGH OF TUCKERTON LAND USE BOARD
August 20, 2020

In accordance with the provisions of the Open Public Meetings Act, Calvin Morey opened the meeting of the Tuckerton Land Use Board on Thursday, August 20, 2020, at 7:00 p.m. in the Tuckerton Borough Hall 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, Joan Rosenberg, Greg Brojack, Peter Gioiello, Don Rocheskey, and Calvin Morey; Wayne Tonnesen, arrived late and Robert Rue was absent.

MINUTES:

Keith Vreeland made a motion to accept the minutes of the July 16, 2020 meeting as written. Mayor Marshall seconded the motion. On roll call, all voted yes. The motion was carried.

INVOICES

Woodland, McCoy & Shinn totaling \$900.00

7/7/20	67490	General Board Representation-June 2020	250.00
7/7/20	67491	H2 Investments (Sheltered Cove) B 40, L 1 & 2	100.00
4/8/20	67585	General Board Representation-July 2020	550.00

T&M Associates

7/23/20	WWW391345	General Engineering	410.00
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A motion was made by Jim McAndrew and seconded by Keith Vreeland to approve payment of the invoices on availability of funds. All agreed; the motion was carried.

CORRESPONDENCE

7/16/20 From JCR Engineering, LLC Re: Construction of a dock & boatlift, Waterfront Development Permit, 56 Parker Rd, Block 44, Lot 5

8/13/20 From Kim Dixon, Environmental Consultant Re: Application for Coastal General Electronic Permit, Block 112, Lot 38

INFORMAL DISCUSSION: Discussion regarding proposed ordinances

Outdoor Dining

Keith Vreeland reported the Legislative Committee met and reviewed the ordinances as proposed. They felt comfortable with the updated version we sent regarding outdoor dining. It would not increase the permitted occupancy of the building. Jim McAndrew questioned # 9 on the last page stating no tents will be permitted in the outdoor dining area. He recommended it read: "Tents would be permitted in the outdoor area subject to approval." There was no permit fee for this year and he believes the outdoor fee of \$150 for next year is fair. This will be an annual permit to be renewed each year. Peter Gioiello said several tables were allowed to be placed on the sidewalks. He assumed this was due to the extraordinary circumstances and would not be permitted next year. Mr.

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Vreeland agreed it would not be permitted. Greg Brojack asked the difference between a canopy and tent. Mr. Vreeland said a tent has sides and a canopy does not.

Robert Shinn advised, to comply with the statutes, the Mayor and Council referred this to Land Use for a public review. In return, we will send a letter back to them with our recommendations.

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

A motion was made by Jim McAndrew and seconded by Keith Vreeland to have a letter sent to the Mayor and Council with our recommendations. On roll call vote, all members voted yes. The motion was carried.

Grading and Drainage

Keith Vreeland said Phil Reed's concern was making it difficult for enforcement and arduous by making it more than we mean it to be. It was agreed to update our general regulations for zoning and add: "Any new structure or improvements which require a zoning or construction permit in the Tuckerton Beach area, said area being that portion of the Borough of Tuckerton in the R-50 District located south of Bass Road, must be on lots with a grade elevation above the crown of the road abutting such lot or twelve (12") inches above the edge of the pavement of the road abutting such lot. Any grading on any lot within the Borough of Tuckerton shall not impact detrimentally upon any adjoining property." Making it simplistic, we can always add to it if we see issues. This would give Mr. Reed enough teeth to be able to require people to not cause drainage issues on the adjacent property. Another advantage is we don't have anything in the ordinance that requires people to raise the elevation of their property. These are the areas that really need to be raised. Instead of doing a 10-page, full blow ordinance, it was felt this would be a better avenue. We will also need to decide whether we should put an effective date in there, giving people a grace period, or make it effective immediately.

Wayne Tonnesen said he would like to make it effective immediately since he already knows of one problem example where a several hundred-year-old tree was killed by a neighbor's runoff.

Mr. Shinn asked if this would be limited to Tuckerton Beach. Discussion followed regarding expanding this to the entire borough. Mr. Rohmeyer agreed it would be a good idea to have it pertaining to the entire borough. He also said it was a good point about elevating the properties to 12 inches within the edge of pavement because properties that are in the flood zone should be higher. Mr. Vreeland said we can keep the elevation for those properties and the drainage comment should be throughout the town.

Mr. Gioiello asked if retaining walls should be made mandatory if a lot is raised. This would be an extra cost to the homeowner, but it does improve the way it looks and protects the neighbor from runoff. Mr. Vreeland said it's up to the homeowner how they control the runoff. Mr. Gioiello asked if we could require the lot be covered with stone. That would also help filter the runoff water. Mr. Rohmeyer said we could require stabilization of the surface which could be either stone or grass. All agreed.

Public Portion was opened.

John Zubriski, 707 S. Green Street addressed the board. Mr. Zubriski felt what has been proposed will not eliminate the problems in Tuckerton Beach. He said what is proposed has a lot to do with keeping the cost down for the people building the house and the builder regarding runoff. Every other municipality except ours has an ordinance saying when a house is built or raised, they have to have a water runoff plan. The building homeowner is already spending thousands of dollars, why can't they spend \$500 more for a water runoff plan to eliminate this problem. He said informing a homeowner they need to address runoff after they have done improvements is too late. He handed out copies of an illustration of his house showing how his neighbor's runoff is affecting his

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property. Mr. Vreeland said, this is exactly what this proposed ordinance would accomplish by withholding a CO until the issue is addressed and corrected. Mr. McAndrew confirmed, when the applicant goes for final inspection, if it's not corrected, they won't issue the CO. Mr. Vreeland said, when a set of drawings, a site plan, or full architectural survey is submitted for a permit, it is reviewed. Before a permit is issued, one of the questions Mr. Reed will ask is how runoff is going to be addressed. Discussion followed.

It was agreed a letter would be sent to the Mayor and Council. The Land Use Board's recommendations are the ordinance should be effective immediately, and any grading should not have a detrimental impact on properties adjoining throughout town. Also, a line should be added regarding stabilization. Mr. McAndrew asked for clarification – this pertains to anyone getting a permit to build a house as well as doing improvements on an existing structure. Mr. Vreeland said it does. Since this is now in the zoning ordinance, it gives zoning the ability to control grading and drainage. Discussion followed regarding when enforcement would be implemented.

Keith Vreeland made a motion the board approves the ordinance with the recommendations mentioned. Joan Rosenberg seconded the motion. All were favor; the motion carried.

ADJOURN

There being no further business, informal discussion or public portion, a motion was made by Keith Vreeland, seconded by Joan Rosenberg, and unanimously agreed to adjourn the meeting.

Respectfully submitted,

Carol Scurman
Land Use Board Secretary