

BOROUGH OF TUCKERTON LAND USE BOARD
December 20, 2018

In accordance with the provisions of the Open Public Meetings Act, Calvin Morey opened the meeting of the Tuckerton Land Use Board on Thursday, December 20, 2018, at 7:00 p.m. at the Tuckerton Borough Hall, 420 E. Main Street.

FLAG SALUTE: Calvin Morey 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, Tom Hennaut, Peter Gioiello, Robert Rue, Wayne Tonnesen, and Calvin Morey.

Keith Vreeland was absent.

MINUTES:

A motion was made by Mayor Marshall to accept the minutes of the October 18, 2018 meeting as written. Joan Rosenberg seconded the motion. On roll call, all voted yes with the exception of Tom Hennaut, Robert Rue, and Wayne Tonnesen, who abstained. The motion was carried.

INVOICES

T & M Associates totaling \$3134.82

11/02/18	SCL355211	OCEAN Inc, B 49, L 5	\$1,717.00
11/02/18	SCL355212	H2 Investments (Sheltered Cove) B 40, L 1 & 2	575.50
11/09/18	SCL355555	Cooney B 510, L14-16	627.00
12/06/18	SCL346647	OCEAN Inc, B 49, L 5	110.82
12/06/18	SCL346648	H2 Investments (Sheltered Cove) B 40, L 1 & 2	104.50

Woodland, McCoy & Shinn totaling \$600.00

11/06/18	64700	General Board Representation - October, 2018	50.00
11/06/18	64701	H2 Investments (Sheltered Cove) B 40, Lot 1 & 2	250.00
12/06/18	64796	OCEAN Inc, B 49, L 5	50.00
12/06/18	64798	H2 Investments (Sheltered Cove) B 40, Lot 1 & 2	250.00

NJ Planning Officials

Annual Dues for 2019	370.00
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A motion was made by Jim McAndrew and seconded by Tom Hennaut to approve the payment of bills on the availability of funds. On roll call vote, all members agreed. The motion was carried.

CORRESPONDENCE

10/16/18	from Jack Mallon re: Resolution Compliance for Cooney Estate (B 51, L 14-16)
11/05/18	from Jack Mallon re: Map Filing for Cooney Estate (B 51, L 14-16)
11/05/18	from Jack Mallon re: Resolution Compliance for OCEAN Inc. (B 49, L 5)
11/26/18	from CME Assoc. re: Resolution Compliance for H2 Investments (B 40, L 1 & 2)
12/11/18	from Robert Shinn, Esq, from Woodland, McCoy and Shinn, re: reappointment as Land Use Board Attorney

- 12/11/18 from T & M Associates re: appointment of Jason Worth, PE, PP, CME, as Land Use Engineer and Planner with Mark Rohmeyer, PE assisting. Jack Mallon will remain available to T & M on as needed basis to support the proposed team and Borough.
- 12/11/18 from Jack Mallon re: Resolution Compliance #2 for H2 Investments, B 40, L 1 & 2

INFORMAL DISCUSSION

H2 Investments - Block 40, Lots 1 & 2

Discussion regarding administrative change to Resolution addressing fencing.

Robert Shinn addressed the board. He said he and Howard Butensky have been discussing issues regarding the resolution for several months. The issue to be discussed is the screening along the entire property length on South Green Street. This discussion is limited to the board and its professionals. There will be no public portion or testimony heard. The first issue is, "Does the resolution accurately memorialize the board's decision?" If it does, we can move on to the second issue. If it does not, the board will discuss changes that need to be made.

If the resolution is correct, Mr. Butensky asked if the board would consider the possibility of administratively modifying the resolution. There are three options:

1. Would the board modify it tonight at this meeting, informally without public notice?
2. Refuse to change the resolution.
3. Consider it, but after a public meeting on January 17, with notice, since this was discussed and voted upon at a public meeting. (Mr. Shinn advised this would be his recommendation.)

A brief discussion followed. It was agreed there wasn't much discussion regarding the screening during the meeting; however it was made a condition in the motion and all members agreed. A motion was made by Wayne Tonnesen and seconded by Joan Rosenberg that the resolution accurately memorializes the board's decision. .On roll call vote, all eligible members voted yes. The motion was carried.

Mark Rohmeyer read the portion of a letter from CME Associates, the applicant's engineer, dated 11/26/18, which pertains to the suggested revision regarding screening:

(Item 4) Plot Plan shall be revised to include a note stating that an eight (8) foot tall privacy fence with slats is proposed along South Green Street.

The attached plan has been revised to depict the limits of the existing fence screening along with the limits of the proposed additional screening.

You will note, the proposed additional screening is shown to be installed adjacent to the proposed steel building and relocated canopy structure in lieu of the entire South Green Street frontage. It is my understanding that there was initial dialogue on the negative impacts of screening the fence to the north of the existing and proposed buildings. At this time we have recognized similar impacts would occur south of the proposed buildings.

The applicant respectfully requests approval for the depicted, reduced screening limited to area directly in front of the proposed improvements, along with any associated modifications to the approved resolution. Screening of said areas beyond the new building would impact the owner's ability to showcase inventory and would adversely affect his business from a sales standpoint. Complete screening of the yard also presents an increased chance of vandalism or theft as many areas would be totally out of view from passing traffic. In addition, unscreened fencing adjacent to the existing gates allows for maximum visibility, safety and improves internal circulation for vehicles entering and existing the property along with pedestrians within the site.

Mr. Shinn advised, the applicant is asking the board to reconsider the extent of the privacy screen. The board has three options:

1. Agree it's a minor change of the resolution, and public notice is not necessary.
2. Leave the resolution as written, with no change.
3. Have the applicant return, after formal public notice in the newspaper and to neighbors, with their expert to explain the reason for change.

Discussion followed. Mr. Morey said the neighbors expressed concern regarding screening and he would like to see this issue discussed at a properly noticed public meeting where the applicant as well as neighbors would be able to express their needs and concerns. Other issues discussed were vehicular and pedestrian safety, increased chance of vandalism, and the effect on the applicant's business.

Joan Rosenberg made a motion to allow the applicant to come back to the board to ask for an administrative change, with public notice, only on the issue of the privacy screen. The motion was seconded by Tom Hennaut.

On roll call vote all eligible members voted yes with the exception of Wayne Tonnesen who voted no. The motion was carried.

Discussion of the amount decided upon regarding H2 Investment's donation to the Pedestrian Safety Fund in lieu of sidewalks and curbs

Peter Gioiello questioned the amount; he believed that is a very low cost for the amount of curbing and sidewalks involved in the site plan. Mr. Rohmeyer said he was originally thinking it would be higher, using prevailing wage. A private contractor can hire his own contractor to do the work at a cheaper rate, usually around 30% less. The quantity was reduced along Carroll Ave. section where there is DEP regulated areas. The applicant submitted two estimates from licensed contractors which Jack Mallon averaged, coming up with the total. The board reviewed the contract. Mr. Rohmeyer said the frontage along S. Green St. requires a county curb which is slightly taller and wider than required on Carroll. The sidewalk is 4' wide along the frontage with the exception of DEP sensitive areas and a portion of driveway aprons that already have pavement. A board member asked if they are required to do coring and core testing for sidewalks and/or curbs. Mr. Rohmeyer said he would find out for the next meeting. A diagram showing where there would be no sidewalks or curbing was distributed. Mr. Tonnesen said, looking at the diagram, he believed a lot of sidewalks have been excluded. Mr. Morey said he believed there should be another 75 to 100 feet of sidewalk on the county road where there is fencing and not driveways. Mr. Rohmeyer said Mr. Mallon required sidewalk, but not curbing along the aprons. Mr. Hennaut asked if he was sure the length of the sidewalks and curbing were correct. Mr. Rohmeyer said Mr. Mallon and the applicant's engineer discussed the total length and yardage of the curbing and concrete; however they will take another look.

End of the Year Recommendations

Robert Shinn said we usually have an end of the year discussion regarding anything that came up that should be suggested to the Mayor and Council for modification or change. One issue pertains to an application on the agenda for January so we will discuss that after the hearing.

The B-3 Zone is one piece of property which has no height restriction. After brief discussion, Jim McAndrew made a motion recommending the Legislative Committee look at the deficiency of height restriction in the B-3 Zone. Wayne Tonnesen seconded the motion and on roll call vote, all members voted yes. The motion was carried.

Traffic Issues

Tom Hennaut expressed concern regarding the difficulties making a left turn, while driving north, on to Wood Street. Discussion followed regarding traffic issues in that vicinity.

PUBLIC PORTION

Jim McAndrew expressed his thanks to the members of the board and the professionals for their work during the year and wished everyone a Merry Christmas and Happy New Year.

Mayor Marshall introduced Don Rocheskey who will be sitting on the board in January.

ADJOURN

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

Respectfully submitted,

Carol Scurman
Land Use Board Secretary