

BOROUGH OF TUCKERTON LAND USE BOARD
December 21, 2017

In accordance with the provisions of the Open Public Meetings Act, Chris Bethmann, Land Use Board Chairman, opened the meeting of the Tuckerton Land Use Board on Thursday, December 21, 2017, at 7:00 p.m. in the Tuckerton Borough Hall.

FLAG SALUTE: Chris Bethmann led the flag salute.

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

ROLL CALL:

The members of the Land Use Board in attendance were Mayor Marshall, James McAndrew, Keith Vreeland, Joan Rosenberg, Calvin Morey, Tom Hennaut, Robert Rue, Greg Brojack, and Chris Bethmann. Peter Gioiello and Wayne Tonnesen were absent.

Also in attendance were Jack Mallon and Robert Shinn.

MINUTES:

A motion was made by James McAndrew to approve the minutes of the November 9, 2017 meeting as written. Keith Vreeland seconded the motion. On roll call vote, all members voted yes with the exception of Joan Rosenberg and Robert Rue who abstained. The motion was carried.

INVOICES

T & M Associates totaling \$2,874.25

11/24/17	(SCL334365)	Master Plan Update/Meeting Attendance	471.00
11/24/17	(SCL334369)	OCEAN Inc. B 49 / L 5	578.00
11/24/17	(SCL334370)	Yellowbrook Development B 49 / L Multi	302.00
11/24/17	(SCL334371)	Tuckerton Terr. / B 65, L 9.01 / Maj. Subdivision	1,523.25

Woodland, McCoy & Shinn totaling \$650.00

12/08/17	(63240)	Tuckerton Terr. / B 65, L 9.01 / Maj. Subdivision	150.00
11/7/17	(63110)	General Board Representation-November	500.00

A motion was made by Keith Vreeland and seconded by Tom Hennaut to pay the invoices on the availability of funds. On roll-call vote all agreed. Motion was carried.

CORRESPONDENCE

12/11/17 from Ocean County Planning Board re: Proposed Amendments to O.C. Master Plan- Notice of Public Hearing, Thursday, January 4, 2017, 6:00 pm in room 119 of the County Administration Building, 101 Hooper Avenue, Toms River.

OLD BUSINESS – MASTER PLAN REVIEW

Mr. McAndrew reported the 2017 total for permits will be in at the end of this month. The number of houses that are either abandoned or in foreclosure is approximately 5 or 6. Keith Vreeland reported he received some of the recycling reports from Jenny Gleghorn. He will report back when they are all compiled. Tom Hennaut said he was working on getting input regarding population information that he would share with

Mr. Mallon. Mayor Marshall reported she also had information; unfortunately, it's in her desk and with the work being done in the Borough Hall, she wasn't sure where her desk was at the present time.

MEETING DATES FOR 2018

After a brief discussion on the meeting dates for the upcoming year, a motion was made by Keith Vreeland and seconded by Tom Hennaut to remain meeting on the Third Thursday of each month with the exception of November. Due to the League of Municipalities meeting that week, the November meeting will be held on the second Thursday. On roll call vote, all members voted yes; the motion was carried.

NEW BUSINESS

**PRELIMINARY / FINAL MAJOR SUBDIVISION
BLOCK 64, LOT 9.01 / TUCKERTON TERRACE**

Michael Landis, the applicant's attorney, addressed the Board. The following exhibits were entered into evidence:

- A-1 Application dated 9/20/17
- A-2 Preliminary & Final Major Subdivision prepared by KBA Engineering Services, dated 8/18/17, 7 sheets.
- A-3 Pre & Post Development Stormwater Management Report, prepared by KBA Engineering Services, dated 8/22/17.
- A-4 Tax Map Sheet 10.03, prepared by William J. Fiore, Inc., dated 10/11/17
- A-5 Engineer review letter, dated 10/26/17, prepared by Jack Mallon, Land Use Engineer
- A-6 Engineer review letter, dated 10/26/17, prepared by Jack Mallon, Land Use Engineer
- A-7 Notices

Joe Kociuba, P.E., P.P., KBA Engineering Services, Inc., Manasquan, NJ, the applicant's engineer, was sworn in by Robert Shinn and recognized as an expert in his field by the board. Mr. Kociuba described the site as a vacant, 1.385-acre property in the R-75 Zone. It has 212.71 feet of frontage on Tuckerton Terrace, an unimproved street, between Tip Seaman Drive and Cedar Street, a mix of uses in the R-75 Zone surround the property. The applicant proposes to subdivide the property to three residential lots. The smallest at 18,642 square feet, to the largest at 21,650 square feet. The application requires lot width and frontage variances. The Zone requires 75 feet of frontage width; the proposed lot widths are 70.99 feet. Surrounding the lot are residential uses to the north, east and west. The proposed lots are larger than existing lots in the area.

The subdivision will require improvements: the extension of a new roadway from the end of Tip Seaman Drive to Cedar Street with an 18 foot wide road. Sewer will be extended; water will be extended from the main at Tip Seaman Drive to the main in Cedar Street. An underground drainage system will be installed in the new roadway to cover the increased impervious coverage due to the road extension. Three overhead style light poles are proposed along the street, which may be excessive; there are currently lights at the intersection of Tip Seaman Drive and Cedar Street. Garbage and recycling will be through public pickup. The residential lots will be graded, matching existing grade with the front of lots graded out to the roadway.

Mr. Kociuba gave testimony and proofs supporting the granting of the Bulk Variance, according to NJ-MLUL 40.55D-70(c), the purposes of the act would be advanced by deviation from the zoning ordinance. In this R-75 Zone, the permitted density is 5.81 units per acre. They are proposing only 2.17 units per acre. In addition, it would promote a desirable visual environment. There will be no substantial detriment or impact to the public good. The dwellings will have no substantial impact on the neighborhood; they are fully conforming with all setbacks with similar lot sizes. It will have no substantial negative impact on the zone plan or the zoning ordinance and conforms with the Master Plan. Based on these facts, Mr. Kociuba said he believes these variances outweigh any detriment and the application will not have any substantial impact on the zone plan, zoning ordinances or surrounding area.

Mr. Kociuba addressed Mr. Mallon's Engineering Report. They have no objection to connect the water main between Tip Seaman Drive and Cedar Street. Regarding the recommendation to increase the minimum width of the road to 24 feet, they proposed 18 feet taking in consideration there are only three dwellings proposed and impact of increased impervious coverage creating additional storm water. They have no objection to reducing the streetlights from three to one at the mid-block point. They have no objection to the drainage comments; they will amend the plans and calculations accordingly.

Jack Mallon was sworn in by Robert Shinn. Mr. Mallon advised, as per Ordinance, if a curb and sidewalk waiver is granted, the applicant must do a voluntary contribution to the Pedestrian Fund which would amount to about \$14,000. Mr. Kociuba said the applicant agrees to curbs and sidewalks on their side of the roadway.

Regarding the width of the road, 18 feet is very narrow. Residential Site Improvement Standards asks for 28 feet; we are only asking for 24 feet. If there's a car parked on one side of the road, two cars should be able to pass through.

Regarding their agreeing to connect the water main between Tip Seaman Drive and Cedar Street, Mr. Mallon said a hydrant would not be needed since there's one at each intersection.

Regarding street lights, he doesn't believe they are necessary. In a rural area, they are typically placed at intersections, bends in the road, on extremely long blocks, and cul-de-sacs. In addition, the municipality pays for the lights. Mr. Mallon advised if the board agrees to one light, it should be a contributor fixture light placed mid-block. The difference being, the builder buys the light and puts it in rather than renting the light from the power company so the monthly rate to the municipality is less.

Regarding drainage, Mr. Mallon advised he does not want the recharge underneath the roadway. The storm sewer lines should be set 15 feet back from center line, making it sufficient for the 2, 10, and 100 year storm events. Then on-site runoff coming off the roofs is put into recharge. This will result in generally zero runoff from paved areas. In the unlikely event the system gets filled, it will bubble out and go down the street and get into the system at Tip Seaman Drive. Since it is known there's flooding on Tip Seaman Drive, Mr. Mallon suggested asking the applicant to clean the line. He asked that pipes crossing under the roadway be solid, not perforated and when crossing with the laterals through the trench, it be sleeved. Mr. Mallon asked that the roof onsite recharge system be shown on the map.

Following Mr. Kociuba's testimony the board discussed items mentioned in Mr. Mallon's review letter. They decided one street light would be sufficient placed mid-block. The applicant agreed.

Since Tip Seaman Drive and Cedar Street are both approximately 24 feet wide, and 18 feet is very narrow, they decided the proposed street should be 24 feet wide. The applicant agreed.

The road surface will be asphalt.

Charles Messano, the applicant, was sworn in by Robert Shinn. Exhibit A-8 depicting a likeness of the proposed houses was entered into evidence. Mr. Messano testified the houses will be 2,000 square feet with 3 bedrooms and 2 ½ baths. The houses will have three different front elevations; all three will be raised with the garage underneath. Due to the flood zone in the area, the houses have to be raised above the BFE. Mr. Mallon said the BFE is 8. The garage/first floor is 10.4 and the first floor is 12.4. The lots fall to the back. The height will be in compliance.

Public Portion was opened.

Elaine McClure was sworn in by Robert Shinn. Mrs. McClure said she is very familiar with the property, having owned it at one time. This is the sixth time this has come before the board. She questioned if all three lots were in the flood zone; she thought only one was. She was told that once they subdivide, she is correct. She questioned if the other lots had to be raised. Mr. Mallon said they are really not up that high. The lots range from elevation 8 to 10.5. She said a lot of people in the area expressed concern regarding the trees in the area. They were told it is not going to be clear cut. She was wondering if there was any way to make that a condition. She was told we have control now, but once the homeowners move in, we lose a lot of control. Based on their plans, they are clearing from the street, approximately 250 feet; the houses are back off the street 160 feet. The depths of the lots are over 300 feet. She also believes sewer lines are in the street. A neighbor confirms the line is in the center of the road from Cedar Street down about less than 100 feet.

Pat McNeill, 301 Cedar Street, was sworn in by Robert Shinn. He testified he does not want to see the houses there, but realizes this application conforms and he can't stop it. He would like the municipality and applicant get together and consider an alternative plan: turn this property into a park and in return, the borough would give Mr. Messano a more suitable parcel of land that he could use to build housing for veterans and/or seniors. Mr. Bethmann said he did not know if the borough would be able to do that. Mr. Landis said his client was not in a position to consider this option at this time.

William Marshall, 207 Tip Seaman Drive, was sworn in. As a long-time resident of this area, his concern is with the flooding where it enters Tip Seaman Drive. He would like to ask the engineer to be sure extra measures are made to prevent flooding during major storms. Mr. Mallon said this plan does not solve the problem of flooding on Tip Seaman Drive; however, it should improve the situation and certainly should not make it worse. He added, cleaning out the lines may also help.

There being no further comments or questions, public portion was closed.

Keith Vreeland made motion to approve the Preliminary & Final Major Subdivision and Bulk Variance based on afore mentioned testimony and Mr. Mallon's recommendations. Tom Hennaut seconded the motion and on roll call vote, all members voted yes. The motion was carried.

Mr. Mallon advised, this approval does not preclude the borough from looking at the possibility of putting a park there.

CHRIS BETHMANN'S PRESENTATION

This being Chris Bethmann's final meeting, Mayor Marshall presented him with a beautifully framed certificate, created by Joanne McAndrew that reads, "Certificate of Recognition, 1985 to 2017, presented to Chris Bethmann in recognition of your 32 years of consistent and dedicated service to the Borough of Tuckerton. Your service started as a Zoning Board member, working to chairman of the Zoning Board, with the transition to and retiring from chairman of the Land Use Board. You followed a plan and was always in compliance for what was best for the residents of Tuckerton."

The Mayor and the entire board thanked him and wished him and his wife the best in their new home in another town and welcomed their daughter and her family to Tuckerton.

Bill Marshall personally thanked Mr. Bethmann for his service, especially with the smooth transition of combining the Zoning Board and Planning Board.

Mr. Bethmann thanked the Mayor for the certificate and all of the board members for their well wishes. This is and always has been a good board, acting from the heart in the best interest of the town and is assured things will continue. He also thanked the professionals for being the anchors, helping the board along the way.

REAPPOINTMENTS FOR 2018

Mayor Marshall said that Calvin Morey and Tom Hennaut's terms are up this year; however they have agreed to stay on. Greg Brojack who filled an expired term has also agreed to stay on. She also hoped our professions would be reappointed at January's reorganizational meeting.

EXECUTIVE SESSION

Mr. Bethmann closed public portion of the regular meeting and opened Executive Session.

ADJOURN

Mr. Bethmann closed Executive Session and reopened the public meeting. Mr. McAndrew made a motion, seconded by Keith Vreeland to adjourn. All approved; the motion was carried.

Respectfully submitted,

Carol Scurman
Land Use Board Secretary