

**BOROUGH OF TUCKERTON LAND USE BOARD**  
**June 15, 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, June 15, 2017, at 7:00 p.m. in the Tuckerton Borough Hall.

**FLAG SALUTE:** Chris Bethmann 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 James McAndrew, Joan Rosenberg, Calvin Morey, Tom Hennaut, Peter Gioiello, Greg Brojack, Robert Rue, Wayne Tonnesen, and Chris Bethmann. Mayor Susan Marshall and Keith Vreeland were absent.

Also in attendance were John Mallon and Robert Shinn.

**MINUTES:**

A motion was made by James McAndrew to approve the minutes of the May 18, 2017 meeting as written. Joan Rosenberg seconded the motion. On roll call vote, all members voted yes. The motion was carried.

**INVOICES**

**T & M Associates totaling \$6,064.37**

6/6/17	(SCL323956)	Charles Messano / B 65, L 9.01	5,269.75
6/6/17	(SCL323957)	OCEAN Inc. Site Plan / B 49, L 5	190.62
6/6/17	(SCL323958)	Lavinia Couture / B 38, L 21	604.00

**Woodland, McCoy & Shinn totaling \$1,800**

6/9/17	(62485)	Charles Messano / B 65, L 9.01	150.00
6/9/17	(62486)	Board Representation - May	800.00
6/9/17	(62487)	Couture / B 38, L 21	700.00
6/9/17	(62496)	OCEAN Inc. Site Plan / B 49, L 5	150.00

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

**CORRESPONDENCE:**

5/16/17 from DuBois Environmental Consultants, LLC, regarding NJDEP Coastal Permit Application, Rutgers University, Block 24, Lot 1.03

**OLD BUSINESS - RESOLUTION**

**APPEAL OF THE DECISION OF ADMINISTRATIVE OFFICER**  
**BLOCK 38, LOT 21**

A motion was made by Joan Rosenberg and seconded by Calvin Morey to approve the Resolution as written. On roll-call vote all agreed. Motion was carried.

**NEW BUSINESS**

**USE VARIANCE/PRELIMINARY & FINAL MAJOR SITE PLAN  
“TUCKERTON TERRACE”  
CHARLES MESSANO / BLOCK 65, LOT 9.01**

Michael Landis, attorney for the applicant, addressed the board. This application includes a use variance and several hardship variances. Regarding the use variance, Mr. Shinn advised it is the applicant’s responsibility to address the strict criteria for granting a use variance. Seven members of the board are eligible to vote and it needs five affirmative votes to pass.

The applicant’s engineer, Joseph Kociuba, of KBA Engineering Services, 2517 Route 35, Manasquan, NJ was sworn in by Robert Shinn and was accepted as a qualified expert in his field.

Exhibits entered into evidence:

- A-1 Application dated 2/23/17
- A-2 Preliminary & Final Major Subdivision prepared by KBA Engineering Services, dated 2/20/17, 9 sheets.
- A-3 Pre & Post Development Stormwater Management Report, prepared by KBA Engineering Services, dated 2/20/17.
- A-4 Engineer review letter, dated 4/27/17, prepared by Jack Mallon, Land Use Engineer
- A-5 Engineer review letter, dated 5/17/17, prepared by Jack Mallon, Land Use Engineer
- A-6 First & Second Floor Plan and Front Elevation, dated 1/14/17, prepared by Shore Design Drafting Services (2 pages)
- A-7 Notices
- A-8 Colored rendering of A-2, prepared by KBA Engineering Services, dated 3/14/17
- A-9 The plan overlaid on an aerial of the neighborhood prepared by KBA Engineering Services dated 6/14/17
- A-10 Zone Map dated 2015, marked up by KBA Engineering Services

Mr. Kociuba testified the site is 1.385 acres, in the R-75 Zone, with 212.71 feet of frontage on Tuckerton Terrace, which is an unimproved roadway. Using Exhibit A-9, he described the neighborhood as a mix of residential uses. The applicant is proposing to construct a 24-unit, age restricted (55+), multi-family complex with 12 units per floor. Five units will be designated affordable housing under the state standards. They propose to extend Tuckerton Terrace with a new 30-wide road and curb to the end of the property. There is a parking lot, court yard and pedestrian ways in front of the building. Storm water system will be under the parking lot and landscaping around the perimeter of the site. They will extend the water and sewer service to the site. There are 50 parking stalls, 4 being handicap accessible. Refuse enclosure will be relocated closer to the building than indicated on the plan. Refuse will be serviced by a private contractor.

Using Exhibit A-2, Mr. Kociuba described the grading and drainage plans for the site. All runoff on site, including the roof and parking area, will be collected and stored in the underground system, designed to store the two, ten and hundred year storm water on site; the amount of rainwater runoff from the site after construction will be less than the present runoff.

The proposed lighting, which is lower than normal to avoid spillage onto adjacent properties, and landscaping was described.

Mr. Kociuba addressed Jack Mallon's engineer review letter dated May 17, 2017.

Items not included in Mr. Kociuba's testimony include:

General: All the units will be rentals with a master mailbox toward the front of the building. They have no objection to providing a feasibility report from Tuckerton MUA. The Circulation Plan is access off Tip Seaman Drive to Tuckerton Terrace into the parking lot in a circular pattern with two-way traffic, meeting all necessary standards. They will apply for a Tree Removal Permit.

Regarding MF-Multifamily Residential District requirements, there is a Multifamily Residential District in the borough, however it is not age-restricted nor does it offer any affordable housing. By proposing 24 units with two stories, they are able to concentrate their development and increase the setback around sides of the property to more than is required. Instead of recreation areas, sitting areas are offered geared to the senior residents. Since there are currently no sidewalks on Tip Seaman Drive, as well as further south on the property, they are asking for a waiver. Locating the building 10 feet to the curb line and parking area is an architectural feature, providing for a courtyard and maintaining a maximum buffering space in the rear of the building. They have no objection to increasing the buffer strip around the perimeter of the property.

Access and Circulation: They are providing ADA accessible parking stalls and ramps as required by ADA and building code. If necessary, they will get a jurisdictional determination regarding a CAFRA permit for 50 parking spaces.

Landscaping and Lighting: They will amend the plan to provide the tree clearing limits, add 3 shrubs to the plan, and provide a double row of buffer strip adjacent to residential property.

Grading and drainage: The intent of the Rip-Rap apron at the northeast corner is to maintain stability of soil at the back corner. The size may be reduced. They have no objection to adding roof leaders to the front of the building. They agreed to have two on-site tests done to make sure the water percolates and will change to a minimum of 15 inch pipe.

At Mr. Mallon suggestion, for safety reasons, the road will be extended to Cedar Street with the water line tying into Cedar Street.

Members of the Board expressed several concerns including the sidewalk waiver (applicant agreed to put sidewalks on one side of Tuckerton Terrace), lot coverage of impervious surface, the excessive use in in the R-75 Zone, this is not a permitted use and requires a Use Variance.

Mr. McAndrew, Deputy Zoning Officer, recused himself to avoid influencing the board or the public with his testimony, reserving his right to participate as a citizen. Mr. Shinn advised, Mr. McAndrew stepped down voluntarily and was not asked to step down by the applicant's attorney or the board's attorney.

Mr. Thomas Butz, attorney for Bill & Elaine McClure and several neighbors, cross examined Mr. Kociuba. Mr. Landis asked for a list of people represented by Mr. Butz. It was noted that there were others that were at a graduation and could not attend. Their names would be added to the list should there be another meeting.

Mr. Butz's cross examination included errors noted on the application and questioned who the owner of the property was. Mr. Landis said Mr. Messano is the sole owner of the LLC and in reality, the true applicant is the LLC. A previous application, submitted by another applicant in 2007, which was withdrawn was also discussed.

The applicant's Traffic Engineer, Nick Berderese, Lake Como, was sworn in by Robert Shinn and accepted as an expert witness in his field. Mr. Berderese testified the 24-unit, age restricted development would create 5 trips in the morning peak hours and 7 trips in the afternoon peak hours, creating very little negative effects on neighboring roads and Route 9. The parking stalls are adequate size and more spaces are offered than required based on RSIS. From a traffic standpoint, there are adequate circulation isles and an adequate access 28 foot access road with 15-foot wide radii.

The Board expressed concern regarding the cars parked on Cedar Street for the school and baseball field and the children darting back and forth.

Mr. Butz questioned the possibility of more cars than anticipated, as well as more traffic.

Mr. Kociuba testified, regarding the criteria for a Use Variance under NJSA 40:55D-70d1, in his professional opinion this project satisfies both criteria. They demonstrated the use is inherently beneficial or special needs exist, it can be granted without substantial detriment to the public good or impair the intent and the purpose of the Master Plan and Zoning Ordinance.

Members of the Land Use Board expressed concern regarding the waiver from an environmental impact study, the excessive size of the building, how inconsistent it is with the character of the R-75 Zone, the noise 24 units would create, it does not conform with the Master Plan, its proximity to public transportation, and the location of the refuse container.

Mr. Butz cross examined the applicant's engineer regarding the excessive coverage of the building plus the parking lot, whether there is available vacant land in the planned senior residential development area that would support this project.

Katie Shackleton, an attorney from Ship Bottom expressed concern there has been no testimony the age restriction of seniors 55 and over would be maintained in the event there were vacant units due to the unavailability of eligible tenants.

Mr. Charles Messano, president of Main Street Tuckerton LLC was sworn in by Robert Shinn. Mr. Messano testified he owns another rental property in the borough and closed on this property December 2016. There are sixteen, 678 square foot, one-bedroom units and eight, 1,130 square foot, two-bedroom units planned. He has been in business for 42 years.

Public Portion was opened. Steve Wooton, 209 Cedar St. was sworn in. He expressed concerns regarding cutting down existing trees and asked if there is interior fencing planned. He testified, this project is putting a square peg in a round hole – it does not fit in this neighborhood.

Elaine McClure, 201 Cedar St., was sworn in. She expressed concern the loss of mature trees and environmental disturbance this development would create. As a local realtor, her research found significant properties in the borough or just outside the borough that would fit this use. Regarding senior housing needs, a local senior housing development told her they generally have three or four vacant units.

Rachael Nuss, 215 Cedar St., was sworn in. She expressed concern the parking lot and dumpster would be in her back yard, also the effect on wildlife.

Elizabeth Obiedzinski-Garvin, 209 Cedar St., was sworn in. She believes this development will generate more traffic than they propose.

Jim McAndrew, 118 Marshall Ave., was sworn in. He expressed concern regarding traffic on Tip Seaman Dr., Cedar St, and Tuckerton Terrace.

Gayle Romano, 214 First St. was sworn in, and questioned cost of rent.

Renee Gioiello questioned if they are allowing adult children to move in with grandparents and if any studies were made regarding extra emergency services for the senior population.

Sean Johnson, 207 Cox Ave. was sworn in. He expressed his concern for the Pine Barron Tree Frog, the lighting, and it does not fit in this neighborhood.

Liz Moritz, 791 Cedar St., was sworn in. She stated there are 22 houses on both sides of the Cedar Street, less than the amount of units in this development. She also questioned if senior low income housing qualifies for COAH.

Bill Marshall, 307 Tip Seaman Dr., was sworn in. He testified the traffic on Tip Seaman Dr. has been increasing with people using it to avoid the light on Route 9. There are also many children living in the area, plus its proximity to the elementary school. For these reasons, this is a bad location for this development

Jon Miller, 330 E. Main St., was sworn in and asked Mr. Messano how he would feel if that was going in his backyard and its effect on property values. He advised him to find a better use for his property.

Amanda Wilkens, 250 Tip Seaman Dr., was sworn in. She expressed her concerns regarding the safety of the many children living in the neighborhood, wildlife, traffic, property values dropping, brush fires & fire safety, and emergency response precautions for elderly residents.

Randy Fay, 133 Cedar St. asked, if this is approved, would it set a precedent for similar development approvals. He was told it would not.

Brian Martin, 270 Tip Seaman Dr. said he moved into this area believing it would remain residential.

James Moore, 802 Cedar St. asked how the units would be heated.

Ed Dorrick, 795 Cedar St. was sworn in. He said this development will not enhance the flavor of our town.

Alfred Stephens, 210 Cedar St., was sworn in. He said as a long-time resident, he believes it does not fit in.

It was agreed this application would be carried to the August 17, 2017. No further notice will be sent.

***INFORMAL DISCUSSION***

There being no comments, it was closed.

***PUBLIC PORTION***

There being no comments, it was closed.

***ADJOURN***

Calvin Morey made a motion, seconded by Jim McAndrew to adjourn. All approved; the motion was carried.