

**BOROUGH OF TUCKERTON LAND USE BOARD**  
**May 20, 2021**

In accordance with the provisions of the Open Public Meetings Act, Calvin Morey opened the meeting of the Tuckerton Land Use Board on Thursday, May 20, 2021, at 7:00 p.m. in the Tuckerton Borough 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, Greg Brojack, Peter Gioiello, Don Rocheskey, Wayne Tonnesen and Calvin Morey. Robert Rue and Mike Dupree were absent.

Keith Vreeland made a motion to accept the minutes of the March 18, 2021 meeting as written. Jim McAndrew seconded the motion. On roll call, all voted yes. The motion was carried.

**INVOICES**

**T & M Associates totaling \$705**

4/12/21	SE404034	General Engineering	123.00
4/12/21	SE404035	Corazza Informal B16-L20	291.00
4/12/21	SE404036	Doyles-Pomponio B16-L1&23	291.00

**Woodland, McCoy & Shinn totaling \$725**

4/7/21	68463	General Board Representation – March	350.00
4/7/21	68464	Corazza Informal B16-L20	150.00
4/7/21	68465	Doyles-Pomponio B16-L1&23	225.00

A motion was made by James McAndrew and seconded by Keith Vreeland to approve the payment of bills on the availability of funds. On roll call vote, all members agreed. The motion was carried.

**CORRESPONDENCE**

3/23/21 from Kim Dixon Environmental Consultant LLC re: Application for a Freshwater Wetlands Letter of Interpretation, Line Verification, Block 49, Lot 19.01

**INFORMAL DISCUSSION**

Keith Vreeland informed the board the Borough Council is reviewing our bulkhead ordinances to be able to give our zoning officer and construction official more to work with. They are looking at Little Egg Harbor's ordinances for options. If we are going to be doing dredging in the near future, one of the concerns is bulkheads in need of repair, causing runoff back into the lagoons. As a protective measure, we also need to look at the height of the freeboard on the bulkhead. It has been mentioned that when people raise their properties, they are also raising it to the top of the bulkhead.

Mr. Gioiello added, compared with what other municipalities are charging, an update is also an opportunity for revenue. Mr. Vreeland agreed; it's been about 20 years since the charges were reviewed. Mr. Rohmeyer provided the Little Egg Harbor ordinance for reference which we can modify for Tuckerton. It seems to be thorough and covers everything. Little Egg Harbor has recently completed some dredging projects on the lagoons and the ordinances have worked out well. For the dredging project, they had public meetings and mailed out voting slips to the residents in the dredging area, which received a favorable response from the majority of the residents. The purpose of this is to assure the lagoons continue to be navigable. It's paid for by the residents with an increase of taxes over ten years. Depending on the area, specifically how much material needs to be dredged out of the area of each section and how many homes are splitting that cost, it averages between \$5,000 and \$10,000 in total per resident.

Little Egg Harbor recently updated and strengthened their bulkhead ordinances in 2019, allowing the inspector more to go by. Once the lagoons get surveyed, they do a survey of the ground that goes through the water to

capture the surface of the lagoons. They found most of the buildup is closer to the open bays, however, there are situations where some bulkheads are leaking soil and sediment, causing a blockage to the lagoons. If an individual's bulkhead fails, that could possibly block the lagoon.

Mr. McAndrew said he would like to see the fees reviewed with regards to the permit costs. As far as maintenance is concerned, he knows of five bulkheads in the borough that need to be replaced, however, there are numerous that need to be repaired. Little Egg Harbor calls for a 120-day maximum response to a violation. He would like to know what happens after 120 days. Tuckerton Dept. of Public Works does not have the equipment to repair the bulkheads. At this time our ordinance only allows us to go to the bulkhead. Another concern is with the freeboard. People build their platforms right up and over the top of the bulkhead which makes it impossible to see the condition of the bulkhead.

Wayne Tonnesen asked if a bulkhead does fail, is there any remedy to rectify the problem? Mr. Rohmeyer said Little Egg Harbor's ordinance holds the resident responsible for the repair of their bulkhead. Peter Gioiello said he believed the goal of this ordinance is to give our code enforcement the ability to say improvements need to be completed in 60 or 90 days. He also questioned, if the resident is held responsible, would they be successful if they challenged the order. Mr. Gioiello said he believes Little Egg Harbor is also using a drone to see if soil is washing out.

### **PUBLIC PORTION**

A realtor said she sees faulty bulkheads in newly dredged areas of Little Egg Harbor that are leaking and ready to fall in. If they have the teeth to hold residents responsible, she wonders why no action has been taken or if they are being fined. Mr. Vreeland said it comes down to enforcement which is why we are working on improving our ordinance. Mayor Marshall asked how long would it take to do repairs. Jim McAndrew said that depends on the extent of the repair. Mayor Marshall said this could possibly be the reason for the delay. Mr. Rohmeyer said Little Egg Harbor's ordinance specified, upon receiving notice from the bulkhead inspector, action needed to be taken. The property owner must submit a plan of correction action no later than 30 days from the receipt of notice and all necessary repairs shall be completed within 120 days. Failure to submit a corrective action plan or failure to implement such plan, the resident will be liable for penalties. Mr. McAndrew said in addition, there are also extenuating circumstances such as foreclosure, or death.

Brian Martin asked, if a resident fails to repair his bulkhead, could the repairs be done by Public Works with charges resulting in a lien on the property. Mr. McAndrew said it would if we had the ability to do the repairs. Mr. Martin asked if the borough contract someone to do the work. Mr. Vreeland said there's a minimum that we would have to go out to public bid. Mr. Gioiello said that's a valid point. If we contract repair out, a lien could be put on the property and the borough would eventually get the money back. Mayor Marshall added, when there is a lien and someone comes in to pay their taxes, the lien gets paid first. Mr. Vreeland said he will speak to Chris Connors when this subject is brought to legislation.

Anthony Scaglione said when his bulkhead was being done, there was a rainstorm and a lot of his property went into the lagoon. His contractor got a permit to dig it back out and put it back on his property. He hopes there will be something in this ordinance that will allow the borough to obtain a permit from the state. Mr. Vreeland said he believes the DEP has some sort of verbiage that addresses this.

Discussion of who owns the lagoons followed. Keith Vreeland said this discussion needs to be brought to the Borough Council.

Mr. Scaglione said some residents in Tuckerton Beach threw materials over the bulkhead into the water to make a beach; and they got away with it. This ordinance should also address this behavior. Mr. McAndrew said that would be covered by illegal dumping and should not be included in this ordinance.

Mr. Scaglione asked if fines are imposed due to not complying with orders to repairing their bulkheads, would those fines go toward liens to their property. He was advised the court decides where that money goes, some going

toward court fees and some comes back to Tuckerton. Mr. Vreeland added that if the court finds them guilty and imposes the full fine, they still can impose they have to do the work that needs to be done. If not, it would fall back to the borough.

Mr. Scaglione said homeowners that have ramps should have to do something to prevent soil going down the ramp during a storm or flood. Mr. Rohmeyer said he didn't believe that is addressed in the Little Egg Harbor ordinance, but believes the responsibility should be put on the lot owner.

Calvin Morey said when fines are issued and it goes to the judge, will the judge also look at what needs to be done if it's in our ordinance, and after a specific amount of time, give the borough teeth to contract someone to come in and repair it. Mr. Vreeland said if it's in our ordinance, he needs to find out from Chris Connors.

Mr. Vreeland asked Mr. Rohmeyer to write a letter recommending we move forward with the legislation. He will then take it to the legislative side and we will move forward to crafting an update to our existing ordinance. Once it is enacted through legislation, it will come back to this board for final review. Then it will have a second reading at Borough Council.

**ADJOURN**

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

Respectfully submitted,

Carol Scurman  
Land Use Board Secretary