

**BOROUGH OF TUCKERTON LAND USE BOARD**  
**October 19, 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, October 19, 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, Calvin Morey, Tom Hennaut, Peter Gioiello, Robert Rue, Greg Brojack, and Chris Bethmann. Wayne Tonnesen and Joan Rosenberg were absent.

**MINUTES:**

A motion was made by Tom Hennaut to approve the minutes of the September 21, 2017 meeting as written. Keith Vreeland seconded the motion. On roll call vote, all members voted yes. The motion was carried.

**INVOICES**

**T & M Associates**

9/29/17 (SCL331243)	Master Plan Update	151.00
---------------------	--------------------	--------

**Woodland, McCoy & Shinn totaling \$1,800.00**

10/10/17	(62993)	Charles Messano / B 65, L 9.01	100.00
10/10/17	(62994)	Board Represent – September	1,450.00
10/10/17	(62995)	Michael DePalo / B 46, L 11.24	250.00

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

**OLD BUSINESS – MASTER PLAN REVIEW**

Using the 2007 Master Plan, Jack Mallon advised, according to the MLUL, (N.J.S.AI 40:55D-89, a Reexamination Report needs to address five issues relating to the growth and development of the Borough:

- a. The major problems, and objectives relating to land development in the Municipality at the time of such adoption, last revision or re-examination if any;
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, and changes in State, County and Municipal policies and objectives;

- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared and,
- e. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment Housing Law, P.L. 1992, c. 79 (C/40A"12 A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

Mr. Mallon summarized the issues to be addressed:

Review objectives and problems sited in 2007 report. Have they changed or do they still apply?

Look at changes in density and population distribution. Housing, circulation, conservation of natural resources and energy, recycling, and any state and county policies that have changed.

Should any new development regulation be prepared? Make recommendations on those.

Look at redevelopment and housing plan for changes.

The 2007 report asks what events in the region and the state changed the town. They would include Sandy and COAH.

A previous issue sited was Main Street corridor develop – downtown. We have had some development such as the Seaport Plaza, but there are still empty stores.

Unplanned regional growth hasn't changed; we are still affected by Little Egg Harbor developments.

Look what has been done to preserve existing neighborhoods. Pedestrian and bicycle connection to downtown was recommended. Unfortunately, our narrow existing roads would make that difficult and dangerous.

Open space preservation as sited. It was recommended we encourage the help of non-profits.

Regarding downtown, they recommended applying for block grants to help improve handicap access and improve appearance. A special improvement district was recommended. Mr. Mallon said in Toms River, the businesses jointly contribute to fund special events and decorations.

Mr. Mallon saw no changes in unplanned growth.

The circulation plan was a joint element with Little Egg Harbor adopted in 2010.

In preserving our neighborhoods, after Sandy, we adopted new flood regulations and we also adopted floor area ratios.

It was recommended the historic district should be reevaluated and shown on the zoning map or on a supplemental map. Mr. Vreeland advised the Landmarks Commission is currently working on this.

It was recommended “The Avenues” area go from R-75 to R-90.

Regarding open space, it was recommended the NRI adopted in 2007 be part of the Master Plan.

We did increase the screening strip between commercial and residential from 20 to 50 feet. Mr. Mallon commented we don't have large lots; the result of this increase has resulted in the need for variances and discourages business development.

An open space tax was suggested, one penny per \$100 assessment.

Looking into improving the water quality of Lake Hopatcong, Mr. Bethmann said we have completed our sewer updating.

The objectives are basically the same:

- Promote natural resource and wetlands protection;

- Protect the functional wildlife connections with the Forsyth Refuge (which we have done with the Yellowbrook Development).

- Incorporate environmentally friendly and green design standards.

- Incorporate traditional neighborhood design to encourage mixed use development.

- Incorporate walking trails.

We also need to look at the demographic, population and ages. The county would be a good resource.

If the board supplies Mr. Mallon with the basic information, he will put it in script, put it together and sign the report.

Chris Bethmann said downtown parking has been an issue for decades. The borough has property, the old water tank site and this property that has parking; we need to consider parking to support downtown businesses. Discussion followed regarding a strictly reduced speed limit and parking on Main Street. Mr. Hennaut said bicyclists maneuvering around parked cars along Main Street create a hazard. It was suggested parking on only one side.

Mayor Marshall asked who made these recommendations. Mr. Mallon said it was the planners at Schoor DePalma, Inc. This can be used as a basis for the 2017 Master Plan review.

Mayor Marshall mentioned a booklet put together by college students after Sandy. One suggestion was blocking off Water St. for pedestrian use. Mr. Vreeland said he has also suggested that possibility. Discussion followed. Mr. Mallon said he was unaware of that booklet.

Mr. Mallon summarized, we need to look at the last review, site accomplishments and possible changes, which are few if any. It doesn't have to be a 3-person committee. It can be split up among the board members, each given a small part to do. They would then give Mr. Mallon their notes and he would then put it together to create the finished report.

The zoning map will cost about \$2,500. Mr. Vreeland said it may make sense to wait until we get the updated historic district defined. The Master Plan would be about \$5,000 if the board supplied him with updated information. He will prepare a proposal for an estimate of cost and attach a copy of the summary he drew up of components that need to be addressed.

Mr. Tonnesen's suggestion to change lot frontage to 66 feet in the B-1 Zone was discussed. Jack Mallon suggested creating a grandfather clause which states all lots on this date that are existing are considered conforming; therefore, if they don't have the proper frontage and they want to do improvements, they will not have to come for a variance. Just be sure to include an actual date.

### **INFORMAL DISCUSSION**

#### **Review of 255-48.1 – Storage and placement of construction equipment, construction vehicles and commercial trailers on rights-of-way and residential lots,**

*G. All storage of Campers, Trailers, RV's and Motorhomes is prohibited in Tuckerton Beach area, from Bass Road and south for any period of time exceeding 72 hours. In all other zones stored units must meet setbacks, or be parked in driveway. They must be registered, insured and inspected. They may not be lived in, connected to utilities and may not be used for storage of material other than RV related items.*

Keith Vreeland said they are looking to update this ordinance because there have been issues with Campers, Trailers and RV's. It was taken out of one ordinance when they did an update with commercial vehicles.

In addition they would like to add, they must be registered to the homeowner.

Mr. Vreeland addressed Mr. Colangelo's questions:

1. *Can this be enforced?* Yes it can.
2. *Is there a registration sticker on Campers for validation?* Registration would be the Motor Vehicle tags.
3. *How do we confirm insurance on Campers?* That would be based on the tags.
4. *What is a Camper inspection and who does it?* This is done by Motor Vehicles.
5. *Is a Trailer another name for a Camper or does this refer to a non-commercial utility trailer?* This is covered by Ordinance 12 of 2016.

6. "In other zones" if setbacks are met and driveways are used, if a property is large enough could we have several units stored thus making it a storage lot? As long as they are registered to the homeowner, they would be limited to two (2), similar to the boat ordinance.

7. Does this meet the intention of the ordinance? Yes it does.

Mr. Mallon asked how they can prove they have insurance; also many people with campers drop the insurance when they aren't using them. Discussion regarding proof of insurance followed. Mr. Vreeland said they can just make it registered and inspected. Mr. Mallon said Motor Vehicle does not do inspection on diesel RV's. Mr. McAndrew said if it comes into question, it will be referred to the police department.

Mr. Rue said 255-48.1 is regulating commercial vehicles. No one would look under that for non-commercial vehicles. Mr. McAndrew said that was a good point. They could put this under the boat ordinance or put it under its own ordinance.

### **Discussion regarding "Membrane Structures"**

Mr. McAndrew said they are getting quite a few "membrane structures" or tents. Discussion followed. Mr. Bethmann questioned if we need a temporary structure ordinance that would define "temporary structures," and the amount of time they may be left up. Also discussed was the tent-type structure which goes beyond the temporary structure definition would have to conform to foundation and fire safety regulations.

### **Landmarks Meeting Update**

Keith Vreeland reported a group from Beach Haven attended their last meeting to go through their historic district ordinance. They will probably use most of it for Tuckerton and make Landmarks a subset of the Land Use Board. One recommendation is having a liaison between Land Use and Landmarks. Mr. Mallon suggested they also look on the League of Municipalities for additional information.

### ***PUBLIC PORTION***

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

### ***ADJOURN***

Keith Vreeland made a motion, seconded by Robert Rue to adjourn. All approved; the motion was carried.

Respectfully submitted,

Carol Scurman  
Land Use Board Secretary