

TUCKERTON LAND USE BOARD

Thursday, **October 19, 2023** @7pm in Borough Hall

Mr. Gioiello called the Tuckerton Land Use Board meeting to order on Thursday, October 19, 2023 at 7:00pm at Borough Hall.

Open Public Meeting Act Statement

“Provisions of the Open Public Meeting Act have been complied with as notice was published in the Tuckerton Beacon and the Asbury Park Press stating the time, date and place of this meeting.”

Flag Salute

Mr. Gioiello led the salute of the flag.

Roll Call

Pete Gioiello, Chairman	P	Don Rocheskey, Vice-Chair	P
Mayor Marshall	P	Keith Vreeland	P
Jim McAndrew	P	Calvin Morey	P
Wayne Tonnesen	P	Greg Brojack	A
Kaylyn Ullman	P	VACANT (Alt #1)	-
Robert Rue (Alt #2)	P		

Approval of Minutes

Mr. McAndrew motioned, seconded by Mayor Marshall to accept the September 2023 Land Use Board meeting minutes. It was so moved. Mr. Rue abstained.

INVOICES

WOODLAND, MCCOY & SHINN, LLC - \$100.00

10/05/23	706722	GENERAL REP. – SEPT 2023	\$50.00
10/05/23	706704	CLOVERFIELD B23.01 L7.01	\$50.00

T&M ASSOCIATES - \$763.00

10/05/23	SAB450844	OCEAN INC.	\$80.00
10/05/23	SAB450847	CLAMTOWN GROUP	\$683.00

Mr. McAndrew motioned, seconded by Mr. Vreeland that the invoices be paid subject to the availability of funds. It was so moved by unanimous consent of the Board.

Correspondence

Ms. Hollberg sent electronic copies of the below notifications for the boards convenience.

- Escrow Depletion Letter – Cloverfield Ventures Block 23 Lot 7 (updated)
- Escrow Depletion Letter – Cloverfield Ventures Block 23.01 Lot 7.01

- Completeness review letter – Skeie (381 Heritage Way)
- Complete Phasing Plan & Preliminary and Final Major Site Plan for Ocean Inc (hard copy on file if the Board is interested in looking at it)

New Business

APPLICATION CLAMTOWN GROUP, LLC
BLOCK 49 LOT 7
USE VARIANCE

Mr. Rue, Mayor Marshall, and Mr. Vreeland recused themselves from the application.

The following exhibits were marked for the record...

- A1 – application
- A2 – survey
- A3 – variance plan
- A4 – notices
- A5 – aerial exhibit
- A6 – picture of undeveloped lot
- B1 – T&M engineer completeness letter

Charlie Cunliffe (T&M Associates), Tuckerton Land Use Board engineer, was sworn in as an expert witness.

Brian Murphy (FWH Associates), licensed professional planner, was sworn in as an expert witness.

Ricard Visotcky, attorney for the applicant explained where the property is located and gives an overview of what the applicant would like to do with the property.

He stated that that this application has been bifurcated and tonight the applicant is strictly here to get a use variance because gyms are not a permitted in the B2 zone.

Mr. Visotcky explained that the Crossfit location as of right now is behind Trish Home Center.

He stated that they submitted a conceptual sketch of what the building may look like and explained that the building will be 8000 square feet with the entrance coming out on Locust Street, not Route 9. The applicant plans on using 4000 square feet for the gym and have the other 4000 square feet for other businesses but they are not sure what yet.

Mr. Murphy testified about the aerial image of the property that was presented and the picture of the property from East Main Street and explained the surroundings. He stated that they would have the access coming from Locust Street and it would line up with the vet hospital's entrance.

He also stated that the businesses that will be going in to the other half of the building will all be permitted uses.

The hours of operation for the gym will be Monday through Friday 5am to 10pm and Saturday and Sunday 10am to 10pm.

There will be four employees but usually only two will be working at a time. The gym features classes of about 16 people each that are by reservation only and must call ahead of time so there should never be too many cars in the parking lot. Classes are usually about an hour long but some can be up to 2 hours. At this time they are only offering adult classes but they may branch out to some children and teen classes later on.

Mr. Murphy touched on the buffer of foliage around the building so as not to disturb Mickey's or any of the residential houses. He stated that some clearing may be necessary but they will replant anything that they need too.

They asked for a waiver for the environmental impact statement because it is too early in the planning and design phase.

Mr. Murphy stated that even though gyms are not a permitted use in the B2 zone, there are a lot of other recreational places that are.

He stated that they are going to make efficient use of the land by only using 50% of it and keeping the rest open. They will also make sure they follow all the Municipal Land Use Laws as required.

Mr. Murphy continued and stated that the property is surrounded by other businesses and they are not requesting any setback variances.

Mr. Murphy stated that the positive criteria includes leaving 50% of the property open to keep as many trees as possible, having sufficient space for uses, fitting well with the character of the neighborhood, and having an appealing look.

Some of the negative criteria he mentioned was the possibility of added air pollution, noise, and traffic but that would happen anywhere. He stated that gyms really don't get a lot of deliveries and they wanted to keep as much buffer as they could to keep the neighbors happy.

Mr. Murphy explained that he believes the gym will fit in well with the master plan because it is providing a service to residents, it will be another taxable property and it is using up vacant land. He also specified that all construction will take place in the B-2 zone not on the residential side.

Mr. Cunliffe asked about what their plan is for storm water management. Mr. Murphy stated that the roof may go into an underdrain but not sure if the parking lot will be porous or not. Mr. Murphy also stated that they have not done any tests yet to determine exactly what to do.

Mr. Cunliffe also stated that the ordinance requires 15% of the land be landscaped. It was stated that 55% of the property would be wooded and he wants the building to have nice frontage.

Mr. Cunliffe asked if he anticipated adding landscaping into the parking lot. Mr. Murphy stated that if they had to they would probably reduce the building size. They only have one side of frontage and want to make it look nice. He also stated that they are still in the beginning stages of design.

Mr. Cunliffe also made the applicant aware that if the site plan goes through they will have to make sure parking is ADA compliant.

Mr. McAndrew wanted clarification on the address associated with the applicants on the application and wants to know why they have the access coming from Locust Street and not Route 9. The applicants clarified that they live in Little Egg Harbor Township. Mr. Murphy stated that the access on Locust Street is to help with traffic flow however they can consider having the access from Route 9.

Mr. Rocheskey asked if there were curb cuts on Route 9. It was determined that there was.

Mr. Tonnesen stated that he is concerned about the hours for dropping off kids at the bus stop and people trying to get to work and also believes the access should be from Route 9. He also asked the applicant if they promise not to expand the building after they get approvals. The applicant stated that they have no plans to expand.

Mrs. Ullman stated that she is concerned about the corner because it already floods and wants to know if they add more concrete to that area if it will make it worse. She also stated that they need to think about maybe adding more crosswalks with the added foot traffic coming to and from the gym. Finally she wanted to acknowledge that there may be endangered snakes and turtles that live in this area and wants to make sure they are thought of during the clearing and building process. The applicant knows they must meet all environmental requirements.

Mr. Tonnesen also asked about the frogs and stated that it is very wet over there. Mr. Cunliffe stated that he would have to look at the GIS Wetlands map. Online says it is not designated as wetlands however it is not always accurate and if the Board would like they can require an environmental impact statement.

Mark Targett, the applicant and co-owner of Clamtown Cross Fit, was sworn in and it was determined that he has authority to speak on behalf of his co-owner.

Mr. Targett stated that he is half owner of the property and the LLC.

He also stated that the old building is approximately 400 to 600 meters away of the proposed property.

He explained that cross fit is made up of group classes. As of right now they are running on the off hours of Trish Home Center which is usually between 5am and 9:30am, close down until 5pm, and then open up again.

Mr. Targett continued by stating that the classes are meant for up to 16 people each however usually only 8 to 12 people come to the classes right now.

He stated that the square footage of the current space they are working in is 3000 square feet. And the regulations for cross fit require 120 square feet per person because of the equipment they use. Because of this they are not able to increase their class sizes, however they may be able to do multiple classes at once if there is enough interest.

Mr. Targett stated that although some cross fit gyms offer outside classes, their program usually just offers inside classes.

Mr. Tonnesen asked why the applicant does not think they have many members now. The applicant believes it is because they have no signage at the location right now.

Mr. Shinn wanted to confirm that the attorney made a lot of representations on the applicants' behalf and wants to make sure all of them were still okay. The applicant confirmed.

Mr. Cunliffe asked if the space will be used for competitions. The applicant stated that CrossFit gyms can have competitions however their specific location focuses more on wellness and stated that competitions are not their style.

Mr. Cunliffe also stated that he believes the 15 minute changeover will be good but wanted to know if it will affect the other businesses. The applicant explained that he does not think this will affect the other businesses because they use to have a location near Pineland Brewery and there was never an issue with parking.

Mr. Gioiello asked if the applicant has any idea on what businesses they would want. The applicant is not too sure but he would like to keep all the businesses within the health and wellness theme.

The application's hearing was open to the public.

Kathleen Dockery, 106 Locust Street, stated that she has no problem with the business coming in however she does have a problem with the entrance. She believes that the entrance should

be coming from Route 9 because there are a lot of kids that go to the bus stop in that area and it is already really hard to turn out of the street.

Jeffrey Bates, 110 Locust Street, stated that he believes that there only being one way in or out is not plausible and is a safety issue.

Sandra Cramer, 325 Heritage Way, pointed to where her home is in regards to the property in question. She stated that her biggest concern is that Eagleswood Elementary had a gym near it and then it turned into something else. She reiterated that the entrance should not be on Locust Street because a lot of kids gather there for the bus. She continued that there is a lot of traffic by that blind curve and believes that it should be seriously looked at. Mrs. Cramer also confirmed that there is a lot of flooding around that area and the drainage should be looked into more. Finally, she stated that she thinks there should be a business there she just wants to make sure that it is planned well and she is happy to hear that they are keeping the buffer.

Michael Scott, Owner of Mickey's Port of Call, stated that he believes that this will be a great addition to the area and is excited to have neighbors. He did express his concern about the curve and suggested that with the growth in the area that they should change the speed limit around the curve to be slower.

Mr. Shinn and Mr. Cunliffe stated that Route 9 is a state highway so there is not much we can do and explained that it would have to be changed by the State.

Paul Solimani, 20 Edgewater Drive, stated that awhile back he submitted a field drawing which included another light in town that would help with the traffic.

Mr. Gioiello stated that the Board cannot make that decision.

The hearing was closed to the public.

Mr. Visotcky summed the application up by stating that the applicant is taking everything into consideration but it will all be part of the site plan application if approved. He also stated that this is not an intense use and it could be worse.

Mr. Shinn explained to the Board that they are only voting on the use variance tonight. He stated that his biggest issue is the residential part of the property but they stated they are not doing anything with it. He also noted that the applicant and other professionals made a lot of representations.

Mr. McAndrew stated that he was waiting for more opposition from the public and did not see much.

Mr. Tonnesen motioned seconded by Mr. Rocheskey that the variance be approve in accordance with all representations and stipulations that were made tonight. It was so moved by the Board.

Informal Discussion

Mr. Gioiello stated that at the town meeting over the weekend, the mayor of Medford came and spoke about how they went about reorganizing there Main Street and other areas in town to help the businesses. He asked if the Board could look into redeveloping the zones to start this process to help our business in town, such as the Tuckerton Beach Grill.

Mr. Shinn stated that they can look into this and also put it into their end of year report.

Mr. Rue stated that there is a lot of concern about the speed in town and wanted to know if there was anything the Board could do to start the process.

Mr. Shinn stated that the Board can write a letter to council to request a traffic study.

Mrs. Hollberg, the secretary, will draft a letter to council.

Public Forum

Paul Solimani, 20 Edgewater Drive, stated that last time he was here about the Paradise Cove sign, a couple members wanted some information on the sign installation so he brought some literature on it. He also stated that the town is looking into leasing a part of the property for the sign.

Resident from Locust Street, stated that she is also concerned about the drainage at the end of the street. She also asked if there were going to be bright lights from the new business and thanked the Board for asking the right questions.

Mr. McAndrew stated that they have an ordinance on the books that will regulate the lighting situation.

Adjournment

Mr. Vreeland motioned, seconded by Mr. McAndrew to adjourn. It was so moved by unanimous consent of the Board. The meeting was adjourned at 8:04 pm.

Sincerely,
Samantha Hollberg
Tuckerton Land Use Board Secretary