

TUCKERTON LAND USE BOARD

Thursday, July 20, 2023 @7pm in Borough Hall

Mr. Gioiello called the Tuckerton Land Use Board meeting to order on Thursday, July 20, 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

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

Approval of Minutes

Mr. Vreeland motioned, seconded by Mayor Marshall to accept the June 2023 Land Use Board meeting minutes. It was so moved.

INVOICES

WOODLAND, MCCOY & SHINN, LLC - \$850.00

07/07/23 706318 GENERAL REP. – JUNE 2023 \$850.00

T&M ASSOCIATES - \$440.00

06/27/23 SAB445546 193 FLAMINGO ROAD \$440.00

Mr. McAndrew motioned, seconded by Mr. Vreeland that the invoices be paid due 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.

- COASTAL GENREAL PERMIT APPLICATION– B 40/L 41
- WATERFRONT DEVELOPMENT APPLICATION – B 45/L 15&15.01

- WATERFRONT DEVELOPMENT APPLICATION – B 115/L 58

New Business

APPLICATION - 193 FLAMINGO LLC C/O MICHAEL C. VIZZOCA
193 FLAMINGO ROAD - BLOCK 114 LOT 61
ZONE R-50 RESIDENTIAL DISTRICT
BULK VARIANCE (COMBINED SIDE YARD SETBACK & BUILDING
COVERAGE

Mark Rohmeyer, T&M Associates – Board Engineer, was sworn in.

Richard Kitrick, Esq., Attorney for Applicant, explained that in the process of rebuilding the house, there was a contractor change which resulted in the frame of the house being over the original plan.

The applicant is seeking a couple of variances to make the house compliant in accordance with the Borough code.

Michael Vizzoca, Applicant, was sworn in.

Mr. Vizzoca testified that the 193 Flamingo LLC is just him as the owner and there are no independent investors.

He stated that the original home on the lot was destroyed by Hurricane Sandy and could not be saved.

His intent was and is to fix it up for his immediate family and grandparents.

The following exhibits were marked...

- A1 – Application
- A2 – Phases
- A3 – Various pictures

Mr. Vizzoca testified that he wanted to use the same pilings from the original blueprint but it would not support a second floor so they had to use new pilings.

It was explained that there was a falling out with the original framer and that Mr. Vizzoca's grandfather finished the project because he had prior experience.

When Mr. Vizzoca was asked how the floor area ratio increased he stated that the enclosure was originally supposed to be used for storage.

The pictures of the house were shown to the Board to show the different angles of the house.

Mr. Rohmeyer asked if the Borough cited them for the Floor Area Ratio. After some discussion it was determined that they were cited for it and would need a variance for that as well.

He also asked if exceeding the limit impeded on the negative area. The Applicant stated that no it seemed fine.

Mr. Rohmeyer stated that the variance will be shown on the record that 84% of the Floor Area Ratio is being used where 75% is allowed.

Mr. Vizzoca stated that the size of the home is necessary to accommodate his family especially with his mother in law who has a knee replacement and will not be able to utilize the upper portion of the house.

Mr. Tonnesan asked if the other side of the house is in compliance. Mr. Rohmeyer stated that there was no issue.

Mr. Tonnesan also wanted to know who issued the building permit in the first place. Mr. Vizzoca stated that the Borough approve it because the original plan was supposed to be on the pilings. He stated that it wasn't until the Borough came to do the final inspection that they realized it was over. He knew that his grandfather did deviate from the plans a little but did not think it would be an issue.

Mr. Tonnesan asked if other houses are in compliance and Mr. Vizzoca stated that he believes so.

Mr. Rocheskey asked if it was only the back deck that is non-compliant. Mr. Vizzoca explained that it is the back deck and the enclosure.

Mr. Tonnesan asked if the box could be removed. It was explained that they could not remove it without removing the roof and it would make other things not in compliance.

Mr. Rohmeyer asked if the neighbors are okay with this. Mr. Vizzoca said that they were and some were here tonight to testify on his behalf.

Mr. Gioiello motioned, seconded by Mr. Vreeland to open the meeting to the public.

Frank Zambardino, 192 Flamingo Road, stated that the owner is great and believes this house will be great for the community. He continued that Mr. Vizzoca has worked really hard and that the old house has been an eye sore for years.

Michael DeFelice, 196 Little Egg Harbor Blvd., stated that he likes that he sees the owner working on the house all the time. He also thinks this house will greatly benefit the community and help bring up property values of the surrounding neighborhood. Finally he stated that he wanted the old house to be replaced for safety and flooding reasons.

Andrew Bartlett, 194 Flamingo Road, stated that he loves the house and that it is amazing as well as loves having Mr. Vizzoca as a neighbor. He also is happy that this house will bring up the property values.

Mr. Gioiello moved, seconded by Mr. McAndrew to close the meeting to the public.

Mr. Kitrick, Esq. stated that the good outweighs the bad and none of the neighbors seem to have a problem with it.

Mr. McAndrew stated that he has to recuse himself but he really likes the family.

Mr. Vreeland asked if the Borough ever passed an ordinance requiring a foundation survey. Mr. Shinn did not believe so. The board discussed maybe doing that.

Mr. Shinn, Esq. stated that the applicant is asking for three bulk variances. A combined side yard setback of 15 yards is required and 14.5 yards is provided, maximum building coverage where the maximum is 30% and 32% is provided, and the floor area ratio where 75% is allowed and 84% exists. He stated that everyone is allowed to vote except Jim.

Mr. Vreeland motioned, seconded by Mr. Rocheskey to grant all three variances for reasons set forth throughout the testimony. It was so moved by majority consent of the board. Mr. Tonnesan voted against and Mr. McAndrew abstained.

Old Business

Mr. Vreeland stated that putting a question about cannabis on the ballot was voted down. He is concerned about zoning and has look at other town ordinances to get ahead of the game.

Mr. Shinn stated that he has no experience on this subject but can do some research. He stated that it still violates federal law so anyone that would potentially come in to sell cannabis would do so at their own risk. He asked if he could get a map of the B1 and B2 zone to look over.

It was discussed that B-3, Highway Commercial, would not be a good idea but any prospective business would have to provide a traffic study and site plan before anything is set in stone.

It was also discussed if cannabis retail in general would be a good fit for the town because it is not all about the money and it may bring more problems to the town.

Mr. Vreeland stated that the Borough is only looking at retail distribution.

Mr. Vreeland stated that if a cannabis business were to come in they would probably need to complete a new build because he does not believe there are any standing properties that would work.

It was determined that Waretown approved it and they did an overlay of the town to see where a cannabis business would best fit.

It was stated that the cannabis industry is coming and Tuckerton should try and get in front of it before more towns do and the business gets diluted.

It was also stated that Tuckerton is an impact zone and that cannabis stores are going to be like liquor stores eventually and are here to stay.

The board also stated that the Borough needs to figure a lot of stuff out because a cannabis store will cause more traffic and we will need more police and it can get really bad.

Informal Discussion

None at this time.

Public Forum

Mr. Vreeland motioned, seconded by Mr. McAndrew to open the meeting to the public. It was so moved.

Paul Solimani, 20 Edgewater Drive, stated that he wants to change the Paradise Cove Sign.

Mr. Solimani distributed pictures with dimensions and an estimate of the sign. He stated that the PCUA got an insurance policy for the sign to get rid of any liability.

The Board and Mr. Solimani discussed maybe leasing a portion of Borough property to put it on. Mr. Solimani stated that he does not believe that the sign should not conflict with the veteran's park.

Mr. Tonnesan wanted to confirm that the trees were cut down for the park, not the sign.

Mr. Vreeland ask Mr. Shinn if they need a variance for the sign. Mr. Shinn stated that if Phil Reeds says they will then yes but they should look into getting the lease from the Borough first.

Mr. Solimani stated that there is new technology that helps a remove a sign easier

Mr. Tonnesan wants to know why they cannot just go through the Borough.

Mr. Gioiello stated that he has some concerns on locations and Mr. Shinn stated that being on Route 9 will bring more issues.

Mr. Rohmeyer stated that they would need an engineer to calculate out the logistics.

Mr. Shinn stated that he is not averse to hearing his request but he needs to go through the town first.

Mr. Solimani stated that he will be back next month.

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 7:52pm.

Sincerely,
Samantha Hollberg
Tuckerton Land Use Board Secretary