

TOWNSHIP OF OCEAN
PLANNING BOARD
REGULAR MEETING
March 6, 2008

Meeting began at 7:30 PM

Pledge of Allegiance

STATEMENT: Pursuant to the provisions of the New Jersey Open Public Meetings Act, sending copies of the notice of the meeting properly provided adequate notice of the meeting to the Times-Beacon and the Atlantic City Press. Notice was posted on the bulletin board in the Administration Building.

The meeting of the Ocean Township Planning Board was held on the above date and time; Chairman Anepete presided and called the meeting to order.

ROLL CALL

Members Present: Vincent Anepete Rita Sweeney
Ralph Avellino Dennis Tredy
Richard Reilly Craig James

Members Absent: James Eckert, Robert Knowles, Daniel VanPelt, Gordon VonSchmidt, Lee Eagles

Chairman Anepete asked for a motion to approve the minutes of the February 7, 2008 regular meeting. Dennis Tredy made a motion to approve. Ralph Avellino seconded the motion. All in favor: (aye) Tredy, Avellino, Reilly, Sweeney, James.

Chairman Anepete asked for a motion to approve the vouchers. Dennis Tredy made a motion to approve. Rita Sweeney seconded the motion. All in favor: (aye) Tredy, Sweeney, Avellino, Reilly, James, Anepete.

BOARD COMMENTS

Chairman Anepete asked if anyone had any comments on the memo from Ken Mosca to Laurie Clune regarding Accessory Building and Uses. Chairman Anepete asked Laurie Clune to enlighten the board regarding the history of the memo. Ms. Clune informed the board that a type-o was made in the Accessory Structure Ordinance. The type-o said "on" and it should have said "one". It also is saying it cannot exceed 50% of the principal structure. It cannot exceed the square footage of more than 50%. For example, you cannot have 3 buildings on the property (such as a garage and a Quonset hut). The previous ordinance just said 50%, it was unclear. Now it will be more specific.

Chairman Anepete asked for a motion to approve and recommend back to the Township Committee for action. A motion was made by Dennis Tredy. It was seconded by Rita Sweeney. All in favor: (aye) Tredy, Sweeney, Avellino, Reilly, James, Anepete.

Discussion took place regarding Ordinance 2008-04. The definitions of “permitted use” and “restaurant/fast food” are being tightened up. Mr. Reilly commented while reading the Ordinance that as we move forward to the Town Center that this is clear to anyone who might want to consider building anything. This is not creating anything new, just a clarification or tightening up of the verbiage.

Chairman Anepete asked for a motion to approval amended Ordinance 2008-04. A motion was made by Dennis Tredy. It was seconded by Ralph Avellino. All in favor: (ayes) Tredy, Avellino, Reilly, Sweeney, James, Anepete.

Discussion took place regarding Stafford Township’s Tree Ordinance. Chairman Anepete commented that Stafford’s Tree Ordinance is very comprehensive. Mr. McVicar explained that Stafford’s Tree Ordinance specially goes towards site clearing and reforestation. It is a very strong ordinance. Anyone coming in for a minor subdivision or any kind of site plan is required to get a tree removal permit which requires a tree removal plan. Mr. McVicar said that it appears that it doesn’t apply to existing lots. Mr. McVicar would like clarification on that as to how to interpret. One section says “this section applies to subdivisions and site plans both major and minor”, but then the reforestation section within the same chapter number and it talks about lots with less than 20,000 SF. Mr. McVicar is curious about existing lots under 20,000 SF, would this apply? His interpretation of the ordinance would be that it would not apply. Mr. McVicar also had some issues about how certain areas were calculated and impervious areas being created. Mr. McVicar also stated that in regards to reforestation, it would be permitted that an applicant could do a reforestation on site, off-site, or they could contribute to a fund. It does seem that it would be overall more review work for the board to consider and more work for the applicant for any of these types of applications to go thru the exercise of preparing this plan and a little more costly on the applicant’s end.

Mr. Avellino spoke that years ago we had an ordinance similar where you needed a permit to cut a tree down and that created a pretty big stir. People thought we were pushing it too hard. Laurie Clune added that there are a lot of people coming in to her asking if they need a permit to cut down 4 trees on their property. You take down 4 trees on a lot and it affects the area all together. Right now Ms. Clune cannot police the cutting down of trees because the current ordinance does not say that she can. Any single lot that isn’t part of a subdivision where a house already exists they are exempt. What Ms. Clune does ask is that the homeowner mark the tree and she goes out and does a site inspection and she tries to determine if the tree is dying or if it’s affecting a bulkhead, or if it is creating a problem to the existing structure. Mr. Tredy stated that there are many people along the water that want to see the bay and not the trees. There are mixed feelings out there commented Ms. Clune. Mr. Reilly offered that there is a fine line between aesthetics and the utilization of your property. To me, cutting down a twenty or thirty year old tree is criminal. There should be some way to kind of force people to stop and pause and give consideration before they just arbitrarily cut it down. There is a balance and as Waretown continues to mature, we are going to want to look back and say

there are some beautiful trees here and some treed areas and not just see everything cut right down to the quick. Mr. Tredy agrees about the treed areas, but when you're talking about a 60x100 lot and people have to deal with trees overhanging their houses or trees ruining their roofs because they stain them – what's prettier an old pine tree that's dropping pinecones on somebody's roof or a nice house that looks pristine on a lot. Mr. Reilly continued with certainly if branches are hanging over a home, you could remove the branches, or if there is staining, maybe you could remove, but to just arbitrarily strip their property is a mistake. Ms. Clune currently has an application to cut down 12 trees. That is going to drastically change the aesthetics of that street. Ms. Clune commented that people have been cooperating and allowing us to go on the property and look at the trees. If they are not dead and not interfering with lines, or roofs, or bulkheads, or endangering anyone on the property next door that they agree to leave them up. Ms. Clune suggested perhaps plant another tree, a trade-off. If you take one down in the rear yard, put one up in the front yard. Mr. James inquired if someone had to clear a backyard of trees to put in a pool, or a shed how would this affect them? Would they need another permit? Ms. Clune answered that we combine permits now such as a pool/shed/fence permit. The cost isn't \$50 for everything that you do. Mr. James stated that the ordinance refers to "a tree" or "any tree" which means it could be one tree. Mr. James clarified that he understands the importance of the ordinance, but to tell someone that they need a permit just to cut down one tree in my opinion would be a little excessive. He understands the need if it were 5 or 10 trees, but not for one tree or any tree. Mr. Tredy commented on open space. The township currently owns a lot of open space and parks etc.; I think those are the places they should be saved. He added that when you go and tell somebody who is putting up let's say a \$300,000 new house on a piece of property that's going to cost them \$150,000 that they have to keep scraggly old trees that just doesn't go with the house, I think that's overkill. I believe in trees and keeping things healthy in town for looks but I think when you start dealing with an individual small lot like that where you could have 20 houses in a row that don't even have a tree on them, but because "Joe" at the end of the street happens to have a couple big trees that he wants to take down, now he has to go and come to somebody and say "hey I want to take these trees down" and there is always a possibility that you'll say "no". Yet, there are hundreds of houses that don't have any trees already. Chairman Anepete added it's a subjective and arbitrary conclusion that's come to by someone else rather than the property owner. I like my property to be this way and someone else says I happen to like trees and so for that reason you can't remove them. That is the argument that I would consider. Mr. Reilly offered that he feels the intention here is to get people to look at what they are going to take down before they take it down. If it's a new lot, more often than not a builder wants to clear cut. In that case, there is a good opportunity to control just how much is being taken down. If someone wants to take down three trees that are scraggly and antiquated even though they have to get a permit, I'm sure they would be approved. What we are trying to do is put a balance in. I would assume that fair judgment would take place. I think it would also provide for an avenue of controlling some people who get a little too aggressive. Mr. Tredy added if that is the primary reason for this ordinance to make people stop and think, then yes, have them come in for a permit, but not the kind of permit you can say "no" to. Mr. Reilly commented that getting the permit makes them stop and think, but also that the permit would have to have

the teeth to say “no” or “yes”, if it doesn’t why bother having it? Ms. Clune offered a reasonable scenario. Someone comes in and they want to clear say three trees. I’ll go out and do a site inspection and look at trees. Usually if you just talk to them, it’s mostly conversation and cooperation and they kind of understand. If there someone who is absolutely against it and says “it’s my right to clear cut and I want to do that”, if they are not in one of the zones like in Schedule B that has a note that says that they can’t within a setback, if I think it’s over the top, I don’t want to be in the position to make that decision. It’s not an easy decision to make. Give it to the Environmental Commission or make an agreement with the Landscape Architect. Have somebody else other than myself because it falls under zoning. Someone who would have more knowledge in the tree area. Mr. Tredy offered that he felt it was commendable Ms. Clune takes the time to go out there and tries to make a sensible decision. Mr. Tredy continued how could you word an ordinance in such a way that would still give an individual like yourself the authority to say “yes” or “no”. It seems like it would be so difficult. What determines this factor?

Chairman Anepete suggested that the review get tabled until the next meeting when the Board will come back and be prepared to act on it.

OLD BUSINESS

Gan's Tree Service, Docket #17-01-PB, Block 195, Lot 17, Time Extension Request.

Mr. Yost spoke that Mr. Butensky, Mr. Gan’s attorney, sent a letter that he is double-booked and asked that if we have completed our administrative agenda, he is not asking us to wait on his appearance, but just to carry the application to the next meeting.

Chairman Anepete asked for a motion to extend this request to the next meeting. Mr. Tredy made a motion. Rita Sweeney seconded the motion. All in favor: (aye) Tredy, Sweeney, Avellino, Reilly, James, Anepete.

NEW BUSINESS

PUBLIC COMMENTS

The meeting was opened to the public.

Mr. Walter Gan, 550A Wells Mill Road, Waretown was sworn in by Mr. Yost.

Mr. Yost clarified that Mr. Gan is not going to speak on his application, but to the discussion of the tree ordinance. Mr. Gan said “yes”.

Mr. Gan explained that Little Egg Harbor had an ordinance and they had to have an inspection all the time and it lasted for about a year. We’d go in there to cut a tree down, code enforcer would come up and say “did you get a permit”. Owner would say “no”. They had to send a person out there for every tree and it was a nightmare for the township and so they pretty much let that slide. Older people like their trees cut down because they

don't have to rake leaves. We get them all the time. Some properties might have 40 trees on a small property and the work for the older people is tough. So either they have to get the leaves cleaned up or they thin the trees out. Its part of the job, I see it all the time. I just wanted to give you a little input on all of that.

PUBLIC COMMENT CLOSED

Motion to Adjourn.

Meeting adjourned at 8:09 PM