

Minutes of the South Toms River Land Use Board

November 19, 2018

A meeting of the South Toms River Land Use Board was held at South Toms River Borough Hall on Monday November 19, 2018 and called to order at 7:00 pm

LUB Chairman (Jason Glogolich) called to order a meeting of the **South Toms River Land Use board at 7:00pm at Borough Hall**. *This meeting was published in the Asbury Park Press January 5, 2018 and posted on the Bulletin Board in the Municipal Building and therefore dually advertised.*

Roll Call

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
					Roush	√			
Petro	√				Whalen	√			
M. Serdinsky	√				Gleason	√			
Grams	√				Rolzhausen	√			
Glogolich	√				Jubert	√			
T Rolzhausen	√				D. Serdinsky	√			

Abs- Abstain Ab-Absent

Approve minutes for October 15, 2018

Mr. Rolzhausen made the motion to approve Second by **Ms. Grams**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
					Roush	√			
Petro	√				Whalen	√			
M.Serdinsky	√				Gleason	√			
Grams	√				Rolzhausen	√			
Glogolich	√				Jubert				
T Rolzhausen	√				D. Serdinsky				

Abs- Abstain Ab-Absent

Old Business

Memorialize denial Resolution 2018-03 Minor Site Plan Block 13 Lot 18.02

Mr. Rolzhausen made the motion Second by **Mr. Serdinsky**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
					Roush	√			
Petro	√				Whalen	√			
M.Serdinsky	√				Gleason	√			
Grams			√		Rolzhausen	√			
Glogolich	√				Jubert				
T Rolzhausen	√				D. Serdinsky				

Abs- Abstain Ab-Absent

New Business

Resolution 2018-04 SED zone extension

Mr. Glogolich explained that this resolution was referred by council to be discussed by LUB

Mr. Rolzhausen explained about the SED extension there is a small R-10 property located near the SED zone and is be asked to be considered to be added to the SED zone

Mr. Serdinsky asked if the current home would be conforming

Mr. Van Dyke said the home would be nonconforming lot and anything was to be done they would need to come to the board. But the owner is aware of the change. The owner is not objecting to the change.

Mr. Serdinsky asked what brought this zone change to the board

Mr. Van Dyke the land owner

Mr. Whalen asked about the location as he was unsure where it was

Mr. Glogolich asked if there was any public comments and there was none

Mr. Serdinsky made a comment and stated it was a good use and could increase the retables

Mr. Serdinsky made the motion Second by Ms. Petro

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
					Roush	√			
Petro	√				Whalen	√			
M.Serdinsky	√				Gleason	√			
Grams	√				Rolzhausen	√			
Glogolich	√				Jubert				
T Rolzhausen	√				D. Serdinsky				

Abs- Abstain Ab-Absent

New business cont.

Resolution 2018-05 M&T@ STR Urban Renewal Lots 11.02 & 12, Block 20 site plan

Keven Boris from Weingarten Law firm explained the property and what the applicant was proposing. (360) multifamily units and a (100) room extended stay hotel and (2) 4200 sq. ft. commercial pads all of which is permitted uses.

Ron Aulenbach director of engineering, planning and redevelopment for M&T described the plan for the layout of the property. He stated it would have an entrance access only off of Chamberlain and there were (2) Wawa access roads off of Chamberlain and Railroad. He stated there would be 2 commercial pads located out front, a 100 room 3 story hotel and 360 multifamily units towards the back of the property.

Mr. Boris questioned Mr. Aulenbach about Mr. O'Donnell's letter dated 10-31-18

Mr. Aulenbach stated they agree to comply with all the comments with the exception of D-5, D-10, D-12, D-23, D-37 and D-38

Mr. Aulenbach stated D-5 would be addressed by the traffic engineer. He moved on to discuss D-10. He stated they would do improvements to the area such as grading and landscaping and if JCP&L needed to complete work on that area M&T would be responsible to make any repairs that were needed. (No structures would be built on that tract).

Mr. Boris asked Mr. Aulenbach to explain D-12 in regards to the fence around the pool. He stated there was an error on the plan. But there would be a 4 foot aluminum fence around the pool as stated C-12

Mr. Boris asked him to explain D-23 need for dumpster for (1) location. It will be there responsible to get the dumpster emptied as needed. The other alternative would be smaller dumpsters around the property. He stated this is how they do it at their other sites and it works well with the one location. He also discussed large items such as mattresses. He also stated residents would not be able to operate the compactor and it would be video monitored so they wouldn't be relying on residents to tell them when it's full.

Mr. Serdinsky asked about back up plan as far as bulk items

Mr. Aulenbach stated residents can call ahead and they will pick up the bulk items from in front of their units

Mr. Serdinsky asked what if the compactor went down

Mr. Aulenbach said they will have a contract and they would have a new compactor dropped off if needed.

Mr. Serdinsky asked if here was going to be a maintenance office

Mr. Aulenbach stated there would be a leasing office located in the hotel

Mr. Serdinsky asked if snow removal and landscaping would be contracted out so there wouldn't be equipment on site.

Mr. Aulenbach stated they have their own crew that come onsite with equipment needed.

Mr. Serdinsky asked about exception from testimony

Mr. Van Dyke said the applicant didn't ask for exception as he is giving the testimony

Mr. Boris asked Mr. Aulenbach to explain D-37 regarding truck turn points

Mr. Aulenbach dumpster trucks could back up as needed and there commercial sites wouldn't be a problem as pickup would be (1) time per week unless a food business was to come

Mr. Serdinsky asked about school buses and where would drop off/pick up points be located

Mr. Aulenbach said the site could accommodate school buses but those locations would be determined by the school board

Mr. Boris asked Mr. Aulenbach to explain

Mr. Serdinsky asked about the access points from Wawa if they were public or private and who would maintain that road

Mr. Aulenbach explained the property lines of the road and stated if Wawa didn't maintain it they would have too and the same with snow removal

Mr. Rolzhausen asked if the Wawa road would be open to the general public.

Mr. Aulenbach said yes

Mr. Aulenbach explained the access road originally put on the concept plan was not on his plan but it is their intention to include that exit in the plan. This was originally request at a meeting with the fire department

Mr. Van Dye asked if they were aware of the letter received from the Turnpike Authority

Mr. Aulenbach said they would address that later in the meeting

Mr. Gleason asked about sidewalks along Chamberlain

Mr. Boris called his next witness Dan Disario Langan Engineering traffic engineer

Dan Disario discussed the access to the site and the traffic that would be going on and off the site. He explained that the traffic lights at Dover Rd and Railroad and Dover and Rt. 9 the signal timing were established a longtime ago. He stated there were inefficiencies in the timing causing unneeded waiting times. They have come up with solutions to the timing and if approved would be passed on to the county. He also discussed D-5 from the engineer review letter. From the standard the usually parking spaces needed for a hotel is (1) space per room and feels their plan of 1.4 spaces per room is more than sufficient.

Mr. Rolzhausen asked if the applicant would be asking for additional lanes on railroad for a left turn.

Mr. Disario stated no but would be requesting the timing change

Mr. Rolzhausen asked if asking for a separate lane would hurt or help the situation

Mr. Disario said anytime additional lanes were added it would only help

Mr. Rolzhausen stated mayor and council has already requested that

Mr. Boris asked about the parking needs should a restaurant move into (1) or both of the commercial pads

Mr. Disario said they may need to utilize some of the hotel parking for the commercial pads if a restaurant moved into (1) or both retail pads.

Mr. Serdinsky about deliveries to the commercial pads as he doesn't feel the property can accommodate a tractor trailer delivery.

Mr. Disario said usually with small retail doesn't usually require a loading zone. Also smaller retailers doesn't require larger vehicles for deliveries. They usually require deliveries such as UPS. He also feels that with the additional access discussed to Railroad would help if there was a need for a larger delivery.

Mr. Whalen asked if there any entrance or exit points that could be created because of the traffic on Railroad and Dover.

Mr. Disario said the signal timing change would greatly reduce that issue.

Mr. Whalen asked about dedicated left light.

Mr. Rolzhausen said that issues is in he works and letters have been sent and freeholders have been spoken too and it seems favorable in getting done.

John Ray from McDonough and Ray Associates said he has already talked county traffic engineer and are they are aware of the project and are looking into the signal timing and stripping a left turn lane and they are entertaining it at a county planning board meeting tomorrow.

Mr. Boris recalled Mr. Aulenbach to discuss the letter received from the Turnpike Authority (exhibit A-4)

Mr. Aulenbach read through the letter and addressed each items individually

Mr. Vandyke stated in the letter it asked for it to be placed in the deed that no sound barriers would be put up by the authority. Being this is rentals it's irrelevant but would the applicant have any objects putting it in the deed should the plans change in the future and units are sold.

Mr. Serdinsky asked about a sign for a hotel

Mr. Aulenbach said that once a tenant is secured for the hotel they would come back to the LUB.

Mr. Whalen asked about a chain for the hotel if it was Residence Inn as on the plans

Mr. Aulenbach said no they were just one of the ones they were speaking to.

Mr. Boris called his last witness Justin Oscielo

Mr. Oscielo stated they were seeking (3) variances for loading space requiring 10x50 (we are not requesting a loading space) parking spaces required 10x20 (we are requesting a 9x18) no off street parking from setbacks

Mr. Whalen expressed concerns about the request for a smaller parking spaces. He said he has a Dodge ram 2500 and it would stick out 3 feet into the road way.

Mr. Oscielo referred the question to Mr. Disario

Mr. Disario totally agreed with Mr. Whalen however from a traffic perspective as long as you are accommodating the majority of cars on the road. We are achieving what we are trying to do as far as accommodating vehicles. We are always looking at minimizing impervious coverage there are for developed sties and to accommodate a very small amount of vehicles and increasing the impervious coverage and in his opinion is not necessary.

Mr. Aulenbach added that in the plan there is no head to head parking and the perimeter around the parking spaces are landscaped areas and you would have a (2) foot overhang which would accommodate larger vehicles. If there was head to head parking then there would be an issue.

Mr. Whalen expressed concerns about the tractor trailer deliveries and that these businesses could have these type deliveries.

Mr. Oscielo stated that they he believed most vehicles would be in the form of a van but we believe the site could accommodate tractor trailers during off hours.

Mr. Whalen asked how you know that.

Mr. Aulenbach he said this is a 4200 sq. ft. building not 42,000 sq. ft. pharmacy. It is our anticipation to have smaller vehicle deliveries. The hotel could get tractor-trailer delivers and they would be blocking their own spaces so they will be making the deliveries as quick as possible to get out of there. If we have

problems with our retailers we will put in leases that they can only have certain size vehicles for deliveries as it's not in our best interest to be blocking parking spaces.

Mr. Whalen said so basically if you have a problem you will fix it.

Mr. Aulenbach absolutely

Mr. Rolzhausen asked about the present condition of the trees that border Chamberlain and if the current trees would be removed.

Mr. Aulenbach said they will look at saving as many of the mature trees as possible. But would consider different factors such as roots as they don't want to save a tree that after 4 years dies because of trucks driving over roots.

Mr. Rolzhausen said the way it is now isn't very attractive.

Mr. Aulenbach agreed

Mr. Rolzhausen asked about a past community advisory meeting where he said they do not rent to dollar stores and like. He asked him to explain why for people who wasn't in attendance

Mr. Aulenbach stated that is was a preference of one of the owners and no offence to the store. But they look to bring in higher end stores. He would rather leave the store vacant.

Mr. Rolzhausen asked if that goes for the apartments too.

Mr. Aulenbach said they have a very strict back ground and credit check that or potential residents must pass. He also discussed about what was brought up from the community meeting about how we can be sure this wouldn't turn into a rundown hotel. He said that the hotel and the apartments are going to be sharing the amenities and it's in our best interest to contract with a high end user for the Hotel. Otherwise they will be getting complaints from their residence about the hotel.

Mr. Rolzhausen ask if there was going to be 24 hour maintenance on site

Mr. Aulenbach said it's to be determined because they have several other sites in the area it might be shared.

Mr. Rolzhausen asked if there will be security on site

Mr. Aulenbach said they have their own security team as well as security cameras being monitored 24/7 at the home office.

Mr. Serdinsky asked for a clarification of the term "Extended Stay Hotel"

Mr. Aulenbach stated it would cater to people who may be in the middle of a move or a corporation sometimes will take rooms for several weeks at a time.

Mr. Glogolich asked if it's a maximum of 30 days.

Mr. Aulenbach said it could be more. They can't get mail delivered or establish residency

Mr. Serdinsky asked if they will have stipulations in the lease for boats, RV's and derelict vehicles

Mr. Aulenbach said yes

Mr. Rolzhausen asked about the cost of the apartments and the construction material that would be used

Mr. Aulenbach said he didn't know about the cost for the rentals. He said brick, stone, vertical siding and interior would be high end materials such as granite as they want to attract the high end user.

Mr. Serdinsky asked about why they didn't submit an elevation for the hotel

Mr. Aulenbach said we submitted one but it would be premature without having a tenant.

Mr. Whalen asked for assurance that they were going to be here for the long haul

Mr. Aulenbach stated that for the 20 years that he has been with the company every rental he built he still owns and every shopping center he built the still owns.

Ms. Petro asked if being this is a private hotel it wouldn't cause the issues where the government can force you to take in certain people

Mr. Aulenbach said that's correct and it's not going to happen.

Mr. Rolzhausen said no matter who you lease the hotel to you would still own the building

Mr. Aulenbach said that is correct

Mr. Vandyke asked for clarification that they are apartments and not condos

Mr. Aulenbach said that is correct

Mr. Whalen asked Mr. O'Donnell if he was satisfied with the answers to his comments

Mr. O'Donnell said he was satisfied and has no objections to the waivers. He said they responded to all his concerns have been addressed

Mr. Whalen asked if he could clarify the discussion of the pool fence

Mr. O'Donnell said that it wasn't on the plan but was on a separate page and he was concerned about kids with no fence but it was addressed

Mr. Gleason asked about the sidewalk along Chamberlain and if they were going to put it in.

Mr. Aulenbach said yes

Mr. O'Donnell said if they put a sidewalk there, they currently have a double row of plantings. But would putting in sidewalks eliminate the double row of plantings

Mr. Aulenbach by adding the sidewalks it would minimized or eliminated

Mr. Rolzhausen asked by putting in sidewalks would it eliminate screening for the people living on Chamberlain

Mr. Aulenbach anytime you remove anything it would eliminates screening

Mr. Boris said we can make it a condition based on approval

The chairman asked if the board had any further questions and there was none. So he opened up for public comments.

Ms. Lourdez Olivera 405 Chamberlain St. How will they keep barriers to protect existing neighbors? Why wouldn't they put the 7 ft. chain link fence?

Mr. Aulenbach stated that the nearest entrance from the site to her property was a pretty far away and anyone leaving the property including the residents would have to exit near Wawa. As far as the 7 ft. chain link fence that was requested to be near the front of the property near Railroad which was requested by the Turnpike Authority. He stated that during the redevelopment plan the board was very insistent of a buffer from current residence, which is included on the site plan.

Mr. Tony Insano 129 Dittmar said he sees no pluses and only minuses and will just add more gridlock causing more problems for our police. Says we have a good neighborhood and don't need strangers.

Mr. Joe Cutrona 392 Chamberlain St he expressed concerns if they don't rent and what's the backup plan. Mr. Aulenbach stated they would offer different incentives if need be. But in his 20 years with the company they never sold.

Mr. Rolzhausen said the building would be done in stages and filled before building more.

Mr. Aulenbach agreed

Mr. Cutrona questioned who would occupy the hotel

Mr. Aulenbach said he hasn't done a market setting for the site but said they are talking to several interested companies so these companies feel there is a market or they wouldn't be talking.

Ms. Marlena Fabres 432 Applegate Ave What's the guarantee that it won't be section 8

Mr. Aulenbach said it won't because it's his development and they own the building and won't allow it

Ms. Fabres asked about if there is a fire department in the area that has a fire truck that can reach 3 stories

Mr. Aulenbach said they would have sprinklers and there was discussing in the audience that there Bayville and Toms River have trucks that would accommodate

Ms. Fabres asked about sidewalks and crossing guards

After open discussion Mr. Aulenbach said if the board asks for sidewalk they will comply

Robert Taylor 11 Baylor St. said that from talking to the community that they don't want this. He feels this is going to cause a traffic problem. He also expressed concern for security

Mr. Whalen said to Mr. Taylor what his solution for this property was

Mr. Taylor said he felt it was just too many apartments and wasn't going to help he drug problem. He guaranteed it was going to affect the police department.

Mr. Samuel Fennell 460 Brookforest Dr. He said his problem was with the overcrowding in the school and will hurt the kids.

Mr. Rolzhausen said the school is under capacity. He explained the history of the property. With Clayton wanting to build a manufacturing plant and then affordable housing and affordable apartments. If we turn this down what will be next and will the own end up getting sued

Krista Whitaker 20 Baylor St. She said her concerns was with the hotel and after hearing testimony she's seems ok with it. She also stated the school board has talked about closing a school and we need kids to assure ours school is not the one the close. She said we need retables and was happy what she heard tonight. She also suggested about putting the exit for walkers at the end of the property to eliminate the need for sidewalk on Chamberlain and having to eliminate landscaping

Marty Brown 41 Lakeview Dr. Stated he thinks it's a good idea and would help the school. He doesn't want the school to close.

Greg Handshy 439 Applegate Ave talked about this property being a zone change.

Mr. Vandyke Stated it wasn't a zone change application

Mr. Handshy asked about the zoning change discussed at the beginning of the meeting and said class 2 members have no authority to change zones.

Mr. Vandyke explained it should have been asked when we were discussing that issues. But said it wasn't a zone change. I was passed down for review from council. It is being sent back to council with no comments.

Mr. Handshy asked if the applicant had a consent form from JCP&L for the right to use for exit

Mr. Aulenbach said yes

Mr. Handshy listed his concerns and asked for the site plan to be deemed incomplete

Mr. Robert Krohn (Chief STREMS) expressed concerns that the size of this development could put a strain on the EMS from members and equipment and what would they be doing to assist

Mr. Boris explained a case where a board said they would approve their application if they bought the town a fire truck. The courts said you couldn't do that.

Mr. Krohn said he didn't want a fire truck. Just saying it was going to put a strain on a members that are already strained. He said he wasn't against the project and felt it has a lot of great opportunity. Just wanted to express his concerns.

Mr. Aulenbach wasn't sure what he couldn't do and didn't want to make any promises. Bu said they would try to help out

Mr. Joseph Jubert pointed out an area that was prone to flooding and asked what could be done. He said the county has done several things with no luck.

Mr. Aulenbach said he would work with him as well as the engineer and fire professionals

Ms. Anna Polozzo asked if a study about for the number of children and asked if there were any variances being requested for height of buildings or number of units

Mr. Vandyke said no

Ms. Lourdez Olivera asked if the extended stay residents would have to fill out an application so we have assurance what would be staying there. She also asked if they would putting something in the lease to require something

Mr. Aulenbach said yes

Ms. Petro asked with the apartments would the background checks cover felonies, sex offenders and things along that line.

Mr. Aulenbach stated it would be detailed background checks and credit scores

Mr. Serdinsky stated he comes up with 216 kids would be added

Mr. Oscielo total kids public schooling 67 based on multiplier generated by Rutgers University 2006 which is what most developers use to calculate

Mr. Whalen asked if there was a plan “B” if they had problems with developing

Mr. Aulenbach said they would address any problems that arise as they are here for the long term

Mr. Boris made a closing statement and thanked he board.

Mr. Rolzhausen suggested that they take Ms. Whitaker suggestion for steps from the development closer to the end of the property to avoid adding sidewalk on Chamberlain and eliminating landscaping from that area and ask them to install sidewalks to Easy St. or contribute to a sidewalk fund.

Mr. Rolzhausen made the motion to close public comment Second by **Ms. Petro**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
					Roush	√			
Petro	√				Whalen	√			
M.Serdinsky	√				Gleason	√			
Grams	√				Rolzhausen	√			
Glogolich	√				Jubert				
T Rolzhausen	√				D. Serdinsky				

Abs- Abstain Ab-Absent

Mr. Rolzhausen made the motion to approve Second by **Ms. Petro**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
					Roush	√			
Petro	√				Whalen	√			
M.Serdinsky	√				Gleason	√			
Grams	√				Rolzhausen	√			
Glogolich	√				Jubert				
T Rolzhausen	√				D. Serdinsky				

Abs- Abstain Ab-Absent

Bills

APPROVE TO PAY BILLS

_ New Jersey Planning Officials 2019 Dues \$370.00

Van Dyke invoice M&T @STR \$315.00

Van Dyke invoice TF Remodeling \$300.00

Van Dyke invoice Tesla \$180.00

Van Dyke invoice General file \$765.00

Mr. Gleason made the motion to pay the bills Second by **Ms. Rolzhausen**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
					Roush	√			
Petro	√				Whalen	√			
M.Serdinsky	√				Gleason	√			
Grams	√				Rolzhausen	√			
Glogolich	√				Jubert				
T Rolzhausen	√				D. Serdinsky				

Abs- Abstain Ab-Absent

Chairman Report

The chairman wished everyone a safe and Happy Thanks Giving

Adjournment

A Motion made by **Ms. Petro** Second made by **Ms. Grams** and an affirmative voice vote of all LUB members present. The meeting was adjourned at **9:40PM**

LUB Secretary_____

LUB Chairman_____