

Minutes of the South Toms River Land Use Board

November 20, 2017

A meeting of the South Toms River Land Use Board was held at South Toms River Borough Hall on Monday November 20, 2017 and called to order at 7:00pm.

LUB Secretary Kayla Rolzhausen 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 on February 1, 2017 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	√			
Serdinsky	√				Gleason	√			
Grams	√				K Rolzhausen	√			
Glogolich	√				Cradle				
T Rolzhausen	√								

Abs- Abstain Ab-Absent

Approve the Minutes

Approve the Minutes for October 16, 2017

A motion was made by **Mr. Rolzhausen** Second made by **Mr. Serdinsky**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
					Roush				√
Petro	√				Whalen	√			
Serdinsky	√				Gleason	√			
Grams	√				K Rolzhausen	√			
Glogolich	√				Cradle				
T Rolzhausen	√								

Abs- Abstain Ab-Absent NV-Not voting

Old Business

None

New Business

Memorialize of Resolution 2017-07 Block 2 Lot's 40 and 41 Patrick Erbe

A motion was made by **Mr. Rolzhausen** Second made by **Mrs. Petro**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
					Roush				√
Petro	√				Whalen	√			
Serdinsky			√		Gleason	N/V			
Grams	√				K Rolzhausen	√			
Glogolich	√				Cradle				
T Rolzhausen	√								

Abs- Abstain Ab-Absent N/V- Not Voting

Minor Subdivision Bloc 18 Lot 3.01 Applicant Ronald Leaf

Mr. Leaf was unable to attend as he was in the hospital. His attorney and engineer will proceed.

His attorney **Melanie Appleby with the firm Carluccio, Leone, Dimon, Doyle & Sacks** stated the application was for a minor subdivision where the original structure would remain and on the other portion of the property a home would be built for Mr. Leaf's daughter. Also the remaining shed structure would remain on the property.

Jason F Pierson East Coast Engineering credentials as an engineer and was accepted by the board.

Mr. Pierson discussed and answered question asked by the applicants attorney Melanie Appleby and then took question from the board

Mr. Serdinsky questioned about whether the driveway would be adequate for the fire department to render services to the back structure.

Mr. Pierson stated yes and explained his reason even stating there would be a turn around on the property.

Mr. Serdinsky questioned whether the pavement would be sufficient to prevent the truck from sinking and getting stuck.

Mr. Pierson stated that the plan could add detail for proper sub base

Mr. Serdinsky asked Mr. O'Donnell for recommendations

Mr. O'Donnell stated gravel based, topped with asphalt at least 2"

Mr. Rolzhausen asked about the driveway that would now be behind the house on Garden Ct. whether there was something being added to maintain privacy for residents. Such as trees or fencing.

Mr. Pierson stated nothing were on the plans but stated that there was already a 6 foot vinyl and wood fence but evergreens could be added to the plans for noise.

Mr. Rolzhausen asked about the shed structure and whether there was plans to remodel the structure. Being the structure is now an eyesore.

Mr. Pierson stated the applicant plans to rehab it but there are no architecture plans.

Mr. Serdinsky asked about the structure if needed a variance due to the size

Mr. Pierson stated the structure has been there 30 plus years but didn't know if there were any approvals

Mr. Whalen said from searching google maps it was a wash out in the back of the property

Mr. Pierson stated he did not notice any wash out on the property

Mr. Rolzhausen asked if there was any other structures remaining on the property

Mr. Pierson said decking on the existing house and the detached garage

Mr. Serdinsky asked if it would be a single family home.

Mr. Pierson stated yes

Mr. Whalen asked if the subdivision was approved would the garage be brought up to today standards

Mr. Van Dyke stated it would only need to conform if it was taken down and rebuilt

Mr. Rolzhausen asked if we could ask to have the garage removed

Mr. Van Dyke stated we do not need to grant the variance

Ms. Appleby stated they are asking that the existing structure not be a deciding factor of this application

Mr. Pierson stated that even though this may be a large structure for 7000 sq. ft. lot but being this is a 32,000 sq. ft. lot it's not and it meets all the setback requirements

Mr. Glogolich asked if the applicant specified what he meant when had said he would rehab the property?

Mr. Pierson stated the applicant only said rehab and didn't go into details

Mr. Serdinsky said he would like to see condition of the approval to have the garage repairs done first so the existing neighbors would have to endure looking at it more than they already have.

Ms. Appleby said that the applicant wants to be a good neighbor

Mr. Whalen asked if the garage was intended to be for a business

Ms. Appleby stated the applicant stated it was for his daughter

Mr. Gleason asked if the driveway was going all the way to the property line.

Mr. Pierson stated it is separated by chain link fencing and in may go all the way to the fencing but there is a chain link fencing separating the property

Mr. Rolzhausen question the age and condition of the fence

Mr. Pierson stated behind the residents there is vinyl, wood and chain link fence and no plans to replace the fencing.

Mr. Glogolich ask who was the owner of the fencing

Mr. Pierson said the metal fencing was on the subject's property and the wood fencing was on the subject's property but was straddling to adjacent property. The vinyl fencing was Lot 10 fencing

Mr. Serdinsky asked if there was a sq. footage of the new structure in the plans

Mr. Pierson stated no but the applicant had interest in 1500 sq. ft. structures (1 floor)

Mr. Serdinsky stated he felt the application is incomplete without any structure rendering of a proposed structure

Mr. Gleason asked if there was something that could be put in the plans to make sure the garage doesn't become something livable.

Mrs. Appleby stated he applicant would comply with any ordinances

Chairman Glogolich opened the floor to question from the public

Melissa Harris 50 Double Trouble Rd expressed concerns about condition of the existing garage, and having 79% of property surrounded by roads if approved. Plus the impact it would have on her property values. She also expressed concerns about flooding and stated she currently has water issues and feels whatever the applicant does will make the problem worse.

Mr. Rolzhausen asked Mrs. Harris if there is anything the applicant could do that would be acceptable to her in order to grant the applicant approval

Mrs. Harris stated move the driveway to the other side

Mr. Pierson stated that no water from the subjects' property would go on to Mrs. Harris property due to southward flow unless the flow started to flow upwards

Mrs. Harris said she feels that whatever the applicant was to do it would stop the flow and cause the water to stay on her property

Mr. Serdinsky stated that, that was her opinion speaking to Mrs. Harris and the plan contradicts that.

Mr. Pierson agreed

Mr. William Todd 3 Garden Ct. discussed the condition of the garage and how he gets pieces of the roof in his yard. He also spoke of condition of the fence. And lack of a retaining wall. Also questioned the possibility of a second story structure being built as it is in his back yard.

There were questions about ownership of the wooden fence. It would appear to be the applicants' fence as the post are on applicants' side but as Mr. Serdinsky stated that's not always the case.

Mr. Todd asked if his property would be affected by what the applicant is proposing.

Mr. Pierson stated no impact to his property

James Swenson 8 Garden Ct. expressed concern about mosquitoes and asked if what the applicant was doing, would possibly raise wet lands behind his house along the Garden State Parkway. Also question clearing of trees in the area.

Mr. Serdinsky said no cause they were not proposing raising any grades and that there a stipulations that keep them out of the wet lands but asked the engineer to answer the question.

Mr. Pierson no grade changes and no clearing as it is protected by the Pinelands Commission

Mr. Whalen asked if it was doable to move the driveway to the other side of the property.

Mr. Pierson said no because it would then become a shared driveway and parking would have to be supplied to the existing house and wouldn't be feasible

Mr. Serdinsky asked if the proposed driveway could be moved south 3 feet

Mr. Pierson said that could be changed easily in the plans

Mr. Rolzhausen asked if the applicant was asked to remove the garage would the project not move forward.

Mr. Pierson couldn't answer as he didn't discuss with the applicant

Ms. Appleby said that the applicant has stated he would rehab the garage

Mr. Rolzhausen expressed concern that the applicants or the idea of rehab may differ from his idea of rehab. He said that if the garage was removed, new liked fencing and a treed buffer was in place it might not feel like there was a road in the neighbor's yard.

Mr. Serdinsky suggested possibly coming back with some of the changes brought up including adding plans for a structure cause if we were to approve it a 2 story is in the permitted uses.

Mr. Van Dyke stated you can't stop it if it's a permitted use.

Mr. Serdinsky added but we could request the positioning of the structure so it doesn't hinder the neighbors privacy.

Mr. Van Dyke stated a minor subdivision doesn't necessary have to show everything that is going to be done it would still have to adhere to setbacks and codes and he doesn't feel its incomplete.

Mr. Serdinsky agreed but the applicant can to show good faith

Mr. Gleason ask what the squiggly line are on the plans

Mr. Pierson stated existing trees lines

Mrs. Petro asked if there is any way to see if the garage is structurally sound and even able to be rehabbed

Mrs. Appleby stated her client has already agreed to bring the building up to standard

The board discussed adding stipulation to the plan with what was discussed and the Chairman asked for a motion to approve

A motion was made by **Mr. Serdinsky** Second made by **Mr. Glogolich**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
					Roush				√
Petro		√			Whalen		√		
Serdinsky	√				Gleason		√		
Grams		√			K Rolzhausen		√		
Glogolich	√				Cradle				
T Rolzhausen			√						

Abs- Abstain Ab-Absent N/V- Not Voting

Motion Denied

Wawa Bills the board looked over all the bills that were incurred during and after Wawa’s application. Tried to determine which bills were Wawa’s responsibility and which might be the boroughs responsibility. It was determined that another meeting to look at each bill separately.

Approve to pay bills

NJPO annual dues 2018 \$370.00
 Kelaher, Van Dyke & Moriarty \$600.00
 Kelaher, Van Dyke & Moriarty \$135.00 (Erbe Builders)

A motion was made by **Mrs. Petro** Second made by **Mr. Rolzhausen**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
					Roush				√
Petro	√				Whalen	√			
Serdinsky	√				Gleason	√			
Grams	√				K Rolzhausen	√			
Glogolich	√				Cradle				
T Rolzhausen	√								

Abs- Abstain Ab-Absent N/V- Not Voting

Chairman’s Report

None

Questions from the Public

None

Adjournment

A motion was made by **Mr. Rolzhausen** and second by **Ms. Grams** and an affirmative voice vote of all LUB members present. The meeting was adjourned at 9:19 PM

LUB Secretary_____

LUB Chairman_____