

Minutes of the South Toms River Land Use Board

January 21, 2020

A meeting of the South Toms River Land Use Board was held at South Toms River Borough Hall on Tuesday January 21, 2020 and called to order at 7:00 pm

LUB Chairman (Robert Hailey) 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 26, 2019 and posted on the Bulletin Board in the Municipal Building and therefore dually advertised.**

Swearing in new members

Laura Grams Class IV

John Brown Class IV (arrived at 7:15PM)

Thomas Rolzhausen Class III

Joseph Jubert Alternate 1

Roll Call

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito	√				Rolzhausen	√			
Petro	√				Whalen	√			
Hailey	√				Jubert	√			
Grams	√				Principato				√
Brown	√								
Handshy	√								

Abs- Abstain Ab-Absent

Reorganization

Resolution 2020-01 LUB Attorney

Mr. Rolzhausen made a motion for Kelaher, Van Dyke and Moriarity and a second by **Mr. Whalen**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito	√				Handshy		√		
Petro	√				Rolzhausen	√			
Hailey	√				Whalen				
Grams	√				Jubert				
Brown					Principato				

Resolution 2020-02 LUB Engineer

Mr Whalen made a motion for **Van Cleef/O'Donnell** Second by **Mr. Rolzhausen**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito	√				Rolzhausen	√			
Petro	√				Whalen	√			
Hailey	√				Jubert				
Grams	√				Principato				
Brown	√								
Handshy	√								

Abs- Abstain Ab-Absent

Chairman- Mayor Hanshy made a motion for **Mr. Hailey** Second made by **Ms. Grams**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito	√				Rolzhausen	√			
Petro	√				Whalen	√			
Hailey			√		Jubert				
Grams	√				Principato				
Brown				√					
Handshy	√								

Abs- Abstain Ab-Absent

Vice Chairman- Mr. Rolzhausen made a motion for **Mr. Whalen** Second by **Ms. Petro**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito	√				Rolzhausen	√			
Petro	√				Whalen			√	
Hailey	√				Jubert				
Grams	√				Principato				
Brown				√					
Handshy	√								

Abs- Abstain Ab-Absent

Secretary- Mr. Handshy made motion for **Ms. Rolzhausen** Second by **Ms. Petro**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito	√				Rolzhausen			√	
Petro	√				Whalen	√			
Hailey	√				Jubert				
Grams	√				Principato				
Brown				√					
Handshy	√								

Abs- Abstain Ab-Absent

Approve minutes for November 18, 2019

Mr. Whalen made the motion to approve Second by **Mr. Hailey**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito	√				Rolzhausen			√	
Petro	√				Whalen	√			
Hailey	√				Jubert				
Grams	√				Principato				
Brown				√					
Handshy	√								

Abs- Abstain Ab-Absent

New Business

Approve meeting dates for 2020

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

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito	√				Rolzhausen	√			
Petro	√				Whalen	√			
Hailey	√				Jubert				
Grams	√				Principato				
Brown									
Handshy	√								

Abs- Abstain Ab-Absent

Bills

None

Resolution 2020-03 Block 4 Lot 8 Certificate of Non-conformance

Mr. Joseph Coronato attorney for the applicant Mr. Mulligan asked for the packet that was submitted to the secretary be marked as exhibit A. He stated he submitted in the package a letter of the law of non-conformity. Mr. Coronato calls Mr. Mulligan as a witness and he was sworn in. Mr. Coronato asked various question as to the history of the property. (Age, size of each floor and the separate dwelling on the property). He asked about the tax records zone being a MU zone, built in 1920 and 3 units. (tax records Exhibit B) Stated is was taxed as a 3 unit property. Exhibit C talks about JCP&L the existing meters for the property (2 meters for the unit on the front of the property and 1 meter for the unit on the back of the property. Exhibit D is the survey which shows 2 buildings on the property. Exhibit E is from the STR sewerage Authority showing 2 sewer lines on the property 1 for the front building and 1 for the rear building. MR. Coronato said Exhibit F was a letter from

Oscar Cradle Mr. Cradle .Mr. Whalen asked exactly what he was looking for from this application. They stated they were looking for what the property was always used for as a 3 unit property, Mr. Hailey asked if the small building on the back of the property was condemned. Mr. Mulligan said there was damage from hurricane Sandy but permits were pulled in the past and work was completed. Mr. Coronato said in order to declare a build inhabitable the needs to be more than 50% damage to the property. Mr. Van Dyke asked if they know if a letter was ever issued for the property. He said he did not believe there was because if there was building permits wouldn't be able to be issued. Mr. Whalen said that the letter states is was grandfathered because it was built in the 1920's. Mr. Coronato said that's it was being used originally as a 3 family property. He also said that normally when the zoning is changed the property owner can go to the zoning officer to be grandfather but since that wasn't done they have to come to this board. Mr. Hailey asked about abandonment of the property since the property wasn't being used. It was explained by Mr. Coronato and Mr. Van Dyke as to why isn't considered abandoned. Mr. Coronato called Oscar Cradle as a witness and he was sworn in. Mr. Cradle stated he has lived in STR for 66 years and for as long as he can remember this property was used as a 3 unit, apartments. He says he lives around the corner. He stated Mr. Mulligan as fixed up the property and sure her will continue to fix it up. Mayor Handshy ask if he knew if there was ever 3 CO's issued for the properties. Mr. Cradle didn't know if there was 3 CO's issued but stated the property was used as 3 family. Mr. Whalen asked why it wasn't considered abandonment if the applicant purchased it as a foreclosure? Mr. Coronato stated it wasn't an abandonment of use . Mr. Rolzhausen asked how the property was presented by the realtor was in a mother daughter or as 3 families. Mr. Mulligan stated is was listed as 3 units. Mr. Coronato stated a mother daughter would be considered 1 unit. Mr. Whalen asked if we were setting a precedent if we approve this application. Mr. Van Dyke said it would have to fall into the same guidelines as this property. Mr. Clearance Cradle made a comment that he has lived here and even knows people who lived at the property and it was always 3 separate units. He said the property has been fixed up and he's even done some of the work. Mr. Coronato said Kayla was a joy to work with and was very helpful and answered email quickly.

Ms. Grams made the motion to pay approve Second by **Ms. Petro**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito	√				Rolzhausen	√			
Petro	√				Whalen	√			
Hailey	√				Jubert				
Grams	√				Principato				
Brown	√								
Handshy	√								

Abs- Abstain Ab-Absent

Chairman Report

None

Public Comment

No comments from the public

Adjournment

A Motion made by **Mr. Colavito** Second made by **Mr. Rolzhausen** and an affirmative voice vote of all LUB members present. The meeting was adjourned at **7:54pm.**

LUB Secretary_____

LUB Chairman_____