

Minutes of the South Toms River Land Use Board

November 21, 2022

A meeting of the South Toms River Land Use Board was held at South Toms River Borough Hall on Monday November 21, 2022 and called to order at 7:04 pm

LUB chairman called to order a meeting of the South Toms River Land Use at 7:00pm at Borough Hall. This meeting was published in the Asbury Park Press on February 12, 2022, November 9, 2022 and November 11 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
Colavito				√	Rolzhausen	√			
Calhoun				√	Whalen	√			
Hailey	√				Jubert	√			
Grams	√								
Di Donato	√								
Esparza	√								

Abs- Abstain Ab-Absent

Approve minutes for August 15, 2022

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

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito				√	Rolzhausen	√			
Calhoun				√	Whalen	√			
Hailey	√				Jubert	√			
Grams									
Di Donato			√						
Esparza			√						

Abs- Abstain Ab-Absent

New Business

LUB secretary talked about a class she took while attending the League of Municipalities. It was brought up at the class that the master plan needs to be reviewed every 10 years. So we will need to review in 2023

Resolution 2022-07 Minor Subdivision w/variances Block 20.01, Lot 7 407Dover Rd

Ryan Murphy attorney (Gertner & Gertner) for the applicant they were here for minor site plan and C variance for the frontage on Lot 7.03. He called up Glenn Lines engineer for the applicant from Newlines Lakewood NJ.(sworn in by Debra Rumpf).

Glenn Lines said they are requesting the variance due to they have 52.67' where 100' is required. Existing home doesn't require a variance. Hardship is due to existing 52.67 ft. where 100 ft. is required. Property use to be conforming prior to a right of way (county) that came in to some years back. They stated woods on back of property will not be removed and will have a 30' buffer. The existing house is approximately 120 feet from property behind on Long Dr. Plans for curbing and sidewalk along with required road widening per county.

Mr. Whalen asked if they turned the existing house would they have the 100' that is needed

Mr. Lines Yes

Mr. Whalen Mr. Whalen stated the right of way isn't a road so it can't be frontage

Mr. Lines that's correct

Mrs Rumpf asked if they had any plans to remove the existing house

Mr. Lines No

Mr. Hailey asked about the access road going to the water tower and next to the EMS building

Mr. Lines that's owned by someone else

Mayor Esparza asked about the variance

Mr. Lines explained the variance and that they were short 50' to be conforming
Mayor Esparza expressed concerns about exiting from the school, if this is approved
Mr. Lines stated nothing along the property in regards to the existing house is changing and nothing is changing in regards to the county right of way
Mrs. DiDonato would the accommodations affect the site triangle
Mr. Lines said no and explained why
Councilman Rolzhausen How far the set back were to the existing house on Long Dr.
Mr. Lines Said that 30' is required and existing house is approximately 120'
Mr. Rolzhausen asked about curbing and sidewalks
Mr. Lines The County is requiring widening of the road, curbs sidewalks and T driveways
Mr. Whalen asked if they were losing their front setbacks due to the road widening
Mr. Lines It's based on the setbacks the county requested
Mr. Whalen If you give up 15' of property to widen the road, your still going to be within the setbacks from the road to the house
Mr. Lines We are already showing the setbacks for all the new lots at 40' from the center lines
Mr. Whalen The County is requiring the T driveways on another property in town and people still back out of the driveway
Mr. Lines said unfortunately they can't control what people do but hopefully the driveway will be use as its intended to be used.
Mr. Whalen asked him to address the engineers review letter
Mr. Lines went through the letter and explained in detail
Mr. Whalen Asked about house numbers and Mr. Jubert commented about concerns he had with first responders easily locating the address in an emergency
Mr. Lines said they would make sure it was done correctly and would contact the post master
Mr. Rolzhausen made the motion to open for public comment and was second by Mr. Whalen
Kevin Gibson 16 Long Dr. Said he didn't believe the county was ever going to do anything with the right of way. He also felt that they were seeking the variances because there wasn't enough room. He believes the variance shouldn't be allowed
Mike Fash 20 Long Dr .60 year resident. Concerns of how they will get out of driveway (new homes)
Concerns of noise from traffic due to the clearing of trees, water retention basin that's currently there not being maintained. He also expressed concerns about flooding on his property. He said he has experience flooding 2 times.
Mr. Rolzhausen asked Mr. Fash if he had questions or concerns he should direct it to the applicant engineer, because they would be best to answer and address his concerns. He also explained that if the county didn't take the right of way. it would be conforming. He also said if they had a plan that was conforming they wouldn't have to come to the board.
Mr. Fash expressed concerns about the proximity to the retention basin
Mr. Rolzhausen said that unfortunately the water basin is not this applicant's responsibility and asked Millis the borough engineer if there were restriction building next to a retention basin.
Millis Looney said no
Mr. Rolzhausen asked if with this construction this would make the flooding issue Mr. Fash is having better or worse
Millis Looney stated worse; she said they would also have to have a underground recharge or something to accommodate the increase runoff.
Mr. Rolzhausen asked if they are doing anything to control the runoff
Mrs. Looney said there is nothing in the plans, but when they came in with the plot plan they would have to show grading and storm water
Mr. Gleason 19 Long Dr asked about Pineland approvals
Mr. Lines stated they had submitted the applications and haven't yet heard back
Mr. Rolzhausen made the motion to close public comment and was second by Mr. Whalen
Mr. Whalen asked Mr. Lines if he had any comments about the concerns of the storm water.
Mr. Lines said they would supply some sort of recharge system
Mr. Whalen asked about the noise issue and if they would be planting trees or something to create a sound barrier
Mr. Lines said they wouldn't be removing any of the trees in the back of the property and wouldn't have any problems with planting evergreens to act as a sound barrier.
Mr. Hailey expressed concerns related to the water problem
Mrs. DiDonato expressed concerns with the new homes backing on to Dover Rd and causing a serious accident
Mr. Lines said they would be willing to work with the borough engineer to address the issue. He said the main issue would be with the center lot.
There was more discussion on the problems with the runoff and the possible solutions.
Mr. Lines suggested we table the hearing for a future meeting date and they will come with a plan that our engineer will be able to review in regards to the water runoff issue
Councilman Rolzhausen made the motion to table till January 17, 2023 and second by Mrs. Grams

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito				√	Rolzhausen	√			
Calhoun				√	Whalen	√			
Hailey	√				Jubert	√			
Grams	√								
Di Donato	√								
Handshy	√								

Abs- Abstain Ab-Absent

Old Business

Resolution 2022-04 Minor Site Plan and Use Variance Block 1, Lots 1,2,3,4 & 5 1 South Main St. Toms River Adult Daycare

Robert Shea attorney representing Toms River Adult Daycare originally heard in June 20, 2022. Applicant already received 2 licenses from the state. (Holmdel and East Brunswick). Both locations are under construction. They are required to go through a vigorous course to ensure licensure are acceptable. Until you have that you can have D-1 variances but will be unable to operate until you have the license in hand. Not a medical facility or urgent care facility. Mr. Shea handed out packets and marked the various exhibits being submitted as evidence. A-1 Variance plan, A-2 pictures of vans, A-3 operation (hours, # of employees, daily operation) A-4 administrative code for this type of facility.A-5 letter from State of NJ Department of Health Dated July 7, 2022. A-6 Letter from Department of Health dated May 27, 2022. This type of facility not only benefits the person but gives the caretaker a break. No physical therapy won't be a full blown salon, more towards personal care. Maximum of 60 participants per shift with 2 shifts per day, 10-12 employees a day. A lease with the landlord 5 year lease with (2) 5 year extensions. This type of use is a low traffic generator. Various outside agencies that will be involved county, fire, state, ect, and will have to go through a resolution of compliance. Any condition of approval they will change the name to South Toms River Adult Daycare.

Marc Leber of East Point Engineering spoke of his qualification as an engineer and was accept as qualified and sworn in. He submitted various pictures marked as A-7. Mr. Leber explained the current uses and past uses of the property. He discussed drop off/ pickup, parking, and the Van Cleef review letter. There was discussion on the patients being handicap and needing wheel chair access on van and off.

William J Cohen architect explain his qualifications and experience, the board accepted his qualifications and he was sworn in. He explained the plan for the space, the space contains 9864 sq ft..It will be a gut reno and everything brought up to code. as well as ADA. He believes the building is a good fit for the use. Andrew Jafolla Traffic Engineer (Dynamic Traffic) explained his qualifications and was accepted and sworn in. He explained the traffic intensity with staffing, drivers. The drop offs will be between 8AM and 9PM and will not affect the morning rush. The parking for the site is well over parked. There will be 6 vans per shift with a total of 12. Expect to have 10 passenger per van. The vans will be parked onsite over night. As far as traffic this is a low intensity site.

Mr. Whalen asked if the vans would be serviced onsite

Mr. Jafolla said no

Mrs. Esparza was concerned about when the traffic study was done being it was done during the summer when school wasn't in session

Mr. Jafolla said he was sure that the impact with school in session wouldn't have any impact on the results. He went into detailed with his explanation.

Mr. Rolzhausen asked if this would cause more traffic than the Planet Fitness previously at the site.

Mr. Jafolla said the adult daycare would be less

Abraham Kirolos (operation) was sworn in and explained his experience. Worked for Prestige in Cherry Hill. He explained the daily operations of a adult daycare facility. He explained his experience as a manager. He said food would come from outside and not prepared onsite. 6-12 vans are more than sufficient. He explained the activities, arts and crafts, dance classes, movie, bingo and various others. Van drivers will travel to pick up people 30 mile radius about 15 minutes. Would allow family members to come in on rare occasions. RN, case workers and social workers on premises as required by the state. Veena Sawant (Professional Planner) sworn in and explained her experience Reviewed master plan, zoning board application and visited site. She explained the use being proposed with the adult daycare and found no negative impact. She found this is a good use and is in lined with the towns master planned. The use is also good as the towns populations ages. Her testimony was in-depth and very thorough.

Councilman Rolzhausen made the motion to approve and second by Mrs. Grams

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito				√	Rolzhausen	√			
Calhoun				√	Whalen	√			
Hailey	√				Jubert	√			
Grams	√								
Di Donato	√								
Handshy	√								

Abs- Abstain Ab-Absent

Chairman Report

None

Bills

Rumpf Law M&T at STR Urban Renewal \$46.95
Rumpf Law General file \$65.25

Mr. Whalen made the motion to pay the bills and second by **Councilman Rolzhausen**

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito				√	Rolzhausen	√			
Calhoun				√	Whalen	√			
Hailey	√				Jubert	√			
Grams									
Di Donato	√								
Esparza	√								

Abs- Abstain Ab-Absent

Correspondences

Ocean County Soil Conservation

Public Comment

None

Adjournment

A Motion made by **Mr. Jubert** second made by **Mr. Hailey** and an affirmative voice vote of all LUB members present. The meeting was adjourned at **10:17 pm.**

LUB Secretary *William Gleason*

LUB Chairman *Paul F. [Signature]*