

Minutes of the South Toms River Land Use Board

January 17, 2023

A meeting of the South Toms River Land Use Board was held at South Toms River Borough Hall on Tuesday January 17, 2023 and called to order at 7:00 pm

Land Use Board 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 and posted on the Bulletin Board in the Municipal Building and therefore dually advertised.

SWEAR IN OF NEW APPOINTMENTS

Class I Mayor Designee Joseph Jubert

Class II William Gleason

Class III Thomas Rolzhausen

Roll Call

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

Abs- Abstain Ab-Absent

REORGANIZATION

Resolution 2023-01 Appointing Attorney

A motion to appoint Rumpf Law made by Mr. Whalen a Second by Ms. Grams

Roll Call

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

Resolution 2023-02 Appointing Engineer

A motion to appoint Van Cleef Engineering made by Mr. Whalen a Second by Mr. Hailey

Roll Call

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

Motion to select Chairman LUB

A motion to select David Whalen for Chairman made by Mr. Rolzhausen a Second by Mr. Gleason

Roll Call

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

Motion to select Vice Chairman

A motion to select Laura Grams for Vice Chairman made by Mr. Whalen a Second by Mr. Gleason

Roll Call

Member	Yes	No	Abs	Ab	Member	Yes	No	Abs	Ab
Colavito				√	Rolzhausen	√			

Calhoun				√	Whalen	√			
Hailey	√				Jubert	√			
Grams			√		Gleason	√			
Di Donato				√					

Go to executive session for Interviews

A motion to go to executive session for Interviews made by Mr. Jubert a Second by Mr. Rolzhausen.

Roll Call

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

Come out of executive session.

A motion to come out of executive session made by Mr. Jubert a Second by Ms. Grams.

Roll Call

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

Motion to select Land Use Board Secretary

A motion to select William Gleason for Land Use Board Secretary made by Ms. Grams
Second by Mr. Hailey

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Roll Call

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

Approve minutes for November 21, 2022

Mr.

Whalen made the motion to approve Second by Mr. Rolzhausen

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

Abs- Abstain Ab-Absent

APPROVE THE MEETING DATES FOR 2023

MS. Grams made the motion to approve Second by Mr. Rolzhausen

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

Abs- Abstain Ab-Absent

Approve 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 (memorialize)

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	√				Gleason			√	
Di Donato				√					

Abs- Abstain Ab-Absent

Resolution 2022-07 Minor Subdivision w/variances Block 20.01, Lot 7 407Dover Rd Councilman Rolzhausen made the motion to table till January 17, 2023 and

second by Ms. Grams

407 Dover Road

Application tabled from last meeting

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 at the last meeting 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 there was any changes made on the plans.

Mr. Lines Yes

Mr. Lines explained the revised plans.

From the last meeting we were at there were a number of residents who live over behind the water tower who were concerned with storm water runoff.

Because they're getting a lot of flooding from that during storms so what we've done on the revised plan that we graded the rear yards of the two new dwellings into a Swale and then each property will have its own storm water collection recharge system to take care of the flow on the property in the rear portions of the property and basically the high spot is through the middle of the property so the back goes towards the Water Tower and the front goes toward the road where it's still above so we really don't have to worry about the front because and then we have storm drainage proposed along the property lines to recharge that water back into the ground so it doesn't just flow off site and we were prepared that we our report and submitted it was reviewed by the engineer she had some comments we can address.

I don't think any of the comments were to stop the project I know one of them was she had a recommendation instead of putting the recharge in the backyards was to pipe it out and put the recharge which is a 30 inch diameter pipe was stone around it and then it just percolates into the ground and her recommendation is to put it out in the front yard I think that's an excellent idea that I didn't have it myself but that I think that would work better it's also it's easier in the future if they have to dig it up clean out any leaves or debris it might get in it somehow it shouldn't and then also to collect and connect the houses to those recharge systems.

Then for the existing lot that this grades back and we have a low spot in the back of the yard to collect the runoff to help slow down what's coming that way historically. Then I would believe that in the future somebody would buy this lot and put a new house up meet all the setbacks and then the borough engineer could require recharge just like the other lots for a new structure so that we keep the increase from going back on the properties.

Mr. Whalen said so you're saying the lot that's got the house on it now can be resold and knocked down and put new house on that site.

Mr. Lines said no it's the large lot on the end I mean it's an older home I would think at some point someone will apply it and redevelop a lot for a new house you know they can meet all the setbacks they could you know have still have access out the door I mean personally I if I was going to do that I moved the house further back

Mr. Rolzhausen said That's your house now anyway isn't it.

Mr. Lines said no

Mr. Rolzhausen you're just buying the lot next door

Mr. Lines said no I am just presenting the application.

Mr. Rolzhausen said and I am saying you are representing the applicant that owns all three of these houses.

Mr. Lines said yes we don't have any plan to tear this house down.

Mr. Rolzhausen said no he's talking about if somebody was to buy the house after they set after the applicant ends up selling it they could turn around and do something like that but they would have to come back to the board also if they want to tear it down.

Mr. Lines said correcting it so any improvements that board engineer would recommend at that time you know same thing you recharge whatever and other than that we I've reviewed the comment the new comments from the board engineer and then it's probably working with it to address those comments.

I believe this addresses the concerns that the residents had at the last meeting which I think was the major problem with the application matters we weren't addressing that that increase in scope of water if you have any other questions

Mr. Whalen said at the last meeting last name was you or somebody of your Association you were going to check the county on what their intent was with Halkway.

Mr. Lines said I did I pulled I called the County engineering representative that I worked with on a regular basis she has asked the County engineer several times no one seems to even know

Why that was done there's nobody in the office who could give them an answer of it oh yeah we were going to do that job with the money filter it's like we're on the track you know who's the prior County engineer had an idea but now got funded and purchased the property but nobody

Mr. Jubert said actually was two Engineers ago we had Frank Scarantino in between so that's how many years ago.

Mr. Lines said that's right so this I since I couldn't get any type of an answer of what they're doing with it I believe the answer is it going to set there and because they because the county bought the property they're not going to give it back they're just going to leave it as a paper street right maybe someday but there was no answer at all nobody knew anything about it they kind of thought.

Mr. Whalen said refresh my memory was that important to your application something about that corner radius.

Mr. Lines said yes because this corner like that's quite interesting yeah it's eight if you extend these the line after you're in a crossover we don't have the proper lot Frontage so I testified that you know it ends up being a corner lot but we have we have plenty of land then this Frontage really doesn't it's limited I mean we have all this from the job along this paper street so our verbal language great I just don't take this anymore it really this will look like this lot goes all the way if they wanted to do something with this in the future somebody else comes along and says you know I'd like to cut this in half of with two houses on it they're going to have to improve that street point right away is there and has to be done so they don't they don't get to subdivide this and put a house on the paper Street yeah they're going to have to improve that for you

Mr. Jubert said yeah they would actually have to use that as the access to the back property.

Mr. Lines said correct

Mr. Rolzhausen said the only question I have is for our engineer well do you believe all this isn't whatever they're doing now will resolve everything that the residents were concerned with I think we can either work with him um the one thing he did I put in a letter like he had mentioned is make sure that recharge trenches are in the front so when they overflow they're not going towards the back towards the houses on the other Street they'll overflow towards Dover Road

the other thing is I suggested that the roof drains get connected to the underground recharge so all the houses will be put into the underground recharge so the only area you're going to have going draining towards the back is going to be their backyards which is going to be grass good condition the other thing he had mentioned some wooded area and any hooded area that he's going to maintain in the back I think should be de-restricted so that they can't remove the trees which would help prevent runoff the adjacent property so I think the comments in my letter and I think we've worked together to uh you know make it so it's a good situation for people.

Mr. Rolzhausen said and that's something we could put in the resolution

Mr. Jubert said to make sure the contingent on continued on the engineer's final approval.

Mr. Gleason A motion to open public comment

Mr. Rolzhausen made the motion to open public comment Second by Mr. Jubert

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

Abs- Abstain

Ab-Absent

Mr. Whalen said At this time would the public like to address this applicant.

Mr. Wagner said good evening I'm Mark Wagner I'm representing the Toms River Regional schools the school is adjacent to this site I just have a couple of questions if I may either you know one of the board members had a question regarding the discussion you just had about the back road and I wasn't able to see what you were showing to the people up here.

Mr. Lines said so right now the buses get in and out and then everybody. Oh this right here what's at some point the county had purchased some land this way.

Mr. Wagner said to come straight in with the intersection.

Mr. Lines said yeah with the idea maybe the idea that they'd make this like a four-way interchange with a light traffic signal

Mr. Wagner said yeah right and the question could come you know this and you haven't heard anything back from them.

Mr. Lines said no okay I pursued it because I knew it was important

Mr. Wagner said no that's fine I'm just I'm just here I'm not here to object in any way just get the information here so uh but the County does currently own this road

Mr. Lines said yes they do

Mr. Wagner said and there would be really nothing to stop them if they decided to do that 20 years from now even though it appears they don't want to do that well right now here right okay

Mr. Lines said this goes all the way to the school yeah

Mr. Wagner said and this is a Troublesome entry and exit there's still a lot of accidents it's difficult to get out because so there might have been talked at one time for the county to come through it looks like that could still happening.

Mr. Whalen said any other questions from the public.

Mr. Rutzler said George Rutzler 8 Easy street now when you're talking about all this new drainage which I know how this system works what about the guaranteed have you talked to the county about the flooding on the Dover Road during these heavy rainstorms

Mr. Lines said no

Mr. Rutzler said why not

Mr. Lines said because this is the first time I heard about anything flooding on Dover road

Mr. Rutzler said listen with new construction we've known everywhere that's going on um in the industry everybody starts complaining when they start building and the roads get flooded yes why because you're taking everything away that absorbs the water now how are you going to prevent not saying not going to have nothing it is going to happen but it could happen how are you doing a manage that.

Mr. Lines said well the county when you get a final approval is we have to get County approval to put this in I'd have to say 99 out of 100 projects that we do on a County Road they require us to put recharge in along the frontage to collect the water and recharge it into the ground along our Frontage because we've widen the road because they're going to have they're going to require us to widen the road to the pavement from and I can find the dimensions I think right now it's 12 feet long and we're going to 17 feet wide and curbing so I think the county is going to require us to provide some type of drainage to collect the water on the street so yes okay

Mr. Rutzler said so you're coming in just past the dirt road of your water tower so how much of that roadway you've taken how much water how far downward.

Mr. Lines said it's going to match to the curbing in front of the schools driveway that's because you also have to continue with the way that's the curbing in for the county road all right so we'll stop there we'll take it back out we'll do the same thing at the other end and by the time we we're just going to connect at this point connect straight to the existing curve coming out from the school's driver so this whole edge of the road will be paving our turn and the county required change.

Mr. Whalen said any other questions comments from the public. Seeing none

Mr. Whalen I make a motion to close the public portion of the meeting Mr. Rolzhausen second

Mr. Gleason all in favor I and the opposed 0 seeing no opposing motion passes.

Mr. Lines said anymore I think unless there is any questions from the board members I've completed my presentation.

Mr. Whalen straight through this afternoon you were going to plant some trees that's all in your plan everything we agreed to do with the last meeting is on the plans

Mr. Jubert said negative impact and bringing the Border forward is going to answer the questions that were raised

Mr. Lines said right and the board engineer also did request an easement along there to guarantee that those trees would stay in that location so it would be a whole bunch of possibility to replacement they die but the easement gives the town the right to go in and say Hey you took our trees down put them back up.

Mr. Whalen said any other questions.

We need a motion to approve the resolution

Mr. Jubert said one more with the contingency to sign off by the deed restriction and the sign off by the Borough engineer for final approval screening I'll make that motion.

Resolution 2022-07 Minor Subdivision w/Variances Block 20.01, Lot 7 407 Dover Rd
Mr. Jubert made the motion to approve Second by Ms. Grams

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

Abs- Abstain Ab-Absent

Bills

None

Correspondences

VHB

Waterfront development permit

Public Comment

Kayla Rolzhausen

Thanking Board for pleasant years with the board as secretary

New Business

LUB secretary talked about master plan needs to be reviewed every 10 years. So we will need to review in 2023

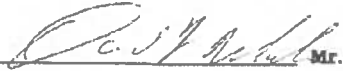
Chairman Report None

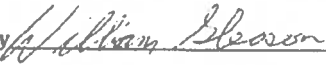
Adjournment

A Motion made by Mr. Jubert **second** made by Mr. Rolzhausen to adjourn and an affirmative voice vote of all LUB members present. The meeting was adjourned at **8:19 pm**.

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

Abs- Abstain Ab-Absent

LUB Chairman  Mr. David Whalen

LUB Secretary  Mr. William Gleason