

**BOROUGH OF SOUTH TOMS RIVER  
LAND USE BOARD MINUTES  
TUESDAY, FEBRUARY 20, 2024 7:00 P.M.**

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**ROLL CALL**

Member	Present	Absent
Mr. Whalen	X	
Mr. Rutzler	X	
Councilman Rolzhausen	X	
Mrs. Grams	X	
Mr. Jubert	X	
Mr. Glogolich	X	
Mr. Serdinsky	X	
Mr. Calhoun		X
Mrs. Kratochvil	X	
Alt. Mrs. Petro		X
Alt. Mr. Hailey		X

**MOMENT OF SILENCE AND ALLEGIANCE TO THE FLAG**

**OPEN PUBLIC LAW STATEMENT MEETING**

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of February 20, 2024 was included in a list of meetings notice sent to the Asbury Park Press on January 21, 2024 and advertised in said newspaper and posted on the bulletin board in the Municipal Building and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

**APPROVAL OF MINUTES FROM JANUARY 29, 2024**

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			
Mr. Rutzler		X			
Councilman Rolzhausen	Second	X			
Mrs. Grams		X			
Mr. Jubert	Motion	X			
Mr. Glogolich		X			
Mr. Serdinsky		X			
Mrs. Kratochvil		X			

Alt. Mrs. Petro					X
Alt. Mr. Hailey					X

**OLD BUSINESS**

Resolution 2024-05 – STRKEY Properties

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			
Mr. Rutzler		X			
Councilman Rolzhausen		X			
Mrs. Grams		X			
Mr. Jubert	Second	X			
Mr. Glogolich	Motion	X			
Mr. Serdinsky		X			
Mrs. Kratochvil		X			
Alt. Mrs. Petro					X
Alt. Mr. Hailey					X

Mr. Whalen read the following statement into record: This meeting is a judicial proceeding any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to such a meeting much be maintained at all times. Any yelling, talking over each other and/or vulgar language will not be tolerated. This meeting shall end at 10:00 PM unless a majority of the board agrees to continue.

**NEW BUSINESS**

Jeffrey Jerman  
8 Railroad Ave.  
Block 16 Lot 5

Mrs. Rumpf swore in Jeffrey Jerman, 814 River Ave., Point Pleasant, and William Stevens, Planner, Professional Design. Mr. Stevens listed his credentials as a planner to testify, the Board accepted Mr. Stevens credentials.

Mr. Jerman marked the following exhibits into record:

- A-1 – Site Plan
- A-2 – Architecturals and house plans
- A-3 – Arial view of the property
- A-4 – Houses in the immediate area
- A-5 – Affidavit of Ownership
- A-6 – Letter to property owners

Mr. Jerman made efforts to either sell the property or purchase property to the adjoining property owners and was unsuccessful. The property is adjacent to two lots, the church to the north side and Borough owned property to the east.

Mr. Serdinsky asked about the position of the garage. Mr. Jerman stated that the garage would be flipped and that this is drawing of other homes he has constructed, other than the garage the home will be the same.

Mr. Jerman questioned Mr. Stevens in regards to the application. Mr. Stevens testified that this is an isolated, undersized lot that has never been a part of any other property. Mr. Jerman outlined how he was able to gain ownership of the property.

Mr. Stevens testified to the plans for the new house and the variances they are requesting. They are seeking three variances, the first two deals with the isolated nature of the lot. The lot is 70' by 100' so the total lot is 7,000 sf whereas 10,000 sf is required in the R10 zone so they are requesting variances for lot size and width. The third variance they are seeking is for minimum floor area of the home, 1,500 sf is required whereas the applicant is proposing is 1,488 sf. They meet all the other setback requirements.

Mr. Stevens referred to the pictures of the surrounding homes. Most of them were in Berkeley Township but they show that the surrounding homes are built on 60' lots. Mr. Stevens stated that most of the homes in South Toms River are on 70' by 100' lots. MR. Stevens also testified that there would be no impact on quality of the neighborhood such as light, air, and open space.

Mr. Jerman testified that without these variances he would be unable to build on the lot and that the courts have overturned denials from boards to build on an undersized lot that has always been that lot size and he has shown it was always that size lot. Mrs. Rumpf informed the board that Mr. Jerman was correct.

The board questioned Mr. Jerman about the encroachment on the front of the property. It is on a county road and the easement will remain. The turn there is tight and would be made worse by making is 90-degree turn.

The board questioned Mr. Jerman about acquiring the property owned by the Borough next to his. Mr. Jerman testified that the Borough was going to get an appraisal on the property and it would not help is application anyway.

Mr. Jerman testified that there would be no impact to the Borough master plan if the variances were granted.

The board questioned about the driveway. Mr. Jerman stated that it was n a county road and because of that they have to make a turn around driveway and it will be a little larger than

required to avoid people backing out on to the road. The board also spoke to Mr. Jerman about putting curbing up, he is willing to do whatever the board will require within reason. The board asked if he would put in fencing or trees in order to add privacy to the home and help with safety. Mr. Jerman said he would fine with that.

Seeing no other questions from the board the application was opened to the public.

**Open Application to the Public**

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			
Mr. Rutzler		X			
Councilman Rolzhausen	Motion	X			
Mrs. Grams		X			
Mr. Jubert	Second	X			
Mr. Glogolich		X			
Mr. Serdinsky		X			
Mrs. Kratochvil		X			
Alt. Mrs. Petro					X
Alt. Mr. Hailey					X

Mrs. Rumpf swore in everyone who was testifying.

Reverend Greene, Second Baptist Church of Toms River, testified to the issues he believes will occur if this variance is granted such as traffic, parking, and visibility. Mr. Greene also testified to where his parishioners park and the entrance/exit to the church.

Several other members of the Second Baptist Church of Toms River in regards to the same issues and were concerned about the safety of a home being built on the lot.

The board asked Reverend Greene as to what conditions his congregation would like to see Mr. Jerman do to help alleviate their concerns. Reverend Greene stated that fencing, curbing, trees, and easement would be helpful. Reverend Greene would like to see the trees planted on the inside of the fence in order for the homeowner to properly maintain them.

Carlos Almanzar asked the board to try to come to an equitable agreement where everyone is happy.

Seeing no other comments or questions the board closed the application to the public.

**Close Application to the Public**

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			

Mr. Rutzler		X			
Councilman Rolzhausen		X			
Mrs. Grams		X			
Mr. Jubert	Motion	X			
Mr. Glogolich		X			
Mr. Serdinsky		X			
Mrs. Kratochvil		X			
Alt. Mrs. Petro					X
Alt. Mr. Hailey					X

**Vote**

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			
Mr. Rutzler			X		
Councilman Rolzhausen		X			
Mrs. Grams			X		
Mr. Jubert	Second to approve w/stipulations	X			
Mr. Glogolich			X		
Mr. Serdinsky	Motion to approve w/stipulations	X			
Mrs. Kratochvil		X			
Alt. Mrs. Petro					X
Alt. Mr. Hailey					X

Application approved.

Social Leaf  
334/336 Atlantic City Blvd.  
Block 6 Lot 2

Mrs. Rumpf swore in Robert Shea, Esq., attorney for the applicant, and Douglas Klee, engineer and planner for the applicant. The board accepted Mr. Klee's credentials in order to testify before the board.

Mr. Shea outlined the preexisting non conformities. The applicant is requesting a rear yard of 21.9' whereas 40' is required. Mr. Shea questioned Mr. Klee in regards to the application. The applicant is proposing a 2-story addition which will have office space and a bathroom on the

second story with storage on the first story. Mr. Klee testified that there would be no detriment to the borough master plan. The applicant was previously granted a Class 5 Cannabis License by the borough.

The board asked about the stairs making the rear setback 18.9' rather than 21.9'. Mr. Klee stated that the stairs were not cover therefore not subject to the setback requirements.

Seeing no other questions or comments from the board the application was closed to the public.

**Open Application to the Public**

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			
Mr. Rutzler		X			
Councilman Rolzhausen	Second	X			
Mrs. Grams		X			
Mr. Jubert	Motion	X			
Mr. Glogolich		X			
Mr. Serdinsky		X			
Mrs. Kratochvil		X			
Alt. Mrs. Petro					X
Alt. Mr. Hailey					X

Carlos Almanzar requested that the board make no decisions regarding variances pertaining to cannabis to be tabled until his lawsuit with borough is resolved. The board informed Mr. Almanzar that they had no jurisdiction over that and they were only considering the building not the cannabis license.

Seeing no other questions or comments from the board the application was closed to the public.

**Close Application to the Public**

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			
Mr. Rutzler		X			
Councilman Rolzhausen	Second	X			
Mrs. Grams		X			
Mr. Jubert	Motion	X			
Mr. Glogolich		X			
Mr. Serdinsky		X			
Mrs. Kratochvil		X			
Alt. Mrs. Petro					X

Alt. Mr. Hailey					X
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**Vote**

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			
Mr. Rutzler	Second	X			
Councilman Rolzhausen		X			
Mrs. Grams	Motion	X			
Mr. Jubert		X			
Mr. Glogolich		X			
Mr. Serdinsky		X			
Mrs. Kratochvil		X			
Alt. Mrs. Petro					X
Alt. Mr. Hailey					X

Application approved.

**APPROVAL OF BILLS**

Van Cleef Engineering

Invoice #23217.00-1 225 Atlantic City Blvd.	\$1,944.00
Invoice #18071.00-21 M&T	\$2,163.00
Invoice #23224.00-1 Jeffery Jerman	\$1,050.00
Invoice #21126.00-22 The Lofts	\$9,494.50
Total	\$14,651.50

Rumpf Law

Invoice #18616 Land Use Board	\$70.88
Invoice #18617 STRKEY Properties	\$609.50
Total	\$680.18

**Approval to Pay Bills Pending Availability of Funds**

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			
Mr. Rutzler		X			
Councilman Rolzhausen		X			
Mrs. Grams		X			
Mr. Jubert	Motion	X			
Mr. Glogolich	Second	X			

Mr. Serdinsky		X			
Mrs. Kratochvil		X			
Alt. Mrs. Petro					X
Alt. Mr. Hailey					X

**CHAIRMAN’S REPORT**

**CORRESPONDENCES**

Van Cleef Engineering – Review of Master Plan, Public Hearing on 3/18/24

**PUBLIC COMMENT**

**Open Meeting to the Public**

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			
Mr. Rutzler		X			
Councilman Rolzhausen		X			
Mrs. Grams		X			
Mr. Jubert	Second	X			
Mr. Glogolich	Motion	X			
Mr. Serdinsky		X			
Mrs. Kratochvil		X			
Alt. Mrs. Petro					X
Alt. Mr. Hailey					X

No public comment.

**Close Meeting to the Public**

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			
Mr. Rutzler		X			
Councilman Rolzhausen	Motion	X			
Mrs. Grams		X			
Mr. Jubert		X			
Mr. Glogolich	Second	X			
Mr. Serdinsky		X			
Mrs. Kratochvil		X			
Alt. Mrs. Petro					X
Alt. Mr. Hailey					X



**ADJOURNMENT**

Member	Motion	Yes	No	Abstain	Absent
Mr. Whalen		X			
Mr. Rutzler		X			
Councilman Rolzhausen		X			
Mrs. Grams		X			
Mr. Jubert	Motion	X			
Mr. Glogolich	Second	X			
Mr. Serdinsky		X			
Mrs. Kratochvil		X			
Alt. Mrs. Petro					X
Alt. Mr. Hailey					X

Respectfully Submitted,  
Thea Kratochvil  
Land Use Board Secretary