

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

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**ROLL CALL**

Present: Mr. Whalen, Mr. Rutzler, Mr. Rolzhausen, Mrs. Grams, Mr. Jubert, Mr. Serdinsky,  
Mrs. Kratochvil  
Absent: Mr. Glogolich, Mrs. Petro, Mr. Hailey

Also in attendance were Debra Rumpf, Rumpf Law, and Wendy Birkhead, Van Cleef Engineering.

**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 May 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.

**CHAIRMAN'S STATEMENT**

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.

**APPROVAL OF MINUTES FROM MARCH 18, 2024**

Mr. Jubert made a motion to approve the minutes from the April 15, 2024 meeting, seconded by Mr. Rolzhausen.

Yea: Mr. Rutzler, Mr. Rolzhausen, Mr. Jubert, Mr. Serdinsky, Mrs. Kratochvil

Nay: None

Absent: Mr. Glogolich, Mrs. Petro, Mr. Hailey

Mr. Whalen and Mrs. Grams were not present for the April 15, 2024 meeting.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

Patrica Tobin  
421 Applegate Ave.  
Block 20.32 Lot 24

Nicholas Graviano, PP, AICP, JD, Planner/Project Manager, Graviano & Gillis Architects & Planners, LLC, appeared of behalf of the applicant. Mr. Graviano has testified before and the Board accepted his credentials.

Mr. Graviano stated that the applicant had been before the Board back in March and was approved for an 8.4 feet side yard setback to accommodate the new garage. Mrs. Tobin is coming back before the Board to request a 3.2 feet side yard setback for the proposed garage, The reason for this change is due to landscaping and concrete work, including a retaining wall, that would not allow for the driveway to line up with entrance to the garage. The applicant will have the garage attached to the house with an entrance to the home in order to avoid the elements. Mr. Graviano felt that this variance should be granted under the C2 criteria, promotion the general health and safety as well as having no negative impact on the zoning ordinance.

Mr. Whalen asked Mr. Graviano about the change to the side yard setback since he had asked about the concrete work and topography at the first application and wanted to know what had changed. Mr. Graviano stated that the grade was a little bit more than he thought it was and the applicant would like to keep the retaining wall in the driveway. Mr. Whalen asked if the side went back on a slope or was it a 90-degree angle. Mr. Graviano stated that it does go back on an angle and due to that there was no way to put in the proposed garage without needing a variance.

Mr. Serdinsky asked about the gradient level between the driveway and the sidewalk and retaining walk, they looked the same to him. Mr. Graviano did measure it and it's around 8 inches. Mr. Serdinsky asked about the distance between the proposed garage and the adjacent dwelling. Mr. Graviano stated while he didn't have the exact measurements, he believed it was around 6 feet.

Mr. Whalen asked about if the fence was Mrs. Tobin's or the neighbors. Mr. Graviano stated that it is Mrs. Tobin's fence.

Mr. Serdinsky asked what the previous setback the applicant had requested. Mr. Graviano stated that the previously granted setback was for 8.2 feet however they made the garage wider this time so that it would line up with the driveway.

Mr. Jubert asked about the difference across the property line due to the slope. Is the back narrower than the front. It is.

Mr. Whalen opened the application to the public. Seeing no questions or comments from the public, Mr. Whalen closed the application.

Mr. Jubert had called up an aerial view of the property showing the distance between the two homes to show the Board members.

Mr. Serdinsky made a motion to deny the application. Mr. Jubert stated that since the Board had previously approved a similar side yard setback for the neighbor, that the Board could not deny this request for relief. No one seconded the motion so the motion died.

Mr. Rutzler made a motion to approve the application, seconded by Mrs. Grams.

Yea: Mr. Whalen, Mr. Rutzler, Mrs. Grams, Mr. Jubert, Mrs. Kratochvil

Nay: Mr. Serdinsky

Absent: Mr. Glogolich, Mrs. Petro, Mr. Hailey

Resolution 2024-10, 421 Applegate Ave.

Mr. Rutzler made a motion to approve the resolution, seconded by Mrs. Grams.

Aye: Mr. Whalen, Mr. Rutzler, Mrs. Grams, Mr. Jubert, Mrs. Kratochvil

Absent: Mr. Glogolich, Mrs. Petro, Mr. Hailey

Mr. Serdinsky voted against the application so he was unable to vote on the resolution.

Mr. Rolzhausen returned to the meeting.

Ordinance 2024-07, An Ordinance of the Borough of South Toms River, County of Ocean, State of New Jersey amending Chapter 24 of the Township Code entitled "Stormwater Management", was sent to the Board for their review to make sure that it is consistent with the Borough's Master Plan.

Mr. Whalen asked Ms. Birkhead about the calculations regarding runoff and impervious coverage. Ms. Birkhead stated that those calculations came from the State and the Borough is following the State regulations. Mr. Whalen asked Mrs. Rumpf about some of the legal information at the end of the ordinance and she explained it to the Board.

Mr. Jubert made a motion to approve Ordinance 2024-07 being consistent with the Master Plan, seconded by Mr. Rutzler.

Yea: Mr. Whalen, Mr. Rutzler, Mr. Rolzhausen, Mrs. Grams, Mr. Jubert, Mr. Serdinsky, Mrs. Kratochvil

Nay: None

Absent: Mr. Glogolich, Mrs. Petro, Mr. Hailey

## **APPROVAL OF BILLS**

### Van Cleef Engineering

|  |             |
|--|-------------|
| Invoice #24006.02-1 – Patricia Tobin             | \$988.00    |
| Invoice #18071.00.00-23 – M&T                    | \$311.00    |
| Invoice #21126.00-25 – M&T                       | \$1,255.00  |
| Invoice #23152.00-7 – Master Plan Re-Examination | \$968.75    |
| Total  | \$3, 522.75 |

### Rumpf Law

|   |          |
|---|----------|
| Invoice #18671 – General Land Use Board | \$297.68 |
| Total                                   | \$297.68 |

Mr. Rolzhausen made a motion to approve the bills, seconded by Mrs. Grams.

Yea: Mr. Whalen, Mr. Rutzler, Mr. Rolzhausen, Mrs. Grams, Mr. Jubert, Mr. Serdinsky, Mrs. Kratochvil

Nay: None

Absent: Mr. Gloglich, Mrs. Petro, Mr. Hailey

## **CHAIRMAN’S REPORT**

None

## **CORRESPONDENCES**

None

## **PUBLIC COMMENT**

No public present

## **BOARD MEMBER COMMENT**

None

## **ADJOURNMENT**

Seeing no other business to come before the Board, Mr. Rutzler made a motion to adjourn, seconded by Mr. Jubert. All ayes. Meeting adjourned.

Respectfully Submitted,  
Thea Kratochvil,  
Land Use Board Secretary