

**BOROUGH OF SOUTH TOMS RIVER  
LAND USE BOARD MINUTES  
Tuesday, February 18, 2025 7:00 P.M.**

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**ROLL CALL**

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

Mrs. Rumpf, Rumpf Law, and Mrs. Looney, VanCleaf Engineering, were also present.

**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 18, 2025 was included in a list of meetings notice sent to the Asbury Park Press on December 20, 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 by 10:00 PM unless a majority of the board agrees to continue.

**APPROVAL OF MINUTES FROM JANUARY 21, 2025**

Mr. Serdinsky made a motion to approve the January 21, 2025 minutes seconded by Mr. Jubert.

Yes: Mr. Whalen, Mr. Rutzler, Mr. Jubert, Mr. Glogolich, Mr. Serdinsky,  
Mrs. Kratochvil  
No: None  
Abstain: Mr. Rolzhausen

## **OLD BUSINESS**

Resolution 2025-04 – Toms River Oil Corp Amended

Mr. Glogolich made a motion to approve Resolution 2025-04 as amended, seconded by Mr. Rutzler

Yes: Mr. Rutzler, Mr. Glogolich, Mr. Serdinsky, Mrs. Kratochvil  
No: None  
Abstain: None

Resolution 2025-05 – DRM Construction

Mr. Jubert made a motion to approve Resolution 2025-05, seconded by Mr. Rolzhausen.

Yes: Mr. Whalen, Mr. Rutzler, Mr. Rolzhausen, Mr. Jubert, Mr. Glogolich,  
Mr. Serdinsky, Mrs. Kratochvil  
No: None  
Abstain: None

## **NEW BUSINESS**

Rodney Hailey  
65 Flint Rd.  
Block 7 Lot 1

Mr. Rolzhausen stepped down as he was unable to hear the application.

Christopher Supsie, Esq., Stein, Supsie & Tedeschi, attorney for the applicant Rodney Hailey was sworn in by Mrs. Rumpf. Mr. Supsie made note that his client would need at least five yes votes to be approved for the use variance and there were only six board members present to hear the application. Mr. Supsie spoke with Mr. Hailey and they decided to proceed.

Mr. Supsie stated that this is an application for a use variance. The property is located in the Townhouse Transitional Zone. The current uses at this site includes automotive repair and truck and equipment storage. The applicant is requesting an expansion of use to permit automotive sales. They are also requesting that application be bifurcated with doing the use variance tonight and if approved to come back for the preliminary and final site plan. Mr. Timmothy Rioux will be testifying as a licensed engineer on behalf of the applicant. Mr. Supsie handed out a blown up picture of the site which is photo number 8 on page C2 of the plans submitted with the application. This was marked as A1.

Mrs. Rumpf swore in Timmothy Rioux, owner of Rioux Engineering LLC. Mr. Rioux is a licensed engineer in Virginia, Maryland, Delaware, New Jersey, New York, and Connecticut. He has testified as an expert witness before several boards in New Jersey. Mr. Serdinsky asked if Mr. Rioux was a licensed planner, he is not however he can testify as an engineer on the matter as long as he does not present himself as a professional planner.

Mr. Rioux stated that the lot is situated in the Townhome Transition Zone and is narrow and trapezoidal. It's 100' wide and even it was to be developed for townhomes the requirements would be 50' setbacks on either side which would be impossible to do. The site currently has a concrete mason building which has been used for auto repair, two bays, storage and an office. The front slopes down towards Flint Rd. so there will be no issues with drainage. Mr. Hailey only uses the building and the front of the property. The owner uses the rear of the property for storage of tractor trailers and equipment. Mr. Rioux stated that all the properties around the applicants is commercial use. Mr. Serdinsky stated that the Borough is currently having a planner look at the zoning map to change the zone from the Townhouse Transitional Zone to the Mixed Use Zone.

Mr. Rioux testified that the existing use has been for auto repair and currently the vehicles being repaired are cars that Mr. Hailey has purchased at auctions to resell, there is no outside traffic to the site. The proposed use would not change anything as far as traffic to the site is concerned as Mr. Hailey only shows cars by appointment. The state requires that a minimum of two cars be available on the site for sale however the applicant estimates 5 – 6 cars on site for sale. Mr. Serdinsky questioned that included in the application was a license from the state to sell used cars. He inquired if that license was for here or another town. Mr. Rioux stated that Mr. Hailey has another place he currently sells cars at and would like to be able to sell them in South Toms River as well.

Mr. Rioux reviewed how the business would operate. Typical hours at the site would 10:00 am – 6:00 pm, Monday through Saturday, with 1 to 2 employees at the site including Mr. Hailey. Automotive sales would be conducted by appointment only and the only cars being repaired are the ones Mr. Hailey gets to resell so there will be no customers coming off the street. State regulations require an office with a desk, a chair, a safe to secure documents, and a landline phone. Office space needs to be 8' X 9' minimum and a minimum of two car spaces to have cars for sale. He would need a sign permanently fixed to ground or building and visible from the road. Mr. Hailey currently has a sign on the building that will suffice the state's requirements and he will not be putting up any additional signage. Vehicles for sale or repair are driven in however occasionally they might require a tow truck. The repairs are minor such as oil changes, brakes or tires, he will not be doing any painting or body work on the site. Deliveries for parts are from local dealers and arrive in a car or van and usually comes just once a week. There a dumpster on the north west side of the building for trash and that will stay where it is. Mr. Jubert stated that was currently on the county right of way. Mr. Supsie stated that would be something they would address in the site plan part of the application.

Mr. Serdinsky asked if as a condition of approval would the applicant be will stipulate there would be no tractor trailers or car trailers. Mr. Whalen stated that he did not want to see any deliveries on the road. Mr. Supsie stated that they could make those a condition of approval. Mrs. Rumpf swore the applicant, Rodney Hailey in. Mr. Hailey stated that he would agree to both of those conditions.

Mr. Supsie outlined previous nonconforming conditions of the lot. Public garages are not permitted in the Townhouse Transition Zone, minimum area for townhouse 2 acres is required, 0.3707 acres is existing, minimum building setback from all property lines is 50 ft; currently there is 0.92 ft. setback from Mill St., and 25.09 ft. from Flint Rd., maximum lot coverage is 25% and 50.3% is existing. These preexisting nonconformities will remain.

Mr. Supsie asked Mr. Rioux about the expansion of the use variance. Mr. Rioux stated as far as the positive criteria the business would fit in well with area as it is mostly light industrial all around him and will not negatively hurt the area. This application would not cause substantial detriment to the public good and would not cause substantial impairment of the municipal zoning ordinance or the borough master plan to satisfy the negative criteria.

Mr. Serdinsky stated that even though they were going to come back for the site plan, he would like to get something on record in reference to car storage. He does not want them spilling over onto the sidewalk and would like to see them as they are in picture 8. After some discussion it was decided that there would be 10 parking spaces for cars total, whether for sale or repair, two parking spots on the side for Mr. Hailey and his employee, and then one spot next to the door for customers when Mr. Hailey is showing cars.

Mrs. Rumpf summarized the applicant's testimony. They have shown that the positive criteria that the site is particularly suited and is trapezoidal, the proposed use will not be of any detriment to the surrounding area, there would not be any additional foot traffic, and is unlikely to impact any of the surrounding businesses and due to it being a mixed use zone would not negatively impact the zoning ordinance or master plan. The conditions they are willing to stipulate to are there will be no multi car trailers, no delivery of cars on the roadway, no three car carriers, they will not interfere with sight triangle, there would no parking on the sidewalk, there will no freestanding sign, the maximum number of cars for sale or repair would be ten, two parking spaces for the employees, and one for a customer but it would only be for the occasional customer and cars for repair or sale would not be parked there, this would not be including the bay. Mrs. Rumpf stated that she would also like to stipulate that the site plan part of the application would not be delayed and until the site plan is approved the business will not be able to operate.

Mr. Rutzler made a motion to open the application to the public, seconded by Mr. Glogolich. All ayes.

Mr. Jameal Calhoun stated that he has known Mr. Hailey for about 10 years and believes that giving him the chance to bring a small business to the town is good for the community.

Mr. Carlos Almanzar stated that it is always good when the town expands businesses and helps provide for jobs in the community.

Mr. Glogolich made a motion to close the application to the public, seconded by Mr. Rutzler. All ayes.

Mr. Serdinsky made a motion to approve the application with the stipulations, seconded by Mr. Jubert.

Yes: Mr. Whalen, Mr. Rutzler, Mr. Jubert, Mr. Glogolich, Mr. Serdinsky,  
Mrs. Kratochvil

No: None

Abstain: None

Mr. Rolzhausen returned to the meeting.

### **APPROVAL OF BILLS**

#### **Van Cleef Engineering**

Invoice #24006.05-2 DRM Construction	\$474.00
Invoice #24006.05-1 DRM Construction	\$522.00
Total	\$996.00

Mr. Jubert made a motion to approve the invoices from Van Cleef Engineering, seconded by Mr. Rolzhausen.

Yes: Mr. Whalen, Mr. Rutzler, Mr. Rolzhausen, Mr. Jubert, Mr. Glogolich,  
Mr. Serdinsky, Mrs. Kratochvil

No: None

Abstain: None

#### **Rumpf Law**

Invoice #18889 – DRM Construction	\$467.50
Invoice #18890 – Professional Service LUB	\$56.70
Total	\$524.20

Mr. Rutzler made a motion to approve the invoices from Rumpf Law, seconded by Mr. Serdinsky.

Yes: Mr. Whalen, Mr. Rutzler, Mr. Rolzhausen, Mr. Jubert, Mr. Glogolich,  
Mr. Serdinsky, Mrs. Kratochvil

No: None

Abstain: None

### **CHAIRMAN'S REPORT**

Mr. Whalen asked how many people watched the wastewater training video. Most of the board had although there are a couple who still need to.

### **CORRESPONDENCES**

None

### **PUBLIC COMMENT**

None

### **ADJOURNMENT**

Seeing as there was no other business to come before the Board, Mr. Rutzler made a motion to adjourn the meeting, seconded by Mr. Glogolich. All ayes.

Respectfully Submitted,  
Thea Kratochvil  
Land Use Board Secretary