

**BOROUGH OF SOUTH TOMS RIVER
LAND USE BOARD MINUTES
MONDAY, MAY 19, 2025 7:00 P.M.**

ROLL CALL

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

Also in attendance were Debra Rumpf, Rumpf Law, and Millis Looney, 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 19, 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 APRIL 21, 2025

Mr. Jubert made a motion to approve the April 21, 2025 minutes, seconded by Mr. Glogolich.

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

OLD BUSINESS

None

NEW BUSINESS

Rodney Hailey
Rod's Big Results
65 Flint Rd. Block 7 Lot 1

Mr. Rolzhausen stepped down as he is a councilman and this is the site plan for the previous use variance.

Christopher Supsie, Esq., Stein, Supsie & Tedeschi, attorney for the applicant Rodney Hailey, and Timmothy Rioux, Rioux Engineering LLC, engineer for the applicant, were sworn in by Mrs. Rumpf.

Mr. Supsie went over the site plan application with Mr. Rioux.

Mr. Rioux stated that the site is an existing site with a masonry structure that had previously been used for automotive repairs. The owner uses the rear of the property for truck and equipment storage while Mr. Hailey has use of the building and the front which is entirely paved. There is lighting in front of the building. Mr. Hailey is proposing 10 parking spots for vehicles he has for sale, they have indicated a handicapped parking spot, and two parking spots on the side of the building for him and employees. Mr. Hailey will not block the site triangle and there are no easements on the property. There is an area in the parking lot for loading and unloading, which would be the occasional car he needs to have towed as well as for deliveries. Sales of the vehicles are made by appointment only.

Mr. Supsie reviewed the variances with Mr. Rioux.

The applicant is seeking the following variance approvals:

Section 26-16: Public garages are not permitted in the T-Townhouse Transition Zone.

Section 26-23.1: A minimum area for townhouse 2 Acres required, 0.3707 acres existing (to remain).

Section 26-23.1d: Minimum building setback from all property lines 50 feet; 0.092 feet setback from Mill Street, 25.09 feet from Flint Road (to remain).

Section 26.23.1f: Maximum lot coverage 25% allowed 50.3% existing (to remain).

Section 26-10.3: Parking Space is defined at 10' x 20'; proposed parking spaces are 8' 1/2" x 19'.

Section 26-14.2: Off Street Loading Zone 10' x 50' required, 28' x 12.5' proposed.

The applicant is seeking a waiver for an electric vehicle charging station as there are less than 25 parking spaces pursuant to state law.

Mr. Rioux believes that they have met the positive criteria for the application to be approved as there is no detriment to the public good and will have a minimal impact on the surrounding area.

Mr. Supsie went over the letter from Van Cleef Engineering dated May 7, 2025, with Mr. Rioux.

The dumpster will be moved from right of way on Mill St. to the other side of the building behind a fence. Recyclables are kept inside the building and Mr. Hailey disposes of them himself.

An ADA compliant parking space is proposed to be in front of the building with required signage. Handicapped access to the office and restroom is available through the bay door.

There is currently an entrance and egress for the site and while Mr. Rioux did not have the exact measurement it is more than 20' wide. The entrance and egress would also include the loading/unloading area and the No Parking Fire Zone area.

The parking lot has less than 25 spaces so the state law does not require an EV charging space. Mrs. Looney agreed.

The parking lot will have 10 spaces for merchandise, 1 handicapped spot, and 2 spaces on the side of the building for employee parking.

The parking lot is in OK condition so there is no need to repave. Mr. Hailey will paint and stripe the parking lot. Mrs. Looney agreed.

There will be 3 wall lights on a timer for the parking lot.

The No Parking Fire Zone will be striped and approval from the OC Marshal's Office will be submitted to the board once completed. Mrs. Rumpf swore in Mr. Hailey. Mr. Hailey testified that he does have documentation from the OC Fire Marshal's Office stating that they would accept pictures of the site for inspection. Fire Marshal approval will be a condition for the application. Mr. Jubert asked about the fire access striping on the bend where Center St. comes out to Flint Rd., right now there are cones blocking access and would that remain an access and egress. Mr. Rioux stated that there currently were no plans to change anything and it would remain an access and egress to the site. Mr. Jubert stated that it should only be access in and not out and it should have an arrow painted showing that it is one way.

The office space and restrooms meet the size requirements from the state.

The applicant will get all outside approvals required.

Mr. Jubert asked about the sidewalk which is in disrepair. Mr. Hailey will fix any problems with the sidewalk.

Mr. Whalen asked if the conditions from the previous resolution would still be place. Mrs. Rumpf stated that they would. He also inquired if Mr. Hailey sells the business would the variance stay with property or is it only for Mr. Hailey. Mrs. Rumpf stated that it would stay with property.

Mr. Whalen opened the application to the public. There were no public comments and Mr. Whalen closed the application to the public.

Mr. Whalen told Mr. Hailey that in the time between now and the last meeting he was impressed by the improvements that he has already made.

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

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

No: None

There was a 5 minute recess and Mr. Rolzhausen returned to the meeting.

Review of proposed Ordinance 2025-09 – Amending Current Zoning of Block 12, Lots 26, 27, 28, 29, 30, 31, 32, 37 and Block 14, Lots 1, 2, 3, 4, 5, 6, 7, 8

The board discussed the zoning changes proposed in the ordinance and found it consistent with the borough master plan.

Resolution 2025-08 – Approving Amending Current Zoning of Block 12, Lots 26, 27, 28, 29, 30, 31, 32, 37 and Block 14, Lots 1, 2, 3, 4, 5, 6, 7, 8

Mr. Serdinsky made a motion to approve the resolution, seconded by Mr. Glogolich.

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

No: None

Resolution 2025-07 – Amending Resolution 2024-06 Jeffrey Jerman

The board wanted wording on the amended resolution to show that all the stipulations in resolution 2024-06 would still need to be adhered to. Mrs. Rumpf will have a revised resolution for the June meeting. Mr. Rolzhausen made a motion to table the resolution until the June meeting, seconded by Mr. Jubert.

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

No: None

APPROVAL OF BILLS

Van Cleef Engineering

None

Rumpf Law

Invoice #18967 – Professional Services for LUB \$212.50

Total \$212.50

Mr. Jubert made a motion to approve the invoices, seconded by Mr. Rutzler.

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

No: None

CHAIRMAN’S REPORT

None

CORRESPONDENCES

None

PUBLIC COMMENT

Mr. Whalen opened the meeting to the public. There was no public present.

ADJOURNMENT

Seeing as there was no more business to come before the board Mr. Rutzler made a motion to adjourn, seconded by Mrs. Grams. All ayes.

Respectfully Submitted,

Thea Kratochvil
Land Use Board Secretary