

TOMS RIVER TOWNSHIP PLANNING BOARD MINUTES

A Meeting of the Toms River Township Planning Board was held in the L. Manuel Hirshblond Meeting Room of the Toms River Township Municipal Building, 33 Washington Street, Toms River, New Jersey on Wednesday, June 6, 2018

MEETING CALLED TO ORDER – **Approximately 6:05 pm**

FLAG SALUTE

CHAIRMAN'S STATEMENT - N.J. OPEN PUBLIC MEETINGS ACT– **The Vice Chairman read statement that proper and legal notice of this meeting had been given.**

ROLL CALL AND DECLARATION OF QUORUM

PAUL WNEK – **Present**

ROBERT STONE – **Present**

LAURIE HURYK – **Present**

DAVID CICCOCZZI – **Not present**

HEATHER BARONE – **Present**

JEANETTE AMORUSO – **Not present**

JOHN SOLLY – **Present**

TODD LUTTMAN – **Present**

ANNE HAMMILL-PASQUA – **Not present**

JACK REUTHER (ALTERNATE NO. 1) – **Present**

ROBERT ROWE (ALTERNATE NO. 2) – **Present**

Eight Board Members present

In addition, the following staff and advisory personnel were present; Greg McGuckin, Esq., Planning Board Attorney, Pam Hilla, PE., Board Engineer, Erika Stahl, PP., Assistant Board Planner, Lucia Lynch, Assistant Planning Board Secretary; Linda Hill, CSR., Board Shorthand Reporter

ANNOUNCEMENTS

THE APPLICATION OF BERTRAM & DOROTHY BARRON FOR A MINOR SUBDIVISION WITH VARIANCES, BLOCK 840, LOT 1&2, ALSO KNOWN AS 604 PARKSIDE AVE., HAS BEEN RESCHEDULED TO THE SEPTEMBER 5TH MEETING, NO FURTHER PUBLIC NOTICE REQUIRED

THE APPLICATION OF ELI SCHWAB FOR A PRELIMINARY & FINAL MAJOR SITE PLAN WITH VARIANCES, BLOCK 173, LOT 4, ALSO KNOWN AS 2133 LAKEWOOD ROAD, HAS BEEN RESCHEDULED TO THE AUGUST 1, 2018 MEETING, NO FURTHER PUBLIC NOTICE REQUIRED

The Vice Chairman made the above two announcements

ADOPT MEETING MINUTES

APRIL 4, 2018

APRIL 18, 2018

The Assistant Board Secretary advised the following Members have to abstain from the minutes of April 4th, Ms. Barone, Mr. Reuther & Mr. Rowe. Motion made by Mr.

*Adopted
9/5/2018
Lynch*

**Wnek to adopt the minutes with the noted abstentions, seconded by Mr. Luttman.
Motion approved with eight affirmative votes.**

APPROVE PURCHASE ORDERS FOR PAYMENT

A. ESCROW BILLING – BOARD PROFESSIONALS

1. DASTI, MURPHY, MCGUCKIN, ET AL – BOARD ATTORNEYS
2. REMINGTON & VERNICK – BOARD ENGINEERS
3. HIERING, GANNON & MCKENNA – BOARD CONFLICT ATTORNEYS

Motion made by Mr. Wnek to approve the purchase orders for payment, seconded by Mr. Rowe. Councilwoman Huryk abstained from the purchase order for Remington & Vernick, and Mr. Luttman abstained from the purchase order for Dasti, Murphy, et al. With the noted abstentions the motion was approved with eight affirmative votes.

BOARD ACTION ON RESOLUTIONS

A) RESOLUTIONS OF APPROVAL:

1. MINOR SITE PLAN – APPROVED AT THE MAY 16, 2018 MEETING

BANK OF AMERICA
DIANE HICKEY, ESQ.
ANTHONY ALBANO, PE
MAY 4, 2018 – DEEMED COMPLETE
JUNE 18, 2018 – TIME TO ACT BY
P01-531

BLOCK 506.03
LOT 28.03
ZONE RHB
AREA 8.3 ACRES
1050 ROUTE 37 WEST
LIGHTING UPGRADES

Motion made by Mr. Wnek to adopt the resolution, seconded by Mr. Barone. Motion approved with eight affirmative votes.

2. MINOR SITE PLAN WITH VARIANCES – APPROVED AT THE MAY 16, 2018 MEETING

MARCOS & REYNA MORAN
LA RINCONADA GROCERY STORE
LYNNE DUNN, ESQ.
JAMES GIORDANO, PE
MARCH 26, 2018 – DEEMED COMPLETE
JULY 24, 2018 – TIME TO ACT BY
P01-523

BLOCK 634
LOT 22, 24, 26
ZONE HB
AREA: 6,000 SQ FT
910 BOYD STREET
CHANGE OF USE

Motion made by Mr. Wnek to adopt the resolution, seconded by Mr. Barone. Motion approved with eight affirmative votes.

VARIOUS APPLICATIONS:

APPLICANT
DEVELOPMENT
ENGINEER
ATTORNEY

BLOCK(S)
LOT(S)
ZONE
LOCATION

DATE OF COMPLETION
DATE OF EXPIRATION
ESCROW ACCT. NO. (IF ANY)

NEAREST CROSS STREET
AREA
USE/NO. OF LOTS

1. EXTENSION OF TIME – MINOR SUBDIVISION WITH VARIANCES - PUBLIC NOTICE REQUIRED

RONALD ETZEL
ROBERT SHEA, ESQ.
MATHEW WILDER, PE
P01-383

BLOCK 824
LOT 13.01 & 13.02
ZONE: R-50
AREA: .207 ACRES
520 BARNEGAT & 521 ANTHONY AVE.

Robert Shea Jr., Esq., represented the applicant. Applicant is requesting an extension of time for filing of the subdivision plan to September 30, 2018. Due to requirements of outside agencies and the Township, applicant was unable to file the map in time. Motion made by Mr. Luttmann to approve the application, seconded by Mr. Wnek. Motion approved with eight affirmative votes. Reasons for approval will be set forth in a memorializing resolution.

Due to Vice Chairman Stone having a conflict with applications numbered 2, 3 & 4 on the agenda, a motion was made by Mr. Wnek to appoint Mr. Luttmann as temporary Chairman for those applications, seconded by Mr. Reuther. Motion unanimously approved with seven affirmative votes.

2. PRELIMINARY & FINAL MAJOR SITE PLAN & MINOR SUBDIVISION WITH VARIANCES – CARRIED FROM THE MAY 2, 2018 MEETING – TESTIMONY HEARD – RE-NOTICE NOT REQUIRED

K-LAND CORP. NO. 7
THOMAS MONAHAN, ESQ.
WILLIAM WENTZIEN, PE
AUGUST 30, 2017 – DEEMED COMPLETE
JUNE 30, 2018 – TIME EXTENDED
P01-468

BLOCK 608
LOT 2.01 & 2.02
ZONE: MF-8
AREA: 16.75 ACRES
BAY AVE & HOOPER AVE
128 MULTI FAMILY UNIT APTS.

Thomas Monahan, Esq., represented the applicant. This application has been carried from the May 2nd meeting, the testimony of Carl Penke, PE., traffic expert was completed on that night, and has been carried to tonight's meeting for any additional questions from the Board or public. Seeing there was no further questions, Mr. Monahan presented his next witness.

Wayne Lucas, Architect, testified in support of the application. Mr. Lucas described the exterior facades of all of the buildings and the interior setup of the residential units.

Gordon Gemma, PP., testified in support of the application. The variance relief requested could be granted under both C1 and C2 criteria of the statute. The site itself is mentioned in the Township's Master Plan. There is no detriment and the benefits gained by the affordable housing meets the positive criteria of the Township's Master Plan. There were no questions from the public on Mr. Gemma's testimony.

Motion made by Ms. Barone to approve the application, seconded by Mr. Wnek. Motion approved with six affirmative votes. Reasons for approval will be set forth in a memorializing resolution.

Mr. Stone & Councilwoman Huryk recused themselves from this application.

3. MINOR SITE PLAN – CARRIED FROM THE MAY 2, 2018 MEETING – NO TESTIMONY HEARD - NOTICE NOT REQUIRED

K-LAND CORP. NO. 7
THOMAS MONAHAN, ESQ.
WILLIAM WENTZIEN, PE
FEBRUARY 15, 2018 – DEEMED COMPLETE
JUNE 30, 2018 – TIME EXTENDED
P01-517

BLOCK 608
LOT 2.02
ZONE: MF-8 & RC
AREA: 41.41 ACRES
SEACOURT PAVILION
SIDEWALK & CROSSWALK

Thomas Monahan, Esq., represented the applicant. William Wentzien, PE., testified in support of the application. The Applicant is proposing to install sidewalks and crosswalks adjacent to the Marshalls and AMC Theater for safe access from the parking lot to the stores; no variances are required with this application.

Motion made by Mr. Wnek to approve the application, seconded by Ms. Barone. Motion approved with six affirmative votes. Reasons for approval will be set forth in a memorializing resolution. Mr. Stone & Councilwoman Huryk recused themselves from this application. Exhibits marked: A1- minor site plan, A2- color rendering.

4. PRELIMINARY & FINAL MAJOR SITE PLAN WITH VARIANCES – PUBLIC NOTICE REQUIRED

JERSEY ORGANICS, LLC
LAUREN STAIGER, ESQ.
FRANK BAER, PE
MARCH 19, 2018 – DEEMED COMPLETE
JULY 17, 2018 – TIME TO ACT BY
P01-474

BLOCK 40 & 59
LOT 762-764, 734 & 735
ZONE: R-800
AREA: 9.47 ACRES
2370 WHITESVILLE ROAD
ORGANIC FARM

Thomas Monahan, Esq., represented the applicant. Randal Holt, Applicant/owner, testified as to the operation of the farm, will not be growing marijuana, there will be no retail or wholesale of goods at the site, all sales will be conducted offsite with delivery to customers.

Frank Baer, PE., testified in support of the application. The Applicant is proposing two farm lots for an organic farming operation, with accessory garage and greenhouse. Lots 734 and 735 are to be merged and will include a new greenhouse and the existing dwelling and fence. Lots 762-764 will also be consolidated and will contain the existing greenhouse and garage with pavement. All accessory structures are to support the farming operation.

The Board expressed concerns about Sayreville Street remaining as an unimproved road, Applicant had requested for a street vacation, but was denied by Council. Board requested additional information regarding the denial of the street vacation request, motion made by Mr. Wnek to carry this matter to the August 1st meeting, seconded by Councilwoman Huryk. Motion approved with seven affirmative votes. Mr. Stone recused himself from this application.

5. MINOR SITE PLAN WITH VARIANCES – PUBLIC NOTICE REQUIRED

OCEAN BEACH SHORES CLUB
DANIEL POPVITCH, ESQ.
ROBERT MORRIS, PE
APRIL 12, 2018 – DEEMED COMPLETE
AUGUST 10, 2018 – TIME TO ACT BY
P01-524

BLOCK 950.10
LOT 6
ZONE: RB-5
3118 OCEAN ROAD
BEACH ACCESS & BEACH MAINTENANCE

Daniel Popovitch, Esq., represented the applicant, and requested this matter be carried to the August 1st meeting, due to one of the Trustees not being available to appear for the meeting.

Sean Monaghan, Esq., objecting attorney, stated his objections to having this matter rescheduled.

Motion made by Mr. Wnek to carry this application to the August 1st meeting, seconded by Councilwoman Huryk. Motion approved with eight affirmative votes.

PUBLIC COMMENT – Seeing there was no comments from the public, Mr. Luttman closed the public comment portion of the meeting.

ADJOURNMENT – Approximately 8:45 pm

TOMS RIVER TOWNSHIP PLANNING BOARD MINUTES

A Meeting of the Toms River Township Planning Board was held in the L. Manuel Hirshblond Meeting Room of the Toms River Township Municipal Building, 33 Washington Street, Toms River, New Jersey on Wednesday, June 20, 2018

MEETING CALLED TO ORDER – **Approximately 6:05 pm**

FLAG SALUTE

CHAIRMAN'S STATEMENT - N.J. OPEN PUBLIC MEETINGS ACT– **The Vice Chairman read statement that proper and legal notice of this meeting had been given.**

ROLL CALL AND DECLARATION OF QUORUM

PAUL WNEK – **Present**
ROBERT STONE – **Present**
LAURIE HURYK – **Present**
DAVID CICCOTZI – **Not present**
HEATHER BARONE – **Present**

JEANETTE AMORUSO – **Not present**
JOHN SOLLY – **Present**
TODD LUTTMAN – **Present**
ANNE HAMMILL-PASQUA – **Present**

JACK REUTHER (ALTERNATE NO. 1) – **Present**
ROBERT ROWE (ALTERNATE NO. 2) – **Present**

Nine Board Members present

In addition, the following staff and advisory personnel were present; Greg McGuckin, Esq., Planning Board Attorney, Thomas Gannon, Esq., Board Conflict Attorney, Pam Hilla, PE., Board Engineer, Erika Stahl, PP., Assistant Board Planner, Lucia Lynch, Assistant Planning Board Secretary; Linda Hill, CSR., Board Shorthand Reporter

ANNOUNCEMENTS

THE APPLICATION OF FRANK DUELLY HOLDINGS, LLC FOR A MINOR SITE PLAN WITH VARIANCES, BLOCK 159, LOT 6.01, ALSO KNOWN AS 2345 ROUTE 9, HAS BEEN RESCHEDULED TO THE SEPTEMBER 20TH MEETING, NO FURTHER PUBLIC NOTICE REQUIRED

The Vice Chairman made the above announcement

APPROVE PURCHASE ORDERS FOR PAYMENT

A. ESCROW BILLING – BOARD PROFESSIONALS

1. DASTI, MURPHY, MCGUCKIN, ET AL – BOARD ATTORNEYS
2. REMINGTON & VERNICK – BOARD ENGINEERS

B. GENERAL FUND BILLING – BOARD PROFESSIONALS

1. GENERAL VOUCHER FOR LINDA SULLIVAN HILL, CSR – BOARD REPORTER

Adopted
9/15/2018
Hrych

2. GENERAL VOUCHER FOR DASTI, MURPHY, MCGUCKIN, ET AL – BOARD ATTORNEYS

Motion made by Mr. Wnek to approve the purchase orders for payment, seconded by Mr. Rowe. Councilwoman abstained from PO A2, and Mr. Luttmann abstained from POs A1 & B2. With the noted abstentions the motion was approved with nine affirmative votes.

C. REFUND OF ESCROW MONEY

1. P.O.# 18-2866 PATRICIA BROWN
2. P.O.# 18-2868 JACK PONTORIERO
3. P.O.# 18-2870 DCM PROPERTIES

Motion made by Mr. Wnek to approve purchase orders for refunds, seconded by Mr. Luttmann. Motion approved with nine affirmative votes.

BOARD ACTION ON RESOLUTIONS

A) RESOLUTIONS OF APPROVAL:

1. EXTENSION OF TIME – MINOR SUBDIVISION WITH VARIANCES – APPROVED AT THE JUNE 6, 2018 MEETING

RONALD ETZEL
ROBERT SHEA, ESQ.
MATHEW WILDER, PE
P01-383

BLOCK 824
LOT 13.01 & 13.02
ZONE: R-50
AREA: .207 ACRES
520 BARNEGAT AVE. & 521 ANTHONY

AVE.

Motion made by Mr. Wnek to adopt the resolution, seconded by Mr. Luttmann. Motion approved with seven affirmative votes. Mr. Wnek, Mr. Solly, Councilwoman Huryk, Mr. Stone, Ms. Barone, Mr. Luttmann & Mr. Reuther were the eligible votes.

RECOMMENDATIONS TO TOWNSHIP COUNCIL

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, AMENDING AND SUPPLEMENTING SECTION 348-8.28 (STORM DRAINAGE FACILITIES), SUBSECTION B (STORM DRAIN PIPE) OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE

Assistant Board Planner advised, the ordinance has been revised to comply with NJDEP regulations and standard engineering practices. This ordinance is in compliance with the Township Master Plan. Motion made by Mr. Wnek to recommend Council to adopt the ordinance, seconded by Mr. Luttmann. Motion unanimously approved with nine affirmative votes.

Regarding a matter that was not listed on the Board Agenda, Dina Vicari, Esq., appeared before the Board on the Minor Subdivision application of Urso & Anant. Ms. Vicari advised that this subdivision application was originally scheduled for tonight's meeting, but has since been rescheduled to the July 18th meeting, public notice for this meeting was done. Ms. Vicari is requesting the matter be carried to July 18th no further notice.

Motion made by Mr. Wnek to carry this matter to July 18th, seconded by Ms. Barone. Motion unanimously approved with nine affirmative votes.

VARIOUS APPLICATIONS:

APPLICANT	BLOCK(S)
DEVELOPMENT	LOT(S)
ENGINEER	ZONE
ATTORNEY	LOCATION
DATE OF COMPLETION	NEAREST CROSS STREET
DATE OF EXPIRATION	AREA
ESCROW ACCT. NO. (IF ANY)	USE/NO. OF LOTS

1. ADMINISTRATIVE APPROVAL – TRASH ENCLOSURE

WAWA, INC.
DUNCAN PRIME, ESQ.
DOUGLAS GRYSKO, PE
P01-302

BLOCK 1092.01
LOT 1.01
ZONE: HB
179 ROUTE 37 E

Tyler Prim, Esq., represented the applicant. Mr. Prime advised, that the applicant has received a prior site plan approval for a trash enclosure; the enclosure has since been reduced from the original approval down to 210 sq. ft. They are here for bonding purposes the current site plan. Board Attorney and Board Engineer had no objection. Motion made by Mr. Wnek, seconded by Councilwoman Huryk. Motion approved with eight affirmative votes. Ms. Hammill-Pasqua recused from this matter.

Vice Chairman Stone had to leave the meeting for the night. A motion was made by Mr. Wnek to appoint Mr. Luttmann as temporary Chairman for the remainder of the meeting, seconded by Councilwoman Huryk. Motion approved with eight affirmative votes.

2. PRELIMINARY & FINAL MAJOR SITE PLAN WITH VARIANCES – CARRIED FROM THE MAY 2ND MEETING – NO TESTIMONY HEARD – RE-NOTICE NOT REQUIRED

FISCHER AUTO BODY, INC.
DINA VICARI, ESQ.
BRIAN MURPHY, ESQ.
JANUARY 16, 2018 – DEEMED COMPLETE
MAY 26, 2018 – TIME EXTENDED
P01-511

BLOCK 410.04
LOT 36 & 37
ZONE: HB
AREA: 0.955 ACRES
2 FRORIEP LANE
AUTO BODY GARAGE & AUTO SALES

Conflict Attorney Thomas Gannon, Esq., was the Board Attorney on this application.

Dina Vicari, Esq., represented the applicant. Brian Murphy, PE., testified in support of the application. The applicant proposes to construct a 4,000 sq. ft. auto body garage and convert the existing single family dwelling into an office for

the auto repair and used car sales. The variances requested relate to the existing non-conforming size and shape of the lot, which cannot be enlarged. The applicant will not store or sell no more than five vehicles for sale at one time, and will install sidewalks along Route 9. Public comment was received by John McGuckin, who expressed concerns over traffic ingress and egress at the intersection of Route 9.

Motion made by Mr. Wnek to approve the application, seconded by Councilwoman Huryk. Motion approved with seven affirmative votes. Reasons for approval will be set forth in a memorializing resolution. Mr. Rowe recused himself from this application. Exhibits marked: A1-aerial, A2- colored site plan, A3-elevation, A4-floor plan.

3. MINOR SUBDIVISION WITH VARIANCES - PUBLIC NOTICE REQUIRED

DANIEL MERCURI
HARVEY YORK, ESQ.
KENNETH SCHLATMANN, PE
APRIL 30, 2018 – DEEMED COMPLETE
AUGUST 28, 2018 – TIME TO ACT BY
P01-527

BLOCK 944.03
LOT 19, 20, 21 & 23
ZONE: R-40B
AREA: 7,819 SQ. FT.
116 SAN DIEGO RD.
4 LOTS

Harvey York, Esq., represented the applicant. Ken Schlatmann, PE., testified in support of the application. The applicant proposes to subdivide 4 existing tax lots into 4 new lots, each lot will be 31.25 ft. in depth by 62.54 ft. in width. Mr. Schlatmann testified as to the existing pattern of development and character of the neighborhood. The following variances are required; minimum lot area, minimum lot depth, minimum front setback, minimum rear yard setback, minimum lot frontage for corner lots, minimum combined side yard setback. Applicant will install driveway aprons and will pay into the Curb and Sidewalk Fund.

No comments were received by the public.

Motion made by Mr. Wnek to approve the application, seconded by Ms. Barone. Motion approved with eight affirmative votes. Reasons for approval will be set forth in a memorializing resolution.

4. MINOR SUBDIVISION WITH VARIANCES – PUBLIC NOTICE REQUIRED

OCEAN BAY DEVELOPERS, LLC
HARVEY YORK, ESQ.
NAJARIAN ASSOCIATES
MAY 1, 2018 – DEEMED COMPLETE
AUGUST 29, 2018 – TIME TO ACT BY
P01-528

BLOCK 1095.02
LOT 29, 30, 31 & 32
ZONE: R-40W
AREA: 5,337 SQ. FT.
259 FORT AVE
2 LOTS

Harvey York, Esq., represented the applicant. The following testified in support of the application, Robert Kuhne, P.E., and Michael Pessoliano, P.P. Applicant is proposing to demolish the existing structures and subdivide the existing lot into 2 lots. Each lot will be 40 x 66.70 for a total of 2,668 sq. ft. for each lot. The only variance requested is for minimum lot area.

The applicant's Planner testified as to the character and development of the neighborhood, the proposed subdivision plan is consistent with character of the

neighborhood. Under the C2 criteria of the statute the positives of this application outweigh the negatives since this plan will be maintaining the existing established neighborhood and are a substantial benefit to the community. The Board determined that proposed lots would be keeping with the character of the neighborhood.

Applicant will install sidewalks, and shall provide a minimum of 3 parking spaces on each of the lots.

Public comments were received from; Anette Tomarazzo and Tony Colucci.

Motion made by Mr. Wnek to approve the application, seconded by Mr. Solly.

Application approved with eight affirmative votes. Reasons for approval will be set forth in a memorializing resolution. Exhibits marked: A1-aerial photo, A2-neighborhood character map

PUBLIC COMMENT – Seeing there was no comments from the public, Mr. Luttman closed the public comment portion of the meeting.

ADJOURNMENT – Approximately 8:45 pm