

HOLMDEL TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
**Minutes of Regular Meeting held Via Zoom Conferencing**  
**Wednesday, February 17, 2021**

**Call to Order**

Mr. Blumenthal, Chairperson called the meeting to order at 7:01 p.m., and Mr. Buffalino read the following statement: *In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-10, and regulations governing remote meetings, N.J.A.C. 5:39-1.5, I hereby declare this meeting of the Holmdel Township Zoning Board to be open and announce that adequate and electronic notice of this meeting was provided in notices dated January 8, 2021 and February 12, 2021. Notices were sent to the Asbury Park Press, Two River Times, and posted on the bulletin board, and on the main access door to Town Hall. Notices were filed in the Clerk's Office, and posted on the Township's website at [www.holmdeltownship.com](http://www.holmdeltownship.com). There will be an opportunity for members of the public to ask questions or provide comments once the meeting is open to the public. At that time, you will need to use the "raise your hand" feature on the bottom of the screen, and you will be invited into the meeting by the Chairperson one at a time. You will need to have audio and video capability, you will be sworn in and asked to provide your name and address for the record. If you have any technical difficulties, please contact the phone number listed in the Webinar information below.*

**Roll Call**

Members Present:

- Ms. Avrin
- Mr. Blumenthal, Chairperson
- Mr. Buffalino
- Ms. Campis
- Mr. Hern
- Mr. Orfanitopoulos, Vice Chair
- Mr. Pesce
- Ms. Collur, Alternate 1
- Mr. Lateef, Alternate 2

Also Present:

- Martin Pflieger, Esq., Board Attorney
- Robert Bucco, P.E., Board Engineer
- Kate Keller, P.P., Board Planner
- Loretta Coscia, Board Secretary
- Bonnie Imposimato, Administrative Officer
- Steven Winters, Acting Director of Community Dev/  
Construction Official

**Pledge of Allegiance ~ Moment of Silence**

Item #1 – **Reaffirm actions taken at the Zoning Board meeting held on Wednesday, February 3, 2021 at 7:00 p.m.**

Mr. Pflieger advised that there was an issue that this agenda was not posted on the website for the February 3 meeting, so they will reopen the hearing tonight for any comments.

- Carried the public hearing of Kristie Orlick, 11 Goldsmith Drive with re-notice to March 17
- Reapproved the application of Lea & Mitchell Harbul, 15 Green Leaf Way  
Public comments – None

**Motion** by Mr. Orfanitopoulos to reapprove the application seconded by Ms. Avrin. Motion carried on the following roll call vote:

Affirmative: Ms. Avrin, Mr. Buffalino, Ms. Campis, Mr. Hern, Mr. Pesce,  
Mr. Orfanitopoulos, Mr. Blumenthal  
Not seated: Ms. Collur, Mr. Lateef

- Reapproved the Memorializing Resolution of 2 Yellow Brook Road
- Reapproved the Memorializing Resolution of 6 Tricorne Court

**Motion** by Mr. Orfanitopoulos seconded by Mr. Buffalino to reapprove both resolutions.  
Motion carried on the following roll call vote:

Affirmative: Ms. Avrin, Mr. Buffalino, Mr. Hern, Mr. Orfanitopoulos, Mr. Blumenthal  
Not eligible: Mr. Pesce, Ms. Campis, Ms. Collur, Mr. Lateef

- Reapproved Draft Meeting Minutes – **Motion** by Mr. Orfanitopoulos seconded by Ms. Avrin to approve three sets of draft minutes December 2, 2020, January 6, 2021 and January 21, 2021.  
**Motion** carried by voice vote

Item #2 – **New Horizon Properties LLC, 494 Middle Road, Preliminary/Final Site Plan #2019-3 Block 56, Lot 1** Applicant proposes to develop the property as a convenience store with a fuel service facility. The property presently consists of a one-story masonry building/garage. The applicant proposes to demolish the existing structure on the property and construct a 3,000 square foot convenience store and fueling area consisting of six (6) fuel pumps.

Present on behalf of the applicant: Kenneth Pape, Esq.  
Gregory Ploussas, P.E.  
John Rea, Traffic Engineer  
Anthony Silvur, Environmental Engineer  
Michael Testa, Architect  
Felix Bruselosky, Contract Purchaser

*Board Professionals, Robert Bucco and Kate Keller are sworn in*

Ms. Coscia advised that Notice and escrow are in order.

Board members stated that they had no conflict with this application.

Mr. Pape presented the application stating that the property is just under one acre, with a masonry building and tire store, currently unoccupied. They would like to remove the structure and build a convenience store and six fuel pumps with canopy. It will include a new stormwater system. They went to the DEP and secured permits with exception of a flood hazard determination letter. It is currently asphalt and stone, which is proposed to be removed. A substantial landscaper buffer is proposed.

*Professionals on behalf of the applicant are sworn in*

Mr. Ploussas presented his credentials as an engineer and planner. The Board accepted his credentials.

He presented the following exhibits:

- A-1 Rendering of the site – left side showing existing conditions  
3000 sq. foot convenience store with a canopy 36 X 80 foot in dimension  
Lot 1, Block 56 address is 491 Middle Road in the B2 zone.
- A-2 Significant Features Plan – To the north is a tributary to the creek and flood plain off their property, encumbered by wetlands. There are wetlands running adjacent to the brook and on the property line.
- A-3 Preliminary/Final Existing Features Plan sheet 4 of the set with existing conditions

- A-4 Sheet 5 with location of proposed building and canopy. Currently 71% impervious coverage on the site. Proposal will reduce to 61.9%. Ordinance requires 60% but will mitigate with modern stormwater features. FAR is allowed at 20% and they are proposing 7%. They will provide 15 parking spaces. Will relocate Middle Road and S. Laurel driveways away from the intersections.
- A-5 Preliminary/Final Site Plan – Landscape Plan Sheet 7
- A-6 Recolored Fuel Center and Convenience Store – individual photos
- A-7 Photos – taken approximately one year ago. From front to rear yard with storage for tires; existing trucks parked within stream corridor; vehicles, boats, trailers, etc. Above ground tanks to be removed
- A-8 Freshwater Wetlands – NJDEP Letter
- A-9 Wetlands Map approved by DEP
- A-10 Permit by DEP, April 15, 2020 Transition Waiver
- A-11 Flood Area Hazard Permit

#### Questions – Board

Mr. Bucco asked questions as follows:

- How the 100-year flood elevation is affected. Mr. Ploussas stated that it is shown on the plans off the property. If it is affected when verified, they will have to revise the plans. Mr. Ploussas stated the riparian zone status would be determined during their review.
- Underground storage tanks – as to whether they investigated the depth, and if it encroaches into the seasonal high water table. Mr. Ploussas replied that they have not studied that. The gas station people do their own tests.
- The two kiosks under canopy – Not shown on architectural. Mr. Ploussas will ask architect to provide.
- The concrete pads and canopy – As to whether they could be moved aback to meet setback. Mr. Ploussas believes there is no variance necessary, as they are underground. Ms. Keller advised they are not subject to the same setback of the principal building.
- Over on lot coverage – whether impervious could be reduced to eliminate the variance. Mr. Ploussas stated they were able to reduce it, but had to widen some radiuses for truck turning.
- Monument signs – variances for setbacks required. Mr. Ploussas stated they will push back, but will not have the 15 required per ordinance. He will look into it.
- Landscaping – Please beef it up further. Mr. Ploussas agreed.
- Intense lighting – Mr. Ploussas stated it will exceed the ordinance requirement. Per lighting consultant 14.5 foot candles. No light going off the site. They agree to reduce to 12.5. Ms. Keller asked about the lighting. Canopy lighting is different then what is in the ordinance. She feels even if it does not go off site, to have lighting comply with the ordinance.
- Conoco color scheme for sign – Mr. Pape said they have a trademark color, as it is a franchise and a registered trademark.
- Drainage calculations – They agree with, subject to the review of the outcome of the flood hazard application from DEP.
- Signage and setbacks – any visibility issues. Mr. Ploussas said when they look at relocating they will make sure there are no sight issues

#### Board members – Questions

- Ms. Avrin asked if trucks are being parked in environmentally sensitive areas? Yes.
- Ms. Avrin stated her concern with the two entrances – Middle Road and Laurel Avenue. She is concerned about traffic during peak hours. She asked how the design would impact the traffic. John Jahr, Traffic Engineer on behalf of the Board will testify when traffic testimony is heard.
- Ms. Campis asked about signage. A service station is allowed one freestanding sign. How many signs have been requested? Ms. Keller stated the applicant would have to address signage during planning testimony.
- Mr. Blumenthal asked about seasonal high water table. Mr. Ploussas – the water table is below underground system.

- Mr. Blumenthal asked about the DEP and Township stream requirements requiring 100' buffer and how would it be addressed. Mr. Ploussas, environmental engineer will give testimony. They are providing a 30-foot conservation easement with different shrubs, which will absorb some bad things going into the stream.
- John Jahr, sworn, Najarian Associates asked about the four parking spaces off to the Laurel Avenue side at the end of the building. Mr. Ploussas advised they will be designated for employee parking.

#### Questions – Public of Engineering Testimony

Sushio Ratra, 651 Laurel Avenue – Asked about the many variances requested for putting up a convenience store and gas station. Zone B doesn't include gas stations and expressly excludes convenience stores. *Question to be answered during planning testimony.*

Mr. Pesce asked about sale of diesel or just gasoline. Mr. Pape stated it would be both. Mr. Pesce said it seems like a tough road for turning in with a truck. It is a single lane with very little shoulder. Mr. Pape stated the turning templates appear to be adequate and work. Will have diesel for passenger cars and small trucks.

Mr. Bucco asked about air pumps. Mr. Pape said it would just be air pumps, no vacuums, and no electrical outlets.

Mr. Pflieger advised that a question came in on Zoom from Carole Balmer, 4 Spradley Lane, Middletown. He read into the record. *“Repeat the justification for the 100' setback from the stream corridor?”* Mr. Pape said there is no buffer currently. A more intense landscape buffer is proposed and they will further landscape as per Mr. Bucco's earlier comments.

Anthony Silva, Environmental Engineer, Dubois Associates provided his educational background and experience as a Certified Wetlands Scientist. Board accepted his credentials. He stated that he began work on the site in mid-2019. He obtained the wetlands determination letter from the DEP; Flood Hazard Area Determination is pending with the DEP. From an environmental scientist perspective, the enhancements to be bought to the site balance stream corridor protection, will prevent property from flooding, and reduce developmental impacts on water quality. They are proposing a stormwater detention basin to protect natural drainage features and replanting will protect downstream areas. He feels that from an environmental perspective it is a good application.

#### Questions – of Mr. Silva

Mr. Bucco asked that information be provided on the removal of three storage tanks.

Mr. Buffalino said if monitoring wells were removed there is contamination in the ground and would warrant a Phase 2 impact study. Mr. Silva stated they were going by historical information; no Phase 1 was performed.

Mr. Buffalino asked how much of the potential pollution from runoff over the impervious surface would be prevented from going into the adjacent creek by the underground detention basin. The environmental professional indicated that it would screen out about 80% of the potential contamination resulting in factor of 20% going into the creek.

#### Public – Questions

*Mr. Pflieger read into the record another question in the Q&A from Carole Balmer. “With the toxic and inflammatory substances proposed on the property, she is concerned with the risk and drainage to the stream corridor and possibility of accidents.*

John Rae, Professional Engineer/Traffic Engineer placed his credentials on the record. Board accepted. Mr. Rae said the location is at a busy intersection taken into account when designed. We currently have two 55 wide foot curb cuts to be closed and replaced with 30-foot wide curb cuts as far away from the intersection as possible.

Mr. Rae said both he and Mr. Ploussas have worked with other gasoline retailers over the years. They are usually located at busy intersections. The four parking spaces off S. Laurel Avenue could create some congestion, so they will be designated employee spaces. There are 11 additional spaces perpendicular to the proposed store, which he believes is more than adequate.

Mr. Rae stated that the fuel tanks are west of the proposed canopy where there is 48 feet of pavement, so there is plenty of room for a truck 8.5 feet wide to position over fueling section. Deliveries, emergency vehicles and trash enclosure is located on upper right hand side with a striped area almost 22 feet wide for recycling and trash pick-up. Peak-hour traffic counts were done in September 2019. In this case, with the convenience store and gasoline ease of getting in and out was taken into consideration. The study showed that this facility has 75% of pass by trips from people who are already on the road passing by. They would prefer not to have a turning restriction for non-peak hours. From 8–9 a.m. 1400 cars going through and from 4:30-5:30 p.m. 1967 going through. The plan will work efficiently from a traffic perspective.

Mr. Jahr, Najarian Associates, Board Traffic Engineer concurred with Mr. Rea's testimony. He agrees with the pass-by traffic. One concern from residents is that it will generate more cars coming to this location. Based on Mr. Rea's analysis, it will not add any detrimental impact to the traffic.

Ms. Avrin said she has an issue with vehicles trying to make left hand turns out of the site. There is high volume of traffic for the Hazlet shopping plaza combined with traffic backing up on Laurel Avenue. She feels local people will stop at there as it is more convenient, and will make standalone trips, not just passing by. Does not want it to be a duplicate of Bethany Road, which she feels is a nightmare.

Mr. Orfanitopoulos asked about increasing traffic if they developed just a gas station. How much more or less would it contribute to this intersection? He goes through the intersection regularly and does not think it will add to the traffic no matter what is there. Ms. Keller said when the trip generation was compiled we are looking at two separate uses on one site. She asked about a retail comparison if just a gas station. Mr. Rae said a comparison was not done, but it would be a little less.

#### Public – Questions

- Mr. Pflieger read another question from Carole Balmer regarding turning radius for emergency vehicles. Mr. Rea said there is no issue.
- Mr. Rutra, 651 Laurel Avenue lives on Laurel Avenue and cannot make a left turn. Asked if you ever thought about the future like what happened at Bethany Road. Mr. Rea said he believes what is proposed makes sense from a traffic perspective.

Mr. Pflieger advised Carole Balmer that she needs to find a way to have audio and video for the continued public hearing on this application.

The continued public hearing on this application has been carried to May 5 without further notice. Please check the posted agenda on the Township website for an updated Zoom webinar information.

Item #3 – **Draft Meeting Minutes – December 16, 2020 Motion** by Mr. Orfanitopoulos seconded by Mr. Hern to approve the minutes. Motion carried by voice vote.

#### **Professional – Reports**

None

**Adjournment**

There being no further business at 9:55 p.m. **motion** by Ms. Avrin seconded by Mr. Hern to adjourn.  
Motion carried by voice vote.

Respectfully submitted,

Loretta Coscia  
Zoning Board Secretary

Proceedings Recorded  
Minutes approved n4/21/21 (RB/AP)