

HOLMDEL TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
**Minutes - Regular Meeting held Via Zoom Conferencing**  
**Wednesday, March 17, 2021 at 7:00 p.m.**

**Call to Order**

Mr. Blumenthal, Chairperson, called the meeting to order at 7:01 p.m. and Mr. Buffalino read the following:

*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 March 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)*

*This meeting is being conducted on a remote electronic basis using Zoom, with livestreaming on Facebook and YouTube and will be archived on the Township's YouTube and Facebook pages; as such, recordings of a public meeting are public records, subject to the Open Public Records Act.*

*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. You may also dial \*9 if accessing this meeting by telephone.*

**Roll Call**

Members Present: Ms. Avrin  
Mr. Blumenthal, Chairperson  
Mr. Buffalino  
Ms. Campis  
Mr. Hern  
Mr. Orfanitopoulos, Vice Chairperson  
Mr. Pesce  
Ms. Collur, Alternate 1 (arrived at 7:06 p.m.)  
Mr. Lateef, Alternate 2

Also Present: Martin Pflieger, Esq, Zoning Board Attorney  
Robert Bucco, PE, Zoning Board Engineer  
Kate Keller, PP, Zoning Board Planner  
Loretta Coscia, Board Secretary  
Kerry Callery, meeting host  
Bonnie Imposimato, Administrative Officer  
Steven Winters, Acting Director Community Development/  
Construction Official

**Pledge of Allegiance ~ Moment of Silence**

**Public Hearings**

Item #1 **Kristie Orlick, 11 Goldsmith Drive, Block 28.01, Lot 1 in the R40A Zone, ZB Variance #447**  
Applicant seeks variance relief for a 65' setback from the property line, where 100' is required. Applicant also seeks a 15' setback from the back of property where 25' is required, to permit them to be 30' as required from the Board of Health for the septic tank.

Present on behalf of the applicant: Kristie Orlick, Applicant  
David Pesso, Applicant  
Nick Tsoukas, Grecian Pools

*Kristie Orlick, David Pesso and Nick Tsoukas are sworn in*

Mr. Pesso said when looking into having a built-in pool installed, they found out that their septic tank is located in the middle of their yard. In addition, they are on a corner lot and their property faces three streets. There was no

way to put the pool in, which required a 100-foot setback from any street. The plan presented is the only way they could configure the pool 65 feet from Line Road and 15 feet from their neighbor, where 25 feet is required.

Nick Tsoukas, Grecian Pools, stated when contacting the Zoning Office they found out the setback had to be 100 feet, so the pool location had to be changed requiring a variance.

Mr. Bucco said they need the location of the septic pits. An engineer needs to show where the wall is going to be, how they will drain, and locate these off the house. The Board will then have an idea of the location of the starting and stopping point of the retaining wall in relation to the house.

Mr. Tsoukas referenced the following exhibit marked into evidence:

Exhibit

A-1 – Survey with proposed retaining wall and pool/pool equipment

Mr. Pessa stated that if they have to reduce the pool size to fit into the setbacks granted by the Board, they would do so.

Mr. Bucco mentioned with the new stormwater management regulations the waterfall with rocks is beneficial and a nice feature. If the Board is inclined to approve the setbacks requested, he has no objection from an engineering standpoint provided a professional engineer submits a plan showing the draining not adversely affecting the neighbors' property and the pool fits in with the parameters determined by the Board.

Mr. Bucco asked that the landscaping when known be put on the plan.

Mr. Buffalino asked about the property slope towards the neighbor expressing concern for run off. Mr. Tsoukas said he is putting in a French drain to mitigate the water towards Line Road.

Mr. Bucco asked about the location of the tanks stating that there is no need to dig up the back yard as a probe could be used.

**Motion** by Ms. Avrin to grant variance relief for the pool subject to conditions discussed, revised engineering plans and an asbuilt be submitted. Motion seconded by Mr. Pesce and carried on the following roll call vote:

Affirmative:	Ms. Avrin, Mr. Buffalino, Ms. Campis, Mr. Hern, Mr. Pesce, Mr. Orfanitopoulos, Mr. Blumenthal
Negative:	None
Not Seated:	Ms. Collur, Mr. Lateef

Item #2 **3 Lakeview Drive, Linda & Mark Levine, Block 30, Lot 24.04 in the R40A Zone – ZB Variance #446** Applicant seeks variance relief to install a fiberglass swimming pool and surrounding patio increasing lot coverage to 31.3% where 25% is permitted.

Present on behalf of the applicant:	Linda & Mark Levine, applicant Marc Remo, PE
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Ms. Coscia advised Notice and escrow are in order.

Board members stated they had no conflict with the applicant.

*Mark and Linda Levine and Marc Remo are sworn in.*

Ms. Levine advised that they lived in this house for over 20 years and would now like to install a pool and patio. Mr. Levine is at high risk for Covid, and they have not been able to go anywhere, so decided to have a fiberglass pool installed.

Mr. Blumenthal said the submitted plan shows lot coverage 28.8% He asked the applicant if they were granted a variance once before. Mr. Levine said that when the house was built in 2001, the builder told them at closing that he underestimated the coverage. He could not add a cement patio, so they put down pavers not knowing they needed a permit.

Mr. Remo, PE on behalf of the applicant presented his credentials. Board accepted. Mr. Remo said that the property is approximately 1 acre. With the proposed improvements, the lot coverage will increase to 31.3%.

Mr. Bucco said his issues are with grading around the pool, and increased impervious coverage. For the additional 5% lot coverage, the Board may want to consider some stormwater infiltration devices such as natural swales or a raingarden.

Mr. Orfanitopoulos asked about roof water runoff. Mr. Bucco suggested with the increased lot coverage that they mitigate in a more natural way to help the water quality, which will also enhance the aesthetics of the backyard.

#### Questions/Comments – Public

Tony Chang, 4 White Rock Terrace – sworn in He expressed concern on behalf of his neighbor, Mr. Eng about water management and systems already in place.

Mr. Pflieger advised Mr. Chang that he cannot represent another applicant, but can make his own comments.

Mr. Pflieger suggested to the Board that the increase in lot coverage from 25% to 28.8% should be added to variance approval for prior lot coverage and a new approval for the variances being requested today.

**Motion** by Ms. Avrin subject to conditions discussed this evening for both variances for lot coverage to 28.8% for pavers and asphalt driveway, and a second variance for installation of a pool subject to approval of the Board Engineer, and an as built of the completed project. Motion seconded by Mr. Pesce and carried on the following roll call vote:

Affirmative:	Ms. Avrin, Mr. Buffalino, Ms. Campis, Mr. Hern, Mr. Pesce, Mr. Orfanitopoulos, Mr. Blumenthal
Negative:	None
Not Seated:	Ms. Collur, Mr. Lateef

Item #3 **26 Bayberry Drive, Robert & Filomena Bielan, Block 58.02, Lot 28 in the RTH-1 Zone – ZB Variance #448** Applicant seeks variance relief for a built in pool, increasing lot coverage from 30.3% to 36.3%.

*Rob and Filomena Bielan are sworn in.*

Ms. Coscia advised notice and escrow is in order.

Board members stated that there are no conflicts with the applicant.

Mr. Bielan advised that they moved here approximately two years ago from north New Jersey and they were not aware of lot coverage issues. He stated that the property is at 33.3% lot coverage, and with the pool the lot coverage would be at 36.3%.

Mr. Blumenthal asked if the prior owner had a variance for the coverage at 33.3% coverage. Mr. Bielan said the only thing in the yard was an old shed, which they removed. Mr. Blumenthal asked about the two patios shown on the pool plot plan. Mr. Bielan said one was pavers the previous owner had removed. He filled in that area with concrete.

Mr. Bucco said he would like to see a coverage breakdown and zoning table prepared by their engineer with setbacks, as there is no indication on the plan. The grading is very close to the two adjacent property owners. Some natural features should be added to the plan for mitigation of the additional coverage. His other concern is where the backwash from the pool equipment will be discharged.

Mr. Bielan said the house to their left is about 32 feet away and on the other side is a house 33 – 34 feet away on a concrete pad. He believes it will be 55 to 60 feet from the back fence. Behind their house is a farm leading to Route 35. The filter will drain towards the back of the property towards the farm.

Mr. Blumenthal asked about the side and rear yard setbacks. Ms. Keller said 10 feet is required for each side, so they comply for accessory uses in the RTH Zone. She asked about the possibility of moving the shed to a location that conforms. Mr. Bielan said it is not a problem and not a permanent structure, which they agree to move to comply.

Ms. Keller said they do not have the breakdown of impervious coverage. Would you consider removing a portion of one of the concrete patios? She will not know how much of the patio has to be removed until they receive the breakdown. Mr. Bucco said it is significantly wider than three feet around the right side of the pool; looks like six feet. Ms. Keller said without the breakdown, it is hard to see what everything looks like.

Mr. Blumenthal said when you add coverage you create additional run off. The state adopted new stormwater rules to do natural infiltration to the ground at the extent feasible. It will depend on how much coverage you are exceeding, and what an engineer believes he can do.

There was Board discussion about the applicant having a second hearing after the Board Professionals receive and review revised plans. Ms. Keller said additional information is needed on the plans to show some landscaping, and the lot coverage for what they are looking to do.

Mr. Orfanitopoulos said the plan shows water proposed to drain to street. Those plans should be updated to show drainage to the back of the property.

Mr. Pesce suggested with all of these conditions that are being imposed at 36.3% coverage, the conditions will remain regardless of whether they approve it now or at a subsequent hearing. Let them confirm the lot coverage amount, and it will then speed up the process. Ms. Avrin agreed stating that the Board can approve up to 36.3% lot coverage, and if it is over that amount, they will have to come back for a modified variance.

Mr. Pflieger said the conditions he has is a breakdown of lot coverage, zoning table, grading details, providing an as built, the shed moved to conform with setback, backwash from pool equipment, raingarden or similar feature for water run-off, and a signature box on the plan.

#### Public – Questions/Comments

None

**Motion** by Mr. Pesce to approve the variance relief with the conditions as discussed, seconded by Ms. Campis and carried on the following roll call vote:

Affirmative:	Ms. Avrin, Mr. Buffalino, Ms. Campis, Mr. Hern, Mr. Pesce, Mr. Orfanitopoulos, Mr. Blumenthal
Negative:	None
Not Seated:	Ms. Collur, Mr. Lateef

Mr. Orfanitopoulos said for future applications, the Board needs to come up with a plan that until everything is provided by the applicant, they do not come before the Board. .

Mr. Blumenthal suggested that Board Professionals, along with Loretta come up with a simplified checklist for these type of applications. Mr. Blumenthal said it could be a one-page document to be used informally, until adopted by the Township Committee. Ms. Kelller agreed that a one-page checklist should be utilize for backyard variances.

Ms. Campis said we should be aware if prior variances were granted.

Mr. Pflieger suggested the document could be called FAQ's with helpful hints for plan preparation.

#### **Memorializing Resolution**

Item #4 **Lea & Mitchell Harbul, 15 Green Leaf, Block 58.05, Lot 3 in the R-TH Cluster Zone; ZB Variance #444** Applicant seeks variance relief to build an addition over an existing family room and garage. Requested Floor Area Ratio (FAR) is 30.125% where 20% is permitted and requested lot coverage is 41.2% where 30% is permitted.

**Motion** by Mr. Buffalino seconded by Ms. Campis to approve the resolution. Motion carried on the following roll call vote:

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

Item #5 – **Draft Meeting Minutes – February 3 Motion** by Ms. Avrin seconded by Mr. Hern to approve the February 3<sup>rd</sup> minutes with an edit. Motion carried by voice vote. February 17, 2021 minutes carried.

**Professional Reports** – None

**Adjournment**

There being no further business at 9:40 p.m., **motion** by Mr. Orfanitopoulos to adjourn seconded by Ms. Avrin and carried by voice vote.

Respectfully submitted,

Loretta Coscia

Proceedings Recorded  
Minutes approved 4/21/21 (DO/JB)