

HOLMDEL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Minutes – Regular Meeting held via Zoom
Wednesday, May 5, 2021

Call to Order

Mr. Blumenthal, Chairperson, called the meeting to order at 7:00 p.m. and 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 April 30, 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

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*
Ms. Campis
Mr. Hern
Mr. Orfanitopoulos, *Vice Chairperson*
Mr. Pesce
Ms. Collur, Alternate 1 (arrived at 7:20 p.m.)
Mr. Lateef, Alternate 2

Absent: Mr. Buffalino

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

Pledge of Allegiance ~ Moment of Silence

Extension

Item #1 **A&E Associates, Verde Woods Residential Development, Block 50.13, Lot 1 ZB Variance # 2015-4** Applicant granted approval on December 20, 2017. Applicant seeks an additional one-year extension retroactive from December 21, 2020 (end of previous extension) to December 19, 2021.

Present on behalf of the applicant: Sal Alfieri, Esq.
Patrick Ward, PE

Mr. Pesce recused himself on this application. Mr. Blumenthal asked if there were any other conflicts for Board members. None stated.

Ms. Coscia advised that escrow was current.

Mr. Lateef seated for Mr. Buffalino

Mr. Alfieri said that there were two issues raised at the last meeting regarding violations on the site. They are working to correct the violations and have applied for demolition permits. The other issue is the bus stop, which is part of their conditions of the resolution. The extension is to protect the applicant from a zone change.

Ms. Avrin asked Mr. Pflieger if there are any requirements in the way in which Board members vote on the extension, as she voted against approving this application. Mr. Pflieger said for this extension, all members would be eligible to vote. The applicant has to show they are working towards getting their conditions met. If anyone feels that the applicant is not being diligent to get their approvals, they could vote against it.

Motion by Mr. Orfanitopoulos seconded by Mr. Hern to grant the extension. Motion carried on the following roll call vote:

- Affirmative: Ms. Avrin, Ms. Campis, Mr. Hern, Mr. Orfanitopoulos,
Mr. Blumenthal, Mr. Lateef
- Absent: Mr. Buffalino, Ms. Collur
- Recused: Mr. Pesce

*Ms. Collur arrived at 7:20 p.m. and is now seated for Mr. Buffalino.
Mr. Pesce rejoined the meeting.*

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: Ken Pape, Esq.

Michael Pucci, PE
John Rea, Traffic Engineer
Anthony Silvur, Environmental Engineer
Michael Testa, Architect
Felix Bruselosky, Contract Purchaser
Christine Cofone, PP

Mr. Pflieger swore in new witnesses on behalf of the applicant: Michael Pucci, Michael Testa, Christine Cofone, and Felix Bruselosky. Board Professionals remain under oath from the prior hearing.

Mr. Pape stated that since the last hearing on February 17, the applicant secured the last NJDEP approval. The Flood Area Hazard Permit was pending and has been received. It is consistent with the filed application.

Mr. Pucci presented his credential as a Professional Engineer. Board accepted.

Mr. Pape reviewed the changes made to the plans since the last public hearing. The impervious coverage was at 65.3% and with asphalt removed, is now compliant at 59.9%, eliminating the need for a variance. The kiosk exceeded the 25-foot minimum setback. There is no need for additional soil or soil removal. Added to the plans was no diesel for trucks. Drive aisles and curb radius for each of the required vehicles have been met. One of the monument signs was removed, and they now only have one. The sign setback was changed to eliminate the variance. Four parking spaces on Laurel Avenue are designated as employee parking to minimize number of trips in those parking stalls. Minor modifications were made to stormwater to comply with 2021 statute. Floodway and flood hazard were added to the plan. Vacuum machines have been removed from the plan. Additional landscaping was added to the plan, and lighting intensity has been addressed.

Mr. Pucci confirmed Mr. Pape's breakdown of the changes made to the plan. One of the issues partially addressed was that Ash trees were not acceptable, so they agreed with Mr. Bucco's suggestion of Pin Oak.

Mr. Pape said they were requesting a waiver of a Woodland Retention and Preservation Plan. The areas in conservation easement would be preserved. Mr. Bucco said the DEP permit for the riparian zone is already landscaped, so it would be addressed in that forum. He has no problem with the Board granting that waiver (Item 9A in engineering review letter).

Mr. Pape said Mr. Jahr, the Board's professional traffic engineer had asked at the prior meeting for traffic counts during an afternoon. Mr. Rae (previously sworn) said after taking a second look at the data the traffic counts had been taken on a Thursday afternoon. Mr. Jahr and Mr. Bucco agreed that the Thursday afternoon counts were appropriate.

Mr. Blumenthal asked about the new submission with vehicle turning drawings. Mr. Rae screen shared and reviewed the (revised) six different design vehicles; fuel delivery truck, WB50 trailer making deliveries, a single unit truck, refuse removal truck, ambulance turning radius plan and a fire truck-turning plan.

Questions/Comments Board – Traffic

Ms. Collur said traffic changes would be the biggest issue. Mr. Rae said in their 10/19/19 traffic study, they re-analyzed and found it would have a minimal impact. This is exactly where a facility like this should be located because the traffic is already there. He stated that 75% of the traffic is pass-by and 25% would be new traffic, which will have a minimal impact. The numbers are industry standards submitted by the Institute of Traffic Engineers.

Ms. Campis asked if traffic in that location would increase in the summer, and whether they took into consideration future development in the area. Mr. Rae said Middle Road and South Laurel Avenue do not have seasonal traffic like Route 36. They did take into account the traffic with future development.

Ms. Avrin expressed her concern with the increased traffic at the intersection. Mr. Jahr said the engineering analysis that went into this is sound. He agrees with the applicant's traffic report. Ms. Avrin objected to Mr. Jahr's testimony stating that he is not qualified to determine anything about the traffic study being sound; that is a Board determination.

Ms. Campis said someone pulling into and out of a site could contribute to safety issues and traffic. Mr. Rae said he and Mr. Ploussas looked at the property. They closed existing curb cuts and moved them further away to accommodate traffic.

Mr. Silva, still under oath from the prior meeting, provided the Board with a summary of the environmental constraints and improvements. *The site plan was screen shared.* The Flood Area Determination Letter issued confirmed that they stayed out of the State regulating riparian buffer of 50 feet. They are away from the 100-year flood plain. The project with the addition of plantings will increase the protection of the stream. Mr. Bucco said his concern was the latest approval that the applicant just received.

Board Questions – Mr. Silva

None

Mr. Testa placed his credentials on the record as a licensed architect. The Board accepted. Mr. Testa screen shared his architectural sheet titled PB1 showing a 3000 square foot convenience store. Mr. Testa spoke to the materials used for roofing and siding. The sign is 5 x 5; will comply with the township ordinance.

Mr. Orfanitopoulos said he feels that the building design does not fit in with the area. It does not look like a hometown corner building, but rather like something that would be located on Route 35. Mr. Testa presented three additional elevations he felt were more in line with Mr. Orfanitopoulos' comments. Mr. Orfanitopoulos said that he preferred the architectural rendering that was similar in style to the bank across the street.

Ms. Campis agreed with Mr. Orfanitopoulos and feels the building should be more in line with the neighborhood. Mr. Hern said the façade is more important than the back of the building.

Mr. Pesce said the shopping center across the street needs updating, but the bank was done in good taste.

Mr. Bruselosky, owner of New Horizon Properties (previously sworn) stated he owns and operates 30 of the same type of stations over the past 42 years. The closest site is in Old Bridge on Route 9, which is a branded 7-11 and gas. The proposed hours are 24 hours with three shifts. The number of employees in the evening from 6 a.m. to 10 p.m. are two people per shift, two outdoors and two indoors. Between 10 p.m. and 6 a.m., one employee in the store and one employee at the pumps. There are cameras throughout the store and outside along the perimeter of the store. The cameras record with a 10-day history and connect with multiple people in the company.

Mr. Bruselosky agreed to not having convenience store or fuel deliveries in the overnight hours. Mr. Bruselosky said they dispatch the trucks themselves. A private company would be used for trash removal.

Ms. Avrin asked about the hours of 24 hours for both convenience store and gas. Mr. Bruselosky confirmed. Ms. Avrin feels it is a residential area, and it should not be open 24 hours. Several Board members agreed that they were not in favor of a 24-hour facility. Mr. Hern proposed hours of 5:00 a.m. to 10:00 p.m.

Mr. Orfanitopoulos requested that the applicant provide data for a similar site that backs up their testimony.

Mr. Pape said the 5:00 a.m. start is acceptable. The applicant would like the Board to reconsider a closing time to 11:00 p.m., as they would feel comfortable that the economics would be persevered.

Questions/Board – Mr. Bruselosky

Ms. Avrin is concerned about the park across the street being a hangout area with the convenience store. She inquired about goods sold in the convenience store. Bruselosky said it would be typical items found in a convenience store. No alcohol would be sold. They will sell tobacco and vaping material to the extent allowed by law.

Mr. Bucco asked about propane tank exchange. Mr. Bruselosky said they would like to if permitted. Mr. Pflieger said he believes it was a use variance for the Gulf station. The location of a screened propane cage should be shown on the plans. Mr. Orfanitopoulos believes propane tank exchange it is beneficial to the neighborhood. Mr. Bucco to check with Construction Official regarding the location of the cage.

Mr. Pape at 9:15 p.m. asked for a brief recess to speak with his client.

Public hearing resumed at 9:25 p.m.

Mr. Pape said they will provide the Board with architectural renderings, propane location, and they still have the presentation from their Planner.

Public hearing carried to June 2, 2021 without further notice to the public.

Mr. Pape agreed to an extension through June 30.

Mr. Pflieger advised that there would be new webinar log information, which can be found on the township website prior to the hearing on June 2.

Professionals Reports

None

Adjournment

There being no further business at 9:30 p.m., motion by Ms. Avrin seconded by Mr. Orfanitopoulos to adjourn. Motion carried by voice vote.

Respectfully submitted,

Loretta Coscia
Zoning Board Secretary

Note: The foregoing are summary minutes.

Meeting has been recorded, and can be viewed in its entirety on YouTube ~ *Holmdel Township Meetings*

Minutes approved 6/2/21 (VA/FC)