Chairman Nanson called the meeting to order and the Administrative Officer read the opening statement.

ROLL CALL: The roll call showed the following members present: Matthew Hughes, Richard Mertens, Thomas O’Donnell, Jose Orozco, Michael Sanclimenti, Paul Sayah, James Moretti, Jr., and Chairman Wendell Nanson. Mr. Massa arrived at 7:45 p.m.

Also in attendance were Ronald Troppoli, Board Attorney, Charles Cunliffe, Board Engineer, Jennifer Beahm, Board Planner, Shari Spero, Board Certified Tree Expert, Matthew Howard, Director of Land Use and Eileen Rubano, Board Secretary

PLEDGE OF ALLEGIANCE:

SWEARING IN OF BOARD PROFESSIONALS: Charles Cunliffe, Jennifer Beahm, Shari Spero and Matthew Howard were sworn in by Board Attorney Troppoli.

APPROVAL OF MINUTES: There were no minutes to approve at this meeting.

VOUCHERS: There were no vouchers to approve.

CORRESPONDENCE: The Board Secretary had an email from Michael Landis, Attorney for 634 Field LLC asking for the application to be carried to the Board’s April 8, 2019 meeting. He also granted the Board an extension of time through April 30, 2019. The Chairman announced that this application would be carried to April 8, 2019 with no further notice.

RESOLUTIONS:

a. Case No. BA18-14 / Nicholas and Lisa Zazza

Mr. O’Donnell made a motion to memorialize the resolution granting bulk variance approval to Nicholas and Lisa Zazza. Motion was seconded by Mr. Moretti and carried with Messrs. Hughes, Mertens, O’Donnell and Moretti voting for the motion.

APPLICATIONS BEFORE THE BOARD:

a. Case No. BA19-05 / EZE Fit Howell, LLC (Jemand Ezeonwuka)

Todd Cohen, Attorney for the Applicant, appeared, thanked the professionals for the quick turnaround on the reviews that they did and asked for his witnesses to be sworn.

Michelle Rusinek, Owner of the property, was duly sworn and testified that the applicant signed a lease and started renovations and had to stop as they were told it was not a permitted use. One January 22, 2019 they went before the Council to see about changing the zoning for the property. The Council encouraged them to go to the Zoning Board for a temporary use permit while the town looks at the uses in the neighborhood commercial zone.
Jemand Ezeonwuka was duly sworn and said he is the owner of EZE Fit Howell. He stated that he has two other facilities, one in Neptune and one in Brick. He is looking to open a Howell location in the Quail Creek Plaza and his lease is for three years. He explained that he does small group training and personal training and his program is based on classes which you have to book so he is not like the big box gyms where you can show up anytime. He testified that his hours of operation are Monday through Saturday, between the hours of 5-6 a.m., 8-9:15 a.m. and 4 or 5 p.m. to 6 p.m. with a maximum of 20 people in attendance between 5-6 a.m. and an average of 15 at other times with a maximum of two instructors and all people attending classes would be over 18 years of age.

Mr. Ezeonwuka further testified that all classes are scheduled, there are no gaps between classes, and all activity takes place inside the building and he would only have one sign on the building. He did not have any concerns for parking on site as his hours don’t conflict with any other tenants.

Michelle Rusinek testified that the parking can be accommodated as they have 177 parking spaces in the main section of the center and there are always empty spaces.

Board Engineer, Charles Cunliffe, asked Mr. Ezeonwuka about the time between 10:15 and 4:00 and he said they may have a one on one session with a maximum of two people and there would be no classes and no drop ins. Mr. Cunliffe also asked about having a 15 minute gap between classes to allow for parking turnover and Mr. Ezeonwuka said they would only need thirty spaces total to allow for 15 people at a class and 15 for the changeover but if it is a problem he can stagger the classes by 15 minutes. He also said they do not have showers or lockers, their patrons show up, train and go home.

Mr. Howard, Land Use Director, said the applicant is requesting a temporary use permit for two years and the Council is looking to do zoning changes so he would recommend the two years. When the Chairman asked if he needed to come back for site plan, Mr. Howard said if the use was permitted he would not be required to come back.

Chairman Nanson opened the hearing up for members of the public but seeing none, the public portion was closed.

Mr. Hughes made a motion to recommend that the Council grant a temporary use permit for a period of two years. Motion was seconded by Mr. Moretti and carried with Messrs. Hughes, Mertens, O’Donnell, Orozco, Sanclementi, Sayah and Nanson voting for the motion.

b. Case No. BA18-26 / Lakewood Farmingdale, LLC

Kenneth Pape, Attorney for the Applicant, appeared and stated that they were seeking a D3 conditional use variance and site plan approval as this property was developed some 40 years ago. It is a 10,000 sq. ft. building on two acres occupied by 3 businesses. Multiple uses are not permitted unless the building is 40,000 sq. ft. in size and we cannot find any prior site plan approvals. The building was originally part of Frequency Engineering but it now has a separate block and lot and tax record.

Mr. Howard, Director of Land Use, agreed with Mr. Pape and said that he could not locate any prior building permits or change of use permits.

Mr. Pape said when his client purchased the property there was a deed but the issue came to light when Mr. Howard said that three uses could not continue to operate in this location.
without coming to the Board. By doing this we can create credentials and a record going forward. Mr. Pape said they are asking permission to fix the parking lot, correct the size, identify the trash enclosure and they have the required number of parking spaces. He also said that he met with the Environmental Commission, the Fire Bureau and the professionals prior to coming to the Board.

Peter Strong, PE, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Strong testified on the location of the property, surrounding uses, size and layout of the property. He stated that they are adding pavement to the driveway and increasing the size of the parking spaces to 9 x 19’, the driveway will be 30” wide. They will have a total of 34 parking spaces, they are adding a handicap ramp to the front entryway and the two handicap parking spaces are conforming. Mr. Strong said they are not doing any grading on the site, there are no stormwater facilities but they are picking up the roof runoff into two downspouts that they will put underground into dry wells.

Mr. Strong said he will look for guidance from Ms. Spero, Board Certified Tree Expert, for additional landscaping she requested. He also testified that they will comply with her suggestion to trim some of the trees and they will also comply with the street trees along Central Avenue as well as her recommendation on size and species.

The Chairman asked if they could move the trash enclosure and Mr. Pape said an idea did come up earlier to relocate the dumpster and Mr. Strong believes he can accommodate moving the trash enclosure and the turning aisle.

Mr. Cunliffe, Board Engineer, said the new location of the trash enclosure is still in the front yard so a variance is needed but it is away from the residence.

Ms. Beahm, Board Planner, agreed that the entire turnaround needs to be screened not just the trash enclosure.

Mr. Strong testified on the lighting as asked for a design waiver as they meet the ordinance standards but they can’t meet the foot-candles without creating dark spots. When Mr. Cunliffe asked if the lights could be put on a timer, Mr. Pape said they would be on a timer and would be turned off one half hour after the last person leaves. Mr. Pape also said the typical time for that would be around 7 p.m. except for tax season which could be later. Ms. Beahm asked if they could be off by 10 p.m. and Mr. Pape agreed that they could.

Chairman Nanson asked if they could stipulate that the trash would be picked up no earlier than 8 a.m.

There was some discussion on the parking for the site and Mr. Pape said they have 14 spaces along their property on the roadway. While they have never used those spaces they are available to them and during the peak tax season they could be open on Sunday when other businesses are closed. The applicant has no business hours on Saturday.

The discussion continued on the parking as right now it may be adequate but what happens if the use changes. Mr. Cunliffe thought we should have a condition in the resolution and Mr. Howard agreed. Mr. Pape has no problem with there being a condition in the resolution that the use would be offices, financial institutions, medical facilities, distribution and light assembly and packaging and all other uses inappropriate for this site.

Mr. Strong testified that there is an identification sign for the industrial park but they would like to put a sign near their driveway and he will modify the sign so it will be a true
monument sign identifying the site. Ms. Beahm feels that one is not their sign and they have to fronts so she is not opposed to the granting of the relief for the sign.

Mr. Strong testified on the comments in the Board Engineer’s review letter and said he can and will work with Mr. Cunliffe on all the technical comments.

Mr. Cunliffe informed the Board that the applicant is providing recharge for stormwater although they are not required, he takes no exception to the parking area not having any curbing and they need to add some construction details to the plans on the drive aisles and the bollards. They are seeking a waiver for sidewalks across the frontage as no sidewalks exist currently but if the board is concerned they can add sidewalks from the parking spots on Central Avenue to the parking area.

Ms. Beahm mentioned that she would like to see something other than a chain link fence in the residential buffer area and Mr. Pape agreed to a solid vinyl fence and Ms. Beahm would like to see if go from the parking lot, to the rear of the building including the trash enclosure.

Scott Kennel, Traffic Expert, was duly sworn, gave his credentials and was accepted as an expert. He testified on the traffic circulation, parking and his determination after observing the parking he felt that the parking was more than adequate for the site. When asked about the truck traffic to the site, Mr. Pape agreed that there would be no articulated vehicles visiting the site.

The Board took a short recess from 8:57 p.m. to 9:07 p.m.

Allison Coffin, Professional Planner, was duly sworn, gave her credentials to the Board and was accepted as an expert. Ms. Coffin testified on her preparation and the proofs required for the granting of the variances for this application. It was her professional opinion that the benefits outweigh the detriments. Ms. Beahm took no exception to the testimony provided and she advocated for the granting of all relief requested.

Chairman Nanson opened the hearing up to members of the public but seeing none, closed the public portion.

Mr. Pape respectfully requested the Board grant the D3 variance to permit up to three permitted uses to operate in a 10,000 sq. ft. building that can accommodate those uses. He stated that this is an opportunity for the property to be spruced up and brought into conformance with the ordinance and provides a record of its existence.

Mr. O’Donnell made a motion to grant Use Variance and Preliminary and Final Major Site Plan approval along with all relief requested. Motion was seconded by Mr. Massa and carried with Messrs. Hughes, Massa, Mertens, O’Donnell, Orozco, Sanclimenti and Nanson voting for the motion.

   c. Case No. BA17-09A / Fairfield Industrial Park, LLC

Paul Schneider, Attorney for the Applicant, appeared and informed the Board that they are looking to fill space in Building 9 of the industrial park with two uses. They submitted a parking analysis and will restrripe the parking lot and add sidewalks for pedestrian use as requested by Ms. Beahm.

Michael Parnell, Shore Ninja Academy, was duly sworn and testified on the operations. He said this is not a drop in type of operation, they hold classes for children age 6 to adult with
different age groups, 6 to 12 and 12 to 18. Everything is membership bases and they have specific class times. They average 9 to 12 kids per class/time with two employees at class times. Their hours of operation are Monday through Friday 4-9 p.m., Saturday 9 a.m. to 6 p.m. and Sunday from 11 a.m. to 7 p.m. On Sundays only they hold group classes from 12 to 15 kids. Mr. Parnell also testified that there are no competitions held on site, only group classes.

Upon questioning from Mr. Cunliffe, Board Engineer, Mr. Parnell testified that the class duration is 45 to 50 minutes, classes start on the hour with a five minute check in and there is a 10-15 minute float time between classes.

Howard Klotzkin, Bury the Hatchet, was duly sworn and testified that they provide indoor axe throwing with an axe master for up to 8 people at a time. They are open 7 days a week with Friday nights and Saturdays being the busiest. The hours range from 3-9 p.m. Monday through Thursday, 3-11 p.m. on Friday, Noon to 11 p.m. on Saturday and Noon to 9 p.m. on Sunday. They require reservations for sessions which last two hours and they have twenty minutes between sessions. He said they may occasionally have company events outside their normal target hours and they would accept 20 to 40 people at these events. There is a 2 person minimum and 8 person maximum per lane and they have 7 lanes for a maximum of 56 people at any time or a total of 66 people on site with the axe masters and managers. They only use special axes and tomahawks, no knives or Chinese stars are allowed. Mr. Klotzkin testified that the lanes are separated by metal fencing similar to batting cages and they securely store the hatchets when not in use. Two people throw at a time. Weekdays they will accept kids 14 and older accompanied by an adult and on weekends you must be 21 or older. They are also proposing to build ADA compatible restrooms on site.

In response to questions from the Board Members, Mr. Klotzkin said they do have weekly leagues similar to bowling but regional events would be held at a larger facility such as Paramus which is 13,000 sq. ft. or their largest facility which is in Philadelphia. No spectators are allowed but for young kids the parents would also be throwing axes. They have wooden picnic tables behind a divider where people waiting to throw can sit and watch and they also have two televisions with sports, entertainment and digital scoring.

Scott Kennel, Traffic Expert, was duly sworn, gave his credentials and was accepted as an expert. Mr. Kennel testified on the parking for the site and said the parking is more than adequate for these uses. He also recommended modifications to the parking such as head on parking instead of diagonal parking and adding a sidewalk along the nursery.

Mr. Cunliffe suggested a continuous sidewalk and Mr. Schneider said the applicant would be happy to do that. Mr. Cunliffe was also concerned about the location of the parking with relation to each use.

Ms. Beahm had some issues with the peak times and said the industrial park was not intended for these uses when it was built.

Mr. Schneider said the applicant is more than willing to do what the Board Professionals need and he also agreed that there would be no overnight parking around building 9.

Mr. Kennel said they could put up signs for trucks to go around and “no thru traffic” as well. He said he will develop a plan and meet with Mr. Cunliffe to work it out. Mr.
Schneider said they will do a comprehensive vehicle and pedestrian circulation and striping plan and Mr. Troppoli said that would be a condition of approval.

Mr. Cunliffe would like to see the loading dock areas striped so no one parks there and he also feels they should provide three handicapped spaces.

Andrew Janiw, Professional Planner, was duly sworn, put his credentials on the record and was accepted as an expert. He testified on his review of the application which included a site visit, and the proofs required for the granting of the variances.

Ms. Beahm took no exception to the testimony provided and she thinks this is a good adaptive reuse of a commercial facility which has been vacant. She also agrees that there is no negative impacts once the parking and circulation is updated.

Mr. Cunliffe stated that the Monmouth County Board of Health wants an engineer to certify that the existing septic can handle the two proposed uses and he thinks that can be handled during compliance.

Chairman Nanson opened the hearing up for members of the public but since no one appeared, the public portion was closed.

Mr. Schneider respectfully requested that the Board grant the approval subject to all the conditions.

Mr. Mertens made a motion to grant Use Variance approval with all conditions agreed to by the applicant. Motion was seconded by Mr. Hughes and carried with Messrs. Hughes, Massa, Mertens, O’Donnell, Orozco, Sanclimenti and Nanson voting for the motion.

Mr. Moretti made a motion to adjourn. Motion was seconded by Mr. Orozco and the meeting adjourned at 10:40 p.m.

Respectfully submitted,

Eileen Rubano, Recording Secretary

NOTE: A CD or DVD of this meeting is available on request.