

Meeting called to order by Chairman Martinelly @ 7:30 pm

All saluted the flag & the Presiding Officers Statement was read.

Roll Call:

Present: Martinelly, Hemel, Walter-Reger, Cherbini, Barnett, Colella, Poling
Attorney: Kennedy
Engineer: Cranmer
Absent: Anderson, Doran-Ulner, Carroll, Daly

Minutes:

A motion was made by Ms. Reger, seconded by Ms. Poling to adopt the minutes for the **April 7, 2021** meeting and the **May 5, 2021** meeting, as submitted. All approved.

Land Use Business: none

Unfinished Business:

M/M Brian Nelson:

B; 67, Lot: 2

Adopt Resolution – dismiss the application without prejudice

A motion was made by Ms. Reger, seconded by Mr. Hemel to adopt the resolution of dismissal Without prejudice to M/M B Nelson, as submitted

Roll Call:

Affirmative: Martinelly, Hemel, Reger, Cherbini, Barnett, Colella, Poling

Negative; None

Mr. Kennedy announced that Ms. Martinelly has been appointed to the Monmouth County Planning Board. All congratulated her on the appointment.

New Business:

Planet Fitness:

Shrewsbury Plaza

Bl: 31, Lot: 1

Use Variance/ Waiver of Site Plan

Mr. Kennedy announced that due to a notice issue the service for the application for Planet Fitness **will be carried to August 4, 2021 without further notice**. The applicant did not notice Tinton Falls, the service for Shrewsbury will be accepted.

A motion was made by Ms. Reger, seconded by Mr. Barnett to carry the notice of Planet Fitness and the applicant to notice Tinton Falls. All approved.

Mr. David Cranmer, was sworn in as Engineer & Zoning Officer

Mr. Kennedy asked if there were any concerns or questions on the Notice for Yoga6, Shrewsbury Plaza on the sufficiency of the notice? There were none.

Dogpile Partners Inc.

Use Variance/Waiver of Site Plan

d/b/a Yoga6

Shrewsbury Plaza

Bl: 31, Lot: 1

Mr. Michael Castore, Esq represents the applicant.

There were no concerns with the notice associated with the application, service is in order and the board has jurisdiction to hear this matter.

Mr. Kennedy marked the following:

A-1; Development Application Package

A-2: Cranmer Checklist

A-3: Architectural Floor Plan – 4/16/21

A-4: Survey – Gregory Gallis – 6/7/2016

A-5: Review letter – Cranmer Engineering 1/25/2021

Mr. Castore explained that they are seeking a use variance, associated waivers, as well as a waiver from a site plan approval for a “adaptive re-use” allowing Yoga6, fitness type use, with private fitness classes within an existing building in the Shrewsbury Plaza. B2 where the use is not permitted, and additional relief where the professionals deem necessary.

Completeness:

Mr. Cranmer advised that this application is incomplete, the applicant is seeking a submission waiver for a detailed site plan, no improvements to the exterior, if the board feels they have questions the board can request a site plan and they would be obligated to provide. The request is reasonable and a survey, floor plans, have been submitted, they feel the site is sufficient.

A motion by Ms. Reger, second Ms. Poling, to grant the request for a submission waiver for the details for site plan and deem the **application complete** for Yoga6

Roll Call:

Affirmative: Martinelly, Hemel, Reger, Cherbini, Barnett, Colella, Poling

Negative: None

Mr. Thomas Di Bari, partner was sworn

Mr. Steven Robinson, partner (not sworn)

Mr. Kennedy asked if there were any conflicts with the ownership of Dogpile Inc. There were none.

Mr. Di Bari testified to the following operations of Yoga6:

- Group classes – 43 clients allowed includes the instructor – most likely will not exceed 40 in the classes – they will abide by COVID restrictions if it is necessary again.
- Registration online – no walk ins
- No more than 4 employees on site at any given time, includes instructor and wellness advisor (2) & a general manager.
- Hours of operation – 6 am – 9 pm Monday – Friday, Saturday & Sunday 8 am – 4 pm
- Private yoga room for 4 people – will be included in the total amount allowed, they will adjust the number when necessary to allow more in the class area.
- They will sell water, mats & clothing. No smoothies, prepared foods, if permitted energy bars
- They use a “Flo Water System” purification system which allows clients to refill their water bottles.
- the time between classes will be 30 minutes since the room must be cleaned & vented in between classes
- no lockers, no showers, no daycare but there will be rest rooms and cubbies in the front for shoes etc.
- they are comfortable with the 43 mats that will be in the main room
- they hope that their clients will come in from Shrewsbury, Red Bank, Tinton Falls, Eatontown and maybe Middletown
- only 1 group class at any given time
- no deliveries will be made except for the move in furnishings.
- The maximum number of clients for the building would be 49 but the maximum number of mats is 43.
- Parking will be adequate even with the Planet Fitness proposed for the shopping center
- Ventilation/A/C will be changed out by the landlord as well as a +separate heating unit, clean ventilation is necessary
- No seating in the lobby, so when the class lets out they leave the building

A motion was made by Ms. Reger, seconded by Mr. Barnett to open the meeting to the public.
All approved

No comments/questions

A motion was made by Ms. Reger, seconded by Mr. Barnett to close the meeting to the public.
All approved.

Ms. Christine Nazzaro Coffone, Planner, was sworn, and accepted as an expert witness as a Planner.

Ms. Coffone testified to the following:

- B-2 Zone does not specifically permit an exercise studio that is being proposed, similar to the Orange Theory facility which was granted a use variance, same center opposite side of the center, with the same planning issue, B2 does not allow for this type of use

- This site is suitable for the proposed use, a corner lot which is approximate to 2 parking fields within the center with a good mix of uses.
- Special reasons for the granting of the variance is:
Criteria a: promoting the general welfare
Criteria g: sufficient space in an appropriate locations for a variety of uses
- Repurposing the center with the right mix of uses is in place here, helping to use the open and vibrant spaces and this helps to diversify the uses
- This is not like a Planet Fitness no walk ins for Yoga6, sign up on-line only
- Criteria a & g are satisfied where you only have to satisfy one criteria of the Land Use Law
- Burden of Proof: the governing body did not intend to restrict the use that is being proposed from the Ordinance. When the Ordinance was drafted these specific types of fitness centers were contemplated, so there is no issue with the reconciliation or the negative criteria
- Negative Criteria - holds the applicant not to the standard that there is no detriment but you weigh the detriments vs benefits of the use. The Master Plan 2013 has some policies that are relevant to this application, encourages mix uses, retail, and food service in an appropriate locations that will provide employment for future and present residents..... Provide social, health, welfare, cultural, recreation.....This use meets those objectives. The benefits outweigh any detriment and no substantial detriment to the Zone Plan of the Borough.....
- Opinion – great use for the shopping plaza.
- The applicant meets the Burden of Proof for the granting of the Use D variance, without any substantial relief without any substantial relief to the public good.

Mr. Cranmer asked about the parking fields, is the adequate parking?

Ms. Coffone said yes, there are 2 fields available and there is adequate and convenient parking. The peak of this use will be off peak of some of the other uses in the center.

Ms. Coffone indicated that the “Goat Yoga” is on a farm and they would take a condition of approval that this use is not permitted.

A motion was made by Ms. Reger, seconded by Mr. Cherbini to open the meeting up to the public. All approved.

No comments/questions

A motion was made by MS. Reger, seconded by Mr. Cherbini to close the meeting to the public. All approved.

Mr. Castore asked the board to vote in favor of this application based on the testimony presented.

Mr. Castore said that all sign detail will be in compliance with 94-8.34.

Mr. Kennedy stated the conditions that the board approved and will be added into the resolution of approval.

Approval,

Mr. Kennedy read a resolution of approval into the record;

A motion was made by Ms. Reger, seconded by Mr. Cherbini to approve the application of DogPile d/b/a Yoga6, Group Fitness for a use variance and waiver of submission for site plan approval, acknowledging what is there today is suitable the intended use, as read into the record.

Roll Call

Affirmative; Martinelly, Hemel, Reger, Cherbini, Barnett, Colella, Poling

Negative: none

Adoption of Resolution:

A motion was made by Ms. Reger, seconded by Mr. Cherbini to adopt & memorialize the resolution of approval to DogPile d/b/a Yoga6, Shrewsbury Plaza for a use variance & waiver of site plan approval.

Roll Call:

Affirmative: Martinelly, Hemel, Reger, Cherbini, Barnett, Colella, Poling

Negative: None

A motion was made by Ms. Poling, seconded by Mr. Cherbini to adjourn the meeting at 8:32 pm.
All approved