



**MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT
MINUTES
March 27, 2024**

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Chairman Mostyn on Wednesday, March 27, 2024 at 7:30 p.m. in the Municipal Meeting Room, 215 Millstone Rd., Millstone Township, NJ 08535. Notice of this meeting was provided in accordance with the Open Public Meetings Law.

Secretary Sims read the Open Public Meetings Act Statement.

There was a salute to the Flag and an observance of a moment of silence offered for those serving and those who have served our country in the past.

Roll call for the below members was called:

Present: Chairman Mostyn, Ms. Beckish, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Ms. Arpaia (Alt. I).

Absent: Mr. Barthelmes; one vacant seat (Alt. #2).

Attending: Greg Vella, Esq.; Matt Shafai, PE, PP, Board Engineer; McKinley Mertz, PP, AICP, Board Planner; and Danielle Sims, Board Secretary.

Ms. Arpaia was seated for Mr. Barthelmes.

MINUTES:

Minutes from February 28, 2024

Chairman Mostyn noted these minutes will be carried to the next Zoning Board of Adjustment meeting.

RESOLUTION(S):

**Green Leaf Pet Resort & Hotel, LLC
Block 59 Lot 9.05 – Northeast corner Monmouth Rd./CR 537 and Burnt Tavern Rd.
Use Variance Approval, Application # Z23-08**

Attorney Vella prepared the resolution in advance of the meeting for the Board's review. Mr. Morelli made a motion to memorialize the resolution of approval, which was seconded by Ms. Arpaia. With no comments from the Board, the resolution was adopted on a roll call vote in favor: Chairman Mostyn, Ms. Beckish, Mr. Lambros, Mr. Morelli and Ms. Arpaia. Motion approved, 5-0.

**Gregg Pesciotta
Block 31.01 Lot 13 – 11 Fox Hill Drive
Variance Approval, Application # Z23-09**

Attorney Vella prepared the resolution in advance of the meeting for the Board's review. Ms. Arpaia made a motion to memorialize the resolution of approval, which was seconded by Mr. Morelli. With no comments from the Board, the resolution was adopted on a roll call vote in favor: Chairman Mostyn, Mr. Lambros, Mr. Morelli and Ms. Arpaia. Motion approved, 4-0.

**Jonathan Tierney
Block 50 Lot 23 – 414 Millstone Rd.
Variance Approval, Application # Z23-11**



Attorney Vella prepared the resolution in advance of the meeting for the Board's review. Mr. Morelli made a motion to memorialize the resolution of approval, which was seconded by Ms. Arpaia. With no comments from the Board, the resolution was adopted on a roll call vote in favor: Chairman Mostyn, Ms. Beckish, Mr. Lambros, Mr. Morelli and Ms. Arpaia. Motion approved, 5-0.

APPLICATION(S):

Millstone Property Company, LLC – Continued Application Block 35, Lot 16.01 & 17 – 469 & 465 Stage Coach Rd. Bifurcated Use Variance Application # Z23-05

Request for Use Variance relief to construct an approximately 21,960 s.f. one-story fieldhouse/indoor recreation center, with associated site improvements at the existing Black Bear Day Camp. The property is a 6.88-acre lot, which is portion of an approximately 34.88-acre track for Black Bear Day Camp in the NC zoning district and is proposed to be constructed in the area of the Clarksburg Inn (which burned down several years ago). Continued from 10/25/23 and 1/24/24.

Board Attorney Vella indicated that the applicant has requested that the application be adjourned to the May 22, 2024 Zoning Board of Adjustment meeting. He announced that the application will be carried to the May 22, 2024 meeting at 7:30 pm, without any further notice. The applicant will provide an extension of time to act.

David Wasenda Block 16.01, Lot 1 – 500 Rike Dr. – Units 2A & 2B Use Variance Application # Z24-04

Proposal for use variance relief to permit an indoor pickleball facility within two tenant spaces, consisting of 8,500 s.f., within an existing building in the BP Zoning District. Recreational facilities are not permitted in the BP Zone. Site obtained prior approvals under applications: P04-40, Z08-02, Z13-02, Z20-08. The application was deemed incomplete, pending the Board's consideration of the submission waivers. The applicant will continue with the public hearing should the Board grant the waivers and deem the application complete.

Mr. Vella, Esq. reviewed the notice package in advance of the meeting and confirmed that it was in proper form, so the Board can take jurisdiction to hear the application. Mr. Vella reminded the Board the application was deemed incomplete and would have to consider the waivers requested in order to determine completeness.

Mr. Peter Licata, Esq. appeared on behalf of the applicant.

The following witnesses were sworn in or are still under oath:

Matt Shafai, PE, PP – Board Engineer
M. McKinley Mertz, PP, AICP – Board Planner
David Wasenda – Applicant
Larry Slawson – Applicant's Architect
John Rea, PE – Applicant's Traffic Engineer
Jim Higgins, PP – Applicant's Planner

The following exhibits were marked in evidence:

APPLICANT'S EXHIBITS

- A-1 Jurisdictional Notice (Proof of Service)
- A-2 Application, Checklist(s) and Administrative Forms



- A-3 Operations Statement, two (2) pages, unknown source, undated
- A-4 Correspondence
- A-5 Google Maps Image
- A-6 Interior Layout Plan, 1 sheet, prepared by Lawrence F. Slawson, RA, revised 2/23/24
- A-7 Survey of Property, 1 sheet, prepared by DPK Consulting, dated 6/22/12
- A-8 Site Plan, 1 sheet, prepared by Geller Sive & Company, revised 10/21/20
- A-9 Copy of prior Resolution Z20-08 for TLP Realty (approved, but not perfected)
- A-10 Copy of prior Resolution Z13-02 for TLP Realty
- A-11 Copy of prior Resolution Z08-02 for Cheer University
- A-12 Copy of prior Resolution P04-40 for TLP Realty

BOARD'S EXHIBITS

- ZB-1 Engineer's Review and Incomplete letter dated 3/19/24
- ZB-2 Planner's Review dated 3/21/24

Mr. Licata reviewed the requested waivers. He noted the site was subject to previous applications. He noted the waiver for the survey as there are no exterior improvements proposed and have been no improvements to the site since the last survey (provided to the Board). Mr. Licata explained that the site had obtained site plan approval for an addition, which was never perfected and is still shown on the plan. Engineer Shafai requested that a variance plan of the site be provided as a condition of any approvals. He noted the title of the plan should be amended to reflect the requested use variance. The building addition approval that was not perfected should be taken off. Engineer Shafai does not take any exception to waiving the current survey since no exterior improvements are proposed. The applicant agreed to provide the other submission items not previously provided as a condition of any approval.

Ms. Arpaia made a motion, which was seconded by Mr. Lambros, to grant the requested submission waiver of the current survey and deem the application complete. On a roll call vote in favor: Chairman Mostyn, Ms. Beckish, Mr. Ferrara, Mr. Lambros, Mr. Morelli; None against.

Mr. David Wasenda was sworn in as the applicant. He explained he would be using a portion of the existing building at 500 Rike Dr. for an indoor pickle ball court facility. The facility would be open from 6:00 am to 10:00 pm, daily. The site would have at least one employee on site at any time, with a total of three (3) employees. They are proposing three pickle ball courts and three lounge areas. Customers would have to reserve the courts through an online scheduling site and are typically rented out for 1-2 hours at a time. Each court would consist of 4 possible players. They are only proposing a counter where customers may purchase prepared packaged goods such as granola bars and bottled drinks. Employees would be directed to park in the rear of the building. The unit has use of 27 parking spaces, with a total of 47 parking spaces for both tenant spaces. Mr. Wasenda stated that they do not expect much in the way of deliveries other than the pre-packaged goods to be sold. The site would use an existing sign on the outside of the building and would put a vinyl decal on the door of the unit.

The peak hours are expected to be after work hours. Customers may purchase equipment, such as paddles and balls, but loaner paddles and balls would also be available. They were not able to design the tenant space with a fourth court due to the regulation space needed, although they would have liked to do so, and instead created a storage space within the unit.

Mr. Wasenda stated that they are not expecting to hold any competitive events, this concept is more like a "country club" style setting. The maximum number of players and guests expected would be around 24 at any given time. The lounge areas would only be used for players, it is meant to be a player's lounge. There are no bleachers and they do not expect the players to bring spectators to watch the game. The lounge areas are designed to provide a higher end



experience and would typically be used for players while waiting for their court time and for players after their court time. The storage space appears large, but it was just partitioned off to avoid a large extra "open space" area.

Lawrence Slawson was sworn in and provided his credentials as a professional RA. The Board accepted his credentials as a licensed architect. He described the proposed changes from the layout of the previously approved use of Cheer University, referring to Exhibit A-6. There are no changes proposed to the exterior of the building.

John Rea was sworn in as a licensed professional traffic engineer. He has previously appeared before the Board and was accepted as a licensed professional engineer. Mr. Rea described the maximum number of people who may be visiting the facility at any given time as being 24. The 47 parking spaces at the site are available for use as they are off hours from the other business on the site, therefore, being usable for the pickle ball facility customers. Mr. Rea testified that he visited the site multiple times and determined there was adequate parking for the proposed operation.

James Higgins was sworn in as a licensed planner. Mr. Higgins has previously appeared before this Board and was accepted as a professional licensed planner. The tenant space already has high ceilings, making it ideal for a use such as this. The site has been utilized for a similar use in the past. Mr. Higgins explained that recreational use, while not considered "inherently beneficial," it is beneficial. The site, he stated is particularly suited for a recreational use such as this. The site can be converted to a permitted use at any time. He does not believe there is any negative impact to the zone plan or the Master Board.

Chairman Mostyn opened the matter to the public. With no members of the public coming forward, Chairman Mostyn closed the matter to the public.

The Board deliberated. Attorney Vella read the conditions and items the applicant agreed to during the course of the hearing, including that the applicant will provide a plan and the applicant would obtain permits for the signs, which will meet the Township's regulations.

With no further discussion from the Board, Mr. Lambros made a motion to grant the required use variance relief and the requested design waivers, subject to the conditions and testimony placed on record. This motion was seconded by Ms. Arpaia. Application Z24-04 was approved with the following votes in favor: Chairman Mostyn, Ms. Beckish, Mr. Ferrara, Mr. Lambros, Mr. Morelli, Mr. Sinha and Ms. Arpaia. Approved 7-0.

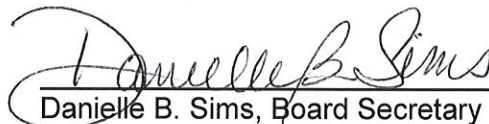
BOARD DISCUSSION:

There were no other business matters up for discussion.

ADJOURNMENT:

With no further business, Chairman Mostyn adjourned the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary