

WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING JUNE 3, 2013

The regular meeting of the Board of Adjustment was called to order at 7:08 p.m. by Chairman Cooper in the Municipal Court, 44 Mountain Blvd., Warren.

THOSE PRESENT AT ROLL CALL: George Dealaman, Richard Hewson, Foster Cooper and Clerio Martins, Alt. #2
Also present was Steven Warner, Attorney for the Board.

THOSE ABSENT: Brian Di Nardo, John Villani and Fernando Castanheira

THOSE TARDY: Vincent Oliva and Scott Bowen

ANNOUNCEMENT:

Adequate notice of this meeting has been provided by posting Public Notice on the Municipal Bulletin Board on the main floor of the Municipal Building, and sending a copy to the Courier News and Echoes Sentinel, and filing a copy with the Municipal Clerk, all on January 8, 2013.

FLAG SALUTE:

MINUTES: The minutes of the 5/6/13 meeting had been forwarded to members for review.

Mr. Oliva made a motion to approve, seconded by Mr. Dealaman.
All were in favor, so moved.

COMMUNICATIONS:

Letter dated 5/6/13 from David Krueger concerning an environmental assessment for CASE NO. BA13-02 K9 RESORT DAYCARE & LUXURY HOTEL

Township of Warren ORDINANCE NO. 13-03 adopting Amendment #1 to Redevelopment Area Plan – The Knitting Mill/Dubois Road

Township of Warren ORDINANCE NO. 13-04 amending Chapter XV entitled “Land Use Procedure and Development” by removing approval by the Sewerage Authority and the Board of Health as a pre-requisite for Land Use Applications to either the Planning Board or the Zoning Board of Adjustment

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING

Mr. Cooper asked if any member of the public wished to make a statement, which is unrelated to tonight’s agenda.
There was none. He closed that portion of the meeting.

AGENDA:

Continuation of the application of:
CASE NO. BA 13-02 K9 RESORT DAYCARE & LUXURY HOTEL
BLOCK 75, LOT 3.02
167 WASHINGTON VALLEY ROAD

Application for a use variance, preliminary & final site plan approval (& bulk variances) to convert the former Warren Township Post Office to use as a high quality center for the care of pet dogs

Mr. Cooper reminded the public that this is a quasi judicial Board. Our determinations and rulings are based upon the evidence given by the witnesses. The public will have the opportunity to ask questions of each witness. Statements will be permitted at the end of the case.

Glenn Kienz, an Attorney, represented the applicant. He noted that there are only four members present. He will not ask for a vote tonight. He asked that absentee members listen to a tape of the hearing. He was told that the fifth will arrive by 7:30 p.m.

Betsy Dolan was called to testify. She had been sworn in previously. She has appeared before this Board on several occasions and has been accepted as an expert witness in traffic engineering. She reviewed the site and prepared a traffic report.

Exhibit A-4 was marked into evidence. It is a traffic report dated 3/28/13, prepared by Elizabeth Dolan, P.E. She proceeded to give an extensive review of the report.

Ms. Dolan was originally retained by K9 back in 2007-2008 to prepare a traffic report at the Fanwood facility, because they were proposing to expand the facility. Given the age of the data, combined with the newer expanded facility, updated counts were performed in March of 2013. She noted that the hours of operation and manner of operation would be similar to that of the Fanwood facility.

K9 resorts will operate from 7:00 a.m. to 7:00 p.m. with daycare drop off occurring from 7 to 9 a.m. Day care pick up will be between 5 & 7 p.m. Pickup for boarders would be between 9:00 a.m. and 5:00 p.m. Registration and payment is handled prior to pick up and drop off.

Mr. Oliva arrived at this point – 7:13 p.m.

Employees could arrive as early as 6:00 a.m. A maximum of 4 employees are anticipated on site at any one time.

Based on the site plan and municipal parking ordinance, the required parking is one space for every 200 sq. ft. of office space or 22 spaces. The ordinance does not have a specific requirement for a dog daycare use. That is why they referenced the parking studies conducted at the Fanwood facility. In Fanwood, the employees park behind the building.

Ms. Dolan mentioned the six timeframes during which the counts were taken. These were selected, because they represented peak boarding periods as well as regular day care operations at Fanwood. The drop off time is less than typical (child) daycare, that is, 7 minutes. K9 drop off is usually 2 to 3 minutes. The demand maxes out at three spaces. The demand is short lived – a quick turnover.

This location, like the post office, has over flow parking on the street as well as on site. The site will be quieter than the post office, which had 30 to 50 trips per hour. This could have 10 cars in and out in an hour. The facility would not have a high traffic generation. There is sufficient parking on site and in the street.

Mr. Cooper as told that Fanwood had 30 spaces for dogs. Warren will have 44.

Mr. Chadwick asked for clarification. He had written down that there would be 50 dogs overnight during the last testimony. He was told that she was not sure. She had written 44. It is more than Fanwood. However, there is more day time activity.

Mr. Cooper felt that the biggest concern is about the traffic issue – the coming and going. It is a concern as to the suitability of the site. There is a safety issue. Discussion followed.

Mr. Kienz said that he was told by Mr. Page that, perhaps, four additional spaces could be added.

Mr. Kastrud mentioned that the road is under County jurisdiction. He suggested that, if there is parking on the street, there should be some sort of pedestrian connection to the facility. Perhaps, the driveway should be 20 ft. wider.

Mr. Cooper asked for questions from the public.

Mr. Ken Curtins of 61 Green Valley Drive was told that Ms. Dolan did not visit a dog facility on Route 22 or in Morristown. He noted that, at the Fanwood facility, there are two traffic lights. She did not know if they were synchronized. Discussion followed.

Joel Hall asked about overflow parking on the street. He was told that ten spaces on site are sufficient. Overflow parking on the street is a benefit. He asked about the mathematics of counting.

Dita Wunderlich of 55 Spring Valley Drive said he hadn't heard anything about trucks coming in to drop off food and supplies. Ms. Dolan replied that she understood that small trucks, Fed Express etc. would be used. Mr. Parker may be a better source for that information.

Diane Stalback asked about shift changes and cars moving in and out. Ms. Dolan was unaware of shift changes.

Scott Bowen joined the meeting at this point – 8:07 p.m.

Mr. Cooper closed the public portion.

Jason Parker was called to testify. He was sworn in. He is a co-founder with his brother, who had testified previously. People have been asking about the average occupancy. In general, they operate at about 67% occupancy rate.

Mr. Parker said that, when Ms. Dolan was there at the site, there was a higher occupancy rate – close to 80% or 85% due to the spring break in 2013.

Mr. Chadwick was told that it is a general occupancy – both day and overnight.

Kevin Page was called to testify. He had been sworn in previously. He was accepted as an expert witness as an Engineer and Planner.

Mr. Page is familiar with the site. He prepared the site plan and application. They are seeking site plan approval and certain variances to renovate the old Post Office to a Dog Daycare Facility.

Mr. Page is familiar with Washington Valley Road and all of the related buildings including the A&P. This building was one of the first constructed on Washington Valley Road.

Mr. Page presented a plan dated 2/6/13 with no revisions. It shows $\frac{3}{4}$ of an acre. It was eventually subdivided off the larger tract which had become the A&P parking lot. There is an existing driveway. Customer parking is in the front of the post office. There was an area for post office trucks in the back. The area in the back is the loading dock for the A&P. He described the other commercial buildings in the area.

This is a commercial building surrounded by other commercial buildings.

Sheet 2 is a removal plan. It shows that they are not doing a lot with the front parking lot. They are removing the existing asphalt on the side and in the back of the building. They will use the existing two way driveway. Four spots will be designated for employee parking. There will be a seven foot high masonry wall dumpster and solid fence with parking designated in front. There will be a sidewalk in front.

In the back, four separate fenced in areas are shown. When the asphalt is removed, they will install both natural grass or artificial turf. This is to allow the dogs to go out. The dogs are inside for 23 hours a day. They will go out for 10 minutes every couple of hours. There will be an area for small dogs and one for large. There is an area on the side for dogs, which may not be socialized.

The existing impervious coverage is 19,000 sq. ft. They are reducing it to 12,000 sq. ft. He can extend the parking with very little disturbance.

The zoning chart is on the right hand side. Except for the two pre-existing conditions – the size of the lot and the setback from the street, there are no violations to the bulk standards. A variance is needed for the width of the driveway. It will be widened to 24 ft.

A variance is needed on parking. There is no parking standard for this use. They treated it as office space.

Sheet 3 shows utility, lighting and grading. The back parking lot floods all the time. He secured an old site plan from the Town. The front parking lot drains to the street. Part of the service drive slopes to the back. They created a recessed area for the trucks. They had an inlet with a 12 inch pipe. It literally dumped into a ditch. Later, the neighbor to the west built his building and parking lot. He believes that the pipe which the neighbor installed was either silted, crushed or both. The pipe is not working. There is no easement for the pipe.

Mr. Page had to solve the problem. They are re routing the water. They will install all new roof leaders. It will all be tied into a new system.

Discussion followed.

The septic system is designed for thirty employees – 450 gallons per day. The building was connected to the sanitary sewer. It has public sewer, water and gas.

There will be lighting (12 ft. high colonial style fixtures) on the left and right sides of the parking lot. The lights will go off after 10:00 p.m. They are open from 7 to 7 – Monday through Friday. Saturday hours are 10:00 a.m. to 12:30 p.m. and 4:00 p.m. to 6:00 p.m. on Sunday.

They will widen the driveway to 24 ft. at the request of the Police Dept. The building will be sprinklered at the request of the Fire Dept.

Two to three feet of sand will be installed below the artificial turf for dog elimination. They will use a spray disinfectant and hose the outside area down to clean the area. They have 3,700 sq. ft. of surface area leech field.

Mr. Oliva was told that there will be no one at the facility overnight. Cameras will be installed to oversee the operation.

There will be a seven ft. high solid fence.

Sheet 4 shows the construction and pavement details. He described the center corridor and suites with one way glass.

There will be two signs – one mounted on the building and one out in front by the street.

Exhibit A-5 was marked into evidence. It is the proposed signage. No variance is required.

Mr. Kastrud mentioned his 3/28/13 memo. He said it would be better to have down facing lights. The applicant stipulated to it. Also, anything on site, which will not be used, must be removed. He mentioned moving the parking further east to gain more spaces. He asked if he could convert the two parallel spaces to gain more spaces.

Mr. Page told Mr. Kastrud that what he designed for the dog elimination is similar to a septic system, but it is not a septic system. Also, they do not need a 10x20 dumpster enclosure for a 5,000 sq. ft. building.

Based on the State GSI maps, there are no wetlands on the site.

Mr. Cooper opened the meeting to the public.

Antonio Mastracola was told that they are going to raise the elevation in the back. There will be a whole new drainage system out to the road.

Kevin Curtin was concerned about the environment. He wanted to know what type of disinfectants would be used and if they are safe.

Mr. Cooper asked the applicant to provide the Board with information concerning what kinds of disinfectant would be used in cleaning the site. Mr. Page discussed the process of hosing down the waste.

He closed that portion of the meeting.

Cooper announced that this case will be carried to the 7/1/13 meeting at 7:00 p.m. in this room without additional notice.

Memorialization of Resolution for CASE NO. BA 13-04 WESTFIELD GOSPEL HALL

Mr. Dealaman made a motion to approve, seconded by Mr. Oliva.

Roll call vote was taken. "Yes" votes were received from: George Dealaman, Vincent Oliva, Foster Cooper and Scott Bowen.

There were no negative votes. The motion carried.

Mr. Oliva made a motion to adjourn, seconded by Mr. Bowen.
All were in favor, so moved.

There being no further business, the meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Kathleen M. Lynch
Clerk