

GREEN TOWNSHIP BOARD OF ADJUSTMENT MINUTES

Regular Meeting of February 6, 2014

@ 7:16pm, Board Chairman, Eugene Bambara CALLED THE MEETING TO ORDER, then led members in reciting the **PLEDGE OF ALLEGIANCE** followed immediately by his reading the **OPEN PUBLIC MEETING STATEMENT**.

ROLL CALL: The **Board Secretary – Desiree L. Dunn** called the Roll finding **Eugene Bambara, Chairman; Louis Tommaso, Vice Chair.; Mathew Fox (7:28pm); Sharon Mullen; Michael Roller, and, Carmine Torella (Alt. #1)** in attendance. Also present, **Board Attorney Lyn Aaroe; Board Planner Jessica Caldwell; and, Township Engineer John Miller.**

OATHS OF OFFICE FOR NEW / REAPPOINTED BOARD MEMBERS: **@ 7:18pm**, the **Board Attorney** administered the Oath of Office to **Michael Roller.**

MOTION TO EXCUSE ABSENT MEMBERS: **Michael Muller & William Neilan**

** The Board Secretary confirmed that both Neilan contacted her to say he'd be absent, but Muller called to say he was having difficulty on a work site, but he would try to make it. A Board member confirmed that Fox would be late. The Chairman opted to waive / delay this vote to give these expected members a chance to arrive. (VOTE NOT TAKEN)*

MOTION TO APPROVE MINUTES (from January 16, 2014)

(Voice Vote)

Corrections: None requested. The Chairman entertained a motion to approve.

- **Tommaso so moved. Mullen seconded. ROLL CALL VOTE: Torella - YES; Mullen - YES; Fox - YES; Tommaso - YES; and, Bambara - YES. No abstentions. No Objections. Motion carried.**

NEW RESOLUTIONS: **None**

ORDINANCES: **None**

OLD APPLICATIONS:

A. BA 1313: Doggie Chalet, LLC - "d" or Use Variance Requested
Property: Bl. 34, L. 11.02 (282 Decker Pond Road)

* The **Board Attorney** had **Mullen** attest for the record that she had listened to the CD recording of the meeting and was now qualified to participate. The **Board Secretary** confirmed that indeed Mullen had filed the necessary form indicating same.

* The **Chairman** explained for the record and the members of public present the reason for previous delays at the request of the Applicant, as well as recent storm events. Explained the procedure that would be followed for the evening's presentation and public comments.

Michael Selvaggi, Esq., representing the applicant, concurred with the stated procedure and responded to the Board Attorney's request for an extension of time required to conclude the application by stating that it would be granted through the end of April. He explained that one witness was not available due to a family emergency so they would require an extension anyway. **Joseph Golden**, the applicant's expert, was introduced, sworn in and qualified. His testimony described proposed driveway changes and location of new fencing & gates. **Exhibit A-9: Survey Map in color** (to be supplied later by applicant). **Golden** said driveway would be redesigned in response to concerns mentioned to date and design would be submitted to Board Engineer for permit review upon approval of this application. Discussion ensued regarding proposed approximate length, grade and gates to secure dogs onsite. The **Board Engineer** questioned change of use and County sight distance requirements. Believed that project may entail stormwater management. **Selvaggi** objected to considering it as a Class III driveway, i.e. Commercial driveway. **Golden** concurred saying that they were presuming the business would be treated like a home occupation; thus Class I would apply. Upon briefly reading from a copy of the ordinance, the **Chairman** discussed the differences. The **Board Attorney** said he would re-check the driveway ordinance. The Board questioned and discussed further driveway issues regarding site distance,

resulting tree clearing from re-grading, easements, current elevation of the driveway and more about the proposed driveway gates. **Mr. Bradley** offered that in bad weather his operation cancels / shuts down in order to alleviate any problems that might occur. The **Board Attorney** suggested that said practice might be made a part of the Resolution, thus he should think about what limitations he would accept. Further Board questions involved the fenced areas and how they deal with noise abatement and also installation how it will be installed. **Mr. Bradley** offered some details and discussed again the schedule for letting the dogs outside to address noise concerns. He described that there is rarely early morning barking. He was questioned whether the dogs are released in groups or singly to which he answered majority of time in groups. The Board briefly questioned the differences between pet-sitting and kennel operations. **Mr. Bradley** explained that there was a former kennel on the property. The recently Board approved, Doggone Farm, used as an example of facility that lets dogs out for extended period of time. The **Board Attorney** asked Mr. Bradley to quantify number of hours and cautioned that it may be used in the Resolution of approval. **Mr. Bradley** estimated that aside from his own dogs, the total estimated time of the boarders being let out equals about 2 hours. The number of dogs was discussed. The Board returned to questions about re-grading, expressing reservations in that not all of the topography maps have been supplied. Further discussion ensued regarding site distances, location of driveway entrance and driveway ordinance details. Some disagreement ensued about which standards should apply, wherein the **Board Attorney** stipulated that the standards are stricter when inviting public onto the property, for health & safety reasons. He said waivers may not apply to grade. Whereas **Golden** responded that the amount of re-grading that would be required for a commercial classification of the driveway, in approximate detail, "makes no sense" for the use in that it involves less than 5 trips per day. The **Board Attorney** maintained that unless it can be proved otherwise, the Class III driveway standards would apply. **Selvaggi** agreed to revisit the driveway ordinance because the **Board Attorney** offered that there may be a way to interpret the use differently. The Board maintained that the reason the wider driveway width is important to allow access by firetrucks to commercial uses.

@8:21pm, Selvaggi introduced his only witness this evening, **Pam Sleppin of Realty Executives**. She was subsequently sworn in and qualified as the prior listing broker for the previous property owner, in 2010.

Selvaggi asked her to describe the former kennel operation, to which **Sleppin** responded that the property was not "in that great condition." She said there were overwhelming odors on site and said she felt sorry for the animals. She described the previous site layout and cage set up. **Selvaggi** asked how long the property sat unsold after listing. **Sleppin** checked her records and replied 8 months. **Selvaggi** asked when the house was built. **Sleppin** checked her records and responded, 1974. She expanded her testimony to say that Doggone Farm was also her client and that her role this evening was to just give her expert opinion on home values. She described for the Board a similar property, Stonehenge Kennel in Byram on about 6 acres. Stonehenge is more visible, being level with the roadway and has signage. She described how a 50+ unit subdivision had been built with Stonehenge Kennel in the middle and she knows of no problem with sales. Board members asked for more specifics, especially regarding adjacent neighbors. She responded by comparing the Stonehenge property to the Bradley's, offering that the Bradley's are more remote with no signage. She described that it's been her experience that clients rarely discuss the barking. Board members questioned specific zoning regulations in Byram, as well as how many homes sold to date in the Stonehenge development, to which **Sleppin** responded that she did not know zoning specifics and that she knew of 10 that have been sold to date. The Board expressed concern about property values of adjacent homes. The **Board Attorney** asked her if she realized the distinction between residents who are new to the area versus existing residents and for her Professional opinion whether it will be any negative impact on the neighbors due to this application. She answered she did not foresee any problem for nearby residents wanting to sell their properties and for example, she described how #288 Decker Pond Road sold before the Bradleys improved the property at #282, thus the sale occurred despite the former kennel. Because the **Board Attorney** asked if she disclosed to buyers known businesses in the area, **Sleppin** responded in the affirmative because it would be in close proximity to their future home.

@8:48pm, the Chairman opened the meeting for Public Comments limiting them to questions only of the Professionals seen tonight. He requested that each speaker identify his / her residence and its general orientation to the subject property. The following persons spoke:

- **Jeff Wilson, 288 Decker Pond** - Questioned **Sleppin** about how many dogs the previous owner of #282 had when he purchased his home in November, 2010, and where she moved. **Sleppin** answered in May, 2011 and out of

state. He asked her about the number of dogs she previously had when he bought his home. **Sleppin** responded "about the same number " of dogs as when she took the listing.

- **Stevie Fava, 275 Decker Pond** - Asked Sleppin if she felt the properties in the neighborhood have gone up in value.

Answer: Sleppin responded that it's a "corrected market."

- **Randy Miller, 290 Decker Pond Road** - Described his home as looking out onto the property so what's to stop us from looking into dog runs? Submitted a picture to Applicant and Board, as **Exhibit O-1**.

Answer: Bradley responded that he can't see his deck in the photo, so he doubts the dog runs could be seen clearly from Miller's deck. Questioned clearing of property for dog runs, to which **Bradley** responded he would not clear property, except to remove brush and fenced area would be around the trees.

- **Jerry Jensen, 278 Decker Pond Road** - Submitted real estate questions / comments to Sleppin. Was reminded several times by the **Chairman** to limit comments to questions only.
- **Noreen Risko, 272 Decker Pond Road**. Questioned when she can expect 'valid' plans from Golden. Specificity needed regarding sound barriers. Said she has a data sheet in her office that could offer better insight. She asked if Sleppin was an appraiser.
- **Rick Zeckendorf, 299 Decker Pond Road** - Questioned Sleppin about properties such as his, being directly across the road, and whether he would lose value.
- **Gina Miller, 290 Decker Pond Road** - Questioned what type of benefit Doggie Chalet would provide for Green Township.

Answer: Bradley responded that he already has two (2) clients from Green so it's clear he provides a needed service to people in the neighborhood.

Miller questioned when animals get sick, how is it known that the dog must be quarantined?

Answer: Bradley responded the same way anyone knows when a dog or child is sick. Identified the veterinary practice he relies on.

Miller questioned what justifies Mrs. Bradley to take care of animals when he his absent.

- **Risko** - Questioned if they check inoculation record.
Answer: Bradley responded yes and expanded with testimony that he and his wife pet sit and are dog people. He said they bought a house from a dog person and specifically didn't see a home in a development. Said he understood as a resident, he could have ten (10) dogs. If approved for a kennel, the property will be improved. Wanted the neighbors to know there will always be dogs on his property as he often looks to rescue strays. Said he and his wife took a bad situation and made it better. Said he wanted neighbors to know that at least with variance, there will be limitations.
- **Jerry Jensen** - Questioned why the Bradleys didn't look for a property with a legal kennel.
- **Board Attorney** questioned if the listing specified former kennel use, to which Sleppin specified that the dog run was made clear in her listing. **Sleppin** answered the dog runs were clearly mentioned.

@9:18pm, the **Chairman** closed the meeting for further public comment on this case. Board members asked whether applicant can be asked for more evidence.

@9:21pm, the **Chairman** concluded **Case #BA 1313** and announced it would be continued at the March meeting, with no further public notice required.

NEW APPLICATIONS: **None**

GENERAL PUBLIC COMMENT: **@9:26pm**, seeing no one left in the audience, the **Chairman** opened & closed the meeting for general public comments.

OTHER BOARD BUSINESS:

- **Chairman's Report** – Announced that the Township would be using an in-house e-mail server. Asked the Board Secretary to please draft a letter from him to the Township Committee requesting a new member to fill the recent vacancy.

- **Cross-Over Report** – The Chairman briefly described how the Township Planner & Board Attorney would be reviewing the Township Parking Ordinance.
- **Secretary's Report** – Reminded the Board that the RSVP for the Township Gathering on February 23rd must be sent directly to Administration by 2/14.
- **Zoning Official's Report** - provided
- **Other** - None

MOTION TO ADJOURN: @9:30p.m., the **Chairman** entertained a motion to adjourn the meeting.

- **Mullen so moved. Tommaso seconded. VOICE VOTE: All members present voted "aye" in the affirmative. No abstentions. No objections. Motion carried.**

Minutes Respectfully Submitted by:

Desiree L. Dunn
Planning Board & Board of Adjustment

✓ APPROVED March 6, 2014