

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
August 16, 2012**

The West Orange Zoning Board of Adjustment held a regular meeting on August 16, 2012 at 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Neuer called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle, and posted on the Township Bulletin Board on November 29, 2011 in accordance with the "Open Public Meetings Act."

Chairman Neuer asked everyone to stand for the Pledge of Allegiance
Alice Beirne, Esq., Board Attorney, read the Opening Statement.

PRESENT: B. Buechler, G. Bullock, D. Gabry, P. Neuer, B. Quentzel (8:04),
W. Steinhart, M. Sussman, L. Zaolino

ABSENT: A. Weiss (excused absence)

ALSO PRESENT: E. Keller – Consulting Engineer
Board Attorney: Alice Beirne, Esq.
Board Secretary, Rose DeSena
Harvey Grossman, Public Advocate

ANNOUNCEMENTS

Future Meetings: September 20, 2012 (Regular Meeting) – 8:00 PM
October 18, 2012 (Regular Meeting) – 8:00 PM
November 15, 2012 (Regular Meeting) - 8:00 PM
December 20, 2012 (Regular Meeting) – 8:00 PM

MINUTES

Adopt Minutes: July 12, 2012 (Special Meeting)

Chairman Neuer asked the Board if they had any comments regarding the minutes from the special meeting on 7/12/12. Seeing none, the Chairman asked for a motion to approve.

Mr. Buechler made a motion to adopt the minutes as presented; Mr. Bullock seconded the motion.

All were in favor.

It was noted for the record that Ms. Gabry was present but not voting.

Adopt Minutes: July 19, 2012 (Regular Meeting)

Chairman Neuer asked the Board if they had any comments regarding the minutes from the regular meeting on 7/19/12. Seeing none, the Chairman asked for a motion to approve.

Mr. Buechler made a motion to adopt the minutes as presented; Ms. Gabry seconded the motion. All were in favor.

SWEARING IN

Consulting Engineer, Eric Keller was sworn under oath.

DISCUSSION

Mr. Bullock stated that his personal policy is that the only person who should receive his email regarding his notice of attendance is the Board Secretary. He said that his concern is filling up everyone's email boxes with unnecessary emails especially if the email is not for that specific person.

Chairman Neuer stated that most people have a tendency to hit the "reply all" when responding to an email. He asked the other Board members to send their attendance email only to the Board Secretary and ignore the "reply all" button.

Mr. Bullock stated that he remains in agreement with the policy of this Board regarding no photos or videos are to be taken during a Zoning Board meeting unless permission is given prior to the meeting.

Chairman Neuer suggested a resolution amending the Rules of Procedure for the Zoning Board of Adjustment to prohibit still photography during the meetings. He said that if someone wants to video tape the meeting, they will still need permission.

Chairman Neuer stated that taking photos, in his opinion, is disruptive and the Rules of Procedure do not specifically prohibit it.

Mr. Steinhart stated that he does not know if taking photos has any impact on the meetings as long as the photographer goes through the proper procedures.

Mr. Buechler stated that he has no problem with videotaping but he supports the existing policy for photographing.

Ms. Zaolino asked why still photography is permitted at Planning Board meetings. Chairman Neuer stated that he cannot answer for the Planning Board because they have their own procedures.

Mr. Steinhart said that he can understand the clicking sound of a camera and someone going up to an exhibit to take a photo being disruptive but digital cameras are quiet and they can also take videos. He suggested structuring the Rules for photography instead of banning it outright.

Chairman Neuer withdrew his proposed resolution and stated that he would appoint an Ad Hoc Committee for the purpose of revising the Rules of Procedure of the Zoning Board of Adjustment regarding Photography and Videotaping of Zoning Board meetings. He stated that Mr. Steinhart will serve as Chairman of the committee and Mr. Sussman and Ms. Zaolino will also be on the committee.

Chairman Neuer said that they will prepare recommendations in the form of a report to be submitted to the Board ten days before the September 20th meeting. He said that the Board will wait for the draft and discuss it at that time. Chairman Neuer stated that, until that time, he will enforce the current policy as Chairman of this Board.

RESOLUTIONS

- 1. ZB-12-11/Boyle** **Approved 7/19/12**
 Block: 158.12; Lot: 184; Zone: R-4
 101 Fairview Avenue
 “C” variance for side yard setback for one story addition

Chairman Neuer stated that he had submitted some changes to this resolution and that Ms. Beirne agreed to the changes. He asked for a motion to adopt with said changes.

Mr. Sussman made a motion to adopt the resolution as revised; Mr. Steinhart seconded the motion.

Vote was as follows:

Buechler:	Yes	Steinhart:	Yes
Bullock:	-	Sussman:	Yes
Gabry:	Yes	Weiss:	-
Quentzel:	Yes	Zaolino:	-
Steinhart:	Yes	Chairman Neuer	Yes

- 2. ZB-12-12/350 Pleasant Valley Way Realty, LLC** **Approved 7/19/12**
(Wilshire Grand Hotel)
 Block: 15.22; Lot: 1428; Zone: R-5
 350 Pleasant Valley Way
 “D” variance for use & “C” variance for parking spaces for enclosing an existing patio with a canopy & interior renovations to the first and lower level.

Chairman Neuer asked if any of the Board members had any comments or changes to this resolution. Seeing none, he asked for a motion to adopt.

Mr. Steinhart made a motion to adopt; Mr. Sussman seconded the motion.

The vote was as follows:

Buechler:	Yes	Steinhart:	Yes
Bullock:	-	Sussman:	Yes
Gabry:	Yes	Weiss:	-
Quentzel:	Yes	Zaolino:	-
Steinhart:	Yes	Chairman Neuer	Yes

APPLICATION

- ZB-12-08/617 Mt. Pleasant Avenue Assoc., LLC** **Carried from 6/14/12**
 Block: 170; Lot: 15.05; Zone: R-2
 612 Mt. Pleasant Avenue
 Preliminary and Final Site Plan Approval with "D" variances for height and "C" variances to establish a veterinary hospital

EXHIBITS

- A-1 - Elevations sheet E1.01 dated 6/28/12
- A-2 – Elevations sheet E1.00 dated 6/28/12
- ZB-1 – Resolution dated 8/18/11 for ZB-10-18
- A-3 – Site Plan – 9 pages dated 7/3/12

Howard Davis, Esq., attorney for the applicant, approached the podium. Chairman Neuer explained that this application has been bifurcated and detailed the bifurcated application process. He stated that on July 14, 2011 the applicant appeared before this Board which approved the Use variance. Chairman Neuer stated that the applicant is appearing before the Board tonight for the rest of the application regarding site plan issues, bulk variances and the location of the new building.

Mr. Davis asked the Chairman if the witnesses, who had testified at that meeting, had to testify all over again. Mr. Buechler asked Mr. Davis if there were any changes to anything set in the resolution i.e. number of people who will be working there, deliveries etc. Mr. Davis stated that all of the changes are in regards to the size and height of the building and said that the professionals are here to testify to that.

Chairman Neuer questioned why a new application number was assigned because it is the same application which is proceeding in a bifurcated format pursuant to which the original application and testimony are being continued. Mr. Davis stated that the applicant was advised by the Township's Planning Department to submit a separate application and he also assumed that it was the same application.

Chairman Neuer stated that this application is amended because it is a continuation of application ZB-10-18, not a new application, and part of the ZB-10-18 resolution. He then asked to have resolution ZB-10-18 marked as Exhibit ZB-1.

Mr. Buechler stated that there was no transcript of that meeting and some Board members did not hear the first part of the application. Chairman Neuer stated that there are only six Board members eligible to vote and asked Mr. Davis if that was acceptable. Mr. Davis stated that he does not have a problem with only six voting members.

Mr. Buechler stated that one issue was that the applicant was to have investigated the ability to buy the adjoining property and asked Mr. Davis to update the Board.

Mr. Davis stated that Degnan Realty contacted the owners of that property and the seller wanted \$150,000 for the property. He stated that the realtor was present at the meeting tonight and is prepared to testify to this. Mr. Davis explained that his client cannot afford to spend another \$150,000 to build this facility. Chairman Neuer stated that the applicant did make an effort to buy the property.

Chairman Neuer asked Mr. Davis if Dr. Cappiello will be closing her other facility on Prospect Avenue once she opens this one. Mr. Davis replied yes.

Mr. Davis called his first witness.

Warren Chase Freedenfeld approached the podium and was sworn under oath. Mr. Freedenfeld detailed his educational and professional background as a licensed architect in the State of New Jersey. Chairman Neuer accepted his credentials as an expert witness in the field of architecture.

Mr. Freedenfeld presented drawings of the north, south, east and west elevations of the exterior of the building. Chairman Neuer stated that the elevation plans were pre-marked as Exhibits A-1 and A-2. Mr. Freedenfeld stated that these plans are different from the plans presented at the last meeting and they show the changes that were made. Mr. Davis asked Mr. Freedenfeld to explain the differences. Mr. Freedenfeld stated that the building was pushed back and they brought the elevation of the building down. He said that by lowering the building, they no longer require a height variance.

Mr. Buechler asked Mr. Freedenfeld which elevation is the front of the building. Mr. Freedenfeld stated that the north elevation is still the front.

Mr. Davis asked Mr. Freedenfeld if there were any other changes. Mr. Freedenfeld said that the driveway entrance was moved from the left side of the site to the right side and the driveway remains the same size. He also said that visitors would just have to drive further on to the site to a lower parking area.

Mr. Buechler stated that the Board had a concern about delivery trucks being able to turn around in the driveway when they come in. He asked Mr. Freedenfeld if they will still be able to turn

around in the driveway. Mr. Freedenfeld said yes; he stated that the driveway is just longer now but it is the same width. Mr. Davis said that no large trucks will be coming in the driveway, only small box trucks. He stated that a typical UPS truck will not have a problem turning around in the driveway and that the applicant will direct the hours of deliveries. Mr. Freedenfeld confirmed that statement.

Mr. Buechler asked if there are any changes to the interior design of the building. Mr. Freedenfeld said there will not be any other changes; the building will just be slightly smaller.

Chairman Neuer asked what the hours of operations would be. Dr. Cappiello approached the podium and stated that her hours will be from 8:30 am to 7:30 pm. Chairman Neuer stated that they are to schedule garbage pickup between the hours of 8pm – 7am.

Mr. Freedenfeld continued and began detailing drawing number five of the site plans. He stated that the original plans showed the driveway on the left side and they are moving it to the right side. Mr. Freedenfeld said that they are also moving the building back further.

Mr. Freedenfeld stated that, where the dumpster is located now, as you enter the site you are looking directly at it. He said that he wants to change the location of the dumpster, moving it to the other side. Mr. Freedenfeld also said that he would like to “flip the building” so that the entrance to the building is on the other side and the floor plan “flips” with the moving of it. Chairman Neuer stated that if they do that, then they will have to come back with new plans. Dr. Cappiello stated that she does not want to come back so they will leave the plans as is. Mr. Buechler suggested that they install a decorative gate on the enclosed dumpster.

Mr. Keller stated that the footprint looks somewhat different and asked Mr. Freedenfeld if it was changed. Mr. Freedenfeld stated that the footprint is the same; they just reduced the lower level. He said that the lower level shows an unfinished basement on the plans that the Board has and now the basement is gone. Mr. Keller stated that the only recent plans he received were the elevations and not the floor plans. Chairman Neuer stated that it is his understanding that floor plans are not part of site plans. He said that site plans do not show the interior of the building and that is not what the Board approves or disapproves. Mr. Keller stated that the plans show an unfinished basement. Mr. Freedenfeld stated that if there is a problem with this, then they will keep the plans as is. Chairman Neuer stated that they do not need a new plan for that change and the basement will be conditioned to say unfinished.

Mr. Buechler said that his notes from the last meeting show that animals will be in the lower level. Mr. Freedenfeld stated that this is a two story building; half will be finished and half will be unfinished in the lower level. He said that the animals will be in cages in the finished part.

Chairman Neuer asked Mr. Freedenfeld what will be going on in the unfinished area. Mr. Freedenfeld said that nothing will be going on in that area; they are just going to make it a crawl space.

Mr. Buechler stated that there will be no utilization outside for the animals to run around.

Mr. Keller said that the height variance is eliminated but Mr. Stewart's plan still lists it as a variance with no dimensions on it. Mr. Davis stated that Mr. Freedendfeld will testify that the maximum height will be 34'6" and that is the largest dimension from the highest to the lowest part. Mr. Keller corrected Mr. Davis stating that the ordinance states from the lowest to the highest.

Chairman Neuer asked if there were any members of the public who had any questions for Mr. Freedendfeld. Seeing none, the Chairman asked Mr. Davis to call his next witness.

Charles J. Stewart approached the podium and was sworn under oath. Mr. Stewart stated that he is here to testify as both an Engineer and a Planner. Chairman Neuer stated that Mr. Stewart has testified many times before this Board as an Engineer and asked Mr. Stewart if he is licensed in the State of New Jersey as a Planner. Mr. Stewart said yes that he has been licensed as a Professional Planner for 15 years. Chairman Neuer stated that he accepts Mr. Stewart as an expert in Professional Planning and Engineering.

Mr. Stewart presented site plans consisting of 9 pages. Chairman Neuer stated that the site plans were pre-marked as Exhibit A-3. Mr. Stewart began detailing the plans noting where the site is located and what zone the property is in. He said that the property slopes down from Mt. Pleasant Avenue and he detailed the slopes, the surrounding area, the existing conditions and what surrounds the property.

Mr. Stewart stated that the applicant submitted an entire set of revised plans, showing what they are proposing for the site, and then began detailing them. He noted where the retaining walls are on the property and stated that storm water retention is not required for this project.

Mr. Stewart detailed the lighting and landscaping plan.

Ms. Zaolino asked Mr. Stewart what hours the exterior lights will be on. Mr. Stewart said they will be on during the hours of operation.

Chairman Neuer asked Mr. Stewart to detail the lighting. Mr. Stewart stated that the outside fixtures will face downward and there will be three 16' light poles in the parking lot. Chairman Neuer asked Mr. Stewart if there will be any spillage onto any of the adjoining properties. Mr. Stewart said that the lights will only spill on to the open space property.

Ms. Gabry asked Mr. Stewart if the front area will be paved; he replied yes.

Ms. Gabry asked Mr. Stewart if the parking lot slopes when you enter the property; he replied no.

Ms. Gabry asked Mr. Stewart if there is any site line impairment when you exit the property; he replied no.

Ms. Gabry asked Mr. Stewart what materials the retaining walls were going to be made of. Mr. Stewart said they will be reinforced concrete with a stone base.

Mr. Bullock asked Mr. Stewart if there were any other considerations for the conservation area. Mr. Stewart stated that the conservation area is not part of this property. Ms. Zaolino stated that the conservation area is part of the recycling center.

Mr. Buechler stated that the applicant submitted a storm water management report and asked Mr. Stewart if the changes in this report had been noted to Mr. Keller; he replied yes.

Chairman Neuer asked Mr. Stewart if there is a buffer requirement for the conservation area. Mr. Stewart stated that there is no buffer requirement because the property is more than 50' from the conservation area.

Mr. Buechler asked Mr. Stewart if Mr. Staiger, their traffic expert, is going to testify again because the driveway is being moved; he replied no. Mr. Buechler asked if there will be any impact on the site lines from the last time he testified because of the change. Mr. Stewart stated that he thinks that it will be an improvement. Mr. Keller stated that the driveway is being moved approximately 50' and will be further away from the curve in the road. He said that the views to the west are wide open.

Chairman Neuer asked Mr. Keller, of the eleven items that were to be addressed on his technical review memo dated August 2, 2012, which are still open. Mr. Keller went down the list of items on his report to be addressed.

Item #4 - Plans still show that there are four variances; Mr. Stewart said he would change it.

Item #5 - The removal of 26 trees. Mr. Keller stated that they want to remove 80% of the trees which, according to the ordinance, would require a variance. Also, the ordinance says to preserve 30% of the trees and they are only keeping 6.

Item #6 - Replacing trees. Mr. Stewart stated that he will talk to the Township's Forester, John Linson, and see what he advises them to do.

Item #7 - The wall that separates the parking lot from the building is not on the grading plan.

Item #8 - Elevations of the retaining wall are not shown on the plans.

Item #9 - Recommendations for the placement of a fence on top of the retaining wall were offered by Mr. Stewart.

Item #10 - Clarification regarding the water connection was presented by Mr. Stewart.

Item #11 - Driveway entrance conform to NJDOT standards.

Item #12 - Placement of the sign interfering with the site line; Mr. Stewart said that if it does affect the site line they will move it back.

Mr. Keller also noted that because the site is on a County Road that they will need County approval.

Mr. Buechler expressed a concern regarding moving the driveway. He stated that if they move it right on the lot line, they will need a variance for the side yard setback. Mr. Keller stated that he will look to see if they need a variance for that.

Mr. Keller stated that there were ten items on page three of the technical review memo. He said items #8 and #11 had been resolved but Mr. Stewart still needs to address items #1-7 and #9.

Chairman Neuer noted the time and stated that the Board will recess for 10 minutes and Mr. Stewart can address those items when they resume.

Chairman Neuer called for a recess at 9:32 pm.

Chairman Neuer resumed the meeting at 9:42 pm.

Mr. Keller stated that the applicant does require a "C" variance for side yard encroachment of the 24' access driveway. Mr. Davis asked to amend the application including the "C" variance for the driveway encroaching on the side yard. Chairman Neuer stated that because this is a minor variance the applicant is not required to notice again.

Chairman Neuer noted, for the record, that Mr. Quentzel could not vote on this application and he has left the meeting.

Chairman Neuer asked Mr. Keller to continue where he left off regarding the items on page 3 of his technical review memo, dated 6/4/12, regarding the site plan comments which still needed to be addressed.

Item #2 - The stop bar has been noted as 12" in width.

Item #3 - The driveway design is subject to NJDOT approval.

Item #4 - Width of the driveway is not dimensioned on the plans; it will be noted on the plan at a minimum of 6' wide.

Item #5 - Installation of a sanitary pump in the sewer line will be added to the details on the amended plans

Item #6 - Additional spot grades at the exit door will be included in the amended plans.

Item #7 - Stability calculations and velocity for the slope of the 18" pipe to the scour hole will be included in the amended plans.

Item #8 - The applicant has submitted a copy of the soil logs.

Item #9 - Soil type will be indicated on the soil erosion plan.

Item #10 - Architectural plans will identify the location of the HVAC units and the screening that will be provided; Mr. Freedenfeld will address this.

Mr. Keller asked Mr. Stewart to confirm the height of the wall. He asked if the highest point of the wall is on the east side of the building in the rear. Mr. Stewart said yes, and stated that the wall is 10' and the fence on top of it is 4'. Mr. Keller recommended that they amend the application and ask for a height variance. Mr. Davis moved to amend consistent with Mr. Keller's suggestion; the amendment was accepted by Chairman Neuer as minor and not requiring further notice.

Mr. Buechler questioned the 12 parking spaces that are currently being proposed. He said that at the last meeting they proposed 13 spaces and asked why they reduced the number. Mr. Stewart said that it has to do with the configuration of the driveway and the dumpster location.

Chairman Neuer asked Mr. Stewart if he thinks 12 parking spaces are adequate for this facility. Mr. Stewart stated that the first set of plans shows 12 parking spaces. Chairman Neuer stated

that Mr. Steck's report states there are 13 parking spaces. He asked where they lost the parking space and can they get it back. Mr. Stewart said that they lost the space because they introduced an island in the driveway. He said that 12 parking spaces are sufficient.

Mr. Buechler asked Mr. Stewart if all 12 parking spaces are filled, would there still be room for a vehicle to pull in; Mr. Stewart replied yes.

Chairman Neuer asked Mr. Stewart if a car could tandem park in front of the dumpster; Mr. Stewart replied yes.

Mr. Davis stated that they will have four patients an hour and four workers. He said 12 parking spaces are sufficient. Chairman Neuer observed that with a tandem space available in front of the dumpster, which will be accessed only during non-business hours, there are effectively 13 spaces so that an amendment is not required.

Mr. Keller commented on the exterior lights being turned off when office hours are over. He asked if they can have one light in the parking lot remain on 24/7. Dr. Cappiello said that can be done.

Mr. Keller stated that there has always been a concern from Director Borg regarding light poles being too high. He asked if they could reduce the height of the 16' light poles that they are proposing. Mr. Buechler stated that there are no adjoining properties that will be affected from the lights at that height. Mr. Stewart said that they could change it to a 12' light pole. Chairman Neuer stated that if approval is granted then this will be a condition of such approval.

Mr. Freedendfeld addressed item #10 from Omland's technical review report on page 3 and stated that he will submit updated plans.

Mr. Keller asked Mr. Stewart to provide testimony as to why the Board should grant the "C" variances.

Mr. Stewart began detailing the positive criteria noting the topography of the land describing it as a narrow lot with steep slopes on the property. He said that this is a beneficial use for this property and noted that the applicant is making aesthetic improvements to this site.

Mr. Davis stated that Mr. Steck's report went into all of the positive and negative criteria.

Chairman Neuer asked if there were any members of the public that had any questions for Mr. Stewart.

Rosary Morelli approached the podium and stated that she lived at 22 Ralph Road. She asked if she could ask traffic study questions at this time. Chairman Neuer stated that she could ask Mr. Stewart what he testified to i.e. the line of site and the moving of the driveway. Ms. Morelli stated that she lives a short distance from the site and asked Mr. Stewart if he felt that cars entering and exiting at that stretch of the road will add another problem to the existing problems of that area. Mr. Stewart stated that he did not give testimony to that. Chairman Neuer stated

that their traffic expert testified to that at the last hearing. Mr. Stewart stated that his opinion is that the ingress and egress is safe.

No other member of the public asked to be recognized to pose questions to Mr. Stewart; Chairman Neuer excused the witness.

Mr. Davis stated that he had no further witnesses. He said that Dr. Cappiello is present if anyone has any questions for her.

Dr. Doris A. Cappiello approached the podium and was sworn under oath.

Mr. Buechler asked Dr. Cappiello if any animals will stay at the facility overnight; she replied no. She said that her hours of operation will be from 8:30am to 7 pm Monday to Friday, noting that she will only be open until 7 pm two days a week. Dr. Cappiello said that on Saturday they will be open from 8am to 12pm and that they will be closed on Sunday but said that staff will be there.

Dr. Cappiello stated that no staff will be there past 7 pm and if there is an emergency after that time, she sends them to the animal hospital. She also said that no animals will be admitted after 7 pm.

Dr. Cappiello stated that there is a second doctor working with her; one performs treatments or surgeries and one will see the appointments. She said that no two doctors will see appointments at the same time.

Mr. Buechler asked Dr. Cappiello to read the resolution from the hearing on the use variance application and asked her if all of it was correct. Dr. Cappiello stated that she did not say only one Doctor will be there; she said that there was some discussion about it and it was clarified that no two doctors will see appointments at the same time. Dr. Cappiello said that there may be two doctors there at one time.

Chairman Neuer asked Mr. Freedensfeld if Exhibits A-1 and A-2, that were pre-marked, were prepared by him; he replied yes. Chairman Neuer asked Mr. Stewart if Exhibit A-3, that was pre-marked, was prepared by him or under his supervision; Mr. Stewart replied yes. The Chairman entered pre-marked Exhibits A-1, A-2 and A-3 into evidence.

Chairman Neuer opened the floor to public comment.

Rosary Morelli approached the podium and was sworn under oath. She stated that her concern is traffic. Ms. Morelli stated that she was a member of a neighborhood group in that area at the time when there were three developments being proposed for a property next to this one. She said that all three proposals were denied because of the egress and ingress. Ms. Morelli stated that this site is located at a very dangerous stretch of Mt. Pleasant Avenue. She said that there is a curve there and the traffic backs up almost to Liberty Middle School from that location.

Mr. Bullock stated that this area has a good line of site and asked Ms. Morelli if she really thinks this would have a negative impact on the area with the little traffic that will be generated from this business. Ms. Morelli said that, based on her experience, the traffic will stop there and it will just add to the problem.

The public hearing was closed and the Board commenced its deliberations.

Ms. Zaolino said that she agrees with the comments made by Ms. Morelli. She said that there are tractor trailers going in and out of the recycling center and her concern is also the traffic. Ms. Zaolino said that she has observed traffic backed up on a daily basis.

Mr. Steinhart stated that he lives in that vicinity and he has seen backups on Mt. Pleasant Avenue but not beyond the curve in the road. He said the big positive of this is that the applicant is taking a derelict property and making a big improvement to the area. Mr. Steinhart said that he is not concerned about the traffic in and out of the property and he votes in favor of the application.

Chairman Neuer stated that this application satisfies most of the purposes stated in NJSA 40:55D-2 of the Municipal Land Use Law and promotes a much more attractive environment in our community. He recommends the application be approved with conditions. Chairman Neuer stated that he is sensitive to the traffic comments but this application was already approved for the use in 2011 and the Board is bound by that decision. Mr. Buechler said that he disagrees with the Chairman that they are "bound" because the Use variance was previously granted. He said the other findings were not conclusive and if the traffic expert came back, in his opinion, he believes that the traffic report would be different. Mr. Buechler said the only change was the repositioning of the driveway.

Ms. Gabry said that she thinks it is good for the area and she will support it.

Mr. Bullock said he will also support it.

Mr. Buechler made a motion to approve this application with the following conditions which will be part two of the prior resolution:

- Hours of operation will be 8:30am – 7pm Monday to Friday, 8am – 12 pm Saturday and closed Sunday.
- Exterior light poles reduced from 16' to 12'.
- Unfinished basement to be used for storage only.
- No uses by animals outside the building.
- The sign on Mt. Pleasant Ave. to be placed beyond the site line.
- Plans to be revised to incorporate the additional variances. Revised plans must be submitted 10 days before the resolution.
- 12 parking spaces plus one tandem at the dumpster.
- Maximum of two veterinarian doctors at the facility at one time.
- The resolution adopts the testimony of Dr. Cappiello that was summarized in the prior resolution.

- Trash will be picked up between the hours of 8 pm and 7am
- The applicant is required to receive Essex County Planning Board and all applicable State approvals.
- Applicant must provide an engineers estimate for determination of engineering inspection escrow.
- Applicant must have a pre-construction meeting prior to construction
- Applicant is required to obtain a soil erosion permit
- Placement of trees to the satisfaction of the Township's Planner, Forester or Engineer.
- Light fixture on the exterior of the building to point downward.

Ms. Gabry seconded the motion to approve.

The vote was as follows:

Buechler:	Yes	Steinhart:	Yes
Bullock:	Yes	Sussman:	Yes
Gabry:	Yes	Weiss:	-
Quentzel:	-	Zaolino:	-
Steinhart:	Yes	Chairman Neuer	Yes

ADJOURNMENT

The meeting was adjourned by Chairman Neuer at 10:42 pm.

Approved: September 20, 2012




 Rose DeSena
 Zoning Board Secretary