

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
July 18, 2013**

The West Orange Zoning Board of Adjustment held a regular meeting on July 18, 2013 commencing 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 21, 2012 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: G. Bullock, D. Gabry, W. Merklinger, P. Neuer, B. Quentzel,
W. Steinhart, M. Sussman, A. Weiss

ABSENT: B. Buechler (excused absence)

ALSO PRESENT: P. Grygiel, Consulting Planner/Acting Planning Director
F. Russo, Consulting Engineer
Board Attorney, Alice Beirne, Esq.
Board Secretary, Rose DeSena
D. Dillon, Audio-Digital Transcription Service

REORGANIZATION SWEARING IN

Re-appointed Board members, William Merklinger and William Steinhart took the oath of office along with Deborah Gabry as Chairwoman. Past Chairman Neuer passed the gavel to Chairwoman Gabry.

ANNOUNCEMENTS

Future Meetings: August 15, 2013 (Regular Meeting) – 8:00 PM
September 12, 2013 (Regular Meeting) – 8:00 PM
October 17, 2013 (Regular Meeting) – 8:00 PM

Chairwoman Gabry announced that application **ZB-13-07/Golda Och Academy**, previously scheduled to be heard at this meeting, had requested to be carried to the next Zoning Board of Adjustment meeting held on August 15, 2013.

Chairwoman Gabry announced that Mr. Merklinger has been appointed by the Township Council to sit on the Zoning Board of Adjustment as Alternate #2.

SWEARING IN

Consulting Engineer, Frank Russo and Consulting Planner for the Township, Paul Grygiel were sworn under oath.

RESOLUTIONS

- 1. ZB-13-06/Stratford Manor Rehabilitation & Care Ctr. Approved 6/20/13**
Block: 166.15; Lot: 7; Zone: OB-1
“D” variance for the expansion of a non conforming use and several “C”
variances for an addition, increased parking and providing outdoor seating

Ms. Beirne stated that the Board must make a decision regarding the applicant having to install the sidewalk in front of the facility on Northfield Avenue.

Robert Williams, Esq., attorney for the applicant, approached the podium and stated that the applicant’s representatives met with the Township Forester, John Linson, who agreed that a modified version of the sidewalk can be installed. Mr. Williams said that, because Northfield Avenue is Essex County property, County approval is required. Mr. Williams stated that if the Municipal Engineer wants the sidewalks to be installed, the applicant will install them.

There was discussion regarding the bus stop and Mr. Williams stated that if the bus stop is not going to be relocated then there is no reason to put a sidewalk in front of the applicant’s facility. Ms. Beirne stated that the Township Ordinance requiring the relocation of the bus stop does not mention the sidewalk. Mr. Russo stated that there is pedestrian use in front of this facility. He said that the only place that does not have sidewalks in that area is in front of Stratford Manor. Mr. Russo stated that the sidewalk should be installed there because it is a safety issue. Mr. Williams said that if the Board wants them to install the sidewalk and the County approves it, then they will comply.

Chairwoman Gabry asked for a motion to amend the approval for the sidewalk.
Mr. Neuer moved to amend the approval to require a sidewalk in the front portion of the Stratford Manor property on Northfield Avenue that is not covered with asphalt.

Ms. Beirne stated that, subject to the Township Engineer and Essex County approval, the applicant will install a meandering sidewalk on Northfield Avenue and the Engineer will determine how wide it can be. Mr. Neuer accepted Ms. Beirne’s clarification as part of his motion.

Mr. Steinhart seconded the motion to amend to require installation of the sidewalk.

The vote was as follows:

Buechler:	-	Steinhart:	Yes
Bullock:	Yes	Sussman:	Yes
Merklinger:	-	Weiss:	-
Neuer:	Yes	Chairwoman Gabry:	Yes
Quentzel:	Yes		

Ms. Beirne stated that the resolution will read that the applicant must install the sidewalks. She said that she will also incorporate the changes into the resolution.

Chairwoman Gabry asked for a motion to adopt the amended resolution.

Mr. Neuer moved adoption of the amended resolution; Mr. Sussman seconded the motion.

The vote was as follows:

Buechler:	-	Steinhart:	Yes
Bullock:	Yes	Sussman:	Yes
Merklinger:	-	Weiss:	-
Neuer:	Yes	Chairwoman Gabry:	Yes
Quentzel:	Yes		

APPLICATIONS

- 1. ZB-13-05/Nicolas** **Carried from 6/20/13**
8 Pen Bryn Road
Block: 148.03; Lot: 13; Zone: R-6
“C” variances for side yard set-backs for installing a deck

Naomi Nicolas approached the podium and requested an adjournment until the next Zoning Board meeting on 8/15/13. Mr. Neuer explained to Ms. Nicolas the process for noticing in the newspaper and for the residents within 200’ of her property. Ms. Nicolas requested blank copies of the noticing forms to bring to the newspaper; the Board secretary said that she would email the forms to her.

Chairwoman Gabry approved Ms. Nicolas’ request and stated that the application will be carried to the August 15, 2013 Zoning Board meeting.

- 2. ZB-13-03/Prism Green Assoc. III, LLC**
Block: 155; Lot: 26.03; Zone: O-R
Rooney Circle
“D” use variance and “C” variances to construct a fitness center.

Frank Regan, Esq., attorney for the applicant, approached the podium. Mr. Regan requested that this application be carried over to the next Zoning Board meeting held on August 15, 2013. He

also noted, for the record, that the applicant has already noticed for the July 18, 2013 Zoning Board meeting.

Chairwoman Gabry approved his request and stated that the application will be carried to the August 15, 2013 meeting and that no further notice will be required.

3. **ZB-13-08/Regan**
Block: 43.04; Lot: 11; Zone: R-5
4 Florence Place
"C" variance for a side yard setback to build a deck

Frank Regan, applicant, approached the podium and requested that his application be carried over to the next Zoning Board meeting held on August 15, 2013. He also noted, for the record, that he has already noticed for the July 18, 2013 meeting.

Chairwoman Gabry approved his request and stated that the application will be carried to the August 15, 2013 meeting and that no further notice will be required.

4. **ZB-12-24/West Orange Animal Hospital** **Carried from 6/20/13**
Block: 158.03; Lot: 102.07; Zone: R-3
360 Northfield Avenue
"D" variance for the expansion of non conforming use with bulk variances

EXHIBITS

- A-1 – Preliminary & Final site plan – revision dated 6/28/13 (12 pages)
- A-2 – Landscape Plan – revision date 6/28/13
- A-3 – Site Plan – New Construction Plan – revision date 6/28/13
- A-4 – Elevations Plan – revision date 6/10/13
- A-5 – Floor Plan dated 3/11/13

Chairwoman Gabry stated for the record that Mr. Sussman, who is recused from participating on this application, stepped down from the dais.

Robert Williams, Esq., attorney for the applicant approached the podium. Mr. Williams stated that the animal hospital has been at this location for over 100 years. He said that they are proposing an addition to the rear of the building, an extension of the front reception area and renovations to the interior and exterior of the building. Mr. Williams said that they will not be increasing the number of employees or changing the hours of operation. He stated that the reason for the proposed improvements is because technology has changed and the animal hospital will now have diagnostic equipment on site.

Chairwoman Gabry asked Mr. Williams if the staff will be on site 24 hours; Mr. Williams replied no. He said that if an animal needs constant monitoring, they will provide staff.

Mr. Neuer asked Mr. Williams how big the house was that they are proposing to remove; Mr. Williams said that their Architect can answer that question. Mr. Neuer said that this use was permitted over 100 years ago because the Township Ordinance was not in existence at that time.

Mr. Williams called his first witness.

Thomas A. Boorady approached the podium and was sworn under oath. Mr. Boorady detailed his educational and professional background as an Engineer licensed in the State of New Jersey. He stated that he has also testified before many Zoning Boards in New Jersey.

Mr. Neuer stated that he did not see Mr. Boorady's name on any of the plans. Mr. Boorady said that he is a person authorized to sign the plans and they were signed under his supervision.

Chairwoman Gabry accepted Mr. Boorady as an expert in Professional Engineering.

Mr. Boorady presented the preliminary and final site plan with a revision date of 6/28/13. Chairwoman Gabry noted for the record that the site plan with a revision date of 6/28/13 was pre-marked as Exhibit A-1 for identification.

Mr. Boorady referred to the site plans and detailed the existing conditions. He then detailed the demolition plan stating that the house is a one story structure and is approximately 750 sq. feet.

Mr. Boorady referred to the site plans and detailed the proposed conditions showing where the addition will be located. He said that the entrance will remain the same.

Mr. Boorady said that they will be restriping the parking lot and detailed the reconfiguration the driveway and sidewalk. He said that they will make modifications to the drainage and smooth out the driveway.

Mr. Boorady referred to the plans showing the chain link fence on the property and stated that the gravel pathway area is where the large dogs are walked on a leash and relieve themselves. He said the fencing in that area is for safety purposes.

Mr. Boorady detailed where the trash enclosure is located on the plans. He said that they are proposing to place a free standing sign on the left of the driveway on Northfield Avenue. Mr. Boorady said they are also proposing to install a 6 ft. fence along the back property line.

Chairwoman Gabry asked Mr. Boorady where the handicapped sidewalk was on the plans; Mr. Boorady referred to the proposed conditions plan showing the handicapped sidewalk.

Mr. Quentzel asked Mr. Boorady if the use of the proposed fenced in area will be increased; Mr. Boorady replied no and stated that the area is just for the large dogs to be walked. He said that they will do their business and come back inside because the dogs cannot be outside for a length of time.

Chairwoman Gabry asked Mr. Boorady if animals that do not need medical care will be boarded at the hospital. Mr. Williams said that only animals who are existing patients will be able to be boarded there.

Mr. Williams stated that the reason they are asking for the area to be fenced in is because some of the dogs have the ability to break loose.

Mr. Neuer asked Mr. Boorady why they would need three areas to walk the dogs if there is already an existing gravel path in the back. Mr. Boorady said that most dogs will be walked on the gravel path. He said that the fenced in area is for the larger dogs that are harder to handle and have the ability to break loose from their leash. Mr. Boorady said that it is for the dog's security to make sure that they are safe.

Mr. Neuer asked Mr. Boorady the procedure for cleaning up after the animals; Mr. Boorady said that it is immediate. He said that once the dog is walked it is picked up immediately.

Mr. Bullock asked Mr. Boorady the age of the house that is being removed; Mr. Boorady said that it was built in 1930 or 1940 and that it is roughly 75 years old.

Mr. Bullock asked Mr. Boorady if they have considered putting a fence higher than 6' along the back of the property; Mr. Boorady said no because they are also putting tall evergreen trees along the back of the property.

Mr. Neuer asked if the "pretty side" of the fence will face out; Mr. Boorady said the fence is the same on both sides.

Chairwoman Gabry said that she did not see a gate on the fenced in area on the plans and asked Mr. Boorady if there was a gate; Mr. Boorady said there is a gate being proposed on the right side of the addition. Chairwoman Gabry asked Mr. Boorady where the gate is on the plans; Mr. Boorady said that it is on the architectural plans.

Chairwoman Gabry asked Mr. Boorady what type of lock is on the gate; Mr. Boorady said they are proposing a pull latch on the gate but they can make it self-closing if the Board prefers.

Mr. Boorady presented the Landscape Plan. Chairwoman Gabry noted for the record that the Landscape Plan with a revision date of 6/28/13 was pre-marked as Exhibit A-2 for identification. Mr. Boorady began detailing what is being proposed. He said that they will be installing a 6' high board on board fence along the back property line along with 6' high arborvitae trees. Mr. Boorady said they will also be adding trees along the west side of the property and adding spruce trees around the dumpster. He said that the arborvitae will be planted on a straight line and will be deer resistant. Mr. Boorady said that they are proposing additional landscaping in the second parking area i.e. planting holly bushes (dragon ladies), Fat Albert spruce trees and other shrub varieties. He said that they will also be planting shrubs, rose bushes and more holly bushes in the front of the property.

Mr. Williams asked Mr. Boorady what the hours of operation for the hospital will be. Mr. Boorady said they will be open Monday and Thursday from 8am–7 pm; Tuesday from 8am – 5pm; Wednesday from 8am-3pm; Friday and Saturday from 8am-1pm.

Mr. Boorady presented the Lighting Plan and began detailing what is being proposed. He said that they have agreed to reduce the wattage and lower the height of the light poles per Omland Engineering's request.

Mr. Neuer asked Mr. Boorady to state the new proposed height of the light poles; Mr. Boorady said 12 feet high.

Mr. Neuer asked Mr. Boorady how many additional light poles they are going to add; Mr. Boorady said two or three.

Mr. Boorady said that all of the lights will be directed downward and there will be no bleed-out.

Mr. Boorady said that there will be three upside-down wall sconces on the building.

Mr. Boorady said they are proposing a gaslight style light fixture in the front of the building. He said the bulb will be in the hood of the fixture.

Mr. Boorady said that all of the lights will be on a timer and will be turned off at 10pm. He said that the security lights, located on the building, will be left on.

Mr. Russo referred to comment #5 on the Omland Engineering report, dated July 12, 2013, and asked Mr. Boorady if there is a basement in the existing building; Mr. Boorady replied yes. Mr. Russo asked if all of the floors and walls in the basement will be removed; Mr. Boorady replied yes. Mr. Russo asked Mr. Boorady if that void will be filled with stone or porous material; Mr. Boorady replied yes.

Mr. Russo stated that his concern is that the building is close to the neighboring resident and as long as they are filling the void in the basement with a porous material then it is alright. He said that replacing the void in the basement with a porous material should be included in the plan or as a condition.

Mr. Russo asked Mr. Boorady if there was anything else in Omland's report dated July 12, 2013 that they do not agree with; Mr. Boorady said that they agree with everything in that report.

Mr. Neuer asked Mr. Russo if there is a concern with the dog feces and the run-off. Mr. Russo said that the applicant stated that there will not be any increase in the intensity of the use. He said there have not been any prior complaints so he is not concerned.

Mr. Neuer stated that he is concerned about the health factors of the dog feces and the run-off. Mr. Russo stated that there was testimony that when the dogs are taken out the feces is removed immediately. Mr. Neuer said that the applicant should consider some filtration system for this. Mr. Russo said that he is not concerned about that.

Mr. Steinhart asked Mr. Boorady the maximum capacity of animals; Mr. Boorady replied 53.

Ms. Weiss asked Mr. Boorady how many animals are in the hospital now; he stated there are not that many there now. He said the capacity is 53 animals and it will be 53 animals after the application.

Mr. Grygiel questioned the debris in the rear of the property and asked if it will be cleaned up; Mr. Williams said the debris is from hurricane Sandy and it will be cleaned up. Mr. Grygiel suggested the debris is to be cleaned up as a condition of approval.

Mr. Neuer asked Mr. Williams if the property will be cleaned up before the next Zoning Board meeting; Mr. Williams replied no. Mr. Neuer said that he is concerned about the unsightly conditions. Mr. Williams said that they will clean it up as soon as practicable.

Chairwoman Gabry asked if any members of the public had any questions for Mr. Boorady; seeing none, Mr. Boorady was excused.

Mr. Williams called his next witness.

James P. Cutillo approached the podium and was sworn under oath. Mr. Cutillo detailed his educational and professional background as a licensed Architect in the State of New Jersey. He said that he has worked on similar types of projects. Chairwoman Gabry accepted Mr. Cutillo as an expert in Architecture.

Mr. Cutillo presented the Elevations and Floor Plan. Chairwoman Gabry noted for the record that the Elevations Plan dated 6/10/13 was pre-marked as Exhibit A-4 for identification and the Floor Plan dated 3/11/13 was pre-marked as Exhibit A-5 for identification.

Mr. Cutillo stated that they are proposing a small addition to the front of the building and a larger addition to the rear of the building. He said that the proposed sidewalk will run along the side of the building and continue to the front of the building to enter. Mr. Cutillo said that they are proposing two-tone beige stucco on the exterior of the building with natural stone. He said the roof will be a bronze color metal roof and the logo on the exterior will be that of a dog and cat.

Ms. Weiss asked Mr. Cutillo if the hospital only handles dogs and cats. Mr. Cutillo said the hospital handles primarily dogs and cats with an occasional bird and a reptile.

Mr. Neuer said that his concern is that there are no more than 53 animals boarding at one time but there is nothing on the plans to show that. Mr. Williams said that some of the cages can be stacked. Mr. Neuer asked Mr. Williams if the cages can be moved around; Mr. Williams said that he has a witness that can answer that question.

Mr. Williams asked Mr. Cutillo to point out where the access to the outside fenced in area is on the plans; Mr. Cutillo referred to the plans showing the door that goes out into the fenced in area in the new addition.

Mr. Williams referred to #11 in Omland Engineering's memo dated July 12, 2013 regarding the location of the HVAC equipment. Mr. Russo asked him to identify the locations of the HVAC equipment on the plans; Mr. Cutillo said they are only shown on the elevations and that the screening materials will be similar to the materials on the facade.

Mr. Neuer asked Mr. Cutillo if the covered portico is for vehicles; he replied no. Mr. Cutillo said the portico is for the pedestrians. Mr. Grygiel stated that the portico was included in the building coverage.

Mr. Grossman asked Mr. Cutillo if they presently house reptiles at the facility and if so, what kind of reptiles. Mr. Cutillo said that another witness can answer that later.

Mr. Grossman asked Mr. Cutillo if they will house horses at the facility; he replied no.

Chairwoman Gabry told Mr. Cutillo that she would like to see the plans cleaned up a little so that they are more accurate. She referred to the dimension line and said that the plans should indicate that it is the outdoor area. Chairwoman Gabry said that the plans should also note that the new vestibule area is 72 square feet; Mr. Cutillo said that it is already noted on the plans.

Mr. Russo asked the Board members if they wanted any indication of the color of the signage on the plans. Mr. Williams said that he will bring a witness up to describe the color.

There were no further questions for Mr. Cutillo from the Board or the Professionals.

Chairwoman Gabry asked if there were any members of the public who had any questions for Mr. Cutillo; seeing none, Mr. Cutillo was excused.

Chairwoman Gabry called for a recess at 9:35 pm.

Chairwoman Gabry called the meeting back to order at 9:46 pm.

Dr. Donald Bruno approached the podium and was sworn under oath. Dr. Bruno stated that he is the owner of the hospital. He stated that 90% of his patients are dogs and cats and sometimes rabbits. Mr. Williams asked Dr. Bruno if they take snakes or rodents as patients; he replied never.

Dr. Bruno stated that there are 53 modular cages. He said that the cages cannot be specified exactly on the drawings because they are modular.

Dr. Bruno described the dog runs. Chairwoman Gabry asked Dr. Bruno if the dog runs are inside the building; Dr. Bruno replied yes.

Mr. Steinhart asked Dr. Bruno to describe a dog run. Dr. Bruno said a dog run is two adjacent big cages extending from the floor to the ceiling. He said they are used for the larger dogs.

Chairwoman Gabry stated that was not was said before; she said that it was described as one big cage where the dogs will run. Mr. Williams said that there are six (6) cages.

Mr. Neuer stated that Chairwoman Gabry counted 33 cages on the drawing. Dr. Bruno said that the cages are stacked and it all depends on how big the cages are. Mr. Neuer asked Dr. Bruno if they rearrange the cages; Dr. Bruno said no that the cages are permanent. Mr. Neuer asked if the Board could get a drawing to show this.

Mr. Williams stated that this area will be limited to 53 patients and that the applicant should not have to show everything interior. He said that they will note on the plans that there will be 53 cages to use.

Mr. Cutillo stated that the testimony is that they will only have 53 patients. He said that they do not really know exactly how the cages will be set up yet because they need someone to come in and design it.

Mr. Neuer stated that he has a concern about safety. He said that none of the testimony, so far, has anything to do with safety and how they would get the animals out in an emergency. Mr. Neuer said that he cannot approve this application with what they are showing the Board tonight. He said that they are talking about living animals and the Board needs to see how the animals are going to be caged.

Mr. Williams said the cages are going to be on top of each other. Ms. Weiss suggested that the applicant provide two renderings that will show how this will be done.

Mr. Neuer said that, in the event something goes wrong, it would be up to the Police or Fire Department to get the animals out of the facility without a floor plan. He said that he is in favor of the application but he would need more.

Ms. Weiss stated that she does not agree with Mr. Neuer on this because it has nothing to do with what they are voting on; she said they are voting on the variances. Mr. Neuer said that there is always a safety concern. He said his concern is if the hospital catches on fire and there are 53 dogs and cats all over the place and there is not a floor plan the safety of the animals will be in jeopardy. Mr. Neuer read from NJSA 40:55D-2b, the Municipal Land Use Law which is reproduced in the 2013 edition of the New Jersey Zoning and Land Use Administration book co-authored by William M. Cox and Stuart R. Koenig regarding safety as one of the purposes of that Law. He said that the safety of the animal's welfare is important and an appropriate area of inquiry for this Board when voting on variances.

Mr. Cutillo stated that if any alarm does go off, central station will call the Police Department. He said if the Police require a floor plan to be on file then they will have to have one.

Dr. Bruno stated that they are licensed in the State of New Jersey and meet every standard.

Mr. Merklinger asked Dr. Bruno how they arrived at 53 patients; Dr. Bruno said that they currently have 53 and have no desire to expand that number.

Mr. Bullock said that there are certain things on the plans that are not clear. He said that the plans should be more detailed.

Mr. Steinhart asked Dr. Bruno if they know definitely where the dog runs are going to be; Dr. Bruno replied yes.

Mr. Steinhart said that under the law dogs are treated as property but he does not know if an evacuation plan is part of any animal hospitals design. Dr. Bruno said that they do not have an evacuation plan now and the code does not require one.

Chairwoman Gabry asked Dr. Bruno to refer to the plans and show the Board where the dogs are going to be kept and where the cats are going to be kept; Dr. Bruno complied.

Mr. Cutillo stated that the Fire Department is going to request a lock box and that they will comply with whatever the Fire Department wants.

There were no further questions for Dr. Bruno from the Board or the Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Dr. Bruno; seeing none, Dr. Bruno was excused.

Mr. Williams called his next witness.

Eileen F. Banyra approached the podium and was sworn under oath. Ms. Banyra detailed her educational and professional background as a Professional Planner licensed in the State of New Jersey. She stated that she is Planning Director for three Municipalities and has worked on projects of similar size. Chairwoman Gabry accepted Ms. Banyra as an expert in Professional Planning.

Ms. Banyra detailed the background of the animal hospital and stated that the smallest portion of their practice is the boarding. She said that the primary purpose of the improvements will be to modernize the facility with the electric service and wiring being upgraded. Ms. Banyra stated that there will be no increase in staffing or the number of patients. She referred to the area map, noting that the property is larger than any other property around it, and stated that you can barely see the facility now from Northfield Avenue.

Ms. Banyra detailed all of the variances that they are requesting. She said that the "D" variance is for the non-conforming use and noted that the "D" variance for two uses has been eliminated because they are removing the house that is currently on the property.

Ms. Banyra stated that this application meets all of the residential standards according to the Master Plan. She said that it is a very modest scale which does not conflict with the requirements in a residential zone and detailed the positive and negative criteria.

Mr. Banyra stated that the property was hit hard by different storms and now will be a good time to clean up this property.

Ms. Banyra stated that the use is desirable and that the improvements to the site will maintain a residential feel.

Mr. Neuer stated that Ms. Banyra's report is the finest he has seen and he appreciates the effort that she put into it.

Ms. Banyra stated that the animal hospital has never had 53 animals there at one time. She said that they only board animals for their clients as a convenience. Ms. Banyra said that the applicant is in business for caring for animals and they care what happens to these animals.

Mr. Bullock stated that it was never the Board's intent to say that they did not care about the animals.

Mr. Merklinger stated that Ms. Banyra addressed the variances and the Board is here to vote on them.

There were no further questions for Ms. Banyra from the Board or the Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Ms. Banyra; seeing none, Ms. Banyra was excused.

Mr. Cutillo approached the podium and stated that there is no need to stack the cages more than two high. He said that the dog run cages are only one high and pointed them out on the plans. Mr. Cutillo also pointed out the small boarding area, the cat area and the hospital recovery area on the plans. He stated that the kennels should technically be called cages.

Mr. Merklinger said that he would describe a dog run as a pen or similar to a horse stall.

Mr. Neuer asked Mr. Cutillo the dimensions of the dog runs; Mr. Cutillo said they are 6' x 4' with a minimum of 8' high.

There were no further questions. No members of the public indicated a desire to address the Board or present evidence. Chairwoman Gabry declared the hearing closed.

Mr. Williams requested to amend the application to include a side yard accessory use variance; Chairwoman Gabry accepted the amendment.

Mr. Neuer said that he recognizes that the applicant has operated this facility for over ten years and made a motion to approve with the following recommended conditions:

- A new kennel license will be required
- Regular clean ups for dog walking
- Fence shall have one finished side facing the neighboring properties

- The gate on the fenced in area to be self-closing
- Lighting to be turned off at 10pm except for the security lighting on the building
- The excavated void under the house being razed must be filled with porous materials that are satisfactory to the Zoning Board Engineer
- The boarding population is not to exceed 53 dogs and cats; no other species.
- No loading will take place in the handicapped parking spaces
- The screening for the HVAC to match the building materials
- The conditions from Omland Engineering letter, dated July 12, 2013, must be satisfied

Mr. Bullock stated that he would not be in favor of limiting the hospital to just dogs and cats. He said that they should give them the flexibility if an emergency arises to accept another animal.

Chairwoman Gabry stated that her only concern is where the other animals, besides the dogs and cats, would be housed for boarding purposes.

Chairwoman Gabry seconded the motion to approve and recommended the following additional conditions:

- The fence and the landscaping will be maintained
- The property must be cleaned up within 90 days prior to the issuance of a Certificate of Occupancy
- The applicant provide a floor plan that outlines where the animals are being located
- Any and all licenses related to the business must be obtained before a Certificate of Occupancy is issued

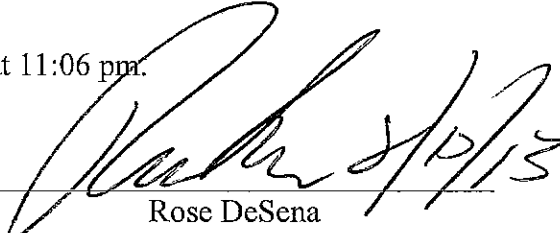
Mr. Neuer accepted the additional conditions as part of his motion.

The vote was as follows:

Buechler:	-	Steinhart:	Yes
Bullock:	Yes	Sussman:	Recused
Merklinger:	Yes	Weiss:	Yes
Neuer:	Yes	Chairwoman Gabry:	Yes
Quentzel:	Yes		

ADJOURNMENT

The meeting was adjourned by Chairwoman Gabry at 11:06 pm.


 Rose DeSena
 Zoning Board Secretary

Adopted: August 15, 2013