

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Special Public Meeting
Thursday, June 24, 2021 at 7:00 pm
Remote/Virtual Meeting

In accordance with Township Ordinance # 26-09 the Mount Olive Planning Board is authorized pursuant to N.J.S.A. 40:55D-25(c)(2) to hear all variance applications including the six variance categories set forth in N.J.S.A. 40:55D-70d.

MINUTES

Special Public Meeting / Remote Virtual Meeting of the Mount Olive Planning Board of June 24, 2021 commenced at 7 pm.

The Pledge of Allegiance was recited.

Open Public Meetings Act Statement was read into the record by Ms. Strain, PB Secretary

Roll Call

Present: Mr. Scapicchio, Mr. Schaechter Mr. Forlenza, Ms. Mott, Ms. Natafalusy, Mr. Nelsen,
Mr. Ottavina, Mr. Batsch, Mr. Weiss

Excused: Mr. Mania, Mr. Ouimet

Board Professionals in attendance were:

Present: Edward Buzak, Esq., Board Attorney
Susan Crawford, Esq. Board Attorney
Michael Vreeland, PE, Board Engineer
Chuck McGroarty, PP/AICP, Board Planner
Mary Strain, Board Secretary

Audio and video technology and platform.

Resolution

PB 21-07 Mooney, David & Nadine, 14 Brewster Place, Block 6404, Lot 20

Mr. Weiss: Let's move right into our lone Resolution and before I introduce it, I do want to thank both Susan and Ed for getting this done so quickly. We do know that the Mooney's asked if we can speed it up, and I didn't think we'd see it until July. So, thank you very much. And I'm sure the Mooney's appreciate it. Resolution. PB 21-07 David & Nadine Mooney, property located at 14 Brewster Place, Block 6404, Lot 20, we have a copy of that Resolution. Would someone please move that?

Mr. Scapicchio: I'll make a motion we approve PB 21-07.

Mr. Weiss: Thank you.

Mr. Nelsen: Second

Mr. Weiss: Thank you. Dan. Do we have any Planning Board comments? Seeing none,
Mary, roll call.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Dan Nelsen	Yes
	Paul Ottavina	Yes
	Howie Weiss	Yes

Development Application

PB 21-09 The 11th Hour Animal Rescue, 75 Flanders Road, Block 3900, Lot 3

Mr. Weiss: Thank you. And with that, let us move to our lone developmental application, which is PB 21-09 The 11th Hour Animal Rescue here for a minor subdivision with a d variance and the site plan. The property located at 75 Flanders Road, Block 3900, Lot 3. This is a continuation of the hearing that was originally heard and started on May 20th, 2021. And I suppose for the record, we should note that Dan Nelson will be stepping off and there'll be no further business after this hearing. Dan, so...

Mr. McGroarty: Dan is stepping down.

Mr. Nelsen: I'm stepping down.

Mr. Weiss: Yes, that's what I said. Dan you're stepping down. And of course, Ken, as the as the Mayor's Liaison, you'll be stepping down as well. So drive carefully, and we will see you both in July.

Mr. Nelsen: Have a good night. Thank you.

Mr. Forlenza: Good evening, folks.

Mr. Weiss: And so with that, Chuck, it looks like you've already brought up Mr. Dusenberre, the attorney, for the application, and as soon as he's here...

Mr. McGroarty: And I believe I brought up...

Mr. Weiss: Yes, I see J. Michael Petry, who was their planner and engineer. Does Mr. Barish need to be testifying tonight? I don't know if he's there.

Mr. Dusenberre: I believe Mr. Barish should be in the...

Mr. McGroarty: Barish?

Mr. Dusenberre: Paul Barish.

Mr. McGroarty: Yes, sorry about that.

Mr. Dusinberre: I think it would be prudent to put him up on the podium if you will.

Mr. McGroarty: Yes, we are. I'm going to...I'm going to remove Mr. Nelson.

Mr. Weiss: Okay, thank you. So it looks like Mr. Barish is here, Mr. Petry here, of course Mr. Dusinberre is here. And what I'll do is let me just bring everyone up to speed of where we are. On May 20th, as I as I mentioned, we produced...or the applicant produced 4 exhibits ending in A-4, which was the minor site plan prepared by Petry Engineering. At that point, we carried the application right after the submission of A-4. And so if there's anything that needed to be corrected to my statement, Mr. Dusinberre, I'll turn it over to you, and you can certainly take it from here.

Mr. Dusinberre: Thank you, Mr. Chairman. Your statement was accurate. First of all, I want to thank you all for coming tonight. I know this is a special meeting and you've all gone out of your way to be here. And we appreciate it. And we appreciate your understanding that The 11th Hour is looking to get into your neighborhood as soon as we can reasonably do so and hoping that we get approved this evening. One minor housekeeping issue. I may be correct or incorrect on my notes, but I think Mr. Schaechter was not at the last meeting. Is that correct?

Mr. Weiss: That's correct. And perhaps for the record, maybe Mary...Mary did confirm with me earlier today that Mr. Schaechter did sign the document. She confirmed with me in writing that Mr. Schaechter did watch the video of the first meeting. Therefore, he is eligible and he signed the certification of such...

Mr. Dusinberre: Thank you very much. Mr. Schaechter, thank you for doing that. I know it's kind of hard to watch two hours of video, but...

Mr. Weiss: Listen, if you only knew Mr. Schaechter, you'll see that he's got plenty of time.

Mr. Dusinberre: And I will tell you, because...you know...so many weeks go by from meeting to meeting. I went back and reviewed the first time I watched myself on TV for two hours and it was not pleasant. I have not seen more ums or so's or fast questions, and I've got to slow down a little bit. But having said all those things, we left off last month just I think at the conclusion of Mr. Petry's engineering testimony and I think we're about to slide into planning testimony. Mr. Petry is that the way your notes go?

Mr. Petry: That's exactly how I had it, Mr. Dusinberre.

Mr. Dusinberre: Before you start with your planning testimony. Mr. Chairman, are there any questions? The people have developed over the last few weeks thinking about this project on the engineering side that you may wish to ask before Mr. Petry's starts with the planning?

Mr. Weiss: Well, I'm going to say no, but I will thank you for that opportunity. I think I say no because...well, I'm sure before we closed, we ended with some questions. I have no notes here that says we are going to open with questions. So I'm going to go with the assumption unless any of the Planning Board Members tell me otherwise that our questions were answered and all of them were asked of Mr. Petry at the time. And we are ready to follow your script here, which would be move to planning.

Mr. Dusinberre: Thank you. I'd like to...Mr. Petry, let's move into the planning phase of your testimony. You were engaged to provide planning testimony by the applicant and have you prepared testimony for the night?

Mr. Petry: Yes, we have.

Mr. Dusinberre: All right. I know you all have to do is say...what would you like to tell the Board about the planning issues that this application presents, and will you please justify the reasons for the granting...or based...upon which the granting of the variances could be based.

Mr. Weiss: I do...I do want to throw it out...and I just want to remind you, Mr. Petry, that you were sworn in on May 20th and you do remain under oath here this evening. And I'm picking up my messages for Mr. Buzak who looks awfully proud.

Mr. Buzak: I am. I don't have to be here.

Mr. Weiss: So go ahead, I'll go back to Mr. Petry. You're under oath.

Mr. Petry: Thank you, Mr. Chairman. In terms of the reasons that we're here, first and foremost, we are subdividing a property that contains a non-conforming use, which is a kennel. From a planning perspective, that is considered a d1 variance. And that's our purpose for being here this evening. In addition, we have requested a privacy fence that we have proposed to construct inside of the evergreen trees that line Clinton Avenue. A portion of that proposed fence is within what is a required front yard, and your ordinance doesn't allow that. That requires a c variance. And finally, we are requesting that the existing gravel parking lot be allowed to remain as gravel, which according to your ordinance, requires an exception and the ordinance provides criteria, as does the Municipal Land Use Law for all of these things, and if I start with the positive criteria, I'll state that in my opinion, the application that is before you promotes the general welfare, which is Purpose A under the Municipal Land Use Law. I base my findings on the fact that the applicant runs a facility to place dogs and cats with people who both want them and need them. There is a direct benefit to humans based upon animal interaction as pets and as therapy animals. Health benefits of human and animal interaction has been shown to reduce stress and blood pressure. In my opinion, I believe the application also provides adequate light air and open space, which is Purpose C under the Municipal Land Use Law and that are existing and proposed lot coverages are well below the zoning standards and we are maintaining the exceptional landscaping that exists on the parcel that I outlined in my previous testimony. Additionally, the proposal represents a more efficient use of land, which is Purpose M. I base my opinion on the fact that this is a not for profit organization that can literally walk in and use the facility as is from day one, as it is a specialty construction type that is exactly what their specific use requires. I believe that this purpose is particularly critical as it supports the site's suitability standards and the facilities that exist make this property particularly suitable for this proposed use. It is not dissimilar from a kennel. It requires the same type of construction as a kennel, which is what's there. And so therefore this site is particularly suitable with the improvements on it for the proposed use. And finally, I offer that the subdivision actually brings the property closer to conformance with your ordinance by separating the two principal uses into their own fully conforming lots. So we're doing something to the benefit of the public and that your ordinance...while it has allowed this use to exist on these two uses...to exist on this property and coexist on this property for years by separating them and putting them on their own lots, we are bringing this closer to conformity with

your master planning or zoning ordinance. With regards to the negative criteria, it's my opinion that the proposal that's before you this evening represents a reduction in the intensity and use of this existing facility on the property. The elimination of public boarding of animals, grooming services, day care for animals and visitors, for people who are coming here to potentially use this property in the future for their animals will reduce the number of the vehicular movement into and out of this property. I see this as a significant positive impact as it will reflect a lessening of traffic. As such, I don't see a substantial detriment to the public good, in fact, I see a direct benefit to the public good. With regards to the zone plan and zoning ordinance, I offer that the use that is proposed is substantially similar to what is existed on the property for years, all be it less intense. The uses function to this location for more than 35 years. And what will promote...what's being proposed here today will be similar, but less intense from a traffic perspective and even from a housing perspective of the guest animals that are here. Therefore, in my opinion, the uses before you will not substantially impair the intent and purpose of the zone plan or the zoning ordinance. And I believe that both the positive and negative criteria for the approval of this application are met through the standards that I've outlined.

Mr. Weiss: Thank you, Mr. Petry.

Mr. Dusinger: Mr. Petry, one question for me, as a practical matter is there any real difference in kenneling 65 dogs that were rescued versus kenneling 65 dogs that were brought in by their private owners...from a use perspective.

Mr. Petry: From a use perspective, there is no difference. And I believe that what the applicant has indicated is that they're anticipated occupancy, even at the peak, is going to be less than the 65 that that has been approved for the site before. So for the most part, you're going to see less animals there.

Mr. Dusinger: Thank you, Mr. Chairman. I have no further questions of Mr. Petry.

Mr. Weiss: Perfect, Chuck, do you have any questions or comments to the testimony from Mr. Petry?

Mr. McGroarty: Well, I don't have any questions. I take no...I find nothing in the responses that I would have any questions...inaudible...but I would ask Mr. Petry, the Medici Test does require that you address...that you reconcile the absence of this...inaudible...in the zone district and...inaudible...

Mr. Weiss: Chuck, you're breaking up a little bit, it's hard to hear.

Mr. McGroarty: Okay, better? I don't know why.

Mr. Weiss: Yes, and it happened last week too. Right after you mentioned Medici standard, you kind of drifted. Is it just me, or did everyone else...

Mr. Scapicchio: No.

Inaudible

Mr. McGroarty: It must be the town's computer. The Medici Standard without belaboring it. Are you going to address that? To reconcile the absence of the mention of the issues?

Mr. Petry: Well, when I when I look at the zone planning and zoning ordinance, this is a use that is not recognized within the ordinance. It's not recognized within the Master Plan. Something similar has existed on this property for decades at this point. And therefore, I believe that the reconciling of this use at this particular location is appropriate. And when we look at this use not being addressed at all in the in the ordinance. Look, this is...this is not a use that you see a great deal of in municipalities across northern New Jersey or southern New Jersey, for that matter. This is...this is a very unique situation. We have a user that is a rescue facility, and they provide housing for animals that need homes. If you found 8 of these in the state of New Jersey that would probably be a lot. So where are we? We wouldn't zone for something that's as uncommon to use as what's here. I believe that because of what has been on this property, this is easily reconcilable under the Medici Standard.

Mr. Weiss: Thank you, Mr. Petry, any come back on that one, Chuck?

Mr. McGroarty: No, not at all.

Mr. Weiss: Okay. Thank you for that. Anybody from the Planning Board have any questions for Mr. Petry on his testimony on the variances? Mr. Buzak?

Mr. Buzak: Yes, I just wanted to know if there's going to be further testimony with regard to both the other of the bulk variance and also for the exception that's requested. Was that...I don't know if they were going to handle all that separately or Mr. Petry is going to handle it all at once. He seemed to have stopped this testimony at the end of the use variance discussion.

Mr. Petry: Well, I think that the c2 criteria would apply in both instances. I mean, clearly, the gravel parking area is something that has been in existence for quite some time. And I understand that the...that the standard for an exception is slightly different. But I think...I think what we have here is the ability to maintain a compacted gravel parking lot, which produces less stormwater runoff than a paved lot. And I believe that there is a public benefit to that because the runoff from this property does end up in the public storm sewer system. So I think that maintaining what is there has functioned for this facility, especially given the fact that there are less vehicles coming and going from this facility...is it positive...has a positive effect for the municipality. As for the fence, again, I think that is a...maybe a belt and suspenders situation. But we have...we have screening in the form of evergreens between us and the residential street that...that abuts the rear of this what we consider the rear of this property but it's clearly a front yard. And it's the front yard that actually causes that variance. There's a portion of this property where that cul-de-sac abuts the frontage and our proposed fence. The intention is to...is to have a second line of enclosure, a second line of sound buffering because it was a solid fence...it will do that, but we don't want to disturb the evergreens to do that, so we're pulling it into the property, in essence, providing landscape screening to the outside of it. So when you look at fences in the front yard, normally, you know, the intent of the ordinance is we don't want to look at that. From this perspective people on that street will never see it because you literally have to look through evergreens. If you remember the photos, they're substantial at that location and they're dense at that location. So I believe that the benefit of having the fence is ultimately to the public...you know...from a sound perspective. And...you know...from a separation perspective. So I think that it's an appropriate benefit and that fits under the c2 criteria as well.

Mr. Dusinberre: If I may follow up on that question?

Mr. Weiss: Sure, go right ahead.

Mr. Dusinberre: Mr. Petry, with respect to that fence, you recall that Mr. Barish testified at length about dogs and their triggers. One of which is visually seeing other animals or people out around from the offsite. Would this fence also helped to mitigate those kinds of incidents and reduce triggers for dogs that are being walked or trained on the premises?

Mr. Petry: Absolutely. And I think that's...I think that's the purpose...you know...we didn't just come up with the idea of putting in a fence. It was it was something that 11th Hour had actually talked about and requested because they wanted to provide that visual separation so that they can keep this facility...as good a neighbor as they can be.

Mr. Dusinberre: That's it for me, Mr. Chairman.

Mr. Weiss: Okay, thank you very much. Is anybody else on the Planning Board have any questions or comments from Mr. Petry regarding his planning testimony? I don't see anything. Let's see if the public has any questions or comments. I'm not seeing anything from the public. Chuck, same with you?

Mr. McGroarty: Same with me, Mr. Chairman.

Mr. Weiss: Okay, so let me close it to the public. Again, anybody from the Planning Board have any questions? Otherwise thank you for your time this evening, Mr. Petry. And I'll turn it back over to you, Mr. Dusinberre.

Mr. Dusinberre: Thank you, Mr. Chairman. That concludes our presentation on the 11th Hour. I would just briefly say that I think this is a very, very perfect use for this property as you've heard from everyone, that it's a turnkey facility. It otherwise has no real purpose in the way it's configured. I will say that Mr. Nelson was way ahead of his years in terms of the way he set up the internal kennels with side panels and not having any kennel across from any other kennel with wall separation...room separation. It's just perfect for 11th Hour, and 11th Hour has demonstrated that it has been a well-respected animal shelter for years in northern New Jersey. And this is going to be its permanent home, and we hope that Mount Olive will welcome them aboard. And in reviewing my notes for this evening, I do note some things that I may throw out to you if you were to consider approval. Some of the things that we clearly understand would be incorporated as conditions. Those would include, obviously, anything spread on the record during the hearing. It would include other things, such as obviously Morris County Planning Board approval. You have a restriction, I believe, against no primary dog deliveries to Mount Olive because you've heard testimony that they go to Roxbury or will go elsewhere if that should change. We do know we have to split the sewer connection. We do know we have to drill a new well. We do know that we have to submit a design for the residential lot and the construction of the driveway. We know the hours of operation that we're asking it to be increased a little bit for dogs outside has been spread on the record, both a little bit of a lengthening of the morning hours and certainly the evening hours up till 9 pm. We also know that it would not be open to the public for walk ins in any fashion. And we know it would have to be subject to the gravel lot being maintained. Those are the things that I'm aware of. We would hope that if any of those conditions were imposed, that none of them would be conditions preceding to the subdivision of the

property. We'd like to be able to subdivide, get that legal nicety taken care of so that other things can move forward, whether it be financing or permits or approvals. Those things could go forward with the subdivision having been completed and the conditions would be tied into use and occupancy of either of the two structures. So those are the things that I would ask you to consider offered up in a way that hopefully Mr. Buzak and...you know...and not have to work too hard to craft a Resolution if you're so inclined. So having said those things, I would ask you to approve this application, approve the use, inaudible...spectacularly appropriate for this building and approve our fencing as being a necessary adjunct for the benefit of both the applicant in the public and a lot of the gravel driveway to continue as it has been and was previously approved to be back in the late 90s, a gravel driveway without curbing. And I might add that it tends to submit to the kind of country character of the appearance in the facility. So with that, I leave it to you, Mr. Chairman.

Mr. Weiss: Thank you. Mr. Dusinger, I had, Mr. Buzak, I was looking over my notes and the only conditions I had were brought up by Mr. Dusinger. Obviously that the site is not a primary delivery site. That was one. And the other one was the subdivision of the properties. It left me with a question. I don't know if this is a Planning Board issue or it's an administrative issue about the EDUs and how are they affected in this property and how do we address it? Do we need to have a conversation? I think we should. Chuck, maybe you could bring us up to speed.

Mr. McGroarty: Not sure about the EDUs, I think that could be a condition that they...inaudible...whether they need to...or hear another one, I think...inaudible...

Mr. Scapicchio: Chuck, you're fading in and out on me.

Mr. McGroarty: I don't know what's...any better? I don't know...maybe it's this computer, I guess.

Mr. Weiss: Maybe a short in your speaker. I don't know. But I think sometimes as you move a little closer, it works.

Mr. McGroarty: All right. I just want to make sure that the dwelling has both the well and the sanitary. And we'll have that when the subdivision is perfected.

Mr. Weiss: Keep on moving, Chuck.

Mr. McGroarty: You didn't hear it?

Inaudible

Mr. Weiss: Just the last couple of words,

Mr. Buzak: Chuck...let me...because I think I caught it. The well and the sanitary for the residence will be there as a condition of the subdivision.

Mr. McGroarty: Correct.

Mr. Buzak: And as I understood it, because I have the same question. I heard Mr. Dusinger's request. Right now, if I understand correctly, there is a well and a sewer connection

that is utilized by both facilities. So both facilities right now...that is the residence and will be the operation of the kennel...have water and sewer in the way that we just talked about. So I think that if the subdivision takes place. The residence will still have the water and sewer because nothing is changing as a result of the subdivision. It's just a paper activity. But the kennel will not be able to utilize as the rescue facility until such time as a new well is constructed for that facility. And the new sewer connection is constructed for the residence. So, I think it works so long as it's clear in the Resolution that 11th Hour cannot occupy the premises for its operation until such time as those two things are accomplished, among other things. But certainly those two things. Does that address your question, Chuck?

Mr. McGroarty: I think so. Can you hear me?

Mr. Buzak: Yes.

Mr. McGroarty: I just...I'm not sure where and I know Mr. Petry has his hand raised where the sewer line will be situated once the subdivision is done. It's not on the lot with the house that presents a problem. That's a question. Does that present a...Mr. Petry please respond to that...

Mr. Weiss: Chuck, just the end...you're starting strong...it just fades away. It looks like when you move to your right, it's better for some reason. I don't know why.

Mr. McGroarty: Mr. Petry, you heard my question?

Mr. Petry: I did, and I raised my hand because I didn't know if I was allowed to talk, so I'll put it down now. The existing well is on the residential property. The existing sewer connection is also on the residential property. So I understand the condition to being that the sewer connection for the 11th Hour portion of the property will need to be made before 11th Hour can occupy and that a well will need to be drilled on the 11th Hour property before 11th Hour can occupy. But the residence from the beginning has the utilities on their property, so that shouldn't affect the use of the residence at all.

Mr. Buzak: And I think one other item, if I might, is that I think Mr. Vreeland had recommended either in his report or at the last meeting that the current sewer connection that services the 11th Hour facility...inaudible...will be the facility needs to be capped when the new sewer connection for the 11th Hour is constructed. Is that correct, Mr. Petry and/or Mr. Vreeland?

Mr. Petry: Yes, the,,right now, the two sewer connections come together and there's one connection in the street. So when we excavate the...line that is crossing the property line, when we excavate that line, we can cap that line and turn it to go out to the street and make a new connection for that line in the street.

Mr. Vreeland: And that would be that would be okay from an engineering standpoint, we just wanted to make sure that it was clear that we wouldn't have an open pipe out there that potentially could create an issue with unintended inflow and infiltration.

Mr. Petry: That's the last thing you need is more of that.

Mr. Vreeland: Right. And along with this type of discussion, how is vehicular access to the residential house going to be handled after the subdivision?

Mr. Petry: My understanding is there's going to be a requirement that the driveway, at least the driveway, be constructed up front.

Mr. Vreeland: So I would have its own it would have its own access, and we wouldn't have to worry about cross easements or utilization of the driveway that exists on the kennel property.

Mr. Petry: That is correct.

Mr. Buzak: So that'll be a condition of the subdivision to have that driveway...a new driveway for the residence constructed.

Mr. Weiss: And so, Ed, any of those other conversation points that we made about the EDU's and the septic will those become conditions or will those become issues that will be addressed at a preconstruction meeting or something to that effect?

Mr. Buzak: Well, I think the EDU's, I had that one down, Mr. Chairman, obviously that was the additional one that I had as well. And I think Mr. Scapicchio had just raised the issue. And we're going to put in there that in the event that a new EDU is required to be purchased, it will be purchased by people from the condition of the occupancy The 11th Hour as well, because the existing sewer connection, which obviously has an EDU will be solely utilized by the residents. So I think I think we can put that in there. If they needed a new EDU, fine. If they don't, that's fine, too.

Mr. Weiss: Okay, David, I know that was an issue of yours...Has it been satisfied?

Mr. Scapicchio: Absolutely.

Mr. Weiss: Perfect. Anybody else from the Planning Board have any issues? I'm looking...I don't see...

Mr. Scapicchio: Catherine.

Mr. Weiss: Oh, Catherine. I'm sorry, Catherine. I see you.

Ms. Natafalusy: I have just one question. The new lot line that's going to subdivide the property is right next to that dog run. Is there any consideration of putting a buffer of trees or something along that area? Because potentially, you could have new residents or new occupants of that house in the future. I was just wondering if there has been any consideration of putting some kind of buffer between the dog run and the residential lot.

Mr. Petry: The fence line was actually the basis for the subdivision line because that's how the property has historically been utilized. So there's certainly sufficient space on the residential lot for them to do any planting that they wanted to provide visual separation. I don't think it's necessary in order to in order to create the subdivision. I think it's...

Ms. Natafalusy: I'm not saying to create the subdivision. I'm just saying to create some kind of buffer so that the people in the residential lot aren't looking at the dog run. It says remains of a wooden fence. I'm not sure what kind of condition that wooden fence is in. I'm just trying to be proactive to have some kind of buffer there, if possible.

Mr. Petry: I certainly understand. And there's space on the residential property to create that buffer if they desire it. That's what I'm saying.

Mr. Weiss: Who desires it?

Mr. McGroarty: That puts the burden on the residents then?

Ms. Natafalusy: Right.

Mr. McGroarty: I think that's Catherine's point.

Mr. Weiss: Why don't we just add that to the condition that you agree to put up a buffer of trees?

Mr. McGroarty: Of course, on the other hand...on the other hand, Mr. Chairman, anyone who buys that property, the residential property will know that's there. They'll buy it knowing there's a dog run there....

Ms. Natafalusy: That's true. I'm just...

Mr. Weiss: All right. Mr. Dusinberre?

Mr. Dusinberre: If I may, Mr. Chairman, this application is for the entire parcel, including the residential parcel. The current owner is well aware of it, has not asked for any buffer with respect to the two properties. And if ultimately it gets sold to a third party, certainly that third party is going to come in and as Mr. Petry says have ample space to do whatever they want along that property line. And honestly, at this point, I don't know what we'd even imagine to do or whether it's needed because the owner of that property is the applicant.

Ms. Natafalusy: I understand that. I'm just saying future owner. Since the dog run is right on the property line, that is a concern I had. I just wanted to have that addressed.

Mr. Dusinberre: Can I make a suggestion then? Clearly on the record, the applicant has said that that building will perhaps someday be converted for use. The condition could be that in the event that building right now is laying fallow and that if that building is converted for use by the applicant, that a row of buffers, perhaps maybe 20 feet long or whatever is appropriate from the engineer could then be a requirement to be installed, might be something for the future protection. Right now, there's really no need for.

Mr. Buzak: I'm a little bit concerned about that. I understand Ms. Natafalusy's concerns. I do know that I'm concerned about enforcement prospectively with that kind of condition. We have it in there. If it's 4, 5, 6, 7, 10, 15, 20 years, whatever it may be. And I...I can generally assure you that. No one's going to remember it at that time, and it's probably going to be handled in the way that that

the engineer has said that is that who is ever going to whatever other party is going to look at this house for purchase, they're going to see what's there. And either they're going to negotiate to get the buffer put on by the present owner or they're going to put it on themselves.

Mr. Dusinberre: Uncle, uncle, Mr. Buzak. It's a bad idea. Okay, you're right, it's a bad idea because it presents future reading of Resolutions and enforcement issues. I'll simply stand by my comment earlier that this application is for the entire property, both residential and the kennel use, and there's no request to put up a buffer.

Mr. Weiss: Ed, were you...it doesn't...it sounds like you were still making the point, though.

Mr. Buzak: No, I think that I think that was it. I understand what Ms. Natafalusy is saying and I don't disagree with it, but I'm not sure that it's something that we should handle at this juncture, given the facts that we know. I think that while it would be proactive, maybe it's something that we should wait, not we...that the property owners deal with when they have to deal with it.

Mr. Weiss: Okay.

Mr. Buzak: That's just my suggestion. That's not...you know...just throw that out there. It's obviously your decision, not mine.

Mr. Weiss: And the comment was made and we've kind of beat it a little bit. Anybody else?

Mr. Scapicchio: Mr. Chairman, I'd just like to make a comment. You know, I was on the Board and I think Catherine and Chuck were there as well at the time that we approved this application and Dan Nelson jumped through hoops to make sure that this facility was quiet and there was no noise permeating outside the boundaries of that property. And I'll stand corrected, Chuck and Catherine, but I don't believe I've ever heard of complaint of noise coming from that facility over the years...

Mr. McGroarty: Nor have I.

Mr. Scapicchio: You know...so I think there is relevance to trying to create some sort of a buffer between the residence that's there now and the kennel facility.

Mr. Weiss: Okay, thanks for the input, Dave, anybody else? All right, let me just do it one more time. Let me just open it to the public, if anybody has a comment of any nature, I'm looking at the public. I see no comments. So I'm going to close it to the public. Mr. Dusinberre, do you have anything else for the application?

Mr. Dusinberre: No, I do not. Mr. Chairman,

Mr. Weiss: Thank you very much. Okay, so we've heard from the applicant, we've heard from the experts. I think what we need to do at this point is if someone would please move this application and we'll take it from there.

Mr. Scapicchio: I move application PB 21-09 The 11th Hour Animal Rescue.

Mr. Ottavinia: I'll second.

Mr. Weiss: Motion by David, seconded by Paul.

Mr. Buzak: That's with the conditions that we have discussed Mr. Dusinger, myself...

Mr. Scapicchio: With the conditions that we discussed.

Mr. Weiss: Paul?

Mr. Ottavinia: Second and with those conditions.

Mr. Weiss: Thank you. Motions with conditions made and seconded. Any Planning Board comment? I see none. Mary roll call.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Howie Weiss	Yes

Mr. Weiss: Gentlemen, congratulations, a very fine application. I appreciate your efficiency tonight, and it truly was our pleasure to get this 11th Hour Animal Rescue Application approved at the 11th hour, I guess.

Mr. Dusinger: We greatly appreciate it. And you're a wonderful Board and it's a pleasure to be in front of you. Thank you very much.

Mr. Weiss: Thank you. Thank you, gentlemen, very much.

Mr. Ottavinia: Mr. Chairman?

Mr. Weiss: Yes, Paul, go ahead.

Mr. Ottavinia: Yes. Well, I just wanted to ask Mr. Dusinger, if you could pass something along to 11th Hour when they get a chance before they get up and running, if they could be stopped by the PD and give emergency contact info being that...you know...there's going to be a lot of dogs there off hours, God forbid, or some type of emergency that creates police attention. We want to be able to get a hold of the owner, a manager, or something. That's all.

Mr. Dusinger: You'll recall in our testimony, Mr. Ottavinia, that we said we would not only provide tons of contact information. But if the Fire Department requests, we'll put in knock box on the front of the building.

Mr. Ottavinia: Excellent. Thank you.

Mr. Weiss: Perfect. Thanks.

Mr. Dusinger: We're ready to do those things. We looked at this application from the point of view. How would we want it to be presented if we lived in Mount Olive? What would we want to happen...you know...have happened. So we hope we've persuaded you that it's good. But we have. So good night, everybody.

Mr. Weiss: And so with that being said, we have no further business on the agenda. So I'll make I'll take a motion if somebody would make it to adjourn.

Ms. Mott: I'll make the motion to adjourn.

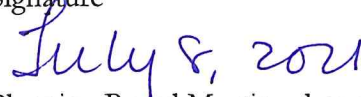
Mr. Schaechter: Second.

All In Favor: Aye.

Meeting Adjourned at 7:43 pm

Transcribed by: Mary Strain


Signature



Planning Board Meeting date approved