

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting
Thursday, May 20, 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

Public Meeting / Remote Virtual Meeting of the Mount Olive Planning Board of May 20, 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. Weiss, Ms. Natafalusy, Mr. Scapicchio, Mr. Forlenza, Ms. Mott, Mr. Batsch, Mr. Nelsen, Mr. Ottavinia

Excused: Mr. Schaechter, Mr. Mania, Mr. Ouimet

Board Professionals in attendance were:

Present: Edward J. Buzak, Esq.
Susan Crawford, Esq.
Chuck McGroarty, P.P., AICP
Mike Vreeland, P.E., C.M.E.
Mary Strain, Board Secretary

Audio and video technology and platform.

Development Applications

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

Mr. Weiss: The first thing I think we are going to bring up on our agenda, I think we are going to bring up the Mooney application first. Oh no we can't because of the notice, correct?

Ms. Strain: Yes

Mr. Weiss: That is correct.

Mr. McGroarty: Okay should we bring up, Mr. Chairman, do you want to bring up Mr. Mooney and explain.

Mr. Weiss: Perfect, let's make sure there are no questions. That would be fair. Mr. Mooney, if you are there, we need your audio and video

Mr. Weiss: No sure if you could hear us Mr. Mooney?

Mr. McGroarty: We'll follow up with him tomorrow.

Mr. Weiss: Okay, so that being the case.

Mr. McGroarty: Okay, sorry to keep interrupting, there is someone identifying as Joe raising his hand. I don't know who that is, do you want me to see who that is?

Mr. Weiss: Lets find out, maybe Joe has something.

Mr. Buzak: I don't see it. I don't see a "Joe" raising a hand.

Mr. McGroarty: Well I just promoted him.

Mr. Buzak: Okay, that's why. Okay thank you. Okay I see Joe there.

Mr. Gates: Good evening, ladies and gentlemen of the Board. Joe Gates, Gates Architectural and Design, and also, I'm not sure why I am not seeing myself on the camera. I have done numerous zoom meetings with Boards in the recent months. Can you hear me.

Mr. Weiss: I can hear you.

Mr. Gates: Okay I am the architect, Gates Architectural and Design working with the Mooney's and ... inaudible... the contactor. I have been in contact with them. I think they were having. I see David Mooney just popped up also, but they are available for 2/10 if that works for the Board and advised them that they would need to re-notice to clarify for the variances for the application.

Mr. Buzak: Okay.

Mr. Gates: ... inaudible... we would be in agreement to make that work to make sure we were in full compliance moving forward.

Mr. Weiss: Okay, so Joe then I guess if they have any questions about the notice and the timing they can reach out to the Planning Office.

Mr. Gates: And again David Mooney's name does show up if you want to try to tell him that he is muted he may be able to confirm that.

Mr. McGroarty: I tried that Joe. This is Chuck. I tried that, but I'm not getting a response so perhaps you can just let them know.

Ms. Mooney: We're here. Can you hear us?

Mr. Gates: Okay now we can. Now you have to turn your audio, your video on.

Ms. Mooney: Click on your name David.

Mr. Weiss: There you. Okay, thanks. We just heard from your architect that June 10th would be acceptable, so you have a bit of an obligation to go out and re-notice. If you have any questions on what needs to happen, you can call Mary in the Planning Office tomorrow. And what we're going to do is carry...

Ms. Mooney: Exactly why are we not hearing this now. This is a very time sensitive matter for me and my family.

Mr. Weiss: Mrs. Mooney, I don't know if you were listening to the problems with your notice that we spoke about, just about ten minutes ago. We explained at length and in detail what the problem is with your notice. It was incorrect and by statute and by law we can't hear your application because your notice was improper.

Ms. Mooney: Can I just ask what was improper about it because I don't know anything about this. This is, I'm just hearing this now.

Mr. Weiss: Did you hear Mr. Buzak's explanation of it?

Ms. Mooney: No

Mr. Buzak: Okay, ...inaudible...I'll be happy, and this is actually Chuck and Mary who mentioned it, but I will try to set it forth, if I am incorrect I ask Mary or Chuck to jump in. Your notice requested a variance among other things for lot size. There is not a variance for lot size that you are seeking. The variance that you are seeking, Chuck is it, lot coverage?

Mr. McGroarty: Yes, it's in my report. Joe perhaps you can help Mr. and Mrs. Mooney with my building coverage, lot coverage and a side yard setback.

Mr. Weiss: Joe you're muted.

Mr. Gates: I was keeping out of the picture for a moment. We will go over that and make sure that all three variances are correctly listed.

Ms. Mooney: Okay, excuse me but I would like to introduce my contractor who has been handling a lot of this for me

Mr. Weiss: We don't need to hear from anybody. Joe your architect has a pretty good understanding of what the notice has to be. It sounds like he offered to help you with it. We just don't need to hear from anybody because we are not having the hearing now. The application needs to be re-noticed and because of the time of the essence we have scheduled a special meeting to be able to you come back on June 10th, so we understand the problems that these technical problems cause and the notice issue. We are just here to confirm that you are good for June 10th and we are going to move on with our hearing. If you have any questions speak to your architect, call the Planning Office, but we don't need to have any conversation about anyone else's opinion.

Ms. Mooney: ...inaudible...

Mr. Weiss: Okay, so we are going to carry the Mooney application to June 10th and it will be re-noticed. And it will be re-noticed. 7:00 PM, June 10th using the same format, the zoom meeting, unless we find out otherwise. So the Mooney application will be carried. Let me go back to my agenda.

Mr. Buzak: No not carried.

Mr. Weiss: I'm sorry it will be re-noticed for June 10th.

PB 21-10 Sliker, Rachel & Thomas, Sliker, 26 Corey Road, Block 5202, Lot 2

Mr. Weiss: Oh, thank you we are. We're going to go to the S?

Ms. Strain: Sliker

Mr. Weiss: Sliker, I'm so sorry.

Ms. Strain: That's okay.

Mr. Weiss: ...inaudible...

Mr. McGroarty: I'm sorry Mr. Chairman, I was, we were all talking. I'm sorry Michael. ...inaudible... I'm not going to demote because I don't want to lose you maybe you can just shut your video off for now and that would be great.

Mr. Weiss: Who's that.

Mr. McGroarty: I'm going to remove you Joe.

Mr. Weiss: You're muted anyway Joe. Ok there you go. And I suppose you're done. There you are, we'll bring you up soon. So let's bring up the Slikers.

Mr. McGroarty: Alright, they're here.

Mr. Weiss: Okay, there they are. Let me just reconfigure my notes for the hearing. Okay, so I'm going to introduce the application which is PB 21-N, Rachel and Thomas Sliker, here for a variance at their property located at 26 Cory Road, Block 5202, Lot 2. Mr. and Mrs. Sliker you can please unmute yourself and I just want to go over a couple of things. You have a copy of Mr. McGroarty's report, I take it.

Ms. Sliker: Yes we do. ...inaudible... by email correct.

Mr. Weiss: So I think what I'd like to do is perhaps we'll swear you both in if you are both going to testify and then we will just ask some bunch of questions and we will talk about the nature of this application. So if would, Mr. Buzak will give you some instructions.

Mr. Buzak: Yes, can each of you raise your right hand. I have to see the hand raised. Do each of you swear that any testimony you will give tonight will be the truth, the whole truth and nothing but the truth so help you God.

Ms. Sliker: Yes

Mr. Buzak: Okay, you can put your hands down, just each of you state your name and address for the record, spelling your last name. Mr. Sliker

Mr. Sliker: Yep, my name is Thomas Sliker, S as in Sam, L I K E R.

Mr. Buzak: And your address?

Mr. Sliker: 26 Corey Road, Flanders, New Jersey 07836.

Mr. Buzak: Mrs. Sliker?

Mrs. Sliker: Sorry my name is Rachel Sliker, R A C H E L, Sliker S L I K E R. Address is 26 Corey Road, Flanders, New Jersey 07836.

Mr. Buzak: Thank you very much.

Mr. Weiss: Okay thank you for that. ...inaudible... We do have our reports in front of us. What I'd like to do, is we're going to create a record and I want either one of you to explain to us the project that you are doing, the reason that you are here in front of us tonight, talk about why there is a variance request and let's see if we can...you know...help move this project along for you.

Mrs. Sliker: Yes okay. So my name is Rachel, we just recently brought the house on 26 Corey Road that used to be a dentist office. I think because there was driveway, there is a second driveway that he had for either for his employees or his patients so when we applied for the permit it said that we went over the 20 percent planned usage. And we just wanted put a pool up because we have three children and we just wanted...well with the covid and everything we just wanted to stay home and do stuff at home so when I went to town to get the permit they just said we are over the 20 percent land usage.

Mr. Weiss: Okay so do you understand what that means. Do you understand what the problem is and if not I can kind of make it simple and essentially explain to you that your plan based on the based on the zoning and the bulk standards of your zone is just a little bit too big for the property that you have. I do have a question for you. If you have reviewed Mr. McGroarty's report, it certainly in Section 2 he talks about ...inaudible... I lost my, talking about the use of a professional planner and although you don't legally have to have one I just want to make sure that you are going to be prepared to discuss the basis for variance relief as noted in Section 2.

Mrs. Sliker: Yes, like, so we actually had a professional, like I didn't know we'd have had to bring him here tonight.

Mr. Weiss: You don't have to do that I was just asking if you are going to be prepared to make the proofs as noted in Mr. McGroarty's report.

Mrs. Sliker: Yes we were...we were not going to do it on our own, obviously so we were going to hire Making a Splash to do the pool. And we are also open, if you guys, if we can't do an inground pool we were hoping we could at least do an above ground pool. I don't know if that is something that we can also can kind of negotiate.

Mr. Weiss: Let me explain the process. We're not here to tell you how to develop your lot. I don't want to tell you can have one but not the other because that's not we do. We are here to enforce the standards in your zone and see if we can work together to make it fit without a variance and if we can't do it without a variance then you are going to need to explain to us what the hardship is and why you can't build it based on the standards that are in place.

Mrs. Sliker: Because...sorry.

Mr. Weiss: No go ahead, I don't mean to interrupt.

Mrs. Sliker: Sorry, because we, so we tried to maybe get rid of the extra driveway, but that would even be more money. Its like the same price as what we are doing. Because, I guess, its hazardous material...the asphalt so we tried to have it removed. Like we called different places to have that extra lot removed so we could go underneath the ...inaudible... and that would just be another, I think, \$15,000.00 to \$20,000.00 as well.

Mr. Weiss: Rachel, I'm going to try to guide you along. Unfortunately, not that we are not sympathetic of that, but in this form of land use of the Planning Board financial impact whether ...inaudible... or benefit has no place in this hearing. It is nothing that we can consider as far the facts that we look at to make a decision. So, I want to try to keep you focused on what we need to do here. Let's start by talking about what you currently have in your house now. Your backyard, I'm looking at a survey, let me just get another document. Tell us what is currently in your backyard.

Mrs. Sliker: A lot of trees. Its just basically trees and the grass. It kind of slopes down so there is a retaining wall there and it just kind of drops down so it's all pretty much just trees and grass. We have not really added

Mr. Weiss: So in your backyard I take it you have a deck?

Mrs. Sliker: Yes.

Mr. Weiss: And then off of that deck is there some other structure, as I'm looking at your survey to the right

Mr. Sliker: It's a retaining wall. So our...the top portion the deck or the top portion of the house, it drops down about four feet and that's why there is a retaining wall and then there is a few more feet of grass and then it goes into like a forest...trees.

Mr. Weiss: It looks like you have some kind of pathway coming from the right side of the house which would be the northeastern side of the house. Is there some kind of walkway from the driveway to the back.

Mrs. Sliker: There is like pavers. Just like rocks.

Mr. Sliker: It wraps around to the front.

Mr. Weiss: So outside of that, you have no other structures that are in the backyard?

Mrs. Sliker: No.

Mr. Weiss: Ok, so I don't know if you understand the concern, but you are allowed to develop 20 percent of your lot. ...inaudible... of coverage refers to. In this case your plan is going to take that developable space and move it anywhere from 23 to 26 percent. In order to do that you would need a variance and so some of the questions that are going to come up, is there anything that you can remove, is there anything that you can do to kind of unwind previously development or improvement on your lot to keep that number closer to 20 percent? And I also just want to tell you the way this works is that, we understand you want and I understand that there's things that you prefer for your family but in this forum you need to show a hardship. You need to prove that you have no other alternative but the plan that is proposed, and therefore, you are deserving of a variance and wanting one isn't the criteria that we are looking for.

Mrs. Sliker: So we could remove those pavers that go, the walkway around house that you're seeing to at least to decrease part of the ...if you go into our backyard it's really just grass area...sorry, its just pavers that walks around the house so if, we can remove those pavers if that helps.

Mr. Weiss: Chuck, I am going to turn to you. Would you say that those pavers would represent anywhere near three percent or ...inaudible... six percent? Catherine, hold on.

Mr. McGroarty: I don't think so, Mr. Chairman. As I mentioned in the report prior to the Slikers owning the property, based on the calculations that I did anyway, its at 23 percent now so its over the 20 percent that's permitted. How that occurred, I don't know. There is a driveway there. There was a home occupation there, a dentist, as Mrs. Sliker had mentioned and the prior owner just did it and never got approvals for it, it would appear, but that amount of ...inaudible... in the driveway seems to be the lion's share of the problem here and then again brining the pool in, at least this size pool proposed, that would add as I indicated another three percent so it brings the total lot coverage up to 26 percent.

Mr. Weiss: Thanks for that clarification about the 23 versus the 26. Again, Mr. and Mrs. Sliker we understand you bought the home, you made that very clear, and what Mr. McGroarty was just explaining is that somewhere along the way, a previous owner, or one even before that, did improvements on the property putting over the 20 percent into 23. Your property currently has 23 percent and your plan is going to move it to 26 percent. You're six precent over the allowable number. Catherine, you had question.

Ms. Natafalusy: I was just going to ask the driveway that extends, if you are looking at the house on the left side, is a very large asphalt driveway according to the survey. What if you removed a portion of that. Is that size driveway needed? Its almost like 3,000 square feet of driveway according to calculations.

Mr. Sliker: For our purposes, no its not really needed, but its just...

Mrs. Sliker: It was already there when we moved, we didn't...

Ms. Natafalusy: Right, but could that bring them down to almost the 20 percent if they remove portions of the driveway? So they wouldn't need the variance? I don't know.

Mr. McGroarty: It would bring them down towards, you can chip away at the driveway to get it down towards the 20 percent and then once you're at the 20 percent by adding the pool you'll be back up to the ...inaudible...

Ms. Natafalusy: Oh, okay.

Mr. McGroarty: The proposed pool is triggering some of the...you know...I don't know what would be possible to get this property under 20 percent and then add a pool to bring it up to 20 percent, so that's just, I haven't done a lot of arithmetic.

Ms. Natafalusy: Ok thanks ...inaudible...

Mr. Buzak: Mr. Chairman, may I ask the applicant some questions.

Mr. Weiss: Sure, go ahead, Mr. Buzak.

Mr. Buzak: Have you had the opportunity to look at Mr. McGroarty's report from May 13th?

Mrs. Sliker: Yes, I read it and...that's why I wasn't sure if I was supposed to bring a presentation to show, but I read it briefly to understand that we went over ...inaudible... from 23 to 26 percent.

Mr. Buzak: Right and those are the facts, but on the second page of his report he set forth really what the Chairman is referring to and that is, the law has certain criteria that has to be met before the Board can grant a variance. The Board, its not simply the Board's you know feeling or the Board's wishes or the Board's sympathy...none of that has anything to do with it. There are legal criteria that you need to meet and prove to the Board that they exist in order to give the Board the opportunity to grant you the variance. They just can't grant it because they like you or they think it's a nice idea and you know you want to have a pool. And I don't say any of that sarcastically, I say it because we need to create the record. So in Mr. McGroarty's report, after you get past what the factual situation is, he says in there that there are certain things that you have to try to prove. He says in this report, in order to justify the increase in impervious coverage, and that's what we are talking about here, the homeowner, meaning you, should explain how one or more of the following apply to the property to support an increase in impervious coverage, and it gives you three different options. And these are not Mr. McGroarty's options, these are what the law says you need to satisfy. So any one of these three. The first one is, is the property exceptionally narrow or shallow or of such a shape as to justify the increasing of the coverage? So is this lot exceptionally narrow from your perspective?

Mr. Sliker: Depth-wise front to back, I would say it is narrow.

Mr. Buzak: Okay, but is it similar to the lots that are part of this development?

Mr. Sliker: ...inaudible... no other houses on the street. It does go further back before it hits the tree lines. Exactly what ...inaudible... as I said I don't know. ...inaudible...

Mr. Buzak: Okay, I'm looking at your survey and it looks like the side yard to the left as you look at your survey the Lot 3, that that lot is the same depth as your lot.

Mr. McGroarty: Sorry I shouldn't interrupt, but the lot is nine tenths of an acre its not a full acre, but that was the permitted standard, it was a 40,000 square foot acre at the time if you will. At the time that was what the town used as opposed to the full acre of 43,560 square feet. This is a conforming lot and its very similar, if not identical, to many of the lots along Corey Road, so I don't think there is anything unusual about the lot in terms of its lot configuration or its shape. It has the amount of frontage, it has the amount of depth, it has the acreage required at the time that is was created.

Mr. Buzak: Mr. and Mrs. Sliker, do you agree with what Mr. McGroarty has just said?

Mrs. Sliker: Yes, I guess our lot is kind of the same as our neighbor to our left and to our right. If that's what he is say. I mean we kind of have more trees closer to us than theirs, but I guess its comparable.

Mr. Buzak: Okay. The next one talks about any kind of exception topographical conditions or physical features that are unique to your property as opposed to other properties surrounding you such as slopes, some other elements that are different on your lot than on other lots in your neighborhood. You mentioned a little bit earlier or somebody mentioned a little bit earlier that some that the lot slopes off in the back.

Mrs. Sliker: Yes, it does.

Mr. Buzak: Can you tell us a little bit more about that.

Mrs. Sliker: So we live right behind the high school, so its almost like a hill. So we have our house and then there is a little piece of yard and then it drops four feet?

Mr. Sliker: Yes, about that.

Mrs. Sliker: And then it drops again. And then maybe 15 feet it drops again all the way and its just a wooded area. It's a little bit rocky out there.

Mr. Buzak: Where you are proposing the pool, where does that fit in to those areas?

Mrs. Sliker: Its closer to the house. That's a little bit more flatter because we did not want dig too much and we wanted to move what dig in there to flatten the other side where the slope starts.

Mr. Buzak: It there anything else that is unusual to your lot as compared with other lots in the neighborhood. in that same development?

Mrs. Sliker: I guess most people just have like a flat yard and ours kind of goes into steps. Its not just like one solid backyard. It kind of slopes like three different steps. And that just how it was when we bought it. And there is a lot of big trees. We have a lot of really big oak trees.

Mr. Buzak: Okay, the third item that Mr. McGroarty cites in his report, are there extraordinary or exceptional situations that are unique to your property as compared to other properties in the neighborhood that would cause peculiar or difficulties or create an undue hardship to you if this variance were not granted. What's the hardship as related to the property not as related to your personal life or family life but as related to the property, is there some unique circumstance on your property that would justify exceeding the coverage requirement?

Mrs. Sliker: No, I don't think it really, I mean I guess the biggest factor that we are learning as homeowners is that we probably should have checked our permits before we ...inaudible... all this, but to the house itself, I guess there is really not hardship if there is a pool or not.

Mr. McGroarty: Do you mind if I ask a question?

Mr. Weiss: No, go ahead Chuck.

Mr. McGroarty: Based on this ...inaudible... do you want to explain again to this Board about your driveway. Is it different? Do other properties around you have multiple driveways as you do ...inaudible...?

Mrs. Sliker: So we got the extra drive onto the right of us that was put on their I guess by not this previous owner, but the previous owner before. So I tried to get an OPRA to see if they had a permit for that, but I went to the town and they could not find anything. The only thing that I could research is that maybe they put it in before, because our house is over 60 years old so it could have just been grandfathered in and it could of just been put in without any permits. I really don't know how the previous owner did that. When we got this, obviously the survey when we bought it, I guess we assumed everything was up to code. We did not know that.

Mr. McGroarty: Let me expand to that. You are correct. There is nothing, I know you did an OPRA. There is no record of it and that excessive coverage that was put down, there is no record for any approvals by the prior owners and it is not grandfathered in so it does not constitute a preexisting use on the property. In short, in plain language, whoever did it, did it without any authorization, but Mr. Buzak, as he was asking the various questions here, while it may not be unique, his question to you is, is your property different from the others in your neighborhood?

Mrs. Sliker: Yes, they are different. Not everybody has that same issue with the extra driveway as we have. We are the only ones who have that kind of property and our property is bigger then most.

Mr. Sliker: And that is mainly because, the house that we purchased, at one point, even though we have not used it, was used as a dentist office and a house business, so that is why they put down the extra driveways so it accommodates the guests, themselves and employees.

Mr. McGroarty: And you no longer have a home occupation, so you don't bring clients to the property?

Mrs. Sliker: No, we brought this house as a homeowner.

Mr. Weiss: When we look at the survey, tell me where is your garage.

Mr. Sliker: Its build into the house. If you are looking at the driveway on the left it makes a right turn going into the house, it is the garage.

Mr. McGroarty: The driveway on the right side, which is identified as an asphalt driveway, you don't use that?

Mr. Sliker: We do have other family members in the household, they use it for parking.

Mrs. Sliker: We have a son that drives, because there is a separate office down there, I guess they probably used it for the doctor's office.

Mr. McGroarty: But you are using it as a single family house?

Mrs. Sliker: Yes, yes.

Mr. Buzak: And Mrs. Sliker, you said that your garage is under your house.

Mrs. Sliker: Yes. I believe that the house used to be a bi-level and at some point one of the previous owners ...inaudible... into it, I guess, so the garage is underneath the kitchen.

Mr. Buzak: So on the left hand side of your survey there beyond the asphalt driveway where it makes the 90 degree turn to get into the driveway, there's all these little boxes, can you tell me what they are?

Mrs. Sliker: I don't know what those boxes are.

Mr. McGroarty: I can tell you what they are. It's the driveway. Someone in the Planning office, in the past, used it on the survey. That's a way of calculating coverage. So they just boxed it off to come up with manageable areas for calculation, but essentially, its all driveway.

Mrs. Sliker: Its all one piece.

Mr. McGroarty: Those boxes are an artificial creation in order to calculate something.

Mrs. Sliker: Yes, and that piece property in the front is like 5 by 22, that's all grass.

Mr. Buzak: Right. Is that all of that area with all those little boxes, all of that is asphalt?

Mr. McGroarty: I believe so, yes.

Mr. Buzak: Okay and that walkway that is shown off of that block that is marked 25 by 55, I'm asking now, the applicants, Mr. and Mrs. Sliker, what is that, just a walkway?

Mr. Sliker: Basically, paver stones.

Mrs. Sliker: Its just stones, like gravel. They just put gravel in there.

Mr. Buzak: ...inaudible... to your backyard. Is that the idea?

Mrs. Sliker: I guess that's where the employees parked and they came up through there and went into the house.

Mr. Buzak: Okay, where the retaining wall is are there steps that go down?

Mr. Sliker: Correct.

Mrs. Sliker: Yes, there are steps. Because the area goes down, so its not flat so there is like I think three steps from where that asphalt area is and it goes up to that walkway that you see and that walkway leads to the back door of the house.

Mr. Sliker: Which is the garage.

Mr. Buzak: Right. Okay and is it your testimony that you don't use that portion of the driveway that is below, for lack of a better word, where that 90 degree turn is?

Mrs. Sliker: Its exactly how it is when we bought.

Mr. Buzak: Right, and do you use that in any way?

Mrs. Sliker: I mean we put like a basketball hoop first ...inaudible... that's it.

Mr. Buzak: Okay, and your son parks on the other driveway on the right hand side?

Mr. Sliker: Yes.

Mr. Buzak: Thank you Mr. Chairman.

Mr. Weiss: So, what we are trying to do is trying to see if there's a hardship based on the comments that Mr. McGroarty made and I'm not seeing one. That's my opinion, so if I want move this along, what is it that we can do to help get us back to twenty percent. Let's look at the swimming pool 16 by 36. Not an overly large swimming pool, but have you ever considered a smaller swimming pool.

Mrs. Sliker: Well that's why we were talking about doing an above ground that's 15 by 30 so we don't have to ...inaudible...

Mr. McGroarty: That doesn't matter. It doesn't matter whether its in ground or above ground. This size is what determines it.

Mrs. Sliker: Yes, but the 15 by 30 pool wouldn't have that patio or pavers around it and it would only be 450 square feet as opposed to this.

Mr. Weiss: Okay so the size of the pool. I guess you're saying that a smaller pool regardless of above or inground is not going to be beneficial to your family.

Mrs. Sliker: No, I'm saying we are okay with just above ground, if you are saying that the inground pool... This is, I think, the smallest inground pool we can get so we are open to just having an above ground pool where we are not really using the square footage just so that we have some type of recreation for our kids, you know, when we are home. I know it doesn't seem like a hardship, but I'm trying to just figure out...

Mr. Weiss: Yes, well this Planning Board is not going to tell you what ...inaudible... Chuck you have a comment?

Mr. McGroarty: I was just wondering, I know Mrs. Sliker said earlier, that its very costly to remove and dispose of the asphalt. Did you ever discuss with the pool company putting the pool where that driveway is now? That is removing some of that driveway and then using that area.

Mrs. Sliker: We have, but I guess the asphalt is hazmat, so he can't do that on his own. I do not know if we can put the above ground on top of that. I have not asked that question. We have been talking to Making A Splash since last year discussing these plans, so we have spoken about getting rid of the area, but because of what asphalt is they cannot not just throw it in the backyard. It's hazardous material, so I don't know if I can put an above ground on top of that area. That is one question I have not asked them yet.

Mr. Weiss: I'm certainly no engineer nor planner, but Chuck maybe you can guide me here. When I look at the extended driveway, as I'm looking at the survey starting with the square that's marked 26 by 52 and including the one down to the 17 by 24. I'm taking that entire area of excessive driveway, I'll call it. I did some real quick math and it comes to be about 2,500 square feet just based on the numbers that are there. I could be off a little bit, but if your property is 40,000 square feet and if you were to get rid of 2,500 square feet that works to be about six percent and the six percent is what we need. If you're talking, you're muted.

Mr. Nelsen: I think its 3,400 square feet.

Mr. Weiss: And that's ...inaudible... I did not really ask.

Mr. Nelsen: Yes, I did the same calculations.

Mr. Weiss: Alright, so you see I know Mr. and Mrs. Sliker you both want to do it, but when we look at the improvements on your yard and your property whether you had anything to do with it, which we certainly believe that you had nothing to do with it, it's there regardless and the idea is to no overdevelop any piece of property, certainly, not one in this zone where you live. And making the pool smaller doesn't seem to be sensible because as you said there is not a small pool that you could put in. So my thought is, is it possible, is it realistic, to get rid of that asphalt. Chuck, I don't know if you have done any quick calculation to determine that area of what I'm calling excessive driveway. Just again, even between Dan and I, if we split the difference that would seem to accommodate to work out to the six percent that we are looking to get rid of or that would certainly help.

Mr. McGroarty: Okay, so I guess what we want to know is that the proposed pool and the walkway around it, as I calculate it, would add 1,117 square feet, which is the extra three percent, so if this application were to come down below 20 percent to accommodate the pool then of course this applicant wouldn't need the variance, which we had a similar situation not too long ago. If they still get rid of that driveway and there is a way to do that, I don't know, I haven't done it tonight. Mr. Chairman they would have to bring the property down to say, 17 percent in order to put the pool in without a variance, as I see it.

Mr. Weiss: I think, and again I'm just trying to help, but Dan's number is accurate, I know that the property is not quite 40,000 square feet. Do we know what the square footage of the property?

Mr. McGroarty: Well, it shows here as .932, so let me see. Roughly, it looks like it's 40,598 square feet.

Mr. Weiss: Oh, alright.

Mr. McGroarty: And that's ...inaudible.... 40,598 and times 20 would be 8,119.

Mr. Weiss: Okay, so I don't know where we can go here, obviously removing all this excessive driveway, it certainly would be very nice.

Mrs. Sliker: Would we be allowed to put above ground on top of the driveway, if we can't remove the driveway?

Mr. McGroarty: I would say yes, as long as you don't increase the impervious coverage that is there today. ...inaudible... if you are not adding to the impervious coverage, but you are using what is there already I don't see that that is subject to accessory structure setbacks and so on. You would probably be able to do it. Mr. Chairman, I am wondering if maybe the Slikers would like to carry this matter and maybe look at some of the details a little bit and some other options a little bit more carefully and come back next month. Maybe they can talk to me in the meantime if they are able to come up with a solution that doesn't require

Mrs. Sliker: I just have a question, basically, if weren't to take off any of the asphalt, plus asking for a variance, what would be the next step then?

Mr. McGroarty: I'm not sure what you are asking, but if you are talking about modifying your application, you can do what I suggested, which is to carry this matter and try and sort that out or withdraw this matter and reapply later, but you are already here and the Board is agreeable to carry it you don't have to deal with that issue at least. That is re-noticing. Ed am I correct, they wouldn't have to re-notice?

Mr. Buzak: I think you're right if we carry the application given some direction or at least some comments that we've given the applicants, we can carry it without further notice to make ...inaudible... and the applicants can react to what we've done and see if they can come up with a solution that would accomplish what they want to accomplish and yet meet the criteria that has to be met.

Mr. Weiss: I'm sure we can get this on for June 10th if you want to iron out a lot of the details that are a concern to the Planning Board. Would you agree with that Chuck, do you think that might work?

Mr. McGroarty: I do Mr. Chairman.

Mr. Weiss: So I turn it over to you, Mr. and Mrs. Sliker, that might be the best advice is to regroup to determine what you need to do. We will get you on for the very next hearing which will be June 10th.

Mrs. Sliker: Okay, and if I have any questions I can call Chuck. Is that correct?

Mr. McGroarty: Not only that, I suggest you do and I will arrange a time for me to come out and meet with you folks at the property and we can take a look.

Mr. Weiss: Okay, so let's do this then, if you are agreeable, we are going to carry this hearing until Thursday, June 10th 7:00 pm using the same format of this virtual Planning Board Meeting. No further notice will be required and again we are carrying this hearing until June 10th.

Mr. McGroarty: Mr. Chairman I don't see any hands raised. I don't know if there is anyone here from the public here.

Mr. Buzak: We should open to the public Mr. Chairman before we ...inaudible...

Mr. Weiss: I am going to do that. At this point let me open to the public. If anybody from the public has any questions, concerns or opinions based on the testimony that we have all listened to so far? I also see none from the public, so I am going to close it to the public and at that point we are going to carry this meeting to June 10th with no further notice. So, we will see you then and let us then continue with our agenda for the evening.

Mrs. Sliker: Okay. Thank you have a good night.

Mr. Weiss: If anybody needs a break let me know otherwise lets get going right into our PB 21-09, the 11th Hour Animal Rescue which is a minor subdivision, d variance and a site plan for property located at 75 Flanders Road, Block 3900, Lot 3. Now for this application, Mr. Nelsen will be stepping down and Ken you're stepping down as well because it is a use variance, with a d variance. John Mania is not here, he would have been stepping down as well, so gentlemen after this application our agenda will be complete, so you don't need to stick around. There will be no further business after this, so I hope you both have a nice evening and we will see you next month.

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

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

Mr. Weiss: So I have just introduced the application and we can turn it over, let me look at my notes, lets turn it over to Don Dusingberre, you are the attorney for this application. I'll turn it over to you and why don't you tell about what you guys need to do here.

Mr. Dusingberre: Thank you Mr. Chairman and members of the Board. Good evening. It has been an interesting evening. A little bit of a roller coaster, but we managed to get heard. Actually I told my clients we would probably get reached about 8:00 or 8:30 so I guess I was right. So 11th Hour Animal Rescue a wonderful organization. I am proud to be here representing it this evening. I'd like to briefly, if I may, make a few opening remarks. The first thing I'd like to address, is the recusal of Dan Nelsen. As you all know from the application, the property that is the subject of tonight's hearing is owned by Dan. And Dan was the operator of the Wagging Tail and still is the Wagging Tail Kennel starting back in 1985 with his wife. Dan had to step down obviously because he has a financial interest in the outcome of the hearing and that was an easy decision for Mr. Buzak and myself to make and we have discussed the issue of Dan's participation for the meeting. The thornier issue is whether or not he is allowed to participate in proceedings. There is some case law out there that suggests a homeowner should always be able to represent their own interests before a Board and that's balanced against the possibility that the appearance by a Board member with his own Board could in some way be perceived by the public to bear undue influence on the outcome, so I as a practitioner had the difficult decision of trying to decide what to do with respect to Mr. Nelsen's participation. As you can imagine, having been a colleague of his for years there is nothing he would like better than to come before you this evening and talk a lot and that was a joke by the way, so in any event, it was my urging for my clients protection that we have him recuse himself and not directly participate. However, having said that I don't think Mr. Buzak would object if we have to call him, but I would like to in the eventuality that there are facts that only he can testify to that we would call him for the limited purpose of answering specific questions on a factual basis and then get him off the meeting. The reason I take this whole position is because its fatal to the application. If a court were to determine that there was any appearance of undue influence the whole thing would have to start over. So it's a risk that none of use want to take and that's why you will not see me call him as a direct witness. We believe that there are many things that we can get on the record satisfactorily with respect to the ongoing operations as they presently exist through other evidence and testimony. If we run into a thorny issue that is very concerning to the Board we may call upon Mr. Nelsen to say a few words. Having said that I just want you all to know that we are not circumventing or shying away from his testimony in a sense what he'd say, only the fact that he is a recused member of the Board.

Mr. Weiss: ...inaudible... that Dan Nelsen is not here on this panel nor is he on the other side either as a

Mr. Buzak: Participant or attendee.

Mr. Weiss: I do appreciate the explanation, but I don't know if its going to be an issue at this point.

Mr. Dusingberre: I don't either, but I didn't want anybody to draw a you know its like somebody pleading the fifth in a criminal case. You always wonder what is it they are hiding or what is it they don't want to say and that's absolutely not the case here. We would be delighted, I've had to put in a lot of extra work to try and figure out ways to get things on the record for you. The OPRA for the Resolutions for example that were part of the application. It was very helpful. So if I may talk to you a little bit about the substance of the application and not the process. This is an application for a minor subdivision to separate a residential home, the Nelsen former homestead, from the kennel facility and I will tell you that the property, even before 1985, the property was a single property with a home and an old delapidated turkey building and a small kennel. And I can tell you these things because they are public record. There are even those Resolutions that

I have submitted to you as part of the application. Briefly highlighting them, in 1985, the Nelsen's came before the zoning Board and asked to have the kennel use expanded and they received an approval to do that and I think they were limited to 35 dogs and 3 employees so they have been at it as a kennel facility providing services to the community since 1985. It's a long trek. Now in 1996, which is the time when Wagging Tails evolved in what you see today, the Nelsen's again, came before the Board, I guess it was a Zoning Board at that time before the merger of the Boards, and they received approval for an extension of the facility to upgrade and I think it is a very attractive facility. It also included the fencing of the runs, the block wall around the runs for sight and sound attenuation and pretty much that approval is what you see today with a small change in 1998 there was a small change to correct a fence along the way there was fence originally to get converted into a block wall, but essentially the 1996 Resolution is what we are working with today and it provided for standards and those standards included the maximum number of 65 dogs and 25 cats. It also provided for hours of operation which notably, and we will talk about this more this evening, included hours when dogs could be outside in their runs, so that is where we find ourselves. We are looking for use variance relief. This is a d1 application. We have noticed for a d1. My notice includes, and I assume the Board has already by even allowing me to start reviewed my notice, that we have met our jurisdictional obligations in notice and publication. I will say this, in the course of reading Mr. McGroarty's I see that there may be the notion of a solid polyurethane fence which appears to be in the front yard because his property has two frontages where the fence location, height and size may require a variance. I will submit that that discovery was not a defect in our notice and simply was included in the catchall language of the notice. So we are here to separate the parcels, to divide a property with two distinctly different uses so that each one is standing in its own right and we are asking for a few waivers and exceptions as they may be differently construed, but nonetheless some waiver of the EIS Stormwater Management Plan and a traffic study. The applicant is not proposing any changes whatsoever to the Wagging Tail site however there is a proposed fence, but as it exists today we are not proposing to change it. The only change other than the fence would be on the necessary driveway on the residential lot because as soon as it is severed the driveway is unnecessary because the existing driveway would be on the 11th Hour property. Unless there are questions of that point, I would like to tell that I have two witnesses this evening. I have Mr. Paul Barish, a representative of 11th Hour and Mr. J. Michael Petry, who is our professional engineer and also a professional planner. Unless there are questions, I would like to call Mr. Barish.

Mr. Barish: Hi guys.

Mr. Weiss: Good evening Mr. Barish. I'm going to have Mr. Buzak swear you in.

Mr. Buzak: Before we do that Mr. Chairman, I have a question for Mr. McGroarty and that is the exceptions that are being requested. Are those checklist items, Chuck, that we need to address before we get into the application or are these items that are design standards? It looks like the stormwater management, the environmental impact statement and traffic study are checklist items as opposed to design exceptions, but I'll pass it to you.

Mr. McGroarty: Yes, I agree with you with one exception. We don't require a separate traffic study, but that is part of an Environmental Impact Statement, I think as Mr. Vreeland noted in his report. Anything over 5,000 square feet does trigger an EIS even though this lot does not have any, to the best of my knowledge, any environmental constraints on it and they are not disturbing 5,000 square feet, they are taking the existing site as it is, but as I understand it they have asked the Board to waive the requirement to submit an EIS. I will refer to Mike on the Stormwater management plan

where and how that's required at least for the waiver requirements and then as I note too they have also asked for a waiver of site plan. We don't have a minor site plan category as I know so that's a small detail that can be sorted out, but they have given us essentially a site plan its just not with all the typical details because it is a built site, so I don't know if they really need a waiver of a site plan, they are just asking for a waiver of aspects of what a site plan would require.

Mr. Buzak: I guess based upon that comment Mr. Chairman I would ask the Board to consider proposing a motion to waiver the submission of the environmental impact statement, a stormwater management plan, although I will defer to Mike. Let me do that be we go on. Mike with regard to the stormwater management?

Mr. Vreeland: I'm comfortable being waived for completeness after we get into the application and we hear what they may be doing in the future with regard to the garage and driveway. We may want to ask for additional information, but for the plan's completeness I have not reservation with a waiver for that.

Mr. Buzak: Okay thank you. I've asked the Board to consider a motion to waive the submission of an environmental impact statement, stormwater management plan and those aspects of a site plan that Mr. McGroarty identified in his report to allow the application to go forward tonight.

Mr. Weiss: Okay and that being said, let's make a request for someone to make that motion.

Mr. Scapicchio: I will make a motion Mr. Chairman.

Mr. Weiss: Thank you David.

Mr. Batsch: I'll second.

Mr. Weiss: Thank you John. And this motion will waive the EIS and another comments as Mr. Buzak spelled out. Any questions or comments. Seeing none, Mary roll call please.

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

Mr. Weiss: Okay, so that being said I guess we are ready, Mr. Dusinberre, for you to bring up your first witness, which is Mr. Paul Barish.

Mr. Dusinberre: Thank you Mr. Chairman. Thank you Members of the Board.

Mr. Weiss: I don't want to interrupt. Mr. Buzak would you like to swear Mr. Barish in.

PAUL BARISH WAS SWORN FOR THE RECORD

Mr. Barish: My name is Paul Barish. Last name is B as in boy A R I S H. My business address is my home, 1101 Appleton Way, Whippany, 07981.

Mr. Buzak: Thank you Mr. Barish. Mr. Dusinger?

Mr. Dusinger: Thank you. Mr. Barish, you are on the executive Board of the 11th Hour?

Mr. Barish: That is correct.

Mr. Dusinger: Alright and is your official position Director of Canine Logistics and Training?

Mr. Barish: That is correct.

Mr. Dusinger: Are you fully familiar with the operations in northern New Jersey of 11th Hour?

Mr. Barish: Yes I am.

Mr. Dusinger: That you include all of its housing of its residents and we referred to animals and dogs as residents, correct?

Mr. Barish: Yes.

Mr. Dusinger: It would include the housing of residents and the various adoption facilities that 11th Hour operates?

Mr. Barish: Correct.

Mr. Dusinger: Okay. Now you yourself have a certain background and expertise in dog and animal training and behavior, do you not?

Mr. Barish: Yes.

Mr. Dusinger: Will you tell the Board a little bit about that please.

Mr. Barish: I earn a living as a professional dog trainer behaviorist. I have what is known as a CBCC KA, Certified Behavior Consultant Canine, Knowledge Assessed ...inaudible... an organization CCPDT which is, I would say probably the most prestigious certifying organization.

Mr. Dusinger: Did you take an exam and courses in order to receive that certification?

Mr. Barish: Yes, a certain amount of hours were required to even apply, professional training and then tests.

Mr. Dusinger: And as you say you do animal training as living and you have a website that you maintain call the Well Behaved Dog.com.

Mr. Barish: That is correct.

Mr. Dusinger: Alright and that's where anyone can go and see what your qualifications are and your background.

Mr. Barish: Yes.

Mr. Dusinger: Mr. Chairman, I am not submitting him as an expert in dog behavior training, but I just wanted to give the Board a flavor of his impact and interaction with 11th Hour. Alright, how long have you been training dogs?

Mr. Barish: I've been training for about 10 years. I've been with 11th Hour for about five and a half years.

Mr. Dusinger: You were asked to inspect and view facilities and in the course of doing that you have looked at the Wagging Tail property.

Mr. Barish: That is correct. I have been there maybe three or four times. Maybe four, I don't remember.

Mr. Dusinger: Okay. Now in preparation for your testimony this evening you've been to the site correct.

Mr. Barish: Correct.

Mr. Dusinger: And you've examined the website of Wagging Tails Kennel? As to its services and hours of operation.

Mr. Barish: Yes.

Mr. Dusinger: And you've reviewed the documents and applications submitted by the applicant including especially the 1996 Resolution containing hours of operation and hours of when animals would be allowed outside?

Mr. Barish: That is correct.

Mr. Dusinger: Okay. So you are pretty knowledgeable about this. Alright, let me ask you a few questions about 11th Hour and history in the community. 11th Hour is a non-profit corporation. Is that correct?

Mr. Barish: That is correct.

Mr. Dusinger: Founded in about 2004?

Mr. Barish: That is correct. It is primarily volunteers. There is staff and it is one of the only no kill shelters in New Jersey for dogs and cats.

Mr. Dusinger: And dogs and cats is the scope of what we are talking about tonight. Correct?

Mr. Barish: Correct. That's all.

Mr. Dusinger: No other animals. No other exotics. Nothing else unusual.

Mr. Barish: That's correct.

Mr. Dusinger: Okay. Now you presently have three main facilities; one in Randolph, one in Roxbury, one in Rockaway. So will you tell the Board about those, no actually let's hold off on that for just a minute. No okay let's do that. Alright so tell us first about what goes on at the Rockaway Mall.

Mr. Barish: The Rockaway Mall, it's a store front. Going forward it is going to be exclusively for cats. Cat adoptions.

Mr. Dusinger: And this is where you offer up animals for adoption to the public and do meet and greet for the most part.

Mr. Barish: Correct for cats.

Mr. Dusinger: Similarly, is that what takes place over in Roxbury?

Mr. Barish: Roxbury is dogs. We do them mostly on the weekends. At Roxbury.

Mr. Dusinger: Any boarding there? Is that a leased property?

Mr. Barish: It is a donated property. The space is donated to us.

Mr. Dusinger: Let's go to the Randolph facility which is leased and where you primarily keep your residents. Will you talk to the Board about that please.

Mr. Barish: Yes, we have been there I think since 2008 or 2009. We've got two kennels, houses, a maximum of 55 kennel runs there in two separate buildings. It is surrounded by some land and you know. It's time we actually need to leave. The property has been sold and we need to find a new place to live.

Mr. Dusinger: Okay, so the property in question tonight, the Wagging Tail facility, that would become a permanent home for 11th Hour?

Mr. Barish: Ideally, yes.

Mr. Dusinger: Now, 11th Hour has a long standing relationship with Mount Olive and the surrounding communities, does it not?

Mr. Barish: That is correct.

Mr. Dusinger: In preparation for tonight's hearing did you get some statistics that you would like to share with the Board about community involvement and how tied we are to Mount Olive and the surrounding communities?

Mr. Barish: These are the statistics we can get until back to 2019. Approximately 570 adoptions to residents of Mount Olive and the surrounding areas. We include Randolph, Netcong, Rockaway also approximately 61 volunteers and 154 fosters in this area.

Mr. Dusinger: Okay. Are you finished? Does 11th Hour provide opportunities to communities for junior volunteers or young adults who want to get service hours or hours for classes and things like that.

Mr. Barish: Definitely, we do junior volunteers. They do stuff in the schools. The kids love it. They really want to get involved and raise money, make things for the shelter and we also have companies that have community time there.

Mr. Dusinger: Now you presently get your residents from out of state for the most part. Is that correct?

Mr. Barish: For the most part. The majority, sure.

Mr. Dusinger: Did 11th Hour hope that in the future with a permanent home that you would be able to extend rescue efforts from local shelters as well?

Mr. Barish: That's a big hope of ours. See, well, what happens, so we get a dog from down south or a bunch of dogs. They are first in foster there. They are basically quarantined to make sure they come up healthy as much as we can help it. Now if we pull from Newark, Philly, and the local shelters, the problem is they are not foster based, they are coming right from a kennel and at our current facility we don't have an exclusive isolation area. A quarantine area and that would happen at Wagging Tail. There are separate rooms and we could use one or two of those rooms for isolation and ...inaudible... it's a big wish of ours.

Mr. Dusinger: Now your current Randolph facility manages averages how many residents at a given time.

Mr. Barish: Forty to 50.

Mr. Dusinger: And is that what you anticipate to happen in Mount Olive, in Flanders.

Mr. Barish: Yes.

Mr. Dusinger: And even though the Flanders facility is a little bit larger by 10 kennels or 10 runs you don't see an increase in your resident base in Flanders?

Mr. Barish: That is correct. There are no plans on increasing staff.

Mr. Dusinger: One might ask you then why do you need the extra 15 runs that currently permitted within the 1996 Resolution? What would you do with them?

Mr. Barish: Convert a bunch of them to isolation, quarantine.

Mr. Dusinger: So you would not be exceeding a maximum of 65 which is the present limitation but you would have more room to move animals around.

Mr. Barish: Yes, we could more properly place them. Proper dogs near each other. That is another thing that I do there. Placing appropriate dogs next to each other, across from each other, whatever it may be.

Mr. Dusinger: So you're consultant when there are issues of an animal specifically and where it should be places or animals that aren't getting along with one another, how they should be separated and those type of daily operational problems.

Mr. Barish: Yes, I deal with the kennel manager. We work very closely on doing that stuff.

Mr. Dusinger: Okay, let's talk a little bit, to the extent that you know, about the Wagging Tail Kennel's current operation, and again, this is based on your personal knowledge and in some degree, some of the records from the current operator. Now, you did review the 1996 Resolution, did you not?

Mr. Barish: Yes.

Mr. Dusinger: And you saw on their website that in addition to seeing a Resolution in 1985 their website also suggests that Wagging Tails has been there since 1985, correct?

Mr. Barish: Correct.

Mr. Dusinger: Can you tell the Board what types of services Wagging Tails presently provides and how do you know that.

Mr. Barish: Boarding, daycare, and grooming. It is right on their website.

Mr. Dusinger: And you have seen evidence of that when you've been to the site personally?

Mr. Barish: That is correct.

Mr. Dusinger: Okay and you've seen rate schedule on the walls and things like that to confirm to you that they do boarding of dogs, and would that be long term or short term, weekends or weeks at a time?

Mr. Barish: Yes.

Mr. Dusinger: And then the daycare is obviously just that, it's during working hours when someone wants to place their dog and they are at work, correct?

Mr. Barish: Correct.

Mr. Dusinger: Okay, now the grooming would be your standard grooming services such as bathing, cutting, nail clipping and that sort of thing.

Mr. Barish: Correct.

Mr. Dusinger: Now, based on your discussions with the owner...excuse me, your average number of residents is 40 or 50, hold on a minute. Alright, now your operation of 11th Hour at this facility would not be opened to the public, correct?

Mr. Barish: That is correct.

Mr. Dusinger: Okay, you would be providing medical care and personal hygiene care and training for the residents.

Mr. Barish: That's correct and enrichment. Sure.

Mr. Dusinger: There would be no public boarding.

Mr. Barish: Correct.

Mr. Dusinger: No daycare.

Mr. Barish: Correct.

Mr. Dusinger: No grooming other than brushing one of your residents as needed.

Mr. Barish: For health reasons, yes.

Mr. Dusinger: Okay, let's talk about new arrivals coming to your facility as you envision it being operated. Let's assume describe to the Board if you will, how animals come to New Jersey and how that process runs.

Mr. Barish: Sure, we have our president and a couple other people. They have contacts at shelters all over the country, down south primarily, but all over and some of these relationships are 10 years ...inaudible.... They come up on a transport, usually a Saturday, about 20 or so dogs and they, since covid, started and we actually like this process and want to continue it. They are basically pre-adopted. Applicants are screened. They apply for these dogs so when they come up they put in their contract as prefilled and they are basically taking the dog if they like it and then they go home with the dog. Alright, but that arrival is not going to be at the Flanders facility, is it?

Mr. Barish: No.

Mr. Dusinger: That's going to be in Roxbury.

Mr. Barish: Correct.

Mr. Dusinger: Will there be occasions when dogs arrive, they would have to go directly to Flanders, to Mount Olive?

Mr. Barish: We do get the occasional midweek transport of three, four, five dogs in a small van, you wouldn't even know its coming and come in boom, vetting staff takes them off, and off they go.

Mr. Dusinger: And now in the unusual event that one of those loads of 20 animals and those dogs come directly to Flanders, describe for the Board we are not talking about a 53 foot tractor trailer are we?

Mr. Barish: Correct. Most of them are just a regular van. You would be surprised at what they could fit in there or like a mini school bus type van. I don't know what is that like 20 feet long or something like that.

Mr. Dusinger: Like a Ford transit or a Ram van, that kind of thing. Not anything big like a box truck.

Mr. Barish: Correct.

Mr. Dusinger: So very inobtrusive, correct?

Mr. Barish: Yes.

Mr. Dusinger: Okay, lets talk about employees. Staff that you envision being on site at this location. What would the morning shift be? Times, hours and number of people.

Mr. Barish: Sure, morning shift is from 7 am to 3 pm. There are two staff, one for each kennel and the kennel manager and then there's an evening shift with just one staff member.

Mr. Dusinger: And that evening shift just runs from 5 to 9 at your Randolph facility.

Mr. Barish: Correct.

Mr. Dusinger: You recognize that those hours exceed the current limitations of the 1996 Resolution.

Mr. Barish: Correct.

Mr. Dusinger: Okay and that's one place where we are going to have to satisfy this Board that that extension of time or that time period is not unreasonable for your operation, correct?

Mr. Barish: Correct.

Mr. Dusinger: So lets talk for a moment about parking spaces. The plans show, although it's a gravel parking lot, or a portion of it, that we've got accommodation for 19 parking spaces. How do you see the need for parking?

Mr. Barish: There's plenty of space, I mean you know, three employees, maybe there's someone else that comes by, so there's usually, some of the employees actually get dropped off there and then you know, the most use of the parking lot is going to be volunteers on the weekends,

specifically on a Saturday, and I want to say there five, seven, you know volunteer cars that come there.

Mr. Dusinger: Okay, now those volunteers, do they pretty much come and leave with an animal to take them out for recreation and training.

Mr. Barish: Sure, pretty much.

Mr. Dusinger: So even if they stayed all afternoon or all day on a Saturday, the most you're seeing here at this peak time would be three staff, maybe a vet, and about seven or eight volunteers.

Mr. Barish: Correct, I think the most I've ever counted in five years was probably around twelve.

Mr. Dusinger: So parking is adequate?

Mr. Barish: Yes.

Mr. Dusinger: Now, I mentioned and you had not as yet, talk to the Board if you will about the veterinarian services that you provide to your residents.

Mr. Barish: Okay, so we have a couple of vet techs. They are part time. For cat vetting, they are actually going to be done at Roxbury and Rockaway. For the dogs, the vetting actually for the transports is done at Roxbury and for the dogs at the kennel, the vet tech comes in a few hours, a few days a week and takes care of the dogs there.

Mr. Dusinger: And at the most it would be, even if it were everyday, it would be one car for about three or four hours.

Mr. Barish: Yes.

Mr. Dusinger: 11th Hour does not own any of its own vehicles, does it?

Mr. Barish: They do not.

Mr. Dusinger: Okay so there would be no overnight parking on-site?

Mr. Barish: Correct.

Mr. Dusinger: Alright, so the only vehicles that come are staffers during open hours or hours of operation and volunteers pretty much?

Mr. Barish: Correct.

Mr. Dusinger: Lets talk about adoption meet and greet visits. Do they take place presently in Randolph where they have the kennels and do you envision any of them taking place in Mount Olive?

Mr. Barish: Yes and yes. There's you know, so, say 20 dogs come up on a Saturday to Roxbury. One, two, three maybe four might not get adopted occasionally, so they will be brought to the kennel and those, you know some people can't come on the weekend, and our meet and greet coordinator will arrange for those meetings during the week. And our statistics for the past 16 1/2 months we have averaged five per week in Randolph, so one per day.

Mr. Dusinger: Alright, so those meet and greets then are done by appointment only. No walk ins will be permitted?

Mr. Barish: Correct.

Mr. Dusinger: In the facility. They are to prequalified families that they have been unable to do their initial meet and greet because of the reasons you have described.

Mr. Barish: Yes.

Mr. Dusinger: Okay, so generally your hours of operation, unlike other businesses who make distinctions between weekdays, Saturdays and Sundays, you are pretty much seven days a week, are you not?

Mr. Barish: That is correct.

Mr. Dusinger: Because rescue dogs have to eat and get out and be taken care of. Okay, so those general hours will be 7 to 3 and 5 to 9.

Mr. Barish: That is correct.

Mr. Dusinger: Lets talk about dogs being outside.

Mr. Barish: Sure.

Mr. Dusinger: And again, that will tend to be seven days a week because of what you just described. These animals are sheltered animals and will be taken care of regularly around the clock, so when do you normally allow your dogs to be outside?

Mr. Barish: So staff comes in about 7 am, they will let the dogs out to go to the bathroom and then they are brought inside, locked inside to eat for about half an hour or an hour and then on a rotating basis, because right now the kennels are two runs that face each other, so one side is let out and cleaned and its rotated. And that goes on for about an hour and a half on each side and then somewhere around, the staff leave at 3 so they start anywhere between 2 and 2:30 to bring the dogs in.

Mr. Dusinger: So if you are talking about 40 or 50 animals or residents on site, how many groups of rotating animals are there?

Mr. Barish: So there are two sides to each kennel, two kennels, so we will call it 12 and 12 on one side about the same on the other side.

Mr. Dusinger: For ...inaudible... alright lets stick with the evening hours because that is the most significant distinction or difference from the approved animal hours. Currently, the restriction in the Resolution from 1996 allows dogs to be outside from 3 to 6 in the late afternoon. Is that workable for you?

Mr. Barish: No, dogs I mean, 6 pm to 7 am is a long to hold it for a dog.

Mr. Dusinger: So lets talk about that evening hour routine. The late shift will come in. Feed the dogs.

Mr. Barish: Between 3 and 5 there is not staff, the dogs are locked in. They can locked in are early as 2:30 and then until 5. Then the staff comes in at 5 they all let the dogs out. The same thing, they feed, they bring them in, they do a different kind of cleaning. It is a less intensive cleaning. They rotate it a bit and for the most parts they start at 8 or 8:15 bringing the dogs in, because at 9 o'clock the staff wants to get out of there.

Mr. Dusinger: Alright, the obvious concern, the 800 pound gorilla in the room so to speak, is whether or not these dogs are going to be anymore upsetting to the neighborhood from the noise or barking point of view then what has presently been there for last 25 years. So will you tell the Board a little bit, how do you manage dogs, how do you deal with the barking and what's particularly unique about this site to you that reduces or minimizes the inclination of animals or dogs to bark. How do you deal with all of that.

Mr. Barish: Apparently, food and toys. They love it. We can have dogs, you may know what a Kong toy is. Stuff that with peanut butter, freeze it, put them in each run and it is dead silent for the next half hour.

Mr. Dusinger: So if somebody hears a dog barking they will go and they will give it a toy or do something to help?

Mr. Barish: They will do it for all of them, especially going forward because the facility is much more conducive to that.

Mr. Dusinger: Tell me for a moment about the exterior. I see on the site plan that there is a block wall around the facility. Actually around the runs there is first a fence, I assume to keep animals in, and then there is another enclosure of block wall and I assume that's a backup to keep escapees in and what other purpose does that serve.

Mr. Barish: Is also for noise, but stimulation. There is no outside stimulation. At the current kennel they can, run or kennel, even though the whole thing is called a kennel, they can see volunteers walking around outside, other dogs. Now there's the wall that you talked about they don't have that stimulation and that's huge and even more importantly, I don't know if I am getting off topic with that, the rooms... dogs don't face each other at the Wagon Tails. They don't face each other and there are compartmentalized rooms. There's one room with 8 runs, another room with 11 runs, another room with 5 runs. Then there's a corridor, there is a totally contained wall and they see nothing else on the inside. You have to open a door to get into that room and then there's gally ways where there's a kitchen, laundry room and then there's the other side with the kennel runs, so they don't see each other, they don't even hear each other.

Mr. Dusinger: If I am hearing you correctly, it sounds like if you were to go out and build a new building from scratch and designs some features to keep barking dog noises on site and to deal with animals properly, you would be looking for fencing a block wall and all of these interior separations that are already provided at Wagon Tails. Is that fair to say.

Mr. Barish: That's fair. It's very ahead of its time. They did not do that stuff back then, but now they have learned to reduce stimulation for the dogs.

Mr. Dusinger: Would you expect at this facility, because of the way it has been designed, will be quieter than your facility in Randolph?

Mr. Barish: Immeasurably quieter I think, yes.

Mr. Dusinger: Do you run music in the facility for animals?

Mr. Barish: Apparently, we have boom boxes, radios and play some calming music, which is specifically for dogs. There are some scientific studies on music for dogs. However, the dogs face each other and its at one end of the kennel so you have to go 50 feet to hear the radio at the other end. At Wagon Tails Dan put a sound system, a built in sound system, so that you can pipe the same music and everyone will hear it at the same volume and they will all fall asleep together.

Mr. Dusinger: If I understand correctly, one of the things that gets dogs to bark is triggers, so we have discussed for the Board the kinds of triggers that you know are out there and what this facility will do that keeps them from getting ...inaudible... if you will.

Mr. Barish: Obviously, seeing people walking by with dogs that may react ... you know a dog doesn't like a dog. Wildlife, there is wildlife over there where we are and pretty much anywhere in New Jersey. Wildlife gets them going. Someone coming in to deal with one dog, it sets off all 25 or 30 in that particular kennel, however now being compartmentalized its not going to set them all off. You don't even hear from across the way.

Mr. Dusinger: Now you know that this current operation at Wagon Tails is owner operated and with the residents immediately on the same site. Obviously with a severance of that from the new facility we will no longer have the good fortune of an onsite operator in the event of any kind of occurrence and the Board would be, I'm sure concerned to know, how you will deal with emergent situations because when your staff leaves at nine o'clock at night. They are not back until seven in the morning and things can go wrong, so tell the Board what your plan is and how you deal with that kind of a situation.

Mr. Barish: First and foremost, we have a lot of volunteers including some Board members that live within five or ten minutes of the kennel. Our kennel manager actually lives between four and five minutes from the kennel. Technologically, we currently have cameras at our current facility. Not very good, its not great, ...inaudible... just in the works, but we want to get something more hard wired into the new place including fire and possible entry...inaudible....

Mr. Dusinger: Sensors?

Mr. Barish: Yes.

Mr. Dusinger: Naturally you would give all sorts of emergency contacts to the Police Department and Fire Department.

Mr. Barish: Absolutely.

Mr. Dusinger: Do you know whether or not there is a knock box on this building? Do you know what that is?

Mr. Barish: I don't.

Mr. Dusinger: Okay, that's a fire entry box with a key in it for the Fire Department.

Mr. Barish: Okay.

Mr. Dusinger: And certainly, I am sure that 11th Hour would be willing to put one on the front of the building if that were part of a requirement. We don't have a Fire Department report this evening, but speaking for Fire Departments everywhere, I'm sure that would be another safety and security issue that could be addressed with a knock box.

Mr. Barish: Pet safety in kennels is our number one priority, period.

Mr. Dusinger: Do you anticipate any significant change in signage.

Mr. Barish: No.

Mr. Dusinger: Alright so you would just repurpose the existing signs?

Mr. Barish: Correct.

Mr. Dusinger: Now have you reviewed Mr. McGroarty's report?

Mr. Barish: I have.

Mr. Dusinger: Okay, so briefly, I would like to direct your attention to it if I could and the points I'm going to get to are in the specific concerns that he raises in Section 7, so Section 7.1 deals with the hours of activity and I think you have already addressed that. 7.22 raises questions about how the meet and greets would be handled and that sort of thing and I think you have addressed that one as well. 7.3 asks about Buildings B and C. On the plans it's been pointed out that you wanted to reserve those for future improvement and Mr. McGroarty has raised the question, what are you looking to do here? Building B as I understand it is the existing kennel that Mr. Nelson has used in the past for his own animals. What purpose would that be put to when you are ready for it or when you have the money to do it?

Mr. Barish: The plan as of now is to make it into a cattery. Still within the 25 cat limit.

Mr. Dusinger: Why would you find that advantageous? Right now the cattery or the cat section is on the second floor of the main building, correct?

Mr. Barish: Correct.

Mr. Dusinger: Okay, so what would a cattery be? I don't really know what that is and I'm sure some the Board members don't know either.

Mr. Barish: Its just like a kennel, but for cats. They tend to be..., if cats can live with each other then they go in groups instead of a kennel run it will be an enclosed glass type thing. Other cats will be in individual housing.

Mr. Dusinger: So if you've got 25 cat kennels or cat units in the main building and the limit on cats is 25, what do you say to the Board when they ask why do you need another 12 or so in the cattery? Does it give you the ability to spread them out for some reason?

Mr. Barish: Yes, you can spread them out. Its nicer. It also has a nice quiet buffer between the current kennel and the proposed subdivision and gives us flexibility to maybe make more office space upstairs or whatever may be.

Mr. Dusinger: Okay, but at no time are you asking the Board to increase the number of cats you have on the site.

Mr. Barish: Correct.

Mr. Dusinger: 25 would be more than an acceptable number?

Mr. Barish: More than enough.

Mr. Dusinger: Okay, building C appears to have been a residence at one time. It has a driveway in front of it. What would that building be used for?

Mr. Barish: That was the original house on the property. Its hard to believe someone actually lived in that its so small. That we want to convert into a home type environment and use it to acclimate dogs that have been in the kennel for a while and just let them live in a home setting for a little bit.

Mr. Dusinger: So you are not just putting them in there and letting them live there, you are talking about, as part of your acclimation process attended with a volunteer who is trained.

Mr. Barish: Correct. We have a TV in there, couches because it makes a difference, so you can get them acclimated to that a little bit.

Mr. Dusinger: They are out of their cage, they are out of their kennel which I'll call it. Now, as part of your process with your residents, do you get involved in training?

Mr. Barish: I do.

Mr. Dusinger: And in trying to modify and help behavioral issues.

Mr. Barish: I do. Its very hard to do it in the kennel environment. I would love to be able to do it in building C at some point and most of it is working with the doctors and fosters. I get phone calls all the time. I go to their houses and I deal with their behavioral issues and often a phone call is enough other times in person.

Mr. Dusinger: Okay, now lets talk about your volunteers and I'm going to kind of combine 7.4 and 7.6 in Mr. McGroarty's report a little bit. 7.4 talks about the location and composition of the privacy fence and 7.6 wants some information about dog walking and how you handle that. First of all, I think you will make it abundantly clear that no dog walking will take place on the roads immediately adjacent to the facility, is that correct?

Mr. Barish: That is correct.

Mr. Dusinger: Okay, so having said that, how do you get dogs their exercise, their training, how do volunteers who are trained and evaluate dogs as to whether or not they are good with other dogs, good with cats? You go through that process as part of what you do, do you not?

Mr. Barish: Sure. Most of the dog on dog meets and or dog testing, the dog comes in and we want to test if its good with dogs, they just walk them around the property with another dog.

Mr. Dusinger: So that might take place on your property, on your site.

Mr. Barish: Correct.

Mr. Dusinger: But in terms of exercise and general walking and training, how does that get handled?

Mr. Barish: Off site, the volunteers like to take them on what are called pack walks. They go to Horseshoe Lake. Turkey Brook is right there and...inaudible... is a very common one. They get the dogs in the car and that is another acclimation tool for a dog, getting them used to the car. A lot of them love the car. They can't wait to get in the car.

Mr. Dusinger: I have to digress for a minute. Is it good to have your dog's head out the window or not?

Mr. Barish: Ha, not too far. Not as far as they insist.

Mr. Dusinger: So the segway back in 7.4 is the privacy fence. You have on-site activities where a volunteer for specific evaluation purposes might be walking an animal on the lawn, which would be arguably outside of the block walls, outside of the protected no stimulation area?

Mr. Barish: Correct.

Mr. Dusinger: So tell us what your vision is for this solid fence and roughly where it is located. Mr. Petry will get to it on the plans specifically, but just in general description and why it would be important to you.

Mr. Barish: Generally, I think its ...inaudible...where the trees are, we would like it along that side, not the other side in front of the building and you know, want reduce any further stimulation and keep everything quiet.

Mr. Dusinger: Alright, so you would prefer a solid fence which may not be permitted by ordinance. It is technically a front yard. It's on Clinton Avenue so you would be asking the Board to give you some relief and I believe the fence is proposed at six feet high. If the Board were inclined to give that relief you would feel that would be necessary to further make sure that there a no stimulations out there that would cause dogs to...

Mr. Barish: It would help, that's for sure.

Mr. Dusinger: Now, just so I'm clear, that proposed location is inside of the existing, fairly heavy evergreen tree line along the property where it fronts on Clinton Avenue.

Mr. Barish: That is correct.

Mr. Dusinger: Okay, so its on the inside, so virtually it would not be seen by the residents on Clinton?

Mr. Barish: Its pretty thick over there, its very hard to see if ...inaudible...

Mr. Dusinger: Lets move on in Mr. McGroarty's report and actually I think I'm seeing that 77 is the engineer, 78 is the engineer, 9, 10. Okay, I think we have finished the factual questions on his report for you. The remaining issues will be addressed by Mr. Petry, so lets wrap this up for a minute in terms of your testimony and I'm going to ask you, I think, the million dollar question and at this point, I think the answer is going to be pretty evident to the Board from what they have heard already. What makes this site so perfect for 11th Hour?

Mr. Barish: I can go into details.

Mr. Dusinger: Please go into details.

Mr. Barish: Its ready to go. Its all ready to go. We have designed something. We designed it similar to this. We want it quiet. We want the dogs relaxed. We also want a nice building and it's a very nice building and a nice area. Its near a lot of our volunteers and we want to get involved with the community more. Plenty of parking, but you know, we would not have to do anything, we could move in pretty much tomorrow.

Mr. Dusinger: How about its location?

Mr. Barish: Oh yes, it's a great location. Its near a lot of our residents, a lot of our doctors, and hopefully new volunteers. We would really like to get involved with that you know with the community.

Mr. Dusinger: And the approximate to Roxbury?

Mr. Barish: Oh yes, that's right we are ten minutes from our locations more or less. Near all the major highways and a lot of our vets.

Mr. Dusinger: And it's a pretty facility that you would be proud to have as your home?

Mr. Barish: Absolutely, Dan did a great job and he'll tell you about all the different trees he has. They are very nice.

Mr. Dusinger: Mr. Chairman I have not further questions for Mr. Barish. Hopefully, I have not missed much and we've laid out a scenario for all of you that will help you to embrace the 11th Hour.

Mr. Weiss: I know you spent a lot of time working on Chuck's report item by item. Chuck, let me turn it over to you. Are there any points you want to have more conversation on. Something you want to clarify or questions on your report.

Mr. McGroarty: No, I don't think so Mr. Chairman. The only thing that we heard testimony about ...inaudible... there are dogs out until 9. I don't know if they are deviating from the am hours from the 1996 Resolution? I did not think they were, but they are they should address that too. That's a sensitive issue, but we heard the testimony about keeping the noise down and from experience ...inaudible... facility, I don't every recall a complaint ...inaudible... whatever he has there and I know Dan of course...inaudible...being dedicated to that ...inaudible... and I have been there myself. I don't there its going to be a problem with noise, but I just wonder, and again I don't know if they are going to be out earlier than previously approved and the Board will have to be comfortable if you approve this about the extra three hours in the evening.

Mr. Dusinger: If I may Mr. Chairman, I do have the 1996 Resolution in front of me. Mr. McGroarty is correct, there actually was a deviation on the morning hours. It says and I quote "the dogs should be permitted in their exterior runs from 7:30 am thru 12 noon and 3:30 pm thru 6 pm on weekdays, Saturdays exterior 9 am thru 12 noon and 3:30 thru 6. Excuse me, Saturdays and Sundays is the same, 9 am to 12 noon and 3:30 to 6 pm, so there is a slight extension based on Mr. Barish's testimony on the morning hours, but based on what's in this Resolution the dogs would be let out later in the morning than was originally contemplated in 1996. I'm sorry I didn't mean to answer for the witness, but it is a factual issue in the resolution.

Mr. McGroarty: Yes, I actually quoted the hours too, in my report on Page 4, into that category of ...inaudible...so the idea would be that you would be out a half hour earlier in the morning and three hours later in the evening?

Mr. Barish: Is that for me.

Mr. McGroarty: Yes, for you.

Mr. Barish: Yes, but it is broken up with the rotation of them coming inside for when ...inaudible...

Mr. Weiss: And Chuck with nothing else, does anybody from the Planning Board have any questions for Paul based on some of the testimony he delivered? Go ahead John.

Mr. Batsch: Mr. Barish, what is the average number of dogs currently at the kennel and how does that equate to what you perceive to be the average number of dogs?

Mr. Barish: On average, there is between 40 and 50 at the kennel and we expect the same. We don't expect to hold 65, we do not expect to expand. That would require more staff. What want to use a whole bunch of the well it is undecided, the Board would vote whether its 5, 11, 15, as a separate area just for...that would be for a bunch of runs for the same amount of dogs. Its actually hard to get dogs to tell you the truth. You cannot order like we want 40 dogs this week. They just send up, we got 20, and that's another limiting factor and that's been forever.

Mr. Batsch: Thank you

Mr. Weiss: Alright, anybody else from the Planning Board? Mr. Buzak?

Mr. Buzak: I have a question, I was curious about the delivery of the dogs. You say they come up from the south in vehicles, I forgot if you described the vehicles, but when they come up where do they go? Are the dropped off, for example, at this facility?

Mr. Barish: No.

Mr. Buzak: If the Board grants approval, what happens?

Mr. Barish: They go over to Roxbury. Transports are designated for Roxbury and these ... during the week. See the dogs get listed on our website, a week to three weeks out before they come and people really scour the page everyday looking for the right dog and so when it comes up the application comes in. Our main coordinator sets these up, so Wednesday, say there's 20 dogs coming in and they have 10 adoptions ...inaudible.... By Friday its usually 18 to 20 of those dogs are already accounted for and like I said, the contracts are prefilled, and this is all at Roxbury. That's our main deliveries.

Mr. Buzak: Okay and what's the source of the dogs. You mentioned getting them down south, that somewhat ambiguous.

Mr. Barish: Texas, South Carolina, some Florida, Georgia. We do

Mr. Buzak: Okay, I'm sorry I just didn't make my question clear. I said the source of the dogs. I wasn't talking about the state, but where do they come from? Are they raised by individual people who breed puppies? Okay that's what I'm trying to get at.

Mr. Barish: No, I'm sorry. Other shelters.

Mr. Buzak: And do those shelters have some kind of central operation where if I run a shelter in one part of Georgia and someone else runs it somewhere else and I have dogs at the shelter and I need to know reduce the number of dogs that I have at my shelter, do I contact you and say hey I have 10 dogs I need to get pick up.

Mr. Barish: Yes.

Mr. Buzak: What's the system?

Mr. Barish: Yes, so our president and a couple other people are in constant contact with the main delivery people at these different shelters and they work with a lot of fosters so we can get an idea of temperament beforehand and we want a nice two week quarantine period before they come up so we know there is no kennel cough. Otherwise, to tell you the truth these dogs are dead down there. They are all kill shelters. Some of them don't even allow volunteers inside. It's pretty sad, so we get pleas from all of them and then some, but we can only take so many.

Mr. Buzak: Mr. Chairman if I may?

Mr. Weiss: Yes, sure go right ahead.

Mr. Buzak: Mr. Barish, I recently adopted a dog from Kentucky and the process that I was involved in was to deal with a rescue such as yours that had a relationship with a foster in Kentucky who had been contacted by the shelter that they had reached their capacity and they were going to have to start killing dogs including mine unless they were fostered and the foster then grabbed the dog out of the shelter and held it and notified the rescue that I worked through. Is that a similar process or experience that you see?

Mr. Barish: Yes, it actually were the name 11th Hour rescue comes from. They are saved really from death row and some of them it's minutes and it really is that close to death. We will also get pleas that dog is going to die unless we take it and we put a plea out for a foster and or an adopter and that's what we are looking for. I don't know what the term the 11th hour comes from, but that's the last minute from World War I, the ...inaudible... to end the 11th hour, the 11th day, the 11th month, so last minute, that's where the name comes from.

Mr. Weiss: Alright, anybody else from the Planning Board? Chuck?

Mr. McGroarty: Just one thing, Mr. Barish, if your Roxbury facility is no longer available when ...audible... by the way is that in the mall?

Mr. Barish: It's a strip mall.

Mr. McGroarty: So if that space for whatever reason in the future is no longer available, what do you do? Would your plan be to bring the animals directly here to the Mount Olive facility?

Mr. Barish: No, that's not our plan. They have moved us from location to location that landlord. We have a good relationship with them. They like us. We bring in traffic. You know we bring traffic to the strip mall and Rockaway Mall. They love us. The plan would be to still not use Wagon Tail as a delivery spot. We could either rent space

Mr. McGroarty: So if the Board were to find to approve this that could be a condition andinaudible...

Mr. Barish: Sure.

Mr. Weiss: Sorry, could we hear that again Mr. McGroarty?

Mr. McGroarty: Right, if the Board is inclined to approve the application because there is still a lot testimony yet, that might be condition that would be imposed that this site not be used as a primary delivery site.

Mr. Buzak: Any reaction to that Mr. Barish.

Mr. Barish: I don't know how to react to that. I mean we have been there for five years in two different locations. They are always trying to make space for us and we are actually doing very well financially now and could likely afford to rent if we had to. The other way is not to me the other way. Your condition is you know that's for I guess the Board?

Mr. Weiss: Well people are looking for you to agree with the fact that your Mount Olive facility will not be a primary delivery site and it seems to be a fairly simple condition because that is what you testified to.

Mr. Barish: Sure.

Mr. Weiss: I'm just saying that we put that in writing and make it a condition of approval.

Mr. Barish: That's fine with me.

Mr. Dusinger: Mr. Chairman, I agree with you. I don't see that as a huge issue. It's not what they do now. It's not what they plan to do. Certainly, it would be a reasonable condition. There is coming and going. If somehow that would change at some point and time in any dramatic way, we don't expect it to, we would always have the opportunity to return here, explain the circumstances and see if there is something else that could be worked out.

Mr. Weiss: Perfect, that's a fine way to resolve it.

Mr. Barish: Covid really taught us a lot and this really works for us. We did it previously and then it really was a great system for us. You know, keep the traffic away from the kennel and just one place to unload and all that, bring them in and get the adoptions done. It really worked out well.

Mr. Weiss: Fantastic. Alright, anybody else from the Planning Board? Let me open it to the public. If anybody from the public has any questions for Mr. Barish, I'll open it to the public. I see nobody from the public with their hand up. If you have a question from the public simply hit the raise your hand button on the bottom portion of your screen. I see nobody from the public so let's close it to the public and Mr. Barish thank you very much for your detailed testimony. I don't think that there's anybody on the Planning Board that now doesn't have a very good idea of the operation of 11th Hour Dog Rescue, so thank you for that.

Mr. Barish: Thank you.

Mr. Weiss: Let us then move back over. Mr. Dusinger, why don't you bring up your next witness.

Mr. Dusinger: Thank you very much Mr. Chairman. I'm going to call Michael Petry from Petry Engineering to give testimony. Alright I'll stop. He's ready for you Mr. Buzak.

Jay Michael Petry was sworn in for the Record.

Mr. Petry: Jay Michael Petry, P E T R Y. I'm a principal in the firm of Petry Engineering located at 155 Passaic Avenue in Fairfield New Jersey.

Mr. Buzak: Thank you sir. Mr. Dusinger?

Mr. Dusinger: Thank you. Mr. Petry you are being offered up to the Board this evening to give testimony in your capacity as a professional engineer and your capacity as a professional planner. As such, are both of those licenses in good standing?

Mr. Petry: They are.

Mr. Dusinger: Alright and in order to persuade this Board to accept you as an expert in those specialties would you please give them an idea of your educational background and the more than hundreds of times you've been called upon to give expert testimony throughout the State of New Jersey.

Mr. Petry: Thank you Mr. Dusinger. I hold a Bachelors Degree in architecture from the New Jersey Institute of Technology, which I obtained in 1984. I have been continually involved in site development and infrastructure improvement projects throughout the state of New Jersey since 1984. I am licensed as a professional engineer in New York, New Jersey, and Pennsylvania. ...inaudible... original license in New Jersey in 1992. I am licensed as a professional planner by virtue of examination since 1994 and I am registered as an architect in the state of New Jersey since 1995. I have testified before Planning and zoning Boards on more evenings than my wife cares to admit, thank you. I would estimate it to be over 1,000 opportunities. Other municipalities within Morris County where I have been accepted include Parsippany, Florham Park, Morristown, Chatham, Wharton, Dover, Roxbury, Chester, and Long Hill.

Mr. Dusinger: Mr. Chairman I open it up for any questions from the Board on Mr. Petry's qualifications and then offer him up as an expert witness.

Mr. Weiss: Does anybody on the Planning Board have any questions for Mr. Petry's qualifications? He made it very clear that his licenses are current. Mr. Petry, have you ever testified in front of Mount Olive?

Mr. Petry: I don't believe that I have.

Mr. Weiss: Okay, well add it to your list. Welcome tonight and we look forward to hearing your testimony.

Mr. Petry: Thank you Mr. Chairman.

Mr. Dusinger: Mr. Petry you have been retained by 11th Hour to prepare the subdivision plans and the site plan for the portion of the property to be conveyed by Mr. Nelsen to 11th Hour namely the current Wagon Tails site. Is that correct?

Mr. Petry: That is correct.

Mr. Dusinger: Would you tell the Board briefly, let's start with your engineering testimony. I know you'll let you run with describing the site, describing what is proposed and then ease into your Planning testimony to justify the use variance that is before this Board this evening and some comments on a variance to permit the solid fence if the Board is so inclined. It's all yours.

Mr. Petry: Okay, if I could share my screen. Did it work?

Mr. Weiss: Yes, it does, perfect.

Mr. Petry: So what is on my screen right now is in essence the aerial photograph that is located on our title sheet. We have blown it up to make it a little clearer and you can see outlined in a solid white line is the property itself. The 200-foot radius is in a dashed white line that surrounds it so our property is in this general rectangle and this is the 200 foot radius going around that rectangle. The existing parcel is designated as Lot 3 in Block 3900. It is commonly known as 75 Flanders Road and to the general public as the Wagon Tails Kennel.

Mr. Weiss: Mr. Petry, I'm sorry, ...inaudible... in Mount Olive we mark each of the exhibits even though they are parts of your plans that have been submitted so we will mark this cover sheet A1 for the record and likewise when you pull up another screen share before you testify to it we will mark it and then you can identify it for us. Thank you, sir.

Mr. Petry: Perfect.

Mr. Dusinger: I will add to that Mr. Chairman, we will provide you with a pdf in the morning or an acceptable formatted document for whatever exhibits Mr. Petry displays this evening.

Mr. Buzak: Thank you Mr. Dusinger.

Mr. Weiss: Mr. Petry tell us what is the title of this A1 exhibit and the date.

Mr. Petry: Its aerial photography and for purposes of presentation we have oriented it in the same general orientation as the plans and the views that you see before you. Flanders Road is along the bottom of this. Clinton Avenue is along the top, and to the right side, this is Elias Drive that leads into the Morris Chase Development. Our property is here located in that outlined area. There are a total of 3.07 acres that make up the lot with just over 500 feet of frontage along Flanders Road and about 235 feet of frontage on Clinton Avenue. There are a series of buildings that are located on the property scattered through the site. There is a single family home down here at the westerly end of the property. There are the two buildings located in the center here. The ...inaudible... will be converted ultimately into a cattery, the original home and then the kennel itself located almost in the center of the property... There are two distinct parking areas. There's a parking area that services the facility immediately to the east of the existing building and there is a Y shaped driveway located roughly in the center of the site that also services the facility and the house itself.

There is a substantial amount of landscaping incorporated in the property including a stagger grow of evergreens along the Clinton Avenue frontage and in fact along virtually the entire property line of this facility. As has been described, the facility includes an overnight kennel for animals, animal grooming and animal daycare. I have had the opportunity to visit the facility and I can provide data as to what I saw and what I observed while I was there. There are 65 dog kennel spaces within the facility and there's space for about two dozen cats. On an average day my understanding is that there are 45 dogs on an overnight basis and the facility is full approximately 45 percent of the year. In addition, they offer dog daycare which averages two to four dogs each week. There's grooming of approximately 36 dogs per week. Visitors include potential customers before someone would leave their animal at this facility. They have an average of about 7 or 8 people a week that visit the facility. Of course, these are all pre Covid numbers. Everything since that time has been somewhat skewed, but I think my point is that there is a fair amount of activity at the site in its current condition. I'm going to try desperately to move onto the subdivision map. The subdivision that

Mr. Weiss: I'm going to mark this A2 Mr. Petry.

Mr. Petry: Right this is A2 and it is S2 in our set. It is the proposed minor subdivision. The applicant before you tonight is seeking approval for a subdivision to separate the home, and that's located here from the kennel facility located here, so what we are looking to do is strike a line from Flanders along an existing fence line that makes up the outside dog run area for that particular building and coming all the way back to Clinton Avenue. In doing that it will allow the kennel property, so everything to the right of that line on the screen, would be able to be sold to the 11th Hour Rescue. The subdivision creates two fully conforming lots. The house lot would have 35,153 square feet. The kennel lot would have 98,928 square feet. Your ordinance requires 15,000, so we are more that double even on our small property. There is an 80 foot lot requirement. Again, the small property is 150. There is a maximum of 20 percent building coverage and 30 percent lot coverage and we are well below those figures for both of the proposed lots. As for the proposed use, you have heard from Paul better than I could ever describe it so I won't regurgitate everything he said, but in terms of the operations of the facility I just want to reiterate that the only thing that happens here will be sheltering of animals. There will be no grooming trips. There will be no daycare trips and the boarding trips are simply eliminated because quite frankly you heard that dogs are bought to another facility and bought here in vans so we don't have individual trips. Why is this important? It is important because we are going to be overall reducing the number of trips on and off this site from a traffic perspective so we will be lessening the impact on the roads based upon this changing use. We do know that, and if I can go to my next sheet . . .

Mr. Dusingberre: Mr. Petry, before you leave this one, did we mark this A2 or are we going to consider this just referred to because its an unchanged part of the engineering exhibits? Mr. Buzak?

Mr. Buzak: No we have marked it A2.

Mr. Dusingberre: Okay.

Mr. Weiss: We can refer to it and know what you are talking about when reading the transcript.

Mr. Weiss: I can't tell whose talking, we don't hear anybody.

Mr. Dusinger: He's trying to change his screen.

Mr. Petry: I'm getting my next Board. How's that?

Mr. Weiss: Understood, that's fine.

Mr. Petry: I apologize.

Mr. Buzak: We had no recording for half an hour tonight, this is minor.

Mr. Weiss: That's true. Very true.

Mr. Dusinger: This would be A3 which is the cover sheet of your plans? Is that where you are stopping?

Mr. Petry: I have a series of photos and they are all in one Power Point presentation so what I'd like to do is kind of just walk them through if I can to give the Board a feel for this site.

Mr. Dusinger: So what I'm seeing right now is not what you are looking to address at the moment?

Mr. Petry: No not exactly, but I'm going to do it this way because that is what I have on my screen, how's that? So, there were questions raised to the proposed driveway that would service the existing house, so I had the opportunity to go out and take photographs from that location at three and a half feet above the pavement level and I established that the site distance in both directions is well in excess of 600 feet so I'm comfortable that we have sufficient site distance. Again, looking at the existing driveway I did the same thing and we can see past Elias in this direction and I can see probably a quarter of a mile or more looking in the westerly direction coming out of the driveway.

Mr. Buzak: Excuse me Mr. Petry, are you referring to a document that's up on the screen because I don't see your cursor moving and I don't see...this is the cover sheet of your plan, is that what you intended to...?

Mr. Petry: Okay, then I'm sorry, I didn't click share this. How's that?

Mr. Dusinger: This is why I asked you if you wanted your cover sheet on.

Mr. Petry: My apologies.

Mr. Buzak: Okay we will mark this A3.

Mr. Dusinger: How many photographs in this exhibit Michael?

Mr. Petry: A lot of them, so I just want to go back to the home page if I can. If I can. So, starting again with the new driveway and I apologize. This photo is taken in both directions. Looking from the proposed driveway, you can see in an easterly direction for more than 600 feet and in a westerly direction for probably closer to a 1,000 feet. At the existing driveway, the look to the east is beyond Elias Drive which is located here so you can see well beyond Elias Drive and you can

see well up Flanders Road in this direction. Its in excess of 1,000 feet in both instances. This is the existing sign for those of you who haven't been by it. The intent is to reutilize the existing sign and rebrand it. Obviously, the entry of the existing facility... and I would personally, I know you guys have heard a lot about the landscaping over the years from Dan, but I had a great time walking and seeing some very unique plants there. It is a beautiful facility. In the forefront of this you can see the block walls that are in the two-story portion of the building that screen the dog runs. In the single-story portion of the building there is a solid fence that screens the dog runs. This is the building that has been used as a kennel in the past but the intent for the 11th Hour is for their future cattery. This is the back of the original house that is on the property, and I think Mr. Barish described exactly the hopes for that in the future and again because this is not for profit, the intention is to do these things over time. The existing residence that's on the property.... And this is that row of evergreens that was referred to. I'm actually standing on Clinton Avenue looking the property. It's on the backside of these evergreens, the double row of staggered evergreens. This is the existing cattery on the second floor for those of you who haven't been there, and this is one of the areas of the kenneling for dogs. There are, I believe, 4 or 5 separate areas. I want to go back to the for a second. Okay, so in this view you can see that there are individual areas for the dogs. They are separated by panels. They each have a door that lifts to allow them out to their outside run, so its very well set up and as was described you can see and hear that there's a wall here on the left side and so the dogs don't face dogs across the walkway from them and that's what makes this such an appealing facility. This is an outside view of those same dog runs and that kind of gives you the idea of photos. Now all I have to do is figure out how to get it off of my screen. I'm going to stop that for a second and find my next Board.

Mr. Dusinberre: Mr. Buzak, so we don't have to number those photos one at a time are we just going to refer to A3 as a collection of photos of approximately, I think there were 10?

Mr. Buzak: I think there were 13, but yes.

Mr. Dusinberre: 13 yes, you counted better than I did. Thank you.

Mr. Buzak: No, I just read his table of contents.

Mr. Weiss: You're giving away your secrets Mr. Buzak.

Mr. Buzak: Sorry.

Mr. Petry: I am at a bit of a frustrating point. Okay, so this is our proposed site plan.

Mr. Buzak: We will mark this A4, this is sheet S3.

Mr. Petry: S3 yes. We have no intention of changing the parking lot. I know that that is an existing gravel lot and we would require a waiver for that. There are no changes proposed to the footprints of any of the building. We do know that all of the building on the site are currently fed from one well and we did receive the Board of Health's recommendation that we put in a new well for this for the 11th Hour facility and we are agreeable to do that. I can also tell you that all of the existing facilities are serviced by a single sanitary sewer lateral that actually comes out of the rear of the existing residence and cuts across and literally connects out in Clinton Road right there. We know the cleanout is there and while we show the sanitary coming from the kennel building tying in out in the street somewhere, my understanding from the owner is that it actually happened on the residential

lot before it ties into the street, so we are calling for that to be tied in separately. Interestingly enough, all of the sanitary waste goes there now and I think by law, at least by DEP law, we are allowed to have multiple buildings on a lateral, which is why we suggest that we would separate it over time. We understand that may have to be done earlier.

Mr. McGroarty: Let me explain, not may, it does. The township requires it.

Mr. Petry: We understand.

Mr. Dusinger: Since Mr. McGroarty jumped in let me also just say Mr. Chairman that the applicant and the owner know that we have to separate those lines and we would just simply ask that if it is a condition of approval it not be a condition precedent to the subdivision of the property, but precedent to any occupancy by the building that requires the connection.

Mr. Weiss: ...inaudible...make a note of that as you just requested. Also I just wanted to

Mr. Buzak: Excuse me Mr. Dusinger, sorry Mr. Chairman, is that the kennel portion that needs to do a connection? Did I get that correct?

Mr. Dusinger: That is correct.

Mr. Buzak: So that portion would not be able to be utilized, the house would be able to utilized. Is that correct?

Mr. Dusinger: Correct.

Mr. Buzak: Okay, thank you.

Mr. Scapicchio: Mr. Chairman, real quick?

Mr. Weiss: Go ahead ...inaudible...

Mr. Scapicchio: Does that mean they have to purchase additional EDU's for that separate facility?

Mr. McGroarty: That is what the Public Works ...inaudible...

Mr. Scapicchio: Sorry I only heard a part of that.

Mr. McGroarty: That is what the Director of Public Works recommended, yes.

Mr. Scapicchio: Okay, thank you.

Mr. Dusinger: May I address that issue just briefly? Mr. McGroarty was nice enough to communicate with Tim Quinn for me and that is the position they currently take. We may have a different view because all of the effluent that is coming off this site is already connected and it is already going to the sewer system and there will be no change in gallonage, but there may still be an

issue of a connection fee. For purposes of this approval, naturally you are going to have to condition again for some aspect of this approval on the sanitary sewer. Does that answer your question Mr. Scapicchio?

Mr. Scapicchio: I'll leave that up to the Health Department and Chuck McGroarty.

Mr. Dusinger: That may be a battle for us another day, but for this Board it clearly is a condition of approval.

Mr. Weiss: What I was going to suggest... I look at the time and its 9:54. I like to end these meetings at 10:00. It does not seem like we are going to get through the rest of it. I'd like us to take a look at when we can continue this application somewhere in the near future. We need to put our heads together. Maybe if you can clear the screen, I'm going to pull up our schedule for.... So we need to look forward when we continue the hearing. We talked about June 10th. We now have three applications for June 10th is that correct?

Mr. McGroarty: Yes.

Mr. Weiss: June 17th I would try to stay away from because we have a major subdivision that could take a bunch of time. I'm not sure, tell me if I'm wrong and then we move into July 8th.

Mr. Buzak: Mr. Chairman, I'm sorry, did we adjourn Sliker to June 10th as well and we have Mooney as well.

Ms. Strain: Right so we have four.

Mr. Buzak: Four on.

Mr. McGroarty: I forgot Sliker, thank you.

Mr. Weiss: And I forgot Mooney so we're even. Okay so June 10th is going to be on the schedule. We don't know about July 8th. Is that even going to happen do you think?

Mr. McGroarty: I don't know Mr. Chairman we are supposed to have gotten revised plans we still have not. I don't know I haven't heard from them.

Mr. Weiss: Alright so you know what, this is killing our schedule, lets go July 8th and if it delays that application then it delays that application. This has been controlling our schedule for a year almost. I don't want to hold up this application. We are making nice progress. I think we could wrap it up. Lets make it the first application on July 8th. Mr. Dusinger if that works for you and your team.

Mr. Dusinger: Mr. Chairman, obviously we're available and we'll make it happen. There is no question about that. I would just like to let you and the Board know that we are looking to be evicted from Randolph. Simply said we are looking to be evicted to anything the Board could do to accommodate this, its on, its running and I would suggest that it has an entitlement other the other two applications that for one reason or another could not be heard tonight and I would respectfully

ask you try and put us on for June 10th. If the Board sees fit not to do that, so be it. I would certainly consent to any statutory requirements for an extension of time.

Mr. Weiss: Chuck, do we, I know we had talked earlier about contacting the applicants from June 10th. Is that a possibility to see if they would move?

Mr. McGroarty: It's a possibility. We have already moved them once to accommodate the solar farm that fouled up their notice the first time, so we pushed these people back, but on the other hand..., well one of them wants a pool as well so I think there may be some concern on his part to We could do this if the Board would like, we could put this one on the 10th and I would leave the first matter on, which is PB 21-06 and I will be about moving the other one to another date, so that would give you, then you will still have the Mooney and Sliker, I forgot about that, so its going to be a busy night.

Mr. Weiss: Hold on one second, I know we talked about it earlier, to throw in a meeting on June 24th, and hear this, and get it done and not make it a very long meeting. I don't know how everyone feels about that. I'm thinking we should. Anyone else from the Planning Board? I know most of you are muted, but Chuck do you have any problem with that?

Mr. McGroarty: I don't, not at all.

Mr. Weiss: Okay, so let's do this. I understand clearly the dilemma and conflict that you have. Let's set up a meeting for June 24th for this application. It will give us a little leeway if we are running tight anywhere else.

Mr. McGroarty: Mike and Ed are available?

Mr. Buzak: I am available.

Mr. Weiss: Mike you're muted.

Mr. Vreeland: As if right now I am available.

Mr. Weiss: Thanks Mike, I appreciate it. I'm just venting because I know what's going to happen. We are going to be so jammed right through June and then July 8th we're going to cancel that meeting based on what's happening. It just annoying. No slight at anybody in this room or on this screen. I'm just venting because we are busy and we're bending over backwards to accommodate, so let's do that. June 24th we're going to hold a special meeting. 7:00 pm, no further notice. Same type of meeting, a virtual meeting unless otherwise noted. Ed, do I need to say anything else because we are holding a special meeting?

Mr. Buzak: No, I just want to reconcile in my mind that we can carry this to a meeting that we don't have scheduled yet.

Mr. Weiss: I'm not sure if we have to do something first to confirm a meeting of the 24th
and then put this application on the

Mr. Buzak: Well why don't we do that Mr. Chairman. Maybe that's the easiest thing, Mr. Chairman, because the purpose of the announcement tonight is to allow any member of the public who was here tonight to know when this application is going to be heard, so why don't we do just as you suggest. Let's first get a confirmation on the Board to hold a special meeting on June 24th at 7:00 pm through the zoom platform. If we get that consensus then we can, I think, legitimately carry this as you suggested, without further notice.

Mr. Weiss: Okay, so do we need a formal vote on the 24th?

Mr. Buzak: I would do that Mr. Chairman just to be safe.

Mr. Weiss: Okay, that's fine, so if somebody on the Planning Board would please make a motion to hold a June 24, 2021 special hearing of the Planning Board.

Mr. Scapicchio: I'll make a motion that we approve a meeting of the Planning Board for June 24, 2021 at 7 pm.

Ms. Mott: I'll second . . .

Mr. Weiss: Thank you. David. Did somebody second that motion?

Ms. Mott: I'll second it Howie.

Mr. Weiss: Thank you Kim. Thank you very much. Any concerns, issues, questions?

Mr. McGroarty: The only thing I would ask Mr. Chairman, if everyone is sure they can attend because I believe that we have six members, seven or six, tonight?

Mr. Weiss: I think we had six.

Mr. McGroarty: And the other members were not present would have to listen to the tape when the applicant is going to need a minimum of five votes for the d variance.

Mr. Weiss: That would be six of us here. One, two, three, four, five, six. As long as all six of us could be there we're fine. Maybe if there's a seventh, we could have that person listen to the tapes.

Mr. McGroarty: Right.

Mr. Scapicchio: I'm clear, I have nothing on my schedule for the 24th.

Mr. Weiss: Yes, I checked as well, I'm fine. John, you're good?

Mr. Batsch: I'm good

Mr. Weiss: Paul?

Mr. Ottavinia: Yes, I'm good.

Mr. Weiss: Alright, so let's do that. We have a motion, seconded by Kim. Any other comments? See none, Mary roll call:

Roll Call:	David Scapicchio	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Paul Ottavina	Yes
	John Batsch	Yes
	Howie Weiss	Yes

Mr. Weiss: And with that being said let's now schedule an application for June 24th which will be this applicant which is PB 21-09, the 11th Hour Animal Rescue will be scheduled on June 24th at 7:00 pm using the zoom format. No further notice will be requested, required, or noted.

Mr. Buzak: Anyone here tonight for this application should appear at the June 24th meeting with the zoon notice as the Chairman has mentioned. Thank you, Mr. Chairman.

Mr. Weiss: Perfect and thank everybody. Just as we close, just one comment I guess maybe Chuck, Mary and everyone else that if we get backed up we can use the 24th to finish up one of those small applications that might be on the 10th, but I think we know better than to say its going to be a quick night on the 10th. It's not going to be and maybe takes a little pressure off of us if we move something to the 24th or carry something to the 24th. It's not going to be our intention and I certainly hope that you know ...inaudible... its been wonderfully prepared I'm expecting efficiency on the 24th so if we can do it, this one application we can, we'll get out of there at a decent time and I do thank everybody for taking some more time out of your schedule to be there on the 24th, and again we understand the dilemma the 11th Hour Animal Rescue is under and we're going to do what we can to see what we can do to help.

Mr. Dusinberre: Mr. Chairman, I want to thank you all, you did save us a month there. That was very gracious of you and I will do my best to get you in and out on the 24th. I can't say for how many questions you'll have, but I think that probably another 20 or 30 minutes for Mr. Petry will end my ...inaudible...

Mr. Weiss: Perfect, we will make sure efficient with regardless how much time it takes. That being said, I have no other business on our agenda tonight, if anybody has anything to add, otherwise I'll see if someone will make a motion to adjourn.

Mr. Scapicchio: Move to adjourn.

Mr. Weiss: Thank you David. Is there a second for that one. Paul, I can see you're making the move. We'll let Paul make the second . All in favor.

All In Favor: Aye

Meeting Adjourned at 10:05 pm
Transcribed by: Susan Grebe