

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 25, 2008**

The Meeting is called to Order by Chairman Novellino at 7:30 p.m.

Reading of the Adequate Notice by Mr. Curcio.

Attorney Greg Vella swore in members: Mr. Barry Frost was sworn in as Alternate II, Mr. Anthony Conoscenti was sworn in as Alternate I and Mr. Robert Bailey was sworn in to fulfill the unexpired term of Mr. Iradi as a regular member.

Salute to the Flag.

Roll Call: Present: Novellino, Bailey, Curcio, Conoscenti and Frost. Absent: Devine, Barthelmes, Morelli and Lambros.

APPROVAL OF MINUTES: May 28, 2008. Mr. Curcio made a Motion to approve and Mr. Bailey offered a Second. Roll Call Vote: Curcio, Bailey and Novellino voted yes to approve.

RESOLUTIONS:

Z07-02 CARDINALE – Block 16, Lots 3 & 4. 143 acres in the RU-P Zone located at Disbrow Hill Road. Applicant seeks to construct a single-family dwelling on the premises. Two variances needed: no frontage on a public street and steep slopes. Original Approval granted 5-23-07. Applicant granted an extension of time on 5-28-08.

Attorney Greg Vella explained that the memorialization of the Resolution would be tabled to next meeting. The Application originally was for the applicant Vito Cardinale. The Deed to the property now reflects that the owner is an LLC. The Board is awaiting disclosure of the actual owners of the LLC. The memorialization is thus tabled to next month. Mr. Pape, representing Mr. Cardinale, explained that Mr. Cardinale put the title into his corporation's name. He will provide a certification of the ownership of the LLC at the time that the application for extension of time was made. Additionally he will provide a statement from Mr. Cardinale indicating his intentions to develop the property as a single-family dwelling have not changed.

Z08-04 PARAMOUNT MARINAS – Block 54, Lot 1. 14.4 acres located in the RU-P Zone Located near Yellow Meeting House Road. The applicant seeks to construct a single-family dwelling house on the premises. Applicant had received his most recent approval in March 2007. Bulk Variance needed. Deemed complete 6-05-08. Date of action: 10-2-08.

Attorney Vella explained that the applicant did not notice properly. They will re-notice properly and re-notice for July 23, 2008, including web notice. Chairman Novellino asked if any members of the audience were there this evening for this application and

he advised that the applicant would re-notice for July 23, 2008 beginning at 7:30 p.m. Since the applicant failed to properly notice, the application will proceed behind any other applications that have been deemed complete as of this hearing in order to be fair to those applicants.

Z08-01SHELLY'S SCHOOL FOR DOGS – Block 57, Lot 33 – Located at Burnt Tavern Road consisting of 56.47 Acres in the BP Zone. Applicant seeks use variance approval to construct a 30,565, two-story building to operate a school for dogs. Bifurcated Application. Variances needed. Deemed Complete 4-3-08. Date of Action 8-1-08.

Attorney Vella advised that he had reviewed the jurisdictional packet and finding same to be in order, accepts jurisdiction over the application.

Attorney Vella reads the following Exhibits into Evidence:

- A-1 Jurisdictional Packet 06/06/08
- A-2 Application dated 04/03/2008
- A-3 Web Notice 06/04/2008
- A-4 Storm Water Management Report prepared by Crest Engineering dated 01/31/2008
- A-5 EIA prepared by Crest Engineering dated 01/31/08, revised 03/10/08
- A-6 Traffic Engineering Investigation prepared by Oracle Engineering, Inc dated 11/28/07
- A-7 Historic Pesticide & Soil Contaminant Report prepared by Crest Engineering dated 05/08/07, last revised on 03/07/08
- A-8 Survey of Property prepared by Crest Engineering dated 7/28/03.
- A-9 One Half Mile Aerial Radius Map prepared by Crest Engineering dated 10/26/07
- A-10 Overall Floor Plan prepared by Richard S. Bacon, Architecture dated 03/27/08
- A-11 Use Variance Plan prepared by Crest Engineering dated 10/26/07 last revised 03/19/08
- A-12 Mounted key map.
- A-13 Mounted colored variance plan.
- A-14 Mounted colored elevation of proposed building.

- A-15 Floor plan prepared by Richard S. Bacon dated April 21, 2008.
- BOA-1 Report of Board Engineer dated 05/27/08
- BOA-2 Report from Planner dated 06/23/08
- BOA-3 NJDEP Freshwater Wetlands LOI/Line Verification dated 06/10/2008
- BOA-4 Environmental Commission Report dated 04/29/08

Attorney Kenneth Pape appeared on behalf of the applicant. He advised the Board that the application before them was a request for Use Variance on a 56-acre piece of property located on Burnt Tavern Road in order to develop a pet care facility (kennel and school). The proposal of the 56-acres is to develop 3-acres for the facility and the remainder would not be developed.

Attorney Pape gave an overview of the professional team that would be explaining the project. Lorali Totten is the professional engineer who would present the site. Dr. Raymond Walker would address the wetland delineation. Mr. Rick Bacon is the architect and is a unique expert. He will present how the inside of the building works. Mr. Leibowitz is the applicant and is an expert in the field. Mr. Fears is the traffic engineer. Christine Cafone is the planner on the project. Ms. Cafone will testify at the next meeting.

Attorney Vella explained that the application is bifurcated

Ms. Totten is sworn in. Her credentials are known to the Board since she has testified before them in the past and she is accepted as the PE. Marked into evidence are Exhibits A-11, A-12 (mounted key map) A-13 Variance plan color rendering variance plan overall site display A-4 mounted color elevations of the building. A-9 1/2 mile radius map of the 56-acres.

Engineer Totten explained the location of the property extends east to west from Burnt Tavern to Route 195. The property has small frontage on Burnt Tavern Road. There are several structures on the property. Presently, the property is farmed. She explained the property. The property closest to Route 195 contains the steepest slope (15%). She offered that this is a unique project regarding the development. Referring to Exhibit A-13, Ms. Totten explained the physical features of the property. The wetlands area would be placed in a Conservation Easement consisting of almost 35-acres. The uplands portion of the property consists of 20-acres. The property is located in the BP zone.

The proposal is for a school for dogs. It includes a 25,000 s.f. facility and parking. Ms. Totten explained that you must travel 1,000 feet from Burnt Tavern Road to arrive at the facility, which occupies 3-acres. She explained briefly that they will be able to meet the Stormwater management requirements. They have conducted test pits for septic on site. They have done pesticide testing and the levels are acceptable. The Monmouth

County Board of Health has issued a report. The property is more than adequate to handle the development.

Board Planner Richard Coppola asked that the plans show the RU-P zoned portion of property to the BP zoned portion. Ms. Totten refers to Exhibit A-12. Mr. Coppola asked her to submit how much acreage is in each zone. She stated that the RU-P Zone contains 8-acres and she would have the exact number at next meeting. She advised that no development is proposed on that portion of property.

Mr. Pape is to forward the Title work to Mr. Vella on a small house located on the property that is landlocked. Mr. Vella explained the landlocked piece and the owner's remedy.

Mr. Pape testified that buffers are to be imposed and the facility is to be isolated.

Dr. Raymond Walker, the applicant's Environmental consultant is sworn in and presents his credentials. He has earned his BS and PhD and has been a professor. He was in the Army Corp of Engineers. He is accepted as an environmental expert. Dr. Walker described the property. He stated that a unique feature of the property is that 30-acres consist of wetlands and buffers. A Farm road leads through the wetlands. He offered that for this proposed use, the driveway does not have to be wide.

Dr. Walker testified that he had submitted an LOI and received information back from the DEP verifying the wetland boundary. The DEP requires a 50-foot buffer. He explained the outflow for the detention basin and minor improvements for the access road. He stated that permits are pending. He testified why this location is the best placement of the facility. He stated that they wanted to avoid the mature woodlands and the steep slopes. They are trying to minimize impact to the property. Some portion of woodlands must be removed. Dr. Walker stated that the area placed in the Conservation Easement that would revert back to woodlands over time. He explained that he had submitted a request for the natural heritage program for endangered plants and animals. He explained a data base search reflected that they had timber rattlesnake, bard owl and bog turtle on the site. He stated that the DEP had sent experts to the site that made a determination that no endangered species are on the site.

Planner Coppola asked Dr. Walker regarding the DEP research, is there anything in writing reflecting that they found none of the endangered species. Mr. Coppola asked the applicant to provide that information to clarify the record. Mr. Pape advised that they will do so.

Mr. Frost asked the date of the DEP's last assessment of the property. Dr. Walker advised that the DEP sends their expert out on their own. Dr. Walker would have to write to the DEP concerning this item.

Mr. Coppola advised that he saw a number of ditches and culverts running along side of the property. He asked if the DEP would approve a wider drive? Dr. Walker advised that you would have to prove that no other use on the property would have less impact than the proposed use. Mr. Coppola asked if guide rails and reflectors along the

roadway be requested. The cart way discussed is 18-feet wide. The applicant wants to pave the entrance way only. Dr. Walker advised that using stone and not pavement reduces Stormwater runoff.

Mr. Frost asked how the applicant would clear the road during snowfall. He offered his concerns about the wetlands. Dr. Walker advised that probably the same procedure would be used that is presently used by the farmer who plows.

Engineer Matt Shafai asked for clarification date of the last revision on the wetlands map on plans. Last revised 3/20/08.

Richard Bacon, AIA, is sworn in by Attorney Vella. He presented his credentials. He has a BA and has designed over 100 of these facilities. He is accepted as an expert in pet care facility architecture.

Mr. Bacon explains the elevation of the building. He stated that the intent is to be of a scale that speaks of comfort. He would utilize cultured stone, have a covered porch, and use natural building materials including woods. The color scheme is warm tone colors and earth tones. He would keep roof lines low.

Referring to Exhibit A-15, Mr. Bacon shows the flow plan dated April 21, 2008, prepared by Richard S. Bacon, AIA.

He presented conceptual elements of the building. There is a grooming area, day care and training areas and an area for boarding. He explained that animals are brought in by the client into general lobby. The reception desk is in the building entrance. He explained that off of the lobby the grooming, pool, cat boarding, and day care areas are located. He explained that day care is for a short term stay.

The facility would have a gym for activities. There is a multipurpose room. The Cattery is for cat boarding and contains its own laundry and service area. The Training area consists of three rooms that can be opened up to create one large room. There are luxury suites. The pet owner can board at different rates. The facility is a courtyard concept with open, natural lighting and green. Mr. Bacon advised that there is not a lot of room for office staff.

Mr. Pape advised that Mr. Bacon has worked with Crest Engineering for the past year on this project.

Chairman Novellino asked about the acoustic features of the building. Mr. Bacon advised that the facility handles noise inside of the building, from inside to outside and outside in. He advised that noise from outside in is almost non-existent. From inside to outside, the noise is very minimal. Mr. Bacon stated that distance is the best way to handle acoustics. They have firewalls that also isolate the inside noises.

The animal waste questions would be addressed by Mr. Leibowitz.

Mr. Bacon stated that the north side of the facility would be for training and the west side for boarding. He stated that each individual suite has a run.

The Board took a break at 9:19 p.m., returning at 9:30 p.m.

Chairman Novellino opened the application to the public at 9:32 p.m. Mark Blackwell 102 Millstone Road, is President of the Millstone Township Trailblazers. He brought with him a map reflecting an area highlighted as a corridor to horse trails. He asked the applicant if they could include a permanent horse trail. There was indication from the applicant that he is amenable. On the exhibit he illustrates where the potential trail would be located. Mr. Pape advised that trails are permitted in wetlands by both the Township and the DEP. Mr. Leibowitz had no problem complying. This would be a condition of the relief that they are requesting.

Seeing no other comment from the public, at 9:36 p.m., the Chairman closed the public portion.

Sworn in Mr. Shelly Leibowitz, the applicant. He stated that he has been in the business for 38 years. He offered a brief history of how he came into the business. His experience is in aiding dogs that have behavioral problems. He has trained dogs in explosive training and drug detective work. He trains dogs in the "schutzen" style of training. He trains instructors so that they can train dogs. Mr. Leibowitz competes on a world class level.

Mr. Leibowitz explained that the property is ideal due to isolation. He explained that the proper facility and the proper management cuts down on the noise. Each dog has an enclosure and its own patio. The enclosures are glass. Mr. Leibowitz reported that they train dogs for a living. They do not want to bother the neighbors. They run a day school program wherein the owners drop off the dogs, they train the dogs and then the owners take the dogs home. They train the dog owners, as well as training future dog trainers.

Mr. Leibowitz explained that they teach owners how to work with their dogs and communicate with their dogs. They will groom dogs and have a dog spa. A pool is the best exercise for a dog. All aspects of training will take place. Mr. Leibowitz offered that it is a one-stop shopping facility and an asset to the community.

Waste removal was addressed. Mr. Leibowitz explained that all feces is picked up and disposed of in the dumpster. No solid waste is put into the septic system. Urine will go into the septic and will be hosed down. Each unit has its own drain. Animal hair cannot go down the drain there is a net to catch that. The tub is cleaned on a dog by dog basis. Hair is bagged and placed into the dumpster. Groomed hair is bagged and placed in the dumpster. He explained different systems to clean the urine but they are researching the best system and they must confer with the Monmouth County Board of Health. The daily water usage is 2000 gal/per day. That is the maximum allowed by the MCBOH. Mr. Leibowitz feels this is more than enough for their purposes.

Mr. Leibowitz stated that at the facility, everything is under control. Dogs are not out of control. They are supervised. The outdoor training area is fenced or perhaps double fenced. The facility is controlled by fencing and individuals.

Chairman Novellino asked about his present school. Mr. Leibowitz advised that the school is in Freehold and they do not board there, it is a day school program located on South Street consisting of approx 4,000 s.f. He advised that they handle 40 dogs/day. They have been at this location for the past 12 years. Mr. Leibowitz stated that there is no outdoor area there and all dogs are hand walked. He has outgrown that facility. Mr. Leibowitz advised that his customer base is from all over the State and out of State.

Mr. Leibowitz stated that this is not a medical facility. It is not a veterinary facility. If an animal is sick, the animal is brought to the vet. He advised the Board that there is no vet on the premises.

The dog enclosure consists of a bottom panel for dogs that is easily cleaned and cannot break. That panel goes up 3-4 feet and then the enclosure is glass to 6 feet.

Mr. Leibowitz addressed the staff at the facility. He explained the importance of having the proper staff and having supervision over the facility. He has key people who provide supervision. A caretaker would live on the property since they would need some there 24/7. The total employees through day and evening would be 21. Day shift would require 10-15 employees (6:00 a.m. to 7:00 p.m.) open for business 8:00 p.m. to 5:00 p.m. The night shift would require 5 employees. The details of this have not been worked out at this time. People can pick up and drop off their pets all through the day.

Regarding training, Mr. Leibowitz advised that they work with the dog for only 15 minutes at a time. It is a 7 day a week operation.

They do not sell or breed dogs at the new facility. They will not host Shows at the facility at this time. The retail aspect would be the sale of leashes and collars since the dogs must have the correct equipment. They do not advertise this since it is a service for their customers.

Mr. Leibowitz discussed the Boarding operation. The animals could be boarded for a single night or for a week or longer.

The applicant would have no further development of the property. There is to be a Conservation Easement with buffers to be in place.

Attorney Vella explained to the Board that if the Board approves the use, the use follows the property. Each application is reviewed on an individual basis and no precedent is set.

The training at this facility would be for individual owners training their pets.

The Board discussed barring dogs shows at the facility as a condition of approval.

The Dog owners bring their own food. Supplies are brought into the kitchen

Supplies are small and can be brought on site via van, UPS, Fed Ex, etc. Garbage pick-up is via a private contractor and monitors the pick-up need. The garbage is disposed of at the landfill.

Mr. Pape asked if any further questions of Mr. Bacon be asked this evening since he resides in Florida. The Board accommodated that request. All other witnesses will return, including the Planner next month.

The proposed Landscape Architectural Ordinance was tabled until next month when Mr. Lambros would be available.

Seeing no further business, the meeting adjourned at 10:39 p.m. by Motion of Mr. Conoscenti and a Second offered by Mr. Frost and by unanimous vote.

Respectfully submitted,

Pamela D'Andrea