

**LOPATCONG TOWNSHIP ZONING BOARD OF ADJUSTMENT
REORGANIZATION AND REGULAR MEETING
JANUARY 10, 2018**

CALL TO ORDER BY VICE-CHAIRMAN LARSEN

SILENT PRAYER

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETINGS STATEMENT: “adequate notice of this meeting has been provided indicating the time and place in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star-Gazette and The Express-Times and by posting a copy on the bulletin board in the Municipal Building”.

ATTORNEY SPOSARO SWORE IN ANDREW HORUN AND RICHARD BITTONE AS MEMBERS; GARY WOOLF AS ALTERNATE 1

ROLL CALL:

Present: Members Horun, Bittone, Unangst, Woolf, Larsen

Absent: Members Devos, Rutledge, McCabe and Chairman Gary

ELECTION OF OFFICERS

Motion to Nominate Fred Gary as Chairman

Motion by: Vice-Chairman Larsen

Seconded by: Member Unangst

ROLL CALL:

AYES: Members Horun, Bittone, Unangst, Woolf and Larsen

NAYS: None

Motion to Nominate Robert Larsen as Vice-Chairman

MOTION BY: Member Horun

Seconded by: Member Unangst

ROLL CALL:

AYES: Members Horun, Bittone, Unangst, Woolf and Vice-Chairman Larsen

NAYS: None

APPOINTMENT OF PROFESSIONALS:

Vice-Chairman Larsen: Uh, just a note here about the Board Attorney; since we received only one RFP, our request for proposal for Board Attorney, the Board will ask the QPA to send out for RFP's again; in all fairness as we do an Open and Fair Process. So we will be temporarily appointing Anthony Sposaro as Board Attorney for the next two meetings.

Motion by: Member Bittone

Seconded by: Member Unangst

ROLL CALL:

AYES: Members Horun, Bittone, Unangst, Woolf and Vice-Chairman Larsen

NAYS: None

Motion to Nominate Paul Sterbenz as Board Engineer

Motion by: Vice-Chairman Gary

Seconded by: Member Bittone

ROLL CALL:

AYES: Members Horun, Bittone, Unangst, Woolf and Vice-Chairman Larsen

NAYS: None

Motion to Nominate George Ritter as Board Planner

Motion by: Vice-Chairman Larsen

Seconded by: Member Unangst

ROLL CALL:

AYES: Members Horun, Bittone, Unangst, Woolf and Vice-Chairman Larsen

NAYS: None

Motion to Nominate Phyllis Coleman as Board Secretary

Motion by: Vice-Chairman Larsen

Seconded by: Member Bittone

ROLL CALL:

AYES: Members Horun, Bittone, Unangst, Woolf and Vice-Chairman Larsen

NAYS: None

Motion to Approve the Zoning Board of Adjustment Meeting Calendar for the Year 2018, Appointments of Official Newspapers and Appointment of Professionals.

Motion by: Vice-Chairman Larsen

Seconded by: Member Unangst

ROLL CALL:

AYES: Members Horun, Bittone, Unangst, Woolf and Vice-Chairman Larsen
NAYS: None

R 18-01

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPROVING ZONING BOARD OF ADJUSTMENT MEETING CALENDAR FOR THE YEAR 2018, APPOINTMENTS OF OFFICIAL NEWSPAPERS AND APPOINTMENT OF PROFESSIONALS

NOTICE IS HEREBY GIVEN that the regular meetings of the Lopatcong Township Zoning Board of Adjustment will be held the second Wednesday of each month at 7:00 pm, except where otherwise noted below, at the Municipal Building located at 232 S. Third Street, Lopatcong Township, Phillipsburg, New Jersey.

IF THE SECOND WEDNESDAY of any month shall fall on a legal holiday, the meeting shall be held on the following day. The dates of the meetings are as follows:

Reorganization Meeting January 10, 2018

<i>February 14, 2018</i>	<i>August 8, 2018</i>
<i>March 14, 2018</i>	<i>September 12, 2018</i>
<i>April 11, 2018</i>	<i>October 10, 2018</i>
<i>May 9, 2018</i>	<i>November 14, 2018</i>
<i>June 13, 2018</i>	<i>December 12, 2018</i>
<i>July 11, 2018</i>	<i>January 9, 2019 – Reorganization Meeting</i>

The Township Clerk through 2018 will prominently post a copy of the resolution in the Municipal Building, 232 S. Third Street, Lopatcong Township, Phillipsburg, New Jersey on the bulletin board and a copy shall be mailed to the Star-Gazette and The Express-Times, which are designated as the official newspapers for publication of legal notices for the Lopatcong Township Zoning Board of Adjustment pursuant to Section 3 (d) of the Open Public Meetings Act, Chapter 231 P.L. 1975.

Anthony Sposaro, Attorney; Paul M. Sterbenz, Engineer of Maser Consulting P.A. and George Ritter of Ruggiero Plante Land Design LLC., are hereby retained as Zoning Board Attorney; Zoning Board Engineer and Zoning Board Planner. These awards are in accordance with N.J.S.A. 19:44A-20.5 et seq.

CERTIFICATION

I, Phyllis D. Coleman, Secretary of the Zoning Board of Adjustment of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Zoning Board of Adjustment at the Reorganization Meeting held on January 10, 2018.

Phyllis D. Coleman, Secretary

Motion to Adopt Robert's Rules of Order, Resolution 18-02

Motion by: Vice-Chairman Larsen

Seconded by: Member Unangst

Roll Call:

Ayes: Members Horun, Bittone, Unangst, Woolf and Vice-Chairman Larsen

Nays: None

R 18-02

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ADOPTING ROBERT'S RULES OF ORDER AS A BASIC GUIDE FOR FAIR AND ORDERLY PROCEDURE IN MEETINGS

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Lopatcong, County of Warren and State of New Jersey, that Robert's Rules of Order Newly Revised 9th Edition is hereby adopted as a parliamentary authority for the procedure in meetings.

CERTIFICATION

I, Phyllis D. Coleman, Zoning Board of Adjustment Secretary, of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Zoning Board of Adjustment at the Reorganization Meeting held on Wednesday, January 10, 2018.

Phyllis D. Coleman
Zoning Board of Adjustment Secretary

OLD BUSINESS:

Motion to Approve the Regular Meeting Minutes of November 8, 2017

Motion by: Vice-Chairman Larsen

Seconded by: Member Bittone

ROLL CALL:

AYES: Members Horun, Bittone, Unangst and Vice-Chairman Larsen

ABSTAIN: Members Horun, Unangst and Woolf

NEW BUSINESS:

- **Kirsten Wurzburg, DVM – 169 Belview Road – Block 87, Lot 1.01** – Establishment of a Veterinary Clinic – Non-Permitted Use in a Single Family Residential Zone. Site in question was previously used as a shop for screen printing shirts that ceased use approximately 3 years ago.

Attorney Edleston: Tony, just, uh, by way of, uh, are there only five qualified to, um, hear this application this evening?

Attorney Sposaro: Yes, that is so. So is your option to, you can present the testimony and ask for a vote, you can punt and wait till next month, or you can present your testimony and (inaudible).

Attorney Edleston: Okay, well I think we'll present our case and ask for a vote. Uh, we have our, our planner here as well as Dr. Wurzburg, so, we're ready to proceed.

Attorney Sposaro: Please do.

Attorney Edleston: All right. William Edleston representing the applicant this evening. Uh, this is an application for a Use Variance. Uh, the application has been what we call bifurcated or divided between the Use Variance aspect and any Site Plan aspect. And, uh, it is a Use Variance to allow Dr. Wurzburg to relocate the veterinary clinic, which she's operated here in the township for a little over 7 ½ years. Um, there's a couple of reasons; one, the site in question is, um, we believe ideally suited for the proposed, uh, relocation of the veterinary clinic for reasons you will hear from her and also from our Planner, Jim Kyle, whose also going to testify on behalf of the applicant this evening. And, secondarily, um, the strip center where she's, um, occupied the veterinary clinic on Strykers Road was, this past summer, sold to St. Luke's Hospital and they've indicated they want her to relocate; they need the space for, for doctors. So that's the secondary reason why she needs to do that. Uh, in addition to a Use Variance to allow the relocation of the veterinary clinic, uh, it will also require Use Variance approval to allow for a second principal use on the lot, because, uh, she also intends to reside there in the house that's located, um, uh, close to the building, which was decided the previous, um, commercial use. So, unless the Board has any other preliminary questions, I'd like to have Dr. Wurzburg come forward, uh, be sworn-in and testify and then, then we can proceed with, uh, Planner Kyle.

Planner Kyle: Certainly.

Attorney Sposaro: Please raise your right hand. Do you swear and affirm the testimony you will give in this matter will be the truth, the whole truth and nothing but the truth?

Dr. Wurzburg: Yes.

Attorney Sposaro: Thank you. State your name; please spell your last name.

Dr. Wurzburg: Kirsten Wurzburg, W-u-r-z-b-u-r-g.

Attorney Sposaro: Thank you.

Attorney Edleston: Before she testifies, uh, Mr. Kyle did take some photos of the site today, so if we could have those marked.

Planner Kyle: This, this is, uh, this is an aerial photograph;

Attorney Edleston: Yes.

Planner Kyle: so just, while Dr. Wurzburg is talking, you can see what's on the place because we don't have a Site Plan before the Board, so.

Attorney Sposaro: Fair enough.

Attorney Edleston: We can have that marked, Tony, as A-1 please.

Attorney Sposaro: It's an aerial photograph?

Attorney Edleston: Aerial photograph with the site and the surrounding properties.

Planner Kyle: Tony, it looks like it 2015 aerial photo and the tax parcel base map (inaudible).

Attorney Sposaro: Since you're jumping in here, why don't we just swear you in and (inaudible). Do you swear and affirm that the testimony you will give in this matter will be the truth, the whole truth and nothing but the truth?

Planner Kyle: I do.

Attorney Sposaro: State your name for the record; spell your last name please.

Planner Kyle: Sure. First name is James; last name Kyle, K-y-l-e, with Kyle Planning & Design, in Hopewell, New Jersey.

Attorney Sposaro: I, I'm personally familiar with Mr. Kyle. He's, uh, serving as Planner, presently in Pohatcong. He is, um, (inaudible) testifying before many Boards and he has (inaudible) qualifications (inaudible).

Planner Kyle: If you have any questions, by all means, I'm, I'm willing to answer stuff. Thank you.

Attorney Edleston: All right then. Kirsten, could you indicate again, for the record, your veterinary clinic and where you operate at presently, and, um, what it actually consists of?

Dr. Wurzburg: We're at 200 Styrkers Road, in the strip mall, um, at School House Village and been there, um, about 7 1/2 years, since, uh, August of 2010. Uh, have been very happy with, uh, the township, the clients I have obtained from the surrounding areas and they seem to like me as well. I keep getting

more, so that's good. Um, and we do, mainly cats and dogs, um, no large animals, no farm animals or anything like that. Occasional pocket pet; like rabbit or, uh, ferret, rat, something like that.

Attorney Edleston: Do you have, uh, clients from Lopatcong Township there as well?

Dr. Wurzburg: Oh yes,

Attorney Edleston: Okay.

Dr. Wurzburg: very much.

Attorney Edleston: Uh, how many employees are at the, uh, clinic at the present time?

Dr. Wurzburg: At present, um, I have three that, um, only two work at a time.

Attorney Edleston: And, what do they essentially do?

Dr. Wurzburg: I have a receptionist that answers phones, deals with the clients, checking them in and out and, uh, surgeries and anything like that. And then I have a technician that helps me in the exam rooms, surgery room and with, um, the patients.

Attorney Edleston: And what are your hours that you operate the clinic at the present time?

Dr. Wurzburg: Monday's and Wednesday's, 9 to 7; Tuesday's, 9 to 5; Thursday's, 9-4 and Friday's, 9 to 6.

Attorney Edleston: And would your, any, any Saturday's or Sunday's?

Dr. Wurzburg: No, no weekends.

Attorney Edleston: Then would your hours differ at all in the new location?

Dr. Wurzburg: No, they would stay the same.

Attorney Edleston: Number of employees differ at the new location?

Dr. Wurzburg: No, exactly the same.

Attorney Edleston: Now, you're surrounded by commercial tenants at the strip mall, is that not correct?

Dr. Wurzburg: Correct.

Attorney Edleston: And, uh, have you ever had any complaints from any of the adjoining tenants, uh, regarding any noise from your location?

Dr. Wurzburg: None at all and we are only separated by a thin wall, so.

Attorney Edleston: Okay. Uh, is any kenneling involved with connection with your clinic?

Dr. Wurzburg: There will be no kenneling; no dogs or cats that stay overnight. Um, we have plenty of emergency facilities in the area that we send them to if they have to do that.

Attorney Edleston: And, and basically nothing is kept overnight then at your clinic, is that correct?

Dr. Wurzburg: Nope, nothing at all, the only animals that we have are during the day, uh, and the only ones that stay are if they have their surgery and that's only for a few hours.

Attorney Edleston: Um, as far as the number of clients that come to the site, are they all by appointment?

Dr. Wurzburg: Yes, by appointment and we schedule appoints, typically, 15 – 30 minutes apart, um, depending on what is going on. So most of the time we only have, at most, two, possible three clients there at, at one time.

Attorney Edleston: Okay. And, uh, as far as why this particular site you believe is suitable for relocating your clinic, can you indicate what's attracted you to the site and why you think it's appropriate?

Dr. Wurzburg: Definitely. The area is definitely very nice. I think it is very, uh, aesthetically pleasing when you come up to it for someone that's bringing their animals to you. Um, it's not a strip mall that looks all business-like and, uh, where it's more, uh, easily that animals could get away or be hurt be different, um, cars and stuff like that. It's very highly trafficked area, whereas, this is not; it's more remote; there's a lot of land around it. Um, we could put up fencing stuff if we need to, um, to allow the animals to make sure that they're not able to get away. Um,

Attorney Edleston: Okay. Now a question was raised in Mr. Ritter's report regarding the adequacy of, um, the, uh, septic serving the site. You're a purchaser under contract at the present time, correct?

Dr. Wurzburg: Yes.

Attorney Edleston: And that's subject to getting variance approval

Dr. Wurzburg: Yes.

Attorney Edleston: from this Board. Um, can you tell the Board, as far as you know, what the condition is of the existing septic systems?

Dr. Wurzburg: Yes. The, um, house system has, is being completely redone; um, a new one is being put in place and, uh, the clinic one, I believe, um, the only thing that we know was that they couldn't pass a pipe, I believe, or something to that effect.

Attorney Edleston: So there's, there's two systems, correct?

Dr. Wurzburg: They have, there are two systems separate, um, building and separate house. Um,

Attorney Edleston: And to your knowledge, both of those are going to be replaced, is that correct?

Dr. Wurzburg: Correct.

Attorney Edleston: Okay. What about the medical waste, that question was also raised in, uh, Mr. Ritter's report?

Dr. Wurzburg: Uh huh. Medical waste goes completely out to a medical facility. We keep, we, um, bag it all up and then they, someone comes and picks it up as needed.

Attorney Edleston: All right.

Dr. Wurzburg: So nothing would be, uh, exposed of at the site.

Attorney Edleston: Now, in addition to the, uh, house and the building that you anticipate operating the clinic in, are there any other buildings on the site?

Dr. Wurzburg: There's one other building, I guess, um, a 1,000 sq. ft. building on the side that they currently use as, I think, an exercise room. Um, and then there's a shed.

Attorney Edleston: All right. And what is your proposed use of those two structures?

Dr. Wurzburg: Um, mostly, uh, lawn maintenance equipment to take care of the landscaping and everything and of the five acres.

Attorney Edleston: And what about as far as your use of the actual building where the clinic is going to be? Are you going to use the entire square footage or not?

Dr. Wurzburg: No. Right now, um, in my, the strip mall, we're at about 3,200, so it's more than enough for us. We are doing right around 3,500 of that space that we're going renovate.

Attorney Edleston: And what about the balance of the space?

Dr. Wurzburg: Um, I'm sorry, I don't understand.

Attorney Edleston: Another words, is that going to remain vacant or unoccupied, or

Dr. Wurzburg: Yes.

Attorney Edleston: Okay. What about, what about storage of any materials or supplies where, where would that occur?

Dr. Wurzburg: In the 3,500 sq. ft.

Attorney Edleston: All right. So how many, how many rooms will actually be examining rooms or operating rooms in the, in the, uh, building?

Dr. Wurzburg: So there will be two exam rooms and there will be an operating room and then there'll be some, um, cage rooms and reception and pharmacy, radiology.

Attorney Edleston: And the cage rooms are for the purpose of, of what?

Dr. Wurzburg: Of the animals that are going to be come, uh, having surgery that day.

Attorney Edleston: Okay. And do you propose to, also, reside in the house that's located there?

Dr. Wurzburg: Correct.

Attorney Edleston: And, uh, that'll continue a single family residence, right?

Dr. Wurzburg: Yes.

Attorney Edleston: There's not going to be in multi-family residences?

Dr. Wurzburg: No.

Attorney Edleston: Mr. Ritter's letter indicated that had previously been.

Dr. Wurzburg: Right.

Attorney Edleston: Okay.

Dr. Wurzburg: No, it is going to be a single family home, that's it.

Attorney Edleston: Okay. All right, I have no other basic question of Dr. Wurzburg. I'll leave that up to the Board and the Professionals.

Attorney Sposaro: I know that you haven't laid out a Site Plan here, but in your opinion based upon your experience with your clientele, do you think there's adequate space and area to provide parking for you, your staff and your clientele?

Dr. Wurzburg: I definitely do and I know Mr. Kyle has looked at the, the, um, area surrounding and everything and he, he believes the same.

Attorney Sposaro: Have you talked to any of your, uh, perspective neighbors, uh, an approached them to see how they feel about this?

Dr. Wurzburg: I have not. The only thing that we did was send out letter that

Attorney Sposaro: Has anyone approached you?

Dr. Wurzburg: No.

Attorney Sposaro: Thank you.

Dr. Wurzburg: Mm hmm.

Member Bittone: I have a question about your, your current condition and your current staff that you, that you have now,

Dr. Wurzburg: Yes.

Member Bittone: You say you had two or three full-time?

Dr. Wurzburg: Correct.

Member Bittone: Are you in any way limiting yourself to that or are you allowing yourself for expansion?

Dr. Wurzburg: I don't foresee much expansion in the future in the future. Um, I am only a single practitioner; I don't want to become a partnership or anything like that. So, I don't need any more than what I have at the moment. Um, I, you know, I may get more, a few more clients and stuff just to balance out day to day, but as far as going further than that, I don't have any desire to do anything more.

Member Bittone: Okay.

Member Horun: Are, are there situations where you have emergencies where you might show up; be placed on call, things like that?

Dr. Wurzburg: Rarely, most of the time, uh, if we do, uh, especially if we already have a booked schedule, we farm it out to the local emergency.

Planner Ritter: I just have one, you indicated that all the septic fields are being rebuilt, um, do you know what the, uh, current, for lack of a better term, manufacturing building there? What the gallonage is been approved for on that?

Dr. Wurzburg: No.

Planner Ritter: Okay, well, I just, I just, I just wondered how, how big a system you were putting in, considering that you indicated you are going to use about 3,500 sq. ft. and I think, wasn't it close to 6,000 is what's out there right now?

Dr. Wurzburg: Yeah. Uh, I guess our numbers were a little bit off; it's 5,000 plus the 1,000 sq. ft. building; they were combining that into the 6,000

Planner Ritter: Yeah.

Dr. Wurzburg: not plus that other 1,000, so, yeah, the, um, the actual building where the septic would be pertaining to is 5,000 sq. ft.

Planner Ritter: Okay. And, but you don't, you haven't gotten in to the design, but it will be something you will cover in Site Plan in terms of how big a field you are putting in, the gallonage, that sort of thing.

Dr. Wurzburg: Right. I don't know at the moment.

Planner Ritter: Okay.

Attorney Sposaro: Is there a need for the professional services that you rendered in this area?

Dr. Wurzburg: I definitely believe so. I've been, um, here for 7 ½ years and my clientele has con, considerably expanded in that amount of time. I have more and more clients every day that are new. Um, besides the returning ones that have come to me. Uh, word of mouth is extreme in this area and, um, especially all the developments around the area; people come and talk to neighbors and everything about me, and they come from there. And a lot of them like it to because they can walk to my place of business; which they seem to really enjoy. Especially with their dogs; not necessarily their cats, but, um, you know we have people all the time that will, will walk there and I think since we're still relatively close, we will still have a decent amount of people that can do that.

Attorney Sposaro: On the rare occasion that you take vacation, do you have someone come to your facility and cover for you? Or do you just send people elsewhere?

Dr. Wurzburg: I do not. We just, yep, we close down for, for the whatever time period and send them to the few other places in the area.

Attorney Sposaro: Thank you.

Dr. Wurzburg; Mm hmm, welcome.

Vice-Chairman Larsen: Do any of the Board Members or the Professionals have any other questions?

Planner Ritter: Do you, can you describe for the Board sort of what was in the building in the past? I know it was, a, a printing business.

Dr. Wurzburg: Mm hmm.

Planner Ritter: Um, but in terms of general intensity, uh, do you have any, I, I don't, that's why I'm asking.

Dr. Wurzburg: No, when we went there, there was nothing in, in the building.

Planner Ritter: Okay.

Dr. Wurzburg: It was all completely open.

Vice-Chairman Larsen: Any questions from the public? We will close it to the public at this point.

Attorney Sposaro: Your next witness.

Attorney Edleston: Yes, Mr. Kyle. Jim. You save me some time by not having to go through Mr. Kyle's qualifications. He is Planner for quite a few municipality's, as well as he's testified or whatever, so. Jim, uh, give us an overview of, uh, you know, your evaluation of the site and then we will get into the standards that we need to address this parcel as far as proofs are concerned.

Planner Kyle: Sure. So I was obtained by the applicant to review the, um, variance issues associated with this proposal, which is to relocate the veterinary clinic, uh, to this location. Uh, about the (inaudible) we discussed the application, the operations, I looked at the ordinance and Master Plan, reviewed the letters from your professionals as well. I also visited the site, uh, today and, and reviewed that. I also prepared this exhibit, um, and to just to get this A-1, is a 2015 aerial photo and tax parcel base map, uh, prepared by me. This shows the subject property, Block 87, Lot 1.01, outlined in yellow and this kind of strange anomaly where the township boundary goes up and around in this little T here;

Planner Kyle (Con't): we have Harmony Township, just to the north. So on this, on this exhibit, north is up, uh, west to, to the left, east to the right and south is down. So what you see, we're located on the North side of Belview Road; uh, the Farmer's Fair, the Warren County Farmer's Fair is located to the North, so all the property that is to the north of us is associated with the Farmer's Fair, where it's owned by the county. And that is true with the Lot 87, Block 87, Lot 1 to our east as well. And you can see clearly in the exhibit, we have some single family homes that are located on the north side of Belview and also on the south and then, uh, this new neighborhood that's across the street to the south, that is currently being developed. The houses are, a lot of them are under construction, they just don't show up in the aerial because this is, uh, at this point three years old, just about. Um, so the site's approximately 5.18 acres and we're located in the R150 Zone. Um, you can see that we have structures on the lot, so as you come in from the driveway, which connects with, with Belview Road, uh, to the north, the structure that you see immediately at the end of the driveway is the existing single family home, which is in great condition. It's a beautiful old house, uh, dates from the, the 1700's. Uh, it's been, uh, renovated, it's been up kept very well; beautiful structure. And then off to the, to the west, on the left side of the drawing, you can see the 5,000 sq. ft. building is the larger, uh, building that appears there immediately to the west, and then just to the north of that is the, is the 1,000 sq. ft. building, there's also a shed that's

tucked, uh, just to the north side of the existing 5,000 sq. ft. building. There's also a stand-alone garage that is located, a single car garage, that's located there, as well as another shed. You can see in the top right hand corner of the lot, is, uh, more associated with the single family use that we have there. There's a gravel area, well it's not gravel, it's paved, uh, parking area that's located; so if you enter the driveway and turn left at the house, you cross over and then there is a parking area on the left. So I know that, you know, again, we're here with a bifurcated application if the Board chooses to approve, we'll come back with a Site Plan, uh, but there is adequate space on the left hand side there as you go in, uh, for some parking and we'll, we'll get to more of the parking issues. I think it is important to talk about it at this phase of the Use Variance just so that we make sure that, you know, that the use is appropriate for the site and that we can accommodate the use. Uh, but again, we'll, we'll prepare a Site Plan if we're approved and come back with all those details about, uh, parking and lighting and things like that. But, uh, based on my observation out there, um, I know Mr. Ritter had a comment in his letter about the parking based on the square footages, but, honestly, you know, we don't need anywhere near twenty some odd parking spaces, uh, as Dr. Wurzburg said. You know, we have two employees, other than herself and she'll be residing at the site; so her car won't be coming here. And then again, two, two to three, um, clients that come at a time; so really it's something more like, you know eight, nine, ten spaces; employees can park up on the north side of, of the building, there's adequate room over there, as well, for parking. So, um, we'll, we'll detail that, but based on the improvements that we have out there, it's sufficient to accommodate the use. So we do require two "D" Variances for this, um, application. One is for the veterinary clinic use, which is not permitted in the residential zone and also, uh, the ordinance prohibits two principal uses on one site. So we have the single family use as well as the proposed veterinary clinic, which is the second principal use. So we do require "D" Variance relief for that. So when we look at the permitted use, and Mr. Ritter covered this in his memo, um, single family dwellings, farms, municipal buildings, public schools and nonprofit private schools, parks and playgrounds and recreation areas, and then permitted accessory uses include, uh, private garages, customer/residential storage structures, uh, animal shelters, and other customary structures, such as smoking coals, fireplaces, uh, things of that nature. Uh, signs, off street parking, in home office use as well as outdoor bulk storage. So, you know, obviously the, the general intent of the zone is more focused on the single family aspect, if you look at the permitted uses and reviewing the Master Plan and the ordinance, that's really what the, what the leaning is here. So, in terms of the Use Variance, uh, and, you know, essentially these can kinda fall under one umbrella of testimony. For the Use Variance we don't necessarily have to separate them; the proofs are essentially the same. Um, and we have to demonstrate both the positive and negative criteria and for a "D-1" Variance, on the negative, we have to show you an enhanced quality of proof, which is that the variance is not in consistent with the intent purpose of the Zone Plan, a proof that basically reconciles the fact that this is not listed as a permitted use in the R150 Zone. So in terms of the positive criteria, uh, I think this, the variance does promote the public welfare, because the site is particularly suited to the proposed use. So really the features of the lot that relate to the prior commercial use are really what makes it suitable for this veterinary clinic use. So, we have the lot with existing structures that are more than adequate to accommodate the use, as Dr. Wurzburg said. Um, she needs about 3,500 sq. ft. and we have about 5,000 in the building where she will be renovating and, and making her clinic. Um, we also have a lot that, you know, this has a little bit better access than typical single family; um, has a wide driveway that intersects Belview immediately across from the intersection with Griffin Place, so it makes an ideal location for, uh, clients to come in from off site and, and get onto the site easily, uh, and can accommodate that access. We have this lot with the existing parking area as well, so essentially we don't really have to construct

any new improvements to accommodate this use. Everything that's there can be kind of repurposed and utilized for the clinic, and that's important. Um, while this is in a residential zone, you know, we have a lot that has significant buffering to the surrounding property, so, you can see pretty clearly on the aerial photo here; immediately to the south of the parking area and the 5,000 sq. ft. building, there's a line of White Pine Trees that is very dense and it basically hides that existing structure very well, uh, from any of the surrounding properties. Uh, we also have a hedge row that runs up along the west side; uh, we do have some visibility from, if you look along Belview, Lot 1.38, you kind of get some filtered views of the back of the building, however, all the activity that will be associated with this use will be on the other side of the buildings, so essentially the lots to the west are going to see the same thing that they've seen for years, which is just the back of the building. We don't expect that there's going to be, uh, any activity there that would impact any of those surrounding properties. So I think the, the characteristics of the surrounding lots and the vegetation that we have here, make it unique as well, because it really performs a good buffer to the surrounding uses, which should, uh, cut down on any impact. And of course the, the Farmer's Fair being located to the north, uh, you know, that's undeveloped and will likely remain undeveloped as that land stays, so associated with the fair; so that's, uh, one neighbor that we don't have to worry about. And again, as I said, the county owns that lot, 1.02; they list it as open space in the tax records, so, I assume that nothing is going to happen with that. So I think for those reasons, the site is particularly suited to this use. There's also some purposes of the zoning that I think will be promoted by the grant of the variance here, uh, first I think it promotes the public, health, safety and welfare. It allows this veterinary clinic, which is currently located and, you know, has a strong client base with the township to remain in the township and allow those people to access the service. So, I'm sure many of you have pets and, and they are important to you; it's good to have this local resource for township residents to be able to come and be able to bring their pets here and not have to travel, uh, any great distance. They already have, you know, as Dr. Wurzburg said, she has a client base within the township that she wants to maintain and, uh, we think that's to the benefit of, of the, uh, township and the community. Also, purpose to you to provide sufficient space in appropriate locations for a variety of uses. Uh, a lot of the sites (inaudible) testimony that I just went through kind of covers this, this purpose. Um, but this also makes for good adaptive reuse of these structures, so it's not likely that, uh, somebody is going to buy this lot as a single family residence and then go ahead and knock down all those buildings. They're going to want to try to make use of them and this is kind of a low impact, low intensity use that, uh, makes sense in this particular location, given, you know, what we have in the surroundings. Um, I think it also promotes purpose (inaudible) from a desirable and visual environment. So, as I said, the uniqueness of the vegetation that we have on here that, you know, makes a good buffer, but it's also important, as I said, um, these buildings are there; they're probably going to remain. Somebody moving in and, and actively using them will keep them well maintained. You know, without a use here, it's likely that these buildings will just sit and deteriorate over time and, you know, just become an eyesore. So I think a productive use like that is important. Uh, it also fits in with the rural nature of the area, the veterinary clinic that she has. Again, it's a low impact use and, and it serves the community. Also, Purpose M, and this really goes to the efficient use of lands; so we have these existing structures that can be repurposed, uh, you know rather than another commercial use, uh, this low intensity use makes for, for good adaptive reuse, uh, in a meaningful way and that's a more efficient use of the property. So I think for those reasons, we do meet or can meet the positive criteria. Now on terms of the negative, uh, and the impact to the surrounding properties, uh, when you look at this as a, as a non-residential use, as I said, it's fairly low impact, so the hours are limited; we don't have the hours on weekends, uh, you know, in the summertime when most

people are outside, and they're enjoying their property or over at the fair, there's not going to be any impact from this use operating the weekends. Uh, the latest hour that we're open is 7 pm during the week, so that is relatively early, so, uh, you know, no potential really to disturb people, uh, on the adjoining properties or have any impact there. Um, there's no boarding or overnight stays, which is important, so there won't be, you know, dogs barking out there in the middle of the night or the people hearing that noise coming from the clinic, and that's important. Um, and then there's no new construction; so nothing on the site is really going to change from outward appearance. We'll, obviously we'll have people coming and going; but that will be more of a, excuse me, a daytime thing; not on weekends, so it's really within the realm of hours, so it's really not going to impact, uh, the surrounding neighbors and again two or three patients or clients per hour; fairly low impact. So, they're not going to have the streams, steady stream of cars coming and going from the site. So, I think based on that, um, there won't be any substantial impact, and that's really what we're trying to judge here in this, is this substantial and, you know, will it have an effect that's they're going to radically alter the existing character of the neighbor or have a severe impact on the surrounding property's and think, uh, it doesn't rise to that level based on the specifics that we have here with this proposal. Now on terms of the second prong of the negative and, and the intent purpose of the Zone Plan, as I said, obviously, uh, being squarely in a, in a residence district, the intent is for a single family development. Um, I think when you look at it on space with the past use that is operated here; the commercial use that we had, uh, when you look at the character of the buildings and the fact that, uh, you know, we want to maintain those structures because otherwise they'll, they're just likely to deteriorate and not be utilized. Um, I think that we can say that in this particular case, uh, the variance is not inconsistent based on the existing conditions that we have out at the site today. Uh, makes, as I said, it makes a good adaptive reuse, um, and I think that's really how the Board can reconcile the grant to the variance in this case. And, again, we, you know, we want to look at the specifics of each case, uh, you know, this particular use; if someone was coming in here with a, you know, a different more intense use, say more, more employees, more customer visits, things like that, you know, I might feel differently about it. But I think given, given the low impact that I think this use will have and the fact that Dr. Wurzburg will be residing on the site, uh, they're, you know, day in and day out is important, you know, not only to the maintenance of the property, but, um, you know she is also living there. So she's concerned with the impact that she is going to be having on any surrounding properties. So, I think that's really how we can, you know, reconcile in this specific case with the (inaudible) have here and that it's not inconsistent. Um, so I think based on this, that the Board would be within its right to grant the variance relief itself; we meet both the positive and the negative and, uh, that's all I have in the way of direct, so I'd be happy to answer any questions you might have.

Attorney Sposaro: Do you know what the commercial use was of the building?

Planner Kyle: It was a screen printing operation, but you know, to, to Mr. Ritter's question, I, I don't know how intense it was. I don't know how many employees, I mean it's, it's a fairly decent amount of floor area, so I would guess that, you know, they had a fair number of employees. But, um, that's the best we know. I mean I think it's

Attorney Sposaro: But it was commercial?

Planner Kyle: It was commercial, definitely. And it's actually; it's actually, uh, in the tax record listed as a 4A property, which is commercial.

Attorney Sposaro: Mm hmm.

Planner Kyle: So it's taxed as commercial.

Member Woolf: It was Rutler's Screen Printing and they had anywhere from four to six employees.

Planner Kyle: Oh, is that right?

Member Woolf: Being a doctor of veterinary, uh, I don't know what shape the building was in when you originally looked at it, but the dust had to be about a foot thick

Planner Kyle: Oh really?

Member Woolf: in the building. Uh, the lint was unbelievable in that building.

Planner Ritter: Is it, uh, my understanding then, that essentially what you're asking for tonight is, is obviously a considerable reduction in intensity and use inside, basically changing your, from commercial to professional office, for lack of a better term.

Planner Kyle: Yeah.

Planner Ritter: And that you're limiting the use of that to approximately 3,500 sq. ft. of the existing, you know, if you come in with a plan and its 3,800-4,000 I understand, but it, it's essentially going to be limited to clearly less than the current building.

Planner Kyle: Yes, again, only two other employees besides Dr. Wurzburg.

Planner Ritter: Okay. And then, and there's no intent to lease out the remaining space or do anything like that?

Planner Kyle: No, and I think if the Board had a concern about that, if you wanted to place a condition on this variance, and of course if that was ever going to happen, then Dr. Wurzburg could come back and

Planner Ritter: Well, understood.

Planner Kyle: I think, I think if you want to limit it to that, um, just a single use, no additional tenants or, you know, leasing, nothing. I think we're fine with that.

Attorney Sposaro: If there was to be another proposed commercial use, she'd have to come back anyway, so I don't think we need to impose that as (inaudible)

Planner Kyle: Right, but if you felt more comfortable limiting it, that's fine with us, yeah.

Planner Ritter: So, I'm comfortable.

Planner Kyle: Thank you, I appreciate your time.

Attorney Sposaro: Not so fast,

Planner Kyle: Oh.

Attorney Sposaro: Anyone from the public have any questions?

Planner Kyle: Sorry.

Attorney Sposaro: None.

Planner Kyle: Okay.

Attorney Edleston: That there completes our presentation. Thank you.

Attorney Sposaro: Thank you. Anybody have any comments before this goes out for a vote?

Planner Ritter: Well, yeah, I, I think that if, if the Board feels favorable to this application, I think some of the things you ought to think about is clearly we need a Site Plan, uh, that does show how they intend to renovate the building, how they intend to provide handicapped access, that type of thing to the structure; and just showing us that parking actually does work on the site. I don't disagree with the applicant, I think there is plenty of room to do it, um, but I would think that as a condition of this approval if the Board is so inclined, would be to require that a Site Plan be prepared and be brought back in front of this Board showing how the buildings are to be renovated and how different site conditions might be addressed. Uh, before they actually go ahead and occupy the facility. Another words, they have to the Site Plan as a condition.

Vice-Chairman Larsen: Okay.

Attorney Sposaro: From my observation, this lot seems to be more than maybe four times the size of the residential lots that are to the west and to the south. It's set back significantly. It's got great access; it looks like a great fit for the community and, and probably a great fit for you as well. Is this house as nice as they say it is?

Dr. Wurzburg: Very much. Yes, the current owner did a good job on it.

Attorney Sposaro: Is it occupied now or is

Dr. Wurzburg: It is.

Attorney Sposaro: Okay. That's all that I have, thank you. Entertain a motion.

Vice-Chairman Larsen: Um, I would like to make an approval of this and one of the conditions being a Site Plan submitted.

Attorney Sposaro: So, so the motion would be to, uh, approve the two Use Variances that are proposed, uh, with a condition that the applicant return to this Board, uh, with a Site Plan that would need to be reviewed and approved by this Board as well. So, so that's the motion.

Motion by: Vice-Chairman Larsen

Seconded by: Member Unangst

ROLL CALL

AYES: Members Horun, Bittone, Unangst, Woolf and Vice-Chairman Larsen

NAYS: None

Attorney Sposaro: Congratulations.

Attorney Edleston: Thank you Board.

Attorney Sposaro: How quickly do you think you'll be back with your Site Plan?

Dr. Wurzburg: Uh, I don't know. Sorry?

Attorney Sposaro: When is your lease up on the other property?

Dr. Wurzburg: Uh, tentatively the end of September. Hopefully I can extend it.

PUBLIC COMMENT:

None

MOTION TO ADJOURN

Motion by: Member Bittone

Seconded by: Member Horun

ALL IN FAVOR: Members Horun, Bittone, Unangst, Woolf and Vice-Chairman Larsen

NAYS: NONE

Respectfully Submitted,

Phyllis D. Coleman
Secretary, ZBOA

Vice-Chairman Larsen