

**LOPATCONG TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
AUGUST 14, 2019**

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”.

ROLL CALL:

Present: Members Bittone, Unangst, Rutledge, Woolf and Vice-Chairman Larsen Also Present - Planner Ritter, Engineer Wisnewski and Attorney Bryce

Absent: Member Horun and Vice-Chairman Larsen

OLD BUSINESS:

- Approve the Regular Meeting Minutes from July 10, 2019

Motion by: Member Bittone

Seconded by: Member Rutledge

ROLL CALL:

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

NAYS: None

NEW BUSINESS:

- Alpha Pet Grooming – Holly Bichler – Block 100, Lot 3 ,1075 Route 22, Block 100, Lot 3 in the HB RM Zone – To relocate her dog grooming business and to start a Doggie Daycare, overnight boarding and dog training. As per §243-74, not a permitted use in the ordinance.

Attorney Edleston: Mr. Chairman, members of the Board and the professionals. Uh, the Bichler's are with me this evening and they're the two people that will be sworn to give testimony in support of this application; which is essentially, seeks a Use Variance because the use, um, that they propose is not expressly permitted under the terms of the Lopatcong ordinance. Of course, if not expressly permitted, it's deemed prohibited. Uh, the Bichler's, especially Holly Bichler, has, uh, operated her business in the Township for about thirteen years, and, uh, they need to relocate, not only because they need more space,

Attorney Edleston (Con't): but because they also want to offer some additional services in connection with what is now, up to date, been a pet grooming, uh, business. They are going to occupy approximately 6200 square feet of the building in question; the old Bell and Howell building, uh, which as the Board members know, at one time it was occupied by Sears and actually that's the portion of the building that, uh, they would be using. Uh, also, uh, uses in that building currently are a dance studio and a business that specializes in pool supplies and pool service. So this, uh, particular business will be, uh, operated to not only offer pet grooming services, but pet training and boarding, uh, which we call Doggie Day Care. Um, so, without any further adieu, unless the board or any of its, uh, professionals have any questions, I'll ask the Bichler's to come forward, stand with me and give some testimony and answer, uh, any questions that the board members or its professional have. Okay, Matt, Holly. Raise your hand so the attorney can swear you in.

Attorney Bryce: Just raise your right hand and, uh, you guys swear and affirm that the testimony that you are about to give this Board is the truth, the whole truth and nothing but the truth?

Holly Bichler: I do.

Mr. Bichler: I do.

Attorney Bryce: Okay. Just state your names individually for the record.

Holly Bichler

Matthew Bichler

Attorney Bryce: Thank you.

Attorney Edleston: Thank you. Holly, uh, you presently, uh, operate a business in the Township, correct?

Mrs. Bichler: Correct.

Attorney Edleston: And it's, uh, Alpha Pet and Grooming Salon?

Mrs. Bichler: Yes.

Attorney Edleston: Can you tell the Board what the business consists of presently and then we'll get into what you anticipate if this Board grants you the relief you're looking for; what you would operate at this proposed location.

Mrs. Bichler: Oh sure. Right now, um, it is strictly for, uh, dog grooming. I've been grooming, um, about thirteen-fourteen years. Um, it's been a passion of mine since I was a little kid. You know, I started with, um, funny, I started with rabbits, believe it or not and then I went into, um, I actually started working when I was in 8th – 9th grade at a boarding kennel, um, down in Holland Township. It was, God, one of the very first, uh, old fashioned kennels. Um, they only did grooming and boarding. Um, the lady there, um, generous enough, she brought me in and I, basically I ran it for her. And then after that I, I've worked with horses. I mean, animals are like my life. Um, but as far as the grooming, um, I've groom

Mrs. Bichler (Con't): quite a few dogs. Um, a lot of, uh, the industry, um, calls for the grooming of your pet; should be clean; should be, you know, well taken care of.

Attorney Edleston: And where do most of your clients come from?

Mrs. Bichler: Uh, the Warren County area, but I have people who travel an hour away. I have some from New York that come and see me. Um, I have people who have moved out of state, uh, who travel just for my services.

Attorney Edleston: How many people are employed in the business currently?

Mrs. Bichler: Uh, currently, there are four.

Attorney Edleston: Okay. And does that include you?

Mrs. Bichler: Uh, yeah.

Attorney Edleston: All right. How many would you anticipate would be employed in the business if you were given permission to relocate?

Mrs. Bichler: Um, probably, I would say, we'll added four, four to five?

Mr. Bichler: To start off.

Mrs. Bichler: To start off, four, yeah, add three or four. It just depends on how much, because I have such a big clientele now, that I, I don't know exactly the number of employees, but for starting off, three to four.

Attorney Edleston: All right, why have you decided to relocate at this location?

Mrs. Bichler: Cause I need more room.

Attorney Edleston: Okay, and

Mrs. Bichler: Right, and as far as the, the, uh, dog boarding, um, and the groom, the day care, thank you.

Attorney Edleston: Has there been a demand by any of your clients for these additional service?

Mrs. Bichler: Oh, absolutely, absolutely. Summer time people ask me all the time, "Where can I go to board my dog"? "Where can I go, you know, for my dog to have play time"? An unfortunately I have tell them, you know, somewhere else, but.

Attorney Edleston: Okay. Um, do you know if there's any, uh, boarding facilities, uh, in the Lopatcong area?

Mrs. Bichler: Um, in Lopatcong, no.

Attorney Edleston: Okay.

Mrs. Bichler: There are two, um, that are my, they would be like, uh, not a neighbor, but, um, the closest to me.

Attorney Edleston: Okay. And, do you know where the closet pet boarding facility would be from where you're trying to locate?

Mrs. Bichler: Uh, yeah, Bloomsbury.

Mr. Edleston: Okay. Uh, now, tell me what the new proposed business would consist of, as far as the boarding aspect and as far as the pet training aspect.

Mrs. Bichler: As far as the

Attorney Edleston: Well exactly how you anticipate, first off, the pet training.

Mrs. Bichler: Well, um, the, as far as the training as far

Mr. Bichler: As far as the training would go is, yeah,

Mrs. Bichler: (inaudible).

Mr. Bichler: that's something that would be just an add-on towards the end. Um, that's just a service that we hope to possibly get into. If we do decide to get into that, we'd actually bring a trained professional in to do it as an employee type of situation. And, I mean, you see it all the time, they've got Cesar right here. Everybody, everybody sees him now. Everybody is in to dog training and stuff like that. Um, so that's how, as far as the, uh, the training would go, um, that as far as the, the boarding, um, you know. It's, again, if we decided to that. There's, there is a demand for it. I mean, Warren County has, you know, I don't exactly remember the name, the, the number of pets, but there is, you know, a substantial amount of pets. I think, right now, the, the average is 1.2 dogs per household and it's kind of what it is. Um, so, you know, you go on vacation, you need somewhere to, to take your dog. Um, so.

Mrs. Bichler: Everything kind of goes hand in hand. You know, grooming, they, they need, they trust me with their dog. So obviously if someone trusts me, you know, dogs that I've been grooming as a puppy for, you know, now thirteen years, or have, you know, since passed. Um, they always say, you know, "Where can we take our dog"? They can trust me. They trust me grooming their dog, you know, and as far as play time and leaving them overnight.

Attorney Edleston: Now tell the Board exactly how the volume of your business, uh, is at the present time. Another words, um, what would be the maximum number of people that might call on the business at any one time.

Mrs. Bichler: For, for grooming?

Attorney Edleston: Yes.

Mrs. Bichler: Right now that I have? Uh, right now I do anywhere from fifteen to twenty dogs a day. And that's, uh, Tuesday through Saturday. Um, I'm out, right now I'm scheduled out almost three weeks

Mrs. Bichler (Con't): for an appointment for grooming. People call, new clients call me every day, you know, people call every day and I have to, you know, push them just cause I don't have the space.

Attorney Edleston: And is that all by appointment as well?

Mrs. Bichler: Uh, yeah. I do some walk-in's, but it's mostly all by appointments.

Attorney Edleston: And as far as the pet boarding, that's concerned, would it be strictly dogs?

Mrs. Bichler: Uh, yes, only dogs.

Attorney Edleston: No, no cats?

Mrs. Bichler: No cats.

Attorney Edleston: No other kinds of animals?

Mrs. Bichler: No.

Attorney Edleston: All right. Now tell me a little bit about the location that you've chosen, that you've asked the Board tonight to give you permission to use, Can you, can you describe it, uh, for the record please?

Mr. Bichler: Sure. I mean, it, it, essentially it's just an open, vacant warehouse facility, as, as far as I look at it. Um, you know, Bill stated, I don't know how many of you guys are from the area originally, but, it used to be the old Sears, uh, Sears Hardware Store, you know, way back in the day. Um, after that I don't know what it was, but it's been sitting vacant for quite a while now and, um, I mean it's, unfortunately it's one of the only areas kind of in the area right now, that we can really kind of go with this type of. You know, as far as, floorage that we need. Um, so, you know, that's one of the reasons we looked at it. Plus, you know, the location of it.

Attorney Edleston: All right. Tell, tell the Board, uh, what if any improvements you intend to make, uh, to the property if you're given permission.

Mr. Bichler: Um, it, for the most part, there may be some very, uh, minor, uh, cosmetic on the outside with paint and stuff like that. Um, to the interior, uh, we have asked the landlord to update, you know, the lighting system in it and, um, stuff like that. Uh, other that, it's just going to be um, erected divider walls. You know, nothing, no kind of structural, you know, redesign or anything like that. No tearing walls down or anything like that. It will be just temp, essentially temporary type divider walls, that's all.

Attorney Edleston: What about noise control?

Mr. Bichler: Um, the building itself sits separate from everything else. The only part that is actually connected to any other part of the building is the proposed, um, uh

Mrs. Bichler: Boarding area.

Mr. Bichler: boarding area with; that wall backs up against Twilight and it is a concrete cinderblock wall. Um, I don't see there being a noise issue. Dogs don't have a tendency to bark unless they've got reason

Mr. Bichler (Con't): to bark. Okay? So there really isn't an issue with that. When they're in there, they're quite; they're laying down; it's night. Uh, they're, if it does become an issue, there are noise, uh, mediation, uh, devices out there, you know, the baffles and everything else. We've looked into it. Um, it's just something that I don't foresee being an issue, but if it is, it's out there. We can correct it, you know what I mean? You know, we're not the type of people who, we're gonna. In fact, actually she's one of Holly's clients, the lady that owns Twilight, so it's not, you know, we're not the type of people, we'll try to work with them.

Mrs. Bichler: And, and where I'm at now, I don't know if any of you guys know that, that older strip mall, it used be, um, a barbe, barbeque place,

Mr. Bichler: Hog Holler

Mrs. Bichler: Barbeque. Right next door, attached to me right now is a gym. And I mean, I've been in there several time, and, just, just to, you know, just to see if I could hear anything and I hear nothing. And I ask them, you know, "How, is everything okay? You don't hear nothing"? "I hear nothing", he says. You know, so.

Attorney Edleston: Will there be any activities out, outdoors with any of the dogs?

Mr. Bichler: Um, the only potential out, outside activities will be, uh, we do have permission from the landlord to use any grassy area, you know, via, there is a small grassy spot up in front of the one building. Not along the highway, obviously, we would not use that, it way too much, you know, too much traffic. Um, and there is a small, he does have some parcel in back that if, if we do decide to do that, we do have permission from him to be able to use it. But for, for 90, 99.5% of the activity will be inside the building.

Attorney Edleston: And, uh, will there be cameras inside the building too?

Mr. Bichler: Yes, yeah. We will, we will be looking at installing a, uh, a camera system. That's another thing that's big in the industry. People like watching their dogs. They like being able to log in and, and, on SCCTV's and seeing what their dogs are doing. And in fact, actually I had somebody tell me that, that they were watching a daycare and their dog wasn't even there. They just wanted to watch the dogs. So, um, yes there will be, you know, in, in all major areas of it. You know, along with where the, where the, uh, overnight boarding is, there will be cameras in there. Uh, the daycare area, there will be cameras in there as well.

Attorney Edleston: What about the, the issue of pet waste?

Mr. Bichler: Um, all the, all excrement will be scooped up and disposed of in the trash. Um, everything else is just hosed up, cleaned up, uh, mopped up and, you know, sent out into the, I believe there is a sewer system there. Um, that's pretty much how the industry does it. There's, there, nobody has a; the best of my knowledge, there is now, um, specific way of getting rid of it. The only thing is, is like I said, the excrement does not go into any of the waste, what do you call it? Obviously, if the dog has diarrhea, you get up as much as you can. You just can't get all of it out; that will go in. But, for the most part, all the solid excrement does get scooped up and thrown into the trash.

Attorney Edleston: Do you have any, uh, exhibits that you'd like to show the Board? The same thing that (inaudible).

Mr. Bichler: Um, I mean, I have, I copied a couple of things, you know, there's, um, as far as the kennel systems go, here is

Attorney Edleston: Just have, uh, Phyllis mark their; your initials and put A1 and then just, uh, identify for the record, for the, the secretary please, what they consist of. Do you have copies for each of the Board members?

Mr. Bichler: Yes.

Attorney Edleston: So we'll just have that marked, collectively, as A1 and then he'll describe in the order what those photographs depict. Okay, just mark that A1 and give it to Phyllis and then

Mr. Bichler: On it or just (inaudible)

Attorney Edleston: Yep, yep. Your initials and then, uh, the date, and then, all right, give this to Phyllis and then, all right, if you want to pass these out to the Board members so they can follow along with you.

Mr. Bichler: This depicts the basic type of kennel system that we're looking at, because of the

Attorney Edleston: In, in, indicate, are you looking at the top picture?

Mr. Bichler: Uh, this whole packet in general, actually. Um, indicates the type kennel system that we're looking at. Um, this type, you know, system that goes into, um, warehouses that don't have a, a floor drain. You can't really, you know, it becomes too expensive. It cost a lot to put an actually floor drain system in. So the first picture here is just there basic overall picture. The second one here is just kind of a picture of, you, you can see the guy kind of, uh, washing down the kennel. And, um, these are actually designed for, you can actually just hook the shop vac up to them and suck the water out and then just take the shop vac out to and dump it down into a central drain somewhere. Uh, the same thing for, for the following page; again, it's just an overall view of it. You can see this is just the type of drain system that; this is on a floor of the kennel. It's, uh, so, that yeah, the brown piece is what they call, uh, gray slats that the dogs are on, so that if they urinate or whatever, the urine goes through the slats into the pan. The pan is hosed off and then it gets cleaned up at the end of the day. Actually, it will be cleaned twice a day.

Attorney Edleston: All right, if you can pass them out to the Board and get Phyllis

Mrs. Bichler: I did.

Attorney Edleston: Okay. All right, can you just identify for the record, uh, what A2 represents?

Mr. Bichler: This packet represents, because of it being 99., like I said, most of it in, inside, um, this is what, kind of what an industry is going through, for. Again, like I said, the warehouse types just one, the, the, there is no outside space. This is actually, if you look at the first one, it's just kind of an overall view of what it is. It's a, uh, I don't know if you guys have ever been in an airport and now they've got a bathroom station for dogs. This is kind of like that, it's just kind of on a smaller scale. Um, on the top of it is art, artificial grass type system. Um, the next page indicates, again, it's just a (inaudible) grate, that

Mr. Bichler (Con't): all the urine goes through. And, the, the last one just shows the grate where it goes into the catch pan and then it gets cleaned up again. Picked up, cleaned up, sanitized, um, all solid excrement would be cleaned up, obviously, when the dog goes and done from there. So, so I mean, you know, it's not, we, we don't expect the dogs to have to go to the bathroom on the floor. We, we hope that they'll go there, but it's not, you know, it's, it is a system that we feel that we, and, and plan on installing.

Attorney Edleston: Uh, what about the, um, issue of, uh, parking?

Mr. Bichler: Uh

Attorney Edleston: Off street parking.

Mr. Bichler: I mean, I've, for the Members that don't know, um, where it's at, there's more than ample parking in, in the parking (fence) on top. And if you guys want, I, I have an overhead view of, of the property

Attorney Edleston: Let's pass that out and make that A3.

Mr. Bichler: This is just a Google, uh, downloaded version of, uh, of the property. The first one is just an aerial view. You can actually see, uh, where it's actually separated from the other buildings, uh, excluding Twilight, obviously. Um, the second one is also the same thing. The third one is an overview of just part of the parking lot. That's just a portion of it, there's still more that extends further down. Um, we've asked for, uh, twenty parking places in the lease. At that point in time, I thought that would be more than sufficient based upon what we currently have and, and, I mean, we currently have way less than that for use now. Um, but, according to the, um, summary they're asking for, for thirty, so that would go in the lease if that's what you guys deem is necessary. Um, the following picture is, uh, I would, they were asking about handicap accessible. As you can see, there is a ramp there. Uh, the following picture is just another angle of it. And, again, just another parking place, more parking spots showing that there is more than ample parking. And then, uh, the last one is, um, they had asked about a signage. Well there is currently a sign there. We would add to that sign. Um, so,

Attorney Edleston: And would you also, uh, perhaps contemplate that a wall sign or something?

Mr. Bichler: Yeah, I would

Attorney Edleston: Perhaps on the building?

Mr. Bichler: I, I know there is an, an ordinance is, it's, you're allowed so much signage per square feet, minus whatever, everybody else has, so of course I would, you know, like to put a sign up. It would be, you know, based upon whatever, how deemed allowable based upon the square footage and so forth and such,

Attorney Edleston: All right, just a couple of more questions before I turn it over to the Board. Uh, as far as the timing of, uh, dogs that area brought there for overnight boarding, um, what hours would you anticipate that would entail? Would it be 24/7 or something less than that?

Mr. Bichler: As far, as far as pickup and drop off for, for boarding, um, the overall hours would be Monday through Friday, uh, opening at 6 am and closing at, uh, I believe it's

Mrs. Bichler: 7

Mr. Bichler: 7:00 at night. That's the overall time. Um, same thing with, that would be for Doggie Day Care, boarding, um, and the grooming. That would be those hours. Saturday would be, roughly, you know, 7 to, 7 am to 4 pm. Um, and then Sunday would be mostly for the overnight boarding for pickup is 9, 9:00 in the morning till noon. Um, and then of course, um, that, the, the pickup and drop off for the, uh, for the overnight board is all within that time frame also.

Attorney Edleston: Do you believe that, uh, this proposed site is particularly suited for what you want to make the use of it for?

Mr. Bichler: I, I do, yes.

Attorney Edleston: And for what reasons?

Mr. Bichler: Uh, I mean, it's just, it, its ample space. It's, it's, you know, it's

Mrs. Bichler: The location. I think the location, because I've been in business in Lopat and there's, my clients are familiar with the area and

Attorney Edleston: And, uh, as far as the building itself now, would it be fair to say it's underutilized as far as other tenants are concerned?

Mr. Bichler: Oh, ab, absolutely.

Mrs. Bichler: Yes.

Mr. Bichler: I mean we looked at about four different spots in that building that were vacant.

Attorney Edleston: Okay. And you see, uh, yourself, any, any detriment to the public or any substantial impairment of the, the Township zone plan or zoning ordinance, if this use is permitted by the Board?

Mr. Bichler: I don't see any.

Mrs. Bichler: No. I don't see any.

Attorney Edleston: Okay, and I might just add that, that I feel that perhaps at least two purposes of the, uh, Municipal Land Use Law are, uh, advanced if, uh, this Board seems, sees fit to grant it as specials reasons; one, that it provides, uh, this would be §G of 40:55D-2, which would indicate that it's a, uh, appropriate location for a, uh, a commercial use. And §M that it encourages, uh, private activities, uh, shaping the land development. Um, so with that being said, I turn it over to the Board and its professionals for, uh, any additional questions. Thank you.

Vice-Chairman Larsen: Any public comment? Anyone? Questions?

Member Unangst: Is there any kind of, uh, fire suppression or anything?

Mr. Bichler: Uh, yes. Actually, currently in there, there is, there is, um, sprinkler system in there. Um, that's also the contractor that needs, obviously in order for him to see about so forth and such on. Um, it has to be maintained and upgraded. Um, I believe that's, uh, I believe that's a dry system, when I looked at it. Um, and, I think that's a semi, or a, every two year inspection on it that they have an independent come and inspect it.

Vice-Chairman Larsen: I did have one question. Uh, in your current location, have you ever had any issues with the local municipality or any problems or

Mrs. Bichler: No. Everything's good.

Vice-Chairman Larsen: Anything to speak of?

Mrs. Bichler: No.

Vice-Chairman Larsen: No, okay.

Mrs. Bichler: No, everything is good.

Member Bittone: From a parking standpoint, I just don't understand how they're gonna isolate thirty spots or more for one use. That building has four more empty units and everybody required thirty spots, I realize you're not going to need them all at the same time,

Mr. Bichler: Right

Member Bittone: I realize nobody's going to need them all at the same time, but how is the landlord going to just say, "Okay, these are your thirty spots, these are your thirty". There's not that many spots there if everybody required thirty. I foresee it being an issue.

(Inaudible-several speaking at same time).

Mr. Bichler: I mean when you go to, to the malls and stuff like that, none of them are dedicated either.

Planner Ritter: No, they, just, just to clarify that from my point of view, the, the issue isn't to restrict or, or have dedicated thirty stalls. The issue that we were trying to do is get definition as to how many stalls are actually there and that these are taking so many of those, so that the town has a record as this project, not only this one, but we're hoping that the rest of the area fills up with tenants. So we begin to have a record as to the parking stalls that are available and just how many have been allocated to different uses. Obviously the parking lot is a totally open area; anybody can go anywhere they want and that's not our concern, quite frankly. Uh, it was to try to get a, a, a handle on, really the number of stalls that are available and how they will be allocated going forward. And that's why we had requested that the applicant provide us with an idea of just how many stalls are there and that, that they're going to be using thirty of them. I mean, it's so that we know what's going ahead. Um, while we're on that subject though, the one thing thought that I do think is worth thinking about, is that this handicap accessibility. Uh, the building appears to have a handicap ramp, uh, whether that meets standard or not, I don't know. But, when I was out there and looked at the site, the, there's two handicap parking spaces, roughly defined on the pavement. They're not signed, but also there's a question as to whether they really do meet standard for accessibility. And I do think that since they're operating a public space which will also have some

Planner Ritter (Con't): retail space, that they should provide handicap spaces. There are none designated in that entire parking lot, for anybody. So I think that's one of the issues the Board should think about, in that they provide at least, I think, at least two spaces that are properly done for, for handicapped. It may be closer to the building. The two that are out there

Mr. Bichler: Yeah, if, if you actually notice, in, in the one, one of those pictures, uh, there is spots that are, um, that are very close to the building. In fact, it's actually on the very first one. You can kind of see where the black vehicles parked,

Planner Ritter: Yes.

Mr. Bichler: um ever over further, all the way up to that light pole, there is spots there. Um, I mean if that is something that needs to be done, that's, you know, that's something I will be relayed to the landlord. Obviously

Planner Ritter: Well I think, I think that's something, this is going to be a public building

Mr. Bichler: Absolutely.

Planner Ritter: and we ought to have the spaces defined

Mr. Bichler: Yes, oh absolutely.

Planner Ritter: because it isn't defined out there.

Mr. Bichler: Yes.

Planner Ritter: Uh,

Mr. Bichler: I mean, in, in reality, a lot of the spaces aren't defined.

Planner Ritter: No, it, it's a free-for-all right now, in that sense.

Mr. Bichler: Uh, if you were out there recently, the very, there's two sect, roughly two sections. Like you said, one of them got the handicap area and then right, that's right outside of that particular building and then the one closer to Twilight, that part, very well defined. Other than that, none of them are. I mean, I, I would assume prior to a C of O, if we are approved, prior to the C of O, the town can mandate that the landlord does do that.

Planner Ritter: Well, I, I, I, I think that would be, uh, something the Board should consider, cause obviously it's going to be a public building,

Mr. Bichler: Gotcha.

Planner Ritter: Uh, to get those properly marked. I would also point out that currently all of the area closest to the building where you'd think handicap would go, is all striped off. The lighting, that

Mr. Bichler: Right.

Planner Ritter: they are basically telling you not to park anywhere near the door.

Mr. Bichler: Part of that, I assume, would be part of fire also. Um, you know, the fire (inaudible—speaking over each other).

Planner Ritter: Well, all, all I'm saying is I think where your suggested, up where the black is and if you can get them in there and it's, and it's accessible, meaning it meets today's standard, that would be fine.

Mr. Bichler: Okay.

Planner Ritter: I don't, I'm just saying, I think we should have at least two spaces provided there.

Mr. Bichler: Yeah, like I said, that's something that, I mean, you know, that will go into the landlord and the landlord, that's his responsibility to provide that and that's part of his (inaudible).

Attorney Bryce: Just to be clear, the Variance, presumable that you would get will be conditioned upon that.

Mr. Bichler: Absolutely.

Attorney Bryce: It's your Variance and it would be your responsibility to

Mr. Bichler: Absolutely.

Attorney Bryce: say to the landlord, but

Mr. Bichler: Right.

Attorney Bryce: this Variance is contingent upon this.

Mr. Bichler: Absolutely. And, and that I totally understand. Same thing with, you know, anything else. You know, the handi, if for some reason that, the ramp isn't deemed handicapped accessible, then he needs to do something with that then, obviously

Planner Ritter: I just don't know if it meets today's standard.

Mr. Bichler: Right.

Planner Ritter: It's there, I mean

Mr. Bichler: I, I don't know either cause I don't know what the, the current standard is. I mean, looking at it, it's not a very steep ramp, but, you know.

Member Woolf: One inch per foot.

Mr. Bichler: Okay.

Planner Ritter: The, the other question that I had relating to the parking area, is that obviously in the fall and the winter months, the area is going to get fairly dark. And when I was out there and looked, the, two of the major lighting fixtures that lit the parking lot, closest to where you're going to rent,

Mr. Bichler: I know exactly where it is

Planner Ritter: are gone.

Mr. Bichler: Correct.

Planner Ritter: And the only question I have, and I, I haven't been out there at night, now there is a light provided on the corner of the building at, on each corner I think.

Mr. Bichler: I can't speak to that, because I have not been out there at night.

Planner Ritter: I 'm, I'm just saying, all I'm saying is, it might be dark.

Mr. Bichler: And it

Planner Ritter: Uh, that's, that

Mr. Bichler: If that's something that the Board chooses to put in as a condition of the, you know, acceptance, then that's something that the landlord's gonna have to address if he wants us to, to take tenancy, he's gonna have to address it.

Planner Ritter: Yeah, I, I, like I say, I just don't know how bright it is and since you are gonna operate into the evening hours, uh, you want to be sure

Mrs. Bichler: Yes.

Planner Ritter: that people can see what they're doing and

Mr. Bichler: I mean, I can request anything I want from the landlord and he (inaudible) whatever, but is your guys say, "Look, you can't go here unless this is done", that's a big difference, you know? So, you know, it's, it's, it's just that

Planner Ritter: Uh, those are, those are my comments on the parking. And, like I say, the main thing, I think it would be good and, and this is more a landlord function than a tenant function, it would actually be nice to know how many cars are actually available in that parking lot and how many are going to go to this building, I, only as a matter of record. Even though I will tell you there's plenty of parking for this application. I'm not suggesting there isn't.

Member Bittone: I agree.

Planner Ritter: I would also say, uh, one of the things that the applicant pointed out, which, when this was originally submitted, was unclear in the drawings, there was a question whereas, as some noise impacting the other tenants. There is a, uh, basically a, a gap between themselves and the abutting buildings. So there isn't any direct connection along the back of the building with their kennel. So that will go a long ways to, to mitigate any stray noise that wanders around. I would ask the question on the outdoor training. Uh

Mr. Bichler: There will be no

Mrs. Bichler: No outdoor.

Mr. Bichler: outdoor training. The only outdoor, possible outdoor usage would be, uh, taking the, uh, animal out for a walk into a grassy area.

Planner Ritter: Okay, so, I, I assume that means he would be leashed. I'm, I'm just asking the question for safety.

(Inaudible-several speaking at once)

Planner Ritter: You don't want to lose him out there. Uh,

Mr. Bichler: If it is in our care, the dogs always leashed. Um, I can't speak for what the owner does, but until that, until the animal is into our building, we're not responsible for it.

Planner Ritter: My

Mr. Bichler: It is in our care, yes, it, it will be leashed outside.

Planner Ritter: But my only other question is, is that obviously since there is not signage proposed at this time, you will have to make application for a sign. That it will not be approved as, you know, obviously as part of this.

Mr. Bichler: Right.

Planner Ritter: You're gonna actually have to make, uh, an application.

Mr. Bichler: Well my question as far as that goes, um, do I have to make an application to be able to put a sign on the existing sign? Cause there (inaudible) existing signage there,

Planner Ritter: Yeah.

Mr. Bichler: signage board there.

Planner Ritter: Well there, I understand that. To fill in one of the gaps? If it's filling in the blank space, my only rational is, I don't think so. But I, I'll defer it.

Engineer Wisnewski: That might be a zoning, zoning permit request, just to replace an existing panel

Mr. Bichler: Okay.

Engineer Wisnewski: on, a, a panel on an existing sign.

Mr. Bichler: Right.

Engineer Wisnewski: You can confirm that with the zoning officer.

Mr. Bichler: Right. Yeah, cause my, my understanding, cause like I said, we're currently in the Township as it is and I thought that putting other signs us and I have talked him, and, um, I was told that if you've got an existing sign, you can replace it. If you're adding signage, you're only allowed, the buildings, there, there, there's a configuration of it; the buildings allowed X amount of signage, square footage of signage

Planner Ritter: Right.

Mr. Bichler: based on

Engineer Wisnewski: Based on the façade sign.

Mr. Bichler: Right and then

Engineer Wisnewski: The size of the building.

Mr. Bichler: Yeah, and then they take off however much signage is already up and then that's how much you can possibly write on it.

Engineer Wisnewski: But you might be able, you'd have to talk to zoning officer

Mr. Bichler: Right.

Engineer Wisnewski: and based on the frontage is, you might be permitted to put additional signage along 22

Mr. Bichler: Right.

Engineer Wisnewski: or something like that,

Mr. Bichler: Yeah.

Engineer Wisnewski: depending on how the ordinance is written for signs, specifically.

Mr. Bichler: Right.

Planner Ritter: So I think those are my main comments. I, I would agree with the applicant that in terms of a place to locate dog kennel, to actually operate this type of business, this is clearly within an area where you'd expect the business to, to be located and operate. In terms of a kennel, I, I personally I can't see a, a way that this is going to be a, a nuisance to anyone, where it's being located. Uh, the only other question I point out which has really nothing to do with the application, but it does affect the amount of parking, is if you remember you submitted a floor plan with this, as part of it. If you take the outside dimensions of the floor plan and apply it, uh, it's only about 5,000 square feet you're renting and basically you're, you submitted an application for 6. You may want to check that yourself if your, uh, it's not, it's not important to this application. I only point it out because there was that difference between your floor plan and, and the stated square footage.

Mr. Bichler: Yeah, I'll double check it. But, I, I had measured it and, and I measured the inside and there is some interior walls, the bathrooms and stuff, (inaudible) you know, so I was pretty close to; there's two separate areas that we're looking at, okay, on here. You know, so one of them was roughly 4,200, the other one was roughly 1,600.

Planner Ritter: Okay, well if you're comfortable with it, that's fine. Maybe the floor plan was drawn wrong. I'm just, I'm just saying that when I matched it up, and then, so if you're comfortable with it where it's at and, and obviously you know there's thirty parking spaces. I have no problem with that.

Planner Ritter (Con't): Generally those are my comments, um, the key thing I think, uh, to consider is just make sure we get handicapped parking out there and also that the area has adequate light, since you're gonna operate in the evening hours and that type of thing. And there is no way for us to judge that at this time. All, all I know is two of the big, uh, fixtures on this, from the pylons that are out there. Uh, that's my comments.

Engineer Wisnewski: Just to follow up George's comments, kind of from an engineering standpoint, you know, our thought is, uh, specifically about handicapped parking and accessibility to the building. Um, you know, if you guys and the landlord want to look at potential spaces or areas to, to accommodate handicapped spaces closer to the building, that meet the ADA Handicapped Requirements, um, you know, we would be willing to meet, meet with you out there and the landlord could look at those areas and see if we could evaluate whether they will be compliant.

Mr. Bichler: Okay.

Engineer Wisnewski: Uh, I drove on, onto the site today on my way here and I just noticed those two spaces that are striped out front on the

Mr. Bichler: Yeah.

Engineer Wisnewski: (Inaudible) here, where the handicapped symbols are, the slopes there look a little steep for what a handicapped would, what the ADA requirements would be. Uh, just by eye, walking out there and looking at it, uh, so you know it's possible that, you know, I know there's a striped area, loading or fire zone out there,. Maybe, just outside of that, there's kind of a flatter area, that might be a good place to locate those. And one of those, per the current code, one of them has to be van accessible.

Mr. Bichler: Right.

Engineer Wisnewski: So it has to have, you know, a loading area where these that are currently striped are not van accessible, because they don't have that loading, uh, area for someone that needs, needs a van, uh, to get in and out.

Mr. Bichler: Yeah.

Engineer Wisnewski: So, uh, that might be, you know, an area kind of up against 22 there, might be, and I, an area there where it's flatter, has more direct access to the ramp and that area being striped off. Also provides a clear area where someone that's handicapped can have an easier way to get in there. Uh, in looking at that ramp as well, how do you have a way of measuring the slopes out there? But it is, you know, one inch in twelve, uh, twelve that needs to be met, uh, twenty square foot. And, uh, it based on, I didn't look at the length, but there's certain requirements with the length. So we can look at that and evaluate that. Um,

Mr. Bichler: You know, I, I'll be more than willing. If you have a card,

Engineer Wisnewski: Sure.

Mr. Bichler: so I can get your number. You know, meet you one day, whatever works for you.

Engineer Wisnewski: Sure.

Mr. Bichler: Um, and then I'll take your recommendations and, and give them to the landlord.

Engineer Wisnewski: Okay.

Mr. Bichler: And, and, I mean, my opinion in this matter, is whatever you gotta recommend, is, is kind of what you're expecting anyway.

Engineer Wisnewski: Well, it's going bring you, bring the building up to code

Mr. Bichler: Right.

Engineer Wisnewski: and you're not going to have issues with

Mr. Bichler: Exactly.

Engineer Wisnewski; some of the

Mr. Bichler: And that's, in, in all reality, let's face it, all reality, no matter what he kind of wants to do there, he's gonna have to do

Engineer Wisnewski: It's gonna have to happen.

Member Bittone: Right.

Engineer Wisnewski: So anyone that comes in there is gonna have to do this.

Mr. Bichler: Exactly.

Engineer Wisnewski: It's not like you guys are special because (inaudible).

Mr. Bichler: We just happened to be the first one.

Engineer Wisnewski: Exactly. Exactly.

Mr. Bichler: Yep so.

Engineer Wisnewski: Okay, yeah sure. That's all I have.

Member Bittone: Should we not make any kind of a defer or approval condition, conditional on having the landlord bring some of this parking and delineate parking spaces and handicap spots and striping?

Engineer Wisnewski: I mean, I think that's, George and I, my recommendation, that these be conditions of approval.

Planner Ritter: Of approval.

Engineer Wisnewski: Right.

Mr. Bichler: Yeah.

Engineer Wisnewski: That a, a CO wouldn't be issued until these issues were addressed; lighting, handicap parking, handicap accessible ramp.

Member Bittone: There's three, at least three tenants, there's three or four tenants in there now, taking up a good chunk of space.

Mr. Bichler: Just, just on a side note on that. Cannon Ball actually has parking. There is, uh, other parking by Cannon Ball. I don't know if you're familiar with the side.

Member Bittone: The right side.

Mr. Bichler: Yes, there is, there is parking. There's, I don't know what it is, I didn't pull that out, I didn't look at any of that, but there is a decent amount of parking over there. There's some, uh, that is actually designated up alongside of 22, where the grassy area is. Some in between the two buildings and some right out in front of Cannon Ball. So there is other parking besides the actual parking spaces. So.

Vice-Chairman Larsen: So do we want to meet, have you meet with them and discuss what needs to be completed or do we want to take a vote and make a conditional approval?

Attorney Bryce: Uh, at this point in time you have an application before you for a Use Variance, not specifically a Site Plan. And the Use Variance is seeking to utilize this particular area of the property for use, not otherwise prohibited on an existing site. So, that site was approved at some point in time. It's difficult to the jurisdiction of the Board to reach back into, um, a previously approved site and seek further upgrades, not necessarily specified for this use. So I think that it's completely reasonably, if the Boards inclined to grant the Use Variance so then, so that these applicants can occupy the area and, uh, condition that approval based upon the upgraded simply necessary for this particular use. And those will be identified by George and by, by Adam for the delineation of the, the handicap parking, the lighting, um, and a condition that all the dogs outside are on leash and things of that nature. I think that that's perfectly reasonable to do as related to this applicant.

Mr. Bichler: And just, just, just so I'm clear, the Use Variance will be phased upon just what you guys are recommended for us. It has nothing to do for future use, what may or may not go in there, right?

Engineer Wisnewski: Yeah, we're not

Mr. Bichler: Okay, you're not going to say

Engineer Wisnewski: We're, we're not going after the entire site.

Mr. Bichler: Okay.

(Inaudible – Several speaking at same time)

Mr. Bichler: Okay, I just wanted to make sure that

Engineer Wisnewski: It's just to get you guys in there.

Mr. Bichler: Okay.

MOTION:

Motion: Member Rutledge

Seconded by: Vice-Chairman Larsen

ROLL CALL:

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

NAYS: None

Attorney Edleston: Thank you Board.

Mrs. Bichler: Thank you Board.

Mr. Bichler: Just real, I'm sure that we will get a, a report.

Attorney Edleston: A resolution.

Engineer Wisnewski: The next, the next meeting you're going to have a resolution of approval that going to also be adopted by this Board

Mr. Bichler: Okay.

Engineer Wisnewski: and that will have the detail of what, um, that's going to set forth the conditions. There is going to be general conditions in there as well,

Mr. Bichler: Right.

Engineer Wisnewski: um, that are, that are typical of every application, but, uh, that will most likely get approved at the September meeting and if, if your plans together, you'll be receiving a vote.

Mr. Bichler: Okay.

Attorney Edleston: Thanks everybody.

Mrs. Bichler: Thank you, thank you very much.

No one from public in audience for Public Comment

Vice-Chairman called for Motion to Adjourn:

Motion by: Vice-Chairman Larsen

Seconded by: Member Bittone.

ALL IN FAVOR

AYES: All

NAYS: None

Respectfully submitted by:

Secretary Phyllis D. Coleman

Date: August 19, 2019

Robert Larsen, Vice-Chairman

Date: