

JUNE 17, 2013

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Vice Chairman Ali Vaezi at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this regular meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Star Gazette;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Vaezi, Mayor Tomaszewski, Watters, Hazen, Mills, Spender, Farino, Drazek.

Absent: Barton, Hight, Tate, Creedon.

Also present: Drew DiSessa, P.E.; William Edleston, Esquire.

The Pledge of Allegiance was recited.

MOTION was made by **HAZEN** to approve the minutes of the May 20, 2013 meeting, as written.
SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Mayor Tomaszewski, Watters, Hazen, Mills, Spender, Farino, Drazek.

Opposed: None.

Abstained: Vaezi.

MOTION was made by **MILLS** to approve the resolution for Case #12-03, Craig & Carolyn Nicholas t/a Highlands Auto Exchange, LLC, as written.

SECONDED: WATTERS.

Those in favor: Watters, Hazen, Mills, Spender, Farino, Drazek, Mayor Tomaszewski.

Opposed: None.

Abstained: None.

DiSessa indicated the applicant said he would bring the site into compliance with the prior existing resolution.

Regarding the resolution for the Brinkerhoff Enterprises, Inc. matter, DiSessa stated he inspected the detention basin, and it appears to be built properly. DiSessa stated he should look at it after a hard rain. Mills stated there is currently water in the basin. DiSessa replied they are possibly talking about two separate areas. DiSessa and Mills agreed to set up a meeting to look at the situation.

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MOTION was made by **MAYOR TOMASZEWSKI** to approve the resolution for Brinkerhoff Enterprises, Inc. Extension Request.

SECONDED: SPENDER.

Those in favor: Hazen, Spender, Farino, Drazek, Mayor Tomaszewski, Watters.

Opposed: None.

Abstained: None.

Case #13-03, Frank J. Jonkoski, Executor

DiSessa indicated there were a number of deficient items for the minor subdivision application, and he recommended the application be deemed incomplete.

MOTION was made by **MAYOR TOMASZEWSKI** to deem the application for Case #13-03, Frank J. Jonkoski, Executor incomplete.

SECONDED: HAZEN.

Those in favor: Mills, Spender, Farino, Drazek, Vaezi, Mayor Tomaszewski, Hazen.

Opposed: None.

Abstained: Watters.

Case #13-02, Nicholas & Adriana Bradley

Present for the applicant: Nicholas & Adriana Bradley

Watters and Mayor Tomaszewski recused themselves from the use variance application hearing.

Edleston stated the application has been amended to reflect individual applicants, and not a business entity. Edleston informed the applicants they would need five affirmative votes from the six members hearing the case. Edleston mentioned the applicant could continue the matter to the next month if they felt they wanted to have seven members hear the case. N. Bradley indicated they would continue with the hearing.

Edleston stated a petition was received regarding this matter, but it is not eligible to be entered into evidence. Edleston stated each member in the petition would have to be present in order for it to be entered into evidence. Edleston stated anyone interested in this matter can testify since this will be a public hearing.

Nicholas and Adriana Bradley were sworn in by Edleston. N. Bradley described the proposed use as a dog day care/boarding/training use. He stated there would be no kennels, but they would take the dogs into their home, and use a barn on the property as day use.

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N. Bradley stated they would provide for meet and greets on Saturdays in order to introduce new dogs and their owners to their operation. Bradley stated he is a certified dog trainer and a veteran. Bradley stated Mrs. Bradley does the advertising, feeding of the dogs, and gives the love and attention to the dogs. Bradley indicated they have one young child.

Bradley stated they do not accept aggressive dogs, and don't take animals if their shots aren't current. Bradley stated he daily picks up dogs in Glen Ridge and Montclair for dog day care. Bradley stated they have had one noise complaint in two years at their current location. Bradley went on to explain how they would provide sound proofing material along a fence line, and in some rooms of their home. Bradley stated there would be two dog runs: one outside the home, and one outside the barn.

Bradley stated he picks up the dogs in the morning, and there would be little additional traffic. Bradley stated they don't currently have any local clients, but there is ample parking in the circular driveway.

Bradley explained he is a certified dog trainer, and would eventually like to use the barn for classes. Bradley stated they could handle ten dogs for pet sitting, but average five to six dogs. Bradley stated they are typically full in August and holidays.

A. Bradley stated they would have no more than ten dogs sleeping over and average five to six for day care.

N. Bradley stated the property is zoned industrial, and there wouldn't be any more noise than a trucking facility would provide. Bradley stated they wanted a home based business. Bradley stated they are dedicated to the dogs, and A. Bradley is very active in dog rescue.

Edleston asked clarifying questions regarding their current facility in Andover.

Bradley further explained he picks up the dog waste, puts it in contractor bags, and takes it twice per week to the dump. There is no dog day care on the weekends. Bradley stated they have family available to them if they need help. Bradley stated there would be no signage at the property, because they don't want drop-in visitors.

Edleston asked if there were Health Department regulations they were required to meet. A. Bradley stated there are Health Department regulations for kennels, but they were **not** a kennel, they are a pet sitting service. Edleston asked the difference between the two. N. Bradley stated kennels have indoor and outdoor kennel runs and crates. A. Bradley explained the run closest to the house would be used only for the dogs in and out, but they would not be kept there. Play time for the dogs would be in the barn area. A. Bradley stated the dogs are her passion, but safety is the number one consideration.

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DiSessa asked the type of fencing to be used at the facility. N. Bradley replied there would be six foot chain link fencing, and it would continually be checked for digging and holes.

Spender asked how large their current facility is, and N. Bradley stated they own a 2,000 square foot home and have one dog run. Spender asked if they brought any technical data on the noise reduction fabric, and Bradley replied he did not.

Vaezi asked if both runs would be used at the same time. N. Bradley stated the run closest to the home is for short term use, but senior dogs might stay there instead of going to the barn.

Drazek asked if there was ventilation in the barn, because the summer months are hot. Bradley stated the barn has doors on both ends, and the dogs remain inside the air conditioning in the extreme heat. Drazek expressed concern over a lack of Health Department regulations.

Vaezi asked why they were leaving Andover. N. Bradley indicated they wanted a larger facility, and he eventually would like to offer dog training. Drazek asked if the dogs being trained would be in addition to the boarders and day care dogs. N. Bradley stated they would be additional dogs, but the classes would be held on Saturdays.

The hearing was opened to the public for comments and questions.

Perry Edwards of 565 Rockport Road was sworn in by Edleston. Edwards expressed concerns over noise and dogs getting out of the facility. Edwards stated he has a young child. Edwards stated there is a fresh water stream adjacent to the property, and expressed concern over contamination from dog waste.

N. Bradley stated the will not operate in the barn closest to the stream.

Chris Ghio of 575 Rockport Road was sworn in by Edleston. Ghio expressed concerns over noise, dogs getting out of the facility, and property values decreasing.

Bill Darcy of 549 Rockport Road was sworn in by Edleston. Darcy expressed concern over the proposed number of dogs to be located at the facility. Darcy expressed concern over the noise potential.

Justin Weiss of 553 Rockport Road was sworn in by Edleston. Weiss expressed concerns regarding the number of dogs, the noise, and the fabric paneled chain link fence.

Jason Gardella of 541 Rockport Road was sworn in by Edleston. Gardella expressed concern over the number of dogs, property values, and noise.

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Diana Leal of 533 Rockport Road was sworn in by Edleston. Leal stated her concerns are the same as expressed above, but also indicated the curve in the road is dangerous. Leal stated there will be additional traffic if he offers classes.

The hearing was closed to the public.

N. Bradley stated safety is always first with his child, the dogs, and any visitors. Bradley stated they guard against dogs escaping the facility. Bradley stated they were not prepared to address property value concerns. Bradley attempted to reassure the neighbors regarding the operation of the facility.

A. Bradley stated they would be willing to install something other than the chain link fence, but didn't know what else. N. Bradley stated they couldn't afford to provide both the chain link fence and landscaping.

Rick Zeckendorf of 299 Decker Pond Road, Andover was sworn in by Edleston.

Christine Marcantonio of 92 Edgewood Avenue, Springfield, New Jersey was sworn in by Edleston.

Zeckendorf explained he and Marcantonio travel back and forth between two homes. Zeckendorf stated one of their homes is next to the current Bradley location, and they have never been bothered by noise. Zeckendorf stated the Bradley home is kept beautiful and immaculate, and they are great community people.

Marcantonio stated the Bradley's run a very professional operation. Marcantonio stated they performed a very thorough behavior assessment on the dogs. Marcantonio stated they never hear dogs barking.

Ghio again expressed concern over property values, but there was no real estate expert to testify. Ghio indicated it appeared they escaped Health Department regulations only because they don't have kennel pens. Ghio stated dogs do damage to the property, and this is a rental property.

Darcy stated they might take good care of the property, but what about future uses. Darcy stated the variance would run with the land. Edleston stated any operator would have to operate under the conditions of approval.

Vaezi stated he was concerned over the proposed use because of the noise potential, the unregulated business, and there being a lot of unknowns.

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Mills and Spender stated the noise is their biggest concern, and there hasn't been any technical data on the noise reduction fabric.

Edleston instructed the board they could continue the matter to hear additional testimony, vote in the affirmative, or vote to deny the application.

Farino expressed concern over setting a precedent, and future users.

MOTION was made by **DRAZEK** to deny the application for Case #13-02, Nicholas & Adriana Bradley.

SECONDED: VAEZI.

Those in favor: Spender, Farino, Drazek, Vaezi, Hazen, Mills.

Opposed: None.

Abstained: None.

Watters and Mayor Tomaszewski returned to the board.

Vaezi asked the status of the wood burning boiler Ordinance. DiSessa replied the matter has been tabled.

MOTION was made by **HAZEN** to authorize payment by the Township Committee the invoices submitted by the professionals.

SECONDED: VAEZI.

Those in favor: Farino, Drazek, Vaezi, Mayor Tomaszewski, Watters, Hazen, Mills, Spender.

Opposed: None.

Abstained: None.

Brenda Sams asked if plans had been submitted by the Yusen Corporation regarding the driveway improvements. DiSessa reported the company has awarded a bid for the improvements, and he has requested a schedule.

Sams mentioned the "shared maintenance" issue, and indicated the company has redirected water run-off.

Further discussion took place regarding the past history of the company actions, and the deterioration of the property. Vaezi stated that DiSessa can report back again next month.

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Harry Appleby, from the audience, requested an extension of his approvals for the post office/deli project. Edleston replied it appeared the approvals have expired, and he would have to re-apply. Edleston suggested Appleby should write a letter asking the board to adopt a resolution re-approving the preliminary and final site plan. There have been no zoning changes to affect the property since he received approval.

MOTION was made by **WATTERS** to adjourn the meeting at 10:19 PM

SECONDED: MILLS.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(As Amended)